

1/27/2003  
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EFFECTIVE 7-16-04

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A314, R403, H3400)

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

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

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

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

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

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

**Repeal**

SECTION 1. Joint Resolution 775 of 1976 is repealed.

**Disavowed**

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

**Copies forwarded**

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

**Time effective**

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

Ratified the 3rd day of June, 2004.

Approved the 16th day of July, 2004.

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**South Carolina General Assembly**  
115th Session, 2003-2004

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**A314, R403, H3400**

**STATUS INFORMATION**

General Bill

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

Document Path: 1:\council\bill\bbs\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

Governor's Action: July 16, 2004, Signed

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 <b>Judiciary</b> HJ-18
2/4/2004	House	Committee report: Favorable <b>Judiciary</b> 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 <b>Judiciary</b> SJ-8
5/19/2004	Senate	Committee report: Favorable with amendment <b>Judiciary</b> 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 HJ-36
6/3/2004		Ratified R 403
7/16/2004		Signed By Governor
7/26/2004		Copies available
7/26/2004		Effective date 07/16/04
10/11/2004		Act No. 314

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**VERSIONS OF THIS BILL**

[http://www.scstatehouse.gov/sess115\\_2003-2004/bills/3400.htm](http://www.scstatehouse.gov/sess115_2003-2004/bills/3400.htm)

12/28/2008