



HOUSE BILL 321: Convention of States

2015-2016 General Assembly

Committee:	Judiciary I, if favorable, Rules, Calendar, and Operations of the House	Date:	March 31, 2015
Introduced by:	Reps. Jones, Millis, Riddell, Pendleton	Prepared by:	R. Erika Churchill
Analysis of:	PCS to First Edition H321-CSST-16		Committee Counsel

SUMMARY: *House Bill 321 would authorize North Carolina to submit its application to call for a United States Constitutional convention for the specified purposes of:*

- *Imposing fiscal restraints on the federal government.*
- *Limiting the power and jurisdiction of the federal government.*
- *Limit the terms of office for its officials and for members of Congress.*

The proposed committee substitute would extend the time frame of the life of the application from 2015 until 2024.

[As introduced, this bill was identical to S398, as introduced by Sens. Sanderson, Krawiec, Hise, which is currently in Rules and Operations of the Senate.]

CURRENT LAW:

Article V of the Constitution of the United States provides that:

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

This provision allows for two alternative methods for proposing amendments to the United States Constitution before the legislatures of the states for ratification:

- 2/3 vote of both the U.S. Senate and the U.S. House of Representatives call for a change to be made.
- Application of the legislatures of 2/3 of the states for a national constitutional convention.

BILL ANALYSIS: The proposed committee substitute would apply to Congress to call a constitutional convention for considering amendments to the United Constitution on the following matters:



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- Imposing fiscal restraints on the federal government.
- Limiting the power and jurisdiction of the federal government.
- Limit the terms of office for its officials and for members of Congress.

The application would be valid until September 30, 2024, although no General Assembly may formally bind another General Assembly. The pcs also directs the Secretary of State to transmit copies of the enacted bill to all of the following individuals:

- The President and Secretary of the United States Senate
- The Speaker and Clerk of the United States House of Representatives
- Each member of the North Carolina delegation to the United States Senate and United States House of Representatives
- The presiding officers of each of the legislative houses in the several states, requesting their cooperation with the purposes of this act.

EFFECTIVE DATE: Effective when it becomes law.