



**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL: Establish New House Standing Committee to handle legislative oversight functions of Government Restructuring Act (Department of Administration Bill).**

**RULE(S) AFFECTED: 4.2**

**DRAFT LANGUAGE:**

**4.2** As soon as practicable after the members have been sworn in and have taken their seats, the following Standing Committees, except the House of Representatives Legislative Ethics Committee, and the House of Representatives Committee on Operations and Management, shall be appointed with the indicated number of members appointed thereto:

1. Committee on Ways and Means – 25.
2. Committee on the Judiciary (Privileges and Elections) – 25.
3. Committee on Agriculture, Natural Resources and Environmental Affairs (Fish, Game, Forestry, State Parks, Rural Development, Environmental Affairs) – 18.
4. Committee on Education and Public Works (Education, Highways, State House and Grounds, Railroads, Aviation) – 18.
5. Committee on Medical, Military, Public and Municipal Affairs (Medical Affairs, Social Security, Penitentiary, State Hospital, Police Regulations, Military Affairs, Veteran’s Affairs) – 18.
6. Committee on Labor, Commerce and Industry (Labor, Commerce and Manufacturing, Banking and Insurance, Merchants and Mercantile Affairs) – 18.
7. Committee on Rules – 15.
8. Committee on Interstate Cooperation (membership limited to 5, under 1976 Code, Sec. 1-17-30) – 5.
9. Committee on Legislative Oversight (Oversight and Review of Government Operations and Accountability, SC Code of Laws Section 2-2-5 et seq.) - 20.
- ~~10.~~ 910. House of Representatives Legislative Ethics Committee – 10.
- ~~11.~~ 1011. Committee on Invitations and Memorial Resolutions (Invitations, Resolutions memorializing the Federal or State Government or any official or agency thereof, sympathy, and congratulatory Resolutions) – 5.
- ~~12.~~ 1112. Committee on Operations and Management of the House of Representatives (Advisory to the Speaker on personnel, administration and management of facilities, including management of the Blatt Building) – 7.

Each member shall serve on one and only one of the first six Standing Committees listed above. However, a member of these Committees may also serve on any one of the following Committees: Committee on Legislative Oversight, Committee on Rules, Committee on Interstate Cooperation, Committee on Ethics, Committee on Invitations, or Committee on Operations and Management of the House of Representatives. The Speaker, Speaker *Pro Tempore*, and Clerk shall serve as *ex officio* members of the Committee on Operations and Management of the House of Representatives but no chairman of any other standing committee shall serve as a member of such committee.

*Provided*, that the members of the Committee on Operations and Management of the House of Representatives (advisory to the Speaker on personnel, administration and management of facilities), and the members of the House of Representatives Legislative Ethics Committee, shall be elected by the members of the South Carolina House of Representatives, their terms to be coterminous with their respective term of office.

*Provided*, that the Committee on Education and Public Works shall be deemed to be the Committee on Education, and the Committee on Medical, Military, Public and Municipal Affairs shall be deemed to be the Committee on Military Affairs and the Committee on Medical Affairs, in all cases where the statutes provide for the Chairman of these committees to perform *ex officio* duties.

*Provided*, that the Committee on Operations and Management of the House of Representatives with the consent of the Speaker may formulate such policies as it deems advisable relating to House personnel. Such policies shall be distributed to the members and must be adopted by majority vote of the House by House Resolution.

*Provided*, that except as herein provided neither the Speaker nor Speaker *Pro Tempore* shall be a member of any of the foregoing Standing Committees.

No member shall be appointed on a committee before he has been sworn in and has taken his seat. Any member who is sworn in after the general announcement of the committee shall, within a few days afterward, be placed by the Speaker on a Standing Committee whose number of members will not thereby be extended beyond the number provided in these rules.

After a committee has been appointed, no addition to it or change shall be made, except to fill a vacancy or to remove a member for conduct unbecoming a member.

*Provided*, that in filling a vacancy, the assignment of any member may be changed from another committee to fill such vacancy.



