STATE OF OKLAHOMA

2nd Session of the 51st Legislature (2008)
HOUSE JOINT
RESOLUTION 1089 By: Key
AS INTRODUCED

**A Joint Resolution claiming sovereignty under theTenth Amendment to the Constitution of the UnitedStates over certain powers; serving notice to thefederal government to cease and desist certainmandates; and directing distribution.**

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 REPRESENTATIVESAND THE SENATE OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:**

**THAT** **the State of Oklahoma hereby claims sovereignty under theTenth Amendment to the Constitution of the United States over allpowers not otherwise enumerated and granted to the federalgovernment by the Constitution of the United States.**
**THAT** **this serve as Notice and Demand to the federal government,as our agent, to cease and desist, effective immediately, mandatesthat are beyond the scope of these constitutionally delegatedpowers.**
**THAT** **a copy of this resolution be distributed to the Presidentof the United States, the President of the United States Senate, theSpeaker of the United States House of Representatives, the Speakerof the House and the President of the Senate of each state'slegislature of the United States of America, and each member of theOklahoma Congressional Delegation.**