

Read the name

1 *Highway*
2 INTRODUCED BY *Brainard* SB BILL NO. *153*
3 *Casey Emerson* *Joe PENNY* *Estrada* *Keenan*

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 ASSERT MONTANA'S
6 RIGHT TO REJECT FEDERAL MANDATES, ORDERS, DIRECTIONS, OR COMMANDS DERIVED FROM
7 POWERS NOT GRANTED BY THE UNITED STATES CONSTITUTION."

8 *Clark* *Wm.E. Boharski* *James*

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

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

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

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

17 WHEREAS, the United States Supreme Court in New York v. United States, 488 U.S. 1041 (1992),
18 held that Congress may not simply commandeer the legislative and regulatory processes of the states; and

19 WHEREAS, a number of previous, pending, or proposed directives from the Executive and
20 Legislative Branches of federal government have violated and may further violate the United States
21 Constitution.

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24
25 **Section 1.** Article II, section 2, of The Constitution of the State of Montana, is amended to read:

26 **"Section 2. Self-government.** (1) The people have the exclusive right of governing themselves
27 as a free, sovereign, and independent state. They may alter or abolish the constitution and form of
28 government whenever they deem it necessary.

29 (2) The essential prerequisite for the preservation of the right of self-government is the unequivocal
30 assertion of Montana's absolute protection from powers not delegated to the United States by the United



1 States constitution or prohibited from delegation to the states under the 10th amendment to the United
2 States constitution. The state of Montana has the right to reject any attempt by the federal government
3 to usurp the state's power by forced federal mandates, orders, directions, or commands derived from
4 powers not enumerated in or otherwise granted by the United States constitution, especially when
5 individual freedoms are affected or other constitutional protections are compromised. The state's rejection
6 may be in the form of a bill, joint resolution, or executive order."

7

8 **NEW SECTION. Section 2. Submission to electorate.** This amendment shall be submitted to the
9 qualified electors of Montana at the general election to be held in November 1998 by printing on the ballot
10 the full title of this act and the following:

11 FOR asserting Montana's right to reject federal mandates, orders, directions, or commands
12 derived from powers not granted by the United States constitution.

13 AGAINST asserting Montana's right to reject federal mandates, orders, directions, or
14 commands derived from powers not granted by the United States constitution.

15

-END-

CONSTITUTIONAL AMENDMENT

APPROVED BY COM ON
STATE ADMINISTRATION

1 SENATE BILL NO. 153

2 INTRODUCED BY BAER, JORE, DENNY, WELLS, KEATING, BRAINARD, ESTRADA, KEENAN, MOLNAR,
3 ADAMS, MILLER, EMERSON, SLITER, BURNETT, GAGE, HOLDEN, HARGROVE, CRIPPEN, GROSFIELD,
4 ORR, BANKHEAD, CLARK, DEVANEY, CRISMORE, JENKINS, DEBRUYCKER, CURTISS, BOHARSKI

5

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

10

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

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

16 WHEREAS, ~~the scope of power defined by the 10th amendment means that the federal government~~
17 ~~was created by the people specifically to be an agent of the states~~ THE 10TH AMENDMENT REFLECTS
18 THAT THE PEOPLE CREATED THE FEDERAL GOVERNMENT FOR LIMITED PURPOSES AND THE STATES
19 FOR GENERAL GOVERNMENT PURPOSES; and

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

21 WHEREAS, the United States Supreme Court in New York v. United States, 488 U.S. 1041 (1992),
22 held that Congress may not simply commandeer the legislative and regulatory processes of the states; and

23 WHEREAS, a number of previous, pending, or proposed directives from the Executive and
24 Legislative Branches of federal government have violated and may further violate the United States
25 Constitution.

26

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

28

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
4 assertion of Montana's absolute protection from powers not delegated to the United States by the United
5 States constitution or prohibited from delegation to the states under the 10th amendment to the United
6 States constitution. The state of Montana has the right to reject any attempt by the federal government
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. The state's rejection
10 may be in the form of a bill, joint resolution, INITIATIVE, REFERENDUM, or executive order."

11

12 NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the
13 qualified electors of Montana at the general election to be held in November 1998 by printing on the ballot
14 the full title of this act and the following:

15 [] FOR asserting Montana's right to reject federal mandates, orders, directions, or commands
16 derived from powers not granted by the United States constitution.

17 [] AGAINST asserting Montana's right to reject federal mandates, orders, directions, or
18 commands derived from powers not granted by the United States constitution.

19

-END-

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
4 assertion of Montana's absolute protection from powers not delegated to the United States by the United
5 States constitution or prohibited from delegation to the states under the 10th amendment to the United
6 States constitution. The state of Montana has the right to reject any attempt by the federal government
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. The state's rejection
10 may be in the form of a bill, joint resolution, INITIATIVE, REFERENDUM, or executive order."

11

12 NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the
13 qualified electors of Montana at the general election to be held in November 1998 by printing on the ballot
14 the full title of this act and the following:

15 FOR asserting Montana's right to reject federal mandates, orders, directions, or commands
16 derived from powers not granted by the United States constitution.