**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL: Abolish Rule 4.7.b that allows committees to bob-tail legislation in violation of the one-subject Rule of Article III, Section 17, of the SC Constitution**

**RULE(S) AFFECTED: 4.7.b**

**DRAFT LANGUAGE:**

~~4.7.b. When reporting a Senate bill as favorable, the committee may include in its report an amendment identical to the final version of any House bill that has been referred to that committee and passed by the House during the current two-year session. If the amendment is identical to a previously passed House bill, the amendment must be considered germane to the bill.~~

**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL: Abolish second sentence of Rule 9.3 that allows committees to bob-tail legislation violation of the one-subject Rule of Article III, Section 17 of the SC Constitution**

**RULE(S) AFFECTED: 9.3**

**DRAFT LANGUAGE:**

"9.3 No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment unless it refers to the intent of the motion or proposition under consideration. ~~Provided, that nothing in this rule shall prevent a committee from amending and favorably reporting a Senate bill with an amendment identical to the final version of a House bill that was referred to that committee and passed by the House during the current two-year session.~~ *Provided,* further, that nothing shall prevent the adoption of an amendment which rewrites the bill in its entirety if the bill as rewritten remains germane to the original title of the bill. *Provided,* further, that in determining whether or not any amendment be germane, the Speaker of the House of Representatives shall be guided by precedents of the House of Representatives to the extent available.

**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL:** Establish Terms Limits for Speaker and Speaker Pro-Tempore (5 consecutive terms). Require Speaker Pro-Tempore to perform duties of Speaker when a conflict of interest arises concerning the Speaker.

**RULE(S) AFFECTED: 1.7, 1.8**

**DRAFT LANGUAGE:**

Amend Rule 1.7 to provide term limits for Speaker (5 consecutive terms).

4a

"1.7. The Speaker shall be elected on the opening day of the organizational session by the membership of the House. Pursuant to this rule a person elected Speaker may not serve more than five consecutive terms in that office."

Amend Rule 1.8 to provide that the Speaker Pro-Tempore shall, in the case of a conflict of interest involving the Speaker, perform the duties of the Speaker and to provide term limits for Speaker Pro-Tempore (5 consecutive terms).

4b

4. b(i)

"1.8. The Speaker *Pro Tempore* shall be elected on the opening day of the organizational session. ~~The Speaker Pro Tempore shall preside in the absence of the Speaker. and shall preside in the absence of the Speaker.~~ If a conflict of interest arises involving Speaker and the performance of his duties the Speaker Pro-Tempore shall perform the duties of the Speaker to the extent that the conflict of interest exists.

4. b(ii)

Furthermore, pursuant to this rule a person elected Speaker Pro-Tempore may not serve more than five consecutive terms in that office. *Provided*, the Speaker or the Speaker *Pro Tempore*, whoever may be presiding at the time, may name a member to preside, but such substitution shall not extend beyond an adjournment. In the absence of the Speaker and the Speaker *Pro Tempore* for more than one day, the House may elect a Speaker *Pro Tempore* to serve until the return of the Speaker or Speaker *Pro Tempore*. When the Speaker *Pro Tempore* is absent for more than three consecutive statewide legislative days, the House of Representatives may elect an acting Speaker *Pro Tempore* who shall serve until the return of the Speaker *Pro Tempore*. The acting Speaker *Pro Tempore* may continue to serve on any committee to which he has been appointed.

**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL: Review and Revise Ethics Committee Procedures under Rule 4.16. Prohibit PACs controlled by House members and prohibit House members from accepting contributions from such PACs.**

**RULE(S) AFFECTED: 4.16**

**DRAFT LANGUAGE:**

4.16 A. The House of Representatives Legislative Ethics Committee ("Committee") consists of ten (10) members. The ten members of the Committee shall be elected by the members of the House. Five members of the Committee shall be members of the majority party represented in the House of Representatives and five members shall be members of the minority party represented in the House of Representatives or be nonaffiliated with any party or another party not in the majority. The Chairman of the Committee shall be one of the five members of the Committee from the majority party represented in the House to be elected by the members of the Committee. Other Committee officers are not required to be affiliated with a particular party and shall be elected by members of the Committee as well.

