ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6216

(202) 225–3951
http://www.house.gov/judiciary

February 19, 2015

The Honorable Karen Haas
Clerk of the U.S. House of Representatives
U.S. Capitol, Room H154
Washington, D.C. 20515

Dear Madam Clerk,

Pursuant to section 3(c) of House Resolution 5 (114th Congress), I hereby designate the attached Memorial from the State of South Carolina, received by the House of Representatives in the year 2014, as purporting to be a rescission of a prior application of the State legislature calling for a convention for proposing amendments to the Constitution of the United States pursuant to Article V, and request that you make it publicly available.

Sincerely,

Bob Goodlatte
Chairman

3400

No. R 403
CLERK OF THE SENATE

No. 314
CODE COMMISSIONER

AN ACT

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

I Certify that the Within Originated in the House of Representatives.

Clerk of the House

Correctly Enrolled

Stephen T. Draffin, Director
Legislative Council

Delivered to the Governor this JUN 3 2004

day of _____ A.D. 20 _____

Clerk of the Senate

Delivered to the Secretary of State this 16th

day of JUL, A.D. 20 04

Mark Hammond
SECRETARY OF STATE

FILED

THE STATE OF SOUTH CAROLINA

At A General Assembly Begun to be Holden at Columbia, on the Second Tuesday in January, in the Year of Our Lord Two Thousand Four, and Thence Continued by Divers Adjournments to the _____ of _____

In the Year of Our Lord Two Thousand Four

AN ACT

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or

conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

Repeal

SECTION 1. Joint Resolution 775 of 1976 is repealed.

Disavowed

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

Copies forwarded

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

----XX----

S.C. LEG. COUNCIL
6 2 04

In the Senate House JUN 3 2004.

President of the Senate

Speaker of the House of Representatives

Approved the 16th day of July 2004.

Governor

LEGISLATIVE COUNCIL

of the

GENERAL ASSEMBLY OF SOUTH CAROLINA

Stephen T. Draffin, Director

Attorney: Harwell-Beach
Stenographer: Sanders
H.3400
Legislative Council No. (1036) 3400AHB04
Doc. No.: L:\COUNCIL\ACTS\3400AHB04.DOC

Proofread by Dunbar/Fusco

3400

No. R403
CLERK OF THE SENATE

No. _____
CODE COMMISSIONER

AN ACT

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

I Certify that the Within Originated in the House of Representatives.

Clerk of the House

Correctly Enrolled _____

Stephen T. Draffin, Director
Legislative Council

Delivered to the Governor this JUN 3 2004

day of _____, A.D. 20 _____

Clerk of the Senate

Delivered to the Secretary of State this 16th

day of JUL, A.D. 20 04

SECRETARY OF STATE

FILED

THE STATE OF SOUTH CAROLINA

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In the Year of Our Lord Two Thousand Four

AN ACT

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Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

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In the Senate House JUN 3 2004.

President of the Senate

Speaker of the House of Representatives

Approved the 16th day of July 2004.

Governor

LEGISLATIVE COUNCIL

of the

GENERAL ASSEMBLY

of the

STATE OF SOUTH CAROLINA

Stephen T. Draffin

STEPHEN T. DRAFFIN, DIRECTOR

Attorney: Z. Williams

Stenographer: Melton

Document No.: L:\COUNCIL\BILLS\BBM\9404ZW03.DOC

Statewide: _____ Local: _____

Proofread by: Dunbar/Drummond

IN THE HOUSE

The Senate amendments were agreed to, the Bill having received three readings in each House, it was ordered that the title be changed to that of an Act and that the Act be enrolled for ratification.

BY ORDER OF THE HOUSE

Sandra L. McLeod
Clerk of the House

H. 3400

Introduced by Representative M. Pitts

MAY 27 2004

Senate amends by striking out and inserting

A BILL

JUN 2 2004

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

AMEND TITLE TO CONFORM

Jeffrey S. Gossett, Clerk of the Senate

MAY 20 2004

Jeffrey S. Gossett, Clerk of the Senate

R2-5-04

In the House of Representatives

Read First Time JAN 22 2003

Read Second Time FEB 11 2004

Read Third Time FEB 12 2004

Ordered to be Sent to the Senate

By Order of the House of Representatives

Sandra L. McLeod
Clerk of the House

Referred to committee on Judiciary

Reported 0006 Favorable FEB 4 2004

In the Senate

Read First Time FEB 12 2004

R5/21/04

Read Second Time MAY 20 2004 (C.Am.Adp.)

