**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4327**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Magnuson, B. Newton, Martin, Long, Burns, Putnam, Pitts and G.R. Smith

Document Path: l:\council\bills\ggs\22002sd17.docx

Introduced in the House on May 10, 2017

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

Summary: Senators

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/10/2017 House Introduced and read first time ([House Journal‑page 84](file:///h:\hj\20170510.docx))

5/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 84](file:///h:\hj\20170510.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4327&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[5/10/2017](file:///p:\pprever\2017-18\4327_20170510.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS SOUTH CAROLINA, 1976, BY ADDING CHAPTER 21 TO TITLE 2 SO AS TO PROVIDE FOR THE MANNER IN WHICH THE TWO UNITED STATES SENATORS FROM SOUTH CAROLINA SHALL APPEAR ANNUALLY BEFORE A JOINT SESSION OF THE GENERAL ASSEMBLY TO DISCUSS AND REVIEW VARIOUS TOPICS AND ACTIONS TAKEN BY THE UNITED STATES SENATE AND BY THEM.

Whereas, the Seventeenth Amendment to the Constitution of the United States specifies that United States Senators are “elected by the people,” but 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, and thus this responsibility is still enforceable. Even though popularly elected following the adoption of the Seventeenth Amendment, United States Senators are in fact representatives of the state legislature of the state from which they are elected, and as such, accountable to the state legislature for their conduct. The will of the South Carolina General Assembly and the citizens they represent, therefore, is to be expressed in the federal government by and through the two United States Senators elected by the people of this State; and

Whereas, the federal government of the United States has not remained within the boundaries and enumerated powers to which it was restricted by the Constitution of the United States, creating a need for the states to take appropriate actions to rein in its exercise of undelegated power; and

Whereas, the State of South Carolina intends to set an example of leadership to uphold our founding constitutional principles toward renewed liberty; and

Whereas, it is the desire of the South Carolina General Assembly by this act to ensure accountability and transparency in government, with appropriate venues for the exchange of ideas and the review of actions taken. Now, therefore,

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

SECTION 1. Title 2 of the 1976 Code is amended by adding:

“CHAPTER 21

Joint Appearance of United States Senators

From South Carolina

Section 2‑21‑10. The two United States Senators from the State of South Carolina shall appear before a Joint Session of the South Carolina General Assembly in the Hall of the House of Representatives on March twenty-six of each year if this is a regular statewide session day and if not, on the next regular statewide session day thereafter. 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.

Section 2‑21‑20. A joint legislative committee is hereby established consisting of ten members of the House of Representatives and six members of the State Senate, and the presiding officers of each House. This committee shall be styled the ‘Joint Legislative Committee on the United States Senate’. Upon convening, the members of the committee shall appoint two cochairs, one from each House of the General Assembly. No later than thirty calendar days prior to this annual meeting, the United States Senators shall provide to this 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 upcoming calendar year. This annual meeting shall occur on the date specified in this chapter beginning in the year 2018.

Section 2‑21‑30. Each United States Senator shall be eligible to speak to the Joint Session 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 this relationship, to justify their actions and voting record as they pertain to the State of South Carolina and the General Assembly and citizens of this State, and to discuss other matters the Senators wish to convey to the General Assembly.

Section 2‑21‑40. The Presiding Officers of both Houses of the General Assembly shall convey to the United States Senators from this State copies of any and all resolutions passed by this General Assembly expressing the ideas, senses, or desires of this General Assembly for introduction into the Congress of the United States. The presiding officers of both Houses of the General Assembly shall request the United States Senators from South Carolina to introduce and support any such measures to benefit the interests of the people of the State of South Carolina.

Section 2‑21‑50. The Senior United States Senator from South Carolina shall maintain routine contact with the cochairs of the Joint Legislative Committee on the United States Senate for the purpose of ascertaining the sense of the General Assembly as it relates to legislation pending before the Congress, and treaties and appointments before the United States Senate. To the end that the General Assembly’s wishes be represented in the United States Senate, the Joint Legislative Committee shall, from time to time, poll the members of the General Assembly to ascertain their position on pending considerations before the United States Senate, and convey the results of these polls to the Senior United States Senator from South Carolina.

Section 2‑21‑60. The Joint Legislative Committee on the United States Senate shall publish a report on its proceedings no less than annually. The report must be distributed to all State Representatives and State Senators, and also shall be made available electronically on the General Assembly’s website. The report shall include a review of the performance of each member of the United States Senate from this State in order to evaluate each performance and voting record to ascertain the member’s compliance to his or her Oath of Office and to the terms and conditions of the Constitution of the United States. When the record indicates a member has introduced or voted in favor of a bill or bills determined by the committee not in conformity to the Constitution of the United States, the committee shall state this fact and the reasons for its determination in the report.”

SECTION 2. If any section, clause, portion, or provision of this act shall be held to be invalid, the remainder of the act shall continue in full force and effect.

SECTION 3. This act takes effect upon the approval of the Governor.

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