

House Joint Memorial 10

Sponsored by Representative NEARMAN; Representatives BARRETO, LEIF, NOBLE, RESCHKE, SMITH DB, SPRENGER, STARK, WILSON, ZIKA, Senators BAERTSCHIGER JR, BOQUIST, KNOPP, LINTHICUM, THOMSEN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Applies to Congress to call convention for purpose of proposing amendments to United States Constitution to impose fiscal restraints on federal government, limit power and jurisdiction of federal government and limit terms of office for federal officials and members of Congress.

JOINT MEMORIAL

To the Senate and the House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Eightieth Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

Whereas executive orders by the President of the United States have become a vehicle through which the president may overstep the limits of the president's constitutional authority; and

Whereas the concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D.C.; and

Whereas much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas the federal government has created a crushing national debt through improper and imprudent spending; and

Whereas the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are largely unfunded; and

Whereas the states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the United States Constitution through a limited convention of the states under Article V of the United States Constitution; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) That we, the members of the Eightieth Legislative Assembly, pursuant to Article V of the United States Constitution, hereby petition Congress to call a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for federal officials and members of Congress, subject to the following reservations, understandings and declarations:

(a) An application to Congress to call an amendment convention of the states pursuant to Arti-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 cle V of the United States Constitution confers no power on Congress other than the power to call
2 such a convention, and the power of Congress to exercise this ministerial duty consists solely of the
3 authority to name a reasonable time and place for the initial meeting of a convention;

4 (b) Congress shall perform its ministerial duty of calling an amendment convention of the states
5 only upon the receipt of applications for an amendment convention for substantially the same pur-
6 pose as this application from two-thirds of the legislatures of the several states;

7 (c) Congress does not have the power or authority to determine any rules for the governing of
8 an amendment convention of the states pursuant to Article V of the United States Constitution;

9 (d) Congress does not have the power to set the number of delegates sent by any state to such
10 a convention, nor does it have the power to name delegates to such a convention, and the power to
11 name delegates remains exclusively within the authority of the legislatures of the several states;

12 (e) By definition, an amendment convention of the states means that states shall vote on the
13 basis of one state, one vote;

14 (f) A convention of the states convened pursuant to this application shall be limited to consid-
15 eration of the topics specified herein and no other;

16 (g) This application is made with the express understanding that an amendment that in any way
17 seeks to amend, modify or repeal any provision of the Bill of Rights of the United States Constitu-
18 tion shall not be authorized for consideration at any stage, and this application shall be void if ever
19 used at any stage to consider any change to any provision of the Bill of Rights; and

20 (h) The Legislative Assembly of the State of Oregon may provide further instructions to its de-
21 legates and may recall its delegates at any time for a breach of duty or a violation of the in-
22 structions provided.

23 (2) That this application constitutes a continuing application in accordance with Article V of
24 the United States Constitution until the legislatures of at least two-thirds of the several states have
25 made applications on the same subject.

26 (3) That a copy of this memorial shall be sent to the Senate Majority Leader, to the Speaker
27 of the House of Representatives and to the presiding officers of the legislative chambers in each
28 state of the United States.

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