

SENATE JOINT RESOLUTION NO. 3

INTRODUCED BY BENEDICT

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA URGING CONGRESS TO RECOGNIZE STATES' RIGHTS UNDER THE 10TH AMENDMENT TO
6 THE CONSTITUTION OF THE UNITED STATES.

8 WHEREAS, the 10th amendment to the Constitution of the United States reads: "The powers not
9 delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the
10 states respectively or to the people"; and

11 WHEREAS, the scope of power defined by the 10th amendment means that the federal government
12 was created by the states specifically to be an agent of the states; and

13 WHEREAS, today, in 1995, the states are demonstrably treated as agents of the federal
14 government; and

15 WHEREAS, many federal mandates are directly in violation of the 10th amendment; and

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

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

21
22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
23 STATE OF MONTANA:

24 (1) That the State of Montana claim sovereignty under the 10th amendment to the Constitution
25 of the United States over all powers not otherwise enumerated and granted to the federal government by
26 the Constitution of the United States.

27 (2) That this resolution serve as notice and demand to the federal government, as our agent, to
28 cease and desist, effective immediately, imposing mandates that are beyond the scope of its constitutionally
29 delegated powers.

30 (3) That this resolution serve as a request to the federal government to review existing mandates



1 that usurp state sovereignty and to repeal those mandates.

2 BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the
3 President of the United States, the Speaker of the United States House of Representatives, the President
4 of the United States Senate, and the members of Montana's Congressional Delegation.

5 -END-

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5 MONTANA URGING DEMANDING THAT CONGRESS TO RECOGNIZE STATES' RIGHTS UNDER THE 10TH
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