HOUSE JOINT RESOLUTION NO. HJ0007

Rescission of federal constitutional resolutions.

Sponsored by: Representative(s) Edwards and Jennings and Senator(s) Anderson and Hutchings

A JOINT RESOLUTION

for

A JOINT RESOLUTION rescinding a previous resolution adopted by the Wyoming Legislature which requested the Congress of the United States to convene a constitutional convention under Article V of the U.S. Constitution.

WHEREAS, Article V of the Constitution of the United States, after the application of two-thirds (2/3) of state legislatures, reserves to Congress the exclusive authority to call a convention for proposing constitutional amendments; and

WHEREAS, the Supreme Court of the United States ruled in Dillon v. Gloss that Congress alone reserves the power to "deal with subsidiary matters of detail ..." under the U.S.
Constitution, which likely includes the manner of convening a constitutional convention under Article V; and

WHEREAS, Article V also likely requires the "mode of ratification" of amendments arising from a constitutional convention to be determined not by state legislatures or by delegates, but by Congress; and

WHEREAS, the authority of state legislatures to impose any penalty, sanction or limitation on constitutional convention delegates is uncertain, since such delegates represent the people and because of the sovereign "... Right of the People to alter or to abolish [their Government], and to institute new Government ... ;" and

WHEREAS, states likely have no constitutional authority to establish or predetermine the rules of order or operational aspects of a constitutional convention; and

WHEREAS, James Madison wrote in Federalist No. 43 that Article V should only be utilized to repair "discovered [constitutional] faults" or for "amendment of [constitutional] errors;" and
WHEREAS, nothing in Article V limits a constitutional
convention to the consideration of amendments relating to any
specific topic or list of topics; and

WHEREAS, nothing in Article V provides for, nor can any state
application under Article V guarantee, equal suffrage or
equal franchise to each state at a constitutional convention; and

WHEREAS, the Wyoming Legislature adopted House Joint
Resolution 7 in 2009, specifically rescinding past
resolutions requesting Congress to convene an Article V
constitution convention; and

WHEREAS, the Wyoming Legislature desires to reaffirm its
commitment to the U.S. Constitution by rescinding a
resolution adopted in 2017 which requested Congress to
convene an Article V constitutional convention.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
LEGISLATURE OF THE STATE OF WYOMING:
Section 1. That the Wyoming Legislature, by this resolution, hereby rescinds, nullifies and supersedes House Joint Resolution 2, adopted in 2017, regarding a balanced budget amendment to the U.S. Constitution.

Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to the Wyoming Congressional Delegation.

(END)