~~The Committee has the following powers and duties:~~

~~(1)(a) to receive complaints or charges concerning conduct alleged to be unethical from any citizen of this State or member of the House against:~~

- ~~(i) House members;~~
- ~~(ii) former House members, provided the allegations are related to the former member's service in the House;~~
- ~~(iii) candidates for the House;~~
- ~~(iv) former candidates for the House, provided the allegations are related to the former candidate's bid for the House;~~
- ~~(v) officers and employees of the House;~~
- ~~(vi) staff and independent contractors of a House legislative caucus Committee.~~

~~Only sworn written complaints or charges may be considered;~~

~~(b) to file a complaint upon concurrence of at least four members of the House Ethics Committee when alleged violations are identified;~~

~~(c) for purposes of this Rule, unethical conduct may include, but is not limited to, a:~~

- ~~(i) violation of Chapter 13, Title 8;~~
- ~~(ii) violation of Chapter 17, Title 2; or~~
- ~~(iii) breach of this Rule by a person designated in a.(1)(a) above or as designated by statute;~~

~~(2) to investigate these complaints and charges and, if warranted, to report the results of these investigations to the House with recommendations for further appropriate action as authorized by law;~~

~~(3) upon request of any member, officer, or employee of the House to render advisory opinions with regard to legislative ethics when, in their judgment, these opinions would serve the public interest, and to act as an advisory body to the House and to individual members of or candidates for the House on questions pertaining to the disclosure and filing requirements;~~

~~(4) to make available annually to the House a compilation of the principles provided in advisory opinions rendered;~~

~~(5) to administer or recommend appropriate sanctions or dismiss charges;~~

~~— (6) to ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of Chapter 13, Title 8 and promptly notify the person to file the necessary notices and reports to satisfy the requirements; and~~

~~— (7) to recommend a rule or statutory change relating to ethics as the Committee deems appropriate.~~

~~— b. All papers, documents, complaints, charges, requests for advisory opinions, and any other material required to be filed with or received by the Committee are strictly confidential prior to a finding of probable cause, or a waiver of confidentiality by the respondent. No persons involved with a complaint before the Committee, including complainant, respondent, counsel, counsel's secretaries, Committee members and staff, and investigators shall mention the existence of any proceeding nor disclose any information pertaining to it, unless otherwise permitted by the Rules. Disclosure of confidential information must be punished in a manner provided by the Ethics, Government Accountability, and Campaign Reform Act. If the House Ethics Committee finds that a person has violated the provisions of this subsection, it must report its findings to the Attorney General.~~

~~— c. Information that must be made public following a finding of probable cause or waiver of confidentiality by the respondent is: — (1) the complaint;~~

~~— (2) the response by the respondent;~~

~~— (3) any exhibits introduced at a public hearing, subject to redaction of information of a personal nature when public disclosure would constitute unreasonable invasion of personal privacy; and~~

~~— (4) the final order issued by the Committee.~~

~~— d. All investigations, inquiries, hearings and accompanying documents must remain strictly confidential until a finding of probable cause, unless the respondent waives the right to confidentiality.~~

~~— (1) A certified copy of the sworn statement of charges against the respondent must be given to him or her within ten days of the time the statement of charges is received by the Chairman of the Ethics Committee. The respondent has the right to file a response to the complaint within fifteen calendar days after receipt of the complaint and to face and cross-examine his accusers and the witnesses against him at any hearing called by the Ethics Committee. All hearings following a finding of probable cause must be conducted in open session. The Ethics Committee must call a hearing if a majority of the membership of the Ethics Committee feels that the charges have merit or if the respondent formally requests a hearing.~~

~~— (2) No complaint may be accepted by the Ethics Committee concerning a member or candidate for the House during the fifty-day period before an election in which the member or candidate is participating. During this fifty-day time period, a person may petition the court of common pleas alleging the violations complained of pursuant to the provisions of Section 8-13-530. Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the Ethics Committee at least thirty days before the election must be postponed until after the election.~~

