
SENATE JOINT RESOLUTION NO. 6—SENATORS SETTELMAYER,
MCGINNESS, HARDY, CEGAVSKE, GUSTAVSON; HALSETH,
KIECKHEFER, RHOADS AND ROBERSON

FEBRUARY 16, 2011

JOINT SPONSORS: ASSEMBLYMEN GOICOECHEA, GRADY, HANSEN,
GOEDHART; ELLISON, HAMBRICK, HAMMOND, HARDY,
HICKEY, KIRNER, KITE, LIVERMORE, MCARTHUR,
SHERWOOD, STEWART AND WOODBURY

Referred to Committee on Government Affairs

SUMMARY—Claims sovereignty under the Tenth Amendment to
the U.S. Constitution. (BDR R-333)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

SENATE JOINT RESOLUTION—Claiming sovereignty under the
Tenth Amendment to the U.S. Constitution.

- 1 WHEREAS, The Tenth Amendment to the Constitution of the
2 United States reads as follows: “The powers not delegated to the
3 United States by the Constitution, nor prohibited by it to the States,
4 are reserved to the States respectively, or to the people”; and
5 WHEREAS, The Tenth Amendment defines the total scope of
6 federal power as being that specifically granted by the Constitution
7 of the United States and no more; and
8 WHEREAS, The scope of power defined by the Tenth
9 Amendment means that the Federal Government was created by the
10 states specifically to be an agent of the states; and
11 WHEREAS, Today, in 2011, the states are demonstrably treated
12 as agents of the Federal Government; and
13 WHEREAS, Many federal laws are directly in violation of the
14 Tenth Amendment to the Constitution of the United States; and



1 WHEREAS, The Tenth Amendment ensures that we, the people
2 of the United States of America and each sovereign state in the
3 Union of States, now have, and have always had, rights the Federal
4 Government may not usurp; and

5 WHEREAS, Section 4, Article IV, of the U.S. Constitution says,
6 “The United States shall guarantee to every State in this Union a
7 Republican Form of Government,” and the Ninth Amendment states
8 that, “The enumeration in the Constitution, of certain rights, shall
9 not be construed to deny or disparage others retained by the people”;
10 and

11 WHEREAS, The United States Supreme Court has ruled in *New*
12 *York v. United States*, 112 S.Ct. 2408 (1992), that Congress may not
13 simply commandeer the legislative processes of the states by
14 compelling the states to enact and administer federal programs; and

15 WHEREAS, A number of proposals from previous
16 administrations and some now pending from the present
17 administration and from Congress may further violate the
18 Constitution of the United States; now, therefore, be it

19 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
20 NEVADA, JOINTLY, That the 76th Legislature of the State of Nevada
21 hereby claim sovereignty under the Tenth Amendment to the
22 Constitution of the United States over all powers not otherwise
23 enumerated and granted to the Federal Government by the
24 Constitution of the United States; and be it further

25 RESOLVED, That this resolution serves as notice and demand to
26 the Federal Government to cease and desist, effective immediately,
27 mandates that are beyond the scope of these constitutionally
28 delegated powers; and be it further

29 RESOLVED, That all compulsory federal legislation which
30 directs states to comply under threat of civil or criminal penalties or
31 sanctions or which requires states to pass legislation or lose federal
32 funding be prohibited or repealed; and be it further

33 RESOLVED, That the Secretary of the Senate prepare and
34 transmit a copy of this resolution to the President of the United
35 States, the Vice President of the United States as the presiding
36 officer of the Senate and the Speaker of the House of
37 Representatives, and each member of the Nevada Congressional
38 Delegation with the request that this resolution be officially entered
39 in the Congressional Record as a memorial to the Congress of the
40 United States of America; and be it further

41 RESOLVED, That this resolution becomes effective upon
42 passage.

