CONGRESSIONAL RECORD—SENATE

April 6, 2001

POM–5. A joint resolution adopted by the Legislature of the State of Wyoming relative to wildlife management; to the Committee on Appropriations.

ENROLLED JOINT RESOLUTION NO. 4

Whereas, the United States government has adopted and is implementing a plan for the recovery of the grizzly bear and gray wolf in the Northern Rocky Mountain region; and

Whereas, the federal policy to restore the grizzly bear and gray wolf in the Northern Rocky Mountain region has a continuing financial obligation which...
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resulting from the continuing management of these unique species.

Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress; to the Secretary of Interior and the United States Secretary of Agriculture; and to the Wyoming Congressional Delegation.

POM-6. A joint resolution adopted by the Legislative of the State of Wyoming relative to wildlife management; to the Committee on Environment and Public Works.

Whereas, the United States Congress has participated in issues regarding the introduction or reintroduction of threatened or endangered species into boundaries of the state; and

Whereas, the costs of managing and conserving the threatened or endangered species is significantly greater than can be sustained through the annual operating budgets of state agencies; and

Whereas, the introduction or reintroduction of threatened or endangered species may have a negative impact on the state of Wyoming's tourism and wildlife economy; and

Whereas, the United States Congress should not make decisions for the introduction or reintroduction of threatened or endangered species into the state of Wyoming without the consent and approval of the state; and

Whereas, the United States Congress should not make decisions for the introduction or reintroduction of threatened or endangered species into the state of Wyoming without the consent and approval of the state of Wyoming.

Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress; to the Secretary of Interior and the United States Secretary of Agriculture and to the Wyoming Congressional Delegation.

POM-7. A concurrent resolution adopted by the Legislative of the State of North Dakota relative to amending the Constitution of the United States; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 3931

Whereas, the Constitution of the United States reserves to the states a broad range of powers and the power of the federal government is strictly limited with regard to powers reserved to the states; and

Whereas, under the Constitution of the United States, state governments are given full authority over state and local government tax policy; and

Whereas, it is the duty of the judiciary to interpret the laws; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the Constitution of the United States through inappropriate federal mandates; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the Constitution of the United States; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to the people who have elected them. Now, therefore, be it

Resolved by the House of Representatives of North Dakota, pursuant to the provisions of Article V of the United States Constitution:

1. That the United States Congress prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States;

3. That the Fifty-seventh Legislative Assembly also proposes that the legislatures of each of the several states comprising the United States that have not yet made a similar application to the United States Congress requesting enactment of an appropriate amendment to the Constitution of the United States, and apply to the United States Congress to propose such an amendment to the Constitution of the United States;

4. That the Secretary of State transmit copies of this resolution to the President and Vice President of the United States, the presiding officer in each house of the legislature in each of the states in the Union, the Secretary of the United States Senate, and to each member of the North Dakota Congressional Delegation.

Resolved, by the Senate of North Dakota, to the United States Congress, to the United States Secretary of Interior, to the United States Secretaries of Agriculture and Commerce, to the Speaker of the House of Representatives, to the President of the Senate, to the Speaker of the House of Representatives of the United States Congress; to the Secretary of Agriculture and to the Wyoming Congressional Delegation.

POM-8. A concurrent resolution adopted by the Legislative of the State of North Dakota relative to the rescinding of a convention; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 4028

Whereas, the Legislative Assembly, acting with the best of intentions, has, at various times, applied to the Congress of the United States to call a convention to propose amendments to the North Dakota State Constitution, pursuant to the provisions of Article V of the United States Constitution; and

Whereas, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an immi nent peril to the well-established rights of citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States has been amended many times in the nation's history, and has been found to be a sound document that protects the lives and liberties of the citizens; and

Whereas, there is great danger in a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation; Now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives concurring therewith, That the Legislative Assembly rescinds the following applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to Article V of the United States Constitution: 1979 Senate Concurrent Resolution No. 4033, calling for a convention to amend the Constitution of the United States to provide revenue sharing; 1975 Senate Concurrent Resolution 4018, calling for a convention to amend the Constitution of the United States to require a balanced budget for each session of Congress except in time of war or national emergency; 1979 Senate Concurrent Resolution No. 4033, calling for a convention to amend the Constitution of the United States to prohibit federal estate taxes; and

Be it further resolved, That the Legislative Assembly urges the legislative bodies of each state, the Congress of the United States, and the United States Congress to call a convention to rescind; and

Be it further resolved, That the Secretary of State forward copies of this resolution to the presiding officer of each legislative body in each state, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the members of the North Dakota Congressional Delegation, and to the administrator of General Services, Washington, D.C.