~~— (3) If the Ethics Committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the Ethics Committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. If the Ethics Committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers. The subpoena must be signed by the Chairman of the House Ethics Committee.~~

~~— (4) No complaint shall be accepted which is filed later than four years after the violation is alleged to have occurred.~~

~~— e. All ethics Committee investigations and records relating to the preliminary investigation are confidential unless otherwise permitted by the Rules.~~

~~— (1) If the Ethics Committee finds that probable cause exists to support an alleged violation after a preliminary investigation, as appropriate, it shall:~~

~~— (a) render an advisory opinion to the respondent and require the respondent's compliance within a reasonable time; or~~

~~— (b) convene a formal hearing on the matter.~~

~~— (2) If the Ethics Committee renders an advisory opinion and the respondent fails to comply, the Committee must convene a formal hearing on the matter within thirty days of the respondent's failure to comply.~~

~~— (3) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the Ethics Committee's possession relating to the charges. The Committee must establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross examine opposing witnesses. All hearings must be conducted in open session.~~

~~— (4) After the hearing, the Ethics Committee shall determine its findings of fact. If the Committee, based on competent and substantial evidence, finds the respondent has violated Chapter 13, Title 8, or Chapter 17, Title 2, or violated this Rule, it shall:~~

~~— (a) administer a public reprimand;~~

~~— (b) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;~~

~~— (c) require the forfeiture of gifts, receipts, or profits, or the value of them, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;~~

~~— (d) recommend expulsion of the member;~~

~~— (e) in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation; or~~

~~— (f) require a combination of subitems (a) through (e), as necessary and appropriate.~~

~~— If the Ethics Committee finds the respondent has not violated a statutory provision or Rule or engaged in unethical behavior, it shall dismiss the charges.~~

~~— (5) The Ethics Committee shall report its findings in writing to the Speaker of the House. If the Committee finds a violation of a statutory provision or Rule or finds unethical behavior, the report must be accompanied by an order of punishment that is supported and signed by a majority of the Ethics Committee members.~~

~~— (6) The respondent has ten calendar days from the date of the notification of the Ethics Committee's action to appeal the action to the full House.~~

~~— (7) No Ethics Committee member may participate in any matter in which he is involved as a respondent.~~

~~— (8) Upon receipt of a recommendation of expulsion or an appeal from an order of the Ethics Committee, the Speaker of the House shall call the House into open session at a time to be determined at his discretion to consider the action of the Ethics Committee. The House shall either sustain or overrule the Ethics Committee's action or order other action consistent with these Rules as otherwise permitted by statute. The consideration and results of a House Ethics Committee report are a matter of public record.~~

~~— (9) No member may vote on the question of his expulsion from the House.~~

~~— (10) Failure to fully comply with a final ethics order is a separate violation that may be considered by the Ethics Committee.~~

~~— f. If the House Ethics Committee finds the respondent has failed to file or was late in filing a required statement of economic interest or campaign disclosure report, the House Ethics Committee must order the respondent to pay a fine according to the provisions in Section 8-13-1510.~~



~~—g. The House Ethics Committee may, in its discretion, determine that errors or omissions on statements of economic interests and campaign disclosure reports are inadvertent and unintentional and not an effort to violate a requirement of Chapter 13, Title 8 and may be handled as technical violations not subject to the provisions of Chapter 13, Title 8 pertaining to ethical violations. The House Ethics Committee may assess a penalty for technical violations not exceeding fifty dollars.~~

~~—h. The Speaker of the House, and the House Ethics Committee on behalf of the entire House, may receive:~~

~~— (1) certified copies of any indictment or information for a felony or offense against the election laws filed or returned against any member of the House;~~

~~— (2) certified copies of any plea of guilty or nolo contendere to the felony entered by any member of the House;~~

~~— (3) certified copies of any conviction of a member for a felony; and~~

~~— (4) certified copies of any opinion, order, or judgment of any court, state or federal, trial or appellate, relating to any of the aforementioned matters.~~

## B. Jurisdiction

1. The Committee shall have jurisdiction over individuals and entities pursuant to Chapter 13 of Title 8 of the South Carolina Code of Laws.

