

FEB - 1 2012

SENATE CONCURRENT RESOLUTION

A RESOLUTION REAFFIRMING HAWAII'S SOVEREIGNTY UNDER THE TENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES AND DEMANDING THE FEDERAL GOVERNMENT TO HALT ITS PRACTICE OF ASSUMING POWERS AND IMPOSING MANDATES ON THE STATES FOR PURPOSES NOT ENUMERATED IN THE CONSTITUTION OF THE UNITED STATES.

1 WHEREAS, the Tenth Amendment to the Constitution of the
2 United States reads that the powers not delegated to the United
3 States by the Constitution, nor prohibited by it to the states,
4 are reserved to the states respectively, or to the people; and

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

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10 WHEREAS, the scope of power defined by the Tenth Amendment
11 means that the federal government was created by the states and
12 the powers of the federal government are limited and enumerated;
13 and

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15 WHEREAS, in 2012 the states are demonstrably treated as
16 agents of the federal government; and

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18 WHEREAS, many federal laws are directly in violation of the
19 Tenth Amendment to the Constitution of the United States; and

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21 WHEREAS, the Tenth Amendment assures that we, the people of
22 the United States of America and each sovereign state in the
23 Union of States, now have, and have always had, rights that the
24 federal government may not usurp; and

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26 WHEREAS, Article IV, Section 4 of the United States
27 Constitution states that the United States shall guarantee to
28 every state in this Union a Republican form of government; and



1 WHEREAS, the Ninth Amendment to the United States
2 Constitution states that the enumeration of the Constitution, of
3 certain rights, shall not be construed to deny or disparage
4 others retained by the people; and

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6 WHEREAS, the United States Supreme Court ruled in *New York*
7 *v. United States*, 112 S. Ct. 2408 (1992), that Congress may not
8 simply commandeer the legislative and regulatory processes of
9 the states; and

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11 WHEREAS, a number of proposals from current and past
12 administrations and from Congress may further violate the
13 Constitution of the United States; and

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15 BE IT RESOLVED by the Senate of the Twenty-sixth
16 Legislature of the State of Hawaii, Regular Session of 2012, the
17 House of Representatives concurring, that the legislature of the
18 state of Hawaii reaffirms this state's sovereignty under the
19 Tenth Amendment to the Constitution of the United States over
20 all powers not otherwise enumerated and granted to the federal
21 government by the Constitution of the United States and demands
22 that the federal government halt its practice of assuming powers
23 and imposing mandates upon the states for purposes not set forth
24 in the Constitution of the United States; and

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26 BE IT FURTHER RESOLVED, that this resolution serves as
27 notice and demand to the federal government to cease and desist,
28 effective immediately, mandates that are beyond the scope of
29 constitutionally delegated powers; and

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31 BE IT FURTHER RESOLVED, that all compulsory federal
32 legislation that directs states to comply under threat of civil
33 or criminal penalties or sanctions, or requires states to pass
34 legislation or lose federal funding, be prohibited or repealed;
35 and

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37 BE IT FURTHER RESOLVED, that certified copies of this
38 Concurrent Resolution be transmitted to Speaker of the United
39 States House of Representatives, the President of United States
40 Senate, to each member of the Hawaii congressional delegation,
41 and to the Governor.



S.C.R. NO. 31

OFFERED BY:

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