

Handwritten signatures and notes: Brainerd, Sliter, Knox, Sprague, CurTISS, HARP, Orr, Bennett, Treut, CRINOC, Annott, Fisher, Stovall, Vick, Simpkins, Stovall, Wick, Fisher, Annott, CRINOC, Bennett, Treut, Jash, Keating, Harder, ALLESTAD, Bergman, Reuben, Wiseman, Cobbs, Wells, Rose, Wagner, Smith, Sayre, Abner, Knox, Egan, Fisher, Simpson, Stovall, Vick.

2 INTRODUCED BY *Bar Verman* HARP *Bill* Orr
 3 *Garfield* *Benedict* *Bob Brown* *James* *Reikin* *Holden* *Islands*

4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
 5 AMENDMENT TO ARTICLE II, SECTION 2, OF THE MONTANA CONSTITUTION TO ALLOW REJECTION
 6 OF FEDERAL MANDATES, ORDERS, DIRECTIONS, OR COMMANDS DERIVED FROM POWERS NOT
 7 ENUMERATED IN OR OTHERWISE GRANTED BY THE UNITED STATES CONSTITUTION."
 8 WHEREAS, the 10th amendment to the United States Constitution provides, "The powers not
 9 delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the
 10 states respectively or to the people"; and

12 WHEREAS, the 10th amendment defines the total scope of federal power over states emanating
 13 from the United States Constitution as being only that specifically granted by the United States
 14 Constitution; and

15 WHEREAS, the scope of power defined by the 10th amendment means that the federal government
 16 was created by the people specifically to be an agent of the states; and

17 WHEREAS, in 1995, the states are demonstrably wrongfully treated as subservient agents of the
 18 federal government, with 10th amendment protection usurped; and

19 WHEREAS, many federal requirements are directly in violation of the 10th amendment; and

20 WHEREAS, the United States Supreme Court in New York v. United States, 112 S. Ct. 2408
 21 (1992), held that Congress may not simply commandeer the legislative and regulatory processes of the
 22 states; and

23 WHEREAS, a number of previous, pending, or proposed directives from the Executive and
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 25 Constitution.

27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

29 **Section 1.** Article II, section 2, of The Constitution of the State of Montana, is amended to read:
 30 **"Section 2. Self-government.** (1) The people have the exclusive right of governing themselves



1 as a free, sovereign, and independent state. They may alter or abolish the constitution and form of
2 government whenever they deem it necessary.

3 (2) The essential prerequisite for the preservation of the right of self-government is the unequivocal
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7 to usurp the state's power by forced federal mandates, orders, directions, or commands derived from
8 powers not enumerated in or otherwise granted by the United States constitution, especially when
9 individual freedoms are affected or other constitutional protections are compromised."

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11 NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the
12 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot
13 the full title of this act and the following:

- 14 FOR allowing rejection of federal mandates, orders, directions, or commands derived from
15 powers not enumerated in or otherwise granted by the United States constitution.,
16 AGAINST allowing rejection of federal mandates, orders, directions, or commands derived
17 from powers not enumerated in or otherwise granted by the United States constitution.

18

19

-END-

1 SENATE BILL NO. 143

2 INTRODUCED BY BAER, KEENAN, HARP, CRIPPEN, MOHL, LYNCH, ORR, DEBRUYCKER, BRAINARD,
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4 -END-

CONSTITUTIONAL AMENDMENT

SENATE BILL NO. 143

INTRODUCED BY BAER, KEENAN, HARP, CRIPPEN, MOHL, LYNCH, ORR, DEBRUYCKER, BRAINARD,
 SLITER, KNOX, MILLS, GREEN, CURTISS, SPRAGUE, GRIMES, JORE, STORY, HOLLAND, MARSHALL,
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2 [] AGAINST allowing rejection of federal mandates, orders, directions, or commands derived
3 from powers not enumerated in or otherwise granted by the United States constitution.
4 -END-



HOUSE STANDING COMMITTEE REPORT

March 23, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 143 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Clark
Bob Clark, Chair

Carried by: Rep. Keenan

And, that such amendments read:

1. Title, lines 12 and 13.

Strike: "ALLOW REJECTION OF"

Insert: "ASSERT MONTANA'S RIGHT TO REJECT"

2. Page 2, lines 16 through 22.

Strike: "IT IS" on line 16 through "AFFECTED." on line 22

Insert: "The state of Montana has the right to reject any attempt by the federal government to usurp the state's power by forced federal mandates, orders, directions, or commands derived from powers not enumerated in or otherwise granted by the United States constitution, especially when individual freedoms are affected or other constitutional protections are compromised."

3. Page 2, lines 24 and 25.

Strike: subsection (3) in its entirety

4. Page 2, line 30.

Page 3, line 2.

Strike: "allowing rejection of"

Insert: "asserting Montana's right to reject"

5. Page 3, lines 1 and 3.

Strike: "enumerated in or otherwise"

-END-

SB 143

Committee Vote:

Yes 12, No 6.

HOUSE



HOUSE COMMITTEE OF THE WHOLE AMENDMENT

Senate Bill 143
Representative Boharski

March 29, 1995 8:16 am
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 143 (third reading copy -- blue).

Signed: Wim E Boharski
Representative Boharski

And, that such amendments to Senate Bill 143 read as follows:

1. Page 1, lines 24 and 25.
Strike: lines 24 and 25 in their entirety

-END-

ADOPT

REJECT

54-10

SB 143

HOUSE

SENATE BILL NO. 143

INTRODUCED BY BAER, KEENAN, HARP, CRIPPEN, MOHL, LYNCH, ORR, DEBRUYCKER, BRAINARD, SLITER, KNOX, MILLS, GREEN, CURTISS, SPRAGUE, GRIMES, JORE, STORY, HOLLAND, MARSHALL, SOFT, SIMON, BOHLINGER, WELLS, ROSE, COBB, ANDERSON, JENKINS, GROSFIELD, BENEDICT, BERGMAN, HERTEL, B. BROWN, MURDOCK, REHBEIN, HARDING, WISEMAN, SWYSGOOD, L. SMITH, WAGNER, HAYNE, HERRON, CLARK, GRADY, AHNER, SIMPKINS, STOVALL, VICK, ELLIS, FISHER, SOMERVILLE, MCGEE, MCKEE, GRINDE, ARNOTT, BARNETT, MERCER, TVEIT, TOEWS, KEATING, TASH, AKLESTAD, DEVLIN, HOLDEN, ESTRADA, BURNETT, EMERSON, MESAROS, BECK, HARGROVE, TAYLOR, FUCHS, MASOLO, DENNY, JABS, GAGE, BOHARSKI

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 2, OF THE MONTANA CONSTITUTION TO ~~ALLOW REJECTION~~ OF ASSERT MONTANA'S RIGHT TO REJECT FEDERAL MANDATES, ORDERS, DIRECTIONS, OR COMMANDS DERIVED FROM POWERS NOT ENUMERATED IN OR OTHERWISE GRANTED BY THE UNITED STATES CONSTITUTION."

WHEREAS, the 10th amendment to the United States Constitution provides, "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people"; and

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