

BOB GOODLATTE, Virginia
CHAIRMAN

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LAMAR S. SMITH, Texas
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TRENT FRANKS, Arizona
LOUIE GOHMERT, Texas
JIM JORDAN, Ohio
TED POE, Texas
JASON CHAFFETZ, Utah
TOM MARINO, Pennsylvania
TREY GOWDY, South Carolina
RAÚL R. LABRADOR, Idaho
BLAKE FARENTHOLD, Texas
DOUG COLLINS, Georgia
RON DeSANTIS, Florida
MIMI WALTERS, California
KEN BUCK, Colorado
JOHN RATCLIFFE, Texas
DAVE TROTT, Michigan
MIKE BISHOP, Michigan

JOHN CONYERS, JR., Michigan
RANKING MEMBER

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ZOE LOFGREN, California
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STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
PEDRO R. PIERLUISI, Puerto Rico
JUDY CHU, California
TED DEUTCH, Florida
LUIS V. GUTIERREZ, Illinois
KAREN BASS, California
CEDRIC L. RICHMOND, Louisiana
SUZAN K. DeLBENE, Washington
HAKEEM S. JEFFRIES, New York
DAVID CICILLINE, Rhode Island
SCOTT PETERS, California

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.

Correctly Enrolled _____

Lauretta L. McKinney
Clerk of the House

Stephen T. Draffin
Stephen T. Draffin, Director
Legislative Council

Delivered to the Governor this JUN 3 2004
day of _____ A.D. 20 _____

Jeffrey Honn
Clerk of the Senate

Delivered to the Secretary of State this 16th
day of JUL, A.D. 20 04

Mark Hammond
SECRETARY OF STATE

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

ACTS\3400AHB04.DOC

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

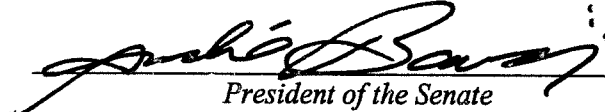
SECTION 4. This act takes effect upon approval by the Governor.

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SENATE
2004
COUNCIL

JUN 3 2004

In the Senate House _____



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*

3900

No. R 403
CLERK OF THE SENATE

No. _____
CODE COMMISSIONER

AN ACT

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

Correctly Enrolled _____

David A. McKinney
Clerk of the House

Stephen T. Draffin
Stephen T. Draffin, Director
Legislative Council

Delivered to the Governor this JUN 3 2004

Delivered to the Secretary of State this FILED 16th

day of _____ A.D. 20 _____
Jeffrey Gorsuch
Clerk of the Senate

day of JUL, A.D. 20 04
Mark Farnsworth
SECRETARY OF STATE

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
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ACTS\3400AHB04.DOC

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. Now, therefore,

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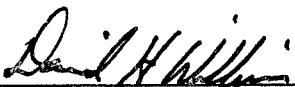
---XX---

JUN 3 2004

In the Senate House _____




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: *Amber Drummond*

IN THE HOUSE

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

H. 3400

Introduced by Representative M. Pitts

MAY 27 2004

Senate amends by striking out and inserting

BY ORDER OF THE HOUSE

McLeod

Sandra L. McHenry
Clerk of the House

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.~~

Jeffrey Gossett

Jeffrey S. Gossett, Clerk of the Senate

AMEND TITLE TO CONFORM

MAY 20 2004

Jeffrey Gossett

Jeffrey S. Gossett, Clerk of the Senate

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. McHenry
Clerk of the House

Referred to committee on Jud

Reported 0006 Favorable FEB 4 2004

In the Senate

Read First Time FEB 12 2004

Read Second Time MAY 20 2004 (C.A.M. Adp.)

Read Third Time MAY 27 2004

Ordered to be

By Order of

Jeffrey Gossett

Clerk of the Senate

Referred to Committee on Judiciary

Reported MAY 19 2004

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 Court Convention to balance fed. budget.

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

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. McLead
2-5-04

Co-Sponsors of House Bills and Resolutions 2002-04

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

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

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

Jeffrey S. Gossett, Clerk of the Senate

MAY 20 2004

AMEND TITLE TO CONFORM

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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.~~

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

1 BBM9404ZW03.DOC

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 27 2004
Senate amends by striking out and

Jeffrey Gossett
Jeffrey S. Gossett, Clerk of the

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DDM19404ZW03.DOC

MAY 20 2004

Senate amends by striking out and inserting

MAY 20 2004

Jeffrey Gossett
Jeffrey S. Gossett, Clerk of the Senate

MAY 2 / 2004
Senate amends by striking out and inserting

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Jeffrey Gossett

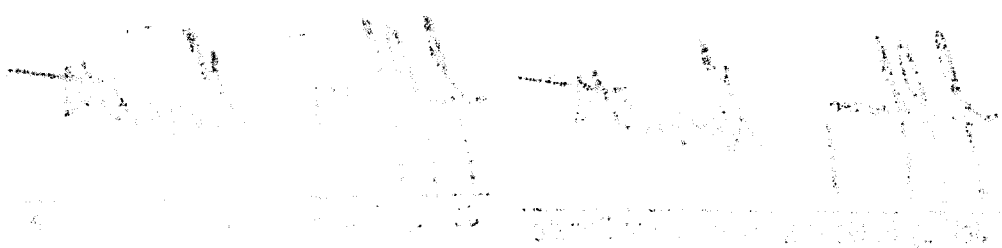
Jeffrey S. Gossett, Clerk of the Senate

Jeffrey Gossett

Jeffrey S. Gossett, Clerk of the Senate

10/10/75

10/10/75



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,

Jeffrey S. Gosssett

Jeffrey S. Gosssett, Clerk of the Senate

Jeffrey S. Gosssett

Jeffrey S. Gosssett, Clerk of the Senate

← 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 →

[The following text is extremely faint and illegible due to low contrast and scan quality. It appears to be a list or index of entries, possibly names and dates, arranged in a grid-like fashion. Some faint words like "1944", "1945", etc., are visible at the top, suggesting a chronological or indexed list.]

