

3-14-95 Do Pass
4/10/95 Referred to State Gov

FEB 15 1995
STATE GOVERNMENT

HOUSE JOINT RESOLUTION 7
BY SCHULTE, HURLEY, BODDICKER,
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GREIG, BLODGETT, NELSON of
Marshall, GREINER, CARROLL,
BOGESS, VEENSTRA, VAN MAANEN,
LARSON, ARNOLD, HEATON, HANSON,
and GRUNDBERG *2/16/95 Sponsor added:
Garman*

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution claiming sovereignty under the Tenth Amendment
2 to the United States Constitution over all powers not
3 otherwise enumerated and granted to the federal government and
4 demanding that the federal government cease mandates that are
5 beyond the scope of its constitutional powers.
6 WHEREAS, the Tenth Amendment to the Constitution of the United
7 States reads as follows:
8 "The powers not delegated to the United States by the
9 Constitution, nor prohibited by it to the States, are reserved to
10 the States respectively, or to the people."; and
11 WHEREAS, the Tenth Amendment defines the total scope of
12 federal power as being that specifically granted by the United
13 States Constitution and no more; and
14 WHEREAS, the scope of power defined by the Tenth Amendment

HJR 7

1 means that the federal government was created by the states
2 specifically to be an agent of the states; and

3 WHEREAS, in 1995, the states are demonstrably treated as
4 agents of the federal government; and

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

7 WHEREAS, the United States Supreme Court has ruled in New York
8 v. United States, 112 S.Ct. 2408 (1992), that Congress may not
9 simply commandeer the legislative and regulatory processes of the
10 states; and

11 WHEREAS, a number of proposals from previous administrations
12 and some now pending from the present administration and from
13 Congress may further violate the Tenth Amendment; NOW THEREFORE,
14 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 That Iowa and the people thereof hereby claim sovereignty
2 under the Tenth Amendment to the Constitution of the United
3 States over all powers not otherwise enumerated and granted to
4 the federal government by the United States Constitution; and

5 BE IT FURTHER RESOLVED, That this Resolution serves as a
6 notice and demand to the federal government, as Iowa's agent,
7 to cease and desist, effective immediately, mandates that are
8 beyond the scope of the federal government's constitutionally
9 delegated powers; and

10 BE IT FURTHER RESOLVED, That copies of this Resolution be
11 transmitted to the President of the United States, the Speaker
12 of the United States House of Representatives, the President
13 of the United States Senate, all of the members of Iowa's
14 congressional delegation and the Governor.

15 EXPLANATION

16 This resolution asserts the state's claim under the 10th
17 Amendment to the United States Constitution to all powers not
18 enumerated and granted to the federal government by the
19 Constitution. The resolution also demands that the federal
20 government cease taking actions which infringe upon Iowa's
21 rights under the 10th Amendment. Finally, the resolution
22 directs that copies of the resolution be sent to the President
23 of the United States, the Speaker of the United States House
24 of Representatives, the President of the United States Senate,
25 Iowa's congressional delegation, and the Governor.

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