

#### 4. POLICY POSITION

### CONSIDERATION OF CONSTITUTIONAL OPTIONS FOR RESTORING BALANCE IN THE FEDERAL SYSTEM

#### Background

The States of The Council of State Governments' Southern Legislative Conference have experienced the increased tendency of the federal government to intervene in State fiscal and policy authority. This interference has occurred in matters related to intergovernmental tax immunity, banking, social welfare, transportation and wealth.

States across the nation have adopted resolutions reaffirming the operational force of the Tenth Amendment. The National Governors' Association, the National Conference of State Legislatures, and The Council of States Governments have conducted major examinations of the need to balance the federal system under the Constitution.

The Council of State Governments' Intergovernmental Partnership Task Force has recommended consideration of specific constitutional amendments designed to address the imbalance in the federal system. The Council of State Governments' Intergovernmental Affairs Committee will meet in December to decide whether to endorse the Task Force proposals. The members of this region need to advise the Intergovernmental Affairs Committee as to their views on federalism.

#### Recommendation

The Southern Legislative Conference endorses proposals for a White House Conference and Congressional hearings on federalism and prompt consideration of pending Tenth Amendment and Article V resolutions by States in this region.

The Southern Legislative Conference further urges that the Intergovernmental Affairs Committee consider the proposals of the Intergovernmental Partnership Task Force and take action to strengthen the position of the States in the federal union; prevent federal intrusion upon State prerogatives; and protect the proper governing authorities of the States.

Adopted by the Southern Legislative Conference July 19, 1989.  
(Sponsor: Senator Douglas Henry, Jr., Tennessee)

SO-89-PP7