

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

**HOUSE CONCURRENT RESOLUTION NO. 3048
(Representatives Thoreson, Boehning, Hatlestad, Koppelman, Schatz)**

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

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

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

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

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

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

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

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

"Article _____. The Congress, on Application of the Legislatures of two-thirds of the several States, which all contain an identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, which if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V."

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

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

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

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

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

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

Section 8. That the secretary of state forward copies of this application within 30 days of its passage to the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Senate, every member of the North Dakota Congressional Delegation, and the presiding officers of each house of the legislatures of the several states.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate