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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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DATE: March 14, 2000

SUBJECT: Cosponsorship – State Regulatory Responsibility Act

TO: All House Members

FROM: Representative Allan Ego *AE*

My proposed legislation, the State Regulatory Responsibility Act, would provide that no department, agency, commission or other authority of the Commonwealth of Pennsylvania shall comply with any guidance or requirement by a Federal department, agency or authority that is not entirely and in all respects consistent with State law, policy and priorities of the Commonwealth of Pennsylvania.

Secondly, it would prohibit any state department, agency or authority complying with any Federal mandate unless: (1) the state has agreed to take such action as an expressed condition of the receipt of Federal funds; or (2) the state has agreed to take such action as a clear and expressed condition of the delegation of a federal program. The act provides that no department, agency or authority shall agree as a condition of receiving Federal funds to comply with any Federal mandate unless (1) federal funds are adequate to cover the costs of implementing the program; (2) the state has the authority to implement the program; (3) the federal program has no conflict with state law; and (4) the state department, agency or authority has the legislative or legal authority to implement the program.

Basically, the act would prohibit a state department, agency or authority from complying with Federal requirements inconsistent with state law unless the requirements are clearly expressed in the Federal statute or rule and is adopted pursuant to the Federal Administrative Procedures Act. This provision would prevent a state agency from being forced to follow any Federal requirements that have not been properly promulgated.

I am asking you, and would appreciate your joining me in sponsorship of this legislation. If you would like to cosponsor, please contact Teri Root through Groupwise or by e-mail at troot@pahousegop.com. Also, I would like you to join me at a **press conference on Wednesday, March 22, 2000, at 10:00 a.m. in the Media Center** to introduce the legislation.

Thank you.

AE/tcr

Good Morning.

I am here today (with several of my colleagues) to introduce legislation we are calling the State Regulatory Responsibility Act.

Quite often federal agencies under the guise of “policy” or “guidance” and without any specific statutory authority or regulation, attempt to impose on the various states requirements which are inconsistent with state law and beyond the powers vested in the federal government.

Federal agencies have also attempted to preempt state law without justification and state consent. And they have attempted to compel state implementation of federal mandates without sufficient funding or clear state acceptance.

The State Regulatory Responsibility Act is needed because these intrusions by federal agencies on the state’s implementation of their powers are disruptive to the federal-state relationship and, oftentimes, are highly questionable in nature.

There are, of course several examples of costly federal mandates.

The Individuals with Disabilities Education Act (IDEA) is a driving force behind the rapid increase in special education costs.

This law has been historically underfunded by the federal government which is authorized to fund up to 40 percent, but currently only funds 10 percent of the costs.

Additionally, the special disciplinary procedures required by the federal IDEA for special education students has increased the cost of alternative education programs.

The federal Higher Education Act contains a number of unfocused and unfunded professional development programs that should be coordinated at the state level.

Another federal mandate targets perinatal caseload reductions.

This mandate will require states to redirect funds from HIV/AIDS prevention activities and focus them on the perinatal program. The state will either divert funding from other HIV/AIDS initiatives or increase funding requirements.

Federal mandates on state and local governments continue to increase despite opposition from taxpayers. Since 1990, members of Congress have proposed more than 200 additional mandates.

Two of the more notable enacted are the Americans with Disabilities Act and drug and alcohol testing for holders of commercial drivers licenses.

The intent of these laws may be noble but it is not fair to expect state and local governments to pick up the tab for them.

The purpose of the State Regulatory Responsibility Act is to ensure the division of governmental responsibilities between the federal government and the state under principals of federalism so state agencies are free to implement their powers without unauthorized federal interference.

First—The act prevents a state agency from complying with a federal requirement that is inconsistent with state law unless the requirement is clearly expressed in a federal statute or rule, and is adopted pursuant to the Federal Administrative Procedures Act. This provision prevents a state agency from being forced to follow a federal requirement that has not been promulgated pursuant to notice and comment procedures.

Second— The act prohibits state agencies from allowing federal law to preempt state law unless the state Attorney General finds that such preemption is required. This provides a mechanism for the state to determine if federal preemption is valid and necessary.

Third— The act prohibits state agencies from complying with any federal regulatory mandate or requirement unless adequate funds are provided, the state agency has express state statutory authority to implement the program, and the action does not conflict with state law.

This provision ensures that the state does not accept unfunded mandates and has the authority to implement a delegated program consistent with state law.

If passed, this bill would clearly establish the role of the state agency when confronted with attempted intrusive actions by federal government representatives.

