

As Introduced

**128th General Assembly
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H. C. R. No. 11

Representatives Martin, Jordan

**Cosponsors: Representatives Adams, J., Amstutz, Balderson, Boose, Bubp,
Burke, Combs, Gardner, Grossman, Hall, Huffman, Mecklenborg, Morgan,
Snitchler, Stebelton, Uecker, Wachtmann, Batchelder, Blessing**

CONCURRENT RESOLUTION

To claim sovereignty over certain powers pursuant to 1
the Tenth Amendment to the Constitution of the 2
United States of America, to serve notice to the 3
federal government to cease and desist certain 4
mandates, and to insist that certain federal 5
legislation be prohibited or repealed. 6

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
OF OHIO (THE SENATE CONCURRING):**

WHEREAS, The Tenth Amendment to the Constitution of the 7
United States reads as follows: "The powers not delegated to the 8
United States by the Constitution, nor prohibited by it to the 9
States, are reserved to the States respectively, or to the 10
people"; and 11

WHEREAS, The Tenth Amendment defines the total scope of 12
federal power as being that specifically granted to the federal 13
government by the Constitution of the United States and no more; 14
and 15

WHEREAS, The scope of power defined by the Tenth Amendment 16
signifies that the federal government was created by the states 17

specifically to be an agent of the states; and 18

WHEREAS, Today, in 2009, the states are demonstrably treated 19
as agents of the federal government; and 20

WHEREAS, Many federal laws directly violate the Tenth 21
Amendment to the Constitution of the United States; and 22

WHEREAS, The Tenth Amendment assures that we, the people of 23
the United States and each sovereign state in the Union of States, 24
now have, and have always had, rights the federal government may 25
not usurp; and 26

WHEREAS, Article IV, Section 4 of the Constitution of the 27
United States, states in part, "The United States shall guarantee 28
to every State in this Union a Republican Form of Government," and 29
the Ninth Amendment to the Constitution of the United States 30
states that "The enumeration in the Constitution, of certain 31
rights, shall not be construed to deny or disparage others 32
retained by the people"; and 33

WHEREAS, The United States Supreme Court ruled in *New York v.* 34
United States, 505 U.S. 144 (1992), that Congress may not simply 35
commandeer the legislative and regulatory processes of the states; 36
and 37

WHEREAS, A number of proposals by previous administrations, 38
some now pending proposals by the present administration, and some 39
proposals by Congress may further violate the Constitution of the 40
United States; now therefore be it 41

RESOLVED, That the State of Ohio hereby claims sovereignty 42
under the Tenth Amendment to the Constitution of the United States 43
over all powers not otherwise enumerated and granted to the 44
federal government by the Constitution of the United States; and 45
be it further 46

RESOLVED, That this resolution serves as notice and demand to 47

the federal government, as our agent, to cease and desist, 48
effective immediately, mandates that are beyond the scope of the 49
constitutionally delegated powers; and be it further 50

RESOLVED, That all compulsory federal legislation that 51
directs states to comply under threat of civil or criminal penalty 52
or sanction or that requires states to enact legislation or lose 53
federal funding be prohibited or repealed; and be it further 54

RESOLVED, That the Clerk of the House of Representatives 55
transmit authenticated copies of this resolution to the President 56
of the United States, the President Pro Tempore of the United 57
States Senate, the Speaker of the United States House of 58
Representatives, the Speaker of the House of Representatives and 59
the President of the Senate of each other state's legislature, and 60
each member the Ohio Congressional delegation. 61