**South Carolina General Assembly**

124th Session, 2021-2022

**S. 1006**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Senators Rice and Verdin

Document Path: l:\council\bills\ar\8016zw22.docx

Introduced in the Senate on January 25, 2022

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

Summary: Constitution - Convention of the States

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/25/2022 Senate Introduced ([Senate Journal‑page 4](file:///h:\sj\20220125.docx))

1/25/2022 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 4](file:///h:\sj\20220125.docx))

2/4/2022 Senate Referred to Subcommittee: Campsen (ch), McLeod, Rice, Garrett, Stephens

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=1006&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/25/2022](file:///p:\pprever\2021-22\1006_20220125.docx)

**A** **CONCURRENT RESOLUTION**

TO DEMAND, AMONG OTHER THINGS, THAT CONGRESS FULFILL ITS CONSTITUTIONAL OBLIGATION BY SETTING A DATE IN CALENDAR YEAR 2022 FOR THE NATION’S FIRST ARTICLE V CONVENTION FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION FOR THE PURPOSE OF IMPOSING FISCAL RESTRAINTS UPON THE FEDERAL GOVERNMENT.

Whereas, Article V of the United States Constitution states that: “The Congress, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments …” to the United States Constitution; and

Whereas, in 1979, the Legislature of the State of Nevada passed an Article V application for a convention for proposing amendments to the United States Constitution for the purpose of imposing fiscal restraints upon the federal government; and

Whereas, the Nevada application stated, “the national debt now amounts to hundreds of billions of dollars and is increasing enormously each year as federal expenditures grossly exceed federal revenues … and continuous deficit financing by the Federal Government supports inflationary conditions which adversely affect the national economy and all Americans, particularly those persons with fixed or low income”; and

Whereas, constantly increasing use of deficit financing has enabled the Federal Government to allocate considerable sums to programs which in many instances have proved to be wasteful and nonbeneficial to the public; and

Whereas, the annual federal budgets continually reflect the unwillingness or inability of both the legislature and executive branches of the Federal Government to balance the budget and demonstrate the necessity for a constitutional restraint upon deficit financing”; and

Whereas, combined with the Article V applications for a convention of states on any subject, the Nevada Article V application was the thirty-fourth application, constituting two-thirds of all states, for a convention of states for imposing fiscal restraints on the federal government in order to achieve a balanced federal budget; and

Whereas, Congress has failed to comply with its constitutional mandate to “call a Convention for proposing Amendments … on the application of the Legislatures of two thirds of several states” upon receipt the Nevada Article V application published in the Congressional Record on February 8, 1979; and

Whereas, by the end of 1979 the legislatures of thirty-nine states had made application for an Article V Convention for imposing fiscal restraints on the federal government including, but not limited to the following states: Alabama; Alaska; Arizona; Arkansas; Colorado; Florida; Georgia; Illinois; Indiana; Iowa; Kansas; Kentucky; Louisiana; Michigan; Mississippi; Missouri; Nebraska; Nevada; New Hampshire; New Jersey; New York; North Carolina; North Dakota; Ohio; Oklahoma; Oregon; Pennsylvania; South Carolina; South Dakota; Tennessee; Texas; Utah; Washington; West Virginia; Wisconsin; and Wyoming; and

Whereas, Alexander Hamilton in Federalist Paper No. 85 stated, “The Congress ‘shall call a convention.’ Nothing in this particular is left to the discretion of that body”; and

Whereas, since February 8, 1979, when Congress was constitutionally mandated to call a convention of states for the purpose of imposing fiscal restraints on the federal government in order to achieve a balanced federal budget, the nation’s debt has ballooned from $830 billion to approximately $30 trillion while the value of the dollar has declined over seventy percent; and

Whereas, the United States Constitution was ratified by Convention Delegates “chosen in each State by the People thereof” and the 21st Amendment, repealing Prohibition, was ratified in 1933 by a vote of the people for YES‑pledged Delegates in thirty-eight of thirty-nine state conventions. Now, therefore;

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

That the General Assembly of the State of South Carolina demands that Congress, within sixty calendar days after receiving this resolution, designate a date and location in Calendar Year 2022 for the nation’s first Article V Convention for Proposing Amendments to impose fiscal restraints on the federal government to achieve a balanced federal budget, based on the thirty-nine unrescinded, continuing resolution Applications published in the Congressional Record, 35, or State laws, 4, through 1979.

Be it further resolved that legal action be undertaken in the name of the General Assembly of the State of South Carolina to compel Congress to call an Article V Convention, if Congress fails to do so within sixty calendar days after receiving this resolution.

Be it further resolved that the General Assembly of the State of South Carolina alerts its counterparts in the several states of Congress’ disdain for the constitutional mandate to call an Article V Convention upon the application of two-thirds of the States and admonishes them to take such action as will compel the compliance of Congress with the constitutional duty to immediately call a convention of states for proposing amendments to impose fiscal restraints on the federal government in order to achieve a balanced federal budget, by specifying the date and location for the convention.

Be it further resolved that the General Assembly of the State of South Carolina calls upon the State’s congressional delegation to exert their utmost efforts to compel Congress to honor its constitutional duty to call immediately a convention of states for proposing amendments to impose fiscal restraints on the federal government in order to achieve a balanced federal budget, by specifying the date and location for the convention.

Be it further resolved that a copy of this joint resolution be transmitted to the Speaker and Minority Leader of the United States House of Representatives; the President, Majority Leader, and Minority Leader of the United States Senate; all members of South Carolina’s congressional delegation; and to the presiding officers of each of the legislative bodies in the several states and their respective attorneys general.

‑‑‑‑XX‑‑‑‑