

A CONCURRENT RESOLUTION claiming sovereignty over powers not granted to the federal government by the United States Constitution; serving notice to the federal government to cease mandates beyond its authority; and stating Kentucky's position that federal legislation that requires states to comply under threat of loss of federal funding should be prohibited or repealed.

WHEREAS, the Tenth Amendment to the Constitution of the United States provides that "The powers not delegated to the United States by the Constitution, not prohibited to it by the States, are reserved to the States respectively, or to the people."; and

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

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

WHEREAS, today, in 2009, the states are demonstrably treated as agents of the federal government; and

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

WHEREAS, Article IV, Section 4 of the United States Constitution states that "The United States shall guarantee to every State in this Union a Republican Form of Government..." and the Ninth Amendment of the United States Constitution states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."; and

WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the

Constitution of the United States;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

→Section 1. The Commonwealth of Kentucky hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.

→Section 2. This Resolution serves as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers.

→Section 3. It is the position of the Commonwealth of Kentucky that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions, or requires states to pass legislation or lose federal funding be prohibited or repealed.

→Section 4. The Clerk of the House of Representatives shall distribute a copy of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House and President of the Senate of each state's legislature of the United States of America, and to each member of Kentucky's congressional delegation.