

HOUSE JOINT RESOLUTION NO. 15

INTRODUCED BY O'CONNELL, PAVLOVICH, SPILKER, ELLERD,  
GOULD, D. O'HARA, WINSLOW, VINGER, LEE, HAPPERMAN,  
FEDA, PISTORIA, WALLIN, HANNAN, ASAY, COZZENS,  
KITSELMAN, KOLSTAD, BRIGGS, ANDREASON, RYAN, THOMAS,  
CURTISS, JENSEN, STOBIE, SWITZER, SIVERTSEN, TEAGUE

IN THE HOUSE

January 23, 1981	Introduced and referred to Committee on Judiciary.
February 2, 1981	Committee recommend bill do not pass. Objection to adverse committee report. Motion to put on second reading.
February 3, 1981	Bill printed and placed on members' desks.
February 4, 1981	Second reading, do pass as amended.
February 5, 1981	Correctly engrossed.
February 6, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 6, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
February 12, 1981	Committee recommend bill be not concurred in as amended. Report not adopted.
February 12, 1981	On motion, ordered printed and placed on second reading.
February 13, 1981	Reported correctly printed and placed on members' desks. Report adopted. Referred to second reading.

February 14, 1981

Second reading, concurred in.

On motion, rules suspended.  
Bill placed on calendar for  
third reading this day.

Third reading, concurred in  
as amended.

IN THE HOUSE

February 16, 1981

Returned from Senate with  
amendments. Concurred in  
as amended.

February 17, 1981

Second reading, amendments  
concurred in.

February 19, 1981

Third reading, amendments  
concurred in. Sent to  
enrolling.

Reported correctly enrolled.

1 HOUSE JOINT RESOLUTION NO. 15 *D. O'Hara*  
 2 INTRODUCED BY *O'Connell* *Salvi* SPILKER *Callahan*  
 3 *Lee* *Hoffman* *Rede* *Pratoria* *William* *Johnson*  
 4 JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA CALLING FOR THE  
 5 *Harold* *Brigg* *Ryan* *Thomas* *CURTISS* *Johnson* *Stallen* *Switzer* *Teague*  
 6

7 CONGRESS OF THE UNITED STATES TO PROPOSE AND SUBMIT TO THE  
 8 STATES AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT  
 9 WOULD PROTECT ALL INNOCENT HUMAN LIFE, INCLUDING UNBORN  
 10 CHILDREN AND, ALTERNATIVELY, PETITIONING THE CONGRESS OF THE  
 11 UNITED STATES TO CALL A CONVENTION IN ACCORDANCE WITH  
 12 ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES FOR THE  
 13 SPECIFIC AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO  
 14 THE UNITED STATES CONSTITUTION THAT WOULD PROTECT ALL  
 15 INNOCENT HUMAN LIFE, INCLUDING UNBORN CHILDREN.

16 WHEREAS, the United States Supreme Court has nullified  
 17 the laws of various states concerning abortion and has  
 18 interpreted the United States Constitution in a way that  
 19 permits the destruction of unborn human life; and

20 WHEREAS, millions of abortions have been performed in  
 21 the United States since the abortion decisions of the  
 22 Supreme Court of the United States on January 22, 1973; and

23 WHEREAS, the Congress of the United States has not to  
 24 date proposed, subject to ratification, an amendment to the  
 25 United States Constitution that would protect all innocent

1 human life, including unborn children; and

2 WHEREAS, the Montana Legislature endorses the concept  
 3 of protecting all innocent human life, including unborn  
 4 children; and

5 WHEREAS, under Article V of the Constitution of the  
 6 United States, amendments to the United States Constitution  
 7 may be proposed by the Congress whenever two-thirds of both  
 8 Houses consider it necessary or, on the application of the  
 9 Legislatures of two-thirds of the several states, the  
 10 Congress shall call a Constitutional Convention for the  
 11 purpose of proposing amendments which shall be valid to all  
 12 intents and purposes when ratified by the Legislatures of  
 13 three-fourths of the several states.

14  
 15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 16 OF REPRESENTATIVES OF THE STATE OF MONTANA:

17 (1) That the Congress of the United States is hereby  
 18 requested to propose and submit to the states an amendment  
 19 to the Constitution of the United States which would protect  
 20 all innocent human life, including unborn children.

