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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 998

February 19, 2009

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

1.1 A resolution

1.2 memorializing Congress; claiming sovereignty under the Tenth Amendment to the

1.3 Constitution of the United States over certain powers; serving notice to the federal

1.4 government to cease and desist certain mandates; and directing distribution.

1.5 WHEREAS, the Tenth Amendment to the Constitution of the United States reads as

1.6 follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it

1.7 to the states, are reserved to the states, respectively, or to the people"; and

1.8 WHEREAS, the Tenth Amendment defines the total scope of federal power as being that

1.9 specifically granted by the Constitution of the United States and no more; and

1.10 WHEREAS, the scope of power defined by the Tenth Amendment means that the federal

1.11 government was created by the states specifically to be an agent of the states; and

1.12 WHEREAS, today, the states are demonstrably treated as agents of the federal government;

1.13 and

1.14 WHEREAS, many federal mandates are directly in violation of the Tenth Amendment

1.15 of the Constitution of the United States; and

1.16 WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112

1.17 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory

1.18 processes of the states; and

1.19 WHEREAS, a number of proposals from previous administrations and some now pending

1.20 from the present administration and from Congress may further violate the Constitution of the

1.21 United States; NOW THEREFORE,

2.1 BE IT RESOLVED by the Legislature of the State of Minnesota that the State of Minnesota
2.2 hereby claims sovereignty under the Tenth Amendment to the Constitution of the United
2.3 States over all powers not otherwise enumerated and granted to the federal government by the
2.4 Constitution of the United States, and that this resolution serves as notice and demand to the
2.5 federal government as our agent to cease and desist, effective immediately, mandates that are
2.6 beyond the scope of these constitutionally delegated powers.

2.7 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is
2.8 directed to prepare copies of this memorial and transmit them to the President of the United States,
2.9 the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United
2.10 States House of Representatives, and Minnesota's Senators and Representatives in Congress.