

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Joint Resolution 2 (Delegate Smigiel)
Rules and Executive Nominations

**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 halt and reverse its practice of assuming powers and imposing mandates on the states for purposes not enumerated under the U.S. Constitution. The Speaker of the House of Delegates and the President of the Senate must appoint a Special Committee of Conference and Correspondence to communicate this resolution to the legislatures of other states for the purpose of: assuring that the State values their esteemed friendship; calling on states to participate in a joint working group to put an end to federal abuses under the Tenth Amendment of the U.S. Constitution; and seeking repeal of the assumption of powers and mandates unlawfully imposed on the states by the federal government.

Fiscal Summary

State Effect: Compliance with this joint resolution can be handled with existing budgeted resources.

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 - March 4, 2010
ncs/hlb

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