

HCR

4

<TARGET><BILL>HCR 4</BILL><SUBJECT>HCR
4</SUBJECT><COMM>SFIN29</COMM></TARGET>

SENATE FINANCE COMMITTEE REPORT

DATE: 4/11/16

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered CS FOR HOUSE CONCURRENT RESOLUTION NO. 4(STA)

HCR 4-US COUNTERMAND CONVENTION DELEGATES

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.

and recommends:

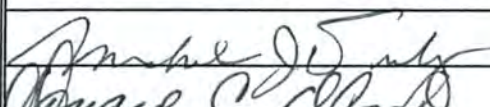
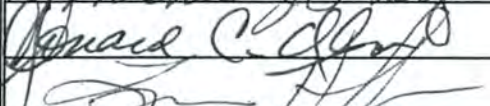
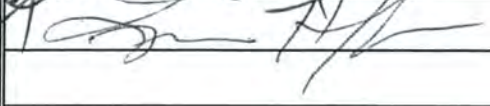
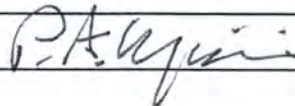
- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
LEG		X		2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Dunleavy	<input checked="" type="checkbox"/>			
	O'Neal			<input checked="" type="checkbox"/>	
	Hoffman			<input checked="" type="checkbox"/>	
VICE-CHAIR 	MICCICHE	<input checked="" type="checkbox"/>			
CO-CHAIR:					

ALASKA STATE LEGISLATURE



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Toll-free: 1-800-565-3743
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Rep.Shelley.Hughes@akleg.gov

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600 E Railroad Avenue
Wasilla AK 99654
Phone: 907-376-3725
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Representative Shelley Hughes
House District 11 ~ Greater Palmer

HCR4 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.

Sponsor Statement

February 12, 2015

Recent actions taken by the White House and Department of Interior constitute a new threshold of overreach in Alaska unlike anything in recent history.

HJR14 and HCR 4 seek to restore the balance of power between the states and federal government. The pair would strengthen state sovereignty by providing states with veto (countermand) power over federal decisions not in their best interest through a precise and careful mechanism established by an amendment to the U.S. Constitution. These two resolutions in tandem are intended to start the process of amending the US Constitution via the powers granted in Article V of that same document.

HJR 14 (The Application) provides Alaska's call to Congress for a clearly defined, single-issue Countermand Amendment Convention. The Countermand Amendment to the United States Constitution, when ratified, will allow states to propose Countermand Initiatives, which upon approval by three-fifths of state legislatures, will repeal any federal statute, executive order, judicial decision, or regulatory decision listed in the Initiative.

HCR 4 (The Delegate Resolution) enables the state legislature to institute tight parameters for the convention, to ensure that a "runaway convention" is not possible and provides for a productive, safe and timely process. The Delegate Resolution establishes a Credential Committee for selection of delegates to the convention, and outlines the duties of the delegates. HCR 4 also includes the precise language of the proposed Countermand Amendment to the U.S. Constitution.

Passage of these resolutions is an actionable step the Legislature can take toward restoration of the proper balance of state and federal powers. These two resolutions do not pertain to a conservative versus liberal agenda; this is a state versus federal issue. This is OUR Alaska, and it's time the federal government understands that.

ALASKA STATE LEGISLATURE



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Representative Shelley Hughes
 House District 11 ~ Greater Palmer

