

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH60027-LB-38A (12/07)

Short Title: Intrastate Commerce Act.

(Public)

Sponsors: Representative Bradley.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROTECTING INTRASTATE COMMERCE.

3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 66 of the General Statutes is amended by adding a new
5 Article to read:

6 "Article 45.

7 "Intrastate Commerce Act.

8 "**§ 66-391. Title.**

9 This Article shall be known and may be cited as the "Intrastate Commerce Act."

10 "**§ 66-392. Declarations.**

11 The General Assembly declares:

- 12 (1) The Tenth Amendment to the Constitution of the United States codifies in
13 law that the only powers which the federal government may exercise are
14 those that have been delegated to it in the Constitution of the United States.
15 (2) The Ninth Amendment to the Constitution of the United States guarantees to
16 the people rights not enumerated in the Constitution and reserves to the
17 people of North Carolina those rights.
18 (3) Under Clause 3 of Section 8 of Article I of the Constitution of the United
19 States, the federal government is empowered to regulate commerce among
20 the several states.
21 (4) The power to regulate intrastate commerce is reserved to the states or the
22 people under the Ninth and Tenth Amendments to the Constitution of the
23 United States.
24 (5) During the Constitutional Convention, the Founders considered a plan which
25 would have authorized the federal government to regulate not only
26 commerce among the several states, but also any activity having spillover
27 effects across state lines. They rejected it.

28 "**§ 66-393. No federal authority over intrastate commerce.**

29 (a) All goods grown, manufactured, or made in North Carolina and all services
30 performed in North Carolina, when such goods or services are sold, maintained, or retained in
31 North Carolina, shall not be subject to the authority of the Congress of the United States under
32 its constitutional power to regulate commerce among the several states.

33 (b) All goods grown, manufactured, or made in North Carolina and all services
34 performed in North Carolina, when such goods or services are sold, maintained, or retained in



1 North Carolina, are not subject to the authority of the Congress of the United States under its
2 constitutional power to regulate commerce among the several states.

3 (c) This Article applies to goods and services that are produced and retained in North
4 Carolina on or after December 1, 2011.

5 **"§ 66-394. Penalties.**

6 (a) Any official, agent, or employee of the United States government or any employee
7 of a corporation providing services to the United States government that enforces or attempts to
8 enforce an act, order, law, statute, rule, or regulation of the government of the United States in
9 violation of this Article shall be guilty of a Class H felony.

10 (b) Any officer or employee of the State of North Carolina or any county or city that
11 enforces or attempts to enforce an act, order, law, statute, rule, or regulation of the government
12 of the United States in violation of this Article is guilty of a Class 2 misdemeanor.

13 (c) This section is effective only if Section 5 of Article I of the North Carolina
14 Constitution is amended so that it does not conflict with this act."

15 **SECTION 2.** This act becomes effective December 1, 2011.