

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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**HOUSE JOINT RESOLUTION 141**

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Sponsors: Representatives R. Hunter, Russell; Blue, W. Brown, Crawford, Daughtry, Fitch, Howard, and Robinson.

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Referred to: Rules, Calendar, and Operations of the House.

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February 8, 1995

1 A JOINT RESOLUTION SUPPORTING PARTICIPATION IN A CONFERENCE OF  
2 THE STATES FOR THE PURPOSE OF RESTORING BALANCE IN THE  
3 FEDERAL SYSTEM.

4       Whereas, the United States' Constitution established a balanced compound  
5 system of governance and through the Tenth Amendment reserved all nondelegated and  
6 nonprohibited powers to the states or to the people; and

7       Whereas, over many years, the federal government has dramatically expanded  
8 the scope of its power and preempted state government authority and increasingly has  
9 treated states as administrative subdivisions or as special interest groups, rather than  
10 coequal partners; and

11       Whereas, the federal government has generated massive deficits and  
12 continues to mandate programs that state and local governments must administer; and

13       Whereas, the number of federal unfunded mandates has grown exponentially  
14 during the last 30 years and has profoundly distorted state budgets, thereby handcuffing  
15 the ability of state leaders to provide appropriate and needed services to their  
16 constituencies; and

17       Whereas, since 1990, the federal government has enacted at least 42 major  
18 statutes imposing burdensome and expensive regulations and requirements on states and  
19 localities, which is nearly equal to all those enacted in the prior two decades combined;  
20 and

21       Whereas, persistent, state-led endeavors have consistently failed to generate  
22 any substantial reaction or remedy from the federal government; and

1           Whereas, the United States Supreme Court has repeatedly determined that the  
2 states must look to the Congress and related political remedies for protection against  
3 federal encroachments on the reserved powers of the states; and

4           Whereas, in recent years, states have been the principal agents of government  
5 reform, including updating their constitutions, modernizing and restructuring  
6 governmental institutions, and, along with local governments, have been the pioneers of  
7 government innovation, thus responding to the needs of their citizens; and

8           Whereas, The Council of State Governments at its annual meeting in  
9 Pinehurst, North Carolina on December 4, 1994, passed a resolution calling for The  
10 Conference of the States, whereby each state government would send a delegation to  
11 develop a comprehensive Action Plan to restore balance in the federal system; and

12           Whereas, The Council of State Governments, the National Conference of  
13 State Legislatures, and the National Governors' Association have joined together in  
14 support of The Conference of the States and have jointly created a bipartisan steering  
15 committee to develop guidelines for The Conference of the States; and

16           Whereas, the aforementioned experience of The Council of State  
17 Governments, in conjunction with its regional structure and groupings of elected and  
18 appointed officials from all three branches of state government, reflects an entity ideally  
19 suited to promote and facilitate such a conference; and

20           Whereas, The Conference of the States will communicate broad bipartisan  
21 public concern on the extent to which the American political system has been distorted  
22 and provide a formal forum for state governments to collectively propose constructive  
23 remedies for a more balanced state-federal governance partnership for the twenty-first  
24 century;

25 Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

26           Section 1. A delegation not to exceed seven voting persons from the State of  
27 North Carolina shall be appointed to represent the State of North Carolina at The  
28 Conference of the States for the purposes described in Section 2 of this resolution, to be  
29 convened as provided in Section 3 of this resolution. The delegation shall not exceed  
30 seven voting persons as follows: (a) the Governor or, if the Governor does not wish to  
31 be a member of the delegation then a constitutional officer selected by the Governor;  
32 and (b) a number of legislators not to exceed six; three from each house, of which at  
33 least one shall be from each major political party, selected by the Speaker of the House  
34 of Representatives and the President Pro Tempore of the Senate. The Speaker of the  
35 House of Representatives and the President Pro Tempore of the Senate may designate  
36 two alternate legislator delegates, one from each party, who have voting privileges in  
37 the absence of the primary delegates.

38           Sec. 2. The delegates of The Conference of the States will propose, debate,  
39 and vote on elements of an Action Plan to restore checks and balances between states  
40 and the national government. Measures agreed upon will be formalized in an  
41 instrument called a States' Petition and returned to the delegation's state for  
42 consideration by the entire legislature.

43           Sec. 3. The Conference of the States shall be convened under the §501(c)3  
44 auspices of The Council of State Governments in cooperation with the National

1 Governors' Association and the National Conference of State Legislatures no later than  
2 270 days after at least 26 legislatures adopt a resolution of participation.

3           Sec. 4. Prior to the official convening of The Conference of the States, the  
4 steering committee will draft:

5           (a) The governance structure and procedural rules for the Conference;

6           (b) The process for receiving rebalancing proposals; and

7           (c) The financial and administrative functions of the Conference,  
8 including The Council of State Governments as fiscal agent.

9           Sec. 5. The bylaws shall:

10           (a) Conform to the provisions of this resolution;

11           (b) Specify that each state delegation shall have one vote at the  
12 Conference; and

13           (c) Specify that the Conference agenda be limited to fundamental,  
14 structural, long-term reforms.

15           Sec. 6. Upon the official convening of The Conference of the States, the state  
16 delegations will vote upon and approve the Conference governing structure, operating  
17 rules and bylaws.

18           Sec. 7. The Secretary of State shall transmit a certified copy of this resolution  
19 to the Governing Board of The Council of State Governments.

20           Sec. 8. This resolution is effective upon ratification.