

Sixty-fourth
Legislative Assembly
of North Dakota

**ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3016**

Introduced by

Representatives Fehr, Damschen, Dosch, Kasper, Meier, Schatz, Steiner

Senators Armstrong, Larsen

1 A concurrent resolution providing a method for states to appoint delegates if an amendment
2 convention is called for the purpose of proposing an amendment to the Constitution of the
3 United States to provide states a process to collectively countermand or repeal any law or ruling
4 and to provide a method for the states to appoint delegates to the amendment convention.

5 **WHEREAS**, Article VI, Section 4, of the Constitution of the United States guarantees to
6 every state a republican form of government that gives each state equal standing when calling
7 for an amendment convention; and

8 **WHEREAS**, the countermand amendment restores state sovereignty in the constitutional
9 republic by providing state legislatures countermand authority; and

10 **WHEREAS**, state legislatures shall have the authority to countermand and rescind any
11 congressional statute, judicial decision, executive order, treaty, government agency's regulatory
12 ruling, or any other government or nongovernment mandate, including excessive spending and
13 credit, imposed on them when sixty percent of state legislatures determine the law or ruling
14 adversely affects the state's interest. When the countermand threshold has been reached, the
15 law or ruling shall be immediately and automatically nullified and repealed; and

16 **WHEREAS**, the initial countermand is issued by a state legislature, the other legislatures
17 have eighteen months to complete the countermand process. If the countermand process is not
18 completed in eighteen months, then the law or ruling in question shall remain enforceable; and

19 **WHEREAS**, each state legislature must complete their countermand affidavit and deliver a
20 certified copy to the Chief Justice of the United States Supreme Court, the leaders of the
21 Congress of the United States, the President of the United States, and when applicable to the
22 government agency or body being challenged; and

23 **WHEREAS**, any elected or nonelected government official, or any nongovernment
24 individual or organization, who intentionally obstructs or prevents the implementation of any

1 provision in this resolution is guilty of a criminal offense and is subject to impeachment and
2 criminal prosecution; and

3 **WHEREAS**, individual states shall have the authority to prosecute violators of this
4 resolution under state laws in the absence of federal prosecution after ninety days from the date
5 of the alleged violation, however multiple prosecutions for the same offense by multiple states is
6 prohibited; and

7 **WHEREAS**, this resolution shall immediately be part of the Constitution of the United States
8 upon ratification by three-quarters of the state legislatures; and

9 **WHEREAS**, the provisions of this article are enforceable within the United States, the
10 District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern
11 Mariana Islands, and the territories and possessions of the United States; and

12 **WHEREAS**, the state legislatures alone have the sovereign authority to limit the agenda
13 and authority of delegates or alternates they send to a convened amendment convention and
14 this authority does not reside in the Congress of the United States, the federal or state courts,
15 the federal or state executive branches, regulatory agencies, or the delegates sent to an
16 amendment convention; and

17 **WHEREAS**, the authority of the Congress, under Article V of the United States Constitution,
18 requires the Congress to convene an amendment convention for the purpose of proposing
19 amendments as applied for and defined by the state legislatures of several states; and

20 **WHEREAS**, the delegates sent by the North Dakota Legislative Assembly to the
21 countermand amendment convention are ambassadors of this legislature and are required to
22 fulfill the commission assigned to them in this resolution; and

23 **WHEREAS**, the North Dakota Legislative Assembly authorizes that delegates be
24 summoned and appointed to participate at the convened amendment convention according to
25 this resolution and this Legislative Assembly can add to, replace, or remove any delegate or
26 alternate; and

27 **WHEREAS**, North Dakota's delegation must organize a republican convention with at least
28 twenty-six other state delegations, with each state having at least one vote and a simple
29 majority at all roll call votes; and

30 **WHEREAS**, North Dakota's delegation must follow the directives in this resolution and is
31 bound by this resolution to vote at all state delegation roll call votes consistent with directives

1 given to the chairman, including sending the countermand amendment to the states for
2 ratification by the Congress of the United States; and

3 **WHEREAS**, North Dakota's delegate must attend all assigned business sessions at the
4 amendment convention and report the results of work with other state delegates to the
5 chairman; and

6 **WHEREAS**, this Legislative Assembly reserves the right to alter and change this resolution
7 and delegates will be bound by any alteration or change and instructs and authorizes the
8 delegates of the state to send the countermand amendment back to the states for ratification
9 through the Congress of the United States and delegates are prohibited from voting in favor of
10 any alternate amendment that may be introduced at the amendment convention.

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

13 That the Sixty-fourth Legislative Assembly directs the Congress of the United States to call
14 a convention of the states for the purpose of proposing an amendment to the Constitution of the
15 United States to provide states a process to countermand or repeal any law or ruling and to
16 provide a method for the states to appoint delegates to the amendment convention.

17 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution
18 to the President and Secretary of the Senate and the Speaker and Clerk of the House of
19 Representatives of the Congress.