

2009 DRAFTING REQUEST

Assembly Joint Resolution

Received: **12/26/2008**

Received By: **smiller**

Wanted: **As time permits**

Identical to LRB:

For: **John Nygren (608) 266-2343**

By/Representing: **matt banaszynski**

This file may be shown to any legislator: **NO**

Drafter: **smiller**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous res.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Nygren@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Tenth Amendment demand to Congress (like Oklahoma HJR 1089)

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 12/26/2008	wjackson 01/13/2009		_____			
/1			mduchek 01/13/2009	_____	cduerst 01/13/2009	cduerst 04/22/2009	
				_____	lparisi 04/21/2009		

FE Sent For: **NONE**

<END>

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/?

smiller

1 WJ 1/13

MD

1/13 JF

FE Sent For:

<END>

Miller, Steve

From: Duerst, Christina
Sent: Friday, December 26, 2008 11:23 AM
To: Miller, Steve
Subject: FW: Representative Nygren drafting request

Attachments: HJR1089_int.rtf

Steve,

Am I right in thinking you would draft this?

From: Banaszynski, Matt
Sent: Friday, December 26, 2008 11:00 AM
To: LRB.Legal
Subject: Representative Nygren drafting request

To Whom It May Concern:

Attached is a document from the Oklahoma House of Representatives HJR 1089. Could you please draft a joint resolution with the same language, however, replace Oklahoma with Wisconsin. Thank you and please feel free to contact me if you have any additional questions.



HJR1089_int.rtf
(255 KB)

Respectfully,

Matt Banaszynski

Legislative Aide
Office of State Representative John Nygren
Eighty-Ninth Assembly District
127 West - State Capitol
Phone: 608-266-2343
E-mail: Matt.Banaszynski@legis.wi.gov

09-12-73

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE JOINT
4 RESOLUTION 1089

By: Key

5
6 AS INTRODUCED

7 A Joint Resolution claiming sovereignty under the
8 Tenth Amendment to the Constitution of the United
9 States over certain powers; serving notice to the
10 federal government to cease and desist certain
11 mandates; and directing distribution.

12
13 WHEREAS, the Tenth Amendment to the Constitution of the United
14 States reads as follows:

15 "The powers not delegated to the United States by the
16 Constitution, nor prohibited by it to the States, are reserved to
17 the States respectively, or to the people."; and

18 WHEREAS, the Tenth Amendment defines the total scope of federal
19 power as being that specifically granted by the Constitution of the
20 United States and no more; and

21 WHEREAS, the scope of power defined by the Tenth Amendment means
22 that the federal government was created by the states specifically
23 to be an agent of the states; and

1 WHEREAS, today, in 2008, the states are demonstrably treated as
2 agents of the federal government; and

3 WHEREAS, many federal mandates are directly in violation of the
4 Tenth Amendment to the Constitution of the United States; and

5 WHEREAS, the United States Supreme Court has ruled in New York
6 v. United States, 112 S. Ct. 2408 (1992), that Congress may not
7 simply commandeer the legislative and regulatory processes of the
8 states; and

9 WHEREAS, a number of proposals from previous administrations and
10 some now pending from the present administration and from Congress
11 may further violate the Constitution of the United States.

12 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
13 AND THE SENATE OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

14 THAT the State of Oklahoma hereby claims sovereignty under the
15 Tenth Amendment to the Constitution of the United States over all
16 powers not otherwise enumerated and granted to the federal
17 government by the Constitution of the United States.

18 THAT this serve as Notice and Demand to the federal government,
19 as our agent, to cease and desist, effective immediately, mandates
20 that are beyond the scope of these constitutionally delegated
21 powers.

22 THAT a copy of this resolution be distributed to the President
23 of the United States, the President of the United States Senate, the
24 Speaker of the United States House of Representatives, the Speaker

1 of the House and the President of the Senate of each state's
2 legislature of the United States of America, and each member of the
3 Oklahoma Congressional Delegation.

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5 51-2-9466 SD 12/31/07

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LPS: Do not use redraft as base doc.

09-1273/1

~~LEB 4834/1~~

SRM/ej:rs

stays

Wlj

2009 ASSEMBLY JOINT RESOLUTION ~~2005 SENATE RESOLUTION 17~~

Today please

IN 12/26

~~March 21, 2006 - Introduced by Senators LEIBHAM and GROTHMAN. Referred to Committee on Senate Organization.~~

1 **Relating to:** state sovereignty. Tenth

2 Whereas, the 10th Amendment to the Constitution of the United States reads
3 as follows: "The powers not delegated to the United States by the Constitution, nor
4 prohibited by it to the States, are reserved to the States respectively, or to the people";
5 and

6 Whereas, the 10th Amendment defines the total scope of federal power as being
7 only that specifically granted by the U.S. Constitution and no more; and

8 Whereas, the scope of power defined by the 10th Amendment means that the
9 federal government was created by the states specifically to be an agent of the states;
10 and

11 Whereas, today the states are demonstrably treated as agents of the federal
12 government; and

13 Whereas, numerous resolutions opposing federal encroachment on state
14 powers have been forwarded to the federal government by the legislature without
15 any response or result from Congress or the federal government; and

Tenth
=

1 Whereas, many federal mandates are directly in violation of the 10th
2 Amendment to the Constitution of the United States; and

3 Whereas, the U.S. Supreme Court has ruled in *New York v. United States*, 112
4 *S. Ct. 2408 (1992)* that Congress may not simply commandeer the legislative and
5 regulatory processes of the states; and

6 Whereas, a number of federal proposals from previous administrations and
7 some now pending from the present administration and from Congress may further
8 violate the U.S. Constitution; now, therefore, be it

assembly, the senate concurring

9 **Resolved by the senate**, That the state of Wisconsin hereby claims
10 sovereignty under the Tenth Amendment to the Constitution of the United States over
11 all powers not otherwise enumerated and granted to the federal government by the
12 U.S. Constitution; and, be it further

13 **Resolved, That** adoption of this resolution does not constitute an application
14 by the legislature of the state of Wisconsin for the calling of a federal Constitutional
15 Convention within the meaning of Article V of the U.S. Constitution; and, be it
16 further

17 **Resolved, That** this resolution shall serve as notice and demand to the federal
18 government, as our agent, to cease and desist, effective immediately, mandates that
19 are beyond the scope of its constitutionally delegated powers; and, be it further

20 **Resolved, That** the ~~senate~~ ^{assembly} chief clerk shall provide copies of this resolution to
21 the President of the United States, the speaker of the U.S. house of representatives,
22 the presiding officer of each house of each state legislature of the United States, and
23 each member of this state's congressional delegation.

Duerst, Christina

From: Hurlburt1, Waylon
Sent: Wednesday, April 22, 2009 11:59 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-1273/1 Topic: Tenth Amendment demand to Congress (like Oklahoma HJR 1089)

Please Jacket LRB 09-1273/1 for the ASSEMBLY.