JUN 01 2004

MAY

J4

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

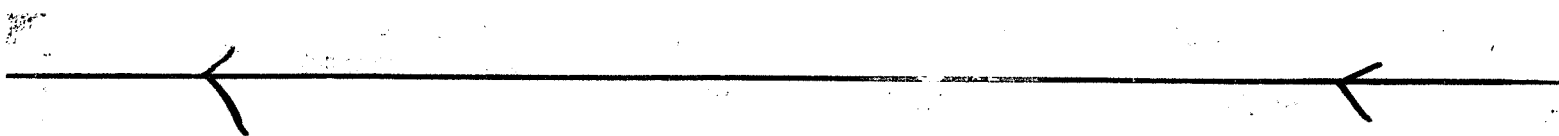
"Section 20-1-17. (A) Any public act, record, license, or judicial proceeding of this State or its political subdivisions that extends the specific statutory benefits of a legal marriage to relationships between persons of the same sex is void ab initio. Nothing in this subsection shall be construed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

(1) prohibit the extension of specific benefits otherwise enjoyed by 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 statutes 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."

[Handwritten signatures]



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JUN 01 2004

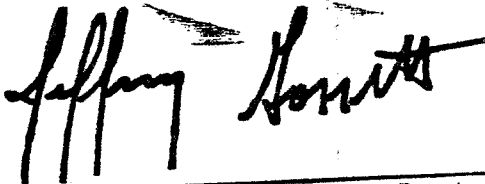
MAY 27 2004

Senate amends by striking out and inserting

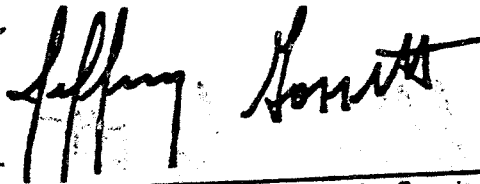
Senate amends by striking out and inserting

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



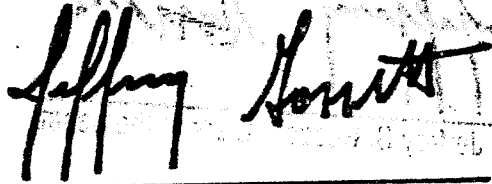
Jeffrey S. Gossett, Clerk of the Senate

JUN 0 1 2004

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

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



Jeffrey S. Gossett, Clerk of the Senate

JUN 01 2004

Senate amends by striking out and inserting

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,

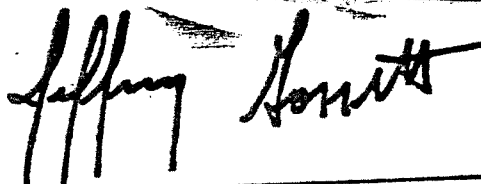
Be it enacted by the General Assembly of the State of South Carolina:

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.



Jeffrey S. Gossett, Clerk of the Senate

SENATE AMENDMENT

AMENDMENT NO. _____

Hitchcock/Huth
June 1, 2004

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.

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:

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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

AMENDMENT NO. _____

Hitchcock/Huth
June 1, 2004

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
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Clerk of the Senate

ADOPTION NO. _____

BILL NO: H. 3400

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

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

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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

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

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
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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,

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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.


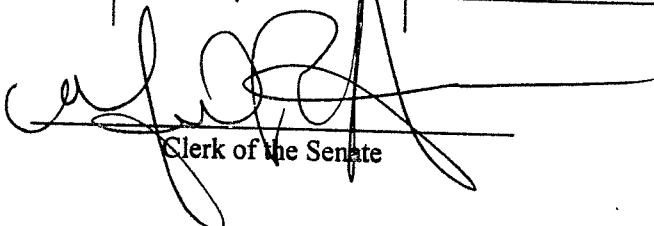
/

Renumber sections to conform.
Amend title to conform.

SENATE AMENDMENT

Wells
May 25, 2004

AMENDMENT NO. _____

ADOPTED	Tabled 	CARRIED OVER	FAILED	RECONSIDERED
MAY 27 2004 ADOPTED				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 by 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 statutes 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.

SENATE AMENDMENT

AMENDMENT NO. _____

Benson
May 18, 2004

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
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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

AMENDMENT NO. _____

Benson
May 18, 2004

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
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Clerk of the Senate

ADOPTION NO. _____

BILL NO: H. 3400

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/ 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.

