

SCR

4

<TARGET><BILL>SCR 4</BILL><SUBJECT>SCR
4</SUBJECT><COMM>SSTA29</COMM></TARGET>

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/13/15

FURTHER: Judiciary
Finance

Date of 5-Day Notice: 3/12/2015
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/26/15

State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 4

SCR 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 CS _____ (_____) Same Title New Title
- adopt previous CS _____ (_____) Same Title New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

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

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
LEG			✓	1

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

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Coghill	✓			
	Huggins	✓			
	McGuire	✓			
	Wielechowski		✓		
CHAIR:	Stoltze	✓			

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

Senator Bill Stoltze, Chair
State Capitol, Room 125
Juneau, AK 99801-1182
Phone (907) 465-4958
Fax (907) 465-4928



Official Business

Members:
Sen. John Coghill, Vice Chair
Sen. Charlie Huggins
Sen. Lesil McGuire
Sen. Bill Wielechowski

March 26, 2014
Bill Packet Information

HB 35 MARCH 27: GREAT ALASKA EARTHQUAKE DAY
<Previously Heard/Scheduled on 3/24/15>

SB 22 MOTOR VEHICLE REG. TAX: COLLECTION COSTS
<Previously Heard/Scheduled on 3/24/15>

SJR 15 CALL FOR US COUNTERMAND CONVENTION
<Previously Heard/Scheduled on 3/17/15 & 3/19/15>

SCR 4 US COUNTERMAND CONVENTION DELEGATES
<Previously Heard/Scheduled on 3/17/15 & 3/19/15>

HB 93 PROBATION AND PAROLE: WORK, TRAVEL ACCOM.

- Sponsor Statement
- Sectional Analysis (sponsor)
- Explanation of Changes
- HB 93 version \H - (House State Affairs CS)
- HB 93 version \W - (Initial Version)
- Supporting Documents:
 - Publication: Alaska Prisoner Reentry Task Force
 - Letters of Support (2)
 - Email - Kyle Brown 2-3-15
 - Letter - Partners for Progress 2-13-15
- Fiscal Notes:
 - #1 - DOA-PDA 2-13-15 (**Zero**)
 - #2 - DOC-PPDO 2-14-15 (**Zero**)

<Bills Previously Heard/Scheduled>

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Sen. Lesil McGuire
Sen. Bill Wielechowski

State Affairs Committee

Schedule for: March 16 - March 22, 2015

Weekly Schedule

+Tuesday, March 17, 2015 - 9:00 am - BUTROVICH - CAP 205

SB 42 PERSONAL USE FISHING PRIORITY
-- Continued Public Testimony --

SJR 15 CALL FOR US COUNTERMAND CONVENTION
-- Initial Presentation --

SCR 4 US COUNTERMAND CONVENTION DELEGATES
-- Initial Presentation --

<Bills Previously Heard/Scheduled>

+Thursday, March 19, 2015 - 9:00 am - BUTROVICH - CAP 205

Confirmation of Governor's Appointments:

Benjamin Brown, Alaska Commercial Fisheries Entry Commission
Verne Rupright, Alaska Commercial Fisheries Entry Commission
Mark Fish, Alaska Public Offices Commission
Mark Liuken, Department of Transportation and Public Facilities
Craig Fleener, Lieutenant Governor Successor

-- Public Testimony --

SJR 15 CALL FOR US COUNTERMAND CONVENTION
-- Continued from 3/17/15 --
-- Public Testimony --

SCR 4 US COUNTERMAND CONVENTION DELEGATES
-- Continued from 3/17/15 --
-- Public Testimony --

<Bills Previously Heard/Scheduled>

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Sen. Bill Wielechowski

March 17, 2014
Bill Packet Information

SB 42 PERSONAL USE FISHING PRIORITY

<Previously Heard/Scheduled>

Additional Documents for Second Hearing:

