

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE JOINT RESOLUTION 571

Sponsors: Representatives Davis, Decker, Russell (Co-sponsors); Allred, Baker, Bowie, Brawley, J. Brown, W. Brown, Buchanan, Cansler, Capps, Carpenter, Cocklereece, Culp, Cummings, Dickson, Dockham, Ellis, Grady, Hayes, Justus, Kiser, Linney, McComas, McCombs, McMahan, K. Miller, Mitchell, Nichols, Owens, Pate, Rayfield, Robinson, Sexton, Sharpe, Sherrill, Shubert, Weatherly, C. Wilson, and G. Wilson.

Referred to: Rules, Calendar and Operations of the House.

March 28, 1995

1 A JOINT RESOLUTION DEMANDING THAT THE FEDERAL GOVERNMENT
2 CEASE AND DESIST MANDATES THAT ARE BEYOND THE SCOPE OF ITS
3 CONSTITUTIONALLY DELEGATED POWERS.

4 Whereas, the Tenth Amendment to the Constitution of the United States reads
5 as follows:

6 "The powers not delegated to the United States by the constitution, nor prohibited by
7 it to the states, are reserved to the states, respectively, or to the people."; and

8 Whereas, the Tenth Amendment defines the total scope of federal power as
9 being that specifically granted by the United States Constitution and no more; and

10 Whereas, the scope of power defined by the Tenth Amendment means that
11 the federal government was created by the states specifically to be an agent of the states;
12 and

13 Whereas, in 1995, the states are in fact treated as agents of the federal
14 government; and

15 Whereas, many federal mandates are directly in violation of the Tenth
16 Amendment to the Constitution of the United States; and

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

1 Whereas, a number of proposals from previous administrations and some now
2 pending from the present administration and from Congress may further violate the
3 United States Constitution;

4 Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

5 Section 1. That the State of North Carolina claims sovereignty under the
6 Tenth Amendment to the Constitution of the United States over all other powers not
7 otherwise enumerated and granted to the federal government by the United States
8 Constitution.

9 Sec. 2. That this serve as Notice and Demand to the federal government, as
10 the State of North Carolina's agent, to cease and desist, effective immediately, mandates
11 that are beyond the scope of its constitutionally delegated powers.

12 Sec. 3. The Secretary of State shall transmit copies of this resolution to the
13 President of the United States, the Vice President of the United States, the Speaker of
14 the United States House of Representatives, the President of the United States Senate,
15 the Speaker of the House of Representatives and the President of the Senate of each
16 state legislature of the United States, and each senator and representative in the
17 Congress of the United States from North Carolina.

18 Sec. 4. This resolution is effective upon ratification.