

Rep. Opsommer offered the following resolution:

House Resolution No. 416.

A resolution to affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States and to urge the federal government to halt its practice of imposing mandates upon the states for purposes not enumerated by the Constitution of the United States.

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

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

Whereas, Today, in 2008, the states are demonstrably treated as agents of the federal government; and

Whereas, Many federal mandates are directly in violation of the Tenth 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 previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States; now, therefore, be it

Resolved by the House of Representatives, That we hereby affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States. We also urge the federal government to halt its practice of imposing mandates upon the states for purposes not enumerated by the Constitution of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.