

Senate Bill 206

By: Senators Cowsert of the 46th, Shafer of the 48th, Chance of the 16th, Hill of the 32nd, Loudermilk of the 14th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 28 of the Official Code of Georgia Annotated, relating to
2 interstate cooperation, so as to provide for delegations from the State of Georgia to certain
3 conventions called by the Congress of the United States for proposing amendments to the
4 Constitution of the United States pursuant to Article V of said Constitution; to provide an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 6 of Title 28 of the Official Code of Georgia Annotated, relating to interstate
9 cooperation, is amended by adding a new Code section to read as follows:

10 "28-6-8.

11 (a) As used in this Code section, the term:

12 (1) 'Article V application' means a resolution adopted by the General Assembly on the
13 same subject or containing the same proposed amendment text as not less than two-thirds
14 of the several states of the United States applying to the Congress of the United States for
15 said Congress to call an Article V convention by setting the time and place of such
16 convention.

17 (2) 'Article V convention' means a convention called by the Congress of the United
18 States upon application of the legislatures of not less than two-thirds of the several states
19 of the United States for the purpose of proposing amendments to the Constitution of the
20 United States as expressly provided in Article V of said Constitution.

21 (3) 'Delegate' means a person appointed as provided in this Code section to represent the
22 State of Georgia at an Article V convention.

23 (4) 'Delegation' means the entire group of delegates serving as such, collectively,
24 pursuant to this Code section.

25 (5) 'Legislative instructions' means any instructions given by resolution of the General
26 Assembly to delegates before or during an Article V convention.

- 27 (6) 'Unauthorized amendment' means a proposed amendment to the Constitution of the
28 United States that is outside the subject matter of the Article V application, the call of the
29 Article V convention by the Congress of the United States, or any legislative instructions.
30 (b) Upon a call by the Congress of the United States for an Article V convention at which
31 each state of the United States is to have one equal vote, seven delegates shall be appointed
32 forthwith to represent the State of Georgia at such particular Article V convention as
33 follows:
- 34 (1) The Speaker of the House of Representatives shall appoint two delegates;
35 (2) The President of the Senate shall appoint two delegates;
36 (3) The Governor shall appoint two delegates; and
37 (4) One delegate shall be appointed upon the affirmative vote of not less than four of
38 those six delegates who were appointed pursuant to paragraphs (1), (2), and (3) of this
39 subsection.
- 40 (c) Any vacancy in the delegation due to death, resignation, ineligibility, recall, or other
41 reason shall be filled in the same manner as the original appointment.
- 42 (d) No delegate shall have the authority to vote to allow consideration of or vote to
43 approve an unauthorized proposed amendment to the Constitution of the United States.
- 44 (e) Any delegate casting a vote to allow consideration or approval of an unauthorized
45 proposed amendment may be immediately recalled by a majority vote of the Speaker of the
46 House of Representatives, the President of the Senate, and the Governor; the position of
47 such recalled delegate shall thereby be vacated; and such unauthorized vote shall be
48 nullified.
- 49 (f)(1) Each delegate shall be subject to the eligibility requirements of Code Section
50 45-2-1 and, upon qualification, shall be required to take the following oath:
51 'I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to an
52 Article V convention, uphold the Constitution and laws of the United States and the State
53 of Georgia. I will not vote to allow consideration of or to approve any unauthorized
54 proposed amendment to the United States Constitution.'
- 55 (2) Violation of the oath or affirmation provided in paragraph (1) of this subsection shall
56 be subject to the provisions of Code Section 16-10-1.
- 57 (g) The Secretary of State shall certify in writing to the Article V convention the
58 appointment of delegates, the recall of any delegate, the filling of any vacancy in the
59 delegation, and the nullification of any unauthorized votes cast by any delegate.
- 60 (h) No delegate shall be appointed pursuant to this Code section to an Article V
61 convention unless each state of the United States has one equal vote at such convention.

62 (i) Except upon the resignation, death, ineligibility, recall, or other vacation of office by
63 a delegate, the term of each delegate shall be for the duration of the particular Article V
64 convention for which purpose the delegate was appointed, and the delegation shall be
65 dissolved and disbanded upon the adjournment sine die of such convention."

66 **SECTION 2.**

67 This Act shall become effective upon the date of the adoption by the General Assembly
68 during the 2013-2014 biennium of a resolution applying to the Congress of the United States
69 to call for a convention for the purpose of proposing one or more amendments to the
70 Constitution of the United States as expressly provided in Article V of said Constitution. If
71 such a resolution is not adopted by the General Assembly during the 2013-2014 biennium,
72 this Act shall not become effective and shall stand repealed on January 1, 2015.

73 **SECTION 3.**

74 All laws and parts of laws in conflict with this Act are repealed.