F. JAMÉS SENSENBRENNER, JR., Wisconsin LAMAR S. SMITH, Texas STEVE CHABOT, Ohio DARRELL E. ISSA, California J. RANDY FORBES, Virginia STEVE KING, lowa TRENT FRANKS, Arizona LOUIE GOHMERT, Texas JIM JORDAN, Ohio TEO POE, Texas JASON CHAFFETZ, Utah TOM MARINO, Pennsylvania TREY GOWDY. South Carolina RAÜL 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

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 JOHN CONYERS, JR., Michigan RANKING MEMBER

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HAKEEM S. JEFFRIES, New York
DAVID CICILLINE, Rhode Island
SCOTT PETERS, California

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

No.	B	4	03
	CLER	k of	THE SENATE

No. 314

CODE COMMISSIONER

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
Clerk of the House	Stephen T. Draffin, Director Legislative Council
Delivered to the Governor this	Delivered to the lec etary of Slat this
day ofA.D. 20	, A.D. 20, A.D. 20
Clerk of the Senate	Mark Hammand 7 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

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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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In the Senate House

President of the Senate

Speaker of the House of Representatives

Approved the 1644 day of 2004.

#### 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 Sunbar/ Tusco

No. 2403 CLERK OF THE SENATE	NoCODE COMMISSIONER
AN A TO REPEAL JOINT RESOLUTION 775 OF BALANCE THE FEDERAL BUDGET THR AMENDMENT TO THE STATES FOR RATIO CALL A CONSTITUTIONAL CONVENTION FOR	1976 WHICH CALLED ON CONGRESS TO OUGH SUBMITTING AN APPROPRIATE FICATION OR IN THE ALTERNATIVE TO OR THIS PURPOSE, AND TO DISAVOW ANY
1 Certify that the Within Originated in the House of Representatives.  Audia L. D. Kunn	Correctly Enrolled  Stephen T. Draffin, Director Legislative Council
Clerk of the House  3 2004  Delivered to the Governor this  day of	Delivered to the eccetarior Sat this

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In the Senate Ho	use	JUN 3 1000		
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~		President of the Senat	de .	
	Speaker of t	he House of Represen	tatives	
Approved the		٨	2004.	
	Thu	Governor		

#### LEGISLATIVE COUNCIL

of the

#### **GENERAL ASSEMBLY**

of the

### STATE OF SOUTH CAROLINA

STEPHEN T. DRAFFIN, DIRECTOR

Statewide: \_\_\_\_ Local: \_\_\_\_

Attorney: Z. Williams

Stenographer: Melton

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

Proofread by: Sunbar Srummond

IN THE HOUSE Agendments were agreed the Bill having received three reeach House, it was ordered that t'. a changed to that of an Act and that the 3400 Act be enrolled for ratification. Introduced by Representative M. Pirts MC Lea Senate amends by striking out and inserting  ${
m LL}$ 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 CONFOR leffrey S. Gossett, Clerk of the Senate MAY 2 0 2004 Jeffrey S. Gossett, Clerk of the Senate In the Senate In the House of Representatives FEB 12 2004 Read First Time 25/21/04 Read Second Time 2 2004 Read Third Time Read Third Time Ordered to be Ordered to be Sent to the Senate By Order of the House of Representatives Clerk of the Senate Judiciary Referred to Committee on Referred to committee on MAY 1 9 2004 A 2001 Reported 0006 Favorable Reported . May 27 2004 Third Reading Reconsidered

2004 Read the Third Time Ret. to House

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# PLEASE STAPLE TO FRONT INSIDE COVER OF BILL DO NOT REMOVE

91/601			
H. 3400 -	_ CO.	SPONSORS ADDED	ART DESCRIPTION
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In accordance with House Rule 5.2 below:

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-spensors 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. 11 R. 775 H 1976

BILL NUMBER:	H. 3400 - To Repeat	eting to Fed Cent Convention to belance fed budget.
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COM. SECY. (AG-411; EDUC-429; ETHICS-519; INV-522; (JUD-512) LCI - 407; 3M - 425; RULES - 519; WM -525)

