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HOUSE JOINT RESOLUTION NO. 499

Offered January 13, 1999

Prefiled January 12, 1999

Reasserting the General Assembly's notice to the federal government that Virginia strongly opposes any effort to weaken the powers reserved to the states and the people by the 10th Amendment of the Constitution of the United States.

Patrons—Landes, Blevins, Bryant, Byron, Davis, Drake, Griffith, Guest, Harris, Katzen, Kilgore, McDonnell, Putney, Reid, Rollison, Ruff, Sherwood, Tata and Weatherholtz; Senator: Hanger

Referred to Committee on Rules

WHEREAS, the 10th Amendment to the Constitution of the United States specifies 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 founders of this Republic and the framers of the Constitution of the United States understood that centralized power is inconsistent with republican ideals, and accordingly limited the federal government to certain enumerated powers and reserved all other powers to the states and the people through the 10th Amendment; and

WHEREAS, the federal government has exceeded the clear bounds of its jurisdiction under the Constitution of the United States and has imposed ever-growing numbers of mandates, regulations and restrictions upon state and local governments, thereby removing power and flexibility from the units of government closest to the people and increasing central control in Washington; and

WHEREAS, in 1995, the General Assembly passed several resolutions strongly urging the federal government to observe the principles of federalism embodied in the 10th Amendment and to cease and desist, effective immediately, imposing mandates that are beyond the scope of its constitutionally delegated powers; and

WHEREAS, despite the General Assembly's admonitions, another attempt to disrupt the delicate balance between the powers of the federal government and the states occurred on May 14, 1998, when President Clinton issued Executive Order No. 13083, which dramatically changed the way the federal government deals with state and local governments; and

WHEREAS, the effect of Executive Order No. 13083 was to revoke previous protections for states from federal agency action and widen the areas for preemption and the imposition of federal mandates; and

WHEREAS, on August 6, 1998, in response to negative reaction from congressional, state, and local officials, President Clinton retreated from his position and announced the suspension of Executive Order No. 13083 on federalism; and

WHEREAS, Congress took further action to ensure the effective repeal of Executive Order No. 13083 by amending H.R. 4328, the omnibus appropriations act, to provide that no federal funds could be used to implement, administer, or enforce the executive order; and

WHEREAS, although a major assault on the principles of sovereignty was averted, the attack by the federal government on the principles of federalism does not appear to be abating; and

WHEREAS, many Virginia citizens, disturbed by these recent events and the federal government's unwillingness to limit its powers as required by the 10th Amendment, are calling for Virginia to reassert its constitutional right of sovereignty; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly reassert its notice to the federal government that Virginia strongly opposes any effort to weaken the powers reserved to the states and the people by the 10th Amendment of the Constitution of the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit of copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly in this matter.

INTRODUCED

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