

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

HJR 1022

4
5 By: Representatives Beck, Ballinger
6 By: Senator Rapert

7
8 **HOUSE JOINT RESOLUTION**

9 MAKING APPLICATION TO THE UNITED STATES CONGRESS TO
10 CALL A CONVENTION OF THE STATES TO PROPOSE A
11 COUNTERMAND AMENDMENT TO THE UNITED STATES
12 CONSTITUTION, AS PROVIDED UNDER UNITED STATES
13 CONSTITUTION, ARTICLE V, TO AUTHORIZE THE STATES,
14 UPON A VOTE OF THREE-FIFTHS OF THE STATE
15 LEGISLATURES, TO NULLIFY AND REPEAL A FEDERAL
16 STATUTE, EXECUTIVE ORDER, JUDICIAL DECISION,
17 REGULATORY DECISION BY A FEDERAL GOVERNMENT AGENCY,
18 OR GOVERNMENT MANDATE IMPOSED ON THE STATES BY LAW
19 THAT ADVERSELY AFFECTS THE INTERESTS OF THE STATES;
20 AND URGING THE LEGISLATURES OF THE OTHER FORTY-NINE
21 STATES TO MAKE THE SAME APPLICATION.

22
23
24 **Subtitle**

25 MAKING APPLICATION TO THE UNITED STATES
26 CONGRESS TO CALL A CONVENTION OF THE
27 STATES TO PROPOSE AN AMENDMENT TO THE
28 UNITED STATES CONSTITUTION.

29
30
31 WHEREAS, the sovereignty of the State of Arkansas has been infringed
32 upon by the federal government; and

33
34 WHEREAS, the state's right and duty to provide for the utilization,
35 development, and conservation of natural resources for the maximum benefit of
36 the people has been continually infringed on by various federal agencies; and



1
2 WHEREAS, the United States Congress has, at times, exceeded its
3 delegated powers, the President of the United States has, at times, exceeded
4 the constitutional authority of the Office of the President of the United
5 States, and the federal courts have, at times, exceeded their authority by
6 issuing decisions on public policy matters reserved to the states in
7 violation of the principles of federalism and separation of powers, all of
8 which have adversely affected the state and its people; and
9

10 WHEREAS, United States Constitution, Article IV, § 4, guarantees to
11 every state a republican form of government that gives each state equal
12 standing when calling for a convention under United States Constitution,
13 Article V; and
14

15 WHEREAS, under the authority of United States Constitution, Article v,
16 the several states may apply to the United States Congress to call a
17 convention of the states to amend the United States Constitution and adopt an
18 amendment to authorize the states, upon a vote of three-fifths (3/5) of the
19 state legislatures, to nullify and repeal a federal statute, executive order,
20 judicial decision, regulatory decision by a federal government agency, or
21 government mandate imposed on the states by law, that adversely affects the
22 interests of the states, in order to properly exercise the states'
23 constitutional authority to check federal power, preserve state sovereignty,
24 and protect the rights of the states and the people; and
25

26 WHEREAS, the states have the authority to define and limit the agenda
27 of a convention to a single-issue "countermand amendment convention" called
28 for by the states as provided under United States Constitution, Article V;
29 and
30

31 WHEREAS, the delegates sent by the states to a countermand amendment
32 convention shall have the limited authority to deliberate on and decide
33 whether the countermand amendment, as preapproved by state legislatures,
34 should be sent back to the state legislatures for ratification,
35

36 NOW THEREFORE,

1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL
2 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
3 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
4

5 THAT under United States Constitution, Article V, the General Assembly
6 applies to the United States Congress to call a single-issue convention of
7 the states, called a "countermand amendment convention," for the sole purpose
8 of deciding whether the proposed countermand amendment should be sent back to
9 the state legislatures for ratification.
10

11 BE IT FURTHER RESOLVED that the General Assembly requires that the
12 United States Congress convene the countermand amendment convention within
13 sixty (60) days after the date it receives the thirty-fourth application for
14 that convention from state legislatures.
15

16 BE IT FURTHER RESOLVED that this application constitutes a continuing
17 application in accordance with United States Constitution, Article V, until
18 at least two-thirds (2/3) of the legislatures of the several states have
19 applied for a similar convention of the states unless rescinded by the
20 General Assembly prior to the calling of the convention.
21

22 BE IT FURTHER RESOLVED that the General Assembly urges the legislatures
23 of the other forty-nine (49) states to apply to the United States Congress to
24 call a single-issue countermand convention under United States Constitution,
25 Article V.
26

27 BE IT FURTHER RESOLVED THAT copies of this resolution be sent to the
28 Honorable Donald J. Trump, President of the United States; the Honorable
29 Michael R. Pence, Vice President of the United States and President of the
30 United States Senate; the Honorable Paul Ryan, Speaker of the United States
31 House of Representatives; the Honorable Mitch McConnell, Majority Leader of
32 the United States Senate; the Honorable Julie E. Adams, Secretary of the
33 United States Senate; the Honorable Karen L. Haas, Clerk of the United States
34 House of Representatives; members of the Arkansas delegation in the United
35 States Congress; and the presiding officers of the legislatures of each of
36 the other forty-nine (49) states.