

1 *Howe, Rumm* SENATE JOINT RESOLUTION NO. 6 *Weldon*
 2 INTRODUCED BY *Bob Brown* *A Curtis Beck* *Wally* *Benedict HART*
 3 *Brainard* *McKee* *MERCER* *CRUDS* *JJ* *Brown* *Quinn* *Jerquon*
 4 *Harvington* *Weldon* JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
 5 MONTANA PLEDGING MONTANA'S SUPPORT FOR AND INTENT TO PARTICIPATE IN THE CONFERENCE
 6 OF THE STATES. *Va-Vallentyne* *Goodrich* *Bishop* *Keating*
 7

8 WHEREAS, the Constitution of the United States establishes a balanced, compound system of
 9 governance and through the 10th Amendment reserves all nondelegated and nonprohibited powers to the
 10 states or to the people; and

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

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

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

19 WHEREAS, since 1990, the federal government has enacted at least 42 major statutes imposing
 20 burdensome and expensive regulations and requirements on states and localities, a number of enactments
 21 nearly equal to all similar enactments in the prior two decades combined; and

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

24 WHEREAS, the U.S. Supreme Court has repeatedly determined that the states are to look to the
 25 Congress and related political remedies for protection against federal encroachments on the reserved
 26 powers of the states; and

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

1 WHEREAS, a conference to be called "The Conference of the States" currently is being organized
2 through the Council of State Governments to develop an action plan to address balance in the federal
3 system; and

4 WHEREAS, The Conference of the States will communicate broad bipartisan public concern on the
5 extent to which the American political system has been distorted and will provide a formal forum for state
6 governments to collectively propose constructive remedies for a more balanced state-federal governance
7 partnership for the twenty-first century.

8

9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
10 STATE OF MONTANA:

11 That a majority of the members of the 54th Legislature endorse the concept of The Conference of
12 the States.

13 BE IT FURTHER RESOLVED, that it is the intent of the State of Montana to work in cooperation with
14 the Governing Board of the Council of State Governments to organize and convene The Conference of the
15 States, with the following stipulations:

16 (1) that the Council of State Governments create a bipartisan Conference of the States Steering
17 Committee representing a cross section of state leaders to guide the promotion, planning, and convening
18 of The Conference of the States;

19 (2) that the Council of State Governments maintain ongoing consultation with the National
20 Governors' Association, the National Conference of State Legislatures, and other appropriate state
21 governmental organizations in this process; and

22 (3) that the Council of State Governments and The Conference of the States Steering Committee
23 strictly avoid identification with special interests and individuals by focusing activities on working with state
24 government leaders in each geographic region and each state to ensure that The Conference of the States
25 is an initiative of and for the states and the people the states represent.

26 BE IT FURTHER RESOLVED, that the Senate and the House of Representatives commit to the
27 following:

28 (1) A delegation of five voting persons from the state of Montana will be appointed to represent
29 the state of Montana at The Conference of the States. The delegation consists of five voting members,
30 as follows:

1 (a) the Governor or, if the Governor does not wish to be a member of the delegation, a
2 constitutional officer selected by the Governor; and

3 (b) two members of the Senate, appointed by the President of the Senate, and two members of
4 the House of Representatives, appointed by the Speaker of the House. No more than two of the four
5 legislators may be from the same political party. The President and the Speaker may each designate two
6 legislators as alternate delegates, not more than one from each party from each house, who have voting
7 privileges in the absence of the primary delegates.

8 (2) The delegates to The Conference of the States will propose, debate, and vote on elements of
9 an action plan to restore checks and balances between the states and the federal government. Measures
10 agreed upon will be formalized in an instrument called a "States' Petition" and returned to each delegation's
11 state for consideration by each state's legislature.

12 (3) The Conference of the States will be convened under the 26 U.S.C. 501(c)(3) auspices of the
13 Council of State Governments, in cooperation with the National Governors' Association and the National
14 Conference of State Legislatures, no later than 270 days after at least 26 legislatures adopt this resolution
15 without amendment.

16 (4) Prior to the official convening of The Conference of the States, the Steering Committee will
17 draft:

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

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

20 (c) the financial and administrative functions of the Conference, including the designation of the
21 Council of State Governments as fiscal agent.

22 (5) The bylaws must:

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

24 (b) specify that each state delegation has one vote on each measure considered at the Conference;

25 and

26 (c) specify that the Conference agenda is limited to fundamental, structural, long-term reforms.

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

29 BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to Montana's
30 Congressional Delegation, the President of the Council of State Governments, the President of the National

1 Conference of State Legislatures, and the President of the National Governors' Association.

2 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SJR006, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A joint resolution pledging Montana's support for and intent to participate in The Conference of the States.

