

STATE OF ALASKA THE LEGISLATURE

2016

Source

SCS CSHJR 14(STA)

Legislative
Resolve No.

49



Making application to the United States Congress to call a convention of the states to propose a countermand amendment to the Constitution of the United States as provided under art. V, Constitution of the United States; and urging the legislatures of the other 49 states to make the same application.

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

WHEREAS the state's sovereignty has been infringed on by the federal government, including by the federal government's recent denial of and refusal to work with state officials on the construction of a lifesaving road from King Cove to Cold Bay; and

WHEREAS the state's right and duty to provide for the use, development, and conservation of natural resources for the maximum benefit of the people has been continually infringed on by various federal agencies; and

WHEREAS the United States Congress has, at times, exceeded its delegated powers, the President of the United States has, at times, exceeded the constitutional authority of the office of the President of the United States, and the federal courts have, at times, exceeded their authority by issuing decisions on public policy matters reserved to the states in violation

of the principles of federalism and separation of powers, all of which have adversely affected the state and its people; and

WHEREAS, under the authority of art. V, Constitution of the United States, the several states should apply to the United States Congress to call a convention of the states to amend the United States Constitution and adopt a countermand amendment to authorize the states, upon a vote of three-fifths of the state legislatures, to nullify and repeal a federal statute, executive order, judicial decision, regulatory decision by a federal government agency, or government mandate imposed on the states by law that adversely affects the interests of the states, in order to properly exercise the states' constitutional authority to check federal power, preserve state sovereignty, and protect the rights of the states and the people; and

WHEREAS the states have the authority to define and limit the agenda of a convention to a single-issue "countermand amendment convention" called for by the states as provided under art. V, Constitution of the United States; and

WHEREAS the delegates sent by the states to a countermand amendment convention shall have the limited authority to deliberate on and decide whether the countermand amendment, as preapproved by state legislatures, should be sent back to the state legislatures for ratification;

BE IT RESOLVED that, under art. V, Constitution of the United States, the Alaska State Legislature directs the United States Congress to call a single-issue convention of the states, called a "countermand amendment convention," for the sole purpose of deciding whether the proposed countermand amendment should be sent back to the state legislatures for ratification; and be it

FURTHER RESOLVED that the Alaska State Legislature directs the United States Congress to convene the countermand amendment convention within 60 days after the date it receives the 34th call for that convention from state legislatures; and be it

FURTHER RESOLVED that this application constitutes a continuing application in accordance with art. V, Constitution of the United States, until at least two-thirds of the legislatures of the several states have applied for a similar convention of the states; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the legislatures of the other 49 states to apply to the United States Congress to call a single-issue countermand

amendment convention of the states under art. V, Constitution of the United States.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice President of the United States and President of the U.S. Senate; the Honorable Paul D. Ryan, Speaker of the U.S. House of Representatives; the Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the Honorable Julie E. Adams, Secretary of the U.S. Senate; the Honorable Karen L. Haas, Clerk of the U.S. House of Representatives; the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and the presiding officers of the legislatures of each of the other 49 states.