

House Resolution 492

By: Representatives Horne of the 71st, Bearden of the 68th, Franklin of the 43rd, Reese of the 98th, Cox of the 102nd, and others

A RESOLUTION

- 1 Claiming sovereignty under the Tenth Amendment to the Constitution of the United States
2 over certain powers and 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 GENERAL ASSEMBLY of
22 GEORGIA, that the State of Georgia hereby claims sovereignty under the Tenth Amendment
23 to the Constitution of the United States over all powers not otherwise enumerated and
24 granted to the federal government by the Constitution of the United States.

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

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