

MINUTES
Ad Hoc Rules and Procedures Committee
October 16, 2014, 1:00 p.m.
Room 516, Solomon Blatt Building

Chairman G. Murrell Smith, Jr. brought the meeting to order at approximately 1:10 p.m.

Ad Hoc Committee Members in Attendance:

Rep. G. Murrell Smith, Jr., **Chairman** (District 67 – Sumter)
Rep. Nathan Ballentine (District 71 – Richland)
Rep. Bruce W. Bannister (District 24 – Greenville)
Rep. Eric M. Bedingfield (District 28 – Greenville)
Rep. Beth E. Bernstein (District 78 – Richland)
Rep. William "Bill" Clyburn (District 82 – Aiken)
Rep. Kristopher R. "Kris" Crawford (District 63 – Florence)
Rep. Michael W. "Mike" Gambrell (District 7 – Anderson)
Rep. Donna Hicks (District 37 – Spartanburg)
Rep. Mandy Powers Norrell (District 44 – Lancaster)
Rep. David J. Mack, III (District 109 – Charleston)
Rep. Harold Mitchell, Jr. (District 31 – Spartanburg)
Rep. F. Michael "Mike" Sottile (District 112 – Charleston)
Rep. J. David Weeks (District 51 – Sumter)

Ad Hoc Committee Members Not In Attendance:

Rep. Alan D. Clemmons (District 107 – Horry)
Rep. J. Todd Rutherford (District 74 – Richland)
Rep. James E. Smith, Jr. (District 72 – Richland)

I. Introductions

Chairman G. Murrell Smith, Jr. (Chairman) welcomed committee members and audience and explained the ad hoc committee's duty to review and recommend changes to House operations, management, and Rules of procedure.

II. Ideas Suggestions to Revise House Rules & Procedures

The Chairman stated that it was his intention for the committee to consider various ideas and suggestions proposed by both ad hoc committee members, House members not appointed to the ad hoc committee, and public citizens. The Chairman asked that no votes or decisions be made on the proposals due to various ad hoc committee members being absent and stated that the committee would make decisions and vote at the next meeting later in the month. The Chairman noted that the ad hoc committee staff had received ideas/suggestions through solicitations sent out via e-mail and through website meeting announcements.

The Chairman explained that the Ad Hoc Committee will consider ideas/suggestions as presented by Mr. Charles Reid.

Proposal No. 5 - Submitted by Rep. Jay Lucas

Mr. Patrick Dennis, Chief Counsel for House Judiciary Committee, explained proposal No. 5 that would revise House Rule 4.16 concerning the procedures and operations of the House Ethics Committee. Discussion ensued.

(A Recess was ordered by the Chairman)

Proposal No. 1 - Submitted by Rep. Jay Lucas

Mr. Charles Reid, Clerk of the House & Director of Personnel, explained proposal No. 1 that would amend House Rule 4.2 to establish a new House standing committee to handle the legislative oversight functions of the Government Restructuring Act passed during the 2014 legislative session. Lengthy discussion ensued as to possible operations, structure, impact, etc. of the proposed Legislative Oversight Committee.

Proposal No. 2 and Proposal No. 3 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 2 and proposal No. 3 that would delete House Rule 4.7b and the second sentence of House Rule 9.3. It was explained that these House Rules promoted log-rolling and bob-tailing in violation of Article III, Section 17, of the South Carolina Constitution. Discussion ensued.

Proposal No. 4 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 4 that would amend House Rules 1.7 and 1.8 and establish term limits for the Speaker and Speaker Pro-Tempore. The proposed term limits would be for five consecutive terms (10 years). The proposal also established a requirement for the Speaker Pro-Tempore to perform the duties of the Speaker if a conflict of interest arose concerning the Speaker. Discussion ensued.

Proposal No. 6 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 6 that would amend House Rule 5.19 to require each bill or joint resolution be explained for a minimum of 10 minutes or until all questions are addressed, whichever occurs first prior to the bill or resolution receiving second reading. Discussion ensued.

Proposal No. 7 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 7 that would amend House Rule 5.6 to prohibit a member from making a motion for legislation "to go without reference" until after attendance roll call has been taken and a quorum of the House has been determined to be present. Discussion ensued.