	Co-Sponsors of	of House Bills and La	ons 2002-04.
	Allen	Haskins	Quinn
	Altman	Hayes	Rhdad
	Anthony	Herbkersman	Rice
	Bailey	Hines	Richardson
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	Bingham	Howard	Scarborough
c .	Bowers	Huggins	Scott
	Branham	Jennings	Sheheen
	Breeland	Keegan	Simrill
	Brown, G.	Kennedy	Sinclair.
	Brown, J.	Kirsh	Skelton
	Brown, R.	Koon	Smith, D. C.
	Cato	Leach	Smith, F. N.
	Ceips	Lee	Smith, G. M.
	Chellis	Limehouse	Smith, J. E.
	Clark	Littlejohn	Smith, J. R.
	Clemmons	Lloyd	Smith, W. D.
	Clyburn	Loftis	Snow
(	Coates	Lourie	Stewart
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	Delleney	McLeod	Tripp
	Duncan	Merrill	Trotter
	Easterday	Miller	Umphlett
	Edge	Moody-Lawrence	
	Emory	Neal, J. H. (Josep	
	Freeman	Neal, J. M. (Jame	
(	Frye	Neilson	Weeks
ſ	Gilham	Ott	Whipper
	Gourdine	Owens	White
	Govan	Parks	Whitmire
	Hagood	Perry	Wilkins
	Hamilton	Phillips	Witherspoon
	Harrell	Pinson	Young
	Harrison	Pitts, Edward H.	
	Harvin `	Pitts, Michael A.	Pub Date 11/13/02

# MAY 2 7 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 SUBMINITING 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 ANTICLE 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 0 1 2004

Jeffrey S. Gossett, Clerk of the Senate

Senate amends by striking out and inserting

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AMEND TITLE TO CONFORM

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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 I. 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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Jeffrey S. Gossett, Clark of the Senate

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 changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of 7 litigation over its meaning and interpretation. Now, therefore, Be it enacted by the General Assembly of the State of South 10 11 Carolina: 12 SECTION 1. Joint Resolution 775 of 1976 is repealed. 13 15 SECTION 2. The General Assembly of the State of South 16 Carolina disavows any other calls or applications, by any means MAY 2 7 2004 17 expressed, including, but not limited to S.1024 of 1978, to Congress for a constitutional convention. 18 Senate amends by striking out and i 19 20 SECTION 3. This act takes effect upon approval by the Governor. 21 Jeffrey S. Gossett, Clurk of the SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for 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. DDIVINGAU4ZWU3.DOC MAY 2 0 2004

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Jeffrey S. Gossett, Clerk of the Senate

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

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

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

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

Now, therefore,

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Senate amends by striking out and inserting

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Best enacted by the General Assembly of the State of South Carolina:

SECTION 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 Cook is amended by adding:

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

- (1) prohibit the extension of specific benefits otherwise enjoyed be all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statues that is not expressly limited to married persons; or
- (2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.
- (B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by

this State or its political subdivisions."

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( ( Section 1

# JUN 0 1 2004

Senate amends by striking out and inserting

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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

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

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# SENATE AMENDMENT

Hitchcock/Huth June 1, 2004		AME	NDMENT NO
ADOPTED TABLED	CARRIED OVER	FAILED	RECONSIDERED
JUN 0 1 2004	Clerk of the Senate	1MT AI	OOPTION NO.
BILL NO: H. 3400	`		ter's Date 5/27/04S.)

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

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

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

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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

Hitchcock/Huth June 1, 2004			AME	NDMENT NO
ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
		Clerk of the Senate		OOPTION NO.
BILL NO: H. 34	100			ter's Date 5/27/04S.)

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

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

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

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

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

in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the

well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may

be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

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

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping

changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries

of litigation over its meaning and interpretation. Now, therefore,

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

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional

convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S.

1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following

persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member

of the South Carolina Congressional Delegation in Washington, D.C.

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

Renumber sections to conform.

Amend title to conform.

2

### SENATE AMENDMENT

Hitchcock/Huth June 1, 2004			AME	NDMENT NO
ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
		Clerk of the Senate		OOPTION NO
BILL NO: H. 34	00		(Reference is to Prin	ter's Date 5/27/04S)

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

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

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

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

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

in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the

well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may

be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

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

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping

changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries

of litigation over its meaning and interpretation. Now, therefore,

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

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional

convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S.

