

HOUSE JOINT RESOLUTION NO. 8

INTRODUCED BY B. TSCHIDA

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA APPLYING FOR A CONVENTION OF THE STATES UNDER ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES.

WHEREAS, the founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, the federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, it is the solemn duty of the states to protect the liberty of our people -- particularly for the generations to come -- by proposing amendments to the Constitution of the United States through a Convention of the States under Article V for the purpose of restraining these and related abuses of power.

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

Section 1. The Legislature of the State of Montana hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

Section 2. The secretary of state is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives and to the members of the United States Senate and the United States House of Representatives from this State and also to transmit copies of this application to the presiding officers of each



1 of the legislative houses in the several states, requesting their cooperation.

2 Section 3. This application constitutes a continuing application in accordance with Article V of the
3 Constitution of the United States until the legislatures of at least two-thirds of the several states have made
4 applications on the same subject.

5 Section 4. The Legislature of the State of Montana adopts this application expressly subject to the
6 following reservations, understandings, and declarations:

7 (1) An application to the Congress of the United States to call an amendment convention of the states
8 pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call
9 such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to
10 name a reasonable time and place for the initial meeting of a convention.

11 (2) Congress shall perform its ministerial duty of calling an amendment convention of the states only
12 upon the receipt of applications for an amendment convention for the substantially same purpose as this
13 application from two-thirds of the legislatures of the several states.

14 (3) Congress does not have the power or authority to determine any rules for the governing of a
15 convention for proposing amendments called pursuant to Article V of the United States Constitution. Congress
16 does not have the power to set the number of delegates to be sent by any state to such a convention, nor does
17 it have the power to name delegates to such a convention. The power to name delegates remains exclusively
18 within the authority of the legislatures of the several states.

19 (4) By definition, an amendment convention of the states means that states shall vote on the basis of
20 one state, one vote.

21 (5) A convention for proposing amendments convened pursuant to this application shall be limited to
22 consideration of the topics specified herein and no other. This application is made with the express understanding
23 that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not
24 be authorized for consideration at any stage. This application shall be void ab initio if ever used at any stage to
25 consider any change to any provision of the Bill of Rights.

26 (6) Pursuant to Article V of the United States Constitution, Congress may determine whether proposed
27 amendments shall be ratified by the legislatures of the several states or by special state ratification conventions.
28 The Legislature of the State of Montana recommends that Congress select ratification by the legislatures of the
29 several states.

30 (7) The Legislature of the State of Montana may provide further instructions to its delegates and may

1 recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

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