

HOUSE BILL REPORT

HJM 4001

As Passed House:

January 26, 1996

Brief Description: Petitioning the federal government to cease and desist mandates that are beyond the scope of its powers.

Sponsors: Representatives Campbell, B. Thomas, Chappell, Schoesler, Talcott, Dyer, Mastin, Chandler, Casada, Kremen, Sheahan, Backlund, Beeksma, Pennington, Lambert, Smith, Delvin, Robertson, Buck, Elliot, Mulliken, Blanton, Benton, McMahan, Hargrove, Radcliff, Koster, Scott, Cooke, Johnson, Thompson, Goldsmith, Crouse, Brumsickle, G. Fisher, Basich, Grant, Sehlin, Van Luven, Hankins, McMorris, Fuhrman, Sheldon, Huff, Silver and Hymes.

Brief History:

Committee Activity:

Government Operations: 2/10/95, 2/15/95 [DP].

Floor Activity:

Passed House: 3/9/95, 71-25

Passed House: 1/26/96, 66-30.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

Minority Report: Do not pass. Signed by 5 members: Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Sommers and Wolfe.

Staff: Bonnie Austin (786-7135).

Background: The 10th Amendment to the Constitution of the United States reads: "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 first 10 amendments to the United States Constitution were proposed by Congress in 1789, and ratified by the states in 1791.

In New York v. United States (1992), the United States Supreme Court held that although Congress may preempt state regulation under the Supremacy and Commerce

Clauses of the Constitution, and may attach conditions on the receipt of federal funds under the Spending Clause of the Constitution, it may not directly compel the states to enact and enforce a federal regulatory program. In this case, the Court struck down a provision of a federal statute that required states to either regulate low-level radioactive waste as directed by Congress, or take title to and possession of the waste.

Summary of Bill: The State of Washington claims sovereignty under the 10th Amendment to the United States Constitution over all powers not otherwise enumerated and granted to the federal government by the Constitution, and demands that the federal government cease and desist mandates that are beyond the scope of its powers.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The "Feds" are taking our tax dollars and using it. Unfunded mandates are a problem. Let the states do our constitutional duties. This is like the Declaration of Independence. We have not held the Congress in line. This is a national movement. We need to claim sovereignty.

Testimony Against: None.

Testified: Representative Campbell, prime sponsor; Representative Val Stevens; and Representative Charlie Duke, Colorado.