

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO  
UNOFFICIAL PREAMENDED VERSION

LLS NO. R10-0299.01 Holly Mandis

HJR10-1009

HOUSE SPONSORSHIP

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HOUSE JOINT RESOLUTION 10-1009

101 CONCERNING THE STATE OF COLORADO'S SOVEREIGNTY UNDER THE  
102 TENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED  
103 STATES OVER ALL POWERS NOT GRANTED TO THE FEDERAL  
104 GOVERNMENT AND NOT PROHIBITED TO THE STATES.

1 WHEREAS, The Tenth Amendment to the Constitution of the  
2 United States reads: "The powers not delegated to the United States by  
3 the constitution, nor prohibited by it to the states, are reserved to the states  
4 respectively, or to the people"; and

5 WHEREAS, The Tenth Amendment provides that powers not  
6 granted to the federal government nor prohibited to the states are reserved  
7 to the states and to the people and limits the scope of federal power;  
8 however, the states are currently treated as agents of the federal  
9 government in violation of the principles of federalism upon which our  
10 nation was founded; and

11 WHEREAS, In the American system, sovereignty is defined as the  
12 final authority, the people, not the government, are sovereign, and all

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

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1 power not delegated by the people to government is retained; and

2 WHEREAS, Powers have been exercised, past and present, by  
3 federal administrations, and under the leadership of both Democrats and  
4 Republicans, that infringe on the sovereignty of the people of this state in  
5 violation of the Constitution of the United States; and

6 WHEREAS, The United States Supreme Court has ruled that the  
7 United States Congress may not commandeer the legislative and  
8 regulatory processes of the states; and

9 WHEREAS, The Tenth Amendment assures that we, the people of  
10 ~~these~~ United States of America and each sovereign state in the Union of  
11 States, now have, and have always had, rights that the federal government  
12 may not usurp; and

13 WHEREAS, Because health care rights are not guaranteed or  
14 enumerated in the Constitution of the United States, decisions on how to  
15 best administer health care programs should be left to the individual states  
16 and to individual citizens of the states; and

17 WHEREAS, The citizens and legislators of Colorado know their  
18 state's needs better than the federal government, can develop a better plan  
19 for management of health care in our state than what is in the current  
20 proposed federal health care legislation, and need to be able to make our  
21 own decisions regarding what is in the best interests of this state; and

22 WHEREAS, The health care legislation that the federal  
23 government is proposing is in violation of state sovereignty and the states'  
24 right to determine their own management of health care; and

25 WHEREAS, Certain components of the proposed federal health  
26 care legislation, such as taxation of higher-cost health care plans, are an  
27 affront to an individual's right to self-determination; and

28 WHEREAS, Higher-cost health care plans are used by many  
29 citizens, including those who have preexisting conditions, disabilities, and  
30 chronic illnesses; disabled veterans; the elderly; employees of small  
31 businesses; and those in dangerous professions such as firefighting and  
32 coal mining; and

33 WHEREAS, Restricting and singling out these types of plans is a  
34 violation of an individual's right to determine the health care decisions  
35 that are best for the individual and the individual's family and is in  
36 conflict with current state policies; and

37 WHEREAS, Under the Tenth Amendment to the Constitution of  
38 the United States, Colorado reserves the right not to be subjected to or  
39 required to participate in new proposed federal health legislation; now,  
40 therefore,

41 *Be It Resolved by the House of Representatives of the Sixty-seventh*  
42 *General Assembly of the State of Colorado, the Senate concurring herein:*

1 That we, the citizens of the State of Colorado and the members of  
2 the Colorado General Assembly, hereby:

3 (1) Affirm Colorado's sovereignty under the Tenth Amendment  
4 to the Constitution of the United States over all powers not granted to the  
5 federal government and not prohibited to the states;

6 (2) Demand that the federal government cease and desist  
7 immediately all actions that are beyond the scope of the federal  
8 government's constitutionally enumerated and delegated powers;

9 (3) Reserve the opportunity and ability of the State of Colorado  
10 and its citizens, under the state's and the people's Tenth Amendment  
11 rights, to opt out of any or all obligations due or participation required in  
12 any new federal health care legislation or regulation, including the  
13 imposition of any new tax, fee, civil penalty, or criminal penalty imposed  
14 by such federal health care legislation or regulation; and

15 (4) Further reserve the right to approve or reject the State of  
16 Colorado's participation in any federal health care plan or program, either  
17 by a vote of the people or by vote of the members of the Colorado  
18 General Assembly as the people's duly elected representatives.

19 *Be It Further Resolved*, That copies of this Joint Resolution be sent  
20 to Governor Bill Ritter, President Barack Obama, United States Senate  
21 Majority Leader Harry Reid, United States House of Representatives  
22 Speaker Nancy Pelosi, and the members of Colorado's Congressional  
23 Delegation.