HCR4

Section Analysis

Section	Action	Comments
Resolve 1 Pg 2 ln 26	Authorizes the legislature to appoint and summon delegates for the amendment convention.	
Resolve 2 Pg 2, ln 29	Gives the legislature authority to decide the qualifications and total number of delegates to send to the convention.	
Resolve 3 Pg 3, ln 1	Gives the legislature the ability to add or remove delegates and	
Resolve 4 Pg. 3, Ln 6	Provides parameters and instructions for state's delegates at the convention.	Prohibits delegates from voting for any other amendments, outside of the countermand amendment, at the convention.
Resolve 5 Pg 3, ln 13	Reserves the countermand amendment as the only amendment for consideration for ratification by the legislatures.	
Resolve 6 Pg 3, ln 15	Upon a call for convention by 34 states, this resolve allows for establishing of the Delegate Credential Committee within the Alaska Legislature, with duties listed in section A.	Speaker of the House shall appoint three members from the House, one being a minority caucus member. The President of the Senate shall appoint three members of the Senate, one being a minority caucus member.
Resolve 7 Pg 3, ln 24	Provides for replacement procedure for members of the Delegate Credential Committee.	
Resolve 8 Pg 3, ln 26	Allows for selection of co-chairs of the Delegate Credential Committee	One co-chair from the House, one from the Senate. Along with staff

		assignments for committee support.
Resolve 9 Pg 3, ln 30	Establishes when Delegate Credential Committee can meet.	
Resolve 10 Pg 4, ln 1	Acknowledges that the Delegate Credential Committee will continue until the first day of the Thirtieth Alaska State Legislature.	
Resolve 11 Pg 4, ln 3	Requests that the Delegate Credential Committee be considered for reestablishment during the Thirtieth Alaska Legislature.	
Resolve 12 Pg 4, ln 6	Provides for removal and replacement procedure for members of the Delegate Credential Committee	Members are removed or replaced by the presiding officer that appointed them.
Resolve 13 Section A. Pg 4, ln 17	Provides the duties of the Delegate Credential Committee.	Majority vote on decisions, official facilitator for the legislature, appointment of delegates, provide a committee report on selected delegates, appointing chair and assistant chair of delegation, properly vet and confirm delegates, issue convention passes to delegates, notify legislature of financial needs at the convention, administer oaths to the delegates, alternates, chair and assistant chair, monitor activities of Alaska's delegation, submit quarterly reports to the legislature on events, progress, and recommendations for the convention, authority to recommend removal of a delegate or alternate for approval by the legislature.
Resolve 13 Section B Pg 6, ln 11	Provides for the duties of the chair of Alaska's state delegation and the president of the convention,	Chair is responsible for communicating with other state delegations to open convention for business; identifying other legislatures that have approved a delegate resolution; build consensus with at least 26 state delegations to require that each state delegation at the convention has only one vote; require a simple majority vote at all roll calls; nominate convention officials; require a quorum of 26 state to conduct business; build a consensus of at least 26 states to support sending the countermand amendment for ratification; work to conclude convention in 21 days, or no longer

		than 180 days; nominate a candidate for convention president from Alaska's delegation, or work to elect a president from a delegate resolution state;
Resolve 13 Section B, J Pg 7, Ln 31	Under duties of the Alaska delegation chair, includes supporting the following duties of the convention president.	Convention president duties include: securing a vote for this delegate resolution to be the rules of order at the convention; focus on the purpose of sending the countermand amendment for ratification by the states; request security measures as needed; oversee installment of officers at the convention; establish convention agenda; provide equal time for floor discussion for all states; to prohibit introduction of any subject other than the countermand amendment; call for a vote for sending countermand amendment to the states; report to 50 state legislatures, and the media on convention progress; provide formal requests, when needed, to states for money that will be needed to carry on business; oppose any effort to delay or modify the countermand amendment vote; oppose any effort by states to offer amendments other than the countermand amendment
Resolve 13 Section C Pg 10, Ln 3	Addresses duties and responsibilities of convention delegates.	Delegate duties include: comply with directives in this resolution; follow instructions of the chair and assistant chair of Alaska's delegation; be present to vote at all roll calls; attend all assigned sessions at the convention; report to the delegation chair the number of states in favor of the countermand amendment; recommend strategies to help join 26 states in favor of the countermand amendment
Resolve 13 Section D Pg 11, Ln 1	Addresses duties and responsibilities of convention delegate alternates.	
Resolve 13 Section E Pg 11, Ln 8	Provides the text for the countermand amendment to the United States Constitution.	

