

CS FOR HOUSE JOINT RESOLUTION NO. 20(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/15/95

Referred: Rules

Sponsor(s): REPRESENTATIVES BARNES, Grussendorf, Foster, Mulder, Kubina

A RESOLUTION

1 Relating to unfunded federal mandates and the Conference of the States.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 WHEREAS the United States Constitution established a balanced system of
4 government and, through the Tenth Amendment, reserved all powers to the states or the
5 people that were not otherwise granted to the federal government or prohibited; and

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

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

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

15 WHEREAS persistent state led endeavors have consistently failed to generate
16 substantial reaction or remedy from the federal government; and

17 WHEREAS the United States Supreme Court has repeatedly determined that the states

1 must look to the United States Congress and related political remedies for protection against
2 federal encroachments on the reserved powers of the states; and

3 **WHEREAS** the Council of State Governments, through its Intergovernmental Affairs
4 Committee, has been the champion of state sovereignty for many years; and

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

9 **WHEREAS** the State of Alaska recognizes a sense of urgency in calling for the
10 Conference of the States, whereby each state government would send a delegation to develop
11 a comprehensive action plan to restore balance in the federal system; and

12 **WHEREAS** the Council of State Governments is an entity ideally suited to promote
13 and facilitate such a conference; and

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

18 **BE IT RESOLVED** by the Alaska State Legislature that a delegation of five voting
19 persons from the State of Alaska be appointed to represent the state at a Conference of the
20 States consisting of the governor, or a constitutional officer selected by the governor, and four
21 legislators, two from each house selected by the presiding officer of that house; that no more
22 than two of the legislators selected may be from the same political party; and that each
23 presiding officer designate two alternate legislator delegates, one from each party, who have
24 voting privileges in the absence of the primary delegates; and be it

25 **FURTHER RESOLVED** that the delegates to the Conference of the States propose,
26 debate, and vote on elements of an action plan to restore checks and balances between states
27 and the national government; that measures agreed upon be formalized in an instrument called
28 a States' Petition and returned to each delegation's state for consideration by the entire
29 legislature; and be it

30 **FURTHER RESOLVED** that the Conference of the States shall be convened under
31 the sec. 501(c)(3) auspices of the Council of State Governments in cooperation with the

1 National Governors' Association and the National Conference of State Legislatures no later
2 than 270 days after at least 26 legislatures adopt a similar resolution calling for a Conference
3 of the States; and be it

4 **FURTHER RESOLVED** that before the official convening of the Conference of the
5 States, the steering committee will draft provisions for the

- 6 (1) governing structure and procedural rules for the Conference;
- 7 (2) process for receiving rebalancing proposals; and
- 8 (3) financial and administrative functions of the Conference, including the
9 Council of State Governments as fiscal agent; and be it

10 **FURTHER RESOLVED** that the bylaws of the Conference of the States must

- 11 (1) conform to the provisions of this resolution;
- 12 (2) specify that each state delegation have one vote at the Conference; and
- 13 (3) specify that the Conference agenda be limited to fundamental, structural,
14 long-term reforms; and be it

15 **FURTHER RESOLVED** that upon the official convening of the Conference of the
16 States, the state delegations shall vote upon and approve the Conference's governing structure,
17 operating rules, and bylaws; and be it

18 **FURTHER RESOLVED** that Alaska's participation in the Conference of the States
19 may in no way be interpreted or construed to be consent by this state to be an application to
20 the United States Congress under the amendment procedure set out in art. V of the
21 Constitution of the United States; and be it

22 **FURTHER RESOLVED** that Alaska's participation in the Conference of the States
23 may in no way be interpreted or construed to be for the purpose of amending or proposing
24 amendments to the Constitution of the United States.

25 **A COPY** of this resolution shall be sent to the governor of each of Alaska's sister
26 states.