

**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 ~~a delegate~~delegates if a  
2 ~~constitutional~~an amendment convention is called for the purpose of proposing an amendment to  
3 the Constitution of the United States to provide states a process to collectively countermand or  
4 repeal any law or ruling and to provide a method for the states to appoint delegates to the  
5 amendment convention.

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

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

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16 law or ruling shall be immediately and automatically nullified and repealed; and

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

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

24 WHEREAS, any elected or nonelected government official, or any nongovernment  
25 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 ~~constitutional~~amendment  
14 convention and this authority does not reside in the Congress of the United States, the federal  
15 or state courts, the federal or state executive branches, regulatory agencies, or the delegates  
16 sent to a ~~constitutional~~an amendment convention; and

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

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

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

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

1 WHEREAS, North Dakota's delegation must follow the directives in this resolution and is  
2 bound by this resolution to vote at all state delegation roll call votes consistent with directives  
3 given to the chairman, including sending the countermand amendment to the states for  
4 ratification by the Congress of the United States; and

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

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

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

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

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