

SENATE RESOLUTION 2

By McNally

A RESOLUTION to memorialize the Congress of the United States to propose an amendment to the United States Constitution relative to unfunded Federal mandates and programs with limited Federal funding periods and to submit such constitutional amendment to the several states for ratification.

WHEREAS, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by the Congress whenever two-thirds (2/3) of both houses deem it necessary; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that this General Assembly memorializes the Congress of the United States to propose the following language as an amendment to the Constitution of the United States and to submit such amendment to the several states for proper ratification:

"Article of Amendment__.

Except during a fiscal emergency declared in a joint resolution adopted by a two-thirds vote of each House of Congress and signed by the President, the Government of the United States shall not require, directly or indirectly, that States or local governments take any action by or under any Federal laws which require them to engage in additional or expanded activities or services, unless such State or local governments receive from the Government of the United States compensation equal to the net additional costs. The duration of a fiscal emergency declared in a joint resolution shall not exceed 180 days.

Unless Federal funds are guaranteed for the duration of a Federal program, activity or service, no law enacted or regulation promulgated by the

Government of the United States shall authorize the States or local governments to take any action, whether optional or voluntary, to receive or participate in Federal programs, activities or services, or to receive Federal matching funds. Any law or regulation promulgated thereunder shall become null and void during any fiscal year in which Federal funds are not appropriated for the program, activity or service.

This article shall apply to Federal laws enacted on or after one year after the date of ratification of this article of amendment ____."

BE IT FURTHER RESOLVED, that the members of the Tennessee Congressional delegation are urged to introduce an appropriate resolution in the Congress of the United States to effectuate the request of this General Assembly and to work with their congressional colleagues from the several states to ensure the necessary majority to send the amendment to the states for ratification.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Vice President of the United States and President of the U.S. Senate, Washington, D.C.; the Speaker of the House of Representatives, Washington, D.C.; and to each member of the United States Senate and House of Representatives from Tennessee.