COMMITTEE REPORT

March 11, 2009

**S. 424**

Introduced by Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O’Dell, Bryant and Massey

S. Printed 3/11/09--S.

Read the first time February 12, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Concurrent Resolution (S. 424) to affirm South Carolina’s sovereignty under the Tenth Amendment to the United States Constitution over all powers not enumerated and granted to the federal government by, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the concurrent resolution, as and if amended, page 2, by striking lines 7 through 17 in their entirety and inserting the following:

/ Be it further resolved that all federal governmental agencies, quasi‑governmental agencies, and their agents and employees operating within the geographic boundaries of the State of South Carolina, and all federal governmental agencies and their agents and employees, whose actions have effect on the inhabitants or lands or waters of the State of South Carolina, shall operate within the confines of the original intent of the Constitution of the United States or be subject to penalty of law as provided for now or in the future, within the Constitution of South Carolina, the South Carolina statutes, or the common law as guaranteed by the Constitution of the United States. /

Renumber sections to conform.

Amend title to conform.

LARRY A. MARTIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Senate and the House of Representatives

A review of this bill indicates there will be no impact on the General Fund of the State or on federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **CONCURRENT RESOLUTION**

TO AFFIRM SOUTH CAROLINA’S SOVEREIGNTY UNDER THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION OVER ALL POWERS NOT ENUMERATED AND GRANTED TO THE FEDERAL GOVERNMENT BY THE UNITED STATES CONSTITUTION.

Whereas, the Tenth Amendment to the United States Constitution provides that “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”; and

Whereas, the Tenth Amendment defines the limited scope of federal power as being that specifically granted by the United States Constitution; and

Whereas, the limited scope of authority defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, currently the states are treated as agents of the federal government; and

Whereas, many federal mandates are directly in violation of the Tenth Amendment to the United States Constitution; and

Whereas, the United States Supreme Court has ruled that Congress may not simply commandeer the legislative and regulatory processes of the states. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of the State of South Carolina, by this resolution, claims for the State of South Carolina 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 United States Constitution.

Be it further resolved that all governmental agencies, quasi‑governmental agencies, and their agents and employees operating within the geographic boundaries of the State of South Carolina, or all governmental agencies and their agents and employees, whose actions have effect on the inhabitants or lands or waters of the State of South Carolina, shall operate within the confines of the original intent of the Constitution of the United States or be subject to penalty of law as provided for now or in the future, within the Constitution of South Carolina, the South Carolina statutes, or the common law as guaranteed by the Constitution of the United States.

Be it further resolved that this resolution serves as notice and demand to the federal government, as South Carolina’s agent, to cease and desist immediately all mandates that are beyond the scope of the federal government’s constitutionally delegated powers.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of South Carolina’s Congressional Delegation, all at Washington, D.C., and to the Speaker of the House of Representatives and the President of the Senate of the legislatures of the other forty‑nine states.

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