

State of Arizona
House of Representatives
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Introduced by

Representatives Powell: Biasiucci, Blackman, Bliss, Carbone, Carter N,
Carter P, Chaplik, Diaz, Fink, Gillette, Gress, Griffin, Heap, Hendrix,
Keshel, Lopez, Martinez, Montenegro, Nguyen, Olson, Peña, Pingerelli,
Rivero, Taylor, Way, Weninger, Willoughby, Wilmeth

A CONCURRENT RESOLUTION

CLAIMING SOVEREIGNTY UNDER THE TENTH AMENDMENT TO THE CONSTITUTION OF THE
UNITED STATES, SERVING NOTICE TO THE FEDERAL GOVERNMENT TO CEASE AND
DESIST CERTAIN MANDATES AND PROVIDING THAT CERTAIN FEDERAL DIRECTIVES BE
PROHIBITED OR REPEALED.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, pursuant to the Tenth Amendment to the Constitution of the
2 United States, "[t]he powers not delegated to the United States by the
3 Constitution, nor prohibited by it to the States, are reserved to the
4 States respectively, or to the people"; and

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

8 Whereas, the scope of power defined by the Tenth Amendment means
9 that the federal government was created by the states specifically to be
10 an agent of the states; and

11 Whereas, pursuant to the Ninth Amendment to the Constitution of the
12 United States, "[t]he enumeration in the Constitution, of certain rights,
13 shall not be construed to deny or disparage others retained by the
14 people"; and

15 Whereas, article II, section 1 of the Constitution of Arizona
16 commands that "[a] frequent recurrence to fundamental principles is
17 essential to the security of individual rights and the perpetuity of free
18 government"; and

19 Whereas, article II, section 2 of the Constitution of Arizona
20 recognizes that "[a]ll political power is inherent in the people, and
21 governments derive their just powers from the consent of the governed, and
22 are established to protect and maintain individual rights"; and

23 Whereas, at the general election on November 4, 2014, the people of
24 this state passed Proposition 122, which amended article II, section 3 of
25 the Constitution of Arizona to protect the people's freedom, preserve the
26 checks and balances of the United States Constitution and assert this
27 state's sovereign authority to restrict the actions of its personnel and
28 use of its financial resources to purposes that are consistent with the
29 Constitution; and

30 Whereas, article II, section 3 of the Constitution of Arizona
31 empowers this state to exercise its sovereign authority by passing an
32 initiative or referendum pursuant to article IV, part 1, section 1 of the
33 Constitution of Arizona, passing a bill pursuant to article IV, part 2 and
34 article V, section 7 of the Constitution of Arizona and pursuing any other
35 available legal remedy; and

36 Whereas, pursuant to the express directive of article II, section 3
37 of the Constitution of Arizona, if the people or their representatives
38 exercise their authority pursuant to this section, this state and all
39 political subdivisions of this state are prohibited from using any
40 personnel or financial resources to enforce, administer or cooperate with
41 federal actions or programs that are contrary to the state or federal
42 constitutions; and

43 Whereas, the right to be free from the commandeering hand of the
44 federal government has been recognized by the Supreme Court of the United
45 States in New York v. United States, 505 U.S. 144 (1992), and Printz v.

1 United States, 521 U.S. 898 (1997), yet many federal laws are directly in
2 violation of the Tenth Amendment to the Constitution of the United States;
3 and

4 Whereas, it is axiomatic that liberty is not granted by governments
5 but embodies the natural rights of all people; and

6 Whereas, the legislature intends to protect the principles of
7 freedom and justice enshrined in the United States Constitution and
8 recognized by the Supreme Court of the United States, and to prevent
9 Arizonans from being commandeered by the federal government to participate
10 in the enforcement of federal acts or regulatory programs that are
11 inconsistent with the constitutional principles discussed in this
12 resolution.

13 Therefore

14 Be it resolved by the House of Representatives of the State of Arizona,
15 the Senate concurring:

16 1. That the State of Arizona hereby expresses the intent to
17 reassert and exercise this state's sovereignty under the Tenth Amendment
18 to the Constitution of the United States over all powers not otherwise
19 enumerated and granted to the federal government or reserved to the people
20 by the Constitution of the United States.

21 2. That, in accordance with the Ninth Amendment to the Constitution
22 of the United States and article II of the Constitution of Arizona, the
23 rights of the people are not limited to those enumerated in the federal or
24 state constitutions, and the State of Arizona reaffirms its commitment to
25 protect all liberties and constitutional rights retained by the people.

26 3. That this Resolution serves as notice and demand to the federal
27 government, as our agent, to cease and desist, effective immediately,
28 mandates that are beyond the scope of these constitutionally delegated
29 powers.

30 4. That all compulsory federal legislation, rules, actions or
31 programs that direct states to comply under threat of civil or criminal
32 penalties or sanctions, that require states to pass legislation or lose
33 federal funding, or that have been declared by any federal court to be
34 unconstitutionally coercive or commandeering are prohibited or repealed.

35 5. That the citizens of this state are empowered and encouraged to
36 take any action and pursue any available legal remedy to assert this
37 state's sovereign authority, consistent with article II, section 3 of the
38 Constitution of Arizona.

39 6. That the Secretary of State of the State of Arizona transmit
40 copies of this Resolution to the President of the United States, the
41 President of the United States Senate, the Speaker of the United States
42 House of Representatives, the Speaker of the House and the President of
43 the Senate of each state's legislature and each Member of Congress from
44 the State of Arizona.