

Session 118 - (2009-2010)

S 1058 Joint Resolution, By L. Martin

Summary: Constitutional amendment

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, TO REPEAL SECTION 8 AND AMEND SECTION 16 TO ABOLISH THE OFFICE OF LIEUTENANT GOVERNOR; BY PROPOSING AN AMENDMENT TO SECTION 11, ARTICLE IV, SO AS TO PROVIDE THAT IN THE CASE OF REMOVAL OF THE GOVERNOR FROM OFFICE BY IMPEACHMENT, DEATH, RESIGNATION, DISQUALIFICATION, DISABILITY, OR REMOVAL FROM THE STATE, THE PRESIDENT OF THE SENATE SHALL BE GOVERNOR UNTIL A SUCCESSOR IS ELECTED AT THE NEXT GENERAL ELECTION FOR REPRESENTATIVES IF THE REMOVAL OCCURS WITHIN THE FIRST EIGHTEEN CALENDAR MONTHS OF THE TERM, AND THE PRESIDENT OF THE SENATE SHALL BE GOVERNOR DURING THE UNEXPIRED TERM; PROPOSING AN AMENDMENT TO SECTION 9, ARTICLE IV, SO AS TO PROVIDE THAT THE SENATE MUST, AS SOON AS PRACTICABLE AFTER THE CONVENING OF THE GENERAL ASSEMBLY IN 2013, AND EVERY FOUR YEARS THEREAFTER, ELECT FROM ITS MEMBERS A PRESIDENT PRO TEMPORE OF THE SENATE; PROPOSING AN AMENDMENT TO SECTION 10, ARTICLE IV, SO AS TO PROVIDE THAT THE SENATE MUST, AS SOON AS PRACTICABLE AFTER THE CONVENING OF THE GENERAL ASSEMBLY IN 2013, AND EVERY FOUR YEARS THEREAFTER, ELECT FROM ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; PROPOSING AN AMENDMENT TO SECTION 6, ARTICLE IV, SO AS TO PROVIDE THAT IF THE GOVERNOR-ELECT DIES OR DECLINES TO SERVE, THE PRESIDENT OF THE SENATE SHALL BECOME GOVERNOR UNTIL THE NEXT GENERAL ELECTION FOR REPRESENTATIVES, AND TO PROVIDE THAT IF THE GOVERNOR-ELECT FAILS TO TAKE THE OATH OF OFFICE AT THE COMMENCEMENT OF HIS TERM, THE PRESIDENT OF THE SENATE MUST ACT AS GOVERNOR UNTIL THE OATH IS ADMINISTERED; PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE IV, SO AS TO PROVIDE THAT IN THE EVENT THAT THE GOVERNOR-ELECT DOES NOT QUALIFY, OR IF AFTER THE GOVERNOR TAKES THE OATH OF OFFICE AND NEITHER THE GOVERNOR NOR THE PRESIDENT OF THE SENATE IS ABLE TO SERVE FOR ANY REASON WHATSOEVER, THE OFFICE OF GOVERNOR FOR THE TIME BEING SHALL DEVOLVE UPON THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND IF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IS UNABLE TO SERVE FOR ANY REASON WHATSOEVER, THE OFFICE OF GOVERNOR FOR THE TIME BEING SHALL DEVOLVE UPON SUCH OFFICERS AND IN SUCH ORDER OF SUCCESSION AS MAY BE PROVIDED BY LAW; AND PROPOSING AN AMENDMENT TO SECTION 12, ARTICLE IV, RELATING TO THE DISABILITY OF THE GOVERNOR, SO AS TO PROVIDE THAT WHENEVER A MAJORITY OF THE ATTORNEY GENERAL, THE SECRETARY OF STATE, THE COMPTROLLER GENERAL, AND THE STATE TREASURER, OR OF SUCH OTHER BODY AS THE GENERAL ASSEMBLY MAY PROVIDE, TRANSMITS TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES A WRITTEN DECLARATION THAT THE GOVERNOR IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE PRESIDENT OF THE SENATE MUST ASSUME THE POWERS AND DUTIES OF THE OFFICE AS ACTING GOVERNOR.

01/19/10 Senate Introduced and read first time SJ-5

01/19/10 Senate Referred to Committee on Judiciary SJ-5

01/19/10 Senate Referred to Subcommittee: L.Martin (ch), Knotts, Campbell, Coleman, Nicholson