

**JOINT RESOLUTION CALLING FOR A CONVENTION OF
THE STATES FOR THE SOLE PURPOSE OF PROPOSING
A COUNTERMAND AMENDMENT TO
THE UNITED STATES CONSTITUTION**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merrill F. Nelson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill urges the states to request that Congress call a convention of the states for the purpose of proposing and voting on a constitutional amendment allowing states to countermand federal law in certain circumstances.

Highlighted Provisions:

This resolution:

▶ applies to Congress to call a convention of the states for the sole purpose of considering and adopting a Countermand Amendment to the Constitution of the United States;

▶ strongly urges the states, under authority in Article V of the United States Constitution, to each apply to the United States Congress for a convention of the states for the sole purpose of considering and adopting a Countermand Amendment to the United States Constitution; ~~and~~

▶ directs that Congress call a convention of the states, for the sole purpose of considering and adopting a Countermand Amendment, within 60 days after receiving the 34th state application for such convention ~~and~~

▶ declares that, as a condition of approving this joint resolution, the Legislature of the state of Utah reserves the right to approve the terms of the proposed Countermand Amendment, the selection of and instructions to its delegates to the convention, and the rules and procedures of the convention prior to the commencement of the convention.

Special Clauses:

H.J.R. 3



28 None

29

30 *Be it resolved by the Legislature of the state of Utah:*

31 WHEREAS, all governing power under the United States Constitution originates from
32 the people and the states;

33 WHEREAS, the United States Constitution delegates certain limited powers to the
34 legislative, executive, and judicial branches of the federal government;

35 WHEREAS, the Tenth Amendment to the United States Constitution reserves all
36 non-delegated powers to the states and the people;

37 WHEREAS, the United States Congress has, at times, exceeded its delegated powers
38 and otherwise passed laws injurious to the states and the people;

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

44 WHEREAS, federal courts have, at times, exceeded their authority by issuing decisions
45 not grounded in the United States Constitution, by issuing decisions on public policy matters
46 reserved to the states in violation of principles of federalism and separation of powers, and
47 otherwise issuing decisions injurious to the states and the people;

48 WHEREAS, federal administrative agencies have, at times, issued rules and regulations
49 beyond their statutory authority and have otherwise issued rules and regulations or taken other
50 actions injurious to the states and the people;

51 WHEREAS, Article V of the United States Constitution states: "The Congress,
52 whenever two thirds of both houses shall deem it necessary, shall propose amendments to this
53 Constitution, or, on the application of the legislatures of two thirds of the several states, shall
54 call a convention for proposing amendments, which, in either case, shall be valid to all intents
55 and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of
56 the several states . . .";

57 WHEREAS, Article V of the United States Constitution reserves to the states and the
58 people a final check on the usurpation, misuse, or abuse of federal power;

59 WHEREAS, the states have the sole authority to define and limit the agenda of a
60 convention of the states and may limit the agenda to adoption of a single proposed amendment
61 to the United States Constitution;

62 WHEREAS, under authority of Article V of the United States Constitution, the several
63 states should apply to Congress to call a convention of the states for the sole purpose of
64 proposing and adopting a Countermand Amendment to the United States Constitution;

65 WHEREAS, a Countermand Amendment to the United States Constitution would
66 authorize the states, upon a vote by $\hat{H} \rightarrow$ ~~[three-fifths of the]~~ **the prescribed number of** $\leftarrow \hat{H}$ state
66a legislatures $\hat{H} \rightarrow$, $\leftarrow \hat{H}$ to override and
67 invalidate a congressional statute, executive order, federal court decision, or administrative
68 agency rule, regulation, or other action deemed injurious to the states and the people;

69 WHEREAS, the states, by adopting a Countermand Amendment, properly exercise
70 their constitutional authority to check federal power, preserve state sovereignty, and protect the
71 rights of the states and the people; and

72 WHEREAS, delegates to a convention of the states called for the sole purpose of
73 considering and adopting a Countermand Amendment to the United States Constitution would
74 be prohibited from considering any other amendment or change to the Constitution:

75 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah,
76 under the authority of Article V of the United States Constitution, hereby applies to Congress
77 to call a convention of the states for the sole purpose of considering and adopting a
78 Countermand Amendment to the United States Constitution, with the delegates to such
79 convention prohibited from considering any other amendment or change to the Constitution.

80 BE IT FURTHER RESOLVED that the Legislature of the state of Utah strongly urges
81 the other state legislatures each to pass a similar resolution applying to Congress to call a
82 convention of the states for the sole purpose of considering and adopting a Countermand
83 Amendment to the United States Constitution.

84 BE IT FURTHER RESOLVED that the Legislature of the state of Utah directs that
85 Congress call a convention of the states, for the sole purpose of considering and adopting a
86 Countermand Amendment, within 60 days after receiving the 34th state application for such
87 convention.

87a $\hat{H} \rightarrow$ **BE IT FURTHER RESOLVED that the Legislature of the state of Utah declares that,**
87b **as a condition of approving this joint resolution, the Legislature of the state of Utah reserves**
87c **the right to approve the terms of the proposed Countermand Amendment, the selection of and**
87d **instructions to its delegates to the convention, and the rules and procedures of the convention**
87e **prior to commencement of the convention.** $\leftarrow \hat{H}$

88 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the leader of
89 each legislative house in each of the other states, the Majority Leader of the United States

90 Senate, the Speaker of the United States House of Representatives, the President of the United
91 States, the Chief Justice of the United States Supreme Court, and the members of Utah's
92 congressional delegation.

Legislative Review Note
as of 12-2-14 5:07 PM

Office of Legislative Research and General Counsel