

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 539

Introduced by Fulton, 29; Coash, 27; Harms, 48; Janssen, 15; McCoy, 39; Price, 3; Schilz, 47.

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

WHEREAS, the Tenth Amendment to the United States Constitution declares that "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 framers of the United States Constitution envisioned a federal government with "few and defined" delegated powers, whereby state governments retained "numerous and indefinite" powers extending "to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State;" and

WHEREAS, the United States Government has historically and continues to expand its enumerated powers in a manner inconsistent with the Ninth Amendment to the United States Constitution; and

WHEREAS, the United States Government has historically

and continues to assert powers not enumerated under Article I, section 8, of the United States Constitution in a manner inconsistent with the Tenth Amendment to the United States Constitution; and

WHEREAS, a balanced federalism is necessary to preserve the inherent rights of the people, from whose consent the just powers of both state and federal governments are derived.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages the Congress of the United States to adhere to the principles of federalism in accord with the Ninth and Tenth Amendments to the United States Constitution.

2. That a copy of this resolution be sent to all the members of the Nebraska congressional delegation with the request that this resolution be officially entered in the Congressional Record.

3. That a copy of this resolution be sent to each state legislature within these United States of America.