1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following

persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member

of the South Carolina Congressional Delegation in Washington, D.C.

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

Renumber sections to conform.

Amend title to conform.

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# SENATE AMENDMENT

Wells May 25, 2004	(Im)		AME	NDMENT NO
ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
MAY 2 7 2904 ADOPTED	ا	Clerk of the Senate		
BILL NO: H. 3400				DOPTION NO

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

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

#### / A BILL

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

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

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

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

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

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

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

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

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

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

SECTION 1. Joint Resolution 775 of 1976 is repealed.

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

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

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

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

- (1) prohibit the extension of specific benefits otherwise enjoyed be all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statues that is not expressly limited to married persons; or
- (2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.
- (B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by this State or its political subdivisions."

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

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

Renumber sections to conform. Amend title to conform.

Benson May 18, 2004	SENATE AMENDINE		ENDMENT NO
ADOPTED	TABLED CARRIED OVER	FAILED	RECONSIDERED
MAX 5 0 5001	Clerk of the Senate	<b>-</b> Al	DOPTION NO

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.

**BILL NO: H. 3400** 

(Reference is to Printer's Date 2/4/04--H.)

# SENATE AMENDMENT

Benson May 18, 2004			AME	NDMENT NO
ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
	<del></del>	Clerk of the Senate	AD	OOPTION NO.
BILL NO: H. 34	00		(Reference is to Prin	nter's Date 2/4/04H.)
Amend the bill, as and inserting therein the follo	d if amended, page 2, be	wing amendment (JUD34 eginning on line 15, by state of South Carolina	riking SECTIONS 2 and	
constitutional convention limited to, S. 1024 of 197		to the effective date of this	s act, by any means expre	essed, including, but no
SECTION 3. The Secret	ary of State is directed to	forward copies of this act	bearing the Great Seal of t	he State to the following
persons: The President an of the South Carolina Cor		Inited States, the Speaker of Washington, D.C.	of the House of Represent	atives, and each member
SECTION 4. This act tal	kes effect upon approval	by the Governor. /		
Renumber sections to conform				

# SENATE AMENDMENT

Benson May 18, 2004			AME	NDMENT NO
ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
		Clerk of the Senate	AD	OPTION NO
BILL NO: H. 34	00		(Reference is to Prin	ater's Date 2/4/04H.)
	d if amended, page 2, be	wing amendment (JUD34 eginning on line 15, by st	400.002): triking SECTIONS 2 and	l 3 in their entirety and
/ SECTION 2. The Ge				• •
constitutional convention limited to, S. 1024 of 197		to the effective date of thi	s act, by any means expre	ssed, including, but not
SECTION 3. The Secret	tary of State is directed to	forward copies of this act	bearing the Great Seal of t	he State to the following
persons: The President an	nd Vice President of the U	Inited States, the Speaker	of the House of Representa	atives, and each member
of the South Carolina Cor	ngressional Delegation in	Washington, D.C.		
SECTION 4. This act tal	kes effect upon approval	by the Governor. /		
Renumber sections to c 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: 1:\council\bills\bbm\9404zw03.doc

Companion/Similar bill(s): 259

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

Summary: Calls for constitutional convention disavowed

# HISTORY OF LEGISLATIVE ACTIONS

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

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# VERSIONS OF THIS BILL

1/22/2003

2/4/2004

5/19/2004

5/20/2004

5/27/2004

6/1/2004

1	AS PASSED BY THE SENATE
2	June 1, 2004
3	
4	Н. 3400
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6	Introduced by Reps. M.A. Pitts, Taylor and McLeod
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8	S. Printed 6/1/04S.
9	Read the first time February 12, 2004.
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11	<del></del>

# A BILL

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

Amend Title To Conform

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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

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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 43 constitutional convention, and has been interpreted for more than

[3400]

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 this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore, 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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1 two hundred years and has been found to be a sound document

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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# A BILL

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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 OTHER CALLS FOR Α CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

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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

