**South Carolina General Assembly**

119th Session, 2011-2012

**S. 351**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Senator Rose

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Companion/Similar bill(s): 3507

Introduced in the Senate on January 13, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: Constitutional convention

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2011 Senate Introduced ([Senate Journal‑page 10](file:///h:\sj%20archive\2011\01-13-11.docx))

1/13/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 10](file:///h:\sj%20archive\2011\01-13-11.docx))

1/9/2012 Senate Referred to Subcommittee: Campsen (ch), Malloy, Sheheen, Bright, Nicholson, Rose, Shoopman

**VERSIONS OF THIS BILL**

[1/13/2011](file:///p:\pprever\2011-12\351_20110113.docx)

**A** **CONCURRENT RESOLUTION**

CALLING FOR A CONSTITUTIONAL CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERMIT THE REPEAL OF ANY FEDERAL LAW OR REGULATION BY VOTE OF TWO-THIRDS OF THE STATE LEGISLATURES.

Whereas, Article I of the United States Constitution states that “[a]ll legislative powers herein granted shall be vested in a Congress,” and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution and encroached upon the powers that are “reserved to the states respectively, or to the people” as the Tenth

Amendment affirms and the rights which the Ninth Amendment provides are “retained by the people”; and

Whereas, this encroachment has resulted in the accumulation of federal debt, which combined with interest represents a future tax; and

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

Whereas, 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 upon states’ rights and individual rights 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, under Article V of the Constitution of the United States, amendments to the federal constitution may be proposed by the Congress whenever two‑thirds of both houses deem it necessary, or upon the application of the legislatures of two‑thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina requests that the Congress of the United States call a constitutional convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States to permit the repeal of any federal law or regulation by vote of two‑thirds of the state legislatures.

Be it further resolved that a copy of this resolution be forwarded to the President and Vice‑President of the United States, to the Speaker of the House of Representatives, to each member of the South Carolina Congressional Delegation, to the Clerk of the United States House of Representatives, and to the Secretary of the United States Senate.

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