

## 1 HOUSE JOINT RESOLUTION NO. 22

2 INTRODUCED BY J. O'NEIL

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA REQUESTING AN INTERIM STUDY OF THE EXTENT TO WHICH MONTANA'S  
6 REPRESENTATIVES IN THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES PROTECT,  
7 PROMOTE, AND ENHANCE THE SOVEREIGNTY OF INDIVIDUAL MONTANANS AND THE SOVEREIGNTY  
8 OF THE STATE OF MONTANA UNDER THE MONTANA CONSTITUTION AND THE UNITED STATES  
9 CONSTITUTION.

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11 WHEREAS, Article II, section 2, of the Montana Constitution provides that the people have the exclusive  
12 right of governing themselves as a free, sovereign, and independent state; and

13 WHEREAS, section 2-1-402, MCA, provides that "the 10th amendment to the United States constitution  
14 directs that powers that are not delegated to the United States are reserved to the states or to the people" and  
15 that "Montana, as one of the sovereign states within the union, has constitutional authority to enact laws  
16 protecting the environment of the state and safeguarding the public health, safety, and welfare of the citizens of  
17 Montana"; and

18 WHEREAS, Montanans should expect the state's United States Representative and each of the state's  
19 United States Senators to protect, promote, and enhance the sovereignty of individual Montanans and the  
20 sovereignty of the State of Montana under the 10th Amendment to the United States Constitution; and

21 WHEREAS, the citizens and voters of Montana should be provided with objective, fair, and balanced  
22 information regarding the extent to which the state's United States Representative and each of the state's United  
23 States Senators vote to protect, promote, and enhance the sovereignty of individual Montanans and the  
24 sovereignty of the State of Montana under the 10th Amendment to the United States Constitution.

25  
26 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
27 STATE OF MONTANA:

28 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to  
29 section 5-5-217, MCA, to study the extent to which the state's United States Representative and each of the  
30 state's United States Senators vote or otherwise act to protect, promote, and enhance the sovereignty of

1 individual Montanans and the sovereignty of the State of Montana under the 10th Amendment to the United  
2 States Constitution by:

3 (1) establishing criteria by which the respective commitments to individual and state sovereignty by the  
4 state's United States Representative and each of Montana's United States Senators should be measured. The  
5 criteria may include but are not limited to federal legislation that:

6 (a) establishes a federal mandate on individual Montanans or on the state of Montana;

7 (b) provides federal funding to the State of Montana or any political subdivision or agency of the state  
8 of Montana, including any grants to the state or to a local government, school district, or special district or to any  
9 element or employee of the Montana University System;

10 (c) infringes on the rights of any individual or on the sovereign state of Montana as provided in the  
11 Montana Constitution or in the United States Constitution;

12 (d) expands or in any way relies upon Article I, section 8, clause 3, of the United States Constitution,  
13 commonly referred to as the Commerce Clause"; or

14 (e) expands or in any way relies upon Article VI, clause 2, of the United States Constitution, commonly  
15 referred to as the "Supremacy Clause"; and

16 (2) ranking the extent to which the state's United States Representative and each of the state's United  
17 States Senators meet the criteria established by the committee, as required under subsection (1).

18 BE IT FURTHER RESOLVED, that the study committee compile its findings, conclusions, and rankings  
19 into a concise and easily understandable final report.

20 BE IT FURTHER RESOLVED, that all aspects of the study, including the committee's findings,  
21 conclusions, rankings, and final report, be concluded prior to July 1, 2012.

22 BE IT FURTHER RESOLVED, that the committee's final report be provided to the Legislature and to the  
23 Secretary of State and be posted on the Legislature's website no later than July 15, 2012.

24 BE IT FURTHER RESOLVED, that the Senate and the House of Representatives encourage the  
25 Secretary of State to include and publish in the voter information pamphlet written and distributed for the benefit  
26 of Montana citizens and voters in preparation for the general election to be held in November 2012 the study  
27 committee's findings and conclusions and its rankings of the state's United State Representative and each of the  
28 state's United States Senators in regard to protecting, promoting, and enhancing the sovereignty of individual  
29 Montanans and the sovereignty of the State of Montana under the Montana Constitution and under the United  
30 States Constitution.

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