

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Rorie

H.J.R. 1006

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7 **HOUSE JOINT RESOLUTION**

8 TO DEMAND THAT THE FEDERAL GOVERNMENT CEASE AND DESIST
9 FROM ENACTING AND ENFORCING MANDATES THAT ARE BEYOND THE
10 SCOPE OF ITS CONSTITUTIONALLY DELEGATED POWERS.

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12 **Subtitle**

13 TO DEMAND THAT THE FEDERAL GOVERNMENT CEASE AND DESIST
14 FROM ENACTING AND ENFORCING MANDATES THAT ARE BEYOND THE
15 SCOPE OF ITS CONSTITUTIONALLY DELEGATED POWERS.

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18 WHEREAS, the Tenth Amendment of the Constitution of the United States
19 reads as follows:

20 "The powers not delegated to the United States by the
21 Constitution, nor prohibited by it to the States, are
22 reserved to the States respectively, or to the
23 people."; and

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25 WHEREAS, The Tenth Amendment defines the total scope of federal power
26 as being that specifically granted by the United States Constitution and no
27 more; and

28 WHEREAS, the scope of power defined by the Tenth Amendment means that
29 the federal government was created by the states specifically to be an agent
30 of the states; and

31 WHEREAS, today, in 1995, the states are demonstrably treated as agents
32 of the federal government; and

33 WHEREAS, numerous resolutions have been forwarded to the federal
34 government by the Arkansas General Assembly without any response or result
35 from Congress or the federal government; and

1 WHEREAS, many federal mandates are directly in violation of the Tenth
2 Amendment to the Constitution of the United States; and

3 WHEREAS, the United States Supreme Court has ruled in New York v.
4 United States, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer
5 the legislative and regulatory processes of the states; and

6 WHEREAS, a number of proposals from previous administrations and some
7 now pending from the present administration and from Congress may further
8 violate the United States Constitution; now, therefore:

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10 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTIETH GENERAL
11 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
12 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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14 That the State of Arkansas hereby claim sovereignty under the Tenth
15 Amendment to the Constitution of the United States over all powers not
16 otherwise enumerated and granted to the federal government by the United
17 States Constitution.

18 That this serve as Notice and Demand to the federal government, as our
19 agent, to cease and desist, effective immediately, mandates that are beyond
20 the scope of its constitutionally delegated powers.

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22 BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the
23 President of the United States, the Speaker of the United States House of
24 Representatives, the President of the United States Senate, the Speaker of
25 the House and the President of the Senate of each state_s legislature of the
26 United States of America, and Arkansas_ congressional delegation.

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