

House Concurrent Resolution No. 12

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROWLAND (Sponsor), PHILLIPS, SCHAD, CURTMAN, LONG, LANT, FITZWATER, LEACH, REDMON, BROWN (85), DENISON, HAEFNER, BROWN (116), ALLEN, CONWAY (14), DUGGER, KOENIG, THOMSON, FRAKER AND HAMPTON (Co-sponsors).

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

5 **WHEREAS**, the Tenth Amendment defines the total scope of federal power as being that
6 specifically granted by the Constitution of the United States and no more; and

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

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11 **WHEREAS**, today, in 2011, the states are demonstrably treated as agents of the federal
12 government; and

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14 **WHEREAS**, many federal mandates are directly in violation of the Tenth Amendment
15 to the Constitution of the United States; and

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17 **WHEREAS**, the United States Supreme Court has ruled in *New York v. United States*,
18 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory
19 processes of the states; and

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

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25 **NOW, THEREFORE, BE IT RESOLVED** that the members of the Missouri House
26 of Representatives, Ninety-sixth General Assembly, First Regular Session, the Senate concurring
27 therein, hereby claims sovereignty for the State of Missouri under the Tenth Amendment to the
28 Constitution of the United States over all powers not otherwise enumerated and granted to the
29 federal government by the Constitution of the United States; and

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31 **BE IT FURTHER RESOLVED** that this resolution shall serve as a notice and demand
32 to the federal government, as our agent, to cease and desist, effective immediately, mandates that
33 are beyond the scope of these constitutionally-delegated powers; and

34 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
35 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
36 President of the United States, the President of the United States Senate, the Speaker of the
37 United States House of Representatives, the Speaker of the House and President of the Senate
38 of each state's legislature of the United States of America, and each member of the Missouri
39 Congressional delegation.

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