South Carolina General Assembly
115th Session, 2003-2004

H. 3400

STATUS INFORMATION

General Bill

Sponsors: Reps. M.A. Pitts, Taylor and McLeod

Document Path: I:\council\bill\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

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
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](#)

1 AS PASSED BY THE SENATE

2 June 1, 2004

3

4

H. 3400

5

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

7

8 S. Printed 6/1/04--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.

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

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:

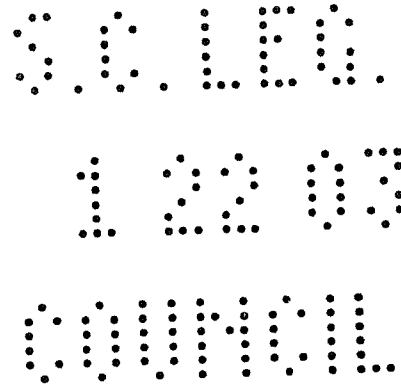
12
13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

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

20
21 SECTION 3. The Secretary of State is directed to forward copies
22 of this act bearing the Great Seal of the State to the following
23 persons: The President and Vice President of the United States,
24 the Speaker of the House of Representatives, and each member of
25 the South Carolina Congressional Delegation in Washington, D.C.

26
27 SECTION 4. This act takes effect upon approval by the Governor.

28 -----XX-----
29



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

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7
8
9 **A BILL**

10
11 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH
12 CALLED ON CONGRESS TO BALANCE THE FEDERAL
13 BUDGET THROUGH SUBMITTING AN APPROPRIATE
14 AMENDMENT TO THE STATES FOR RATIFICATION OR IN
15 THE ALTERNATIVE TO CALL A CONSTITUTIONAL
16 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW
17 ANY OTHER CALLS FOR A CONSTITUTIONAL
18 CONVENTION BY ANY MEANS EXPRESSED.

19
20 Whereas, the General Assembly of the State of South Carolina,
21 acting with the best of intentions, at various times and during
22 various sessions, has previously made applications to Congress to
23 call one or more conventions to propose either a single amendment
24 concerning a specific subject or to call a general convention to
25 propose an unspecified and unlimited number of amendments to
26 the United States Constitution, pursuant to the provisions of
27 Article V thereof; and

28
29 Whereas, former Chief Justice of the Supreme Court of the United
30 States of America Warren E. Burger, former Associate Justice of
31 the United States Supreme Court Arthur J. Goldberg, and other
32 leading constitutional scholars agree that such a convention may
33 propose sweeping changes to the Constitution, any limitations or
34 restrictions purportedly imposed by the states in applying for such
35 a convention or conventions to the contrary notwithstanding,
36 thereby creating an imminent peril to the well-established rights of
37 the citizens and the duties of various levels of government; and

38
39 Whereas, the Constitution of the United States of America has
40 been amended many times in the history of this nation and may be
41 amended many more times, without the need to resort to a
42 constitutional convention, and has been interpreted for more than

S. O. L. D. A.

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.

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1 AMENDED
2 May 27, 2004

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H. 3400

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

9

10 S. Printed 5/27/04--S.

11 Read the first time February 12, 2004.

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A BILL

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

28

29 Whereas, the General Assembly of the State of South Carolina,
30 acting with the best of intentions, at various times and during
31 various sessions, has previously made applications to Congress to
32 call one or more conventions to propose either a single amendment
33 concerning a specific subject or to call a general convention to
34 propose a n unspecified a nd unlimited n umber of a mendments to
35 the United States Constitution, pursuant to the provisions of
36 Article V thereof; and

37

38 Whereas, former Chief Justice of the Supreme Court of the United
39 States of America Warren E. Burger, former Associate Justice of
40 the United States Supreme Court Arthur J. Goldberg, and other
41 leading c onstitutional s cholars a gree that s uch a c onvention may
42 propose sweeping changes to the Constitution, any limitations or
43 restrictions purportedly imposed by the states in applying for such

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

4
5 Whereas, the Constitution of the United States of America has
6 been amended many times in the history of this nation and may be
7 amended many more times, without the need to resort to a
8 constitutional convention, and has been interpreted for more than
9 two hundred years and has been found to be a sound document
10 which protects the lives and liberties of the citizens; and

11
12 Whereas, there is no need for, rather, there is great danger in, a
13 new constitution or in opening the Constitution to sweeping
14 changes, the adoption of which would only create legal chaos in
15 this nation and only begin the process of another two centuries of
16 litigation over its meaning and interpretation;

17
18 Whereas, there is existing law in South Carolina that marriages
19 between persons of the same sex are void ab initio and are against
20 the public policy of this State; and

21
22 Whereas, because of the existing law, public acts, records,
23 licenses, or judicial proceedings issued or enacted by another
24 jurisdiction in contravention of existing South Carolina law are of
25 no legal force or effect and are not recognized by this State or its
26 political subdivisions in accordance with the public policy of South
27 Carolina; and

28
29 Whereas, the recognition or extension by this State or its political
30 subdivisions of the specific statutory benefits of a legal marriage to
31 relationships between persons of the same sex is against the public
32 policy of this State and its political subdivisions; Now, therefore,

33
34 Be it enacted by the General Assembly of the State of South
35 Carolina:

36
37 SECTION 1. Joint Resolution 775 of 1976 is repealed.

38
39 SECTION 2. The General Assembly of the State of South
40 Carolina disavows any other calls or applications for a
41 constitutional convention made to Congress prior to the effective
42 date of this act, by any means expressed, including, but not limited
43 to, S. 1024 of 1978.

