

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Joint Resolution 1 (Senator Shank, *et al.*)
Budget and Taxation

**Maryland Sovereignty Under the Tenth Amendment to the Constitution of the
United States**

This joint resolution affirms the sovereignty of Maryland under the Tenth Amendment of the U.S. Constitution and requests the federal government to cease and desist imposing mandates that are beyond the federal government's scope of powers delegated under the U.S Constitution.

Fiscal Summary

State Effect: None. Compliance with this joint resolution will not affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Tenth Amendment to the U.S. Constitution delegates to the states or the people powers neither granted to the federal government nor prohibited to the states by the Constitution.

In *United States v. Lopez*, (1995) the Supreme Court ruled against the Gun Free School Zones Act, finding for the first time since the 1930s that Congress had exceeded its Commerce Clause authority by intruding into a policy area traditionally reserved for the states.

Background: The Tenth Amendment Center indicates that, since 2009, 33 states have considered sovereignty resolutions; of these, 14 states (Alabama, Alaska, Arizona, Idaho, Kansas, Louisiana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and Wyoming) have passed sovereignty resolutions.

Additional Information

Prior Introductions: SJ 1 of 2010 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken.

Cross File: None.

Information Source(s): National Conference of State Legislatures, The Tenth Amendment Center, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2011
mlm/hlb

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