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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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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,
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10	Be it enacted by the General Assembly of the State of South
11	Carolina:
12	emergers to the first confer of the
13	SECTION 1. Joint Resolution 775 of 1976 is repealed.
14	CENTRAL OF THE COURT ASSESSED AS STATE OF COURT
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	CECTION 2. This not taken offers your company lay the Covernor
20 21	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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6	Н. 3400
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8	Introduced by Reps. M.A. Pitts, Taylor and McLeod
9	• • •
10	S. Printed 5/27/04S.
11	Read the first time February 12, 2004.
12	• <i>,</i>
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# A BILL

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

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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 a mendments to the United States Constitution, pursuant to the provisions of 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 c onstitutional s cholars a gree t hat s uch a c onvention may propose sweeping changes to the Constitution, any limitations or 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 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 9 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 litigation over its meaning and interpretation; 16

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

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22 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 27 Carolina; and

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

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

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

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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]

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.

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

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- "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:
- (1) prohibit the extension of specific benefits otherwise 17 enjoyed be 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 statues that is 20 not expressly limited to married persons; or
- (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.
- (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."

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32 SECTION 5. If any section, or provision of this act is held be 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.

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

1 AS PASSED BY THE SENATE 2 June 1, 2004

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

H. 3400

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

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

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Amend Title To Conform

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

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38 39 35 36 37 34 33 31 29 30 32 thereby creating an imminent peril to the well-established rights of a convention or conventions to the contrary notwithstanding, restrictions purportedly imposed by the states in applying for such propose sweeping changes to the Constitution, any limitations or States of America Warren E. Burger, former Associate Justice of leading constitutional scholars agree that such a convention may the citizens and the duties of various levels of government; and the United States Supreme Court Arthur J. Goldberg, and other Whereas, former Chief Justice of the Supreme Court of the United

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

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

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

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

13 SECTION 1. Joint Resolution 775 of 1976 is repealed

19 18 17 16 14 15 constitutional convention made to Congress prior to the effective to, S. 1024 of 1978 date of this act, by any means expressed, including, but not limited Carolina disavows any other calls or applications for a SECTION 2. The General Assembly of the State of

20 21 22 23 24 25 26 27 28 of this act bearing the Great Seal of the State to the following SECTION 3. The Secretary of State is directed to forward copies the Speaker of the House of Representatives, and each member of persons: The President and Vice President of the United States, the South Carolina Congressional Delegation in Washington, D.C.

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

[3400]

1 COMMITTEE AMENDMENT ADOPTED 2 May 20, 2004 3

H. 3400

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

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

Read the first time February 12, 2004.

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

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

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

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

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

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

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

14 SECTION 1. Joint Resolution 775 of 1976 is repealed

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

25 26 27 28 29 30 persons: The President and Vice President of the United States, of this act bearing the Great Seal of the State to the following SECTION 3. The Secretary of State is directed to forward copies the South Carolina Congressional Delegation in Washington, D.C. the Speaker of the House of Representatives, and each member of

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

COMMITTEE REPORT May 19, 2004

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

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

Read the first time February 12, 2004

# THE COMMITTEE ON JUDICIARY

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

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recommend that the same do pass with amendment:

That they have duly and carefully considered the same and

REPORT:

Amend the bill, as and if amended, page 2, beginning on line 15,

therein the following: by striking SECTIONS 2 and 3 in their entirety and inserting

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

copies of this act bearing the Great Seal of the State to the to, S. 1024 of 1978. SECTION 3. The Secretary of State is directed to forward

member of the South Carolina Congressional Delegation in States, the Speaker of the House of Representatives, and each following persons: The President and Vice President of the United

Governor. / Washington, D.C. SECTION 4. This act takes effect upon approval by the

38 Renumber sections to conform Amend title to conform.

LARRY A. MARTIN for Committee.

1

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

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25 26 27 28 28 29 22 23 21 24 19 20 Article V thereof; and concerning a specific subject or to call a general convention to call one or more conventions to propose either a single amendment various sessions, has previously made applications to Congress to acting with the best of intentions, at various times and during the United States Constitution, pursuant to the provisions of propose an unspecified and unlimited number of amendments to Whereas, the General Assembly of the State of South Carolina

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

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

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

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

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

SECTION 1. Joint Resolution 775 of 1976 is repealed

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18 17 16 15 expressed, including, but not limited to S.1024 of 1978, to Carolina disavows any other calls or applications, by any means SECTION 2. The General Assembly of the State of South