- Resident & Nonresident Commercial Fishing Statistics (ADF&G)
- Personal Use Statewide Regulations (ADF&G)
- Supporting Documents:
 - Emails of Support (62)
 - Letter Chitina Dipnetters Association 3-15-16
- Opposition Documents:
 - Emails & Written Testimony in Opposition (4)
 - Letter Alaska Trollers Association 3-16-15

SJR 15 CALL FOR US COUNTERMAND CONVENTION

- SJR 15 version A
- Letters from other states' legislators:
 - Louisiana Senator A.G. Crowe
 - North Dakota Rep. Alan Fehr
- Supporting Documents:
 - Emails of Support (7)
 - Charles Kacprowicz Commentary
 - Letter - Citizens Initiatives (Charles Kacprowicz)
 - New Hampshire Resolution (2015)
 - New Mexico Resolution (2015)
- Fiscal Notes:
 - LEG-SESS 3-16-15 (Zero)

SCR 4 US COUNTERMAND CONVENTION DELEGATES

- SCR 4 version A
- Fiscal Notes:
 - LEG-SESS 3-16-15 (Zero)

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SCR 4
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SCR4-LEG-SESS-03-16-15
Title: US COUNTERMAND CONVENTION DELEGATES
Sponsor: STOLTZE
Requester: Senate State Affairs

Department:
Appropriation:
Allocation:
OMB Component Number: 0

Expenditures/Revenues

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

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES							
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) 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:

Initial Version. One Page, Zero Note.

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

Phone: (907)465-6626
Date: 03/16/2015 11:07 AM
Date: 03/16/2015

ALASKA STATE LEGISLATURE



Chair:
Senate State Affairs Committee

Member:
Resources Committee
Health & Social Services Committee

Session:
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BILL STOLTZE
STATE SENATOR
Senator.Bill.Stoltze@akleg.gov

SCR4

Section Analysis

Section	Action	Comments
Resolve 1 Pg 2 In 26	Authorizes the legislature to appoint and summon delegates for the amendment convention.	
Resolve 2 Pg 2, In 29	Gives the legislature authority to decide the qualifications and total number of delegates to send to the convention.	
Resolve 3 Pg 3, In 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, In 13	Reserves the countermand amendment as the only amendment for consideration for ratification by the legislatures.	
Resolve 6 Pg 3, In 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, In 24	Provides for replacement procedure for members of the Delegate Credential Committee.	
Resolve 8	Allows for selection of co-chairs of the Delegate	One co-chair from the House, one from

Pg 3, In 26	Credential Committee	the Senate. Along with staff assignments for committee support.
Resolve 9 Pg 3, In 30	Establishes when Delegate Credential Committee can meet.	
Resolve 10 Pg 4, In 1	Acknowledges that the Delegate Credential Committee will continue until the first day of the Thirtieth Alaska State Legislature.	
Resolve 11 Pg 4, In 3	Requests that the Delegate Credential Committee be considered for reestablishment during the Thirtieth Alaska Legislature.	
Resolve 12 Pg 4, In 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, In 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, In 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.	

Oren Brown

From: Mike Coons <mcoons@mtaonline.net>
Sent: Wednesday, March 25, 2015 2:38 PM
To: Oren Brown
Subject: HCR 4 comment Add to SCR 4

This is my testimony to the House State Affairs re: HCR4, companion bill to SCR 4

My name is Mike Coons, National Director for Citizen Initiatives.

Assistant Attorney General Mike Shechter in his opinions last Tuesday made comments that need to be corrected.

1.He kept calling Article V (pertaining to the States) a Constitutional Convention. This is not a Constitutional Convention, it is an amendment convention and to continue calling it a Constitutional Convention is one of the many reasons the John Birch and Eagle Forum has been so vocal and effective. The only Constitutional Convention was in 1787 whereby Article V was put into the Constitution for purposes of amending the Constitution either by the Congress or the States.

2.For clarification he stated that Article V, Congress, has been used 27 times. Actually the number is closer to 100. Reason this is significant is that the States rejected all but 27 proposed Amendments, which is why we put such an emphasis on State Legislature sovereignty in this process.

