**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4502**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. M.A. Pitts

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Introduced in the House on February 2, 2010

Currently residing in the House Committee on **Judiciary**

Summary: United States Senate Accountability Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\02-02-10.docx)‑86

2/2/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\02-02-10.docx)‑86

**VERSIONS OF THIS BILL**

[2/2/2010](file:///p:\pprever\2009-10\4502_20100202.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 29 TO CHAPTER 1, TITLE 1 SO AS TO ENACT THE “UNITED STATES SENATE ACCOUNTABILITY ACT”, TO REQUIRE CERTAIN ACTION BY THE UNITED STATES SENATORS FROM SOUTH CAROLINA, TO ESTABLISH A JOINT STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND SENATE TO EXCHANGE INFORMATION WITH SOUTH CAROLINA’S ELECTED UNITED STATES SENATORS, TO PROVIDE FOR GROUNDS FOR NONFEASANCE IN OFFICE BY THE UNITED STATES SENATORS FOR FAILURE TO COMPLY WITH CERTAIN DIRECTIVES, TO REQUIRE THE JOINT STATE STANDING COMMITTEE TO REVIEW THE PERFORMANCE OF EACH MEMBER OF THE UNITED STATES SENATE FROM SOUTH CAROLINA, AND TO ESTABLISH A PROCEDURE FOR REMOVING A UNITED STATES SENATOR IF A BILL HE SPONSORS IS CONSIDERED NOT IN CONFORMITY WITH THE CONSTITUTION OF THE UNITED STATES.

Whereas, the Constitution of the United States, Amendment Seventeen, specifies that United States Senators are “elected by the People” (Clause 1). The Constitution, in Article V, further states that “no State, without its Consent, shall be deprived of its equal suffrage in the Senate”; and

Whereas, nothing has altered the constitutional responsibility of the United States Senate to be the voice of the states in the federal government. Even though popularly elected following the enactment of the Seventeenth Amendment, United States Senators, in fact representatives of the State Legislature of the State from which they are elected, and as such, are accountable to the same for their conduct. The will of this General Assembly is to be expressed in the federal government by and through the two United States Senators elected by the people of this State. Now, therefore,

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

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

“Article 29

United States Senate Accountability Act

Section 1‑1‑1810. (A) The two United States Senators from this State are summoned to appear before a joint session of this General Assembly each year on the second Tuesday in February.

(B) The purpose of this joint session is to exchange information by and between the State of South Carolina and the United States Congress through its duly elected United States Senators.

(C) There is created the ‘Joint Standing Committee Pertaining to the United States Senate’ consisting of ten members of the House of Representatives and six members of the Senate, and the presiding officers of each house. Upon convening, the members of the committee shall appoint two co-chairs, one from each house of the General Assembly.

(D) Not later than thirty calendar days before this annual meeting, the United States Senators shall provide to the committee certified copies of their most recent calendar year voting record on all bills and resolutions on which they voted while serving in the United States Senate, certified copies of these bills and resolutions, and copies of each bill and resolution known to be under consideration in the Congress of the United States in the immediate upcoming calendar years.

(E) Each United States Senator is eligible to speak to the joint session of the General Assembly to discuss the actions of the Congress of the United States as they pertain to the relationship of the several states to the federal system, to discuss pending legislation of the United States Congress as it pertains to the several states to the federal system, to justify their actions and voting record as they pertain to this State, the General Assembly, and the citizens of it, and to discuss other matters the senators wish to covey to the General Assembly.

(F) The presiding officers of the General Assembly shall convey to the United States Senators copies of all resolutions passed by the General Assembly expressing the ideas, senses, or desires of the General Assembly for introduction into the Congress of the United States. The presiding officers of the General Assembly shall direct the United States Senators to introduce and support measures to benefit the General Assembly and people of this State.

(G) The first annual meeting must occur not more than ninety days following the passage of this section, with that date to be provided for by a subsequent resolution. The meeting must occur on the date and time provided for in that act for each year.

(H) The senior United States Senator shall maintain routine contact with the co-chairs of the committee for the purpose of ascertaining the sense of the General Assembly as it relates to legislation pending before the Congress assembled, and treaties and appointments before the United States Senate to ensure that the General Assembly’s wishes be represented in the United States Senate. The committee shall poll the members of the General Assembly to ascertain their position on pending consideration before the United States Senate, and convey the results of these polls to the senior United States Senator from this State.

(I) Failure to comply with the directives of this section by a United States Senator constitutes nonfeasance of office by the offending United States Senator and, upon conviction in a circuit court in Richland County, the United States Senator immediately shall vacate his office in the United States Senate. The vacated seat must be filled according to the terms and conditions of Clause 2 of the Seventeenth Amendment to the Constitution of the United States.

(J) The committee is directed to review the performance of each member of the United States Senate from this State, and to evaluate his performance and voting records to ascertain the member’s compliance to his oath of office and to the terms and conditions of the Constitution of the United States. If the record indicates a member has introduced or voted in favor of a bill determined by the committee not in conformity to the Constitution of the United States, the committee shall issue a report to the General Assembly. Upon concurrence of a majority of the members of both houses of the General Assembly, the presiding officers of the respective houses shall direct the Attorney General of this State to bring quo warranto proceedings against the United States Senator from this State. In the absence of a valid response to quo warranto, the United States Senator from this State shall vacate his seat in the United States Senate, and the Attorney General shall bring criminal charges of violation of oath of office as provided for in Section 7‑1‑210.

A position created by removal from office must be filled according to the terms and conditions of Clause 2 of the Seventeenth Amendment to the Constitution of the United States.”

SECTION 2. This act takes effect upon approval by the Governor.

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