

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.~~

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

2 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SCOPE OF UNITED STATES**

3 **CONSTITUTIONAL CONVENTION.** The legislative management shall consider studying,

4 during the 2013-14 interim, issues related to the calling of a convention under article V of the

5 United States Constitution, including concerns associated with a "runaway" convention and

6 methods through which states have addressed those concerns. The study must consider the

7 impact of House Concurrent Resolution No. 3048 adopted by the sixty-second legislative

8 assembly and similar actions taken by other states as well as other actions taken by states to

9 reassert the constitutional authority of the states. The legislative management shall report its

10 findings and recommendations, together with any legislation required to implement the

11 recommendations, to the sixty-fourth legislative assembly.