COMMITTEE REPORT

February 23, 2022

**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 2/23/22--S. [SEC 2/24/22 1:22 PM]

Read the first time May 12, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (H. 3205) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the joint resolution, as and if amended, by striking all after the title and inserting therein the following:

/ Whereas, the founders of our constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

Whereas, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, it is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing Amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power. Now, therefore,

Be it therefore resolved by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly of South Carolina, by this joint resolution, hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States 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.

SECTION 2. The Clerks of the South Carolina House of Representatives and the South Carolina Senate shall transmit copies of this resolution to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the members of the South Carolina Congressional Delegation, and the presiding officers of each of the legislative houses in the several states, attesting to the enactment of this joint resolution by the South Carolina General Assembly and requesting cooperation.

SECTION 3. This joint resolution constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

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

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**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.

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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