Time and again our constituents tell us that government is too big and too intrusive. It is time we stop the federal government's micromanagement of state government.

The State Regulatory Responsibility Act provides a necessary and lucid framework that clearly establishes the role of the state agency for approaching such regulation that is consistent with principles of federalism and the constitution.

This legislation is needed so the state can implement its powers without unauthorized federal interference.

Rep. Allan Egolf
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FOR IMMEDIATE RELEASE

March 22, 2000

Egolf Introduces Bill to Protect State from Federal Mandates

HARRISBURG – Rep. Allan Egolf (R-86) unveiled legislation today that sets guidelines for state departments and agencies to follow when confronted with intrusive and unauthorized actions by federal government representatives.

“Time and again our constituents tell us that government is too big and too intrusive,” Egolf said. “It is time we stop the federal government’s micromanagement of state government.

“The State Regulatory Responsibility Act is needed because federal agencies under the guise of policy or guidance and without any specific statutory authority or regulation attempt to impose requirements on the state which are inconsistent with state laws and beyond the powers vested in the federal government,” Egolf said at a press conference today.

The bill would prohibit a state department, agency or authority from complying with federal requirements that are not properly promulgated. The act would not apply in certain circumstances such as statutes or rules adopted in accordance with the Federal Administrative Procedure Act or it is clear that federal preemption is clearly required.

Egolf reviewed two examples of costly federal mandates.

He cited the Individuals with Disabilities Education Act (IDEA) as a driving force behind the rapid increase in special education costs in local districts.

“This law has been historically underfunded by the federal government which is authorized to fund up to 40 percent, but currently only funds 10 percent of the costs,” he said.

“Additionally, the special disciplinary procedures required by the federal IDEA for special education students has increased the cost of alternative education programs.”

Egolf said the federal Higher Education Act contains a number of unfocused and unfunded professional development programs that should be coordinated at the state level.

-MORE-

“Federal mandates on state and local governments continue to increase despite opposition from state and local officials and taxpayers. Since 1990, members of Congress have proposed more than 200 additional mandates,” Egolf said.

“Two of the more notable enacted are the Americans with Disabilities Act and drug and alcohol testing for holders of commercial drivers licenses.

“The intent of these laws may be noble but it is not fair to expect state and local governments to pick up the tab for them.”

Egolf said that federal agencies have also attempted to preempt state law without justification and have attempted to compel state implementation of federal mandates without sufficient funding or state acceptance.

Several states including Arizona, Colorado, Nebraska, Oklahoma, Utah and Virginia have established a committee or board that would formulate state strategies including possible litigation to oppose unfunded federal mandates.

“This legislation is needed so the state can implement its powers without unauthorized federal interference,” Egolf said.

The legislator says at least 30 members have agreed to cosponsor the measure.

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LJB/kah

**House Republican
Communications
Department
(717) 787-3993**

Media Advisory

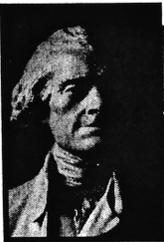
To: Editors, Assignment Editors
From: Leonard Bennett, Communications Specialist
Date: March 20, 2000
Re: State Regulatory Responsibility Review Act
Contact: Leonard Bennett (717) 787-3407

Rep. Allan Egolf (R-86) will introduce the State Regulatory Responsibility Review Act at a press conference at **10 a.m. on Wednesday, March 22, in the Capitol Media Center.**

In addition to other provisions, the law would prohibit a state department, agency or authority from complying federal requirements that are not properly promulgated.

Egolf will be joined by other legislators at the press conference.

Your coverage is invited and encouraged.



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March 14, 2000

TO: All House Members

SUBJECT: Press Conference

FROM: Robert J. Flick
ALEC State Chairman

On Wednesday, March 22 at 10:00 a.m., Representative Allan Egolf will be holding a press conference to introduce the State Regulatory Responsibility Act. This major piece of legislation has been developed in cooperation with the American Legislative Exchange Council (ALEC) and will serve as their model legislation to have implemented in other states.

Representative Egolf has worked closely with ALEC to draft this bill which prohibits a state department, agency, or authority from complying with federal requirements inconsistent with state law, unless the requirements are clearly expressed in the federal statute or rule and is adopted pursuant to the Federal Administrative Procedures Act.

If you have not already done so, I would encourage you to join with Representative Egolf in sponsoring this major legislation. Additionally, I encourage you to attend the press conference on Wednesday, March 22 to lend your support.

RJF/mmgw