ASSUMPTIONS:

Legislative Council:

1. The Conference of the States will be composed of two meetings: an organizational meeting in the spring of 1995 and the actual Conference in the fall of 1995. The first meeting will be a total of four days in duration and the estimated expenditures will be \$2,764 for the two House of Representatives' members and \$2,764 for the two Senate members in FY95. The second meeting will be seven days in duration during FY96 and estimated expenditures will be \$3,936 for the House members and \$3,936 for the Senate members.
2. The Conference of the States will be held in a city that has historical significance associated with the U.S. Constitution, e.g., Philadelphia or Annapolis, Maryland.
3. Montana will participate as a delegation of five members: the Governor, two appointees from the Senate, and two appointees from the House of Representatives.
4. Members of Montana's delegation to The Conference of the States will be compensated as provided in 2-18-501, 2-18-502, and 5-2-302, MCA.

Governor's Office:

5. The conference itself will last one week. Expenses will be incurred in FY96 for travel, lodging, and per diem for the Governor and one staff member at a total cost of \$4,000. If the Governor and one staff member attend the organizational meeting for four days in FY95, the cost for that meeting will be approximately \$2,800.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY96</u>	<u>FY97</u>
<u>House of Representatives:</u>	<u>Difference</u>	<u>Difference</u>
Personal Services	867	0
Operating Expenses	<u>3,069</u>	<u>0</u>
Total	3,936	0
 <u>Senate:</u>		
Personal Services	867	0
Operating Expenses	<u>3,069</u>	<u>0</u>
Total	3,936	0
 <u>Governor's Office:</u>		
Operating Expenses	4,000	0
 <u>Total Funding:</u>		
General Fund (01)	11,872	0

Dave Lewis 1-27-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Bob Brown
 BOB BROWN, PRIMARY SPONSOR DATE

Fiscal Note for SJR006, as introduced

SJ 6

1 SENATE JOINT RESOLUTION NO. 6

2 INTRODUCED BY BROWN, CURTISS, PECK, HALLIGAN, BENEDICT, HARP, WELDON, HEAVY RUNNER,
3 SOFT, BRAINARD, MCGEE, MERCER, GRINDE, BAER, BURNETT, JERGESON, MURDOCK,
4 HARRINGTON, HERTEL, CRIPPEN, VAN VALKENBURG, GROSFIELD, BISHOP, KEATING
5

6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
7 MONTANA PLEDGING MONTANA'S SUPPORT FOR AND INTENT TO PARTICIPATE IN THE CONFERENCE
8 OF THE STATES.
9

10 WHEREAS, the Constitution of the United States establishes a balanced, compound system of
11 governance and through the 10th Amendment reserves all nondelegated and nonprohibited powers to the
12 states or to the people; and

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

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

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

21 WHEREAS, since 1990, the federal government has enacted at least 42 major statutes imposing
22 burdensome and expensive regulations and requirements on states and localities, a number of enactments
23 nearly equal to all similar enactments in the prior two decades combined; and

24 WHEREAS, persistent, state-led endeavors have consistently failed to generate any substantial
25 reaction or remedy from the federal government; and

26 WHEREAS, the U.S. Supreme Court has repeatedly determined that the states are to look to the
27 Congress and related political remedies for protection against federal encroachments on the reserved
28 powers of the states; and

29 WHEREAS, in recent years, states have been the principal agents of government reform, including
30 updating their constitutions and modernizing and restructuring governmental institutions, and, along with

1 local governments, have been the pioneers of government innovation, thus responding to the needs of their
2 citizens; and

3 WHEREAS, a conference to be called "The Conference of the States" currently is being organized
4 through the Council of State Governments to develop an action plan to address balance in the federal
5 system; and

6 WHEREAS, The Conference of the States will communicate broad bipartisan public concern on the
7 extent to which the American political system has been distorted and will provide a formal forum for state
8 governments to collectively propose constructive remedies for a more balanced state-federal governance
9 partnership for the twenty-first century.

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11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
12 STATE OF MONTANA:

13 That a majority of the members of the 54th Legislature endorse the concept of The Conference of
14 the States.

15 BE IT FURTHER RESOLVED, that it is the intent of the State of Montana to work in cooperation with
16 the Governing Board of the Council of State Governments to organize and convene The Conference of the
17 States, with the following stipulations:

18 (1) that the Council of State Governments create a bipartisan Conference of the States Steering
19 Committee representing a cross section of state leaders to guide the promotion, planning, and convening
20 of The Conference of the States;

21 (2) that the Council of State Governments maintain ongoing consultation with the National
22 Governors' Association, the National Conference of State Legislatures, and other appropriate state
23 governmental organizations in this process; and

24 (3) that the Council of State Governments and The Conference of the States Steering Committee
25 strictly avoid identification with special interests and individuals by focusing activities on working with state
26 government leaders in each geographic region and each state to ensure that The Conference of the States
27 is an initiative of and for the states and the people the states represent AND THAT MONTANA'S
28 PARTICIPATION IN THE CONFERENCE OF THE STATES IS CONTINGENT ON PRIVATE FUNDING NOT
29 BEING USED FOR THE CONFERENCE OF THE STATES.

