

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE CONCURRENT RESOLUTION NO. 3006

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

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

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

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

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

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

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

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

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

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

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

1. An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;
2. Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two-thirds of the legislatures of the several states;
3. Congress does not have the power or authority to determine any rules for the governing of a convention for proposing amendments called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a

convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

4. By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;
5. A convention for proposing amendments convened pursuant to this application must be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights is not authorized for consideration at any stage. This application is void ab initio if ever used at any stage to consider any change to any provision of the Bill of Rights;
6. Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments must be ratified by the legislatures of the several states or by special state ratification conventions. The Legislative Assembly recommends Congress select ratification by the legislatures of the several states; and
7. The Legislative Assembly may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided; and

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, each member of the United States Congressional Delegation from North Dakota, and the presiding officers of each house of the legislatures of the several states, requesting their cooperation.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate