

**South Carolina General Assembly**  
118th Session, 2009-2010

**H. 3509**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Reps. M.A. Pitts, Duncan, Thompson, Bowen, Toole, Stringer, Hamilton, Pinson, Bedingfield, G.R. Smith, Cooper, Crawford, Long, Lowe, Nanney, Owens, E.H. Pitts, Rice, Viers, White, Haley, Clemmons, Horne, Wylie, Huggins, Allison, Parker, A.D. Young, Millwood, Simrill, Willis, Herbkersman, Cato, Littlejohn, J.R. Smith, Hiott and Erickson

Document Path: I:\council\billsgjk\20104sd09.docx

Introduced in the House on February 12, 2009

Introduced in the Senate on March 3, 2009

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

Summary: Rights

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
2/12/2009	House	Introduced HJ-6
2/12/2009	House	Referred to Committee on <b>Invitations and Memorial Resolutions</b> HJ-6
2/18/2009	House	Member(s) request name added as sponsor: Haley
2/19/2009	House	Member(s) request name added as sponsor: Clemmons
2/24/2009	House	Member(s) request name added as sponsor: Horne, Wylie, Huggins, Allison, Parker, A.D.Young, Millwood, Simrill, Willis, Herbkersman
2/24/2009	House	Committee report: Favorable <b>Invitations and Memorial Resolutions</b> HJ-8
2/25/2009	House	Member(s) request name added as sponsor: Cato
2/25/2009		Scrivener's error corrected
2/26/2009	House	Member(s) request name added as sponsor: Littlejohn, J.R.Smith, Hiott, Erickson
2/26/2009	House	Adopted, sent to Senate HJ-20
3/3/2009	Senate	Introduced SJ-14
3/3/2009	Senate	Referred to Committee on <b>Judiciary</b> SJ-14
3/5/2009	Senate	Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis

View the latest [legislative information](#) at the LPITS web site

**VERSIONS OF THIS BILL**

[2/12/2009](#)

[2/24/2009](#)

[2/25/2009](#)

1 COMMITTEE REPORT  
2 February 24, 2009  
3

4 **H. 3509**

5  
6 Introduced by Reps. M.A. Pitts, Duncan, Thompson, Bowen,  
7 Toole, Stringer, Hamilton, Pinson, Bedingfield, G.R. Smith,  
8 Cooper, Crawford, Long, Lowe, Nanney, Owens, E.H. Pitts, Rice,  
9 Viers, White, Haley, Clemmons, Horne, Wylie, Huggins, Allison,  
10 Parker, A.D. Young, Millwood, Simrill and Herbkersman

11  
12 S. Printed 2/24/09--H. [SEC 2/25/09 4:18 PM]  
13 Read the first time February 12, 2009.

14 \_\_\_\_\_  
15

16 **THE COMMITTEE ON**  
17 **INVITATIONS AND MEMORIAL RESOLUTIONS**

18 To whom was referred a Concurrent Resolution (H. 3509)  
19 to affirm the rights of all states including South Carolina based on  
20 the provisions of the Ninth and Tenth Amendments, etc.,  
21 respectfully

22 **REPORT:**

23 That they have duly and carefully considered the same and  
24 recommend that the same do pass:

25  
26 LISTON D. BARFIELD for Committee.  
27 \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**A CONCURRENT RESOLUTION**

TO AFFIRM THE RIGHTS OF ALL STATES INCLUDING SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

Whereas, the South Carolina General Assembly declares that the people of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and shall exercise and enjoy every power, jurisdiction, and right pertaining thereto, which is not expressly delegated by them to the United States of America in the congress assembled; and

Whereas, some states when ratifying the Constitution for the United States of America recommended as a change, “that it be explicitly declared that all powers not expressly and particularly delegated by the aforesaid are reserved to the several states to be by them exercised”; and

Whereas, these recommended changes were incorporated as the Ninth Amendment, where the enumeration of certain rights shall not be construed to deny or disparage others retained by the people, and as the Tenth Amendment, where the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; and

Whereas, the several states of the United States of America, through the Constitution and the amendments thereto, constituted a general government for special purposes and delegated to that government certain definite powers, reserving each state to itself, the residuary right to their own self government. Now, therefore,

1 Be it resolved by the House of Representatives, the Senate  
2 concurring:

3

4 That the General Assembly of South Carolina, based on the above  
5 principles and provisions, hereby declares by this resolution, that  
6 any act by the Congress of the United States, Executive Order of  
7 the President of the United States, or Judicial Order by the federal  
8 courts which assumes a power not delegated to the government of  
9 the United States of America by the Constitution and which serves  
10 to diminish the liberty of any of the several states or their citizens  
11 shall abridge the Constitution. The General Assembly further  
12 declares that acts which would cause such an abridgment include,  
13 but are not limited to:

14 (1) establishing martial law or a state of emergency within one  
15 of the states comprising the United States of America without the  
16 consent of the legislature of that state;

17 (2) requiring involuntary servitude, or governmental service  
18 other than a draft during a declared war, or pursuant to, or as an  
19 alternative to, incarceration after due process of law;

20 (3) requiring involuntary servitude or governmental service of  
21 persons under the age of eighteen other than pursuant to, or as an  
22 alternative to, incarceration after due process of law;

23 (4) surrendering any power delegated or not delegated to any  
24 corporation or foreign government;

25 (5) any act regarding religion, further limitations on freedom of  
26 political speech, or further limitations on freedom of the press; and

27 (6) further infringements on the right to keep and bear arms  
28 including prohibitions of type or quantity of arms or ammunition.

29

30 Be it further resolved that a copy of this resolution be forwarded to  
31 the United States Senate, the United States House of  
32 Representatives, and each member of the South Carolina  
33 Congressional Delegation.

34

----XX----

35