

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 19, 2015

9:00 a.m.

MEMBERS PRESENT

Senator Bill Stoltze, Chair
Senator John Coghill, Vice Chair
Senator Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Alaska Commercial Fisheries Entry Commission

Vern E. Rupright, Esq. - Wasilla
Benjamin Brown - Juneau

- CONFIRMATION(S) ADVANCED

Alaska Public Offices Commission

Mark S. Fish - Big Lake

- CONFIRMATION(S) ADVANCED

Commissioner - Department of Transportation & Public Facilities

Marc A. Luiken

- CONFIRMATION(S) ADVANCED

Lieutenant Governor Successor

Craig Fleener - Anchorage

- CONFIRMATION(S) ADVANCED

SENATE JOINT RESOLUTION NO. 15

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.

- HEARD AND HELD

SENATE CONCURRENT RESOLUTION NO. 4

Relating to the duties of delegates selected by the legislature to attend a convention of the states called under art. V, Constitution of the United States, to consider a countermand amendment to the Constitution of the United States; establishing as a joint committee of the legislature the Delegate Credential Committee and relating to the duties of the committee; providing for an oath for delegates and alternates to a countermand amendment convention; providing for a chair and assistant chair of the state's countermand amendment delegation; providing for the duties of the chair and assistant chair; providing instructions for the selection of a convention president; and providing specific language for the countermand amendment on which the state's convention delegates are authorized by the legislature to vote to approve.

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SJR 15

SHORT TITLE: CALL FOR US COUNTERMAND CONVENTION

SPONSOR(s): SENATOR(s) STOLTZE

02/13/15	(S)	READ THE FIRST TIME - REFERRALS
02/13/15	(S)	STA, JUD
03/17/15	(S)	STA AT 9:00 AM BUTROVICH 205
03/17/15	(S)	Heard & Held
03/17/15	(S)	MINUTE(STA)
03/19/15	(S)	STA AT 9:00 AM BUTROVICH 205

BILL: SCR 4

SHORT TITLE: US COUNTERMAND CONVENTION DELEGATES

SPONSOR(s): SENATOR(s) STOLTZE

02/13/15	(S)	READ THE FIRST TIME - REFERRALS
02/13/15	(S)	STA, JUD, FIN
03/17/15	(S)	STA AT 9:00 AM BUTROVICH 205

03/17/15 (S) Heard & Held
03/17/15 (S) MINUTE(STA)
03/19/15 (S) STA AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

VERNE E. RUPRIGHT, Esq., Appointee
Alaska Commercial Fisheries Entry Commission (CFEC)
Wasilla, Alaska
POSITION STATEMENT: Testified as appointee to the Alaska
Commercial Fisheries Entry Commission (CFEC).

BENJAMIN BROWN, Appointee
Alaska Commercial Fisheries Entry Commission (CFEC)
Juneau, Alaska
POSITION STATEMENT: Testified as appointee to the Alaska
Commercial Fisheries Entry Commission (CFEC).

MARTIN LUNDE, Ph.D.
Southeast Alaska Seiners Association
Juneau, Alaska
POSITION STATEMENT: Testified in support of the appointment of
Verne E. Rupright, Esq., and the reappointment of Benjamin Brown
to the Commercial Fisheries Entry Commission (CFEC).

MARK S. FISH, Appointee
Alaska Public Offices Commission (APOC)
Big Lake, Alaska
POSITION STATEMENT: Testified as appointee to the Alaska Public
Offices Commission (APOC).

MARC A. LUIKEN, Appointee
Commissioner
Department of Transportation and Public Facilities (DOT&PF)
No address provided
POSITION STATEMENT: Testified as appointee to the position of
Commissioner of the Department of Transportation and Public
Facilities (DOT&PF).

CRAIG FLEENER, Appointee
Lieutenant Governor Successor
Anchorage, Alaska
POSITION STATEMENT: Testified as appointee to the position of
successor to the Lieutenant Governor.

KEN RAY
Wasilla, Alaska

POSITION STATEMENT: During the confirmation hearing of Craig Fleener to the position of Lieutenant Governor Successor, provided comments regarding the appointment of Verne E. Rupright, Esq., to the Commercial Fisheries Entry Commission (CFEC).

