HOUSE JOINT RESOLUTION 13

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

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A JOINT RESOLUTION

CALLING FOR A FEDERAL CONSTITUTIONAL CONVENTION TO PROPOSE A COUNTERMAND AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

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 of New Mexico and its people; and

WHEREAS, under the authority of Article V of the United States constitution, the several states should apply to the United States congress to call a convention of the states to

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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 federal 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 as provided pursuant to Article V of the United States constitution; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the United States congress be requested, pursuant to the provisions of Article V of the United States constitution, to call a single-issue convention of the states limited to proposing a countermand amendment to the United States constitution; and

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BE IT FURTHER RESOLVED that the New Mexico legislature request the United States congress to convene the requested constitutional convention within sixty days after the date it receives the thirty-fourth call for that convention from state legislatures; and

BE IT FURTHER RESOLVED that the New Mexico legislature urge the legislatures of the other forty-nine states to apply to the United States congress to call a constitutional convention of the states to consider a countermand amendment to the United States constitution pursuant to Article V of the United States constitution; and

BE IT FURTHER RESOLVED that the New Mexico secretary of state be directed to transmit copies of this application to the president and secretary of the United States senate and to the speaker and clerk of the United States house of representatives, to the New Mexico congressional delegation and copies to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and

BE IT FURTHER RESOLVED that this application constitutes a continuing application in accordance with Article V of the United States constitution until the legislatures of at least two-thirds of the several states have made applications on the same subject.

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