Congress for a constitutional convention

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

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2	May 27, 2004	
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JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN CONVENTION BY ANY MEANS EXPRESSED; AND TO ANY OTHER CALLS CONVENTION FOR THIS PURPOSE, AND TO DISAVOW AMENDMENT TO THE STATES FOR RATIFICATION OR IN CALLED ON CONGRESS TO BALANCE THE FEDERAL TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH EFFECT IN THIS STATE ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, STATE THAT SAME SEX MARRIAGES IN ANY OTHER RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS THE ALTERNATIVE TO CALL A CONSTITUTIONAL BUDGET THROUGH SUBMITTING AN APPROPRIATE FOR A CONSTITUTIONAL

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

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

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

which protects the lives and liberties of the citizens; and 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 been amended many times in the history of this nation and may be Whereas, the Constitution of the United States of America has

14 13 12 16 17 changes, the adoption of which would only create legal chaos in new constitution or in opening the Constitution to sweeping litigation over its meaning and interpretation; this nation and only begin the process of another two centuries of Whereas, there is no need for, rather, there is great danger in,

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

27. 28 29 25 26 22 23 24 no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South jurisdiction in contravention of existing South Carolina law are of licenses, or judicial proceedings issued or enacted by another Whereas, because of the existing law, public acts, records, Carolina; and

33 34 35 36 31 30 relationships between persons of the same sex is against the public subdivisions of the specific statutory benefits of a legal marriage to policy of this State and its political subdivisions; Now, therefore, Whereas, the recognition or extension by this State or its political

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

SECTION 1. Joint Resolution 775 of 1976 is repealed

38 37

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

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, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C. 7 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: (1) prohibit the extension of specific benefits otherwise 17 enjoyed be all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statues that is not expressly limited to married persons; or 21 (2) affect the validity of private agreements that are 22 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 26 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

30 its political subdivisions."

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

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

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1 2 3	AMENDED May 27, 2004	
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A BILL

23 24 25 26 27 14 19  $\tilde{\infty}$ 17 16 5 12 13 EFFECT IN THIS STATE. ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN STATE THAT SAME SEX MARRIAGES IN ANY OTHER TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS CONVENTION BY ANY MEANS EXPRESSED; AND TO ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL BUDGET THROUGH SUBMITTING AN APPROPRIATE TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during a 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

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

l 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

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

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;

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

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, says the same that the public state and its political subdivisions; Now, therefore, says the same that the public state and its political subdivisions; Now, therefore, says the same that the public says that the pub

34 Be it enacted by the General Assembly of the State of South35 Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed

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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.

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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 persons: The President and Vice President of the United States, 5 the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C. 7 10**5**1 262 1124 SECTION 4 Article 1, Chapter 1, Title 20 of the 1976 Code is 8 amended by adding: 9 Bariyawu Bashibayan K 10 "Section 20-1-17. (A) Any public act, record, license, or 11 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: (1) prohibit the extension of specific benefits otherwise enjoyed be all persons, married or unmarried, to nonmarital 17 18 relationships between persons of the same sex or different sexes, 19 including the extension of benefits conferred by any statues that is 20 not expressly limited to married persons; or (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 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." 31m and temple is a record 32. SECTION 5. If any section, or provision of this act is held be a 33 court of competent jurisdiction to be unconstitutional or invalid, it 342 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 

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

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24 25 26 27 27 28 29 19 20 16 13 CONVENTION BY ANY MEANS EXPRESSED; AND TO ANY OTHER CALLS JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN STATE THAT SAME SEX MARRIAGES IN ANY OTHER CONVENTION FOR THIS PURPOSE, AND TO DISAVOW AMENDMENT TO THE STATES FOR RATIFICATION OR IN EFFECT IN THIS STATE ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS THE ALTERNATIVE TO CALL A CONSTITUTIONAL BUDGET THROUGH SUBMITTING AN APPROPRIATE CALLED ON CONGRESS TO BALANCE THE FEDERAL TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, FOR A CONSTITUTIONAL

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

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

> 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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3 new constitution or in opening the Constitution to sweeping this nation and only begin the process of another two centuries of changes, the adoption of which would only create legal chaos in Whereas, there is no need for, rather, there is great danger in, litigation over its meaning and interpretation;

