

AS PASSED BY THE SENATE
June 1, 2004

H. 3400

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

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

A BILL

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

Amend Title To Conform

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

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

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

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

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

SECTION 1. Joint Resolution 775 of 1976 is repealed.

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

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

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

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Ratified the 3rd day of June, 2004.

Approved the 16th day of July, 2004.