21 (2) That, alternatively, this body respectfully  
 22 petitions the Congress of the United States, pursuant to  
 23 Article V of the United States Constitution, to call a  
 24 convention for the specific and exclusive purpose of  
 25 deliberating, drafting, and proposing an amendment to the

-2- INTRODUCED BILL  
 HJR 15

1 Constitution of the United States which would protect all  
 2 innocent human life, including unborn children, which  
 3 amendment, pursuant to Article V, would then have to be  
 4 ratified by the Legislatures of three-fourths of the states  
 5 before it would take effect.

6 (3) That this application by this body constitutes a  
 7 continuing application in accordance with Article V of the  
 8 Constitution of the United States until at least two-thirds  
 9 of the Legislatures of the several states have made similar  
 10 applications pursuant to Article V; but if Congress proposes  
 11 an amendment to the Constitution identical in subject matter  
 12 to that contained in this Joint Resolution, this petition  
 13 for a Constitutional Convention shall no longer be of any  
 14 force or effect.

15 (4) That this request shall be of no effect in the  
 16 event that such Convention is not limited to the specific  
 17 and exclusive purpose of deliberating, drafting, and  
 18 proposing an amendment to the Constitution of the United  
 19 States which would protect all innocent human life,  
 20 including unborn children.

21 (5) That, since this application under Article V of  
 22 the Constitution of the United States is the exercise of a  
 23 fundamental power of the sovereign states under the  
 24 Constitution of the United States, it is requested that  
 25 receipt of this application by the Senate and the House of

1 Representatives of the Congress of the United States be  
 2 officially noted and duly entered upon their respective  
 3 records, and that the full context of this resolution be  
 4 published in the official publication of both the Senate and  
 5 the House of Representatives of the United States.

6 (6) That copies of this resolution be sent to the  
 7 Secretary of State and presiding officers of both houses of  
 8 the Legislatures of each of the several states in the Union,  
 9 the Speaker and the Clerk of the United States House of  
 10 Representatives, the President and the Secretary of the  
 11 United States Senate, and to each member of the Montana  
 12 Congressional Delegation.

13 (7) That no convention be called until federal  
 14 statutes are enacted that specifically provide for a process  
 15 by which the Convention be conducted and the manner by which  
 16 the Convention's subject matter may be delineated,  
 17 restricted, deliberated, and voted upon.

-End-

Approved by Committee  
on Judiciary Minority

1                   HOUSE    JOINT RESOLUTION NO. 15   *D. O'Neil*  
2   INTRODUCED BY *O'Donnell* *Salvini* *SPILKER* *Elliott*  
3                   *Lee* *Hoffman* *Prattoria* *Wallen* *Johnson*  
4   JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA CALLING FOR THE CONGRESS OF THE UNITED STATES TO PROPOSE AND SUBMIT TO THE STATES AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WOULD PROTECT ALL INNOCENT HUMAN LIFE, INCLUDING UNBORN CHILDREN AND, ALTERNATIVELY, PETITIONING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION IN ACCORDANCE WITH ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES FOR THE SPECIFIC AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WOULD PROTECT ALL INNOCENT HUMAN LIFE, INCLUDING UNBORN CHILDREN.

16           WHEREAS, the United States Supreme Court has nullified the laws of various states concerning abortion and has interpreted the United States Constitution in a way that permits the destruction of unborn human life; and

20           WHEREAS, millions of abortions have been performed in the United States since the abortion decisions of the Supreme Court of the United States on January 22, 1973; and

23           WHEREAS, the Congress of the United States has not to date proposed, subject to ratification, an amendment to the United States Constitution that would protect all innocent

1   human life, including unborn children; and  
2           WHEREAS, the Montana Legislature endorses the concept of protecting all innocent human life, including unborn children; and  
5           WHEREAS, under Article V of the Constitution of the United States, amendments to the United States Constitution may be proposed by the Congress whenever two-thirds of both Houses consider it necessary or, on the application of the Legislatures of two-thirds of the several states, the Congress shall call a Constitutional Convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by the Legislatures of three-fourths of the several states.

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

18           (1) That the Congress of the United States is hereby requested to propose and submit to the states an amendment to the Constitution of the United States which would protect all innocent human life, including unborn children.

21           (2) That, alternatively, this body respectfully petitions the Congress of the United States, pursuant to Article V of the United States Constitution, to call a convention for the specific and exclusive purpose of deliberating, drafting, and proposing an amendment to the

1 Constitution of the United States which would protect all  
2 innocent human life, including unborn children, which  
3 amendment, pursuant to Article V, would then have to be  
4 ratified by the Legislatures of three-fourths of the states  
5 before it would take effect.

