

SCR120.....by STATE AFFAIRS
CONSTITUTIONAL CONVENTION - Stating findings of the Legislature and
repealing, rescinding, canceling, nullifying and superseding all
applications made by the Legislature of the State of Idaho to call a
constitutional convention to propose amendments to the Constitution of the
United States.

02/15 Senate intro - 1st rdg - to printing
02/16 Rpt prt - to St Aff

Bill Text

SCR120

|||| LEGISLATURE OF THE STATE OF IDAHO ||||
Fifty-fifth Legislature First Regular Session - 1999

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 120

BY STATE AFFAIRS COMMITTEE

1 A CONCURRENT RESOLUTION
2 STATING FINDINGS OF THE LEGISLATURE, REPEALING, RESCINDING, CANCELING, VOIDING
3 AND SUPERSEDING ANY AND ALL EXTANT APPLICATIONS BY THE LEGISLATURE OF THE
4 STATE OF IDAHO HERETOFORE MADE DURING ANY SESSION THEREOF TO THE CONGRESS
5 OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION PURSUANT TO THE TERMS
6 OF ARTICLE V OF THE UNITED STATES CONSTITUTION FOR PROPOSING ONE OR MORE
7 AMENDMENTS TO THE CONSTITUTION AND URGING THE LEGISLATURES OF THE OTHER
8 STATES TO DO THE SAME AND DIRECTING COPIES OF THIS RESOLUTION BE SENT TO
9 SPECIFIED PERSONS.
10 Be It Resolved by the Legislature of the State of Idaho:
11 WHEREAS, the Legislature of the State of Idaho, acting with the best of
12 intentions, has, at various times, and during various sessions, previously
13 made applications to the Congress of the United States of America to call one
14 or more conventions to propose either a single amendment concerning a specific
15 subject or to call a general convention to propose an unspecified and unlim-
16 ited number of amendments to the United States Constitution, pursuant to the
17 provisions of Article V thereof; and
18 WHEREAS, former Justice of the United States of America Warren E. Burger,
19 former Associate Justice of the United States Supreme Court Arthur J. Goldberg
20 and other leading constitutional scholars agree that such a convention may
21 propose sweeping changes to the Constitution, any limitations or restrictions
22 purportedly imposed by the states in applying for such a convention or conven-
23 tions to the contrary notwithstanding, thereby creating an imminent peril to
24 the well-established rights of the citizens and the duties of various levels
25 of government; and
26 WHEREAS, the Constitution of the United States of America has been amended
27 many times in the history of this nation and may be amended many more times,
28 without the need to resort to a constitutional convention, and has been inter-
29 preted for more than two hundred years and has been found to be a sound docu-
30 ment which protects the lives and liberties of the citizens; and
31 WHEREAS, there is no need for, rather, there is great danger in, a new
32 Constitution or in opening the Constitution to sweeping changes, the adoption
33 of which would only create legal chaos in this nation and only begin the proc-
34 ess of another two centuries of litigation over its meaning and interpreta-
35 tion.

36 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session
37 of the Fifty-fifth Idaho Legislature, the Senate and the House of Representa-
38 tives concurring therein, that the Legislature does hereby repeal, rescind,
39 cancel, nullify, and supersede to the same effect as if they had never been
40 passed, any and all extant applications by the Legislature of the State of
41 Idaho to the Congress of the United States of America to call a convention to
42 propose amendments to the Constitution of the United States of America, pursu-
43 ant to the terms of Article V thereof, regardless of when or by which session
44 or sessions of the Idaho Legislature such applications were made and regard-

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1 less of whether such applications were for a limited convention to propose one
2 or more amendments regarding one or more specific subjects and purposes or for
3 a general convention to propose an unlimited number of amendments upon an
4 unlimited number of subjects.

5 BE IT FURTHER RESOLVED that the following resolutions and memorials, be,
6 and the same are hereby specifically repealed, rescinded, canceled, nullified
7 and superseded: S.J.M. 2, 1901 Session of the Legislature; S.J.R. 2, 1927 Ses-
8 sion of the Legislature; H.C.R. 6, 1957 Session of the Legislature; S.J.M. 9,
9 1963 Session of the Legislature; H.J.M. 7, 1963 Session of the Legislature;
10 S.J.M. 1, 1965 Session of the Legislature; H.C.R. 7, 1979 Session of the Leg-
11 islature; and S.C.R. 132, 1980 Session of the Legislature.

12 BE IT FURTHER RESOLVED that the Legislature of the State of Idaho urges
13 the legislatures of each and every state which has applied to Congress to call
14 a convention for either a general or a limited constitutional convention, to
15 repeal and rescind such applications.

16 BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is
17 hereby authorized and directed to send copies of this Resolution to the Secre-
18 tary of State of each state in the Union, to the presiding officers of both
19 houses of the Legislatures of each state in the Union, to the President of the
20 United States Senate, to the Speaker of the United States House of Representa-
21 tives, to the members of the Congress of the United States representing the
22 State and people of Idaho, and the administrator of General Services, Washing-
23 ton, D.C.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 08657

Since Idaho became a state, the Legislature has, at various times and in various sessions, made application to the Congress of the United States to call one or more constitutional conventions. We have been able to identify eight such calls in years ranging from 1901 to 1980. It is possible that other applications have been made that we have not identified. Each of those applications identified are non-expiring.

Even though each of the identified applications has been for a specific purpose, it is the opinion of some constitutional scholars that these applications can be accumulated and used to call a constitutional convention based on the call of 34 states of which Idaho could be named as one of those states. It is further the opinion of these scholars, that once a constitutional convention is called it is not possible to limit the business of the convention to any single matter and would present the opportunity to wreak havoc with the Constitution of the United States or even to write a completely new constitution.

The purpose of this resolution is to repeal, rescind, cancel, nullify and supersede any and all previous applications - eight applications are specifically named - to prevent the use of Idaho's name in calling for any constitutional convention.

FISCAL NOTE

None

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