

States push back on federal pre-emption

Federal lawmakers and Bush administration officials are feeling pressure to enact laws that usurp states' authority in a variety of new areas such as information and data security, driver's licenses, voting systems, telecommunications, and spyware, according to the National Conference of State Legislatures. A growing volume of federal legislation pre-empts state authority, NCSL reports in the latest issue of its Preemption Monitor. Legislation on NCSL's pre-emption list include:

ACT	SPONSOR(S)	DESCRIPTION	CURRENT STATUS
H.R. 418: Real ID Act of 2005	Rep. James Sensenbrenner (R-Wis.)	Imposes federal mandates for state-issued driver's licenses and related documents, including storage and data security standards.	Became Public Law 109-13 in May 2005.
H.R. 3094: Help America Vote Act amendment	Rep. Steny Hoyer (D-Md.)	Establishes security standards for voting systems used in federal elections and requires states to make election laws public by publishing them in print and on the Internet by Jan. 1 of any election year.	Referred to House Administration Committee in June 2005.
S. 115, S. 751, S. 1332 and others: Data security breach notification bills	Dianne Feinstein (D-Calif.), Sen. Charles Schumer (D-N.Y.), Sen. Arlen Specter (R-Pa.) and others	Address how and when the federal government, businesses and states must notify individuals whose personal data has been stolen or compromised as a result of a data security breach. All bills expressly pre-empt state notification laws.	Two bills have been reported out of committee, others remain in committee.
H.R. 29 and others: Anti-spyware bills	Rep. Mary Bono (R-Calif.) and others	Pre-empt state laws related to installing software through deceptive acts.	Passed House in May 2005 and was referred to the Senate Commerce Committee.