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## FISCAL IMPACT REPORT

SPONSOR Roch ORIGINAL DATE 02/04/10  
LAST UPDATED \_\_\_\_\_ HJR 1  
SHORT TITLE Sovereignty For NM & Notice to Federal Gov't SB \_\_\_\_\_  
ANALYST Wilson

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

House Joint Resolution 1 resolves that New Mexico hereby claims 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 constitution of the United States.

This resolution shall serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers.

All compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding must be prohibited or repealed.

### FISCAL IMPLICATIONS

There is no fiscal impact.

**SIGNIFICANT ISSUES**

The tenth amendment to the constitution of the United States reads as follows:

The 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.

The tenth amendment defines the total scope of federal power as being that specifically granted by the constitution of the United States and no more; and

The scope of power defined by the tenth amendment means that the federal government was created by the states specifically to be an agent of the states; and

Today, in 2010, the states are demonstrably treated as agents of the federal government; and

Many federal laws are directly in violation of the tenth amendment to the constitution of the United States; and

The tenth amendment assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

The Constitution of the United States says that the United States shall guarantee to every State in this Union a Republican Form of Government and that the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people; and

The United States supreme court has ruled that congress may not simply commandeer the legislative and regulatory processes of the states; and

A number of proposals from previous administrations and some now pending from the present administration and from congress may further violate the constitution of the United States;

**ADMINISTRATIVE IMPLICATIONS**

Copies of this resolution should be transmitted to the president of the United States, the president of the United States senate, the speaker of the United States House of Representatives and the speaker of the house and the president of the senate of each state legislature of the United States.

DW/mew