

SENATE JOINT RESOLUTION NO. SJ0005

Convention of states.

Sponsored by: Senator(s) Driskill, Case, Crum, Kolb, Laursen,
D and Olsen and Representative(s) Banks,
Clouston and Williams

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION requesting Congress to call a convention
2 for proposing amendments to the United States constitution as
3 specified.

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5 WHEREAS, the framers of the United States constitution
6 empowered state legislatures to be guardians of liberty
7 against future abuses of power by the federal government; and

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

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12 WHEREAS, the federal government has invaded the legitimate
13 roles of the states through the manipulative process of
14 federal mandates, many of which are unfunded mandates; and

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2 WHEREAS, the federal government has ceased to operate under
3 a proper interpretation of the United States constitution;
4 and

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6 WHEREAS, it is the solemn duty of the states to protect the
7 liberty of the people, particularly for future generations,
8 by proposing amendments to the United States constitution
9 through a convention of the states under Article V of the
10 United States constitution for the purpose of restraining
11 these and related abuses of power.

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13 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
14 *LEGISLATURE OF THE STATE OF WYOMING:*

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16 **Section 1.** That the Legislature of the state of Wyoming
17 hereby applies to Congress, under the provisions of Article
18 V of the United States constitution, for the calling of a
19 convention of the several states limited to proposing
20 amendments to the United States constitution that impose
21 fiscal restraints on the federal government, limit the power
22 and jurisdiction of the federal government and limit the terms
23 of office for federal officials and members of Congress.

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Section 2.

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(a) That the Legislature of the state of Wyoming adopts the application made under section 1 of this joint resolution expressly subject to the following reservations, understandings and declarations:

(i) An application to the United States constitution to call a convention of the several states pursuant to article V of the United States constitution for the purpose of proposing amendments to the constitution confers no power to Congress other than the power to call the convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

(ii) Congress shall call an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two-thirds (2/3) of the legislatures of the several states;

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2 (iii) Congress does not have the power or
3 authority to determine any rules for the governing of an
4 amendment convention of the several states called pursuant to
5 article V of the United States constitution. Congress does
6 not have the power to set the number of delegates to be sent
7 by any state to a convention, nor does it have the power to
8 name delegates to a convention. The power to name delegates
9 remains exclusively within the authority of the legislatures
10 of the several states;

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12 (iv) By definition, a convention of the states to
13 propose amendments to the United States constitution means
14 that states shall vote on the basis of one (1) state, one (1)
15 vote;

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17 (v) A convention of the several states to propose
18 amendments to the constitution convened pursuant to this
19 application shall be limited to consideration of the topics
20 specified in this joint resolution and no other. This
21 application is made with the express understanding that an
22 amendment that in any way seeks to amend, modify or repeal

1 any provision of the Bill of Rights shall not be authorized
2 for consideration in any manner;

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4 (vi) Pursuant to article V of the United States
5 constitution, Congress may determine whether proposed
6 amendments shall be ratified by the legislatures of the
7 several states or by special state ratification conventions.
8 The Legislature of the State of Wyoming recommends that
9 Congress select ratification by the legislatures of the
10 several states; and

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12 (vii) The Legislature of the state of Wyoming may
13 provide further instructions to its delegates and may recall
14 its delegates at any time for a breach of a duty or a violation
15 of the instructions provided to the delegates.

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17 **Section 3.** That this application constitutes a
18 continuing application in accordance with article V of the
19 United States constitution until the legislatures of at least
20 two-thirds (2/3) of the several states have made applications
21 on the same subject.

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1 **Section 4.** That the Secretary of State of Wyoming
2 transmit copies of this resolution to the President of the
3 United States, to the President of the Senate and the Speaker
4 of the House of Representatives of the United States Congress,
5 to each member of the Wyoming Congressional Delegation and to
6 the presiding officers of each of the legislative houses in
7 the several states, requesting their cooperation.

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(END)