6 (3) That this application by this body constitutes a  
7 continuing application in accordance with Article V of the  
8 Constitution of the United States until at least two-thirds  
9 of the Legislatures of the several states have made similar  
10 applications pursuant to Article V; but if Congress proposes  
11 an amendment to the Constitution identical in subject matter  
12 to that contained in this Joint Resolution, this petition  
13 for a Constitutional Convention shall no longer be of any  
14 force or effect.

15 (4) That this request shall be of no effect in the  
16 event that such Convention is not limited to the specific  
17 and exclusive purpose of deliberating, drafting, and  
18 proposing an amendment to the Constitution of the United  
19 States which would protect all innocent human life,  
20 including unborn children.

21 (5) That, since this application under Article V of  
22 the Constitution of the United States is the exercise of a  
23 fundamental power of the sovereign states under the  
24 Constitution of the United States, it is requested that  
25 receipt of this application by the Senate and the House of

1 Representatives of the Congress of the United States be  
2 officially noted and duly entered upon their respective  
3 records, and that the full context of this resolution be  
4 published in the official publication of both the Senate and  
5 the House of Representatives of the United States.

6 (6) That copies of this resolution be sent to the  
7 Secretary of State and presiding officers of both houses of  
8 the Legislatures of each of the several states in the Union,  
9 the Speaker and the Clerk of the United States House of  
10 Representatives, the President and the Secretary of the  
11 United States Senate, and to each member of the Montana  
12 Congressional Delegation.

13 (7) That no convention be called until federal  
14 statutes are enacted that specifically provide for a process  
15 by which the Convention be conducted and the manner by which  
16 the Convention's subject matter may be delineated,  
17 restricted, deliberated, and voted upon.

-End-

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2 INTRODUCED BY O'CONNELL, PAVLOVICH, SPILKER, ELLERD,  
3 GOULD, D. O'HARA, WINSLOW, VINGER, LEE, HAFFERMAN,  
4 FEDEA, PISTORIA, WALLIN, HANNAH, ASAY, COZZENS,  
5 KITSELMAN, KOLSTAD, BRIGGS, ANDREASON, RYAN, THOMAS,  
6 CURTISS, JENSEN, STOBIE, SWITZER, SIVERTSEN, TEAGUE

7  
8 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
9 REPRESENTATIVES OF THE STATE OF MONTANA CALLING FOR THE  
10 CONGRESS OF THE UNITED STATES TO PROPOSE AND SUBMIT TO THE  
11 STATES AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT  
12 WOULD PROTECT ~~ALL~~ INNOCENT HUMAN LIFE, INCLUDING UNBORN  
13 CHILDREN AND, ALTERNATIVELY, PETITIONING THE CONGRESS OF THE  
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16 SPECIFIC AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO  
17 THE UNITED STATES CONSTITUTION THAT WOULD PROTECT ~~ALL~~  
18 INNOCENT HUMAN LIFE, INCLUDING UNBORN CHILDREN.

19  
20 WHEREAS, the United States Supreme Court has nullified  
21 the laws of various states concerning abortion and has  
22 interpreted the United States Constitution in a way that  
23 permits the destruction of unborn human life; and

24 WHEREAS, millions of abortions have been performed in  
25 the United States since the abortion decisions of the

1 Supreme Court of the United States on January 22, 1973; and  
2 WHEREAS, the Congress of the United States has not to  
3 date proposed, subject to ratification, an amendment to the  
4 United States Constitution that would protect ~~all~~ innocent  
5 human life, including unborn children; and

6 WHEREAS, the Montana Legislature endorses the concept  
7 of protecting ~~all~~ innocent human life, including unborn  
8 children, EXCEPT WHEN AN UNBORN CHILD THREATENS THE LIFE OF  
9 THE MOTHER OR IS THE RESULT OF RAPE OR INCEST; and