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

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

28 29 30 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, Whereas, the recognition or extension by this State or its political

35 36 37 34 Carolina: Be it enacted by the General Assembly of the State of South

SECTION 1. Joint Resolution 775 of 1976 is repealed

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

[3400]

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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
    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
    Conservation and the beautiful
     SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is
 9
    amended by adding:
 10
       "Section 20-1-17. (A) Any public act, record, license, or
 11
 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:
          (1) prohibit the extension of specific benefits otherwise
 16
     enjoyed be all persons, married or unmarried, to nonmarital
 17
 18 relationships between persons of the same sex or different sexes,
19 including the extension of benefits conferred by any statues that is
     not expressly limited to married persons; or
          (2) affect the validity of private agreements that are
 21
 22, otherwise valid under the laws of this State or that apply to the
     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."
 34 st will analyze the later than the same of the contract.
 32 SECTION 5. If any section, or provision of this act is held be 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.
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38 SECTION 6. This act takes effect upon approval by the Governor.

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1 AMENDED 2 May 27, 2004 3 4 H. 3 5 6 Introduced by Reps. M.A. Pitts, Taylor and McLeod 7 8 S. Printed 5/27/04S. 9 Read the first time February 12, 2004.	
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ANY OTHER CALLS EFFECT IN THIS STATE. ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN STATE THAT SAME SEX MARRIAGES IN ANY OTHER RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS CONVENTION FOR THIS PURPOSE, AND TO DISAVOW THE ALTERNATIVE TO CALL A CONSTITUTIONAL AMENDMENT TO THE STATES FOR RATIFICATION OR IN CALLED ON CONGRESS TO BALANCE THE FEDERAL TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1 CONVENTION BY ANY MEANS EXPRESSED; AND TO BUDGET THROUGH SUBMITTING AN APPROPRIATE TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY FOR A CONSTITUTIONAL

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

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

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16 15 14 3 changes, the adoption of which would only create legal chaos in new constitution or in opening the Constitution to sweeping litigation over its meaning and interpretation; this nation and only begin the process of another two centuries of Whereas, there is no need for, rather, there is great danger in, a

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

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

33 29 relationships between persons of the same sex is against the public subdivisions of the specific statutory benefits of a legal marriage to policy of this State and its political subdivisions; Now, therefore, Whereas, the recognition or extension by this State or its political

35 36 37 34 Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed

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

[3400]

2 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, 5 the Speaker of the House of Representatives, and each member of 6 the South Carolina Congressional Delegation in Washington, D.C. 7 SERVICE TRANSPORTS AND THE SERVICE SERVICES AND ASSESSMENT OF THE SERVICES AND ASSESSMENT OF 8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is 9 amended by adding: 10 "Section 20-1-17. (A) Any public act, record, license, or 11 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 be 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 statues that is 20 not expressly limited to married persons; or (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 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 30 its political subdivisions." 31 a real ferroses of the first 32 SECTION 5. If any section, or provision of this act is held be a 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.

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

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1	COMMITTEE REPORT	V
2	February 4, 2004	
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	Н. 340	ıΛ
4	п. 540	JU
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6	Introduced by Reps. M.A. Pitts and Taylor	
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8	S. Printed 2/4/04H.	
9	Read the first time January 22, 2003.	
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12	THE COMMITTEE ON JUDICIARY	
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13	To whom was referred a Bill (H. 3400) to repeal Jo	
13 14	To whom was referred a Bill (H. 3400) to repeal Jo Resolution 775 of 1976 which called on Congress to balance	the
13 14 15	To whom was referred a Bill (H. 3400) to repeal Jo Resolution 775 of 1976 which called on Congress to balance federal budget through submitting an appropriate amendment	the
13 14 15 16	To whom was referred a Bill (H. 3400) to repeal Jo Resolution 775 of 1976 which called on Congress to balance federal budget through submitting an appropriate amendment the States for ratification or in the alternative, etc., respectfully	the
13 14 15 16 17	To whom was referred a Bill (H. 3400) to repeal Jones Resolution 775 of 1976 which called on Congress to balance federal budget through submitting an appropriate amendment the States for ratification or in the alternative, etc., respectfully <b>REPORT:</b>	the t to
13 14 15 16 17 18	To whom was referred a Bill (H. 3400) to repeal Journal Resolution 775 of 1976 which called on Congress to balance federal budget through submitting an appropriate amendment the States for ratification or in the alternative, etc., respectfully REPORT:  That they have duly and carefully considered the same as	the t to
13 14 15 16 17 18 19	To whom was referred a Bill (H. 3400) to repeal Jones Resolution 775 of 1976 which called on Congress to balance federal budget through submitting an appropriate amendment the States for ratification or in the alternative, etc., respectfully <b>REPORT:</b>	the t to
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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.