2. No matter shall be considered later than four years after the violation allegedly occurred.

3. No complaint may be accepted by the Ethics Committee concerning a member of or candidate for the House during the fifty-day period before an election in which the member or candidate is participating.

## C. Duties

The Committee shall:

1. receive complaints or allegations concerning any person under the jurisdiction of the committee alleging a violation of Chapter 13 of Title 8 or Chapter 17 of Title 2;

2. upon a majority vote of the members of the Committee initiate a complaint concerning any person under the jurisdiction of the committee alleging a violation of Chapter 13 of Title 8 or Chapter 17 of Title 2;

3. cause to be investigated these complaints or allegations;

4. upon request of any member, officer, or employee of the House render Committee advisory opinions with regard to legislative ethics when, in its judgment, these opinions would serve the public interest. Such advisory opinions shall serve as binding precedent for the Committee until specifically altered or withdrawn;

5. act as an advisory body to the House and to individual members of or candidates for the House on questions pertaining Chapter 13, Title 8 or Chapter, Title 2;

6. issue through its staff a written informal advisory opinion, based on real or hypothetical sets of circumstances, to a person or entity within the Committee's jurisdiction upon that person's or entity's request. If an informal advisory opinion is raised as a defense in response to a complaint, the Committee shall consider whether the respondent is the person who requested the informal advisory opinion or is a member of the entity that requested the informal opinion. The Committee shall also consider the accuracy of the facts presented in the informal advisory opinion and determine whether the respondent relied in good faith upon the written informal advisory opinion. The Committee shall consider this information prior to making a probable cause determination;

7. administer or recommend appropriate sanctions or dismiss charges as the result of a properly filed complaint;

8. ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of Chapter 13, Title 8 and promptly notify the person to file the necessary disclosures to satisfy the requirements and assess and collect any fines or fees authorized by state law for the failure to timely file a disclosure statement; and
9. recommend a rule or statutory change relating to ethics as the Committee deems appropriate.

#### D. Complaints and Investigations

1. Complaints must be written, sworn and contain allegations of specific conduct believed to be a violation within the jurisdiction of the Committee.
2. When a complaint is filed with or by the Committee, a copy must be sent to the person alleged to have committed the violation (the respondent), within thirty days from the date the complaint was filed and prior to the initiation of any investigation.
3. If the Committee determines that the complaint alleges facts sufficient to constitute a violation, an investigation shall be conducted into the alleged, violation;
4. upon the initiation of an investigation by the committee, pursuant to 4.16(D)(3) the committee shall notify the respondent of what matters it intends to investigate and the respondent shall have the opportunity to submit a written response to any complaint or allegations being investigated within 30 days of being notified by the committee;
5. The Committee may compel testimony and issue subpoenas for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to its investigation by approval of the chairman or a majority of the Committee membership, subject to judicial enforcement as provided by law. The Committee may administer oaths and affirmation for the testimony. A person to whom a subpoena has been issued may move before the Committee for an order quashing a subpoena issued pursuant to this rule.
6. If the Committee determines that assistance is needed in conducting an investigation, the Committee shall request the assistance of appropriate agencies;
7. Upon completion of the Committee's investigation, the Committee shall make a determination as to whether there is probable cause to believe a violation under its jurisdiction has occurred. If the Committee determines that there is no probable cause it shall dismiss the complaint. If probable cause is found the Committee may either:
  - \_\_\_\_\_ (a) render an advisory opinion to the respondent and require the respondent's compliance within a reasonable time; or
  - \_\_\_\_\_ (b) convene a formal public hearing on the matter within thirty days.
8. The Committee shall refer any matters, regardless of a finding of probable cause, that are violations of law not under its jurisdiction to the appropriate law enforcement or regulatory agency.