10 WHEREAS, under Article V of the Constitution of the  
11 United States, amendments to the United States Constitution  
12 may be proposed by the Congress whenever two-thirds of both  
13 Houses consider it necessary or, on the application of the  
14 Legislatures of two-thirds of the several states, the  
15 Congress shall call a Constitutional Convention for the  
16 purpose of proposing amendments which shall be valid to all  
17 intents and purposes when ratified by the Legislatures of  
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 5 Article V of the United States Constitution, to call a  
 6 convention for the specific and exclusive purpose of  
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 10 AN UNBORN CHILD THREATENS THE LIFE OF THE MOTHER OR IS THE  
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 12 Article V, would then have to be ratified by the  
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 16 continuing application in accordance with Article V of the  
 17 Constitution of the United States until at least two-thirds  
 18 of the Legislatures of the several states have made similar  
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 20 an amendment to the Constitution identical in subject matter  
 21 to that contained in this Joint Resolution, this petition  
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 6 the Constitution of the United States is the exercise of a  
 7 fundamental power of the sovereign states under the  
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 9 receipt of this application by the Senate and the House of  
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 11 officially noted and duly entered upon their respective  
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 13 published in the official publication of both the Senate and  
 14 the House of Representatives of the United States.

15 (6) That copies of this resolution be sent to the  
 16 Secretary of State and presiding officers of both houses of  
 17 the Legislatures of each of the several states in the Union,  
 18 the Speaker and the Clerk of the United States House of  
 19 Representatives, the President and the Secretary of the  
 20 United States Senate, and to each member of the Montana  
 21 Congressional Delegation.

22 (7) That no convention be called until federal  
 23 statutes are enacted that specifically provide for a process  
 24 by which the Convention be conducted and the manner by which  
 25 the Convention's subject matter may be delineated,



HJR 0015/02

1 restricted, deliberated, and voted upon.

-End-

## HOUSE JOINT RESOLUTION NO. 15

INTRODUCED BY O'CONNELL, PAVLOVICH, SPILKER, ELLERD,  
GOULD, D. O'HARA, WINSLOW, VINGER, LEE, HAFFERMAN,  
FEDA, PISTORIA, WALLIN, HANNAH, ASAY, COZZENS,  
KITSELMAN, KOLSTAD, BRIGGS, ANDREASON, RYAN, THOMAS,  
CURTISS, JENSEN, STOBIE, SWITZER, SIVERTSEN, TEAGUE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA CALLING FOR THE  
CONGRESS OF THE UNITED STATES TO PROPOSE AND SUBMIT TO THE  
STATES AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT  
WOULD PROTECT ~~ALL INNOCENT HUMAN LIFE INCLUDING UNBORN~~  
~~CHILDREN AND ALTERNATIVELY PETITIONING THE CONGRESS OF THE~~  
~~UNITED STATES TO CALL A CONVENTION IN ACCORDANCE WITH~~  
~~ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES FOR THE~~  
~~SPECIFIC AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO~~  
~~THE UNITED STATES CONSTITUTION THAT WOULD PROTECT ALL~~  
~~INNOCENT HUMAN LIFE INCLUDING UNBORN CHILDREN.~~

WHEREAS, the United States Supreme Court has nullified  
the laws of various states concerning abortion and has  
interpreted the United States Constitution in a way that  
permits the destruction of unborn human life; and

WHEREAS, millions of abortions have been performed in  
the United States since the abortion decisions of the

Supreme Court of the United States on January 22, 1973; and

WHEREAS, the Congress of the United States has not to  
date proposed, subject to ratification, an amendment to the  
United States Constitution that would protect ~~all innocent~~  
~~human life including~~ unborn children; and

WHEREAS, the Montana Legislature endorses the concept  
of protecting ~~all innocent human life including~~ unborn  
children, EXCEPT WHEN AN UNBORN CHILD THREATENS THE LIFE OF  
THE MOTHER OR IS THE RESULT OF RAPE OR INCEST; and

WHEREAS, under Article V of the Constitution of the  
United States, amendments to the United States Constitution  
may be proposed by the Congress whenever two-thirds of both  
Houses consider it necessary ~~or on the application of the~~  
~~legislatures of two-thirds of the several states, the~~  
~~Congress shall call a Constitutional Convention for the~~  
~~purpose of proposing amendments which shall be valid to all~~  
~~intents and purposes when ratified by the legislatures of~~  
~~three-fourths of the several states.~~

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

(1) That the Congress of the United States is hereby  
requested to propose and submit to the states an amendment  
to the Constitution of the United States which would protect  
~~all innocent human life including~~ unborn children, EXCEPT

