

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

SR 31

4
5 By: Senator Rapert

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7 **SENATE RESOLUTION**

8 CLAIMING STATES' RIGHTS UNDER THE TENTH AMENDMENT TO
9 THE CONSTITUTION OF THE UNITED STATES.

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12 **Subtitle**

13 CLAIMING STATES' RIGHTS UNDER THE TENTH
14 AMENDMENT TO THE CONSTITUTION OF THE
15 UNITED STATES.

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18 WHEREAS, the Tenth Amendment to the Constitution of the United States
19 provides that "[t]he powers not delegated to the United States by the
20 Constitution, nor prohibited to it by the States, are reserved to the States
21 respectively, or to the people."; and

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23 WHEREAS, the Tenth Amendment limits the total scope of federal power as
24 being that specifically granted by the Constitution of the United States; and

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26 WHEREAS, today the states are too often treated as agents of the
27 federal government; and

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29 WHEREAS, the United States Supreme Court has ruled in New York v.
30 United States, 505 U.S. 144 (1992), that Congress may not simply commandeer
31 the legislative and regulatory processes of the states; and

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33 WHEREAS, a number of proposals from previous administrations and some
34 now pending from the present administration and from Congress may violate the
35 Tenth Amendment to the Constitution of the United States,



1 NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE
3 STATE OF ARKANSAS:

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5 THAT the State of Arkansas hereby claims rights under the Tenth
6 Amendment to the Constitution of the United States over all powers not
7 otherwise enumerated and granted to the federal government by the
8 Constitution of the United States.

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10 BE IT FURTHER RESOLVED that this resolution serve as a request to the
11 federal government to refrain from mandates that are beyond the scope of its
12 constitutionally delegated powers.

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14 BE IT FURTHER RESOLVED that the Secretary of the Senate distribute a
15 copy of this resolution to the President of the United States, the President
16 of the United States Senate, the Speaker of the United States House of
17 Representatives, the Speaker of the House and the President of the Senate of
18 each state's legislature of the United States of America, and each member of
19 the Arkansas Congressional Delegation.

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