

State of Misconsin 2011 - 2012 LEGISLATURE



## **2011 SENATE RESOLUTION 18**

March 29, 2011 – Introduced by Senators LEIBHAM, LAZICH, KEDZIE and GALLOWAY. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

<b>Relating to:</b> 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

1	Whereas, the U.S. Supreme Court has ruled in New York v. United States, 112
2	S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and
3	regulatory processes of the states; and
4	Whereas, a number of federal proposals from previous administrations and
5	some now pending from the present administration and from Congress may further
6	violate the U.S. Constitution; now, therefore, be it
7	Resolved by the senate, That the senate hereby claims for the state of
8	Wisconsin sovereignty under the Tenth Amendment to the Constitution of the
9	United States over all powers not otherwise enumerated and granted to the federal
10	government by the U.S. Constitution; and, be it further
11	<b>Resolved, That</b> adoption of this resolution does not constitute an application
12	for the calling of a federal Constitutional Convention within the meaning of Article
13	V of the U.S. Constitution; and, be it further
14	<b>Resolved, That</b> this resolution shall serve as notice and demand to the federal
15	government, as our agent, to cease and desist, effective immediately, mandates that
16	are beyond the scope of its constitutionally delegated powers; and, be it further
17	<i>Resolved, That</i> the senate chief clerk shall provide copies of this resolution to
18	the president of the United States, to the speaker of the U.S. House of
19	Representatives, to 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.
21	(END)

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