

SENATE JOINT RESOLUTION NO. SJ0004

Proposing amendments through a convention of states.

Sponsored by: Senator(s) Wasserburger, Biteman, Case and
Hicks and Representative(s) Barlow, Clem,
Hallinan, Laursen, Lindholm, Miller and Olsen

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

4

5 WHEREAS, the founders of the Constitution of the United States
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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1 WHEREAS, the federal government has ceased to live under a
2 proper interpretation of the Constitution of the United
3 States; and

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

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

14

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

23

1 **Section 2.**

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3 (a) The Legislature of the State of Wyoming adopts the
4 application made under Section 1 of this joint resolution
5 expressly subject to the following reservations,
6 understandings and declarations:

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8 (i) An application to the Congress of the United
9 States to call a convention of the states pursuant to Article
10 V of the United States Constitution for the purpose of
11 proposing amendments to the Constitution confers no power to
12 Congress other than the power to call the convention. The
13 power of Congress to exercise this ministerial duty consists
14 solely of the authority to name a reasonable time and place
15 for the initial meeting of a convention;

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

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

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11 (iv) By definition, a convention of the states to
12 propose amendments to the Constitution means that states
13 shall vote on the basis of one (1) state, one (1) vote;

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15 (v) A convention of the states to propose
16 amendments to the Constitution convened pursuant to this
17 application shall be limited to consideration of the topics
18 specified in this joint resolution and no other. This
19 application is made with the express understanding that an
20 amendment that in any way seeks to amend, modify or repeal
21 any provision of the Bill of Rights shall not be authorized
22 for consideration in any manner. This application shall be

1 void ab initio if ever used in any manner to propose or
2 consider any change to any provision of the Bill of Rights;

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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

11
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.** This application constitutes a continuing
18 application in accordance with Article V of the Constitution
19 of the United States 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 the Wyoming Congressional Delegation and to the presiding
6 officers of each of the legislative houses in the several
7 states, requesting their cooperation.

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(END)