

By: Representatives Beck, Ballinger

By: Senator Rapert

HOUSE JOINT RESOLUTION

MAKING APPLICATION TO THE UNITED STATES CONGRESS TO CALL A CONVENTION OF THE STATES TO PROPOSE A COUNTERMAND AMENDMENT TO THE UNITED STATES CONSTITUTION, AS PROVIDED UNDER UNITED STATES CONSTITUTION, ARTICLE V, 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; AND URGING THE LEGISLATURES OF THE OTHER FORTY-NINE STATES TO MAKE THE SAME APPLICATION.

Subtitle

MAKING APPLICATION TO THE UNITED STATES CONGRESS TO CALL A CONVENTION OF THE STATES TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION.

WHEREAS, the sovereignty of the State of Arkansas has been infringed upon by the federal government; and

WHEREAS, the state's right and duty to provide for the utilization, 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, United States Constitution, Article IV, § 4, guarantees to every state a republican form of government that gives each state equal standing when calling for a convention under United States Constitution, Article V; and

WHEREAS, under the authority of United States Constitution, Article v, the several states may apply to the United States Congress to call a convention of the states to amend the United States Constitution and adopt an amendment to authorize the states, upon a vote of three-fifths (3/5) 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 United States Constitution, Article V; 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,

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT under United States Constitution, Article V, the General Assembly applies to 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.

BE IT FURTHER RESOLVED that the General Assembly requires that the United States Congress convene the countermand amendment convention within sixty (60) days after the date it receives the thirty-fourth application for that convention from state legislatures.

BE IT FURTHER RESOLVED that this application constitutes a continuing application in accordance with United States Constitution, Article V, until at least two-thirds (2/3) of the legislatures of the several states have applied for a similar convention of the states unless rescinded by the General Assembly prior to the calling of the convention.

BE IT FURTHER RESOLVED that the General Assembly urges the legislatures of the other forty-nine (49) states to apply to the United States Congress to call a single-issue countermand convention under United States Constitution, Article V.

BE IT FURTHER RESOLVED THAT copies of this resolution be sent to the Honorable Donald J. Trump, President of the United States; the Honorable Michael R. Pence, Vice President of the United States and President of the United States Senate; the Honorable Paul Ryan, Speaker of the United States House of Representatives; the Honorable Mitch McConnell, Majority Leader of the United States Senate; the Honorable Julie E. Adams, Secretary of the United States Senate; the Honorable Karen L. Haas, Clerk of the United States House of Representatives; members of the Arkansas delegation in the United States Congress; and the presiding officers of the legislatures of each of the other forty-nine (49) states.