

REFERENCE TITLE: intrastate commerce act

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SB 1178**

Introduced by  
Senators Allen, Gray, Griffin; Representatives Barton, Burges; Senators  
Antenori, Biggs, Melvin, Shooter; Representative Crandell

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 35; RELATING  
TO THE INTRASTATE COMMERCE ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding  
3 chapter 35, to read:

4 CHAPTER 35

5 INTRASTATE COMMERCE ACT

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7801. State goods and services not subject to congressional  
8 authority under commerce clause power

9 A. ALL GOODS GROWN, MANUFACTURED OR MADE IN THIS STATE AND ALL  
10 SERVICES PERFORMED IN THIS STATE WHEN THE GOODS OR SERVICES ARE SOLD,  
11 MAINTAINED OR RETAINED IN THIS STATE ARE NOT SUBJECT TO THE AUTHORITY OF  
12 CONGRESS UNDER ITS CONSTITUTIONAL POWER TO REGULATE COMMERCE AMONG THE  
13 SEVERAL STATES.

14 B. THIS CHAPTER APPLIES TO GOODS AND SERVICES THAT ARE PRODUCED AND  
15 RETAINED IN THIS STATE AFTER THE EFFECTIVE DATE OF THIS CHAPTER.

16 44-7802. Violation; classification

17 A. ANY OFFICIAL, AGENT OR EMPLOYEE OF THE UNITED STATES GOVERNMENT OR  
18 ANY EMPLOYEE OF AN ENTITY PROVIDING SERVICES TO THE UNITED STATES GOVERNMENT  
19 WHO ENFORCES OR ATTEMPTS TO ENFORCE AN ACT, ORDER, LAW, STATUTE, RULE OR  
20 REGULATION OF THE UNITED STATES GOVERNMENT IN VIOLATION OF THIS CHAPTER IS  
21 GUILTY OF A CLASS 6 FELONY, EXCEPT THAT ANY FINE IMPOSED SHALL NOT EXCEED TWO  
22 THOUSAND DOLLARS.

23 B. ANY PUBLIC OFFICER OR EMPLOYEE OF THIS STATE WHO ENFORCES OR  
24 ATTEMPTS TO ENFORCE AN ACT, ORDER, LAW, STATUTE, RULE OR REGULATION OF THE  
25 UNITED STATES GOVERNMENT IN VIOLATION OF THIS CHAPTER IS GUILTY OF A CLASS 1  
26 MISDEMEANOR, EXCEPT THAT ANY FINE IMPOSED SHALL NOT EXCEED FIVE HUNDRED  
27 DOLLARS.

28 Sec. 2. Legislative findings

29 The legislature finds that:

30 1. The Tenth Amendment to the Constitution of the United States  
31 codifies in law that the only powers that the federal government may exercise  
32 are those that have been delegated to it in the Constitution of the United  
33 States.

34 2. The Ninth Amendment to the Constitution of the United States  
35 guarantees to the people rights not enumerated in the Constitution and  
36 reserves to the people of this state those rights.

37 3. Under article I, section 8, clause 3 of the Constitution of the  
38 United States, the federal government is empowered to regulate commerce among  
39 the several states.

40 4. The power to regulate intrastate commerce is reserved to the state  
41 or the people under the Ninth and Tenth Amendments to the Constitution of the  
42 United States.

1           5. During the constitutional convention, the founders considered a  
2 plan that would have authorized the federal government to not only regulate  
3 commerce among the several states, but also any activity having spillover  
4 effects across state lines. They rejected it.

5           Sec. 3. Emergency

6           This act is an emergency measure that is necessary to preserve the  
7 public peace, health or safety and is operative immediately as provided by  
8 law.