Read Third Time MAY 27 2004 (Amd.) Returned to the House of Representatives with amendments

Ordered to be

By Order of the

Jeffrey S. Gossett
Clerk of the Senate

Referred to Committee on Judiciary

Reported MAY 19 2004 R5/20/04

1036

May 27, 2004 Third Reading Reconsidered
JUN 1 2004 Amended
JUN 1 2004 Read The Third Time & Ret. to House

IN THE HOUSE

Columbia, S. C., 2-03, 2004

The Committee on Judiciary

has considered S. _____ H. _____ and recommends that it _____ pass,

_____ not pass.

Favorable

James H. Harrison

for the Committee

PLEASE STAPLE TO FRONT INSIDE COVER OF BILL
DO NOT REMOVE

H. 3400 — CO- SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. ~~After a bill or resolution has been presented and given first reading, no further names of co-sponsors may be added.~~ A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.

BILL NUMBER: H. 3400 — To Repeal H.R. 775 of 1976 relating to Fed Const Convention to balance fed. budget.

DATE	ADD:	REMOVE:
2-5-04	Rep. McLeod	

COPY TO: CAROL HICKS -- BILL ROOM
ANNIE NANNEY – 223 BLATT
MARY FOLGER – PLAZA LOBBY
COM. SECY. (AG - 411; EDUC - 429; ETHICS – 519; INV – 522; JUD – 512; LCI – 407 ; 3M – 425; RULES – 519; WM – 525)

W. McLeod
2-5-04

Co-Sponsors of House Bills and Resolutions 2002–04

- [ ] Allen
- [ ] Altman
- [ ] Anthony
- [ ] Bailey
- [ ] Bales
- [ ] Barfield
- [ ] Battle
- [ ] Bingham
- [ ] Bowers
- [ ] Branham
- [ ] Breeland
- [ ] Brown, G.
- [ ] Brown, J.
- [ ] Brown, R.
- [ ] Cato
- [ ] Ceips
- [ ] Chellis
- [ ] Clark
- [ ] Clemmons
- [ ] Clyburn
- [ ] Coates
- [ ] Cobb-Hunter
- [ ] Coleman
- [ ] Cooper
- [ ] Cotty
- [ ] Dantzler
- [ ] Davenport
- [ ] Delleney
- [ ] Duncan
- [ ] Easterday
- [ ] Edge
- [ ] Emory
- [ ] Freeman
- [ ] Frye
- [ ] Gilham
- [ ] Gourdine
- [ ] Govan
- [ ] Hagood
- [ ] Hamilton
- [ ] Harrell
- [ ] Harrison
- [ ] Harvin
- [ ] Haskins
- [ ] Hayes
- [ ] Herbkersman
- [ ] Hines
- [ ] Hines
- [ ] Hinson
- [ ] Hosey
- [ ] Howard
- [ ] Huggins
- [ ] Jennings
- [ ] Keegan
- [ ] Kennedy
- [ ] Kirsh
- [ ] Koon
- [ ] Leach
- [ ] Lee
- [ ] Limehouse
- [ ] Littlejohn
- [ ] Lloyd
- [ ] Loftis
- [ ] Lourie
- [ ] Lucas
- [ ] Mack
- [ ] Mahaffey
- [ ] Martin
- [ ] McCraw
- [ ] McGee
- [ ] McLeod
- [ ] Merrill
- [ ] Miller
- [ ] Moody-Lawrence
- [ ] Neal, J. H. (Joseph)
- [ ] Neal, J. M. (James)
- [ ] Neilson
- [ ] Ott
- [ ] Owens
- [ ] Parks
- [ ] Perry
- [ ] Phillips
- [ ] Pinson
- [ ] Pitts, Edward H.
- [ ] Pitts, Michael A.
- [ ] Quinn
- [ ] Rhoad
- [ ] Rice
- [ ] Richardson
- [ ] Rivers
- [ ] Rutherford
- [ ] Sandifer
- [ ] Scarborough
- [ ] Scott
- [ ] Sheheen
- [ ] Simrill
- [ ] Sinclair
- [ ] Skelton
- [ ] Smith, D. C.
- [ ] Smith, F. N.
- [ ] Smith, G. M.
- [ ] Smith, J. E.
- [ ] Smith, J. R.
- [ ] Smith, W. D.
- [ ] Snow
- [ ] Stewart
- [ ] Stille
- [ ] Talley
- [ ] Taylor
- [ ] Thompson
- [ ] Toole
- [ ] Townsend
- [ ] Tripp
- [ ] Trotter
- [ ] Umphlett
- [ ] Vaughn
- [ ] Viers
- [ ] Walker
- [ ] Weeks
- [ ] Whipper
- [ ] White
- [ ] Whitmire
- [ ] Wilkins
- [ ] Witherspoon
- [ ] Young

