

SENATE JOINT RESOLUTION NO. 12

INTRODUCED BY D. KARY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SELECTING AND INSTRUCTING COMMISSIONERS TO AN ARTICLE V CONVENTION FOR PROPOSING A UNITED STATES BALANCED BUDGET AMENDMENT.

WHEREAS, the Legislature of the State of Montana finds the national debt and mounting deficits to be an existential threat to the solvency, security, and prosperity of the United States; and

WHEREAS, Congress has increased the total national debt every year since 1957; and

WHEREAS, the States, acting in convention, have equal authority and responsibility with Congress under Article V to propose an amendment to the United States Constitution; and

WHEREAS, the Legislature of the State of Montana determines that a significant number of states have passed resolutions applying for a convention to propose a balanced budget amendment pursuant to Article V of the Constitution of the United States, thereby rendering it appropriate to select and instruct commissioners to any such convention called on or before December 31, 2018.

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

(1) Should a convention for proposing a balanced budget amendment to the United States Constitution be called by Congress pursuant to Article V of the Constitution on or before December 31, 2018, this state legislature shall send a delegation to the convention.

(2) The delegation shall be comprised of an odd number of commissioners and paired alternates, chosen jointly by the President of the Senate and the Speaker of the House being not fewer than three nor more than seven each.

(a) No commissioner or direct alternate shall hold appointed or elected federal office.

(b) Should a vacancy occur prior to the convening of the convention, it shall be filled jointly by the President of the Senate and the Speaker of the House.

(c) By joint action, the President of the Senate and the Speaker of the House may replace any previous appointments prior to the convening of a convention for proposing a balanced budget amendment.



1 (3) If a commissioner is not able to participate in the convention either permanently or temporarily, the
2 commissioner's designated alternate shall replace the commissioner for the time he or she is unable to serve.
3 Should an alternate so designated not be able to participate in the convention, then the delegation shall choose
4 a replacement from the remaining alternates.

5 (4) The delegation shall choose its presiding officer and organize in the manner it desires.

6 (5) The delegation has authority to represent this legislature at formal and informal planning sessions
7 related to the convention including the Nashville planning convention which will convene in July of 2017; to
8 conduct community meetings and hearings throughout the state prior to the convention; and to correspond with
9 other state commissioners and delegations; provided, however, that the delegation and its members shall at all
10 times adhere to the oath herein and to all instructions.

11 (6) The legislature shall provide the delegation necessary support staff and pay all of the costs of
12 attending the convention and all planning meetings, community meetings, and hearings subject to available
13 funding.

14 (7) The term of office for the delegation shall end on the later of December 31, 2018, or the adjournment
15 of a balanced budget convention called prior to that date.

16 (8) Any member of a delegation knowing of any violation of the oath or other misbehavior by a
17 commissioner shall report it to the Article V convention committee provided for below.

18 (9) Commissioners and alternates shall take the following oath of office prior to accepting their
19 appointment:

20 I do solemnly swear or affirm that to the best of my abilities, I will, as a commissioner or alternate
21 commissioner to a convention for proposing a balanced budget amendment, uphold the Constitution and laws
22 of the United States and the State of Montana.

23 I will abide by my specific instructions from the legislature. I will not discuss or vote to allow consideration
24 of or to approve any amendment proposed for ratification to the United States Constitution that is unrelated to
25 the subject of a balanced budget amendment.

26 I will vote only for convention rules that provide that each state have one equal vote, that no state or
27 commissioner shall be allowed to propose an amendment that is unrelated to balancing the federal budget, and
28 that all but procedural issues be resolved by a simple majority vote of the states voting on the issue. I
29 acknowledge that any violation of this Oath may result in being recalled by the legislature or its authorized
30 committee.

1 (10) (a) An Article V convention committee shall be comprised of three individuals, one appointed by the
2 President of the Senate, one appointed by the Speaker of the House, and one appointed jointly by each. No
3 member of the legislature's Article V convention committee may be a member of the delegation.

4 (b) The duties of the legislature's Article V convention committee include:

5 (i) monitoring the delegation to determine if it is following legislative instructions and obeying convention
6 rules;

7 (ii) advising the delegation on the legislature's position on issues before the convention;

8 (iii) disciplining any commissioner who violates the oath of office or instructions or is otherwise guilty of
9 malfeasance or nonfeasance; discipline may include recall from the convention or demotion to alternate delegate;

10 (iv) notifying the convention that a commissioner has been recalled or converted to an alternate; and

11 (v) replacing any recalled commissioner.

12 (11) Commissioners shall vote only for convention rules consistent with the following principles:

13 (a) The convention is convened under the authority granted to the state legislatures of the several states
14 by Article V of the Constitution of the United States.

15 (b) The only participants at this convention are the several states represented by their respective
16 delegations duly selected in such manner as their respective legislatures have determined.

17 (c) The scope of the convention's authority is defined by applications adopted by at least two-thirds of
18 the legislatures of the several states, which authority is limited to the subject of a balanced budget amendment.
19 The convention has no authority to propose or discuss an amendment on any other subject.

20 (d) The convention shall provide for disciplining a commissioner or delegation for exceeding the scope
21 of the convention's authority by raising subjects for discussion or debate that lie outside the convention's
22 authority.

23 (e) The convention shall not infringe on the respective state legislatures' authority to instruct, discipline,
24 recall, and replace commissioners.

25 (f) A quorum for all sessions of the convention and for all committee meetings shall be a majority of the
26 states attending the convention or serving as members of the relevant committee.

27 (g) All voting at the convention or in a committee shall be by state with each state having one vote,
28 without apportionment or division. Each state legislature shall determine the internal voting and quorum rules for
29 casting the vote of its delegation.

30 (h) A majority vote of the quorum shall prevail on all issues before the convention and in all committees

1 save for procedural votes which may require a supermajority.

2 (i) An affirmative vote not greater than a majority of the several states shall be necessary to propose an
3 amendment.

4 - END -