

South Carolina General Assembly
124th Session, 2021-2022

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Bill 3205

~~Indicates Matter Stricken~~

Indicates New Matter

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AMENDED

May 11, 2021

H. 3205

Introduced by Reps. Taylor, Lucas, Pope, Elliott, Allison, Hiott, Fry, J.E. Johnson, Jordan, Caskey, B. Newton, Bryant, G.M. Smith, G.R. Smith, Willis, Huggins, Blackwell, Erickson, Forrest, Hixon, Herbkersman, Thayer, Wooten, Morgan, Daning, Hardee, B. Cox, Bannister, Hewitt, Felder, Stringer, Davis, Calhoon, Oremus, Bennett, Gilliam, West, Haddon, Trantham, Lowe, McGarry, M.M. Smith, Bustos, V.S. Moss, W. Newton, May, Martin, Brittain, McGinnis, Bradley, Ballentine, Dabney, Carter, T. Moore and Kimmons

S. Printed 5/11/21--H. [SEC 5/12/21 2:56 PM]

Read the first time January 12, 2021.

STATEMENT OF ESTIMATED FISCAL IMPACT

Explanation of Fiscal Impact**State Expenditure**

This joint resolution allows the General Assembly to apply to the Congress of the United States for the calling of a convention of the states with the purpose of proposing amendments to the United States Constitution relating to term limits for members of the United States House of Representative and the United States Senate and imposing fiscal restraints on the federal governments, among other items listed in this resolution. We anticipate this joint resolution can be managed within the normal course of business for the Senate and the House of Representatives. Therefore, this concurrent resolution will have no expenditure impact

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

A JOINT RESOLUTION

TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF

CONGRESS; TO PROVIDE CERTAIN RESERVATIONS, UNDERSTANDINGS, AND DECLARATIONS LIMITING THE APPLICATION; AND TO PROVIDE CERTAIN SELECTION CRITERIA FOR COMMISSIONERS AS WELL AS LIMITATIONS UPON THEIR AUTHORITY.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) The General Assembly of South Carolina, by this joint resolution, hereby makes application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

(B) This application shall constitute a continuing application for the convention of the states pursuant to Article V of the United States Constitution until the legislatures of two-thirds of the states have made applications on the same subject and the convention has been called by the Congress of the United States. However, this application expires ten years from the effective date of this joint resolution.

(C) The Clerk of the House of Representatives and the Senate shall transmit copies of this resolution to the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Clerk of the United States Senate, the members of the South Carolina Congressional Delegation, and the legislatures of each of the several states, attesting to the enactment of this joint resolution by the South Carolina General Assembly.

SECTION 2. The South Carolina General Assembly adopts this application expressly subject to the following reservations, understandings, and declarations:

- (1) an application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;
- (2) Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two-thirds of the legislatures of the several states;
- (3) Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;
- (4) by definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;
- (5) a convention of the states convened pursuant to this application must be limited to consideration of the topics specified in this joint resolution and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights, the thirteenth, fourteenth, fifteenth, and nineteenth amendments to the United States Constitution shall not be authorized for consideration at any stage. This application shall be void ab initio if ever used at any stage to consider any change to any provision of the Bill of Rights, the thirteenth, fourteenth, fifteenth, and nineteenth amendments to the United States Constitution;

(6) pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The South Carolina General Assembly recommends that Congress select ratification by the legislatures of the several states; and

(7) the South Carolina General Assembly may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

SECTION 3. When determining commissioners or delegates, the appointing or electing body must take into account race, gender, and age so as to represent, to the greatest extent possible, all segments of the population of the State.

SECTION 4. This joint resolution takes effect upon approval by the Governor.

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