Pub Date 11/13/02

MAY 27 2004

Senate amends by striking out and inserting

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

JUN 01 2004

Jeffrey S. Gossett, Clerk of the Senate

Senate amends by striking out and inserting

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Jeffrey S. Gossett, Clerk of the Senate

MAY 20 2004

AMEND TITLE TO CONFORM

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

MAY 27 2004

Senate amends by striking out and inserting

Jeffrey S. Gossett, Clerk of the Senate

Jeffrey S. Gossett, Clerk of the Senate

1 two hundred years and has been found to be a sound document
2 which protects the lives and liberties of the citizens; and
3
4 Whereas, there is no need for, rather, there is great danger in, a
5 new constitution or in opening the Constitution to sweeping
6 changes, the adoption of which would only create legal chaos in
7 this nation and only begin the process of another two centuries of
8 litigation over its meaning and interpretation.. Now, therefore,
9
10 Be it enacted by the General Assembly of the State of South
11 Carolina:
12
13 SECTION 1. Joint Resolution 775 of 1976 is repealed.
14
15 SECTION 2. The General Assembly of the State of South
16 Carolina disavows any other calls or applications, by any means
17 expressed, including, but not limited to S.1024 of 1978, to
18 Congress for a constitutional convention.
19
20 SECTION 3. This act takes effect upon approval by the Governor.
21 ----XX----

MAY 2 7 2004

Senate amends by striking out and i

Jeffrey S. Gossett, Clerk of the

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.

MAY 2 0 2004

2004

Senate amends by striking out and inserting

Jeffrey S. Gossett, Clerk of the Senate

MAY 2 7 2009

Senate amends by striking out and inserting

JUN 0 1 2004

Senate amends by striking out and inserting

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Jeffrey S. Gossett, Clerk of the Senate

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Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

Whereas, there is existing law in South Carolina that marriages between persons of the same sex are void ab initio and are against the public policy of this State; and

Whereas, because of the existing law, public acts, records, licenses, or judicial proceedings issued or enacted by another jurisdiction in contravention of existing South Carolina law are of no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South Carolina; and

Whereas, the recognition or extension by this State or its political subdivisions of the specific statutory benefits of a legal marriage to relationships between persons of the same sex is against the public policy of this State and its political subdivisions; Now, therefore,

Jeffrey S. Gossett, Clerk of the Senate

L:\S-JUD\AMEND\JUD3400.003.DOC

Jeffrey S. Gossett, Clerk of the Senate

JUN 0 1 2004

Senate amends by striking out and inserting

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SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

"Section 20-1-17. (A) Any public act, record, license, or judicial proceeding of this State or its political subdivisions that extends the specific statutory benefits of a legal marriage to relationships between persons of the same sex is void ab initio. Nothing in this subsection shall be construed to:

(1) prohibit the extension of specific benefits otherwise enjoyed be all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statues that is not expressly limited to married persons; or

(2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.

(B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by this State or its political subdivisions."

L:\S-JUD\AMEND\JUD3400.003.DOC

Jeffrey S. Gossett, Clerk of the Senate

JUN 0 1 2004

Senate amends by striking out and inserting

MAY 2 7 2004

Senate amends by striking out and inserting

SECTION 5. If any section, or provision of this act is held be a court of competent jurisdiction to be unconstitutional or invalid, it does not affect the remaining provisions of this act and all provisions of this act are hereby declared to be severable from other provisions.

SECTION 6. This act takes effect upon approval by the Governor.

