

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

Whereas, it is the duty of the judiciary to interpret the law, not to create law; 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 those who have elected them; Now, therefore, be it

*Resolved by the House of Representatives of North Dakota, the Senate Concurring therein:*

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 request apply 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 Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the North Dakota Congressional Delegation.

POM-8. A concurrent resolution adopted by the Legislature of the State of Wyoming 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 United States 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 imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than 200 years 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 therein:*

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:

1967 House Concurrent Resolution "I-1", calling for a convention to amend the Constitution of the United States, relating to apportionment;

1971 Senate Concurrent Resolution No. 4013, 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 cash 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 that have applied to 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.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. SPECTER for the Committee on Veterans' Affairs.

Tim S. McClain, of California, to be General Counsel, Department of Veterans Affairs.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. BOND (for himself and Mr. BREAUX):

S. 724. A bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women; to the Committee on Finance.

By Mr. GRASSLEY:

S. 725. A bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practices of enrolled agents before the Internal Revenue Service; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. THOMPSON, Mr. MILLER, Mr. CLELAND, Ms. LANDRIEU, Mr. SHELBY, Mr. BUNNING, and Mr. FRIST):

S. 726. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of prepayments for natural gas; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 727. A bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. DORGAN, and Mr. CONRAD):

S. 728. A bill to establish a demonstration project to waive certain nurse aide training requirements for specially trained individuals who perform certain specific tasks in nursing facilities participating in the medicare or medicaid programs, and to conditionally authorize the use of resident assistants in such nursing facilities; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 729. A bill to provide grant money to States to enable States to expand the opportunity for citizens to vote over the Internet; to the Committee on Rules and Administration.

By Mr. JOHNSON (for himself, Mr. HUTCHINSON, and Mrs. LINCOLN):

S. 730. A bill to amend title XVIII of the Social Security Act to provide for the fair treatment of certain physician pathology services under the medicare program; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 731. A bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. THOMPSON:

S. 732. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain restaurant buildings, and for other purposes; to the Committee on Finance.

By Mr. DEWINE:

S. 733. A bill to eliminate the duplicative intent requirement for carjacking; to the Committee on the Judiciary.

By Mr. BOND (for himself and Mr. KERRY):

S. 734. A bill to amend the Foreign Service Buildings Act, 1926, to expand eligibility for the award of construction contracts under that Act to persons that have performed similar construction work at United States diplomatic or consular establishments abroad under contracts limited to \$5,000,000; to the Committee on Foreign Relations.