**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3073**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Young, Harrison, G.R. Smith, H.B. Brown, Taylor, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers and Funderburk

Document Path: l:\council\bills\dka\3131sd11.docx

Introduced in the House on January 11, 2011

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

Summary: Constitutional amendment proposed

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 34](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 34](file:///h:\hj%20archive\2011\01-11-11.docx))

1/12/2011 House Member(s) request name added as sponsor: Long

1/19/2011 House Member(s) request name added as sponsor: Patrick, Viers

2/10/2011 House Member(s) request name added as sponsor: Funderburk

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3073_20101207.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO, THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE 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 PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT GENERAL AND HIS STAFF OFFICERS, SO AS TO UPDATE REFERENCES TO HIS TITLE AND MILITARY RANK, 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:

SECTION 1. It is proposed 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 General Assembly. The term of office must be for four years, coterminous with that of the Governor. The General Assembly shall provide by law for the 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.”

SECTION 2. It is proposed that Section 4, Article XIII of the Constitution of this State be amended to read:

“Section 4. There ~~shall~~ must be an Adjutant ~~and Inspector~~ General elected by the qualified electors of the State at the same time and in the same manner as other state officers, who shall rank as ~~Brigadier~~ Major General, and whose duties and compensation ~~shall be~~ are prescribed by law. The Governor ~~shall~~, by and with the advice and consent of the Senate, shall appoint ~~such other~~ 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 in the manner provided in Section 7, Article VI.”

SECTION 3. The proposed amendment in Section 1 and 2 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers and Section 4, Article XIII relating to the Adjutant General and his staff officers be amended so as to update references to his title and military rank, delete the Adjutant General from the list of state officers which the Constitution requires to be elected and 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 General Assembly, and require the General Assembly to provide by law for the 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?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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