



## 1995 ASSEMBLY JOINT RESOLUTION 6

January 9, 1995 - Introduced by Representatives GREEN, HOVEN, SERATTI, LADWIG, RYBA, COLEMAN, MUSSER, KLUSMAN, OURADA, HAHN, OWENS, GOETSCH, GROTHMAN, URBAN, HANDRICK, JOHNSRUD, HUTCHISON, LORGE, DOBYNS, FREESE, HANSON, SCHNEIDERS, DUFF, GARD, BRANDEMUEHL, AINSWORTH, WARD, VRAKAS, KAUFERT, PLOMBON, WASSERMAN and HARS DORF, cosponsored by Senators DRZEWIECKI, PETAK, COWLES, BUETTNER and DARLING. Referred to Committee on Ways and Means.

1     **Relating to:** congressional explanations of unfunded mandates.

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 those powers that were specifically granted by the Constitution of the United  
8 States to the federal government and no more; and

9             Whereas, unfunded federal mandates in areas outside of those specifically  
10 delegated to Congress violate the principle of the 10th Amendment to the  
11 Constitution and inappropriately restrict the latitude of Wisconsin and her sister  
12 states to establish their own priorities and policies; and

13             Whereas, the imposition of financial obligations by the federal government  
14 upon a state also requires an increase in state taxes or a reduction in other services;  
15 and

1           Whereas, the number of unfunded federal mandates imposed upon the states  
2 by the government of the United States has increased alarmingly in recent years;  
3 and

4           Whereas, the states and Congress should engage in earnest discussions  
5 regarding the difficult posture in which the states have been cast and the urgent  
6 necessity that the states receive funding for these mandates or relief from the  
7 enforcement of these unfunded decrees; and

8           Whereas, the members of the legislature of the State of Wisconsin desire to  
9 personally communicate with the Wisconsin delegation to the U.S. Congress  
10 concerning this critical problem so that our representatives may be completely  
11 cognizant of the effect that the actions of the federal government have at the state  
12 legislative level and may be more sensitive to the difficulties that unfunded federal  
13 mandates create; now, therefore, be it

14           ***Resolved by the assembly, the senate concurring, That*** the State of  
15 Wisconsin hereby claims sovereignty under the 10th Amendment to the Constitution  
16 of the United States over all powers not otherwise enumerated and granted to the  
17 federal government by the United States Constitution and that this measure shall  
18 serve as notice and as a demand to the federal government to immediately eliminate  
19 existing mandates, and to refrain from imposing new mandates, that are beyond the  
20 scope of its constitutionally delegated powers; and, be it further

21           ***Resolved, That*** the members of the Wisconsin legislature respectfully request  
22 that all members of the Wisconsin delegation to the U.S. Congress annually appear  
23 before a joint session of the Wisconsin legislature, scheduled by the speaker of the  
24 assembly and the president of the senate, to discuss the problems related to  
25 unfunded federal mandates as well as to discuss the new burdens that have been

1 imposed by the federal government on the state, both as specified by the joint  
2 committee on finance; and, be it further

3 ***Resolved, That*** the assembly chief clerk, by sending copies of this resolution,  
4 shall advise each member of the Wisconsin Congressional delegation of this  
5 invitation and of our hopeful anticipation of their acceptance.

6

(END)