

SENATE BILL REPORT

HJM 4001

As of February 12, 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: 3/28/95, 3/30/95 [DP]; 2/15/96.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Rod McAulay (786-7754)

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.