

HOUSE JOINT RESOLUTION NO. HJ0009

Resolution to amend United States Constitution.

Sponsored by: Representative(s) Simpson, Buchanan,
Childers, Goggles, Illoway, Quarberg and
Throne and Senator(s) Coe, Hines, Landen,
Peterson and Sessions

A Bill

for

1 A JOINT RESOLUTION requesting Congress to cease and desist
2 from enacting mandates that are beyond the enumerated
3 powers granted to the Congress by the United States
4 Constitution; and, to amend the tenth amendment and the
5 interstate commerce clause in article 1, section 8 of the
6 United States Constitution.

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8 WHEREAS, the tenth amendment to the Constitution of the
9 United States reads as follows: "The powers not delegated
10 to the United States by the Constitution, nor prohibited by
11 it to the States, are reserved to the States respectively,
12 or to the people."; and

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14 WHEREAS, the tenth amendment to the Constitution of the
15 United States defines the total scope of federal power as

1 being that specifically granted by the Constitution of the
2 United States and no more; and

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4 WHEREAS, the scope of the power defined by the tenth
5 amendment to the Constitution of the United States means
6 that the federal government was created by the states
7 specifically to be an agent of the states; and

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9 WHEREAS, today, in 2010, the states are demonstrably
10 treated as agents of the federal government; and

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12 WHEREAS, many powers assumed by the federal government and
13 federal mandates are directly in violation of the tenth
14 amendment to the United States Constitution; and

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16 WHEREAS, the interstate commerce clause in article 1,
17 section 8 of the Constitution of the United States provides
18 that Congress shall have the power: "To regulate Commerce
19 with foreign Nations, and among the several States, and
20 with Indian Tribes;" and

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22 WHEREAS, the interstate commerce clause is limited to the
23 federal government regulating trade between the states and
24 between the states and other nations, to help prevent

1 conflicts between states over commercial activities and to
2 prevent the erection of barriers to commerce between the
3 states; and

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5 WHEREAS, the interstate commerce clause should not be used
6 to provide Congress with authority to regulate matters that
7 are primary intrastate with only an insignificant or
8 collateral affect upon interstate commerce; and

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10 WHEREAS, many federal laws are beyond the scope and intent
11 of the interstate commerce clause and the tenth amendment
12 to the Constitution of the United States; and

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14 WHEREAS, the tenth amendment to the Constitution of the
15 United States assures that we, the people of the United
16 States of America and each sovereign state in the union of
17 states, now have, and have always had, rights the federal
18 government may not usurp; and

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20 WHEREAS, article 4, section 4, of the Constitution of the
21 United States says: "The United States shall guarantee to
22 every State in this Union a Republican Form of Government,"
23 and the ninth amendment to the Constitution of the United
24 States adds "The enumeration in the Constitution, of

1 certain rights, shall not be construed to deny or disparage
2 others retained by the people."; and

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4 WHEREAS, the United States Supreme Court has ruled in *New*
5 *York Times v. Sullivan*, 112 S.Ct. 2408 (1992), that
6 Congress may not simply commandeer the legislative and
7 regulatory processes of the states.

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9 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
10 LEGISLATURE OF THE STATE OF WYOMING:

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12 **Section 1.** That Congress is urged to take action to
13 initiate the amendment process provided by article 5 of the
14 Constitution of the United States to amend the tenth
15 amendment and article 1, section 8 (the interstate commerce
16 clause), of the Constitution of the United States.

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18 **Section 2.** That Congress is urged to amend the tenth
19 amendment of the Constitution of the United States as
20 follows, with proposed changes indicated in underscored
21 text:

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23 The powers not expressly delegated to the United
24 States by the Constitution, nor prohibited by it

1 to the States, are reserved to the States
2 respectively, or to the people. This amendment
3 shall be considered by all courts as a rule of
4 interpretation and construction in any case
5 involving an interpretation of any constitutional
6 power claimed by the Congress.

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8 **Section 3.** That Congress is urged to amend the
9 interstate commerce clause, article 1 section 8, of the
10 Constitution of the United States as follows, with proposed
11 changes indicated in underscored text:

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13 To directly regulate Commerce with foreign
14 nations, and among the several states, and with
15 the Indian Tribes, with no authority in Congress
16 to regulate matters that are primarily intrastate
17 with only an insignificant or collateral affect
18 upon interstate commerce;

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20 **Section 4.** That Congress shall specify that the
21 amendments to the tenth amendment and the interstate
22 commerce clause, article 1 section 8, of the Constitution
23 of the United States, as provided herein, shall be
24 operative upon ratification by the legislatures of three-

1 fourths of the several states, provided that such
2 ratification shall occur within seven years from the date
3 of the submission of the amendments to the states by
4 Congress.

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6 **Section 5.** That the Secretary of State of Wyoming
7 transmit copies of this resolution to the President of the
8 United States, to the President of the Senate and the
9 Speaker of the House of Representatives of the United
10 States Congress and to the Wyoming Congressional
11 Delegation, with a request that this resolution be
12 officially entered in the congressional record as a
13 memorial to the Congress of the United States of America.

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(END)