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1997 ASSEMBLY JOINT RESOLUTION 51

April 28, 1997 – Introduced by Representatives Porter, Underheim, F. Lasee, Schneider, Hoven, Huebsch, Handrick, Ziegelbauer, Ladwig, Skindrud, Sykora, Zukowski, Musser, Owens, Green, Grothman, Goetsch, Seratti, Nass, Walker, Albers, Otte and Gunderson, cosponsored by Senators Drzewiecki and Zien. Referred to Committee on Elections and Constitutional Law.

Relating to: state sovereignty.

Whereas, the 10th Amendment to the Constitution of the United States reads as follows: "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 10th Amendment defines the total scope of federal power as being only that specifically granted by the U.S. Constitution and no more; and

Whereas, the scope of power defined by the 10th Amendment means that 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, numerous resolutions opposing federal encroachment on state powers have been forwarded to the federal government by the legislature without any response or result from Congress or the federal government; and

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| 1 | Whereas, many federal mandates are directly in violation of the 10th |
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| 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 |
| 9 | Resolved by the assembly, the senate concurring, That the state of |
| 10 | Wisconsin hereby claims sovereignty under the 10th Amendment to the Constitution |
| 11 | of the United States over all powers not otherwise enumerated and granted to the |
| 12 | federal government by the U.S. Constitution; and, be it further |
| 13 | Resolved, That this joint resolution shall serve as notice and demand to the |
| 14 | federal government, as our agent, to cease and desist, effective immediately, |
| 15 | mandates that are beyond the scope of its constitutionally delegated powers; and, be |
| 16 | it further |
| 17 | Resolved, That the assembly chief clerk shall provide copies of this joint |
| 18 | resolution to the President of the United States, the speaker of the U.S. house of |
| 19 | representatives and the presiding officer of each house of each state legislature of the |
| 20 | United States, and to each member of this state's congressional delegation. |

(END)