AMENDED

May 19, 2009

**S. 424**

Introduced by Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O’Dell, Bryant and Massey

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Read the first time February 12, 2009.

**A** **CONCURRENT RESOLUTION**

TO AFFIRM THE RIGHTS OF ALL STATES INCLUDING SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

Whereas, the Tenth Amendment to the United States Constitution provides that “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 limited scope of federal power as being that specifically granted by the United States Constitution; and

Whereas, the limited scope of authority 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, currently the states are treated as agents of the federal government; and

Whereas, many federal mandates are directly in violation of the Tenth Amendment to the United States Constitution; and

Whereas, the United States Supreme Court has ruled that Congress may not simply commandeer the legislative and regulatory processes of the states, and

Whereas, the State recognizes that as an independent sovereign, that the State along with the other states of the union took part in an extensive collective bargaining process through the adoption of the Constitution and the various amendments thereto, and like any other party to any other agreement, the State is bound to uphold the terms and conditions of that agreement. Through this agreement, the States have collectively created the federal government, limiting the scope of its power and authority, as well as ensuring that certain fundamental rights are guaranteed. Also, through this process the states have collectively agreed to limit their own governmental authority by providing that the rights and protections afforded to the people as citizens of the United States are also extended to each person as a citizen of an individual state. Pursuant to that agreement, this State is bound to uphold the principals and protections afforded by all of the constitutional amendments, one of the most notable being the protections afforded by the Fourteenth Amendment which guarantees the privileges and immunities of the United States, due process of law, and equal protection under the law;

Whereas, pursuant to the Tenth Amendment, by limiting the scope of federal power to only those specifically enumerated in the United States Constitution, the states retain plenary power to govern, and

Whereas, included among all states’ plenary power to govern is the broad authority of all state legislatures to appropriate funds for the operation of state agencies and to specify and direct the conditions under which appropriated funds shall be spent; and

Whereas, the General Assembly of the State of South Carolina has exercised its broad authority to appropriate and direct the expenditure of funds by appropriating and directing the expenditure of funds in the Fiscal Year 2009-2010 budget. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of the State of South Carolina, by this resolution, claims for the State of South Carolina sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

Be it further resolved that all federal governmental agencies, quasi‑governmental agencies, and their agents and employees operating within the geographic boundaries of the State of South Carolina, and all federal governmental agencies and their agents and employees, whose actions have effect on the inhabitants or lands or waters of the State of South Carolina, shall operate within the confines of the original intent of the Constitution of the United States and abide by the provisions of the Constitution of South Carolina, the South Carolina statutes, or the common law as guaranteed by the Constitution of the United States.

Be it further resolved that this resolution serves as notice and demand to the federal government, as South Carolina’s agent, to cease and desist immediately all mandates that are beyond the scope of the federal government’s constitutionally delegated powers.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of South Carolina’s Congressional Delegation, all at Washington, D.C., and to the Speaker of the House of Representatives and the President of the Senate of the legislatures of the other forty‑nine states.

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