Proposal No. 8 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 8 that would amend House Rule 1.9 and require the Speaker to appoint a member of the minority party to each conference committee or free conference committee after consultation with the minority party leader. Discussion ensued.

Proposal No. 9 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 9 that would insert a new House Rule 10.12 that would allow the Speaker, Speaker Pro-Tempore, committee chairmen, Sergeant-At-Arms, and Clerk to appoint the appropriate staff under their supervision with all staff appointments submitted to the Operations & Management Committee for advice and consent. Discussion ensued.

Proposal No. 10 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 10 that would insert a new House Rule 10.13 that would require the House Clerk to review employee salaries and compensation, and, upon consultation with appointing authority, submit salary and compensation adjustments to the Operations & Management Committee for advice and consent. Discussion ensued.

Proposal No. 11- Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 11 that would amend House Rules 9.1 and 5.14 to require a 48-hour waiting period before the House may consider Senate amendments to the appropriations bills and a 24-hour waiting period before the House may consider a conference or free conference report on the appropriations bills. The proposal would allow the House, upon a two thirds vote of the members present and voting, to waive the 24-hour waiting period requirement for conference reports. Discussion ensued.

Proposal No. 12 - Submitted by Rep. Eric Bedingfield

Rep. Eric Bedingfield explained proposal No. 12 to amend House Rule 4.2 to establish a new Committee on Regulations and Administrative Procedures to review all regulations submitted to the General Assembly pursuant to South Carolina Code of Laws Section 1-23-10 et seq. The proposal would require the Speaker to appoint at least two members from each of the six legislative committees to the Committee on Regulations and Administrative Procedures. Discussion ensued.

Mr. Reid stated that Mr. Don Rogers of the Greenville Tea Party had proffered to the committee roll call voting statistics as of 2012.

Proposal No. 13 - Submitted by Rep. Kris Crawford

Rep. Kris Crawford explained proposal No. 13 to add new House Rule 4.20 that would require all persons who claim to represent a group or entity and are testifying before a committee, subcommittee, or ad hoc committee of the House to submit to the committee, subcommittee, or ad hoc committee a statement containing specific information concerning the group or entity. This statement must be presented to the committee, subcommittee, or ad hoc committee prior to the meeting where the testimony is to be given, but this rule will not apply to a group/entity registered as a lobbyist principal with

the State Ethics Commission or individual testifying as to their personal opinions. Discussion ensued.

Proposal No. 14 - Submitted by Rep. G. Murrell Smith

Rep. G. Murrell Smith explained proposal No. 14 that would require roll call voting on the ultimate question of passage of a bill at the committee level. Discussion ensued.

Proposal No. 15 - Submitted by Rep. G. Murrell Smith

Rep. G. Murrell Smith explained proposal No. 15 as requiring the Speaker to commit any bill amended by the Senate that would "bob-tail" or "log-roll" legislation.

Proposal No. 16 - Submitted by Rep. James E. Smith (On Behalf of the Minority Caucus)

Mr. Charles Reid, explained that there were several subparts to proposal No. 16. Mr. Reid explained subparts (1) as amending House Rule 1.9 to allow the minority party leader to appoint one member of each conference and free conference committee. Mr. Reid explained subparts (2) and (3) as amending House Rule 4.2 to increase the membership of the Rules Committee to 16 and also increase the membership of the Operations & Management Committee to 8 with equal representation from the majority and minority parties with the respective chairmen elected from the majority party. Also creating a Legislative Oversight Committee with equal membership from the majority and minority parties and requiring a minimum number of Legislative Oversight Committee's subcommittees to be chaired by minority party members.