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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

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

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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two hundred years and has been found to be a sound document 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:

1213 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

[3400]

[3400]

1 AS PASSED BY THE SENATE 2 June 1, 2004

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

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

Read the first time February 12, 2004.

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

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Amend Title To Conform

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

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

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

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

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

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

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

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

25 26 27 28 29 of this act bearing the Great Seal of the State to the following SECTION 3. The Secretary of State is directed to forward copies persons: The President and Vice President of the United States, the South Carolina Congressional Delegation in Washington, D.C. the Speaker of the House of Representatives, and each member of

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

[3400]

1 COMMITTEE AMENDMENT ÁDOPTED 2 May 20, 2004

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

8 S. Printed 5/20/04--S.

Read the first time February 12, 2004.

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# 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.

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Amend Title To Conform

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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

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

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 39

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

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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,

1 Be it enacted by the General Assembly of the State of South2 Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed

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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.

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

SECTION 4. This act takes effect upon approval by the Governor
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COMMITTEE REPORT May 19, 2004

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

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

Read the first time February 12, 2004

# THE COMMITTEE ON JUDICIARY

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

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recommend that the same do pass with amendment:

That they have duly and carefully considered the same and

REPORT:

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

23 24

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

33 States, the Speaker of the House of Representatives, and each copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United to, S. 1024 of 1978. SECTION 3. The Secretary of State is directed to forward

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35 Washington, D.C.

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member of the South Carolina Congressional Delegation in

37 Governor. SECTION 4. This act takes effect upon approval by the Renumber sections to conform

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Amend title to conform.

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.

14

18 19

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

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Whereas, 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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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 SouthCarolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed

3

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.

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

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36 37 38 39 34 33 28 29 27 25 26 18 15 14 13 amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than been amended many times in the history of this nation and may be the citizens and the duties of various levels of government; and a convention or conventions to the contrary notwithstanding, the United States Supreme Court Arthur J. Goldberg, and other concerning a specific subject or to call a general convention to call one or more conventions to propose either a single amendment acting with the best of intentions, at various times and during Whereas, the Constitution of the United States of America has thereby creating an imminent peril to the well-established rights of propose sweeping changes to the Constitution, any limitations or leading constitutional scholars agree that such a convention may States of America Warren E. Burger, former Associate Justice of Whereas, former Chief Justice of the Supreme Court of the United Article V thereof; and the United States Constitution, pursuant to the provisions of propose an unspecified and unlimited number of amendments to various sessions, has previously made applications to Congress to ANY OTHER CALLS restrictions purportedly imposed by the states in applying for such Whereas, the General Assembly of the State of South Carolina CONVENTION BY ANY MEANS EXPRESSED. CONVENTION FOR THIS PURPOSE, AND TO DISAVOW AMENDMENT TO THE STATES FOR RATIFICATION OR IN BUDGET THROUGH SUBMITTING AN APPROPRIATE CALLED ON CONGRESS TO BALANCE THE FEDERAL TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH THE ALTERNATIVE TO CALL A CONSTITUTIONAL FOR A CONSTITUTIONAL

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:

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.

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

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# IN THE SENATE

Columbia, S.C., <u>May 18</u>, 20 <u>04</u>

for the Committee

has considered S	1	н. <u>3'</u>	100	and recommends i	hat it	v_pass
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# LEGISLATIVE COUNCIL

of the

# **GENERAL ASSEMBLY**

of the

# STATE OF SOUTH CAROLINA

Stephen T. DRAFFIN, DIRECTOR

Statewide: \_\_\_\_ Local: \_\_\_\_

Attorney: Z. Williams Stenographer: Melton

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

Proofread by: <u>Aunbar parumenal</u>

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