

House Joint Memorial 17

Sponsored by Representatives RICHARDSON, SCHAUFLEER; Representatives BARKER, BENTZ, BERGER, BRUUN, CAMERON, ESQUIVEL, FREEMAN, GARRARD, GILLIAM, GILMAN, HANNA, KENNEMER, KRIEGER, MAURER, OLSON, G SMITH, SPRENGER, THATCHER, WEIDNER, WHISNANT, WINGARD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress to refrain from imposing mandates on states and to allow State of Oregon to freely exercise sovereignty granted to it under Tenth Amendment of Constitution of United States.

JOINT MEMORIAL

To the Senate and the House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Seventy-fifth Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas the Tenth Amendment to the Constitution of the United States provides, "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 in 2009, the states are instead treated as agents of the federal government; and

Whereas many federal mandates are imposed by the federal government in direct violation of the Tenth Amendment; and

Whereas the United States Supreme Court has ruled in *New York v. United States*, 505 U.S. 144, 175 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas many proposals being considered by the federal government or pending before Congress may further violate the Constitution of the United States; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States of America is requested to direct the federal government to immediately cease and desist imposing mandates that are beyond the scope of those powers expressly delegated by the Constitution of the United States to the federal government, so that the State of Oregon may freely exercise the sovereignty due the State of Oregon under the Tenth Amendment to the Constitution of the United States.

(2) A copy of this memorial shall be sent to the President of the United States, the Senate Majority Leader, the Speaker of the House of Representatives and each member of the Oregon Congressional Delegation.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.