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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 30

Session of 1995

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

AS REPORTED FROM COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 6, 1995

A CONCURRENT RESOLUTION

Appointing a delegation of the Pennsylvania General Assembly and the Governor and alternates to represent the Commonwealth at a Conference of the States to be convened under the auspices of the Council of State Governments in cooperation with the National Governors' Association and the National Conference of State Legislatures no later than 270 days after at least 26 legislatures adopt this resolution without amendment; and imposing duties on the Joint State Government Commission.

WHEREAS, The Constitution of the United States established a balanced compound system of governance and through the Tenth Amendment reserved all nondelegated and nonprohibited powers to the states or to the people; and

WHEREAS, Over many years, the Federal Government has dramatically expanded the scope of its power and preempted state government authority and increasingly has treated states as administrative subdivisions or as special interest groups, rather than coequal partners; and

WHEREAS, The Federal Government has generated massive

deficits and continues to mandate programs that state and local government must administer; and

WHEREAS, The number of Federal unfunded mandates has grown exponentially during the last 30 years and has profoundly distorted state budgets, thereby handcuffing the ability of state leaders to provide appropriate and needed services to their constituencies; and

WHEREAS, Since 1990, the Federal Government has enacted at least 42 major statutes imposing burdensome and expensive regulations and requirements on states and localities, which is nearly equal to all those enacted in the prior two decades combined; and

WHEREAS, Persistent, state-led endeavors have consistently failed to generate any substantial reaction or remedy from the Federal Government; and

WHEREAS, The United States Supreme Court has repeatedly determined that the states must look to the Congress of the United States and related political remedies for protection against Federal encroachments on the reserved powers of the states; and

WHEREAS, The Council of State Governments, through its Intergovernmental Affairs Committee, has been a champion of state sovereignty for many years; and

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

WHEREAS, The Council of State Governments recognizes a sense

of urgency in calling for The Conference of the States, whereby each state government would send a delegation to develop a comprehensive action plan to restore balance in the Federal system; and

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

WHEREAS, The Conference of the States will communicate broad bipartisan public concern on the extent to which the American political system has been distorted and provide a formal forum for state governments to collectively propose constructive remedies for a more balanced State-Federal governance partnership for the 21st century; therefore be it

RESOLVED (the Senate concurring), That:

(1) A delegation of five voting persons of the Commonwealth of Pennsylvania shall be appointed to represent the Commonwealth at a Conference of the States for the purposes described in paragraph (2) to be convened as provided in paragraph (3). The delegation shall consist of five voting persons as follows:

(i) the governor or, if the governor does not wish to be a member of the delegation, then a constitutional officer selected by the governor; and

(ii) four legislators, two from each house selected by the presiding officer of that house. No more than two of the four legislators may be from the same political party. Each presiding officer may designate two alternate legislator delegates, one from each party, who have

voting privileges in the absence of the primary delegates.

(2) The delegates of The Conference of the States will propose, debate and vote on elements of an action plan to restore checks and balances between states and the national government. Measures agreed upon will be formalized in an instrument called a States' Petition and returned to the delegation's state for consideration by the entire General Assembly.

(3) The Conference of the States shall be convened under section 501(c)(3) of the Internal Revenue Code of 1986 auspices of The Council of State Governments in cooperation with the National Governors' Association and the National Conference of State Legislatures no later than 270 days after at least 26 legislatures adopt this resolution without amendment.

(4) Prior to the official convening of The Conference of the States the steering committee will draft:

(i) the governance structure and procedural rules for the conference;

(ii) the process for receiving rebalancing proposals; and

(iii) the financial and administrative functions of the conference, including The Council of State Governments as fiscal agent.

(5) The bylaws shall:

(i) conform to the provisions of this resolution;

(ii) specify that each state delegation shall have one vote at the conference; and

(iii) specify that the conference agenda be limited

to fundamental, structural and long-term reforms.

(6) ADOPTION OF THIS RESOLUTION DOES NOT GRANT A POWER-OF-ATTORNEY TO LEGISLATORS FOR THE CALLING OF A FEDERAL CONSTITUTIONAL CONVENTION WITHIN THE MEANING OF ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES. <——

~~(6)~~ (7) Upon the official convening of The Conference of the States, the state delegations will vote upon and approve the conference governing structure, operating rules and bylaws; and be it further <——

RESOLVED, That the Joint State Government Commission shall provide the administrative and technical support for the delegation appointed to participate in the conference.