3.He talked about concerns if States can limit to a single amendment.
Article V is about the right of States to propose amendments. That means
1 or more.

4.He further commented that this has never been acted upon by the courts or Congress and that the Dept of Law didn't know how the question of a convention will be received. The courts have nothing to do with the convening of or running the convention. The Congress has only three duties; 1. Keep count of applications per subject matter; 2. Convene a convention upon 34 States making the same application and 3. receive and send proposed amendment for ratification to the 50 States.

5.Mr Shechter stated: "Once called a convention creates it's own rules and they can consider any amendments it may choose to is also an equally valid theory". This is why the Delegate Resolution, HCR 4 is so important! When 26 or more States, a majority, pass this, along with the embedded Countermand Amendment language, there is no option for the several States at the convention to create it's own rules or to bring up other amendments.

Of the two resolutions before you, HCR 4 is the most important. The safety and efficiency of the convention is assured with 26 or more States adopting the rules for the convention prior to the convening of the convention.

Mike Coons
National Director Citizen Initiatives

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Using Opera's mail client: <http://www.opera.com/mail/>

I salute the Chairman and members of the Senate State Affairs Committee. I am Stuart Thompson of Senator Huggins's district. I am here to testify in support of HJR 14/SJR 15 and its attendant HCR/SCR 4 on behalf of myself. I have the following testimony to give in writing for lack of time to personally testify.

I commend Rep Hughes for sponsoring this bill, and all the Senate and House of Representative co-sponsors of these bills.

The only legitimate objection to calling for a US Countermand Convention is that its essence is already in the Constitution as the 9th and 10th Amendments. But anybody tracing the history of their application will immediately perceive that these constitutional powers were castrated by mismanagement of the slavery issue and the desperation of the Civil War. They were then buried from view by anti-constitutional exaggeration of federal powers through unlimited interpretation of Article II's General Welfare clause and Due and Proper clause. So in essence, holding a constitutional convention and passing the Countermand Amendment restores the proper and original check and balance powers of the states over the federal government.

The most serious problem the US has right now is a lack of political will by the American people to benefit from our full political heritage in seeking life, liberty, & the pursuit of happiness. Most, if not all, of our country's problems today could be reduced or eliminated through diligent application of it—including handling terrorism without suffering bankruptcy from continuous war. This circumstance is directly traceable to encouraging citizen apathy by perverting civics education, and increasingly using the methods of other forms of government to deal with things. Two bills before the Alaska Legislature are attempting to address this—HB 30 and SCR1.

But we need to act now to address the central source of political apathy enforcement in this country. It is making the US into a has-been nation plunging into oblivion. And that source is the overreach and bullying of the federal government arising from anti-constitutional centralization of power—enabled by neglect of duty by the states. That is what the Countermand Convention will inevitably aim at.

The greatest attack on this bill's idea will be that government of, for, and by the People does not work — in handling economic depression and protection of the people from threats (now terrorism). We Americans have been increasingly buying this for most of a century—yet we have increasingly been suffering from the very ills the mutating US Government has promised to protect us from. So let's get going and be real human beings, instead of animals begging for protection.

Here's a further note in view of posterity watching:

As free human beings, we must face that we have to be eternally on guard against the temptation of giving government unsupervised trust. Our founders were very alive to this, and constructed our form of government accordingly. We must defend their creation.

I am sorry to say that no government in history ever really deserved even the trust that was given. Government always has been an imperfect invention of humanity. Cooperation between those in authority and those governed is the only hope we have—no matter how hard it is to do.

Good luck on your deliberations.

Stuart Thompson PO Box 870702, Wasilla AK 99687
1-877-950-7980 lookitover@att.net

Daniel George

From: COMMANDER of the NORTH <terryrussell55@gmail.com>
Sent: Wednesday, March 18, 2015 12:27 PM
Subject: Sen. Bill Stoltze
NO CON-CON

MAKE THEM FOLLOW THE US CONSTITUTIONAL RULES WE HAVE NOW ! Terry Russell , Fire Chief
Manley Hot Springs AK