

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

HCR 1010

4
5 By: Representatives Hobbs, King, D. Meeks, Barnett, Bell, Deffenbaugh, Jean, Sanders, Stubblefield,
6 Westerman

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8 **HOUSE CONCURRENT RESOLUTION**

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

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13 **Subtitle**

14 CLAIMING STATES' RIGHTS UNDER THE TENTH
15 AMENDMENT TO THE CONSTITUTION OF THE
16 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 defines the total scope of federal power
24 as being that specifically granted by the Constitution of the United States;
25 and

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

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31 WHEREAS, today, in 2011, the states are demonstrably treated as agents
32 of the federal government; and

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



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WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States,

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

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

BE IT FURTHER RESOLVED that this resolution serve as a request to the federal government, as our agent, to refrain from mandates that are beyond the scope of these constitutionally delegated powers.

BE IT FURTHER RESOLVED that the clerk of the House of Representatives distribute a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and each member of the Arkansas Congressional delegation.