**South Carolina General Assembly**

121st Session, 2015-2016

**A1, R1, S8**

**STATUS INFORMATION**

General Bill

Sponsors: Senators L. Martin, Campsen, Hembree, Setzler and Gregory

Document Path: l:\s-jud\bills\l. martin\jud0013.pb.docx

Companion/Similar bill(s): 3155

Introduced in the Senate on January 13, 2015

Introduced in the House on January 28, 2015

Last Amended on February 19, 2015

Passed by the General Assembly on February 25, 2015

Governor's Action: No signature required

Summary: Constitutional Officers of S.C.

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/3/2014 Senate Prefiled

 12/3/2014 Senate Referred to Committee on **Judiciary**

 1/13/2015 Senate Introduced and read first time ([Senate Journal‑page 36](file:///h%3A%5CSJ%20Archive%5C2015%5C01-13-15.docx))

 1/13/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 36](file:///h%3A%5CSJ%20Archive%5C2015%5C01-13-15.docx))

 1/13/2015 Senate Recalled from Committee on **Judiciary** ([Senate Journal‑page 28](file:///h%3A%5CSJ%20Archive%5C2015%5C01-13-15.docx))

 1/15/2015 Senate Read second time ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2015%5C01-15-15.docx))

 1/15/2015 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2015%5C01-15-15.docx))

 1/27/2015 Senate Read third time and sent to House ([Senate Journal‑page 18](file:///h%3A%5CSJ%20Archive%5C2015%5C01-27-15.docx))

 1/28/2015 House Introduced and read first time ([House Journal‑page 19](file:///h%3A%5CHJ%20Archive%5C2015%5C01-28-15.docx))

 1/28/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 19](file:///h%3A%5CHJ%20Archive%5C2015%5C01-28-15.docx))

 2/17/2015 House Recalled from Committee on **Judiciary** ([House Journal‑page 17](file:///h%3A%5CHJ%20Archive%5C2015%5C02-17-15.docx))

 2/18/2015 House Debate adjourned until Thur., 2‑19‑15 ([House Journal‑page 27](file:///h%3A%5CHJ%20Archive%5C2015%5C02-18-15.docx))

 2/19/2015 House Amended ([House Journal‑page 13](file:///h%3A%5CHJ%20Archive%5C2015%5C02-19-15.docx))

 2/19/2015 House Read second time ([House Journal‑page 13](file:///h%3A%5CHJ%20Archive%5C2015%5C02-19-15.docx))

 2/19/2015 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2015%5C02-19-15.docx))

 2/19/2015 House Unanimous consent for third reading on next legislative day ([House Journal‑page 16](file:///h%3A%5CHJ%20Archive%5C2015%5C02-19-15.docx))

 2/20/2015 House Read third time and returned to Senate with amendments ([House Journal‑page 1](file:///h%3A%5CHJ%20Archive%5C2015%5C02-20-15.docx))

 2/25/2015 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 23](file:///h%3A%5CSJ%20Archive%5C2015%5C02-25-15.docx))

 2/25/2015 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 23](file:///h%3A%5CSJ%20Archive%5C2015%5C02-25-15.docx))

 3/5/2015 Ratified R 1

 3/5/2015 No signature required

 3/5/2015 Effective date 03/05/15

 3/16/2015 Act No. 1

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**VERSIONS OF THIS BILL**

[12/3/2014](file:///p%3A%5Cpprever%5C2015-16%5C8_20141203.docx)

[1/13/2015](file:///p%3A%5Cpprever%5C2015-16%5C8_20150113.docx)

[2/17/2015](file:///p%3A%5Cpprever%5C2015-16%5C8_20150217.docx)

[2/19/2015](file:///p%3A%5Cpprever%5C2015-16%5C8_20150219.docx)

(A1, R1, S8)

**AN ACT TO RATIFY AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM NOT COTERMINOUS WITH THE GOVERNOR, MAY BE REMOVED ONLY FOR CAUSE, AND THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE TERM, DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE; AND TO RATIFY AN AMENDMENT TO SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT GENERAL AND HIS STAFF OFFICERS, TO UPDATE REFERENCES TO HIS TITLE AND PROVIDE THAT THE ADJUTANT GENERAL’S MILITARY RANK IS MAJOR GENERAL AS OPPOSED TO BRIGADIER GENERAL, AND TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, HE MUST BE APPOINTED BY THE GOVERNOR IN THE MANNER REQUIRED BY SECTION 7, ARTICLE VI.**

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

**Appointment of Adjutant General ratified**

SECTION 1. A. The amendment to Section 7, Article VI of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 297 of 2014, having been submitted to the qualified electors at the General Election of 2014 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

 “Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Adjutant General shall serve for a term not coterminous with the Governor and may be removed only for cause. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.”

**Rank and appointment of Adjutant General ratified**

B. The amendment to Section 4, Article XIII of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 297 of 2014, having been submitted to the qualified electors at the General Election of 2014 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 4, Article XIII of the Constitution of this State be amended to read:

 “Section 4. There must be an Adjutant General. The position of Adjutant General is recognized as holding the rank of Major General, and the Adjutant General’s duties and compensation must be prescribed by law. The Governor, by and with the advice and consent of the Senate, shall appoint staff officers as the General Assembly may direct.

 Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, with the advice and consent of the Senate, in the manner provided in Section 7, Article VI.”

Ratified the 5th day of March, 2015.

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