Rep. David Weeks explained subparts (4), (5), (6) and (7). Rep. Weeks explained that subpart (4) would provide a member who has announced candidacy for elected office, other than the House of Representatives, may not offer themselves as a candidate for nor serve as a House officer or committee chairman. Rep. Weeks explained subpart (5) as being a proposal identical to proposal No. 6 (offered by Rep. Jay Lucas) that would require an explanation of all bills and joint resolutions prior to receiving second reading. Rep. Weeks explained subpart (6) as being identical to proposal No. 7 (offered by Rep. Jay Lucas) that would prohibit bills going without reference until after attendance roll call is taken and a quorum established as being present. Rep. Weeks explained subpart (7) as being identical to a portion of proposal No. 5 (offered by Rep. Jay Lucas) to prohibit "leadership PACs" for members of the House. Rep. Weeks added that Rep. James E. Smith and the minority caucus also had proposed two other ideas for discussion but had determined that these issues dealt with financial issues that would be more appropriately addressed in the annual general appropriations process.

Mr. Charles Reid stated to the Ad Hoc Committee that several members of the House and public citizens had submitted e-mails with suggestions and ideas for the ad hoc committee. Mr. Reid stated that the following persons had submitted the corresponding suggestions/ideas (summarized):

Rep. MaryGail Douglas - increase enforcement of dress code for staff.

Rep. Shannon Erickson - consider shortening session by having committee meetings only (no session meetings) for the first 2-3 weeks of session; term limits for Speaker, Speaker Pro-Tempore, caucus leadership, and committee chairmen; setting restrictions on when candidates may announce for House office and seek commitments; clarifying dress code for pages; consider a Legislative Oversight Committee; record votes at committee level.

Rep. Raye Felder - prohibit a sitting legislator from participating in voting or campaigning for an immediate family member for legislative appointment/election; candidates for legislative appointment/election only attend events open to all candidates; introduce and refer bills by subject matter and committees to review all legislation and draft committee bill that takes the best of all ideas into one bill; zero-based budgeting; review all legislative audits and follow-up; provide more legislative staff year-round in office.

Rep. Stephen Goldfinch - prohibit introductions and/or recognitions of teams during budget week and consideration of budget vetoes.

Rep. Deborah Long - term limits for Speaker, Speaker Pro-Tempore, and committee leadership.

Rep. Phyllis Henderson - revise House Rules to require proportional representation by each political party on all standing committees.

Rep. Garry Smith - consider appointment of House committees based upon political party ration with appointments determined by the majority party leader and minority party leader; consider term limits for chairmen of committees and subcommittees (Congress has 6 years); review other states and their procedures for administration.

Rep. Eddy Southard - require meetings/session to begin promptly at scheduled time; abolish "seniority system" for committees and chairpersons; limit committee chairmen to 8 years as chair; limit members to no more than 4 years of service on W&M committee; require all questions at subcommittee, committee, caucus, and House floor to be answered in courteous and respectful manner.

Rep. Tommy Stringer - term limit Speaker and Committee Chairmen concurrently; require the Rules Committee to refer bills to committee; require House membership to elect the Rules Committee (with Speaker and committee chairs being non-voting ex officio members of the Rules Committee); create a formula for assignment of members to committee based upon seniority and party affiliation that would be overseen by the majority and minority leaders.

Rep. Bill Taylor - efficiency (adjust House Calendar to allow only committees to meet during first 6 weeks of session; have meetings begin promptly at appointed hour; shorten session through furlough weeks); create an additional committee to handle revenue issues separate and distinct from the W&M Committee; term limits for committee chairs (8 years); term limits for Speaker (8 years); term limits for committee assignments (8 years); prevent the ability of committee chairmen block legislation from consideration; allow members to appeal Speaker's reference of bills to the House Rules Committee.

Mr. Ron Tamaccio (Greenville Tea Party) - expand roll call voting to require recording of votes in standing committees and subcommittees, require those votes to be in official minutes, and make minutes available on website.

Rep. Brian White - amend House Rule 4.15 to allow House Rules to be amended by majority vote during January of first year of a two-year legislative session. Amend House Rule 5.3A to delete "Budget Division of the State Budget and Control Board" and insert "Revenue and Fiscal Affairs Office". Amend Rule 6.1.a to have the House meet every year for the first 3 weeks session at 2:00 p.m. on Wednesday to allow committees to meet and hearings to be held.

III. Adjournment

The Chairman thanked the ad hoc committee for its patience during the meeting.

At approximately 5:00 p.m., upon the motion of Rep. Bedingfield, the meeting was adjourned.