Jeffrey S. Gossett, Clerk of the Senate

Jeffrey S. Gossett, Clerk of the Senate

JUN 0 1 200

Senate amends by striking out and inserting

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

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Be it enacted by the General Assembly of the State of South Carolina:

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Jeffrey Gossett

Jeffrey S. Gossett, Clerk of the Senate

SENATE AMENDMENT

AMENDMENT NO. _____

Hitchcock/Huth
June 1, 2004

7M

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED

ADOPTED

JUN 01 2004

Clerk of the Senate

ADOPTION NO. _____

BILL NO: H. 3400

(Reference is to Printer's Date 5/27/04--S.)

Senator MARTIN proposed the following amendment (3400R001.LAM):

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

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SECTION 4. This act takes effect upon approval by the Governor.

/

Renumber sections to conform.
Amend title to conform.

SENATE AMENDMENT

AMENDMENT NO. _____

Hitchcock/Huth
June 1, 2004

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED

_____
Clerk of the Senate

ADOPTION NO. _____

BILL NO: H. 3400

(Reference is to Printer's Date 5/27/04--S.)

Senator MARTIN proposed the following amendment (3400R001.LAM):

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states

in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.

/

Renumber sections to conform.
Amend title to conform.

SENATE AMENDMENT

AMENDMENT NO. _____

Hitchcock/Huth
June 1, 2004

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BILL NO: H. 3400 (Reference is to Printer's Date 5/27/04--S.)

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Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states

in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

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SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.

/

Renumber sections to conform.
Amend title to conform.

SENATE AMENDMENT

Wells
May 25, 2004

AMENDMENT NO. _____

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED

MAY 27 2004
ADOPTED

Clerk of the Senate

ADOPTION NO. _____

BILL NO: H. 3400

(Reference is to Printer's Date 5/20/04--S.)

Senators HAWKINS, FAIR and RITCHIE proposed the following amendment (JUD3400.003):

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ **A BILL**

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single

amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

Whereas, there is existing law in South Carolina that marriages between persons of the same sex are void ab initio and are against the public policy of this State; and

Whereas, because of the existing law, public acts, records, licenses, or judicial proceedings issued or enacted by another jurisdiction in contravention of existing South Carolina law are of no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South Carolina; and

Whereas, the recognition or extension by this State or its political subdivisions of the specific statutory benefits of a legal marriage to relationships between persons of the same sex is against the public policy of this State and its political subdivisions; Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

"Section 20-1-17. (A) Any public act, record, license, or judicial proceeding of this State or its political subdivisions that extends the specific statutory benefits of a legal marriage to relationships between persons of the same sex is void ab initio. Nothing in this subsection shall be construed to:

(1) prohibit the extension of specific benefits otherwise enjoyed be all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statues that is not expressly limited to married persons; or

(2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.

(B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by this State or its political subdivisions."

SECTION 5. If any section, or provision of this act is held be a court of competent jurisdiction to be unconstitutional or invalid, it does not affect the remaining provisions of this act and all provisions of this act are hereby declared to be severable from other provisions.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.
Amend title to conform.

SENATE AMENDMENT

AMENDMENT NO. _____

Benson
May 18, 2004

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
MAY 20 2004				

Clerk of the Senate

ADOPTION NO. _____

BILL NO: H. 3400 (Reference is to Printer's Date 2/4/04--H.)

The Committee on Judiciary proposed the following amendment (JUD3400.002):

Amend the bill, as and if amended, page 2, beginning on line 15, by striking SECTIONS 2 and 3 in their entirety and inserting therein the following:

/ SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

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

Renumber sections to conform.
Amend title to conform.

L:\S-JUD\AMEND\JUD3400.002.DOC

SENATE AMENDMENT

AMENDMENT NO. _____

Benson
May 18, 2004

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Clerk of the Senate

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

Renumber sections to conform.
Amend title to conform.

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South Carolina General Assembly
115th Session, 2003-2004

H. 3400

STATUS INFORMATION

General Bill
Sponsors: Reps. M.A. Pitts, Taylor and McLeod
Document Path: l:\council\bills\bbm\9404zw03.doc
Companion/Similar bill(s): 259

Introduced in the House on January 22, 2003
Introduced in the Senate on February 12, 2004
Last Amended on June 1, 2004
Passed by the General Assembly on June 2, 2004

