**South Carolina General Assembly**

120th Session, 2013-2014

**A297, R250, H3541**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Harrell, J.E. Smith, Bales, Williams, Bannister, J.R. Smith, Patrick, Brannon, Erickson, Huggins, Kennedy, Ballentine, M.S. McLeod, Bernstein, Atwater, Cole, Funderburk, George, Hixon, Long, McCoy, W.J. McLeod, Pitts, Pope, G.R. Smith, Tallon, Taylor, Wood and Knight

Document Path: l:\council\bills\ggs\22509zw13.docx

Companion/Similar bill(s): 52, 54, 132, 170, 173, 444, 467

Introduced in the House on February 19, 2013

Introduced in the Senate on March 21, 2013

Last Amended on May 20, 2014

Passed by the General Assembly on May 27, 2014

Governor's Action: No signature required

Summary: Adjutant General

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/19/2013 House Introduced and read first time ([House Journal‑page 22](file:///H:\HJ%20Archive\2013\02-19-13.docx))

2/19/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 22](file:///H:\HJ%20Archive\2013\02-19-13.docx))

3/6/2013 House Committee report: Favorable **Judiciary** ([House Journal‑page 40](file:///H:\HJ%20Archive\2013\03-06-13.docx))

3/7/2013 House Member(s) request name added as sponsor: Knight

3/18/2013 Scrivener's error corrected

3/19/2013 House Requests for debate‑Rep(s). Sandifer, GA Brown, Anthony, Bales, Barfield, K Crawford, Whitmire, Daning, JE Smith, Quinn, Bannister, Anderson, Bedingfield, JR Smith, Hardee, DC Moss, Atwater, GR Smith ([House Journal‑page 49](file:///H:\HJ%20Archive\2013\03-19-13.docx))

3/20/2013 House Read second time ([House Journal‑page 38](file:///H:\HJ%20Archive\2013\03-20-13.docx))

3/20/2013 House Roll call Yeas‑108 Nays‑4 ([House Journal‑page 40](file:///H:\HJ%20Archive\2013\03-20-13.docx))

3/21/2013 House Read third time and sent to Senate ([House Journal‑page 35](file:///H:\HJ%20Archive\2013\03-21-13.docx))

3/21/2013 Senate Introduced and read first time ([Senate Journal‑page 14](file:///H:\SJ%20Archive\2013\03-21-13.docx))

3/21/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 14](file:///H:\SJ%20Archive\2013\03-21-13.docx))

4/10/2013 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 24](file:///H:\SJ%20Archive\2013\04-10-13.docx))

4/11/2013 Scrivener's error corrected

5/20/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 20](file:///H:\SJ%20Archive\2014\05-20-14.docx))

5/20/2014 Senate Read second time ([Senate Journal‑page 20](file:///H:\SJ%20Archive\2014\05-20-14.docx))

5/20/2014 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 20](file:///H:\SJ%20Archive\2014\05-20-14.docx))

5/21/2014 Scrivener's error corrected

5/21/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 29](file:///H:\SJ%20Archive\2014\05-21-14.docx))

5/27/2014 House Concurred in Senate amendment and enrolled ([House Journal‑page 55](file:///H:\HJ%20Archive\2014\05-27-14.docx))

5/29/2014 Ratified R 250

5/29/2014 No signature required

5/29/2014 Effective date 05/29/2014

9/8/2014 Act No. 297

**VERSIONS OF THIS BILL**

[2/19/2013](file:///p:\pprever\2013-14\3541_20130219.docx)

[3/6/2013](file:///p:\pprever\2013-14\3541_20130306.docx)

[3/18/2013](file:///p:\pprever\2013-14\3541_20130318.docx)

[4/10/2013](file:///p:\pprever\2013-14\3541_20130410.docx)

[4/11/2013](file:///p:\pprever\2013-14\3541_20130411.docx)

[5/20/2014](file:///p:\pprever\2013-14\3541_20140520.docx)

[5/21/2014](file:///p:\pprever\2013-14\3541_20140521.docx)

(A297, R250, H3541)

**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, 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 PROPOSING 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**

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 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**

SECTION 2. It is proposed 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.”

**Submission of ballot question to qualified electors**

SECTION 3. The proposed amendment in Sections 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; to provide that the position of Adjutant General is recognized as holding the rank of Major General, as opposed to Brigadier General; 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; to provide that the appointed Adjutant General serve for a term not coterminous with the Governor and may be removed only for cause; and to require the General Assembly to 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?

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’.”

Ratified the 29th day of May, 2014.

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