GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2025

H.B. 214
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40134-MC-12

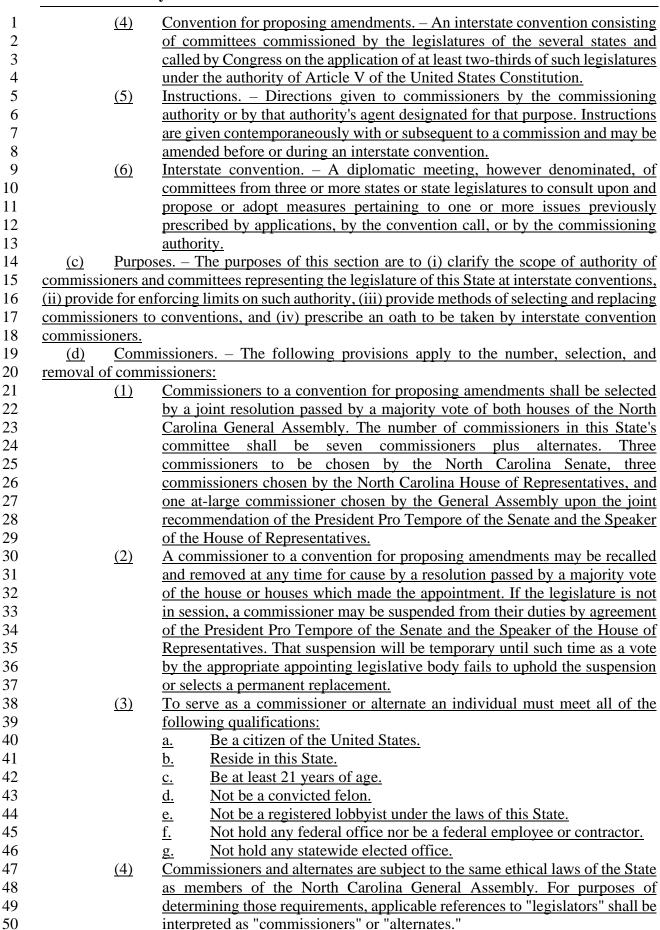
Short Title: Faithful Article V Commissioner Act. (Public)

Sponsors: Representative Riddell.

Referred to:

1 A BILL TO BE ENTITLED 2 AN ACT TO ENACT THE FAITHFUL ARTICLE V COMMISSIONER ACT. 3 The General Assembly of North Carolina enacts: 4 SECTION 1. Chapter 120 of the General Statutes is amended by adding a new 5 Article to read: 6 "Article 31A. 7 "Faithful Article V Commissioner Act. 8 "§ 120-272.100. Faithful Article V Commissioner Act. 9 <u>Findings. – The General Assembly finds as follows:</u> (a) 10 In the years since the Declaration of Independence, and both before and after (1) 11 ratification of the United States Constitution, the states and state legislatures 12 have, from time to time, met in interstate conventions (however denominated) to consult upon and propose or adopt measures to address prescribed 13 14 problems. This continued a pre-Independence practice of American colonies 15 meeting in intercolonial conventions and congresses. 16 (2) The United States Constitution recognizes the authority of states and state 17 legislatures to commission commissioners to interstate conventions, subject to the limitations set forth in the Constitution. It does so implicitly in Article 18 19 I, Section 9, and explicitly through Article V (authorizing conventions for proposing amendments), and by reserving this previously existing state power 20 21 to the states through the Tenth Amendment. 22 The authority to meet in convention is generally a power reserved to the states (3) 23 by the Constitution; in the case of a convention for proposing amendments, 24 the power is granted to the several state legislatures through Article V of the 25 Constitution. Leading American Founders recognized the authority of states to coordinate 26 <u>(4)</u> 27 their efforts in ways that necessarily or properly included interstate 28 conventions. 29 Definitions. – The following definitions apply in this section: (b) Application. – An application for a convention for proposing amendments 30 (1) 31 relied upon by Congress in calling such a convention. Commission. – The document or documents whereby the state legislature 32 (2) 33 empowers a commissioner to an interstate convention and fixes the scope of 34 his or her authority. 35 (3) Committee. – A delegation of persons commissioned to an interstate 36 convention.





Page 2 DRH40134-MC-12

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- (5) Of the commissioners and alternates selected, no more than four commissioners and four alternates shall be sitting members of the North Carolina General Assembly.
- Vacancies. Vacancies in committees representing the State legislature at a convention for proposing amendments shall be filled by the designated alternate. A new alternate commissioner shall be approved by the appropriate appointing body of the North Carolina General Assembly. If the legislature is not in session, a new alternate commissioner may be approved by written agreement of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. That appointment will be temporary until such time as a vote by the appropriate appointing legislative body selects a permanent replacement.
- Limitations on Commissioners' Powers. No commissioner shall exceed the scope of authority granted by his or her commission or violate his or her instructions. In the case of a convention for proposing amendments, the scope of authority granted by any commission and instructions shall not be deemed to exceed the narrowest of (i) the scope of the congressional call, (ii) the scope of the narrowest application among those cited by Congress as mandating the convention call, or (iii) the actual terms of the application.
- Oath. No person may serve as a commissioner until the person has taken the following oath: "I do solemnly swear (or affirm) that I accept and will act according to the limits of authority specified in my commission, by any present or subsequent instructions, and by the Faithful Article V Commissioner Act. I understand that violating this oath may subject me to penalties provided by law."
- Unauthorized Action. A person exceeds the scope of authority at an interstate convention if, while serving as a delegate at an interstate convention, he or she votes for, votes to consider, or otherwise promotes any action of the convention not within the scope defined in subsection (f) of this section; provided, however, that a delegate may vote for or otherwise support a measure clearly identified as a nonbinding recommendation rather than as a formal proposal. A person exceeding the scope of authority under this section is guilty of a Class I felony."

SECTION 2. This act is effective when it becomes law.

DRH40134-MC-12 Page 3