

HCR 5 - AS INTRODUCED

2015 SESSION

15-0799
05/04

HOUSE CONCURRENT RESOLUTION **5**

A RESOLUTION calling for an article V convention for the purpose of considering a countermand amendment to the United States Constitution.

SPONSORS: Rep. Ulery, Hills 37

COMMITTEE: Legislative Administration

ANALYSIS

This resolution calls for an article V convention for the purpose of considering a countermand amendment to the United States Constitution.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

A RESOLUTION calling for an article V convention for the purpose of considering a countermand amendment to the United States Constitution.

1 Whereas, all governing power under the United States Constitution originates from the people
2 and the states; and

3 Whereas, the United States Constitution delegates certain limited powers to the legislative,
4 executive, and judicial branches of the federal government; and

5 Whereas, the tenth amendment to the United States Constitution reserves all non-delegated
6 powers to the states and the people; and

7 Whereas, the United States Congress has, at times, exceeded its delegated powers and otherwise
8 passed laws injurious to the states and the people; and

9 Whereas, the President of the United States has, at times, exceeded the executive's
10 constitutional authority and taken actions injurious to the states and the people by issuing certain
11 executive orders, failing or refusing to enforce certain laws duly passed by Congress, issuing waivers
12 from compliance with federal statutes, and directing federal administrative agencies to impose rules
13 and regulations contrary to federal statutes; and

14 Whereas, federal courts have, at times, exceeded their authority by issuing decisions not
15 grounded in the United States Constitution, by issuing decisions on public policy matters reserved to
16 the states in violation of principles of federalism and separation of powers, and otherwise issuing
17 decisions injurious to the states and the people; and

18 Whereas, federal administrative agencies have, at times, issued rules and regulations beyond
19 their statutory authority and have otherwise issued rules and regulations or taken other actions
20 injurious to the states and the people; and

21 Whereas, article V of the United States Constitution states: "The Congress, whenever two thirds
22 of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the
23 application of the legislatures of two thirds of the several states, shall call a convention for proposing
24 amendments, which, in either case, shall be valid to all intents and purposes, as part of this
25 Constitution, when ratified by the legislatures of three fourths of the several states; and

26 Whereas, article V of the United States Constitution reserves to the states and the people a final
27 check on the usurpation, misuse, or abuse of federal power; and

28 Whereas, the states have the sole authority to define and limit the agenda of a convention of the
29 states and may limit the agenda to adoption of a single proposed amendment to the United States
30 Constitution; and

31 Whereas, under authority of article V of the United States Constitution, the several states should
32 apply to Congress to call a convention of the states for the sole purpose of proposing and adopting a

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1 countermand amendment to the United States Constitution; and

2 Whereas, a countermand amendment to the United States Constitution would authorize the
3 states, upon a vote by three-fifths of the state legislatures to override and invalidate a congressional
4 statute, executive order, federal court decision, or administrative agency rule, regulation, or other
5 action deemed injurious to the states and the people; and

6 Whereas, the states, by adopting a countermand amendment, properly exercise their
7 constitutional authority to check federal power, preserve state sovereignty, and protect the rights of
8 the states and the people; and

9 Whereas, delegates to a convention of the states called for the sole purpose of considering and
10 adopting a countermand amendment to the United States Constitution would be prohibited from
11 considering any other amendment or change to the Constitution; now, therefore be it

12 Resolved by the House of Representatives, the Senate concurring:

13 That the New Hampshire general court, under the authority of article V of the United States
14 Constitution, hereby applies to Congress to call a convention of the states for the sole purpose of
15 considering and adopting a countermand amendment to the United States Constitution, with the
16 delegates to such convention prohibited from considering any other amendment or change to the
17 Constitution; and

18 That the general court strongly urges the other state legislatures each to pass a similar
19 resolution applying to Congress to call a convention of the states for the sole purpose of considering
20 and adopting a countermand amendment to the United States Constitution; and

21 That the general court directs that Congress call a convention of the states, for the sole purpose
22 of considering and adopting a countermand amendment, within 60 days after receiving the 34th
23 state application for such convention; and

24 That the house clerk send a copy of this resolution to the leader of each legislative house in each
25 of the other states, the Majority Leader of the United States Senate, the Speaker of the
26 United States House of Representatives, the President of the United States, the Chief Justice of the
27 United States Supreme Court, and the members of New Hampshire's congressional delegation.