1
2 SECTION 3. The Secretary of State is directed to forward copies
3 of this act bearing the Great Seal of the State to the following
4 persons: The President and Vice President of the United States,
5 the Speaker of the House of Representatives, and each member of
6 the South Carolina Congressional Delegation in Washington, D.C.

7
8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is
9 amended by adding:

10
11 "Section 20-1-17. (A) Any public act, record, license, or
12 judicial proceeding of this State or its political subdivisions that
13 extends the specific statutory benefits of a legal marriage to
14 relationships between persons of the same sex is void ab initio.
15 Nothing in this subsection shall be construed to:

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

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

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

31
32 SECTION 5. If any section, or provision of this act is held by a
33 court of competent jurisdiction to be unconstitutional or invalid, it
34 does not affect the remaining provisions of this act and all
35 provisions of this act are hereby declared to be severable from
36 other provisions.

37
38 SECTION 6. This act takes effect upon approval by the Governor.

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4/1/04

1 AS PASSED BY THE SENATE
2 June 1, 2004

H. 3400

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

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8 S. Printed 6/1/04--S.

9 Read the first time February 12, 2004.

10
11

A BILL

1 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH
2 CALLED ON CONGRESS TO BALANCE THE FEDERAL
3 BUDGET THROUGH SUBMITTING AN APPROPRIATE
4 AMENDMENT TO THE STATES FOR RATIFICATION OR IN
5 THE ALTERNATIVE TO CALL A CONSTITUTIONAL
6 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW
7 ANY OTHER CALLS FOR A CONSTITUTIONAL
8 CONVENTION BY ANY MEANS EXPRESSED.
9 Amend Title To Conform

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

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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

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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

1 two hundred years and has been found to be a sound document
2 which protects the lives and liberties of the citizens; 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. 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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4/28/04

1 COMMITTEE AMENDMENT ADOPTED
2 May 20, 2004

H. 3400

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

6
7 S. Printed 5/20/04--S.

8
9 Read the first time February 12, 2004.

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A BILL

10 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH
11 CALLED ON CONGRESS TO BALANCE THE FEDERAL
12 BUDGET THROUGH SUBMITTING AN APPROPRIATE
13 AMENDMENT TO THE STATES FOR RATIFICATION OR IN
14 THE ALTERNATIVE TO CALL A CONSTITUTIONAL
15 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW
16 ANY OTHER CALLS FOR A CONSTITUTIONAL
17 CONVENTION BY ANY MEANS EXPRESSED.
18 Amend Title To Conform
19
20

21 Whereas, the General Assembly of the State of South Carolina,
22 acting with the best of intentions, at various times and during
23 various sessions, has previously made applications to Congress to
24 call one or more conventions to propose either a single amendment
25 concerning a specific subject or to call a general convention to
26 propose an unspecified and unlimited number of amendments to
27 the United States Constitution, pursuant to the provisions of
28 Article V thereof; and
29

30 Whereas, former Chief Justice of the Supreme Court of the United
31 States of America Warren E. Burger, former Associate Justice of
32 the United States Supreme Court Arthur J. Goldberg, and other
33 leading constitutional scholars agree that such a convention may
34 propose sweeping changes to the Constitution, any limitations or
35 restrictions purportedly imposed by the states in applying for such
36 a convention or conventions to the contrary notwithstanding,
37 thereby creating an imminent peril to the well-established rights of
38 the citizens and the duties of various levels of government; and
39

40 Whereas, the Constitution of the United States of America has
41 been amended many times in the history of this nation and may be
42 amended many more times, without the need to resort to a

1 constitutional convention, and has been interpreted for more than
2 two hundred years and has been found to be a sound document
3 which protects the lives and liberties of the citizens; and
4

5 Whereas, there is no need for, rather, there is great danger in, a
6 new constitution or in opening the Constitution to sweeping
7 changes, the adoption of which would only create legal chaos in
8 this nation and only begin the process of another two centuries of
9 litigation over its meaning and interpretation. Now, therefore,
10

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

13
14 SECTION 1. Joint Resolution 775 of 1976 is repealed.

15
16 SECTION 2. The General Assembly of the State of South
17 Carolina disavows any other calls or applications for a
18 constitutional convention made to Congress prior to the effective
19 date of this act, by any means expressed, including, but not limited
20 to, S. 1024 of 1978.
21

22 SECTION 3. The Secretary of State is directed to forward copies
23 of this act bearing the Great Seal of the State to the following
24 persons: The President and Vice President of the United States,
25 the Speaker of the House of Representatives, and each member of
26 the South Carolina Congressional Delegation in Washington, D.C.
27

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

1 COMMITTEE REPORT
2 May 19, 2004

H. 3400

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

8 S. Printed 5/19/04--S.

9 Read the first time February 12, 2004.

12 THE COMMITTEE ON JUDICIARY

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

18 REPORT:

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

21
22 Amend the bill, as and if amended, page 2, beginning on line 15,
23 by striking SECTIONS 2 and 3 in their entirety and inserting
24 therein the following:

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

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

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

38 Renumber sections to conform.

39 Amend title to conform.

41 LARRY A. MARTIN for Committee.

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A BILL

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

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

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

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

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

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,

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

13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

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.

