

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**SENATE BILL 610**

Short Title: Constitutional Convention/Balanced Budget. (Public)

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Sponsors: Senators Rouzer; Brock and Hise.

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Referred to: Rules and Operations of the Senate.

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April 19, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT PETITIONING THE CONGRESS OF THE UNITED STATES TO ADOPT AN  
3 AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, FOR  
4 SUBMISSION TO THE STATES, TO REQUIRE, WITH CERTAIN EXCEPTIONS,  
5 THAT THE FEDERAL BUDGET BE BALANCED; OR, IN THE ALTERNATIVE, TO  
6 CALL A CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF  
7 PROPOSING SUCH AN AMENDMENT FOR SUBMISSION TO THE STATES FOR  
8 RATIFICATION.

9 Whereas, with each passing year this nation becomes more deeply in debt as its  
10 expenditures grossly and repeatedly exceed available revenues, so that the public debt now  
11 exceeds fourteen trillion dollars; and

12 Whereas, attempts to limit spending, including the impoundment of funds by the  
13 President of the United States, have resulted in strenuous assertions that the responsibility for  
14 appropriations is the constitutional duty of the Congress; and

15 Whereas, the unified budget does not reflect actual spending because of the  
16 exclusion of special outlays that are not in the budget; and

17 Whereas, knowledgeable planning and fiscal prudence require that the budget  
18 reflect all federal spending and that the budget be in balance; and

19 Whereas, fiscal irresponsibility at the federal level is one of the greatest economic  
20 threats that face our nation, we firmly believe that constitutional restraint is necessary to bring  
21 the fiscal discipline needed to reverse this trend; and

22 Whereas, under Article V of the Constitution of the United States, amendments to  
23 the Constitution of the United States may be proposed by the Congress whenever two-thirds of  
24 both houses deem it necessary, or on the application of the legislatures of two-thirds of the  
25 several states the Congress shall call a constitutional convention for the purpose of proposing  
26 amendments; Now, therefore,

27 The General Assembly of North Carolina enacts:

28 **SECTION 1.** The North Carolina General Assembly petitions the Congress of the  
29 United States to submit to the states for ratification an amendment to the Constitution of the  
30 United States, for submission to the states for ratification, requiring, with certain exceptions,  
31 that for each fiscal year the President of the United States submit and the Congress of the  
32 United States adopt a balanced federal budget.

33 **SECTION 2.** Subject to Section 3 of this act, the North Carolina General Assembly  
34 makes application to the Congress of the United States of America to call a convention for the  
35 specific and exclusive purpose of proposing an amendment to the Constitution of the United  
36 States, for submission to the states for ratification, requiring, with certain exceptions, that for



1 each fiscal year the President of the United States submit and the Congress of the United States  
2 adopt a balanced federal budget.

3 **SECTION 3.** If the Congress, no later than 90 days after the legislatures of  
4 two-thirds of the states have made application for such convention, submits to the states for  
5 ratification an amendment to the Constitution of the United States similar in subject matter to  
6 that contained in this act, then the application for a convention under Section 2 of this act is  
7 withdrawn and shall no longer be of any force or effect.

8 **SECTION 4.** The application for a convention under Section 2 of this act is null  
9 and void, rescinded, and of no effect in the event that such convention not be limited to the  
10 aforementioned specific and exclusive purpose.

11 **SECTION 5.** The application shall be deemed null and void, rescinded, and of no  
12 effect in the event the Supreme Court of the United States rules that a convention cannot be  
13 limited to the subject stated in 34 such applications.

14 **SECTION 6.** This application by this legislature constitutes a continuing  
15 application in accordance with Article V of the Constitution of the United States until at least  
16 two-thirds of the legislatures of the several states have made application for a similar  
17 convention pursuant to Article V of the Constitution of the United States or the Congress has  
18 proposed an amendment to the Constitution of the United States similar in subject matter to that  
19 contained in this Joint Resolution.

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

24 **SECTION 8.** This act is effective when it becomes law.