Summary: Calls for constitutional convention disavowed

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/22/2003	House	Introduced and read first time HJ-18
1/22/2003	House	Referred to Committee on **Judiciary** HJ-18
2/4/2004	House	Committee report: Favorable **Judiciary** HJ-5
2/5/2004	House	Member(s) request name added as sponsor: McLeod
2/11/2004	House	Requests for debate-Rep(s). Thompson HJ-22
2/11/2004	House	Read second time HJ-22
2/12/2004	House	Read third time and sent to Senate HJ-14
2/12/2004	Senate	Introduced and read first time SJ-8
2/12/2004	Senate	Referred to Committee on **Judiciary** SJ-8
5/19/2004	Senate	Committee report: Favorable with amendment **Judiciary** SJ-36
5/20/2004	Senate	Amended SJ-43
5/20/2004	Senate	Read second time SJ-43
5/27/2004	Senate	Amended SJ-198
5/27/2004	Senate	Read third time and returned to House with amendments SJ-198
5/27/2004	Senate	Reconsidered SJ-198
6/1/2004	Senate	Amended SJ-24
6/1/2004	Senate	Read third time and returned to House with amendments SJ-24
6/2/2004	House	Concurred in Senate amendment and enrolled

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VERSIONS OF THIS BILL

1/22/2003
2/4/2004
5/19/2004
5/20/2004
5/27/2004
6/1/2004

AS PASSED BY THE SENATE
June 1, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 6/1/04--S.
Read the first time February 12, 2004.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Amend Title To Conform

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.

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House: M. Pitts
Attorney: Z. Williams
Stenographer: Melton
Date: January 22, 2003
Doc Name: L:\Council\Bills\BBM\9404ZW03.DOC

A BILL

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Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications, by any means expressed, including, but not limited to S.1024 of 1978, to Congress for a constitutional convention.

SECTION 3. This act takes effect upon approval by the Governor.

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AMENDED
May 27, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 5/27/04--S.
Read the first time February 12, 2004.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

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Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

Whereas, there is existing law in South Carolina that marriages between persons of the same sex are void ab initio and are against the public policy of this State; and

Whereas, because of the existing law, public acts, records, licenses, or judicial proceedings issued or enacted by another jurisdiction in contravention of existing South Carolina law are of no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South Carolina; and

Whereas, the recognition or extension by this State or its political subdivisions of the specific statutory benefits of a legal marriage to relationships between persons of the same sex is against the public policy of this State and its political subdivisions; Now, therefore,

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SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

"Section 20-1-17. (A) Any public act, record, license, or judicial proceeding of this State or its political subdivisions that extends the specific statutory benefits of a legal marriage to relationships between persons of the same sex is void ab initio. Nothing in this subsection shall be construed to:

(1) prohibit the extension of specific benefits otherwise enjoyed be all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statues that is not expressly limited to married persons; or

(2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.

(B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by this State or its political subdivisions."

SECTION 5. If any section, or provision of this act is held be a court of competent jurisdiction to be unconstitutional or invalid, it does not affect the remaining provisions of this act and all provisions of this act are hereby declared to be severable from other provisions.

SECTION 6. This act takes effect upon approval by the Governor.

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AE/SB

AS PASSED BY THE SENATE
June 1, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 6/1/04--S.
Read the first time February 12, 2004.

A BILL

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AE/SR

1 COMMITTEE AMENDMENT ADOPTED
2 May 20, 2004
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4 **H. 3400**
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6 Introduced by Reps. M.A. Pitts, Taylor and McLeod
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8 S. Printed 5/20/04--S.
9 Read the first time February 12, 2004.
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11

A BILL

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Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.

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AE/SE

COMMITTEE REPORT
May 19, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 5/19/04--S.
Read the first time February 12, 2004.

THE COMMITTEE ON JUDICIARY

To whom was referred a Bill (H. 3400) to repeal Joint Resolution 775 of 1976 which called on Congress to balance the federal budget through submitting an appropriate amendment to the states for ratification or in the alternative to call a, etc., respectfully

REPORT:

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

Amend the bill, as and if amended, page 2, beginning on line 15, by striking SECTIONS 2 and 3 in their entirety and inserting therein the following:

/ SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

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

Renumber sections to conform.

Amend title to conform.

LARRY A. MARTIN for Committee.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications, by any means expressed, including, but not limited to S.1024 of 1978, to Congress for a constitutional convention.

SECTION 3. This act takes effect upon approval by the Governor.