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHCR 4(STA)
Fiscal Note Number:	2
(H) Publish Date:	4/7/2016

Identifier: HCR4-LEG-OP-02-04-16
 Title: US COUNTERMAND CONVENTION DELEGATES
 Sponsor: HUGHES
 Requester: HOUSE JUDICIARY

Department: Alaska Legislature
 Appropriation: Legislative Operating Budget
 Allocation: Legislative Operating Budget
 OMB Component Number: 796

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	***	***	***	***	***	***	***	***
Personal Services	***	***	***	***	***	***	***	***
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	***	***	***	***	***	***	***	***

Fund Source (Operating Only)

None								
Total	***	***	***	***	***	***	***	***

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues	***	***	***	***	***	***	***	***
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for 29th Legislature/2nd Session. Changed from zero to indeterminate.

Prepared By: Jessica Geary, Finance Manager
 Division: LAA
 Approved By: Pam Varni, Executive Director
 Agency: LAA

Phone: (907)465-6626
 Date: 02/04/2016 02:44 PM
 Date: 02/04/16

REPORTED OUT OF
HFC 04/06/2016
Control Code: WNaWd

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION**Analysis**

HCR 4 calls for a countermand convention of the states. If HCR 4 passes and is agreed upon, it would require the Presiding Officers to appoint delegates to serve as representatives of the Legislature at the countermand amendment convention.

If HCR 4 is enacted, and after a total of 34 states place a call under Article V of the United States Constitution for a countermand convention, the Speaker of the House shall appoint three members and the President of the Senate shall appoint three members. The members would serve on the Delegate Credential Committee and would be required to meet during and between sessions and report back to the Legislature.

Because there are so many variables in this resolution and because the timeline is unknown, this fiscal note is indeterminate. Should this legislation pass and a countermand amendment convention be scheduled, an updated fiscal note will be required.



State of New Mexico
House of Representatives
Santa Fe

YVETTE HERRELL

R - Otero
District 51

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COMMITTEES:
Business & Industry
Health & Government Affairs
Enrolling & Engrossing - B

INTERIM COMMITTEES:
Economic & Rural Development
New Mexico Finance Authority Oversight

TO: Representative Shelley Hughes and Senator Bill Stoltze

FROM: Representative Yvette Herrell

SUBJECT: Application for Countermand Amendment Convention and
Delegate Resolution with Countermand Amendment

I am writing to testify for the passage of the two resolutions that the Alaska Legislature is proposing. The first is the Application to Congress to call for a Countermand Amendment Convention. This is an important first resolution and step to get to the 34 states, of which I am the sponsor in New Mexico to convene a Countermand Amendment Convention.

The second and very crucial resolution is the Delegate Resolution with the language of the Countermand Amendment tied directly to the resolution. The resolution defines the Countermand Amendment Convention as to Article 4, Section 4 which defines a Republican form of a convention (majority vote) and that all votes are one state, one vote, please see the first whereas. Also, important is that, it defines and declares that delegates are bound to any state that has this, and they must vote for the approved Countermand Amendment. This maintains State Legislative Sovereignty by ensuring the State Legislature is the deliberative body and controls the delegates from beginning to end. This resolution further defines the appointment of delegates, a Delegate Credential Committee to oversee the delegates, the convention rules and procedures as well as the duties of the delegates, alternate delegates and oath taken for both primary and alternate delegates. Lastly, it defines the text of the Countermand Amendment to be voted on by all the States at the convention.

Once 26 States or more pass this Delegate Resolution and Countermand Amendment then the convention is called by Congress and the convention approves the language of the Countermand Amendment. The convention is then safe, efficient and very timely. The state of Louisiana will be passing this same legislation and looks forward to working with fellow State Legislatures in Alaska to ensure that this amendment is passed without delay and thus ratified.

Of added importance is that this same Delegate Resolution should be used for any other proposed amendments that Alaska or other states approve. This sets a very favorable precedence for the safety and efficiency of any and all other amendment conventions that may occur at a later date.



