

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Joint Resolution 1 (Senator Mooney, *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 powers unmentioned, nor prohibited in the Constitution to the states, or the people.

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 in 2009, 7 states have passed sovereignty resolutions, 27 states have considered resolutions, and in 3 states resolutions

failed to pass. These resolutions have been messages to Congress and the President urging the federal government to end mandates and stay out of state affairs. Thus far, 18 states have submitted Tenth Amendment resolutions in 2010.

Additional Information

Prior Introductions: None.

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 15, 2010
mlm/hlb

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