CHARLES KACPROWICZ, Executive Director
Citizen Initiatives
Spruce Pines, North Carolina

POSITION STATEMENT: Provided comments during discussion of SJR 15 and SCR 4.

MIKE COONS, National and State Director
Citizen Initiatives
Palmer, Alaska

POSITION STATEMENT: Provided comments during discussion of SJR 15 and SCR 4.

ACTION NARRATIVE

[9:00:25 AM](#)

CHAIR BILL STOLTZE called the Senate State Affairs Standing Committee meeting to order at 9:00 a.m. Present at the call to order were Senators Huggins, Wielechowski, and Chair Stoltze.

Confirmation Hearing(s):

Alaska Commercial Fisheries Entry Commission

[9:01:14 AM](#)

CHAIR STOLTZE announced that the first order of business would be consideration of the appointment of Verne E. Rupright, Esq., to the Alaska Commercial Fisheries Entry Commission (CFEC).

[9:01:37 AM](#)

VERNE E. RUPRIGHT, Esq., Appointee, Alaska Commercial Fisheries Entry Commission (CFEC), noting that his resume has been included in members' packets, recounted items from it and provided some additional personal information.

SENATOR COGHILL joined the committee meeting.

MR. RUPRIGHT, in response to questions, remarked on his good work habits, and offered his belief that they as well as his past work in management positions and as an attorney in Alaska qualifies him to serve on the Commercial Fisheries Entry Commission (CFEC) and come to reasonable decisions with the other commissioners. Raising the question of whether the CFEC is currently achieving its goals in terms of meeting the needs of a more modern Alaska fishery, however, he indicated a belief that the CFEC needs to be reviewed, consolidated, reorganized, and restructured. He offered his understanding that the CFEC addresses permitting issues in a timely fashion and is in the process of reviewing its regulatory and statutory schemes, and that there are currently 28 unresolved cases pending before the CFEC; posited that a proper analysis of those 28 cases is necessary for their resolution; and predicted that the closure or limited entry of certain fisheries in the future is unavoidable due to the burdens being placed on Alaska's fisheries.

SENATOR MCGUIRE joined the committee meeting.

MR. RUPRIGHT, in response to further questions, indicated that if confirmed, he would commute from Wasilla to Juneau, where the CFEC office is located; acknowledged that perhaps the CFEC might need to open additional offices, hold hearings in other communities, and interact with other states such as Washington in order to continue addressing the needs of the commercial-fishing industry in Alaska; and noted that the CFEC interacts with and coordinates information with the Board of Fisheries and the Alaska Department of Fish and Game (ADF&G), the entities

responsible for addressing fishery allocation levels, with the CFEC then addressing economic- and fishery-viability issues related to permitting. In response to concerns expressed about the CFEC, particularly with regard to a lack of employee-accountability, low permitting numbers, and the aforementioned backlog of unresolved cases, Mr. Rupright agreed that changes to the CFEC are in order, sooner rather than later, and offered his understanding that in terms of possible budget reductions, staffing levels have already been reduced.

[Additional testimony regarding the appointment of Verne E. Rupright, Esq., to the Commercial Fisheries Entry Commission (CFEC) was provided later in the meeting.]

[Later in the meeting, the motion to advance the nomination of Verne E. Rupright, Esq., to the Alaska Commercial Fisheries Entry Commission was made and carried.]

[9:25:51 AM](#)

CHAIR STOLTZE announced that the next order of business would be consideration of the reappointment of Benjamin Brown to the Alaska Commercial Fisheries Entry Commission (CFEC).

[9:26:06 AM](#)

BENJAMIN BROWN, Appointee, Alaska Commercial Fisheries Entry Commission (CFEC), recounted some of the items outlined in his resume and provided some additional personal information, and, with regard to his reappointment to the CFEC, explained that for two of the years of his previous four-year term, there were only two commissioners serving, himself and CFEC Chair Bruce Twomley, with Mr. Rupright [as appointee] having joined them "a couple of months ago," during what Mr. Brown described as a very

challenging time for the CFEC given Alaska's current fiscal situation. Mentioning that the CFEC is currently undergoing an audit, and opining that it would be very premature to make any policy changes to the CFEC prior to the audit's completion, he offered his belief that the CFEC should remain an independent entity, and indicated that [if reappointed he] would respond to the issues that arise as the CFEC seeks to continue providing Alaskans, and others with fishing privileges in Alaska, the best possible level of service in as cost-effective a manner as possible.

