**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3519**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Reps. Barfield, Bingham, Huggins, Forrester, Brannon, Hardwick, Stringer, Taylor, Lucas, Hearn, Atwater, Viers, Crawford, Harrell, Clemmons, Corbin, Crosby, Loftis, Lowe, D.C. Moss, Sandifer, J.R. Smith, White and Young

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Introduced in the House on February 2, 2011

Currently residing in the House Committee on **Invitations and Memorial Resolutions**

Summary: Appeal to Congress

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2011 House Introduced ([House Journal‑page 6](file:///h:\hj%20archive\2011\02-02-11.docx))

2/2/2011 House Referred to Committee on **Invitations and Memorial Resolutions** ([House Journal‑page 6](file:///h:\hj%20archive\2011\02-02-11.docx))

**VERSIONS OF THIS BILL**

[2/2/2011](file:///p:\pprever\2011-12\3519_20110202.docx)

**A** **CONCURRENT RESOLUTION**

TO APPLY TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR THE SOLE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Whereas, recent experience has shown that the safeguards in the United States Constitution, as currently interpreted by the federal judiciary, are insufficient to require the federal government to comply with such basic rules of fiscal responsibility as balancing its own budget, abuse of its legislative process, and mandating upon state government duties within adequate funding; and

Whereas, those who framed and adopted the Constitution included a provision by which state legislatures may require Congress to call a convention for proposing amendments as a way to respond to disagreements in constitutional interpretation or abuses by federal officials. Now, therefore,

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

(1) The General Assembly of the State of South Carolina, by this resolution, applies to the Congress of the United States pursuant to Article V of the Constitution of the United States to call an Article V Amendment Convention for the sole purpose of voting to propose or voting not to propose the following specific amendment to the Constitution of the United States:

“Article \_\_

The Congress, on application of the legislatures of two-thirds of the several states, which all contain an identical amendment, shall call a convention solely to decide whether to propose that specific amendment to the States, which, if proposed, shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V.”

(2) For the purpose of determining whether the required two‑thirds of the legislatures of the several states have applied for a convention, this application may be counted and considered valid only in conjunction with qualifying applications of other states that contain the identical text of the specific amendment contained in this application and whose application requires that the sole purpose of the convention is to decide whether to propose, or not to propose this specific amendment.

(3) This concurrent resolution is revoked and withdrawn, nullified and superseded to the same effect as if it had never been agreed to, and retroactive to the date it was agreed to, if it is used to conduct a convention that votes to propose any amendment other than the specific text of the amendment contained in item (1) of this resolution.

(4) Every delegate selected to represent South Carolina at a convention that Congress shall call pursuant to this resolution shall take an oath, enforceable under the laws of this State, to abide by and act according to the limits imposed by this resolution on the purpose of the convention.

(5) Any delegate selected to represent South Carolina at a convention that Congress shall call pursuant to this resolution has no authority to consider or approve any other amendment but the one contained in this application. Any vote taken in violation of this limitation is null and void, and any delegate who so votes has no authority to represent South Carolina on any matter at the convention.

(6) This application is valid only if two‑thirds of the states shall make a qualifying application within seven years of its referral for ratification to the states by Congress under the provisions of Article V.

(7) This application is null and void and of no effect if Congress, within ninety days of receipt of qualifying applications from two‑thirds of the states, shall propose and refer for ratification by the several states under the procedures outlined in Article V of the United States Constitution, the same exact text of the Amendment contained in this application.

Be it further resolved that copies of this application must be delivered within thirty days of the date it was agreed upon to the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Senate, every member of Congress from South Carolina, and the presiding officers of each house of the legislatures of the several states.

Be it further resolved, that this resolution is deemed agreed to by the House of Representatives and Senate only upon the enactment by the General Assembly of the “No Runaway Convention and Single Amendment Limitation Act”.

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