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

21 -----XX-----
22

AE/SB

1 AMENDED
2 May 27, 2004

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H. 3400

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6

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

7

8

S. Printed 5/27/04--S.

9

Read the first time February 12, 2004.

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[3400-1]

A BILL

10 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH
11 CALLED ON CONGRESS TO BALANCE THE FEDERAL
12 BUDGET THROUGH SUBMITTING AN APPROPRIATE
13 AMENDMENT TO THE STATES FOR RATIFICATION OR IN
14 THE ALTERNATIVE TO CALL A CONSTITUTIONAL
15 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW
16 ANY OTHER CALLS FOR A CONSTITUTIONAL
17 CONVENTION BY ANY MEANS EXPRESSED; AND TO
18 RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS
19 STATE THAT SAME SEX MARRIAGES IN ANY OTHER
20 JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN
21 THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1,
22 TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY
23 ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT
24 BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN
25 ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR
26 EFFECT IN THIS STATE.
27

28
29 Whereas, the General Assembly of the State of South Carolina,
30 acting with the best of intentions, at various times and during
31 various sessions, has previously made applications to Congress to
32 call one or more conventions to propose either a single amendment
33 concerning a specific subject or to call a general convention to
34 propose an unspecified and unlimited number of amendments to
35 the United States Constitution, pursuant to the provisions of
36 Article V thereof; and
37

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

[3400]

1 a convention or conventions to the contrary notwithstanding,
2 thereby creating an imminent peril to the well-established rights of
3 the citizens and the duties of various levels of government; and
4
5 Whereas, the Constitution of the United States of America has
6 been amended many times in the history of this nation and may be
7 amended many more times, without the need to resort to a
8 constitutional convention, and has been interpreted for more than
9 two hundred years and has been found to be a sound document
10 which protects the lives and liberties of the citizens; and
11
12 Whereas, there is no need for, rather, there is great danger in, a
13 new constitution or in opening the Constitution to sweeping
14 changes, the adoption of which would only create legal chaos in
15 this nation and only begin the process of another two centuries of
16 litigation over its meaning and interpretation;
17
18 Whereas, there is existing law in South Carolina that marriages
19 between persons of the same sex are void ab initio and are against
20 the public policy of this State; and
21

22 Whereas, because of the existing law, public acts, records,
23 licenses, or judicial proceedings issued or enacted by another
24 jurisdiction in contravention of existing South Carolina law are of
25 no legal force or effect and are not recognized by this State or its
26 political subdivisions in accordance with the public policy of South
27 Carolina; and
28

29 Whereas, the recognition or extension by this State or its political
30 subdivisions of the specific statutory benefits of a legal marriage to
31 relationships between persons of the same sex is against the public
32 policy of this State and its political subdivisions; Now, therefore,
33
34 Be it enacted by the General Assembly of the State of South
35 Carolina:
36
37 SECTION 1. Joint Resolution 775 of 1976 is repealed.
38

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

[3400]

1
2 SECTION 3. The Secretary of State is directed to forward copies
3 of this act bearing the Great Seal of the State to the following
4 persons: The President and Vice President of the United States,
5 the Speaker of the House of Representatives, and each member of
6 the South Carolina Congressional Delegation in Washington, D.C.

7
8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is
9 amended by adding:

10
11 "Section 20-1-17. (A) Any public act, record, license, or
12 judicial proceeding of this State or its political subdivisions that
13 extends the specific statutory benefits of a legal marriage to
14 relationships between persons of the same sex is void ab initio.
15 Nothing in this subsection shall be construed to:

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

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

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

31
32 SECTION 5. If any section, or provision of this act is held by a
33 court of competent jurisdiction to be unconstitutional or invalid, it
34 does not affect the remaining provisions of this act and all
35 provisions of this act are hereby declared to be severable from
36 other provisions.

37
38 SECTION 6. This act takes effect upon approval by the Governor.

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AE/SS/7

1 AMENDED
2 May 27, 2004

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H. 3400

5

6

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

7

8 S. Printed 5/27/04--S.

9 Read the first time February 12, 2004.

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A BILL

11 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH
12 CALLED ON CONGRESS TO BALANCE THE FEDERAL
13 BUDGET THROUGH SUBMITTING AN APPROPRIATE
14 AMENDMENT TO THE STATES FOR RATIFICATION OR IN
15 THE ALTERNATIVE TO CALL A CONSTITUTIONAL
16 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW
17 ANY OTHER CALLS FOR A CONSTITUTIONAL
18 CONVENTION BY ANY MEANS EXPRESSED; AND TO
19 RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS
20 STATE THAT SAME SEX MARRIAGES IN ANY OTHER
21 JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN
22 THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1,
23 TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY
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26 ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR
27 EFFECT IN THIS STATE.

