2011 ASSEMBLY JOINT RESOLUTION 42

May 25, 2011 – Introduced by Representatives JACQUE, KESTELL, THIESFELDT, ZIEGELBAUER, KRUG, KERKMAN, AUGUST, NYGREN, MEYER, LEMAHIEU, STRACHOTA, BIES and CRAIG, cosponsored by Senators LEIBHAM, LAZICH, KEDZIE and GALLOWAY. Referred to Committee on Homeland Security and State Affairs.

Relating to: state sovereignty.

Whereas, the Tenth Amendment to the Constitution of the United States reads, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”; and

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

Whereas, as the scope of power is defined by the Tenth Amendment, the federal government was created by the states specifically to be an agent of the states; and

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

Whereas, the legislature has forwarded to the federal government numerous resolutions opposing federal encroachment on state powers but has received no response or result from Congress or the federal government; and

Whereas, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and
Whereas, the U.S. Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

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

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

**Resolved, That** adoption of this resolution does not constitute an application for the calling of a federal Constitutional Convention within the meaning of Article V of the U.S. Constitution.

(END)