

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Russ

S.C.R. 4

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7 **SENATE CONCURRENT RESOLUTION**

8 CALLING FOR A CONFERENCE OF THE STATES TO BE PROMOTED AND  
9 CONVENED BY THE COUNCIL OF STATE GOVERNMENTS FOR THE  
10 PURPOSE OF RESTORING BALANCE IN THE FEDERAL SYSTEM.

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12 **Subtitle**

13 CALLING FOR A CONFERENCE OF THE STATES TO BE PROMOTED AND  
14 CONVENED BY THE COUNCIL OF STATE GOVERNMENTS FOR THE  
15 PURPOSE OF RESTORING BALANCE IN THE FEDERAL SYSTEM.

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17 WHEREAS, the United States\_ Constitution established a balanced  
18 compound system of governance and through the Tenth Amendment reserved all  
19 non-delegated and non-prohibited powers to the states or to the people; and

20 WHEREAS, over many years, the federal government has dramatically  
21 expanded the scope of its power and pre-empted state government authority and  
22 increasingly has treated states as administrative subdivisions or as special  
23 interest groups, rather than co-equal partners; and

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

27 WHEREAS, the number of federal unfunded mandates has grown  
28 exponentially during the last 30 years and has profoundly distorted state  
29 budgets, thereby limiting the ability of state leaders to provide appropriate  
30 and needed services to their constituencies; and

31 WHEREAS, since 1990, the federal government has enacted at least 42  
32 major statutes imposing burdensome and expensive regulations and requirements  
33 on states and localities, which is nearly equal to all those enacted in the  
34 prior two decades combined; and

35 WHEREAS, persistent state-led endeavors have consistently failed to

1 generate any substantial reaction or remedy from the federal government; and  
2       WHEREAS, in recent years, states have been the principal agents of  
3 government reform, including updating their constitutions, modernizing and  
4 restructuring governmental institutions, and, along with local governments,  
5 have been the pioneers of government innovation, thus responding to the needs  
6 of their citizens; and

7       WHEREAS, the Arkansas General Assembly recognizes a sense of urgency in  
8 calling The Conference of the States, whereby each state government would  
9 send a delegation to develop a comprehensive action plan to restore balance  
10 in the federal system; and

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

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17 NOW THEREFORE,

18 BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE  
19 OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

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

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35       SECTION 2. The delegates of The Conference of the States will propose,

1 debate and vote on elements of an action plan to restore checks and balances  
2 between states and the national government. Measures agreed upon will be  
3 formalized in an instrument called a States\_ Petition and returned to the  
4 delegation\_s state for consideration by the entire legislature.

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6 SECTION 3. The Conference of the States shall be convened under the  
7 §501(c)(3) auspices of The Council of State Governments in cooperation with  
8 the National Governors\_ Association and the National Conference of State  
9 Legislatures no later than 270 days after at least 26 legislatures adopt a  
10 resolution of participation.

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12 SECTION 4. Prior to the official convening of The Conference of the  
13 States the steering committee will draft:

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

15 (b) the process for receiving rebalancing proposals; and

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

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19 SECTION 5. The bylaws shall:

20 (a) conform to the provisions of this resolution;

21 (b) specify that each state delegation shall have one vote at the  
22 Conference; and

23 (c) specify that the Conference agenda be limited to fundamental,  
24 structural, long-term reforms.

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26 SECTION 6. Upon the official convening of The Conference of the  
27 States, the state delegations will vote upon and approve the Conference  
28 governing structure, operating rules and bylaws.

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30 SECTION 7. Upon approval of this resolution by both houses, the  
31 Secretary of the Senate shall transmit a copy hereof to the President of The  
32 Council of State Governments.

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