1 WHEN AN UNBORN CHILD THREATENS THE LIFE OF THE MOTHER OR IS  
2 THE RESULT OF RAPE OR INCEST.

3 {2}--That--alternatively--this--body--respectfully  
4 petitions--the--Congress--of--the--United--States--pursuant--to  
5 Article--V--of--the--United--States--Constitution--to--call--a  
6 convention--for--the--specific--and--exclusive--purpose--of  
7 deliberating--drafting--and--proposing--an--amendment--to--the  
8 Constitution--of--the--United--States--which--would--protect--all  
9 innocent--human--life--including--unborn--children--~~EXCEPT--WHEN~~  
10 ~~AN--UNBORN--CHILD--THREATENS--THE--LIFE--OF--THE--MOTHER--OR--IS--THE~~  
11 ~~RESULT--OF--RAPE--OR--INCEST~~--which--amendment--pursuant--to  
12 Article--V--would--then--have--to--be--ratified--by--the  
13 legislatures--of--three--fourths--of--the--states--before--it--would  
14 take--effect.

15 {3}--That--this--application--by--this--body--constitutes--a  
16 continuing--application--in--accordance--with--Article--V--of--the  
17 Constitution--of--the--United--States--until--at--least--two--thirds  
18 of--the--legislatures--of--the--several--states--have--made--similar  
19 applications--pursuant--to--Article--V;--but--if--Congress--proposes  
20 an--amendment--to--the--Constitution--identical--in--subject--matter  
21 to--that--contained--in--this--Joint--Resolution--this--petition  
22 for--a--Constitutional--Convention--shall--no--longer--be--of--any  
23 force--or--effect.

24 {4}--That--this--request--shall--be--of--no--effect--in--the  
25 event--that--such--Convention--is--not--limited--to--the--specific

1 and--exclusive--purpose--of--deliberating--drafting--and  
2 proposing--an--amendment--to--the--Constitution--of--the--United  
3 States--which--would--protect--all--innocent--human--life  
4 including--unborn--children.

5 {5}--That--since--this--application--under--Article--V--of  
6 the--Constitution--of--the--United--States--is--the--exercise--of--a  
7 fundamental--power--of--the--sovereign--states--under--the  
8 Constitution--of--the--United--States--it--is--requested--that  
9 receipt--of--this--application--by--the--Senate--and--the--House--of  
10 Representatives--of--the--Congress--of--the--United--States--be  
11 officially--noted--and--duly--entered--upon--their--respective  
12 records--and--that--the--full--context--of--this--resolution--be  
13 published--in--the--official--publication--of--both--the--Senate--and  
14 the--House--of--Representatives--of--the--United--States.

15 {6}{2} That copies of this resolution be sent to the  
16 Secretary of State and presiding officers of both houses of  
17 the Legislatures of each of the several states in the Union,  
18 the Speaker and the Clerk of the United States House of  
19 Representatives, the President and the Secretary of the  
20 United States Senate, and to each member of the Montana  
21 Congressional Delegation.

22 {7}--That--no--convention--be--called--until--federal  
23 statutes--are--enacted--that--specifically--provide--for--a--process  
24 by--which--the--Convention--be--conducted--and--the--manner--by--which  
25 the--Convention's--subject--matter--may--be--delineated.

HJR 0015/03

1 ~~restrictedly-deliberated-and-voted-upon~~

~~-End-~~

February 12, 1981

SENATE STANDING COMMITTEE REPORT  
(Public Health, Welfare and Safety)

That House Joint Resolution No. 15 be amended as follows:

1. Title, line 12.

Following: "ABB"

Strike: "INNOCENT HUMAN LIFE, INCLUDING"

2. Title, lines 13 through 18.

Following: "CHILDREN" on line 13

Strike: the remainder of the title.

3. Page 2, lines 4 and 5.

Following: "all" on line 4.

Strike: "innocent human life, including"

4. Page 2, line 7.

Following: "all"

Strike: "innocent human life, including"

5. Page 2, line 13 through 18

Following: "necessary"

Strike: the remainder of lines 13 through line 18

6. Page 2, line 25.

Following: "all"

Strike: "innocent human life, including"

7. Page 3, line 3 through line 14 on page 4.

Strike subsections (2) through (5) in their entirety.

Re-number: subsequent subsections

8. Page 4, line 22 through line 1 on page 5.

Strike: subsection (7) in its entirety.

AND, AS SO AMENDED,  
DO NOT PASS