

2073  
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75 LSO-624

4

# HOUSE JOINT RESOLUTION

HOUSE JOINT RESOLUTION 4

**Title:** A JOINT RESOLUTION to petition the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to prohibit Congress or the President or any federal agency from withholding, withdrawing or threatening to withhold or withdraw any federal funds from any state as a means of imposing or implementing federal policies which the federal government is not empowered under the United States Constitution to impose or implement directly.

Sponsored by: *Sam Donley*

DATE	ACTION	DATE	ACTION
JAN 16 1975	INTRODUCED READ FIRST TIME	FEB 10 1975	RECEIVED FROM SENATE
	REFERRED TO COM. NO. <u>1</u> DELIVERED TO COM. NO. <u>1</u>		SENT TO LSO FOR ENROLLING
JAN 27 1975	RETURNED		RECEIVED FROM LSO ENROLLED
	Recommended Amended and Do Pass PLACED ON GENERAL FILE		
JAN 28 1975	CONSIDERED IN COM. OF WHOLE Standing Com. Amendment <i>HJR 4 2/11/75</i>		<i>HJR #4 = HEJR #1</i> <i>HEJR</i>
	<b>ADOPTED</b>		SIGNED BY SPEAKER <i>2-12-75</i>
	RECOMMENDED DO PASS		SIGNED BY PRESIDENT <i>2-12-75</i>
JAN 29 1975	READ SECOND TIME		APPROVED BY GOVERNOR <i>2-14-75</i>
JAN 30 1975	Read Third Time		CHAPTER NO. <u>                    </u> SESSION LAWS OF WYOMING
	<b>PASSED</b> Ayes <u>21</u> Noes <u>19</u> Excused <u>2</u> Absent <u>0</u> Sent to Senate		<i>HJR 4/D:1200</i>
	<i>1-30 Sent to LSO</i> <b>ENGROSSED</b>		
	<i>1-31 Sent to Senate</i>		
JAN 31 1975	READ FIRST TIME		
JAN 31 1975	REFERRED TO COM. NO. <u>10</u>		
JAN 31 1975	REFERRED TO COM. NO. <u>10</u>		
FEB 5 1975	COM. RECOMMENDATION DO PASS		
FEB 7 1975	CONSIDERED IN COM. OF WHOLE DO PASS		
FEB 8 1975	READ SECOND TIME		
FEB 10 1975	READ THIRD TIME		
	<b>PASSED</b> Ayes <u>27</u> Noes <u>0</u> Excused <u>3</u> Absent <u>0</u>		

SENT TO HOUSE

CONTINUED ON BACK

# NR 4

3rd

Date 10/2

# Roll Call of the Senate

## of the FORTY-THIRD LEGISLATURE

### Of Wyoming

	EXCUSED	ABSENT	AYES	NOES
31 BOYLE			✓	
30 CHRISTENSEN			✓	
29 CUNDALL			✓	
28 DAILY			✓	
27 DAVIS			✓	
26 GEIS			✓	
25 HITCHCOCK			✓	
24 JOHNSON			✓	
23 KENDIG			✓	
22 KIMBALL			✓	
21 LEIMBACK			✓	
20 MADSEN			✓	
19 MAJHANOVICH			✓	
18 MOORE			✓	
17 MYERS				
16 NICHOLS	✓			
15 NORRIS	✓			
14 NORTHRUP			✓	
13 NOTT			✓	
12 NOVOTNY			✓	
11 OSTLUND			✓	
10 RECTOR			✓	
9 ROGERS			✓	
8 SADLER			✓	
7 SEARL	✓			
6 SEDAR			✓	
5 STAFFORD			✓	
4 TAGGART			✓	
3 TURNER			✓	
2 WALLOP			✓	
1 MR. PRESIDENT			✓	

PRESENT.....

AYES ..... 27  
 NOES ..... 0  
 EXCUSED ..... 3  
 ABSENT ..... 0  
 TOTAL ..... 30  
 LESS .....

