

HOUSE JOINT RESOLUTION NO. 15

INTRODUCED BY O'CONNELL, PAVLOVICH, SPILKER, ELLERD,
GOULD, D. O'HARA, WINSLOW, VINGER, LEE, HAFFERNAN,
FEDA, PISTORIA, WALLIN, HANNAH, 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.

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

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

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.

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

- 3 -

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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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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
14 UNITED STATES TO CALL A CONVENTION IN ACCORDANCE WITH
15 ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES FOR THE
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.

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

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

18 three-fourths of the several states.

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

22 (i) That the Congress of the United States is hereby
23 requested to propose and submit to the states an amendment
24 to the Constitution of the United States which would protect
25 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) 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.

1 **restricted, deliberated, and voted upon.**

-End-

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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--OR--THE~~
14 UNITED--STATES--FOR--A--CONVENTION--IN--ACCORDANCE--WITH
15 ARTICLE--V--OF--THE--CONSTITUTION--OF--THE--UNITED--STATES--FOR--THE
16 SPECIFIC--AND--EXECUTIVE--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
18 three-fourths--of--the--several--states.

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20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
21 OF REPRESENTATIVES OF THE STATE OF MONTANA:
22 (1) That the Congress of the United States is hereby
23 requested to propose and submit to the states an amendment
24 to the Constitution of the United States which would protect
25 ~~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--lives,--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--lives,
 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--publications--of--both--the--Senate--and
 14 the--House--of--Representatives--of--the--United-States.

15 {6}{12} 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--defined.

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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: "All"

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.

Renumber: 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