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AE/SB

1 AMENDED
2 May 27, 2004
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4 **H. 3400**
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6 Introduced by Reps. M.A. Pitts, Taylor and McLeod
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8 S. Printed 5/27/04--S.
9 Read the first time February 12, 2004.
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A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such

a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

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Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

Whereas, there is existing law in South Carolina that marriages between persons of the same sex are void ab initio and are against the public policy of this State; and

Whereas, because of the existing law, public acts, records, licenses, or judicial proceedings issued or enacted by another jurisdiction in contravention of existing South Carolina law are of no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South Carolina; and

Whereas, the recognition or extension by this State or its political subdivisions of the specific statutory benefits of a legal marriage to relationships between persons of the same sex is against the public policy of this State and its political subdivisions; Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

"Section 20-1-17. (A) Any public act, record, license, or judicial proceeding of this State or its political subdivisions that extends the specific statutory benefits of a legal marriage to relationships between persons of the same sex is void ab initio. Nothing in this subsection shall be construed to:

(1) prohibit the extension of specific benefits otherwise enjoyed be all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statues that is not expressly limited to married persons; or

(2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.

(B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by this State or its political subdivisions."

SECTION 5. If any section, or provision of this act is held be a court of competent jurisdiction to be unconstitutional or invalid, it does not affect the remaining provisions of this act and all provisions of this act are hereby declared to be severable from other provisions.

SECTION 6. This act takes effect upon approval by the Governor.

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AMENDED
May 27, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 5/27/04--S.
Read the first time February 12, 2004.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

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Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such

a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

Whereas, there is existing law in South Carolina that marriages between persons of the same sex are void ab initio and are against the public policy of this State; and

Whereas, because of the existing law, public acts, records, licenses, or judicial proceedings issued or enacted by another jurisdiction in contravention of existing South Carolina law are of no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South Carolina; and

Whereas, the recognition or extension by this State or its political subdivisions of the specific statutory benefits of a legal marriage to relationships between persons of the same sex is against the public policy of this State and its political subdivisions; Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

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"Section 20-1-17. (A) Any public act, record, license, or judicial proceeding of this State or its political subdivisions that extends the specific statutory benefits of a legal marriage to relationships between persons of the same sex is void ab initio. Nothing in this subsection shall be construed to:

(1) prohibit the extension of specific benefits otherwise enjoyed be all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statues that is not expressly limited to married persons; or

(2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.

(B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by this State or its political subdivisions."

SECTION 5. If any section, or provision of this act is held be a court of competent jurisdiction to be unconstitutional or invalid, it does not affect the remaining provisions of this act and all provisions of this act are hereby declared to be severable from other provisions.

SECTION 6. This act takes effect upon approval by the Governor.

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AMENDED
May 27, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 5/27/04--S.
Read the first time February 12, 2004.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such

a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

Whereas, there is existing law in South Carolina that marriages between persons of the same sex are void ab initio and are against the public policy of this State; and

Whereas, because of the existing law, public acts, records, licenses, or judicial proceedings issued or enacted by another jurisdiction in contravention of existing South Carolina law are of no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South Carolina; and

Whereas, the recognition or extension by this State or its political subdivisions of the specific statutory benefits of a legal marriage to relationships between persons of the same sex is against the public policy of this State and its political subdivisions; Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

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AMENDED
May 27, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 5/27/04--S.
Read the first time February 12, 2004.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such

a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

Whereas, there is existing law in South Carolina that marriages between persons of the same sex are void ab initio and are against the public policy of this State; and

Whereas, because of the existing law, public acts, records, licenses, or judicial proceedings issued or enacted by another jurisdiction in contravention of existing South Carolina law are of no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South Carolina; and

Whereas, the recognition or extension by this State or its political subdivisions of the specific statutory benefits of a legal marriage to relationships between persons of the same sex is against the public policy of this State and its political subdivisions; Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

"Section 20-1-17. (A) Any public act, record, license, or judicial proceeding of this State or its political subdivisions that extends the specific statutory benefits of a legal marriage to relationships between persons of the same sex is void ab initio. Nothing in this subsection shall be construed to:

(1) prohibit the extension of specific benefits otherwise enjoyed be all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statues that is not expressly limited to married persons; or

(2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.

(B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by this State or its political subdivisions."

SECTION 5. If any section, or provision of this act is held be a court of competent jurisdiction to be unconstitutional or invalid, it does not affect the remaining provisions of this act and all provisions of this act are hereby declared to be severable from other provisions.

SECTION 6. This act takes effect upon approval by the Governor.

