

SENATE JOINT RESOLUTION NO. 3—SENATORS SETTELMAYER,
GUSTAVSON, HUTCHISON, CEGAVSKE; AND GOICOECHEA

FEBRUARY 6, 2013

JOINT SPONSORS: ASSEMBLYMEN WHEELER;
GRADY, HANSEN AND KIRNER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Claims sovereignty under the Tenth Amendment to
the United States Constitution. (BDR R-692)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Claiming sovereignty under the
Tenth Amendment to the United States Constitution.

1 WHEREAS, The Tenth Amendment to the Constitution of the
2 United States reads as follows: “The powers not delegated to the
3 United States by the Constitution, nor prohibited by it to the States,
4 are reserved to the States respectively, or to the people”; and

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

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

11 WHEREAS, Today, in 2013, the states are demonstrably treated
12 as agents of the Federal Government; and

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

15 WHEREAS, The Tenth Amendment ensures that we, the people
16 of the United States of America and each sovereign state in the
17 Union of States, now have, and have always had, rights the Federal
18 Government may not usurp; and



1 WHEREAS, Section 4 of Article IV of the Constitution of the
2 United States provides that, "The United States shall guarantee to
3 every State in this Union a Republican Form of Government," and
4 the Ninth Amendment provides that, "The enumeration in the
5 Constitution, of certain rights, shall not be construed to deny or
6 disparage others retained by the people"; and

7 WHEREAS, The United States Supreme Court has ruled in *New*
8 *York v. United States*, 505 U.S. 144, 112 S. Ct. 2408 (1992), that
9 Congress may not simply commandeer the legislative process of the
10 states by compelling the states to enact and administer federal
11 programs; and

12 WHEREAS, A number of proposals from previous
13 administrations, the present administration and Congress may
14 further violate the Constitution of the United States; now, therefore,
15 be it

16 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
17 NEVADA, JOINTLY, That the 77th Session of the Nevada Legislature
18 hereby claims sovereignty under the Tenth Amendment to the
19 Constitution of the United States over all powers not otherwise
20 enumerated and granted to the Federal Government by the
21 Constitution of the United States; and be it further

22 RESOLVED, That this resolution serves as notice and demand to
23 the Federal Government to cease and desist, effective immediately,
24 mandates that are beyond the scope of these constitutionally
25 delegated powers; and be it further

26 RESOLVED, That all compulsory federal legislation which
27 directs states to comply under threat of civil or criminal penalties or
28 sanctions or which requires states to pass legislation or lose federal
29 funding be prohibited or repealed; and be it further

30 RESOLVED, That the Secretary of the Senate prepare and
31 transmit a copy of this resolution to the President of the United
32 States, the Vice President of the United States as the presiding
33 officer of the Senate and the Speaker of the House of
34 Representatives, and each member of the Nevada Congressional
35 Delegation with the request that this resolution be officially entered
36 in the Congressional Record as a memorial to the Congress of the
37 United States of America; and be it further

38 RESOLVED, That this resolution becomes effective upon
39 passage.

