**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4041**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Sellers, Crawford, Bedingfield, Bikas, Brannon, H.B. Brown, Cobb‑Hunter, Erickson, Gambrell, Hardwick, Henderson, King, Lowe, Mitchell, Munnerlyn, Nanney, J.H. Neal, Ott, Rutherford, Sandifer, J.E. Smith, Vick, Viers, Harrell, Harrison and Taylor

Document Path: l:\council\bills\dka\3590sd11.docx

Introduced in the House on April 6, 2011

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

Summary: Bills and joint resolutions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/6/2011 House Introduced and read first time ([House Journal‑page 71](file:///h:\hj%20archive\2011\04-06-11.docx))

4/6/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 72](file:///h:\hj%20archive\2011\04-06-11.docx))

4/7/2011 House Member(s) request name added as sponsor: Taylor

**VERSIONS OF THIS BILL**

[4/6/2011](file:///p:\pprever\2011-12\4041_20110406.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 21, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO BILLS AND JOINT RESOLUTIONS BEING PRESENTED TO THE GOVERNOR FOR HIS CONSIDERATION, SIGNATURE, OR VETO, SO AS TO PROVIDE THAT INSTEAD OF A BILL OR JOINT RESOLUTION BEING DEEMED TO TAKE EFFECT IF IT IS NOT ACTED ON BY THE GOVERNOR WITHIN FIVE DAYS AFTER BEING PRESENTED TO HIM, SUNDAYS EXCEPTED, IT SHALL BE DEEMED TO HAVING BEEN VETOED WITHOUT COMMENT IF IT IS NOT ACTED ON WITHIN FIFTEEN DAYS AFTER BEING PRESENTED TO HIM, SUNDAYS EXCEPTED.

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

SECTION 1. It is proposed that Section 21, Article IV of the Constitution of this State be amended to read:

“Section 21. Every bill or joint resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and if he approves he shall sign it; if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If after such reconsideration two‑thirds of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered, and if approved by two‑thirds of that house it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both houses shall be taken by yeas and nays, and the names of the persons voting for and against the bill or joint resolution shall be entered on the Journals of both houses respectively.

Bills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections. If the Governor shall not approve any one or more of the items or sections contained in any bill appropriating money, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the bill with his objections to the items or sections of the same not approved by him to the house in which the bill originated, which house shall enter the objections at large upon its Journal and proceed to reconsider so much of the bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is provided in case of an entire bill returned by the Governor with his objections; and if any item or section of the bill not approved by the Governor shall be passed by two‑thirds of each house of the General Assembly, it shall become a part of the law notwithstanding the objections of the Governor.

If a bill or joint resolution shall not be returned by the Governor within ~~five~~ fifteen days after it shall have been presented to him, Sundays excepted, it shall be deemed to having been vetoed without comment ~~have the same force and effect as if he had signed it~~, unless the General Assembly, by adjournment, prevents return, in which case it shall be deemed to having been vetoed without comment and ~~have such force and effect unless~~ returned ~~within two days~~ at midnight of the second day after the next meeting.”

SECTION 2. The proposed amendment 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 21, Article IV of the Constitution of this State be amended so as to provide that instead of a bill or joint resolution being deemed to take effect if it is not acted on by the Governor within five days after being presented to him, Sundays excepted, it shall be deemed to having been vetoed without comment if it is not acted on within fifteen days after being presented to him, Sundays excepted?

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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