

SENATE BILL REPORT

SJM 8002

As Reported By Senate Committee On:
Government Operations, February 2, 1998

Brief Description: Claiming state sovereignty under the Tenth Amendment.

Sponsors: Senators Stevens, Benton, Zarelli, Roach, Hochstatter and Schow.

Brief History:

Committee Activity: Government Operations: 1/31/97; 1/30/98 2/2/98 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Horn, Patterson and T. Sheldon.

Staff: Eugene Green (786-7405)

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.

Testimony For: We must reinforce Congress to honor state sovereignty. The framers of our U. S. Constitution spent considerable time debating which powers belong to the federal government and reinforced this with the Tenth Amendment, which reserves all other powers to the states.

Testimony Against: None.

Testified: Doug Simpson (pro).