29 Whereas, the General Assembly of the State of South Carolina,
30 acting with the best of intentions, at various times and during
31 various sessions, has previously made applications to Congress to
32 call one or more conventions to propose either a single amendment
33 concerning a specific subject or to call a general convention to
34 propose an unspecified and unlimited number of amendments to
35 the United States Constitution, pursuant to the provisions of
36 Article V thereof; and
37
38 Whereas, former Chief Justice of the Supreme Court of the United
39 States of America Warren E. Burger, former Associate Justice of
40 the United States Supreme Court Arthur J. Goldberg, and other
41 leading constitutional scholars agree that such a convention may
42 propose sweeping changes to the Constitution, any limitations or
43 restrictions purportedly imposed by the states in applying for such

[3400]

1 a convention or conventions to the contrary notwithstanding,
2 thereby creating an imminent peril to the well-established rights of
3 the citizens and the duties of various levels of government; and
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5 Whereas, the Constitution of the United States of America has
6 been amended many times in the history of this nation and may be
7 amended many more times, without the need to resort to a
8 constitutional convention, and has been interpreted for more than
9 two hundred years and has been found to be a sound document
10 which protects the lives and liberties of the citizens; and
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12 Whereas, there is no need for, rather, there is great danger in, a
13 new constitution or in opening the Constitution to sweeping
14 changes, the adoption of which would only create legal chaos in
15 this nation and only begin the process of another two centuries of
16 litigation over its meaning and interpretation;

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18 Whereas, there is existing law in South Carolina that marriages
19 between persons of the same sex are void ab initio and are against
20 the public policy of this State; and
21

22 Whereas, because of the existing law, public acts, records,
23 licenses, or judicial proceedings issued or enacted by another
24 jurisdiction in contravention of existing South Carolina law are of
25 no legal force or effect and are not recognized by this State or its
26 political subdivisions in accordance with the public policy of South
27 Carolina; and
28

29 Whereas, the recognition or extension by this State or its political
30 subdivisions of the specific statutory benefits of a legal marriage to
31 relationships between persons of the same sex is against the public
32 policy of this State and its political subdivisions; Now, therefore,
33
34 Be it enacted by the General Assembly of the State of South
35 Carolina:
36
37 SECTION 1. Joint Resolution 775 of 1976 is repealed.
38

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

[3400]

1.
2 SECTION 3. The Secretary of State is directed to forward copies
3 of this act bearing the Great Seal of the State to the following
4 persons: The President and Vice President of the United States,
5 the Speaker of the House of Representatives, and each member of
6 the South Carolina Congressional Delegation in Washington, D.C.

7
8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is
9 amended by adding:

10
11 "Section 20-1-17. (A) Any public act, record, license, or
12 judicial proceeding of this State or its political subdivisions that
13 extends the specific statutory benefits of a legal marriage to
14 relationships between persons of the same sex is void ab initio.
15 Nothing in this subsection shall be construed to:

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

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

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

31
32 SECTION 5. If any section, or provision of this act is held by a
33 court of competent jurisdiction to be unconstitutional or invalid, it
34 does not affect the remaining provisions of this act and all
35 provisions of this act are hereby declared to be severable from
36 other provisions.

37
38 SECTION 6. This act takes effect upon approval by the Governor.

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ARW

1 AMENDED
2 May 27, 2004

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H. 3400

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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

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

4
5 Whereas, the Constitution of the United States of America has
6 been amended many times in the history of this nation and may be
7 amended many more times, without the need to resort to a
8 constitutional convention, and has been interpreted for more than
9 two hundred years and has been found to be a sound document
10 which protects the lives and liberties of the citizens; and

11
12 Whereas, there is no need for, rather, there is great danger in, a
13 new constitution or in opening the Constitution to sweeping
14 changes, the adoption of which would only create legal chaos in
15 this nation and only begin the process of another two centuries of
16 litigation over its meaning and interpretation;

17
18 Whereas, there is existing law in South Carolina that marriages
19 between persons of the same sex are void ab initio and are against
20 the public policy of this State; and

21
22 Whereas, because of the existing law, public acts, records,
23 licenses, or judicial proceedings issued or enacted by another
24 jurisdiction in contravention of existing South Carolina law are of
25 no legal force or effect and are not recognized by this State or its
26 political subdivisions in accordance with the public policy of South
27 Carolina; and

28
29 Whereas, the recognition or extension by this State or its political
30 subdivisions of the specific statutory benefits of a legal marriage to
31 relationships between persons of the same sex is against the public
32 policy of this State and its political subdivisions; Now, therefore,

33
34 Be it enacted by the General Assembly of the State of South
35 Carolina:

36
37 SECTION 1. Joint Resolution 775 of 1976 is repealed.

38
39 SECTION 2. The General Assembly of the State of South
40 Carolina disavows any other calls or applications for a
41 constitutional convention made to Congress prior to the effective
42 date of this act, by any means expressed, including, but not limited
43 to, S. 1024 of 1978.

1
2 SECTION 3. The Secretary of State is directed to forward copies
3 of this act bearing the Great Seal of the State to the following
4 persons: The President and Vice President of the United States,
5 the Speaker of the House of Representatives, and each member of
6 the South Carolina Congressional Delegation in Washington, D.C.

7
8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is
9 amended by adding:

10
11 "Section 20-1-17. (A) Any public act, record, license, or
12 judicial proceeding of this State or its political subdivisions that
13 extends the specific statutory benefits of a legal marriage to
14 relationships between persons of the same sex is void ab initio.
15 Nothing in this subsection shall be construed to:

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

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

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

31
32 SECTION 5. If any section, or provision of this act is held by a
33 court of competent jurisdiction to be unconstitutional or invalid, it
34 does not affect the remaining provisions of this act and all
35 provisions of this act are hereby declared to be severable from
36 other provisions.

37
38 SECTION 6. This act takes effect upon approval by the Governor.