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Alan Fehr

District 36
10641 Highway 10
Dickinson, ND 58601-9567

Business: 701-225-1050
Cell: 701-590-0136
afehr@nd.gov

COMMITTEES:

Agriculture
Human Services

February 20, 2015

To: Mike Coons, National Director, Citizen Initiatives
From: Representative Alan Fehr, ND House of Representatives

SUBJECT: Application for Countermand Amendment Convention and Delegate Resolution with Countermand Amendment

I am pleased to report that on February 17, 2015, the ND House of Representatives passed House Concurrent Resolution (HCR) 3017 and HCR 3016, relating to the Countermand Amendment. HCR 3017, the application for an amendment convention under Article V of the Constitution, was passed by the ND House by a vote of 56 -35. HCR 3016 was passed by the ND House by a vote of 59-32.

These resolutions are now in the ND Senate and will be heard in committee in a couple weeks.

Speaking for myself and the bill co-sponsors, Representative Damschen and Senator Larson, we are very enthusiastic about the potential benefit the Countermand Amendment would bring to restore a proper state of checks-and-balances between our states and the federal government.

We believe that we have experienced an escalation of over-reach by the federal government, especially in recent years, but the states have limited ability for redress. The Countermand Amendment would give the states a tool whereby they could collectively address and rescind valid concerns of federal over-reach that currently exists in congressional action, executive order, and agency rules. This tool, the Countermand Amendment, would provide states a means and process to collectively challenge and potentially rescind the most burdensome federal action. Perhaps more importantly, we believe that the existence of the Countermand Amendment in the US Constitution would have some effect of deterrence, which currently is not available.

We encourage all the states to discuss, debate, and pass the Countermand Amendment resolutions. We believe that this tool will strengthen us as a nation by strengthening the ability of states to collectively address national concerns.

HCR4, HJR14 Support Document - emails

From: <knikhusky@1791.com>

Date: March 7, 2015 at 1:48:18 PM AKST

To: <rep.shelley.hughes@akleg.gov>

Subject: Countermand Amendment Convention & Delegate Resolution

To: Representative Shelley Hughes

SUBJECT: Application for Countermand Amendment Convention and Delegate Resolution with Countermand Amendment

I am writing to testify for the passage of the two resolutions that the Alaska Legislature is entertaining. The first being the Application to Congress to call for a Countermand Amendment Convention. This is an important first resolution and step to get to the 34 States to convene an Countermand Amendment Convention. The second and very important resolution is the Delegate Resolution with the language of the Countermand Amendment tied directly to the resolution.

This is important in that it defines the Countermand Amendment Convention as to Article 4, Section 4 which defines a Republican form of a convention (majority vote) and that all votes are one State, one Vote, (see the first Whereas). Just as important is it defines and declares the delegates are bound to any State that has this and they must vote for the approved Countermand Amendment. This maintains State Legislative Sovereignty by ensuring the State Legislature is the deliberative body and controls the Delegates from start to end. This resolution further defines the appointment of delegates, a Delegate Credential Committee to oversee the delegates, the convention rules and procedures as well as the duties of the delegates, alternate delegates and oath taken for both primary and alternate delegates. Lastly it defines the text of the Countermand Amendment to be voted on by all the States at the convention.

Once 26 States or more, pass this Delegate Resolution and Countermand Amendment and once the convention is called by Congress and the convention approves the language of the Countermand Amendment, then the convention is over and will have been safe, efficient and very timely. Of added importance is that this same Delegate Resolution should be used for any other proposed Amendments that Alaska or other States approve. This then sets a very favorable precedence of the safety and efficiency of any and all other amendment conventions that may occur at a later date.

Sincerely,

Sandi Williams

Wasilla, Alaska

From: Barbara Haney [<mailto:barbarahaney100@gmail.com>]

Sent: Monday, March 09, 2015 4:21 PM

To: Rep. Shelley Hughes; Sen. Bill Stoltze

Cc: Mike Coons
Subject: Countermand Amendment

Dear Rep. Hughes and Stoltze

I am writing in support of the countermand amendment. I am not ordinarily in favor of legislation that calls for a convention of the states, but I believe the language in SJR 15 and HJR 14 is sufficient to restrict the conventions consideration to this one item.

