**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3676**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Reps. G.M. Smith, Pope, Jordan, W. Newton, Elliott, Lowe, J.E. Johnson, Guest, Mitchell, Taylor, Robbins and Brewer

Companion/Similar bill(s): 369

Document Path: LC-0135SA-SA23.docx

Introduced in the House on January 12, 2023

Introduced in the Senate on March 5, 2024

Last Amended on February 29, 2024

Currently residing in the House

Summary: Convention of the States

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/12/2023 House Introduced ([House Journal‑page 332](h:\hj\20230112.docx))

1/12/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 332](h:\hj\20230112.docx))

1/10/2024 House Member(s) request name added as sponsor: Pope

1/23/2024 House Member(s) request name added as sponsor: Jordan,
W. Newton, Elliott, Lowe, J.E. Johnson, Guest

1/31/2024 House Member(s) request name added as sponsor: Mitchell

2/15/2024 House Member(s) request name added as sponsor: Taylor

2/27/2024 House Member(s) request name added as sponsor: Robbins,
Brewer

2/28/2024 House Committee report: Favorable **Judiciary** ([House Journal‑page 10](h:\hj\20240228.docx))

2/29/2024 House Amended ([House Journal‑page 41](h:\hj\20240229.docx))

2/29/2024 House Adopted, sent to Senate ([House Journal‑page 41](h:\hj\20240229.docx))

2/29/2024 House Roll call Yeas-68 Nays-30 ([House Journal‑page 45](h:\hj\20240229.docx))

3/5/2024 Senate Introduced ([Senate Journal‑page 7](h:\sj\20240305.docx))

3/5/2024 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](h:\sj\20240305.docx))

4/29/2024 Senate Referred to Subcommittee: Campsen (ch), Hutto,
Malloy, Rice, Gustafson

5/7/2024 Senate Polled out of committee **Judiciary**

5/7/2024 Senate Committee report: Favorable **Judiciary**

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3676&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/12/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3676_20230112.docx)

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3676_20240228.docx)

[02/29/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3676_20240229.docx)

[05/07/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3676_20240507.docx)

Polled Out Of Committee

Majority Favorable

May 07, 2024

H. 3676

Introduced by Reps. G. M. Smith, Pope, Jordan, W. Newton, Elliott, Lowe, J. E. Johnson, Guest, Mitchell, Taylor, Robbins and Brewer

S. Printed 05/07/24--S.

Read the first time March 05, 2024

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The committee on Senate Judiciary

To whom was referred a Concurrent Resolution (H. 3676) 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, etc., respectfully

Report:

Has polled the Concurrent Resolution out majority favorable.

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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 House of Representatives, the Senate 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; and

(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; and

(4) by definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote; and

(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; and

(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.

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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