**South Carolina General Assembly**

126th Session, 2025-2026

**S. 245**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Senators Massey, Rice, Reichenbach and Garrett

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Introduced in the Senate on January 16, 2025

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

Summary: Federal Balanced Budget Amendment

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/16/2025 Senate Introduced

 1/16/2025 Senate Referred to Committee on **Judiciary**

 1/16/2025 Senate Introduced (Senate Journal‑page 16)

 1/16/2025 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 16)

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**VERSIONS OF THIS BILL**

[01/16/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/245_20250116.docx)

A concurrent RESOLUTION

to make application by the state of south carolina under article v of the united states constitution for a convention of the states to be called, restricted to proposing an amendment to the united states constitution to impose fiscal restraints on the federal government through a balanced budget amendment.

Whereas, the annual federal budget is not in balance, and the federal public debt is now more than thirty‑one trillion dollars; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation. Now, therefore,

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

That the General Assembly of the State of South Carolina 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 an amendment to the Constitution of the United States requiring that, in the absence of a national emergency, the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

Be it further resolved that the General Assembly of the State of South Carolina adopts this Concurrent Resolution 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; and

(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, and fifteenth 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;

(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

Be it further resolved that copies of this application must be transmitted to the President of the United States, the Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and the members of the United States Senate and the United States House of Representatives from this State.

Be it further resolved that copies of this resolution must also be transmitted to the presiding officers of each of the legislative houses in the several states, requesting their cooperation in this endeavor.

Be it further resolved that this application 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. This application supersedes all previous applications by this General Assembly on the same subject.

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