

STATE OF COLORADO
BY REPRESENTATIVES Duke, May, (et al.)
ALSO SENATORS Roberts, Ament, (et al.)

HOUSE JOINT RESOLUTION 94-1035

WHEREAS, The 10th Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of powers defined by the 10th Amendment means that the federal government was created by the States specifically to be an agent of the States; and

WHEREAS, Today, in 1994, the States are demonstrably treated as agents of the federal government; and

WHEREAS, Numerous resolutions have been forwarded to the federal government by the Colorado General Assembly without any response or result from Congress or the federal government; and

WHEREAS, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

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

WHEREAS, A number of proposals from prior administrations and many now pending from the present administration and from Congress may further violate the United States Constitution; now, therefore,

Be It Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, a sovereign Republic, the Senate concurring herein:

- 1. That the State of Colorado hereby claims sovereignty, under the 10th**

Amendment to the Constitution of the United States, over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

2. That this Resolution shall serve as Notice and Demand that the federal government, as our agent, is hereby instructed, effective immediately, to cease and desist, any and all mandates that are beyond the scope of its Constitutionally authorized powers.

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each legislative house of each State of the United States of America, and Colorado's Congressional Delegation.

signed) Charles E. Berry, Speaker of the House of Representatives

signed) Tom Norton, President of the Senate

signed) Judith Rodrigue, Chief Clerk of the House of Representatives

signed) Joan M. Albi, Secretary of the Senate