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THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 373      Session of  
1995

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INTRODUCED BY EGOLF, JADLOWIEC, BROWN, CLARK, BATTISTO, STEIL,  
FARMER, LYNCH, FICHTER, STERN, CONTI, ALLEN, STISH, CHADWICK,  
BUNT, HUTCHINSON, NYCE, GRUPPO, TRUE, ARGALL, M. N. WRIGHT,  
HANNA, J. TAYLOR, HENNESSEY, ZUG, PHILLIPS, McCALL, ROBERTS,  
FAIRCHILD, SCHULER, KING, DRUCE, THOMAS, KENNEY, STAIRS,  
E. Z. TAYLOR, GEIST AND WAUGH, JANUARY 26, 1995

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REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,  
JANUARY 26, 1995

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AN ACT

1 Providing for the legal review of Federal mandates; and  
2 establishing the Constitutional Defense Council.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the  
7 Constitutional Defense Council Act.

8 Section 2. Legislative findings and declarations.

9 The General Assembly finds and declares that:

10 (1) The Constitution of the United States envisions  
11 sovereign states and guarantees the states a republican form  
12 of government in which decisions are made by the elected  
13 representatives of the people.

14 (2) The power of State and local governments of the  
15 Commonwealth to better the lives of their citizens is being

1       encroached upon by the Federal Government.

2           (3) With increasing and alarming frequency important  
3       decisions affecting the lives of Commonwealth residents that  
4       should be left to the Commonwealth are being made by the  
5       Federal Government in Washington, D.C.

6           (4) Federal mandates are being imposed on the  
7       Commonwealth without accompanying tax dollars necessary to  
8       implement the mandated programs.

9           (5) The impact of Federal mandates threatens the fiscal  
10      integrity of this Commonwealth as well as our right of self-  
11      determination.

12          (6) The intent of this legislation is to restore,  
13      maintain and advance the sovereignty and authority of the  
14      Commonwealth over issues that affect the State and the well-  
15      being of its citizens.

16          (7) Nothing in this act shall be construed to authorize  
17      the council to exercise the legislative power vested in the  
18      General Assembly by section 1 of Article II of the  
19      Constitution of Pennsylvania.

20   Section 3. Definitions.

21      The following words and phrases when used in this act shall  
22      have the meanings given to them in this section unless the  
23      context clearly indicates otherwise:

24      "Council." The Constitutional Defense Council established in  
25      section 4.

26   Section 4. Constitutional Defense Council.

27      (a) Establishment.--The Constitutional Defense Council is  
28      established to carry out the provisions of this act.

29      (b) Membership.-- The council shall consist of the following  
30      members:

- 1 (1) The Governor, who shall serve as chairman.
- 2 (2) The Lieutenant Governor.
- 3 (3) The Attorney General.
- 4 (4) The Auditor General.
- 5 (5) The State Treasurer.
- 6 (6) The President pro tempore of the Senate.
- 7 (7) The Speaker of the House of Representatives.

8 (c) Legal meetings.--The council shall meet at times at the  
9 call of the chair. A majority of the membership on the council  
10 is required for a quorum to conduct council business. A majority  
11 of the quorum is required for any action taken by the council.

12 (d) Powers and duties.--The council, in the name of the  
13 Commonwealth or its citizens, may examine and challenge the  
14 following by legal action, proposed legislation or any other  
15 legal means:

- 16 (1) Federal mandates.
- 17 (2) Court rulings.
- 18 (3) The authority granted to or assumed by the Federal  
19 Government.
- 20 (4) Laws, regulations and practices of the Federal  
21 Government.
- 22 (5) Any other activity that is deemed appropriate by the  
23 council.

#### 24 Section 5. Constitutional Defense Council Fund.

25 The Constitutional Defense Council Fund is hereby  
26 established. A council fund is established in the State Treasury  
27 for deposit of appropriations, gifts, grants and other council  
28 moneys. Moneys in the Constitutional Defense Council Fund are  
29 continuously appropriated.

#### 30 Section 6. Effective date.

1       This act shall take effect immediately.