

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 634

Short Title: Constitutional Conv./Repeal Federal Law/Regs. (Public)

Sponsors: Senators Rouzer; and Brock.

Referred to: Rules and Operations of the Senate.

April 19, 2011

A BILL TO BE ENTITLED
AN ACT APPLYING TO CONGRESS TO CALL A CONVENTION FOR PROPOSING AN
AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PERMITTING
REPEAL OF ANY FEDERAL LAW OR REGULATION BY VOTE OF TWO-THIRDS
OF THE STATE LEGISLATURES.

Whereas, Article I of the United States Constitution begins "All legislative powers herein granted shall be vested in a Congress"; and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are "reserved to the states respectively, or to the people" as the Tenth Amendment affirms and the rights "retained by the people" to which the Ninth Amendment refers; and

Whereas, this encroachment includes the accumulation of federal debt, which combined with interest represents a future tax, and is of such great proportion that responsibility for its payment will be passed to future, unborn generations of Americans to assume without their consent, thereby disparaging their rights; and

Whereas, this encroachment also includes compelling state and local governments to comply with federal laws and regulations without accompanying funding for such mandates; and

Whereas, in Federalist No. 85, Alexander Hamilton wrote in reference to Article V of the Constitution and the calling of a convention for the purpose of proposing amendments that, "We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority"; and

Whereas, the Constitution should be amended in order to halt federal encroachment and restore a proper balance between the powers of Congress and those of the several states and to prevent the denial or disparagement of the rights retained by the people; and

Whereas, Article V of the Constitution of the United States provides that upon the application of the legislatures of two-thirds of the states, Congress shall call a convention for the purpose of proposing amendments to the Constitution; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. The North Carolina General Assembly applies and makes application to the Congress of the United States to call a convention pursuant to Article V of the United States Constitution for the limited purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

SECTION 2. This act is repealed and the application withdrawn, nullified, and superseded to the same effect as if it had never been passed, and retroactive to the date of enactment if it is used for the purpose of calling a convention or used in support of conducting



1 a convention to amend the Constitution of the United States for any purpose other than
2 consideration of the amendment proposed in this act, other than further amendments that the
3 North Carolina General Assembly also makes application for.

4 **SECTION 3.** Delegates to such Convention, when called, shall be selected
5 according to procedures established by the legislatures of the several states.

6 **SECTION 4.** The Secretary of State shall transmit copies of this act to the Speaker
7 and the Clerk of the United States House of Representatives, the President and the Secretary of
8 the United States Senate, and the members of the North Carolina Congressional Delegation so
9 that they may be apprised of the sense of the North Carolina General Assembly in this matter.

10 **SECTION 5.** This act is effective when it becomes law.