

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: S3/17/97

A Bill

SENATE BILL 706

4
5 By: Senator Boozman
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For An Act To Be Entitled

8
9 "UNITED STATES CIVIL RIGHTS AND TENTH AMENDMENT
10 ENFORCEMENT ACT"

Subtitle

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12
13 "UNITED STATES CIVIL RIGHTS AND TENTH
14 AMENDMENT ENFORCEMENT ACT"

15
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Short title. This act shall be known and may be cited as
19 the United States Civil Rights and Tenth Amendment Enforcement Act.
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21 SECTION 2. Legislative findings and declarations. The legislature
22 finds and declares that:

23 (1) The federal government was established by the states through the
24 ratification of the Constitution of the United States.

25 (2) The ratification of the Constitution of the United States created a
26 balance of power between the federal government and the states.

27 (3) The framers recognized that separation of powers is essential and
28 ensured the civil rights of the people would be protected by checks and
29 balances not only between branches of the federal government but also between
30 the federal government and the state governments.

31 (4) The intent of the framers of the Constitution of the United States
32 was to guarantee to each of the states sovereignty over all matters within its
33 boundaries except for those powers specifically granted to the United States
34 as the agent of the states.

35 (5) The Preamble to the U. S. Bill of Rights effective December 15,
36 1791, reads as follows: "The convention of a number of the states having at

1 the time of their adopting the Constitution, expressed a desire, in order to
2 prevent misconstruction or abuse of its powers, that further declaratory and
3 restrictive clauses should be added; And as extending the ground of public
4 confidence in the Government will best insure the beneficent ends of its
5 institution."

6 (6) The federal government was granted carefully limited powers, and no
7 more, under the Constitution of the United States and the Tenth Amendment
8 defines the total scope of federal power as being that specifically granted by
9 the United States Constitution provides that: "The powers not delegated to
10 the United States by the Constitution, nor prohibited by it to the States, are
11 reserved to the States respectively, or to the people."

12 (7) The scope of power defined by the Tenth Amendment means that the
13 federal government was created by the states specifically to be an agent of
14 the states; and today in 1997 the States are demonstrably treated as agents of
15 the federal government.

16 (8) Many federal Executive Orders, Acts, Laws, Codes, Rules,
17 Regulations, Guidelines, Mandates and contradictory Court Decisions are
18 directly in violation of the Tenth Amendment to the Constitution of the United
19 States.

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21 SECTION 3. The State of Arkansas hereby reaffirms sovereignty under the
22 Tenth Amendment to the Constitution of the United States over all powers not
23 otherwise enumerated to the federal government by the United States
24 Constitution and all State Judges shall be bound thereby.

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26 SECTION 4. The General Assembly of the State of Arkansas shall take the
27 appropriate action to pass laws enforcing the U. S. Bill of Rights as provided
28 in the First Ten Amendments to the Constitution of the United States effective
29 December 15, 1791.

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31 SECTION 5. The State of Arkansas and its political subdivisions shall
32 oppose in every constitutional manner, the unconstitutional violations of,
33 invasions or encroachments upon these rights reserved to the States and to the
34 People thereof, by any Department, Agency or Commission of the Government of
35 the United States, or of any government of any Nation, or Federation of
36 Nations, or any Non-Governmental Organization (NGO), acting upon the apparent

1 authority granted them by or assumed by them from the federal government.

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3 SECTION 6. Said opposition to unconstitutional violations of, invasions
4 of or encroachments upon the U. S. Constitution and the Bill of Rights shall
5 continue steadfast until such time as same shall have abated or shall have
6 been rectified, or be transformed into an Amendment to the Constitution of the
7 United States and adopted by action of three-fourths of the States as provided
8 by the U. S. Constitution therein.

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10 SECTION 7. The General Assembly shall enact such laws as may be
11 necessary to retain jurisdiction over those powers not granted to the United
12 States and to regulate health, safety, morals, education, marriage, good
13 order, and to ensure the civil rights and domestic tranquility of the citizens
14 of the State of Arkansas.

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16 SECTION 8. Be it ordered that the Secretary of State of the State of
17 Arkansas transmit copies of this act to the President of the United States,
18 the Speaker of the United States House of Representatives, the President of
19 the United States Senate, the Speaker of the House and the President of the
20 Senate of each States legislature of the United States of America, and to the
21 Arkansas Congressional delegation.

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23 SECTION 9. All provisions of this act of a general and permanent nature
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
25 Revision Commission shall incorporate the same in the Code.

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27 SECTION 10. If any provision of this act or the application thereof to
28 any person or circumstance is held invalid, such invalidity shall not affect
29 other provisions or applications of the act which can be given effect without
30 the invalid provision or application, and to this end the provisions of this
31 act are declared to be severable.

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33 SECTION 11. All laws and parts of laws in conflict with this act are
34 hereby repealed.

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36 SECTION 12. EMERGENCY. It is found and determined by the General

1 Assembly of the State of Arkansas that the Constitution of the United States
2 created a separation of powers and a balance of powers between the federal
3 government and the states, that the federal government has consistently
4 invaded and encroached upon the rights reserved to the states, and that the
5 same should be abated and rectified. Therefore an emergency is declared to
6 exist and this act being immediately necessary for the preservation of the
7 public peace, health and safety shall become effective on the date of its
8 approval by the Governor. If the bill is neither approved nor vetoed by the
9 Governor, it shall become effective on the expiration of the period of time
10 during which the Governor may veto the bill. If the bill is vetoed by the
11 Governor and the veto is overridden, it shall become effective on the date the
12 last house overrides the veto.

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/s/Boozman