# JAR 4

Third Reading

Date 1-30-75

# Roll Call of the House

of the

FORTY-THIRD LEGISLATURE

Of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNEY	✓	5			28 McMILLAN	—			
62 BOUCHER		✓			27 MEENAN	—			
61 BUCK		✓			26 MOCKLER	—			
60 BURNETT	✓				25 MORTON EX			✓	
59 BUTTERFIELD		✓			24 O'NEIL	—			
58 CHASTEEN		✓			23 ORRISON	—	✓		
57 COFFMAN	—				22 OSLUND	—			
56 COPENHAVER	—				21 PARKS	—			
55 CRANFILL		✓			20 PETERAL		—		
54 CREWS EX			✓		19 PROFFIT	—			
53 CROSS	✓				18 PROSSER	—			
52 CURRY	—				17 ROTH	—			
51 DONLEY	—				16 SALISBURY		—		
50 DOWNING	—				15 SCHWOPE		—		
49 EDWARDS		—			14 SCOTT	—			
48 ENGEN	—				13 SIDI	—			
47 ESKENS	—				12 SIMPSON	—			
46 FLEISCHLI	—				11 SMITH	—			
45 FRISBY	—				10 SMYTH		—		
44 GEESEY		—			9 STEWART	✓			
43 A. GRAHAM		—			8 TRUE	—			
42 L. GRAHAM	—				7 URBIGKIT		—		
41 HANSEN		—			6 VAN VELZOR	—			
40 HELLBAUM					5 VINICH	—			
39 HOLLAND	—				4 WILKINS		—		
38 HUNTER	—				3 ZIMMER	—			
37 HURSH	—				2 ZUMBRUNNEN	—			
36 JENNINGS	—				1 MR. SPEAKER	✓			
35 JENSEN		—							
34 JOHNSON	—								
33 JONES	—								
32 KINNAMAN		—							
31 LEEDY	—								
30 McCARTHY	—								
29 McDANIEL		—							

PRESENT.....

AYES ..... 41

NOES ..... 19

EXCUSED ..... 2

ABSENT ..... 2

TOTAL ..... 62

LESS ..... 21

41

HOUSE JOINT RESOLUTION NO. 4

Sponsored by: Representative DONLEY



A BILL

for

1 A JOINT RESOLUTION to petition the Congress of the United  
 2 States to call a convention to propose an amendment to the  
 3 Constitution of the United States to prohibit Congress or  
 4 the President or any federal agency from withholding,  
 5 withdrawing or threatening to withhold or withdraw any  
 6 federal funds from any state as a means of imposing or  
 7 implementing federal policies which the federal government  
 8 is not empowered under the United States Constitution to  
 9 impose or implement directly.

10 WHEREAS, the powers delegated to the federal govern-  
 11 ment by the United States Constitution are limited, and  
 12 those powers not delegated to the federal government are  
 13 reserved to the states; and

14 WHEREAS, it is becoming increasingly the practice of  
 15 the federal government to require states to enact state  
 16 laws to implement federal policies by threatening to with-  
 17 hold or withdraw federal funds for failure to do so; and

1           WHEREAS, the federal government has imposed upon the  
2 states many programs and obligations which require funding  
3 in excess of state means, thereby making the states  
4 subservient to and dependent upon the federal government  
5 for financial assistance; and

6           WHEREAS, through the coercive force of withdrawing or  
7 withholding federal funds, or the threat of withdrawing or  
8 withholding federal funds, the federal government is indi-  
9 rectly imposing its will upon the states and requiring  
10 implementation of federal policies which neither Congress  
11 nor the President nor any administrative agency is empow-  
12 ered to impose or implement directly; and

13           WHEREAS, this coercive power of the purse is being  
14 used to extend the power of the federal government over  
15 the states far beyond the powers delegated to the federal  
16 government by the United States Constitution; and

17           WHEREAS, the power of the federal government should  
18 be exercised directly by the enactment, implementation and  
19 enforcement of federal laws governing only those areas in  
20 which the federal government is empowered to act by the  
21 United States Constitution, and the federal government  
22 should be prohibited from usurping the authority of the  
23 states and imposing its will indirectly in those areas in

1 which it has no power to act directly; and

2 WHEREAS, the federal government has imposed upon the  
3 states many programs and obligations which require state  
4 administration and such programs or other programs may  
5 lose federal financing if certain conditions attached to  
6 the program are not met.