#### E. Formal Public Hearings

- 1.-All formal public hearings of the Committee must be open to the public subject to the provisions of Freedom of Information Act (Title 30, Chapter 4 of the 1976 Code of Laws, as amended).
2. The investigator or attorney handling the investigation for the Committee shall present the evidence related to the complaint at any public hearing and shall not serve as counsel to the Committee during the hearing;
3. It is the duty of the investigator or attorney to further investigate the subject of the complaint and any related matters under the jurisdiction and at the direction of the Committee, to request assistance from appropriate state agencies as needed, to request authorization from the House of Representatives for funds for the hiring of auditors, investigators, or other assistance as necessary, to prepare

subpoenas, and to present evidence to the Committee at any public hearing. The Committee shall maintain the authority to approve subpoenas, dismiss complaints, schedule hearings, grant continuances, and any other authority as provided for by the rules;

4. The respondent must be allowed to examine and make copies of all evidence in the Committee's possession relating to the charges. At the hearing the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. The Committee shall issue subpoenas for the attendance of witnesses requested by the respondent pursuant to these rules.

5. The Committee may deliberate in executive session but must render its findings of fact and issue any sanctions in a public hearing.

#### F. Sanctions.

If the Committee, finds the respondent has committed a violation within the Committee's jurisdiction, it shall:

(1) administer a public reprimand;

(2) determine that a technical violation as provided for in Section 8-13-1170 or 8-13-1372 has occurred;

(3) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;

(4) require the forfeiture of gifts, receipts, or profits, or the value of each, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;

(5) recommend expulsion of the member;

(6) provide a copy of the complaint and accompanying materials to the Attorney General if the Committee finds that there is probable cause to support the existence of criminal intent on the part of the respondent when the violation occurred;

(7) require a combination of items (1) through (6) as necessary and appropriate.

(b) The Committee shall report its findings in writing to the Speaker of the House of Representatives. The report must be accompanied by an order of punishment and supported and signed by a majority of the ethics Committee members. If the Committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.

(D) The complainant or respondent has ten days from the date of the notification of the Committee's action to appeal the action to the full legislative body by written notice to the Speaker of the House.

#### G. Confidentiality

1. All investigations and accompanying documents are confidential and only may be released pursuant to this rule

2. The respondent or their counsel may, by written notice, waive the confidentiality requirement. The Committee shall not accept any partial waivers.

3. After a finding of probable cause by a majority of the Committee or a waiver by the respondent, the following documents become public record: the complaint, the response by the respondent, the notice of hearing, exhibits introduced at a hearing, the Committee's findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy, including but not limited to social security and bank account numbers.

## H. General Provisions

1. Unless otherwise indicated by rule or statute, all meetings, deliberations, actions, issuance of advisory opinions, debates, recommendations and other activities of the Committee are subject to the provisions of the Freedom of Information Act (Title 30, Chapter 4 of the 1976 Code of Laws, amended).

2. In an instance where the statutory process of amending a required disclosure form cannot adequately correct an error or omission contained in the form, persons subject to the jurisdiction of the Committee may request that the Committee correct the original filing electronically. All requests must be made to the Committee in writing, containing the specific error or omission to be corrected and an explanation as to why the statutory amendment process is not adequate. The request is considered public and must be supported by a vote of a majority of the Committee to be carried out. The Committee will maintain a record of requests made and changes made for no less than five years.

3. (a) Notwithstanding Section 8-13-1340, a member of the House shall not, directly or indirectly, establish, finance, maintain, or control any entity, including but not limited to a noncandidate Committee, that receives or makes contributions as defined in 8-13-1300. This rule does not apply to a candidate Committee or a legislative caucus Committee.

(b) No member of the House may accept a contribution or in kind contribution from any committee or noncandidate committee, as defined in 8-13-1300, which is directly or indirectly, established, financed, maintained, or controlled by any member of or candidate for the House of Representatives or an immediate family member of any member of or candidate for the House of representatives.

