

House Concurrent Resolution No. 29

95TH GENERAL ASSEMBLY

1942L.011

2 **Whereas**, the text of the Tenth Amendment to the Constitution of the United States
3 is: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the
4 States, are reserved to the States respectively, or to the people"; and

5 **Whereas**, the powers delegated to the United States do not include the power to
6 require any city other than the District of Columbia to maintain arbitrary standards on the quality
7 of its sewer system; and
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9 **Whereas**, the Congress of the United States has violated the Tenth Amendment
10 to the United States Constitution by passing a law ultimately requiring that the City of St. Joseph,
11 Missouri, must upgrade its sewer system to an arbitrary standard at a cost to the people of St.
12 Joseph of over half a billion dollars, or be subject to sanction; and
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14 **Whereas**, other cities in Missouri are similarly being required by the federal
15 government to spend outrageously large sums to repair their sewer systems to arbitrary standards;
16 and
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18 **Whereas**, the flow of water into rivers caused by rainfall is beyond the power of
19 man to control completely, and beyond the power to regulate given to Congress by Article I,
20 Section 8 of the Constitution of the United States under the guise of regulation of interstate
21 commerce; and
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23 **Whereas**, the enormity of the burden thrust upon St. Joseph and the other cities of
24 Missouri threatened with sanction if they do not yield to Congress' arbitrary sewer standard is
25 so great that the well-being of the people will be irreparably damaged as they will be forced to
26 struggle for up to a century to pay the burdensome cost required; and

27 **Whereas**, according to the Declaration of Independence, governments are instituted
28 among men, deriving their just powers from the consent of the governed - that whenever any
29 form of government becomes destructive of these ends, it is the right of the people to alter it:
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31 **Now, therefore, be it resolved** by the members of the House of
32 Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate
33 concurring therein, that:

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35 (1) The State of Missouri hereby claims sovereignty under the Tenth Amendment to the
36 Constitution of the United States over the power to regulate the sewer systems located within its
37 borders; and

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39 (2) This Resolution serves as notice and demand to the federal government to cease and
40 desist, effective immediately, mandates on the various cities to maintain any standards regarding
41 sewer systems; and

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43 (3) Federal legislation directing states to comply with sewer standards under threat of
44 civil or criminal penalties or requiring states to pass legislation enacting such standards or lose
45 federal funding be prohibited or repealed; and

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47 **Be it further resolved** that the Chief Clerk of the Missouri House of
48 Representatives be instructed to prepare properly inscribed copies of this resolution for Barack
49 Obama, President of the United States; the President of the United States Senate; the Speaker
50 of the United States House of Representatives; the Speaker of the House and President of the
51 Senate of each state's legislature; and each member of the Missouri Congressional delegation.

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