

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1446

Introduced by

Representatives K. Koppelman, Dockter, Hatlestad, Kiefert, Looyesen, Paur, Schatz, Steiner,
Thoreson

Senators Berry, Hogue, Laffen

1 A BILL ~~for an Act to create and enact a new section to chapter 54-03 of the North Dakota~~
2 ~~Century Code, relating to certification of delegates to a constitutional convention to amend the~~
3 ~~United States Constitution; and to provide a penalty~~ for an Act to provide for a legislative
4 management study relating to United States constitutional conventions.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~SECTION 1. A new section to chapter 54-03 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Certification of delegates to United States constitutional convention - Penalty.~~

9 ~~1. If an interstate convention is called pursuant to article V of the United States~~
10 ~~Constitution, the legislative assembly or an official designated by the legislative~~
11 ~~assembly shall certify each delegate and alternate delegate from the state to the~~
12 ~~convention and provide a written copy of the certification to each delegate and~~
13 ~~alternate delegate and to the convention. If a delegate is ineligible or unwilling to serve~~
14 ~~as a delegate at the convention, the legislative assembly or the official designated by~~
15 ~~the legislative assembly shall certify an alternate delegate to replace the delegate and~~
16 ~~immediately provide a copy of the certification to the delegate and the convention.~~

17 ~~2. If a delegate is rendered ineligible to serve under subsection 4, the delegate's~~
18 ~~certification must provide notice to the convention that any vote or other action taken~~
19 ~~by that delegate should be considered void.~~

20 ~~3. An individual who has not been certified under this section may not serve as a~~
21 ~~delegate at the convention.~~

22 ~~4. As a condition of being eligible for consideration or selection as a delegate or alternate~~
23 ~~delegate, each delegate and alternate delegate shall, execute the following oath:~~

1 ~~I do solemnly swear or affirm that I will, to the best of my abilities, support the~~
2 ~~United States Constitution and the Constitution of North Dakota and I will not vote~~
3 ~~to allow consideration of or consider or approve any unauthorized amendment~~
4 ~~proposed for ratification to the United States Constitution. I understand that a~~
5 ~~violation of this oath will result in my being rendered ineligible to serve as a~~
6 ~~delegate at the convention as well as subject me to additional penalties under the~~
7 ~~laws of the North Dakota.~~

8 ~~5. A delegate at the convention may not vote to allow consideration of or consider or~~
9 ~~approve any unauthorized amendment. An "unauthorized amendment" means:~~

10 ~~a. A proposed amendment that varies from the exact text of the amendment~~
11 ~~contained in the application made by the legislative assembly which limits the~~
12 ~~convention to approving or disapproving that exact text or, if the legislative~~
13 ~~assembly did not make the application, the exact text of the amendment~~
14 ~~contained in the applications relied on by the United States Congress in calling~~
15 ~~the convention if the application contains exact text for a proposed amendment;~~
16 ~~or~~

17 ~~b. A proposed amendment that is outside the permitted subject matter of the~~
18 ~~application made by the legislative assembly or, if the legislative assembly did not~~
19 ~~make the application, the permitted subject matter of the applications relied on by~~
20 ~~the United States Congress in calling the convention and as the subject matter~~
21 ~~may be further defined by the legislative assembly or an official designated by the~~
22 ~~legislative assembly in instructions adopted by the legislative assembly by~~
23 ~~concurrent resolution and provided to each delegate and alternate delegate.~~

24 ~~6. The legislative assembly or an official designated by the legislative assembly shall~~
25 ~~provide guidance upon the request of any delegate or alternate delegate as to whether~~
26 ~~a proposed amendment is within the permitted subject matter of the convention.~~

27 ~~7. A delegate casting or attempting to cast a vote at a convention in violation of this~~
28 ~~section must be rendered ineligible to continue to serve as a delegate and must be~~
29 ~~immediately removed from office and replaced by an alternate delegate as provided~~
30 ~~under this section. A vote cast by a delegate at a convention which is in violation of~~
31 ~~this section is void.~~

~~8. A delegate who knowingly and willfully violates this section is guilty of a class C felony.~~

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SCOPE OF UNITED STATES

CONSTITUTIONAL CONVENTION. The legislative management shall consider studying, during the 2013-14 interim, issues related to the calling of a convention under article V of the United States Constitution, including concerns associated with a "runaway" convention and methods through which states have addressed those concerns. The study must consider the impact of House Concurrent Resolution No. 3048 adopted by the sixty-second legislative assembly and similar actions taken by other states as well as other actions taken by states to reassert the constitutional authority of the states. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.