2007 Montana Legislature

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SENATE JUDICIARY
Exhibit No. 6
Date 2/3/15
Bill No. SJ 7

HOUSE JOINT RESOLUTION NO. 38
INTRODUCED BY JORE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA STATING FINDINGS OF THE LEGISLATURE; REPEALING, RESCINDING, CANCELING, VOIDING, AND SUPERSEDING ANY AND ALL EXTANT APPLICATIONS BY THE LEGISLATURE OF THE STATE OF MONTANA PREVIOUSLY MADE DURING ANY LEGISLATIVE SESSION TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION PURSUANT TO THE TERMS OF ARTICLE V OF THE UNITED STATES CONSTITUTION FOR PROPOSING ONE OR MORE AMENDMENTS TO THE CONSTITUTION; URGING THE LEGISLATURES OF THE OTHER STATES TO DO THE SAME; AND DIRECTING COPIES OF THIS RESOLUTION BE SENT TO SPECIFIED PERSONS.

WHEREAS, the Legislature of the State of Montana, acting with the best of intentions, has, at various times and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

WHEREAS, former Chief Justice of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

WHEREAS, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and has been found to be a sound document that protects the lives and liberties of the citizens; and

WHEREAS, there is no need for, and rather there is great danger in, a new Constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another 2 centuries of litigation over its meaning and interpretation.

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

That the Legislature does hereby repeal, rescind, cancel, nullify, and supersede to the same effect as if they had never been passed any and all extant applications by the Legislature of the State of Montana to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V of the Constitution, regardless of when or by which session or sessions of the Montana Legislature the applications were made and regardless of whether the applications were for a limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects.

BE IT FURTHER RESOLVED, that the following resolutions and memorials are specifically repealed, rescinded, canceled, nullified, and superseded: Joint Concurrent Resolution No. 2, 1901; House Joint Resolution No. 1, 1905; Senate Joint Resolution No. 1, 1907; House Joint Memorial No. 7, 1911; House Joint Resolution No. 13, 1963; and Senate Joint Resolution No. 5, 1965.

BE IT FURTHER RESOLVED, that the Legislature of the State of Montana urges the Legislatures of each and every state that has applied to Congress to call a convention for either a general or a limited constitutional convention to repeal and rescind the applications.

BE IT FURTHER RESOLVED, that the Secretary of State is directed to send copies of this resolution to the Secretary of State of each state in the Union, to the presiding officers of both houses of the Legislatures of each state in the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Montana Congressional Delegation.

- END -

Unofficial vote tally as initially recorded. For official copy, see the journal.

Bill: HJ 38 Date: 2/26/2007 Time: 9:21:16 AM
Vote Sequence Number: 034
Motion: 3RD READING D/ADOPT

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Clark, Cohenour, Cordier, Dutton, Erickson, Everett, French, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Ingraham, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Stahl, Stoker, Taylor, Thomas, Van Dyk,
Vincent, Ward, Wells, Wilmer, Windy Boy, Witte, Mr. Speaker.
Total 78

Noes: Beck, Callahan, Campbell, Dickenson, Driscoll, Ebinger, Franklin, Furey, Gallik, Hands, Henry, Hollenbaugh, Jacobson, Jayne, McAlpin, Mendenhall, Pomnichowski, Small-Eastman, Sonju, Villa, Wilson, Wiseman.
Total 22

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Unofficial vote tally as initially recorded. For official copy, see the journal.

Bill: HJ 38 Date: 4/5/2007 Time: 8:32:01 AM
Vote Sequence Number: 1111
Motion: 3RD RDG-DO ADOPT

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams.
Total 43

Nays: Esp, Gillan, Larson, Schmidt, M.Tropila, Wanzenried, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0