**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4501**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. M.A. Pitts, Loftis, D.C. Moss and Bedingfield

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Introduced in the House on February 2, 2010

Currently residing in the House Committee on **Ways and Means**

Summary: Silver and gold coins

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\02-02-10.docx)‑85

2/2/2010 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2010\02-02-10.docx)‑86

2/25/2010 House Member(s) request name added as sponsor: Loftis

3/10/2010 House Member(s) request name added as sponsor: D.C.Moss

3/24/2010 House Member(s) request name added as sponsor: Bedingfield

**VERSIONS OF THIS BILL**

[2/2/2010](file:///p:\pprever\2009-10\4501_20100202.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 1, TITLE 1 SO AS TO PROVIDE THAT SILVER AND GOLD COIN SHALL BE LEGAL TENDER IN PAYMENT OF CERTAIN DEBTS.

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

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

“Article 18

Gold and Silver Coin as Legal Tender

Section 1‑1‑1110. The South Carolina General Assembly finds and declares that the State is experiencing an economic crisis of severe magnitude caused in large part by the unconstitutional substitution of Federal Reserve Notes for silver and gold coin as legal tender in this State. The General Assembly also finds and declares that immediate exercise of the power of the State of South Carolina reserved under Article I, Section 10, Paragraph 1 of the United States Constitution and by the Tenth Amendment, is necessary to protect the safety, health and welfare of the people of this State, by guaranteeing to them a constitutional and economically sound monetary system.

Section 1‑1‑1120. For the purposes of this article:

(1) the term ‘State’ shall include the State of South Carolina and all executive and administrative departments and agencies, courts, instrumentalities, and political subdivisions of it, and all elected and appointed officials, employees, and agents of it acting in their official capacities; and

(2) the term ‘silver and gold coin’ shall include the silver and gold coins of the United States coined or minted, or silver and gold coins of any foreign nation adopted as money of the United States, by authority of Congress pursuant to Article I, Section 8, Paragraph 5 of the United States Constitution, and all new certificates of the United States issued by authority of Congress pursuant to Article I, Section 8, Paragraph 5 of the United States Constitution which certificates are in law and in fact redeemable on demand in silver and gold coin at their face values. The term silver and gold coin does not include any note, obligation security, bill of credit, or other form or species of paper currency or other instrument or document intended to circulate as money emitted or issued by the United States or any department, agency, or officer of it, or by the Federal Reserve System or any board, committee, member bank instrumentality, official, or agent of it.

Section 1‑11‑1130. On and after the effective date of this article, this State shall not recognize, employ, or compel any person or entity to recognize or employ anything other than silver and gold coin as a legal tender in payment of any debt arising out of:

(1) taxation by the State, where the applicable authority for the tax shall mandate the calculation and payment of it in silver and gold coin;

(2) expropriation of private property pursuant to the exercise of the power of eminent domain by the State or by any entity privileged by the laws of it to exercise this power; and

(3) judgments, decrees, or orders of any court or administrative agency of this State in civil or criminal actions or proceedings, except where and only to the extent that the court or agency granting an award shall find, on the basis of clear and convincing evidence, that payment of silver and gold coin shall not constitute just compensation for the damages suffered by the prevailing party, and therefore shall mandate:

(a) specific performance of a contract or agreement by other than the payment of money;

(b) specific restitution of identifiable property other than money, or

(c) other like relief, and contracts or agreements for the payment of wages, salaries, fees, or other monetary compensation to any person, corporation or other entity who or which shall provide goods or services to the State in aid of performance of its governmental functions.

Section 1‑1‑1140. The unit and measure for determining what shall constitute legal tender in payment of any debt specified in Section 1‑1‑1130 is the standard silver dollar, containing 371.25 grains (troy) fine silver, as coined or minted by authority of Congress from time to time pursuant to Article I, Section 8, Paragraph 5 of the United States Constitution.

Section 1‑1‑1150. The value of any silver or gold coin as legal tender in payment of any debt specified in Section 1‑1‑1130 must be denominated in ‘dollars’ calculated as follows:

(1) the value of any silver coin must be calculated by dividing the weight of fine silver in grains (troy) that the coin shall contain by 371.25 grains, and expressing the quotient in ‘dollars’;

(2) the value of any gold coin shall be calculated by multiplying the weight of fine gold in grains (troy) that the coin shall contain by the proportion by weight between silver and gold as determined by the Treasurer of the State of South Carolina by dividing the product of such multiplication by 371.25 grains, and expressing the quotient in ‘dollars’; and

(3) at the beginning of each business day, the State Treasurer shall determine the average proportion by weight by which gold exchanges against silver in the major precious metals market or markets in the State, and

(a) shall immediately make available this determination to any person upon request without charge; and

(b) shall permanently certify and record this determination.

Section 1‑1‑1160. On and after the effective date of this article the State shall denominate all public accounts, and record the value of all public assets and liabilities, in standard silver dollars.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this Act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

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