7 NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF  
8 THE STATE OF WYOMING, a majority of all members of the two  
9 houses, voting separately, concurring herein:

10 Section 1. Pursuant to Article V of the Constitution  
11 of the United States, the Legislature of the State of  
12 Wyoming petitions the Congress of the United States to  
13 call a convention for the purpose of proposing an amend-  
14 ment to the Constitution of the United States to prohibit  
15 the Congress, or the President, or any agent or agency of  
16 the federal government, from withholding or withdrawing,  
17 or threatening to withhold or withdraw, any federal funds  
18 from any state as a means of requiring a state to imple-  
19 ment federal policies which the Congress, the President or  
20 the agent or agency of the federal government has no  
21 power, express or implied, under the Constitution of the  
22 United States, to impose upon the States or implement its  
23 own action, and to limit permissible conditions of federal

1 financing by the Congress, or the President, or any agent  
2 or agency of the federal government designed to obtain  
3 state administration of federal programs at the risk of  
4 losing federal funds for other programs if any or all  
5 conditions of the program are not met.

6 Section 2. That two certified copies of this Joint  
7 Resolution be forwarded by the Secretary of State to the  
8 Congress of the United States, one addressed to the Presi-  
9 dent of the Senate, and one to the Speaker of the House of  
10 Representatives.

11 Section 3. That certified copies of this Joint Reso-  
12 lution be forwarded to each member of the Wyoming dele-  
13 gation in Congress and that printed copies be sent to each  
14 House of each State Legislature.

1975

STATE OF WYOMING

75LSO-024/eng

HOUSE JOINT RESOLUTION NO. 4

Sponsored by: Representative DONLEY

## A BILL

for

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2 States to call a convention to propose an amendment to the  
3 Constitution of the United States to prohibit Congress or  
4 the President or any federal agency from withholding,  
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6 federal funds from any state as a means of imposing or  
7 implementing federal policies which the federal government  
8 is not empowered under the United States Constitution to  
9 impose or implement directly.

10 WHEREAS, the powers delegated to the federal govern-  
11 ment by the United States Constitution are limited, and  
12 those powers not delegated to the federal government are  
13 reserved to the states; and

14 WHEREAS, it is becoming increasingly the practice of  
15 the federal government to require states to enact state  
16 laws to implement federal policies by threatening to with-  
17 hold or withdraw federal funds for failure to do so; and

1           WHEREAS, the federal government has imposed upon the  
2 states many programs and obligations which require funding  
3 in excess of state means, thereby making the states  
4 subservient to and dependent upon the federal government  
5 for financial assistance; and

6           WHEREAS, through the coercive force of withdrawing or  
7 withholding federal funds, or the threat of withdrawing or  
8 withholding federal funds, the federal government is indi-  
9 rectly imposing its will upon the states and requiring  
10 implementation of federal policies which neither Congress  
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15 the states far beyond the powers delegated to the federal  
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19 enforcement of federal laws governing only those areas in  
20 which the federal government is empowered to act by the  
21 United States Constitution, and the federal government  
22 should be prohibited from usurping the authority of the  
23 states and imposing its will indirectly in those areas in

1 which it has no power to act directly; and

2 WHEREAS, the federal government has imposed upon the  
3 states many programs and obligations which require state  
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5 lose federal financing if certain conditions attached to  
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16 the federal government, from withholding or withdrawing,  
17 or threatening to withhold or withdraw, any federal funds  
18 from any state as a means of requiring a state to imple-  
19 ment federal policies which the Congress, the President or  
20 the agent or agency of the federal government has no  
21 power, express or implied, under the Constitution of the  
22 United States, to impose upon the States or implement its  
23 own action, and to limit permissible conditions of federal

1 financing by the Congress, or the President, or any agent  
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5 conditions of the program are not met.

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10 Representatives.

11 Section 3. That certified copies of this Joint Reso-  
12 lution be forwarded to each member of the Wyoming dele-  
13 gation in Congress and that printed copies be sent to each  
14 House of each State Legislature.

(END)

February 1, 1976

Honorable David Kennedy  
Attorney General, State of Wyoming  
State Capitol  
Cheyenne, Wyoming 82001

Dear Dave:

On behalf of Senate Committee No. 10 Labor's Federal Relations  
I request your opinion regarding that portion of House Joint  
Resolution No. 4, relating to Article V of the Constitution of  
the United States.

Please advise us if Congress should call a convention as pro-  
vided by said Article V would said convention be limited to  
the purpose set forth in House Joint Resolution No. 4.

Sincerely yours,

Robert H. Johnson  
Chairman  
Senate Committee No. 10  
Labor's Federal Relations

97.9. R. 4

HJR4MS1/A

Page 3, line 15 Delete the first "or"  
Delete the second "or" insert "and". --  
COPENHAVER *PS*