SENATOR MCGUIRE mentioned that she's worked with Mr. Brown for many years, and trusts his judgement and likes the way he analyzes issues.

[9:31:30 AM](#)

MR. BROWN, in response to comments and questions, provided some information about the CFEC - including historical information - and his understanding of how the CFEC functions in relation to other entities; reiterated his belief that the CFEC should remain an independent entity, especially in terms of issuing permits and overseeing their transfer, particularly given that such permits can sometimes be used as collateral in certain circumstances; relayed that should he be reappointed, there are many technological improvements that he would like to see implemented; and ventured that during his next four-year term the CFEC will continue to be researching and analyzing possible improvements. For example, the on-line permit-renewal process could be improved, and more technologically-up-to-date on-line services could be provided to clients, thereby further decreasing personnel costs.

MR. BROWN, in response to further comments and questions, offered his beliefs that Title 16 stipulates that permits provide holders with use-privileges that are revocable without compensation, and that there are several fisheries that could possibly be limited in the next few years. He acknowledged, however, that perhaps the CFEC has been a little remiss in performing "optimum-number" studies, which require obtaining net-earnings information - tax information - from those participating in a particular fishery. What needs to be done, he opined, is to look at ways to prioritize all limited fisheries, figure out which ones are most in need of some sort of optimum-number "statement," and generate such statements without engaging in formal studies unless doing so is found to be necessary for a particular fishery; in instances where such formal studies are deemed necessary, sufficient resources - including sufficient research personnel - to complete the studies should be allocated for. Ensuring that the CFEC remains an independent entity will ensure the validity of the various determinations that the CFEC issues, he proffered in conclusion.

[9:43:44 AM](#)

MARTIN LUNDE, Ph.D., Southeast Alaska Seiners Association, said the Southeast Alaska Seiners Association asks that the committee support the appointment of Verne E. Rupright, Esq., and the reappointment of Benjamin Brown to the Commercial Fisheries Entry Commission (CFEC). Both appointees bring with them the experience and perspectives that will enable them to conserve Alaska's fisheries, serve commercial fishers in Alaska in the best way possible, and carry on the work of past CFEC commissioners; both appointees are very good at what they do, Alaska needs their competence and expertise, and the Southeast Alaska Seiners Association couldn't think of better individuals

for the job. "We encourage you to confirm both [Mr. Brown and Mr. Rupright], and do all that you can to help keep [the] CFEC competent and independent," he said in conclusion.

[Further additional testimony regarding the appointment of Verne E. Rupright, Esq., to the Commercial Fisheries Entry Commission (CFEC) was provided later in the meeting.]

CHAIR STOLTZE noted that members' packets contain a letter from the United Fisherman of Alaska (UFA) in support of the reappointment of Benjamin Brown to the CFEC.

[Later in the meeting, the motion to advance the nomination of Benjamin Brown to the Alaska Commercial Fisheries Entry Commission was made and carried.]

Alaska Public Offices Commission

[9:48:36 AM](#)

CHAIR STOLTZE announced that the next order of business would be consideration of the appointment of Mark S. Fish to the Alaska Public Offices Commission (APOC).

[9:49:06 AM](#)

MARK S. FISH, Appointee, Alaska Public Offices Commission (APOC), first, to correct an error on the forms he submitted, declared that neither he nor any member of his family is affected financially by the decisions made by the APOC. He then indicated that when asked to serve on the APOC, he felt it to be his civic duty to do so, and noted both that his resume is included in members' packets, and that he's previously served on the Alaska State Commission for Human Rights, and on the

Citizens' Advisory Commission on Federal Areas. In conclusion, he said that he is willing to serve on the APOC, and feels that he is qualified to do so. In response to questions, he indicated that he is a [registered] Libertarian; is in support of a limited government; recognizes that a core function of government is what he termed "the public process of accountability for elected officials"; and views maintaining the transparency of such as "a preservation of rights," both the rights of candidates to speak freely and the rights of [voters] to make informed, valid choices. The APOC is in place to ensure such transparency, and not to set limits on political speech.

SENATOR MCGUIRE expressed appreciation for Mr. Fish's willingness to serve on the APOC.

