1	State of Arkansas	As Engrossed: H4/2/09		
2	87th General Assembly			
3	Regular Session, 2009		HCR	1011
4				
5	By: Representatives Hobbs,	Woods, Ragland, Barnett, Hopper		
6	By: Senator Altes			
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9	HO	OUSE CONCURRENT RESOLUTION		
10	CLAIMIN	IG STATES' RIGHTS UNDER THE TENTH AMENDMENT	Г	
11	TO THE	CONSTITUTION OF THE UNITED STATES.		
12				
13		Subtitle		
14	CLAI	MING STATES' RIGHTS UNDER THE TENTH		
15	AMEN	IDMENT TO THE CONSTITUTION OF THE		
16	UNIT	'ED STATES.		
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18				
19	WHEREAS, the Te	nth Amendment to the Constitution of the U	nited Stat	es
20	provides that "[t]he	powers not delegated to the United States	by the	
21	Constitution, nor pro	hibited to it by the States, are reserved	to the Sta	tes
22	respectively, or to t	he people."; and		
23				
24	WHEREAS, the Te	nth Amendment defines the total scope of f	ederal pow	er
25	as being that specifi	cally granted by the Constitution of the U	nited Stat	es;
26	and			
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28		ope of power defined by the Tenth Amendmen		
29	-	t was created by the states specifically t	o be an ag	ent
30	of the <i>states</i> ; and			
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32	-	in 2009, the states are demonstrably trea	ted as age	nts
33	of the federal govern	nent; and		
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1	WHEREAS, the United States Supreme Court has ruled in <u>New York v.</u>
2	United States, 505 U.S. 144 (1992), that Congress may not simply commandeer
3	the legislative and regulatory processes of the states; and
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5	WHEREAS, a number of proposals from previous administrations and some
6	now pending from the present administration and from Congress may further
7	violate the Constitution of the United States,
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9	NOW THEREFORE,
10	BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL
11	ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:
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13	THAT the State of Arkansas hereby claims rights under the Tenth
14	Amendment to the Constitution of the United States over all powers not
15	otherwise enumerated and granted to the federal government by the
16	Constitution of the United States.
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18	BE IT FURTHER RESOLVED that this resolution serve as a request to the
19	federal government, as our agent, to refrain from mandates that are beyond
20	the scope of these constitutionally delegated powers.
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22	BE IT FURTHER RESOLVED that the clerk of the House of Representatives
23	distribute a copy of this resolution to the President of the United States,
24	the President of the United States Senate, the Speaker of the United States
25	House of Representatives, the Speaker of the House and the President of the
26	Senate of each state's legislature of the United States of America, and each
27	member of the Arkansas Congressional delegation.
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29	/s/ Hobbs
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