4. The Clerk of the House shall, in consultation with the Chairman of the Ethics Committee, cause to be employed by the House of Representatives, counsel exclusively for the purpose of providing legal advice and counsel to the Ethics Committee. Counsel employed for this purpose shall not be employed by or with any office within the House of Representatives other than the office of the Clerk of the House.



**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL: Amend House Rules to require all bills and joint resolutions, prior to receiving second reading, must be explained a minimum 10 minutes or until all member questions are addressed - whichever comes first. The committee chairman who handled the bill, the committee chairman's designee, sponsor(s) of a bill or joint resolution, and other members may jointly explain the bill in order to provide the required explanation.**

**RULE(S) AFFECTED: 5.19**

**DRAFT LANGUAGE:**

"5.19 a. No member shall speak more than twice on the main question of a bill or resolution being considered for any reading and not longer than sixty minutes for the first speech nor longer than thirty minutes for the second speech, unless allowed to do so by the affirmative vote of a majority of the members present and voting. No member shall speak more than twice upon an amendment or a motion to reconsider that is debatable and then not longer than ten minutes each time. However, if the previous question has been invoked, no member may speak more than twice on a motion to reconsider that is debatable and then not longer than the amount of time remaining for debate of the underlying motion; *provided*, that proposed amendments announced and introduced by the Reading Clerk shall be considered prior to a member speaking on the bill. No member shall speak more than twice on Senate amendments to a House bill and not longer than sixty minutes for the first speech nor longer than thirty minutes for the second speech, unless allowed to do so by the affirmative vote of a majority of the members present and voting. The House may, however, by consent of a majority of the members present and voting suspend the operation of this rule during any debate on any particular question before the House.

*Provided*, each bill or joint resolution, prior to receiving second reading, must be explained for a minimum of ten minutes or until all questions from House members are addressed, whichever occurs first. The committee chairman to which a bill or joint resolution was referred, the committee chairman's designee, the sponsor(s) of the bill or joint resolution, and other members of the House may jointly explain the bill or joint resolution in order to provide the required explanation.

b. Subsection (a) of this rule shall be applicable on a section-by-section basis on debate upon the General Appropriations Bill, the Supplemental Appropriations Bill, or the bond bills but shall not apply to bills on reapportionment.

c. The question of granting Free Conference Powers shall require an affirmative vote of two-thirds of the membership of the House and is not debatable. No member shall speak more than twice on the question of adoption of a Conference or Free Conference Report and not longer than sixty minutes for the first speech nor longer than thirty minutes for the second speech, unless allowed to do so by the affirmative vote of a majority of the members present and voting. When the pending question is adoption of a Conference or Free Conference Report, the yeas and nays must be taken by roll call and the votes on it must be recorded by name in the Journal. Furthermore, the question of adoption of a Conference or Free Conference Report is subject to the provisions of Rule 8.6."



**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL: Amend House Rules to prohibit a member from requesting that a bill go without reference to a committee unless an attendance roll call has been taken and quorum of the House has been determined to be present.**

**RULE(S) AFFECTED: 5.6**

**DRAFT LANGUAGE:**

"5.6 Except as provided in subsection 5.1, the first reading of the bill shall be by title only. No amendments shall then be in order and the bill shall be referred to some committee, unless the House unanimously agrees, without debate, to dispense with reference. Provided, a request to dispense with reference to committee shall not be in order unless the call of the roll of the House has been taken that day and the Speaker has determined a quorum to be present."

8

**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL: Amend House Rules to require the Speaker to appoint one member of the minority political party represented in the House to a conference or free conference committee upon consultation with the minority party leader.**

**RULE(S) AFFECTED: 1.9**

**DRAFT LANGUAGE:**

"1.9 All committees shall be appointed by the Speaker, unless otherwise provided for by rule or by law, except Senatorial and Gubernatorial appointees and *ex officio* members of the House. The Speaker shall name the members constituting each committee in alphabetical order. The Chairman shall be elected by the respective committees during the organizational session. If any subsequent vacancy shall occur in a committee's chairmanship, the election of a new committee chairman shall take place at the time and date to be set by the presiding officer of the respective committee. The committees may at their discretion elect a Vice-Chairman and such other officers as they may choose.