MR. FISH, in response to comments and further questions - noting that he himself has been a candidate for public office, has served as chair of a political party, and is a [voting] citizen - relayed that he believes in being actively engaged with all who must deal with the APOC's regulations [and requirements], and believes that it is the job of the APOC to ensure that those who make an honest effort to comply with the APOC's regulations [and requirements] have all the information they need in order to do so. He said he would therefore like to see more emphasis placed on training courses and on making them available to all who are either running for public office or campaigning on a particular issue so that they have the information they need in a timely manner. Furthermore, reporting to the APOC should be made as easy and as fluid as possible via the use of technology.

[9:57:13 AM](#)

MR. FISH said he doesn't think it's the role of the APOC to seek out possible APOC violations, since such behavior could be viewed as being punitive - as using the APOC as a weapon. Instead, the public should be encouraged to use the information reported to the APOC as a tool to help them make decisions. The statutes should be enforced, the regulations must be clear, and the citizens themselves are ultimately the wielders of political power and should therefore be the ones to bring forth information about possible APOC violations. In response to further questions, he explained that in compliance with statute, he was appointed to the APOC specifically because he is a [registered] Libertarian. He noted, however, that in a previous confirmation hearing he'd stated his belief that the public would be better served if appointments to the APOC were not selected by any political party and party affiliation was not considered. He added, "If I had my preference, I wouldn't give political parties the right to dictate who sits on this commission."

CHAIR STOLTZE indicated favor with the appointment of Mark S. Fish to the APOC.

[Later in the meeting, the motion to advance the nomination of Mark S. Fish to the Alaska Public Offices Commission was made and carried.]

Commissioner, Department of Transportation and Public Facilities

[10:03:49 AM](#)

CHAIR STOLTZE announced that the next order of business would be consideration of the appointment of Marc A. Luiken to the

position of Commissioner of the Department of Transportation and Public Facilities (DOT&PF).

[10:04:17 AM](#)

MARC A. LUIKEN, Appointee, Commissioner, Department of Transportation and Public Facilities (DOT&PF), characterizing the opportunity to again serve as the commissioner of the DOT&PF as an honor, relayed that his primary focus as commissioner shall be to progress the DOT&PF such that it can meet budgetary challenges while also accomplishing its core mission of keeping Alaskans moving. He said:

I intend to seek this balance by pursuing organizational consolidations and process-improvements wherever possible across the department. We are already at work and considering options to centralize some key functions, while also standardizing the processes and tools we leverage daily to get our job done. As we consider change, be assured any change we propose must also be sustainable in terms of the department's core responsibilities and in light of the long-term health of our state's budget. As we transform, we will strive to minimize the impacts to our core services, which are so vital to Alaskans every day. Regarding our [fiscal year 2016 (FY 16)] operating budget, at this point in the legislative process, the reductions being proposed for ... [the DOT&PF's] operating budget are significant; I commend the work our dedicated staff members have done to absorb and spread this reduction across the entire department, so that the impacts are fair and equitable

and not one service is affected significantly more than another.

The department is also exploring new revenue-generating opportunities. The time has come for this challenging conversation, and we'll need your help going forward as we look to users to help defray the costs of our vast transportation infrastructure and state-provided services. A couple of examples are a 4.5 percent increase in fares in the [Alaska Marine Highway System (AMHS)] which will begin this May, ... [and] introducing the concept of landing fees at the Deadhorse Airport in FY 16; by 2017, it is estimated that these landing fees will help offset airport-system costs, and support, for the long term, one of the most important transportation hubs for the North Slope. Proactive steps like these - those that increase the department's revenue via its primary users - help protect the core services that are provided to Alaskans every day, and, in turn, create a more-sustainable-operating-budget approach going forward.

[10:07:00 AM](#)

MR. LUIKEN continued:

During this period of fiscal uncertainty, especially where stakeholders may either experience a change in the DOT&PF-provided service they're used to, or where they may see an increase in their out-of-pocket costs, it is ... [even more] important to foster proactive and effective communications with these stakeholders.

