

## SENATE JOINT RESOLUTION NO. 278

*Endorsing a Conference of the States for the purpose of restoring balance in the federal system and resolving that the Commonwealth shall participate in the Conference.*

Agreed to by the Senate, January 18, 1995  
Agreed to by the House of Delegates, January 20, 1995

WHEREAS, the United States Constitution 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 the states as administrative subdivisions or as special interest groups, rather than equal partners; and

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

WHEREAS, the number of federal unfunded mandates has grown exponentially during the past 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; and

WHEREAS, the number of these mandates nearly equals that of all mandates enacted in the prior two decades; 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 Congressional action and related political remedies for protection against federal encroachments on the reserved powers of the states; and

WHEREAS, in recent years, states have been the principal agents of government reform, including updating their constitutions and 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 concept of a Conference of the States has been endorsed by the Council of State Governments as a means for each state government to send a delegation to develop a comprehensive action plan to restore balance in the federal system; and

WHEREAS, the Council of State Governments has created a bipartisan steering committee for the Conference of the States which has proposed a resolution of participation to the 50 states; and

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

WHEREAS, it is timely and proper that the Commonwealth express its endorsement of the Conference of the States and its commitment to participate by adopting the resolution of participation proposed by the steering committee; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following be adopted by the General Assembly:

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

(3) The Conference of the States shall be convened under the § 501 (c) 3 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: (a) the governance structure and procedural rules for the Conference; (b) the process for receiving rebalancing proposals; and (c) the financial and administrative functions of the Conference, including the Council of State Governments as fiscal agent.

(5) The bylaws shall: (a) conform to the provisions of this resolution; (b) specify that each state delegation shall have one vote at the Conference; and (c) specify that the Conference agenda be limited to fundamental, structural, long-term reforms.

(6) 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.