Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1441
(Representatives K. Koppelman, Brabandt, Dockter, Karls, Klein, Maragos, Owens, Paur, Schatz)
(Senators Burckhard, Hogue, Larsen)

AN ACT to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to certification of delegates to a convention of the states, called pursuant to article V of the United States Constitution, to amend the United States Constitution.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Certification of delegates to United States convention of the states.

1. If a convention of the states is called pursuant to article V of the United States Constitution, the legislative assembly or an official designated by the legislative assembly shall certify each delegate and alternate delegate from this state to the convention and provide a written copy of the certification to each delegate and alternate delegate and to the convention. If a delegate is ineligible or unwilling to serve as a delegate at the convention, the legislative assembly or the official designated by the legislative assembly shall certify an alternate delegate to replace the delegate and immediately provide a copy of the certification to the delegate and the convention.

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

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

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

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

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

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

   b. A proposed amendment that is outside the permitted subject matter of the application made by the legislative assembly, or if the legislative assembly did not make the application, the permitted subject matter of the applications relied upon by the United

States Congress in calling the convention and as the subject matter may be further defined by the legislative assembly or an official designated by the legislative assembly, in instructions adopted by the legislative assembly by concurrent resolution and provided to each delegate and alternate delegate.

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

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

Wesley R. Belter
Speaker of the House

President of the Senate

Burl L. Reich
Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1441.

House Vote:	Yeas 63	Nays 28	Absent 3
Senate Vote:	Yeas 31	Nays 15	Absent 1

Burl L. Reich
Chief Clerk of the House

Received by the Governor at 10:44 A M. on April 8, 2015.

Approved at 2:56 P. M. on April 9, 2015.

Jack Dalrymple
Governor

Filed in this office this 9th day of April, 2015,

at 4:37 o'clock P M.

Secretary of State