This includes ... improving upon the way I and my staff communicate with you, the legislature; enhancing how the department involves and communicates with the public; and cultivating better communication between department staff across the state. Improving communications doesn't only mean that we must be better at explaining what we can or cannot do, but that we must also be skilled, active listeners. ... Every citizen is indeed a subject-matter expert, and so much more can be gained by placing greater emphasis upon the way [the DOT&PF] involves Alaskans in the decision-making process. We must engage the public, understand and dignify positions, and conduct our work in a customer/client-focused manner - we are servants, and good servants are good listeners.

MR. LUIKEN provided comments about the DOT&PF's deputy commissioners, and relayed that his priority as commissioner will be to "the organization" and thus he envisions focusing on the department's core missions and functions: mobility, access, and commerce. The DOT&PF must continue to provide safe, environmentally-responsible, and sustainable mobility for travelers; improve access and opportunity for Alaskans and business; and support commerce so that Alaska can grow economically. The needs of Alaskans must be met with fewer resources, and the transformational work that will enable the department to achieve that end is already underway.

[10:10:30 AM](#)

MR. LUIKEN indicated that his second priority as commissioner will be to focus on making the DOT&PF function as one department, rather than as separate [enclaves] divided by

geographic location and [type of] service [provided] as is currently the case. Alaska's ferries, roads, and aviation [hubs] all complement each other to keep Alaskans moving, and as the DOT&PF works to function as one department, it must operate transparently, honestly, and responsibly, and continuously strive for improvement. Regular performance measures shall be instituted, and the results published for the benefit of the public; employees will be expected to serve the public responsibly; and the DOT&PF must become efficient in the allocation of its most important resource - its employees. [On the latter point, for example,] the DOT&PF is expecting to lose over 30 percent of its current workforce during the next five years. To address this, he relayed, he wants to create an organization that people will want to be a part of, one that encourages [professional] growth, and recognizes and rewards collaboration and innovation.

MR. LUIKEN emphasized that [he and his staff] would be striving to build an organization that is accountable to the legislature and to Alaskans, one that promotes integrity, excellence, and respect. His goal, he added, is to give the DOT&PF's workforce the resources, training, focus, and executive guidance to be better than ever. He looks forward, he relayed in conclusion, to taking on the challenge of reevaluating and resetting [the department's] proper and effective role in light of Alaska's current fiscal situation, so that the DOT&PF can better serve Alaskans, both today and in the future.

CHAIR STOLTZE indicated that he's heard concerns from Alaska's aviation community that information being provided to the DOT&PF isn't making it all the way to the commissioner's office and is instead coming to a dead end at the division/section level.

MR. LUIKEN indicated that he and his leadership team would be focusing on bettering communication, both within the organization, and without. In response to comments and questions, he reiterated that there would be a focus on making the DOT&PF function as one department, and on making the DOT&PF more receptive to input from the public and the legislature; and indicated that he, as commissioner, isn't the one who would ultimately be responsible for deciding which of the state's transportation projects move forward.

SENATOR WIELECHOWSKI expressed appreciation of Mr. Luiken's comments regarding making improvements to the DOT&PF.

MR. LUIKEN, in response to a question, explained that he'd previously resigned from the DOT&PF because he felt his effectiveness as commissioner was at an end.

[Later in the meeting, the motion to advance the nomination of Marc A. Luiken to the position of Commissioner of the Department of Transportation and Public Facilities was made and carried.]

[10:30:37 AM](#)

SENATOR COGHILL [made a motion to advance from committee the nominations of Verne E. Rupright, Esq., and Benjamin Brown to the Alaska Commercial Fisheries Entry Commission. There being no objection, the confirmations were advanced from the Senate State Affairs Standing Committee].

[10:30:54 AM](#)

SENATOR COGHILL [made a motion to advance from committee the nomination of Mark S. Fish to the Alaska Public Offices

Commission. There being no objection, the confirmation was advanced from the Senate State Affairs Standing Committee].

SENATOR COGHILL [reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection].

[10:31:13 AM](#)

SENATOR COGHILL [made a motion to advance from committee the nomination of Marc A. Luiken to the position of Commissioner of the Department of Transportation and Public Facilities. There being no objection, the confirmation was advanced from the Senate State Affairs Standing Committee].

Lieutenant Governor Successor

[10:31:50 AM](#)

CHAIR STOLTZE announced that the next order of business would be consideration of the appointment of Craig Fleener to the position of successor to the lieutenant governor.

