

## House Resolution 280

By: Representatives Scott of the 2<sup>nd</sup>, Benton of the 31<sup>st</sup>, Jerguson of the 22<sup>nd</sup>, England of the 108<sup>th</sup>, Allison of the 8<sup>th</sup>, and others

## A RESOLUTION

1 Claiming sovereignty under the Tenth Amendment to the Constitution of the United States  
2 over certain powers; serving notice to the federal government to cease and desist certain  
3 mandates; and for other purposes.

4 WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows:  
5 "The powers not delegated to the United States by the Constitution, nor prohibited by it to  
6 the States, are reserved to the States respectively, or to the people."; and

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

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

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

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

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

18 WHEREAS, a number of proposals from previous administrations and some now pending  
19 from the present administration and from Congress may further violate the Constitution of  
20 the United States.

21 NOW, THEREFORE, BE IT RESOLVED BY THE GEORGIA GENERAL ASSEMBLY:  
22 that the State of Georgia hereby claims sovereignty under the Tenth Amendment to the  
23 Constitution of the United States over all powers not otherwise enumerated and granted to  
24 the federal government by the Constitution of the United States.

25 BE IT FURTHER RESOLVED that this serve as Notice and Demand to the federal  
26 government, as our agent, to cease and desist, effective immediately, mandates that are  
27 beyond the scope of these constitutionally delegated powers.

28 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
29 and directed to transmit an appropriate copy of this resolution to the President of the United  
30 States, the President of the United States Senate, the Speaker of the United States House of  
31 Representatives, the Speaker of the House and the President of the Senate of each state's  
32 legislature of the United States of America, and each member of the Georgia Congressional  
33 Delegation.