

SENATE FILE NO. SF0087

Countermand amendment provisions.

Sponsored by: Senator(s) Peterson, Agar, Case, Hicks, Meier
and Perkins and Representative(s) Biteman,
Lindholm and Winters

A BILL

for

1 AN ACT relating to an Article V convention for the
2 countermand amendment; authorizing delegates to a
3 convention to amend the United States constitution to adopt
4 the countermand amendment; specifying duties of delegates
5 to the convention; specifying the text of the countermand
6 amendment; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.**

11

12 (a) The legislature hereby authorizes delegates to be
13 appointed to participate at a convention of the states to
14 amend the United States Constitution and adopt a
15 countermand amendment to authorize the states, upon a vote

1 of three-fifths (3/5) of the state legislatures, to nullify
2 and repeal a federal statute, executive order, judicial
3 decision, regulatory decision by a federal government
4 agency or government mandate imposed on the states by law
5 that adversely affects the interests of the states, in
6 order to properly exercise the states' constitutional
7 authority to check federal power, preserve state
8 sovereignty and protect the rights of the states and the
9 people according to the terms and conditions set out in
10 this act.

11

12 (b) The number and qualifications of delegates and
13 alternates, if applicable, may be decided by the
14 legislature after the United States Congress calls the
15 convention to consider the countermand amendment.

16

17 (c) The legislature hereby directs the state's
18 delegates to the convention to vote to send the countermand
19 amendment, as provided in subsection (f) of this section,
20 back to the states for ratification as provided in Article
21 V of the Constitution of the United States. Delegates shall
22 not vote in favor of any alternate amendment or modified
23 version of the countermand amendment that might be

1 introduced at the convention, and delegates are hereby
2 instructed to do all in their power at the convention to
3 secure a vote that approves sending the countermand
4 amendment back to the states for ratification.

5

6 (d) Only the countermand amendment, as provided in
7 subsection (f) of this section, will be considered by the
8 legislature for ratification.

9

10 (e) The delegates to the convention shall be required
11 to follow the directives in this act and others that may be
12 issued by the legislature. Each delegate shall:

13

14 (i) Comply with directives made under this act;

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16 (ii) Work to advance all the requirements and
17 directives in this act;

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19 (iii) Be subject to dismissal from the state
20 delegation for violation of this act;

21

22 (iv) Be bound to vote consistent with directives
23 given under this act, including sending the countermand

1 amendment, as herein provided, to the states for
2 ratification.

3

4 (f) The text for the countermand amendment that is
5 to be sent to the state legislatures, by way of the United
6 States Congress, for ratification shall read as follows:

7

8

"COUNTERMAND AMENDMENT

9

10 ARTICLE 28 (or alternate number to be
11 assigned by the United States Congress)

12

13 **Section 1.** The Article provides for State
14 sovereignty in our Constitutional Republic by
15 providing State Legislatures Countermand
16 authority.

17

18 **Section 2.** State Legislatures in the several
19 States shall have the authority to Countermand
20 and rescind any Federal action including any
21 Congressional Statute, Judicial decision,
22 Executive Order, Treaty, government agency's
23 regulatory ruling, or any other government

1 mandate (including excessive spending and credit)
2 imposed on them when in the opinion of sixty
3 percent (60%) of State Legislatures the law or
4 ruling adversely affects their States' interest.
5 When the Countermand threshold has been reached,
6 the law or ruling shall be immediately and
7 automatically nullified and repealed. This
8 Countermand authority shall apply to existing
9 laws and rulings but shall not be deemed to apply
10 to the provisions of this Constitution.

11

12 **Section 3.** From the time the initial
13 Countermand is issued by a State Legislature, the
14 other Legislatures shall have eighteen (18)
15 months to complete the Countermand process. If
16 the Countermand process is not completed in
17 eighteen (18) months, then the law or ruling that
18 is being challenged shall remain enforceable.

19

20 **Section 4.** Each State Legislature shall
21 complete their Countermand affidavit and deliver
22 a certified copy to the Chief Justice of the
23 United States Supreme Court, the Leader of the

1 United States Senate, the Speaker of the House of
2 Representatives, the President of the United
3 States, and when applicable the Government Agency
4 or Body whose law or ruling is being challenged.

5

6 **Section 5.** Congress shall have the power to
7 enforce this Article by appropriate legislation.

8

9 **Section 6.** Individual States shall have
10 authority to prosecute violators of this Article
11 under State laws in the absence of Federal
12 prosecution after ninety (90) days from the date
13 of the alleged violation. Multiple prosecutions,
14 by multiple States, for the same alleged crime
15 are prohibited.

16

17 **Section 7.** The Article shall be immediately
18 part of the United States Constitution upon
19 ratification by three quarters (3/4) of the State
20 Legislatures in the several States.

21

22 **Section 8.** The provisions of this Article
23 are enforceable within the United States, which

1 shall include the Several States, the District of
2 Columbia, the Commonwealth of Puerto Rico, the
3 Commonwealth of the Northern Mariana Islands and
4 the territories and possessions of the United
5 States."

6

7 **Section 2.** This act is effective July 1, 2017.

8

9

(END)