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Sixty-fourth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3016

Introduced by

Representatives Fehr, Damschen, Dosch, Kasper, Meier, Schatz, Steiner

Senators Armstrong, Larsen

A concurrent resolution providing a method for states to appoint delegates if an amendment convention is called for the purpose of proposing an amendment to the Constitution of the United States to provide states a process to collectively countermand or repeal any law or ruling and to provide a method for the states to appoint delegates to the amendment convention.

WHEREAS, Article VI, Section 4, of the Constitution of the United States guarantees to every state a republican form of government that gives each state equal standing when calling for an amendment convention; and

WHEREAS, the countermand amendment restores state sovereignty in the constitutional republic by providing state legislatures countermand authority; and

WHEREAS, state legislatures shall have the authority to countermand and rescind any congressional statute, judicial decision, executive order, treaty, government agency's regulatory ruling, or any other government or nongovernment mandate, including excessive spending and credit, imposed on them when sixty percent of state legislatures determine the law or ruling adversely affects the state's interest. When the countermand threshold has been reached, the law or ruling shall be immediately and automatically nullified and repealed; and

WHEREAS, the initial countermand is issued by a state legislature, the other legislatures have eighteen months to complete the countermand process. If the countermand process is not completed in eighteen months, then the law or ruling in question shall remain enforceable; and

WHEREAS, each state legislature must complete their countermand affidavit and deliver a certified copy to the Chief Justice of the United States Supreme Court, the leaders of the Congress of the United States, the President of the United States, and when applicable to the government agency or body being challenged; and

WHEREAS, any elected or nonelected government official, or any nongovernment individual or organization, who intentionally obstructs or prevents the implementation of any

provision in this resolution is guilty of a criminal offense and is subject to impeachment and criminal prosecution; and

WHEREAS, individual states shall have the authority to prosecute violators of this resolution under state laws in the absence of federal prosecution after ninety days from the date of the alleged violation, however multiple prosecutions for the same offense by multiple states is prohibited; and

WHEREAS, this resolution shall immediately be part of the Constitution of the United States upon ratification by three-quarters of the state legislatures; and

WHEREAS, the provisions of this article are enforceable within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States; and

WHEREAS, the state legislatures alone have the sovereign authority to limit the agenda and authority of delegates or alternates they send to a convened amendment convention and this authority does not reside in the Congress of the United States, the federal or state courts, the federal or state executive branches, regulatory agencies, or the delegates sent to an amendment convention; and

WHEREAS, the authority of the Congress, under Article V of the United States Constitution, requires the Congress to convene an amendment convention for the purpose of proposing amendments as applied for and defined by the state legislatures of several states; and

WHEREAS, the delegates sent by the North Dakota Legislative Assembly to the countermand amendment convention are ambassadors of this legislature and are required to fulfill the commission assigned to them in this resolution; and

WHEREAS, the North Dakota Legislative Assembly authorizes that delegates be summoned and appointed to participate at the convened amendment convention according to this resolution and this Legislative Assembly can add to, replace, or remove any delegate or alternate; and

WHEREAS, North Dakota's delegation must organize a republican convention with at least twenty-six other state delegations, with each state having at least one vote and a simple majority at all roll call votes; and

WHEREAS, North Dakota's delegation must follow the directives in this resolution and is bound by this resolution to vote at all state delegation roll call votes consistent with directives

given to the chairman, including sending the countermand amendment to the states for ratification by the Congress of the United States; and

WHEREAS, North Dakota's delegate must attend all assigned business sessions at the amendment convention and report the results of work with other state delegates to the chairman; and

WHEREAS, this Legislative Assembly reserves the right to alter and change this resolution and delegates will be bound by any alteration or change and instructs and authorizes the delegates of the state to send the countermand amendment back to the states for ratification through the Congress of the United States and delegates are prohibited from voting in favor of any alternate amendment that may be introduced at the amendment convention.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-fourth Legislative Assembly directs the Congress of the United States to call a convention of the states for the purpose of proposing an amendment to the Constitution of the United States to provide states a process to countermand or repeal any law or ruling and to provide a method for the states to appoint delegates to the amendment convention.

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President and Secretary of the Senate and the Speaker and Clerk of the House of Representatives of the Congress.