

BILL SUMMARY

MEASURE: **HJR 1089** (Committee Substitute)

AUTHOR: Representative Key

SUBJECT: A Joint Resolution claiming sovereignty under Tenth Amendment to the United States Constitution; distribution.

PROVISIONS: WHEREAS The 10th Amendment to the U.S. Constitution states that the powers not delegated to the federal government, nor prohibited by the States are reserved to the States; the 10th Amendment defines the scope of federal power; the scope of power is that the federal government was created by the states to be an agent of the states; today the states are treated as agents of the federal government; many federal mandates are in direct violation of the 10th Amendment; the 10th Amendment assures that we the people have always had rights the federal government may not usurp; the Constitution states that the U.S> shall guarantee a Republican Form of Government, and the 9th Amendment states that the Constitution shall not be construed to deny rights retained by the people; the U.S. Supreme Court has ruled in New York v. United States, Congress may not commandeer the legislative and regulatory processes of the states; and a number of proposals from previous administrations and some pending from the present administration and from Congress may further violate the 10th Amendment.

BE IT RESOLVED THAT The state of Oklahoma declares sovereignty under the 10th Amendment over all powers not otherwise listed and granted to the federal government.

BE IT RESOLOVED THAT This resolution serve as Notice and Demand to the federal government to stop all mandates that are beyond the scope of constitutionally delegated powers.

BE IT RESOLVED THAT All federal legislation that directs states to comply under threat of penalties or requires states to pass legislation or lose federal dollars be prohibited or repealed.

BE IT RESOLVED THAT A copy of the resolution be distributed to the U.S. President, the President of the U.S. Senate, the Speaker of the U.S. House, the Speakers and Presidents of each state's legislature in the U.S., and each member of Oklahoma's Congressional delegation.

PREPARED BY: Arnella Karges & Rick Farmer

DATE: March 11, 2008