[10:32:21 AM](#)

CRAIG FLEENER, Appointee, Lieutenant Governor Successor, in response to questions, highlighted items from his resume - included in members' packets - and provided some additional personal information; characterized his appointment to the position of successor to the lieutenant governor as a tremendous honor; and relayed that he takes [the appointment] very seriously, and believes that when Alaskans are asked by Alaska's leaders to serve the public, it's important that they do so, and

referenced his own [military and public service careers] as example.

CHAIR STOLTZE, upon receiving responses to questions he posed Mr. Fleener, ascertained that Mr. Fleener met the requirements set forth in the Alaska State Constitution for the position of lieutenant governor.

[10:40:28 AM](#)

SENATOR COGHILL made a motion to advance from committee the nomination of Craig Fleener to the position of successor to the lieutenant governor. There being no objection, the confirmation was advanced from the Senate State Affairs Standing Committee.

[10:41:06 AM](#)

KEN RAY indicated that he seriously questions the appointment of Verne E. Rupright, Esq., to the Commercial Fisheries Entry Commission (CFEC), and asked the committee to delay advancing that nomination.

[Previously in the meeting, the motion to advance the nomination of Verne E. Rupright, Esq., to the Alaska Commercial Fisheries Entry Commission was made and carried.]

CHAIR STOLTZE [reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection].

SJR 15-CALL FOR US COUNTERMAND CONVENTION

SCR 4-US COUNTERMAND CONVENTION DELEGATES

[10:43:00 AM](#)

CHAIR STOLTZE [announced that the last order of business would be a hearing on both SENATE JOINT RESOLUTION NO. 15, 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; and SENATE CONCURRENT RESOLUTION NO. 4, Relating to the duties of delegates selected by the legislature to attend a convention of the states called under art. V, Constitution of the United States, to consider a countermand amendment to the Constitution of the United States; establishing as a joint committee of the legislature the Delegate Credential Committee and relating to the duties of the committee; providing for an oath for delegates and alternates to a countermand amendment convention; providing for a chair and assistant chair of the state's countermand amendment delegation; providing for the duties of the chair and assistant chair; providing instructions for the selection of a convention president; and providing specific language for the countermand amendment on which the state's convention delegates are authorized by the legislature to vote to approve].

[10:43:49 AM](#)

CHARLES KACPROWICZ, Executive Director, Citizen Initiatives, indicated that his organization has been promoting the advancement of legislation [such as SJR 15 and SCR 4 - together addressing an application by the State of Alaska] to pursue a constitutional convention under powers granted by Article V of the Constitution of the United States - in several states for the purpose of getting what he called a "countermand amendment"

added to the Constitution of the United States; and offered his understanding that there are "eighteen states with sponsors," and that nine states have either filed or are in the process filing [such legislation]. He expressed his hope that [if such legislation passes, and a constitutional convention addressing the proposed countermand amendment is convened, and ratification of the proposed change to the Constitution of the United States occurs, then] states in disagreement with particular federal laws could start seeking repeal/nullification of those laws by late 2016. He offered his beliefs that it is Article V of the Constitution of the United States itself that would prohibit such a constitutional convention from addressing anything other than amendments to the Constitution of the United States, and that a countermand amendment to the Constitution of the United States offers legislatures the best hope of restoring what he called, "our constitutional republic."

MR. KACPROWICZ offered his understanding that should such a countermand amendment to the Constitution of the United States be ratified, then any 30 states could seek to nullify any federal law - including those engendered by United States Supreme Court rulings - or any constitutional right, whether enumerated or not; and that any such nullification would be in effect immediately. In conclusion, he offered his belief that ratification of a countermand amendment to the Constitution of the United States would create a balance of power between the states and the federal government, and that there would be no limit to how the countermand amendment could be applied as long as 30 states agreed to the particular application of it.

[10:52:28 AM](#)

MIKE COONS, National and State Director, Citizen Initiatives, referencing some federal laws as example, offered his belief that if a countermand amendment to the Constitution of the United States [such as that proposed via SJR 15 and SCR 4] is ratified, any federal law that is nullified by the states could simply be rewritten by Congress to better comport with what the states that nullified it want.

CHAIR STOLTZE announced that SJR 15 and SCR 4 would be held in committee.

10:58:39 AM

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Standing Committee at 10:58 a.m.