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40

1 AMENDED
2 May 27, 2004

3
4 **H. 3400**

5
6 Introduced by Reps. M.A. Pitts, Taylor and McLeod

7
8 S. Printed 5/27/04--S.
9 Read the first time February 12, 2004.

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A BILL

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

29 Whereas, the General Assembly of the State of South Carolina,
30 acting with the best of intentions, at various times and during
31 various sessions, has previously made applications to Congress to
32 call one or more conventions to propose either a single amendment
33 concerning a specific subject or to call a general convention to
34 propose an unspecified and unlimited number of amendments to
35 the United States Constitution, pursuant to the provisions of
36 Article V thereof; and
37
38 Whereas, former Chief Justice of the Supreme Court of the United
39 States of America Warren E. Burger, former Associate Justice of
40 the United States Supreme Court Arthur J. Goldberg, and other
41 leading constitutional scholars agree that such a convention may
42 propose sweeping changes to the Constitution, any limitations or
43 restrictions purportedly imposed by the states in applying for such

1 a convention or conventions to the contrary notwithstanding,
2 thereby creating an imminent peril to the well-established rights of
3 the citizens and the duties of various levels of government; and
4
5 Whereas, the Constitution of the United States of America has
6 been amended many times in the history of this nation and may be
7 amended many more times, without the need to resort to a
8 constitutional convention, and has been interpreted for more than
9 two hundred years and has been found to be a sound document
10 which protects the lives and liberties of the citizens; and
11

12 Whereas, there is no need for, rather, there is great danger in, a
13 new constitution or in opening the Constitution to sweeping
14 changes, the adoption of which would only create legal chaos in
15 this nation and only begin the process of another two centuries of
16 litigation over its meaning and interpretation;
17
18 Whereas, there is existing law in South Carolina that marriages
19 between persons of the same sex are void ab initio and are against
20 the public policy of this State; and
21

22 Whereas, because of the existing law, public acts, records,
23 licenses, or judicial proceedings issued or enacted by another
24 jurisdiction in contravention of existing South Carolina law are of
25 no legal force or effect and are not recognized by this State or its
26 political subdivisions in accordance with the public policy of South
27 Carolina; and
28

29 Whereas, the recognition or extension by this State or its political
30 subdivisions of the specific statutory benefits of a legal marriage to
31 relationships between persons of the same sex is against the public
32 policy of this State and its political subdivisions; Now, therefore,
33
34 Be it enacted by the General Assembly of the State of South
35 Carolina:
36

37 SECTION 1. Joint Resolution 775 of 1976 is repealed.

38
39 SECTION 2. The General Assembly of the State of South
40 Carolina disavows any other calls or applications for a
41 constitutional convention made to Congress prior to the effective
42 date of this act, by any means expressed, including, but not limited
43 to, S. 1024 of 1978.

1
2 SECTION 3. The Secretary of State is directed to forward copies
3 of this act bearing the Great Seal of the State to the following
4 persons: The President and Vice President of the United States,
5 the Speaker of the House of Representatives, and each member of
6 the South Carolina Congressional Delegation in Washington, D.C.

7
8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is
9 amended by adding:

10
11 "Section 20-1-17. (A) Any public act, record, license, or
12 judicial proceeding of this State or its political subdivisions that
13 extends the specific statutory benefits of a legal marriage to
14 relationships between persons of the same sex is void ab initio.
15 Nothing in this subsection shall be construed to:

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

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

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

31
32 SECTION 5. If any section, or provision of this act is held by a
33 court of competent jurisdiction to be unconstitutional or invalid, it
34 does not affect the remaining provisions of this act and all
35 provisions of this act are hereby declared to be severable from
36 other provisions.

37
38 SECTION 6. This act takes effect upon approval by the Governor.

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CH/MS

1 COMMITTEE REPORT

2 February 4, 2004

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H. 3400

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6 Introduced by Reps. M.A. Pitts and Taylor

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8 S. Printed 2/4/04--H.

9 Read the first time January 22, 2003.

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11

12 **THE COMMITTEE ON JUDICIARY**

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

17

REPORT:

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

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21 JAMES H. HARRISON for Committee.

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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.

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

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.
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AE/SE

1 AS PASSED BY THE SENATE
2 June 1, 2004

H. 3400

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

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8 S. Printed 6/1/04--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.
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

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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 for a
17 constitutional convention made to Congress prior to the effective
18 date of this act, by any means expressed, including, but not limited
19 to, S. 1024 of 1978.

20
21 SECTION 3. The Secretary of State is directed to forward copies
22 of this act bearing the Great Seal of the State to the following
23 persons: The President and Vice President of the United States,
24 the Speaker of the House of Representatives, and each member of
25 the South Carolina Congressional Delegation in Washington, D. C.

26
27 SECTION 4. This act takes effect upon approval by the Governor.

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[3400]

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AE/SE

1 COMMITTEE AMENDMENT ADOPTED
2 May 20, 2004

H. 3400

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

6
7 S. Printed 5/20/04--S.

8
9 Read the first time February 12, 2004.