17 AGAINST asserting Montana's right to reject federal mandates, orders, directions, or
18 commands derived from powers not granted by the United States constitution.

19

-END-

CONSTITUTIONAL AMENDMENT

APPROVED BY COMMITTEE
ON STATE/FEDERAL RELATIONS

1 SENATE BILL NO. 153

2 INTRODUCED BY BAER, JORE, DENNY, WELLS, KEATING, BRAINARD, ESTRADA, KEENAN, MOLNAR,
3 ADAMS, MILLER, EMERSON, SLITER, BURNETT, GAGE, HOLDEN, HARGROVE, CRIPPEN, GROSFIELD,
4 ORR, BANKHEAD, CLARK, DEVANEY, CRISMORE, JENKINS, DEBRUYCKER, CURTISS, BOHARSKI

5

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

10

11 WHEREAS, the 10th amendment to the United States Constitution provides, "The powers not
12 delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the
13 states respectively or to the people"; and14 WHEREAS, the 10th amendment defines the scope of federal power over states emanating from
15 the United States Constitution as being only that specifically granted by the United States Constitution; and16 WHEREAS, ~~the scope of power defined by the 10th amendment means that the federal government~~
17 ~~was created by the people specifically to be an agent of the states~~ THE 10TH AMENDMENT REFLECTS
18 THAT THE PEOPLE CREATED THE FEDERAL GOVERNMENT FOR LIMITED PURPOSES AND THE STATES
19 FOR GENERAL GOVERNMENT PURPOSES; and

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

21 WHEREAS, the United States Supreme Court in New York v. United States, 488 U.S. 1041 (1992),
22 held that Congress may not simply commandeer the legislative and regulatory processes of the states; and23 WHEREAS, a number of previous, pending, or proposed directives from the Executive and
24 Legislative Branches of federal government have violated and may further violate the United States
25 Constitution.

26

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

28

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
4 assertion of Montana's absolute protection from powers not delegated to the United States by the United
5 States constitution or prohibited from delegation to the states under the 10th amendment to the United
6 States constitution. The state of Montana has the right to reject any attempt by the federal government
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. The state's rejection
10 may be in the form of a bill, joint resolution, INITIATIVE, REFERENDUM, or executive order."

11

12 NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the
13 qualified electors of Montana at the general election to be held in November 1998 by printing on the ballot
14 the full title of this act and the following:

15 FOR asserting Montana's right to reject federal mandates, orders, directions, or commands
16 derived from powers not granted by the United States constitution.

17 AGAINST asserting Montana's right to reject federal mandates, orders, directions, or
18 commands derived from powers not granted by the United States constitution.

19

-END-

CONSTITUTIONAL AMENDMENT

1

SENATE BILL NO. 153

2

INTRODUCED BY BAER, JORE, DENNY, WELLS, KEATING, BRAINARD, ESTRADA, KEENAN, MOLNAR,

3

ADAMS, MILLER, EMERSON, SLITER, BURNETT, GAGE, HOLDEN, HARGROVE, CRIPPEN, GROSFIELD,

4

ORR, BANKHEAD, CLARK, DEVANEY, CRISMORE, JENKINS, DEBRUYCKER, CURTISS, BOHARSKI

5

6

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN

7

AMENDMENT TO ARTICLE II, SECTION 2, OF THE MONTANA CONSTITUTION TO ASSERT MONTANA'S

8

RIGHT TO REJECT FEDERAL MANDATES, ORDERS, DIRECTIONS, OR COMMANDS DERIVED FROM

9

POWERS NOT GRANTED BY THE UNITED STATES CONSTITUTION."

10

11

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

14

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

16

WHEREAS, ~~the scope of power defined by the 10th amendment means that the federal government was created by the people specifically to be an agent of the states~~ THE 10TH AMENDMENT REFLECTS

18

THAT THE PEOPLE CREATED THE FEDERAL GOVERNMENT FOR LIMITED PURPOSES AND THE STATES

19

FOR GENERAL GOVERNMENT PURPOSES; and

20

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

21

WHEREAS, the United States Supreme Court in New York v. United States, 488 U.S. 1041 (1992), held that Congress may not simply commandeer the legislative and regulatory processes of the states; and

23

WHEREAS, a number of previous, pending, or proposed directives from the Executive and Legislative Branches of federal government have violated and may further violate the United States Constitution.

26

27

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

28

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
4 assertion of Montana's absolute protection from powers not delegated to the United States by the United
5 States constitution or prohibited from delegation to the states under the 10th amendment to the United
6 States constitution. The state of Montana has the right to reject any attempt by the federal government
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. The state's rejection
10 may be in the form of a bill, joint resolution, INITIATIVE, REFERENDUM, or executive order."

11

12 NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the
13 qualified electors of Montana at the general election to be held in November 1998 by printing on the ballot
14 the full title of this act and the following:

15 [] FOR asserting Montana's right to reject federal mandates, orders, directions, or commands
16 derived from powers not granted by the United States constitution.

17 [] AGAINST asserting Montana's right to reject federal mandates, orders, directions, or
18 commands derived from powers not granted by the United States constitution.

19

-END-