

HOUSE CONCURRENT RESOLUTION NO. 3006

Introduced by

Representatives Kasper, Rick C. Becker, Carlson, Headland, K. Koppelman, Louser, D. Ruby
Senators Armstrong, Casper, Hogue, Poolman, Wardner

1 A concurrent resolution calling for a convention for the purpose of amending the United States
2 Constitution to impose fiscal restraints on the federal government and limit the power and
3 jurisdiction of the federal government.

4 **WHEREAS**, the founders of the United States Constitution empowered state legislators to
5 be guardians of liberty against excessive use of power by the federal government; and

6 **WHEREAS**, the federal government has created a crushing national debt through improper
7 and imprudent spending; and

8 **WHEREAS**, the federal government has ceased to operate under a proper interpretation of
9 the United States Constitution; and

10 **WHEREAS**, the federal government has invaded the legitimate roles of the states through
11 the manipulative process of federal mandates, most of which are unfunded to a great extent;
12 and

13 **WHEREAS**, it is the solemn duty of the states to protect the liberty of our people,
14 particularly for the generations to come, by proposing amendments to the United States
15 Constitution through a convention of the states under Article V for the purpose of restraining
16 these and related abuses of power;

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

19 That the Sixty-fifth Legislative Assembly urges the Congress, under the provisions of Article
20 V of the United States Constitution, to call a convention of the states limited to proposing
21 amendments to the United States Constitution which impose fiscal restraints on the federal
22 government, limit the power and jurisdiction of the federal government, and limit the terms of
23 office for its officials and for members of Congress; and

1 **BE IT FURTHER RESOLVED**, that this application constitutes a continuing application in
2 accordance with Article V of the United States Constitution until the legislatures of at least
3 two-thirds of the several states have made applications on the same subject; and

4 **BE IT FURTHER RESOLVED**, that the Legislative Assembly adopts this application
5 expressly subject to the following reservations, understandings, and declarations:

- 6 1. An application to the Congress of the United States to call an amendment convention
7 of the states pursuant to Article V of the United States Constitution confers no power
8 to Congress other than the power to call such a convention. The power of Congress to
9 exercise this ministerial duty consists solely of the authority to name a reasonable time
10 and place for the initial meeting of a convention;
- 11 2. Congress shall perform its ministerial duty of calling an amendment convention of the
12 states only upon the receipt of applications for an amendment convention for the
13 substantially same purpose as this application from two-thirds of the legislatures of the
14 several states;
- 15 3. Congress does not have the power or authority to determine any rules for the
16 governing of a convention for proposing amendments called pursuant to Article V of
17 the United States Constitution. Congress does not have the power to set the number
18 of delegates to be sent by any state to such a convention, nor does it have the power
19 to name delegates to such a convention. The power to name delegates remains
20 exclusively within the authority of the legislatures of the several states;
- 21 4. By definition, an amendment convention of the states means that states shall vote on
22 the basis of one state, one vote;
- 23 5. A convention for proposing amendments convened pursuant to this application must
24 be limited to consideration of the topics specified herein and no other. This application
25 is made with the express understanding that an amendment that in any way seeks to
26 amend, modify, or repeal any provision of the Bill of Rights is not authorized for
27 consideration at any stage. This application is void ab initio if ever used at any stage to
28 consider any change to any provision of the Bill of Rights;
- 29 6. Pursuant to Article V of the United States Constitution, Congress may determine
30 whether proposed amendments must be ratified by the legislatures of the several

1 states or by special state ratification conventions. The Legislative Assembly
2 recommends Congress select ratification by the legislatures of the several states; and
3 7. The Legislative Assembly may provide further instructions to its delegates and may
4 recall its delegates at any time for a breach of a duty or a violation of the instructions
5 provided; and

6 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
7 to the President and Secretary of the Senate and the Speaker and Clerk of the House of
8 Representatives of the Congress, each member of the United States Congressional Delegation
9 from North Dakota, and the presiding officers of each house of the legislatures of the several
10 states, requesting their cooperation.