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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 31

Session of  
1995

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

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REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,  
JANUARY 26, 1995

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A CONCURRENT RESOLUTION

1 Urging members of the Pennsylvania Congressional delegation to  
2 meet periodically with the General Assembly regarding  
3 unfunded Federal mandates.

4 WHEREAS, The Federal legislative interests of the  
5 Commonwealth are constantly evolving; and

6 WHEREAS, The communication of those legislative interests to  
7 Federal legislators will best be achieved through interactive  
8 meetings between the General Assembly and each member of  
9 Congress from Pennsylvania; and

10 WHEREAS, The number of unfunded Federal mandates imposed upon  
11 the states by Congress has alarmingly increased in recent years;  
12 and

13 WHEREAS, This continuing imposition places the Commonwealth  
14 in the precarious position of either attempting to fund the  
15 Federal requirements with diminishing amounts of available

1 revenue or jeopardizing eligibility for certain Federal funds;  
2 and

3 WHEREAS, The legal history of the Constitution of the United  
4 States has demonstrated that, prior to the ratification of the  
5 Constitution of the United States, each state possessed the  
6 exclusive authority and right to regulate intrastate commerce as  
7 an inseparable trait of sovereignty, and such authority is  
8 retained to the extent that it has not been specifically  
9 surrendered to the Federal Government by instrument, and that  
10 this authority is guaranteed to the states by the Tenth  
11 Amendment to the Constitution of the United States, and that any  
12 affirmative grant of power to the Federal Government is not  
13 exclusive unless inconsistent with the particular grant; and

14 WHEREAS, States and Congress should engage in earnest  
15 discussions regarding the difficult posture in which the states  
16 have been cast and the urgent necessity of the states to receive  
17 monetary assistance for these mandates or relief from the  
18 enforcement of these unfunded decrees; and

19 WHEREAS, The General Assembly requests that all members of  
20 Congress from Pennsylvania meet with the Intergovernmental  
21 Affairs Committee of the Senate of Pennsylvania and the  
22 Intergovernmental Affairs Committee of the Pennsylvania House of  
23 Representatives and all members of the General Assembly  
24 concerning this critical problem so that our Federal  
25 representatives may be completely cognizant of the effect the  
26 actions of the Federal Government have at the State legislative  
27 level and may be more sensitive to the difficulties that  
28 unfunded Federal mandates create; therefore be it

29 RESOLVED (the Senate concurring), That the General Assembly  
30 urge each member of Congress from Pennsylvania to meet with

1 representatives of the Senate and the House of Representatives  
2 at least two times per year convened for the purpose of  
3 discussing the problems related to unfunded Federal mandates in  
4 order to establish an ongoing and open dialogue between these  
5 parties; and be it further

6       RESOLVED, That the General Assembly remind each member of  
7 Congress from Pennsylvania of the Commonwealth's retention of  
8 its sovereign authority, under the Tenth Amendment to the  
9 Constitution of the United States, to enact and enforce any law,  
10 rule or regulation not specifically excluded by the Constitution  
11 of the United States, and that each member of Congress from  
12 Pennsylvania shall respect the Commonwealth's sovereign  
13 authority under the Tenth Amendment to the Constitution of the  
14 United States when considering, deliberating and enacting any  
15 proposed piece of legislation that may affect this Commonwealth;  
16 and be it further

17       RESOLVED, That the chairman and minority chairman of the  
18 Intergovernmental Affairs Committee of the Senate and the  
19 President pro tempore of the Senate and the chairman and  
20 minority chairman of the Intergovernmental Affairs Committee of  
21 the House of Representatives and the Speaker of the House of  
22 Representatives discuss this resolution with the bipartisan  
23 leadership of the Pennsylvania delegation to Congress, in order  
24 to make the necessary arrangements for such a session to be held  
25 in Harrisburg during the 1995 session with the possibility of  
26 additional sessions as determined necessary by the chairman and  
27 minority chairman of the Intergovernmental Affairs Committee of  
28 the Senate of Pennsylvania and the Intergovernmental Affairs  
29 Committee of the Pennsylvania House of Representatives; and be  
30 it further

1       RESOLVED, That copies of this resolution be transmitted to  
2 each member of Congress from Pennsylvania to advise each member  
3 of Congress from Pennsylvania of this invitation and of its  
4 hopeful anticipation of their acceptance.