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CH/MS

COMMITTEE REPORT
February 4, 2004

H. 3400

Introduced by Reps. M.A. Pitts and Taylor

S. Printed 2/4/04--H.
Read the first time January 22, 2003.

THE COMMITTEE ON JUDICIARY

To whom was referred a Bill (H. 3400) to repeal Joint Resolution 775 of 1976 which called on Congress to balance the federal budget through submitting an appropriate amendment to the States for ratification or in the alternative, etc., respectfully

REPORT:

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

JAMES H. HARRISON for Committee.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications, by any means expressed, including, but not limited to S.1024 of 1978, to Congress for a constitutional convention.

SECTION 3. This act takes effect upon approval by the Governor.

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AE/SE

AS PASSED BY THE SENATE
June 1, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 6/1/04--S.
Read the first time February 12, 2004.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Amend Title To Conform

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

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Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

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SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.

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AE/SR

COMMITTEE AMENDMENT ADOPTED
May 20, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 5/20/04--S.
Read the first time February 12, 2004.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Amend Title To Conform

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.

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COMMITTEE REPORT
May 19, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

S. Printed 5/19/04--S.
Read the first time February 12, 2004.

THE COMMITTEE ON JUDICIARY

To whom was referred a Bill (H. 3400) to repeal Joint Resolution 775 of 1976 which called on Congress to balance the federal budget through submitting an appropriate amendment to the states for ratification or in the alternative to call a, etc., respectfully

REPORT:

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

Amend the bill, as and if amended, page 2, beginning on line 15, by striking SECTIONS 2 and 3 in their entirety and inserting therein the following:

/ SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

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

Renumber sections to conform.

Amend title to conform.

LARRY A. MARTIN for Committee.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications, by any means expressed, including, but not limited to S.1024 of 1978, to Congress for a constitutional convention.

SECTION 3. This act takes effect upon approval by the Governor.

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COMMITTEE REPORT
February 4, 2004

H. 3400

Introduced by Reps. M.A. Pitts and Taylor

S. Printed 2/4/04--H.
Read the first time January 22, 2003.

THE COMMITTEE ON JUDICIARY

To whom was referred a Bill (H. 3400) to repeal Joint Resolution 775 of 1976 which called on Congress to balance the federal budget through submitting an appropriate amendment to the States for ratification or in the alternative, etc., respectfully

REPORT:

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

JAMES H. HARRISON for Committee.

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications, by any means expressed, including, but not limited to S.1024 of 1978, to Congress for a constitutional convention.

SECTION 3. This act takes effect upon approval by the Governor.

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IN THE SENATE

Columbia, S.C., May 18, *20* 04

The Committee on Judiciary

has considered S. _____ *H.* 3400 *and recommends that it* ✓ *pass,*

_____ *not pass.* favorable w/amend.

Sen. Martin

for the Committee

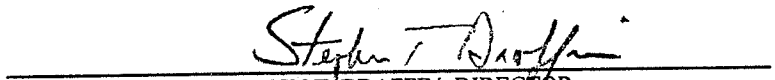
LEGISLATIVE COUNCIL

of the

GENERAL ASSEMBLY

of the

STATE OF SOUTH CAROLINA



STEPHEN T. DRAFFIN, DIRECTOR

Attorney: Z. Williams

Stenographer: Melton

Document No.: L:\COUNCIL\BILLS\BBM\9404ZW03.DOC

Statewide: _____ Local: _____

Proofread by: Amber Drummond

STATE OF SOUTH CAROLINA
RICHLAND COUNTY

THIS IS TO CERTIFY THAT This and or the attached is a true and accurate copy of An Act To Repeal Joint Resolution 775 Of 1976 Which Called on Congress To Balance The Federal Budget Through Submitting An Appropriate Amendment To The States For Ratification Or In The Alternative To Call A Constitutional Convention For This Purpose, And To Disavow Any Other Calls For A Constitutional Convention By Any Means Expressed, recorded in Records of the South Carolina General Assembly, Acts and Joint Resolutions 2004 R 403 (S 165001 Box 1057) now on deposit with the South Carolina Department of Archives and History.

GIVEN UNDER MY HAND AND THE SEAL OF THE DEPARTMENT
This eighteenth day of December, two thousand and thirteen.

Steven D. Tuttle

Steven D. Tuttle, Supervisor
Archives Division