

HOUSE CONCURRENT RESOLUTION NO. 3048

Introduced by

Representatives Thoreson, Boehning, Hatlestad, Koppelman, Schatz

1 A concurrent resolution urging Congress to call a convention for the sole purpose of proposing
2 an amendment to the Constitution of the United States to avoid a "runaway convention".

3 **WHEREAS**, experience has shown that the safeguards in the United States Constitution, as
4 currently interpreted, may not be sufficiently clear to limit a Constitutional Convention to the
5 specific subject for which that convention was called and thereby avoid a "runaway convention"
6 where other matters may be considered; and

7 **WHEREAS**, James Madison, who is known as the "Father of the Constitution", believed
8 that Article V of the Constitution gave and should give this protection; and

9 **WHEREAS**, those who framed and adopted the Constitution included a provision by which
10 state legislatures may require Congress to call a convention for proposing amendments as a
11 way to amend the United States Constitution; and

12 **WHEREAS**, the North Dakota Legislative Assembly accordingly makes application to
13 Congress for the calling of a convention for proposing an amendment to the Constitution
14 imposing certain rules of fiscal discipline, providing for legislative transparency, and preventing
15 unfunded mandates by the federal government;

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

18 **BE IT FURTHER RESOLVED**, that the North Dakota Legislative Assembly makes the
19 following application:

20 Section 1. The North Dakota legislative assembly makes an application to the Congress of
21 the United States pursuant to Article V of the Constitution of the United States to call an
22 Article V Amendment Convention for the sole purpose of voting to propose or voting not to
23 propose the following specific amendment to the Constitution of the United States:

24 "Article_____. The Congress, on Application of the Legislatures of two-thirds of the
25 several States, which all contain an identical Amendment, shall call a Convention solely

1 to decide whether to propose that specific Amendment to the States, which if proposed
2 shall be valid to all intents and purposes as part of the Constitution when ratified
3 pursuant to Article V."

4 Section 2. For the purpose of determining whether the required two-thirds of the legislatures
5 of the several states have applied for a convention, this application may be counted and
6 considered valid only in conjunction with qualifying applications of other states that contain the
7 identical text of the specific amendment contained in this application and whose application
8 requires that the sole purpose of the convention is to decide whether to propose, or not to
9 propose this specific amendment.

10 Section 3. This concurrent resolution is revoked and withdrawn, nullified, and superseded to
11 the same effect as if it had never been passed, and retroactive to the date of passage, if it is
12 used to conduct a convention that votes to propose any amendment other than the specific text
13 of the amendment contained in Section 1.

14 Section 4. Each delegate selected to represent North Dakota at a convention that Congress
15 calls under this resolution shall take an oath, enforceable under this state's law, to abide by and
16 act according to the limits imposed by this resolution on the purpose of the convention.

17 Section 5. Any delegate selected to represent North Dakota at a convention that Congress
18 calls under this resolution does not have authority to consider or approve any other amendment
19 but the one contained in this application. Any vote taken in violation of this limitation is null and
20 void, and any delegate who so votes does not have any authority to represent this state on any
21 matter at the convention.

22 Section 6. This application is valid if two-thirds of the states make a qualifying application
23 within seven years of its referral for ratification to the states by Congress under the provisions of
24 Article V.

25 Section 7. This application is null and void if Congress, within 90 days of receipt of
26 qualifying applications from two-thirds of the states, proposes and refers the ratification by the
27 several states under the procedures outlined in Article V of the Constitution, the same exact text
28 of the amendment contained in this application.

29 Section 8. That the secretary of state forward copies of this application within 30 days of its
30 passage to the Speaker of the United States House of Representatives, the Clerk of the United
31 States House of Representatives, the President of the United States Senate, the Secretary of

Sixty-second
Legislative Assembly

- 1 the United States Senate, every member of the North Dakota Congressional Delegation, and
- 2 the presiding officers of each house of the legislatures of the several states.