Regular Session, 2011

HOUSE CONCURRENT RESOLUTION NO. 51

BY REPRESENTATIVE HARRISON

U.S. CONSTITUTION: Claims state sovereignty for La. under the 10th Amendment to the U.S. Constitution and demands that the federal government cease promulgating unconstitutional mandates

1	A CONCURRENT RESOLUTION
2	To claim state sovereignty for Louisiana under the Tenth Amendment of the Constitution
3	of the United States and to demand that the government of the United States cease
4	and desist from the promulgation of mandates that are beyond the scope of its
5	constitutional powers.
6	WHEREAS, the Tenth Amendment to the Constitution of the United States reads as
7	follows: "The powers not delegated to the United States by the Constitution, nor prohibited
8	by it to the States, are reserved to the States respectively, or to the people"; and
9	WHEREAS, the Tenth Amendment defines the total scope of federal power as being
10	that specifically granted by the United States Constitution and no more; and
11	WHEREAS, the scope of power defined by the Tenth Amendment means that the
12	federal government was created by the states specifically to be an agent of the states; and
13	WHEREAS, today, in 2011, the states are demonstrably treated as agents of the
14	federal government; and
15	WHEREAS, numerous resolutions have been forwarded to the federal government
16	without any response or action from congress or the federal government; and
17	WHEREAS, many federal mandates are directly in violation of the Tenth
18	Amendment to the Constitution of the United States; and

1	WHEREAS, the United States Supreme Court has ruled in New York v. United
2	States, 112 S. Ct. 2408 (1992), that congress may not simply commandeer the legislative and
3	regulatory processes of the states; and
4	WHEREAS, a number of proposals from previous administrations and now some
5	pending from the present administration and from congress may further violate the United
6	States Constitution.
7	THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that the state of
8	Louisiana hereby claims sovereignty under the Tenth Amendment to the Constitution of the
9	United States over all other powers not otherwise enumerated and granted to the federal
10	government by the United States Constitution.
11	BE IT FURTHER RESOLVED that this Resolution serve as a notice and demand to
12	the government of the United States, as our agent, to cease and desist, effective immediately,
13	the promulgation of mandates that are beyond the scope of its constitutional powers.
14	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
15	presiding officers of the Senate and the House of Representatives of the Congress of the
16	United States of America and to each member of the Louisiana congressional delegation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HCR No. 51

Claims state sovereignty for La. under the 10th Amendment of the U.S. Constitution and demands that the U.S. government cease and desist from the promulgation of mandates beyond the scope of its constitutional powers.