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11

A BILL

10 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH
11 CALLED ON CONGRESS TO BALANCE THE FEDERAL
12 BUDGET THROUGH SUBMITTING AN APPROPRIATE
13 AMENDMENT TO THE STATES FOR RATIFICATION OR IN
14 THE ALTERNATIVE TO CALL A CONSTITUTIONAL
15 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW
16 ANY OTHER CALLS FOR A CONSTITUTIONAL
17 CONVENTION BY ANY MEANS EXPRESSED.
18 Amend Title To Conform
19
20

21 Whereas, the General Assembly of the State of South Carolina,
22 acting with the best of intentions, at various times and during
23 various sessions, has previously made applications to Congress to
24 call one or more conventions to propose either a single amendment
25 concerning a specific subject or to call a general convention to
26 propose an unspecified and unlimited number of amendments to
27 the United States Constitution, pursuant to the provisions of
28 Article V thereof; and
29

30 Whereas, former Chief Justice of the Supreme Court of the United
31 States of America Warren E. Burger, former Associate Justice of
32 the United States Supreme Court Arthur J. Goldberg, and other
33 leading constitutional scholars agree that such a convention may
34 propose sweeping changes to the Constitution, any limitations or
35 restrictions purportedly imposed by the states in applying for such
36 a convention or conventions to the contrary notwithstanding,
37 thereby creating an imminent peril to the well-established rights of
38 the citizens and the duties of various levels of government; and
39

40 Whereas, the Constitution of the United States of America has
41 been amended many times in the history of this nation and may be
42 amended many more times, without the need to resort to a

1 constitutional convention, and has been interpreted for more than
2 two hundred years and has been found to be a sound document
3 which protects the lives and liberties of the citizens; and
4

5 Whereas, there is no need for, rather, there is great danger in, a
6 new constitution or in opening the Constitution to sweeping
7 changes, the adoption of which would only create legal chaos in
8 this nation and only begin the process of another two centuries of
9 litigation over its meaning and interpretation. Now, therefore,
10

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

13
14 SECTION 1. Joint Resolution 775 of 1976 is repealed.

15
16 SECTION 2. The General Assembly of the State of South
17 Carolina disavows any other calls or applications for a
18 constitutional convention made to Congress prior to the effective
19 date of this act, by any means expressed, including, but not limited
20 to, S. 1024 of 1978.
21

22 SECTION 3. The Secretary of State is directed to forward copies
23 of this act bearing the Great Seal of the State to the following
24 persons: The President and Vice President of the United States,
25 the Speaker of the House of Representatives, and each member of
26 the South Carolina Congressional Delegation in Washington, D.C.
27

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

1 COMMITTEE REPORT
2 May 19, 2004

H. 3400

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

5 S. Printed 5/19/04--S.

6 Read the first time February 12, 2004.

12 THE COMMITTEE ON JUDICIARY

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

18 REPORT:

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

21
22 Amend the bill, as and if amended, page 2, beginning on line 15,
23 by striking SECTIONS 2 and 3 in their entirety and inserting
24 therein the following:

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

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

36 SECTION 4. This act takes effect upon approval by the
37 Governor. /
38 Renumber sections to conform.
39 Amend title to conform.

40
41 LARRY A. MARTIN for Committee.
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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.

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

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.

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22 -----XX-----



1 COMMITTEE REPORT
2 February 4, 2004

H. 3400

Introduced by Reps. M.A. Pitts and Taylor

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8 S. Printed 2/4/04--H.

9 Read the first time January 22, 2003.

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11
12 **THE COMMITTEE ON JUDICIARY**

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

17 **REPORT:**

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

20
21 JAMES H. HARRISON for Committee.
22 _____

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11 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH
12 CALLED ON CONGRESS TO BALANCE THE FEDERAL
13 BUDGET THROUGH SUBMITTING AN APPROPRIATE
14 AMENDMENT TO THE STATES FOR RATIFICATION OR IN
15 THE ALTERNATIVE TO CALL A CONSTITUTIONAL
16 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW
17 ANY OTHER CALLS FOR A CONSTITUTIONAL
18 CONVENTION BY ANY MEANS EXPRESSED.
19

A BILL

20 Whereas, the General Assembly of the State of South Carolina,
21 acting with the best of intentions, at various times and during
22 various sessions, has previously made applications to Congress to
23 call one or more conventions to propose either a single amendment
24 concerning a specific subject or to call a general convention to
25 propose an unspecified and unlimited number of amendments to
26 the United States Constitution, pursuant to the provisions of
27 Article V thereof; and
28

29 Whereas, former Chief Justice of the Supreme Court of the United
30 States of America Warren E. Burger, former Associate Justice of
31 the United States Supreme Court Arthur J. Goldberg, and other
32 leading constitutional scholars agree that such a convention may
33 propose sweeping changes to the Constitution, any limitations or
34 restrictions purportedly imposed by the states in applying for such
35 a convention or conventions to the contrary notwithstanding,
36 thereby creating an imminent peril to the well-established rights of
37 the citizens and the duties of various levels of government; and
38

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

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
22 -----XX-----

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

STEPHEN T. DRAFFIN, DIRECTOR

Attorney: Z. Williams

Stenographer: Melton

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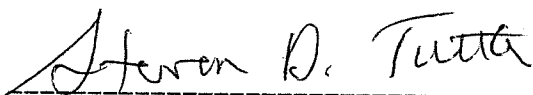
Statewide: _____ Local: _____

Proofread by: *Amber Perumond*

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, Supervisor
Archives Division