If there was a mechanism in the constitution that allowed the states recourse, particularly when there are individuals running the U.S. Senate such as Harry Reid and officials such as Sandy Jewell and Arne Duncan and reduce the ability of Washington, D.C. to engage in activities that the vast majority of Americans do not support. An amendment that allows, actions by the states as stated below would circumvent many actions.

"a vote of three-fifths of the state legislatures, to nullify and repeal a federal 9 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"

There are a vast array of policy measures over the past few years where I believe legislation the countermand would have already overturned--among them Obama Care, Common Core and other egregious issues regarding the implementation of the Elementary and Secondary Education Act, bans on ammunition and issues regarding PM2.5 and the disposition of federal lands are among the many issues that countermand could be used to address.

The countermand has the potential to be a vital tool for states to defend the blessings of liberty. It is my hope that you support passage of the amendment.

Sincerely,

Barbara Haney,
North Pole, Alaska

From: Daniel Hamm [mailto:daniel_hamm@hotmail.com]
Sent: Monday, March 09, 2015 2:28 PM
To: Rep. Shelley Hughes; Sen. Bill Stoltze
Subject: US Countermand Convention Resolution

Representative Hughes & Senator Stoltze,

I wish to express my support for HJR 14/SJR 15- "A Call for a US Countermand Resolution." I believe this resolution could have a strong effect towards maintaining states' rights.

Sincerely,

Daniel Hamm
Palmer, Alaska

From: Ric Davidge [mailto:pm@cylaska.com]
Sent: Monday, March 09, 2015 2:38 PM
To: Rep. Shelley Hughes
Subject: support for countermand amendment resolution

Shelley,

Just to confirm with you that I am a VERY strong supporter of this effort as we discussed when I was in Juneau.

If you need anything from me on the Republican or Dem side, just ask.

Ric Davidge, author

'The Second American Revolution – first 100 days'

From: Carol Carman [mailto:carcar@mtaonline.net]
Sent: Tuesday, March 10, 2015 4:17 AM
To: Rep. Shelley Hughes; Sen. Bill Stoltze
Subject: Countermand Amendment

I fully support the Countermand Amendment.
I see that it may save our country from our current slide into tyranny.
Thank you for sponsoring it!

Carol Carman
<>< <>< <><

From: Dorothy Denison [mailto:dorothyd2ak@hotmail.com]
Sent: Thursday, March 19, 2015 4:09 PM
To: Rep. Shelley Hughes
Subject: HJR 14

Representative Hughes,
I support a convention of the states. The Federal government will not fix itself and it certainly needs repair. HJR 14 calling for the convention of the states is very important to me. It is now up to the states to push back the out of control Federal government. Please support this action.
Thank you for your service to Alaska and our nation.
Dorothy Denison

Sent from my iPad

SENATE
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Wayne Labit
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Labor & Industrial Relations
Chairman
Louisiana International Gulf
Transfer Terminal
President
Commerce, Consumer Protection
& International Affairs
Environmental Quality, Retirement
Select Committee on Coastal Restoration
Flood Control

TO: Alaska State Legislature State Affairs Committee: Representative Bob Lynn, Senator Bill Stoltze and Alaska Legislature Judiciary Committee: Representative Gabrielle LeDoux and Senator Lesil McGuire
FROM: Senator A.G. Crowe, Louisiana State Legislature
SUBJECT: Application for Countermand Amendment Convention and Delegate Resolution with Countermand Amendment

I am writing to testify for the passage of the two resolutions the Alaska Legislature is entertaining. The first one is the Application to Congress to call for a Countermand Amendment Convention. This is an important first resolution and step to get to the 34 States, of which I am the sponsor for the same bill here in Louisiana, which is to convene a Countermand Amendment Convention.

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Of added importance is that this same Delegate Resolution should be used for any other proposed Amendments that Alaska or other States approve. This then sets a very favorable precedence of the safety and efficiency of any and all other amendment conventions that may occur at a later date.

Sincerely,

A.G. Crowe
State Senator
State of Louisiana

The Constitution of the United States

Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

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The U.S. National Archives and Records Administration

1-86-NARA-NARA or 1-866-272-6272

HCR 4