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.

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
	counter	man	d an	nendmer	nt to	the United	Stat	es Co	nstitution	٦.		

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

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

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

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

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

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

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

Whereas, article V of the United States Constitution states: "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; and

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

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

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

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countermand amendment to the United States Constitution; and Whereas, a countermand amendment to the United States Constitution would authorize the states, upon a vote by three-fifths of the state legislatures to override and invalidate a congressional statute, executive order, federal court decision, or administrative agency rule, regulation, or other action deemed injurious to the states and the people; and Whereas, the states, by adopting a countermand amendment, properly exercise their constitutional authority to check federal power, preserve state sovereignty, and protect the rights of the states and the people; and Whereas, delegates to a convention of the states called for the sole purpose of considering and adopting a countermand amendment to the United States Constitution would be prohibited from considering any other amendment or change to the Constitution; now, therefore be it Resolved by the House of Representatives, the Senate concurring: That the New Hampshire general court, under the authority of article V of the United States Constitution, hereby applies to Congress to call a convention of the states for the sole purpose of considering and adopting a countermand amendment to the United States Constitution, with the delegates to such convention prohibited from considering any other amendment or change to the Constitution; and That the general court strongly urges the other state legislatures each to pass a similar resolution applying to Congress to call a convention of the states for the sole purpose of considering and adopting a countermand amendment to the United States Constitution; and That the general court 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 That the house clerk send a copy of this resolution to the leader of each legislative house in each of the other states, the Majority Leader of the United States Senate, the Speaker of the

United States House of Representatives, the President of the United States, the Chief Justice of the

United States Supreme Court, and the members of New Hampshire's congressional delegation.