

1

15

## State of Misconsin 2011 - 2012 LEGISLATURE



## 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.

2 Whereas, the Tenth Amendment to the Constitution of the United States reads, 3 "The powers not delegated to the United States by the Constitution, nor prohibited 4 by it to the States, are reserved to the States respectively, or to the people"; and 5 Whereas, the Tenth Amendment defines the total scope of federal power as 6 being that specifically granted by the U.S. Constitution and no more; and 7 Whereas, as the scope of power is defined by the Tenth Amendment, the federal 8 government was created by the states specifically to be an agent of the states; and 9 Whereas, today the states are demonstrably treated as agents of the federal 10 government; and Whereas, the legislature has forwarded to the federal government numerous 11 12 resolutions opposing federal encroachment on state powers but has received no 13 response or result from Congress or the federal government; and 14 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.

15 (END)