30 BE IT FURTHER RESOLVED, that the Senate and the House of Representatives commit to the

1 following:

2 (1) A delegation of five voting persons from the state of Montana will be appointed to represent
3 the state of Montana at The Conference of the States. The delegation consists of five voting members,
4 as follows:

5 (a) the Governor or, if the Governor does not wish to be a member of the delegation, a
6 constitutional officer selected by the Governor; and

7 (b) two members of the Senate, ONE appointed by the President of the Senate AND ONE
8 APPOINTED BY THE MINORITY LEADER OF THE SENATE, and two members of the House of
9 Representatives, ONE appointed by the Speaker of the House AND ONE APPOINTED BY THE MINORITY
10 LEADER OF THE HOUSE. No more than two of the four legislators may be from the same political party.
11 The President ~~and~~ the Speaker, THE MINORITY LEADER OF THE SENATE, AND THE MINORITY LEADER
12 OF THE HOUSE may each designate ~~two legislators~~ ONE LEGISLATOR as AN alternate DELEGATE. THE
13 ALTERNATE delegates, ~~not more than one from each party from each house, who~~ have voting privileges
14 in the absence of the primary delegates.

15 (2) The delegates to The Conference of the States will propose, debate, and vote on elements of
16 an action plan to restore checks and balances between the states and the federal government. Measures
17 agreed upon will be formalized in an instrument called a "States' Petition" and returned to each delegation's
18 state for consideration by each state's legislature.

19 (3) The Conference of the States will be convened under the 26 U.S.C. 501(c)(3) auspices of the
20 Council of State Governments, in cooperation with the National Governors' Association and the National
21 Conference of State Legislatures, no later than 270 days after at least 26 legislatures adopt this resolution
22 without amendment.

23 (4) Prior to the official convening of The Conference of the States, the Steering Committee will
24 draft:

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

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

27 (c) the financial and administrative functions of the Conference, including the designation of the
28 Council of State Governments as fiscal agent.

29 (5) The bylaws must:

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

1 (b) specify that each state delegation has one vote on each measure considered at the Conference;

2 and

3 (c) specify that the Conference agenda is limited to fundamental, structural, long-term reforms.

4 (6) Upon the official convening of The Conference of the States, the state delegations will vote
5 upon and approve the governing structure, operating rules, and bylaws of the Conference.

6 (7) ADOPTION OF THIS RESOLUTION DOES NOT CONSTITUTE AND MAY NOT BE CONSTRUED
7 TO BE AN APPLICATION BY THE LEGISLATURE OF MONTANA FOR THE CALLING OF A FEDERAL
8 CONSTITUTIONAL CONVENTION WITHIN THE MEANING OF ARTICLE V OF THE UNITED STATES
9 CONSTITUTION. THE LEGISLATURE OF MONTANA OPPOSES ANY POSSIBILITY OF THE CONFERENCE
10 OF THE STATES EVOLVING INTO A FEDERAL CONSTITUTIONAL CONVENTION. THE MONTANA
11 DELEGATION APPOINTED UNDER THIS RESOLUTION IS NOT AUTHORIZED TO PARTICIPATE IN A
12 FEDERAL CONSTITUTIONAL CONVENTION.

13 BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to Montana's
14 Congressional Delegation, the President of the Council of State Governments, the President of the National
15 Conference of State Legislatures, and the President of the National Governors' Association.

16 -END-

SENATE JOINT RESOLUTION NO. 6

INTRODUCED BY BROWN, CURTISS, PECK, HALLIGAN, BENEDICT, HARP, WELDON, HEAVY RUNNER, SOFT, BRAINARD, MCGEE, MERCER, GRINDE, BAER, BURNETT, JERGESON, MURDOCK, HARRINGTON, HERTEL, CRIPPEN, VAN VALKENBURG, GROSFIELD, BISHOP, KEATING

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PLEDGING MONTANA'S SUPPORT FOR AND INTENT TO PARTICIPATE IN THE CONFERENCE OF THE STATES.

WHEREAS, the Constitution of the United States establishes a balanced, compound system of governance and through the 10th Amendment reserves 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 has increasingly treated states as administrative subdivisions or as special interest groups, rather than as coequal partners; and

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