Provided, when appointing members to a Committee on Conference or Free Conference, the Speaker shall consult with the minority party leader and appoint at least one member of the minority political party represented in the House.

9

**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL: Revises House employment procedures to allow appropriate authorities to hire staff subject to the review and approval (advice and consent) of the Operations and Management Committee.**

**RULE(S) AFFECTED: New Rule 10.12**

**DRAFT LANGUAGE:**

**(Insert New Rule 10.12)**

"10.12. The Speaker of the House and the Speaker Pro-Tempore shall appoint the staff personnel of their respective offices. The Committee Chairman shall appoint the staff personnel of their respective committees, and the Sergeant-At-Arms shall appoint Assistant Sergeant-At-Arms and security personnel necessary for the proper performance of the Sergeant-At-Arms office. The Clerk shall appoint administrative and clerical staff of the House necessary for the proper operation of the Clerk's office and the general administrative and clerical needs of the House. *Provided*, all appointments of staff personnel for the aforementioned offices must be submitted to the Operations & Management Committee for their advice and consent."



**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL: House Staff salaries reviewed by House Clerk and upon consultation with the appointing authorities any salary and compensation adjustments are submitted to the Operations and Management Committee for review and approval (advice and consent).**

**RULE(S) AFFECTED: New Rule 10.13**

**(Insert New Rule 10.13)**

"10.13. The Clerk shall conduct reviews of employee salaries and compensation and shall, upon consultation with the respective employee's appointing authority, submit any salary and compensation adjustments to the Committee on Operations and Management for their advice and consent."



**REPRESENTATIVE: Speaker Pro-Tempore Jay Lucas**

**PROPOSAL:** Establish waiting periods at various stages of budget process (48 hours for Senate amendments to budget; 24 hours for conference/free conference report);

**RULE(S) AFFECTED: 9.1, 5.14**

**DRAFT LANGUAGE:**

**Amend House Rule 9.1 to require all that General Appropriations Bills, Supplemental Appropriations Bills for the ordinary expenses of State Government, and legislation appropriating the Capital Reserve Fund returned from the Senate with amendments shall have their bill number and title printed in the House Calendar and contents, as amended, made available online to the public for at least forty-eight hours prior to consideration under Senate Amendments.**

**9.1** A bill which originated in the House, or which, having originated in the Senate and having been amended by the House, shall be returned from the Senate with amendments, such bill as amended shall be printed, placed on the House Calendar, and shall not be considered until its number and title shall have been printed in the House Calendar for at least one statewide day prior to such reading. *Provided*, however, that this requirement shall not apply to local bills; nor shall this requirement apply to bills returned from the Senate with amendments during any extension of the session under Section 2-1-180 of the Code of Laws of South Carolina, 1976, or to bills returned from the Senate with amendments during an extra session pursuant to Article IV, Section 19 of the South Carolina Constitution.

The General Appropriations Bill, Supplemental Appropriations Bill for the ordinary expenses of State Government, and legislation appropriating the Capital Reserve Fund, having been returned from the Senate with amendments, shall not be considered until (1) their number and title shall have been printed in the House Calendar; and (2) their contents, as amended, have been made available online to the public for at least forty-eight hours.

The consideration of amendments shall have precedence over a motion to either concur or nonconcur in the Senate amendments. Once the matter is amended and all pending amendments are considered, then said bill is returned to the Senate for consideration.

If no amendments have been adopted by the House then the question shall be: 'Will the House agree to the Senate amendment?' A decision in the negative shall be a rejection. Upon a decision in the affirmative, the title of the bill shall be changed to an act and ordered to be enrolled.

**Amend House Rule 5.14 to require that conference and free conference reports concerning General Appropriations Bills, Supplemental Appropriations Bills for the ordinary expenses of State Government, and bills appropriating the Capital Reserve Fund must be printed in the House Journal and the contents of the reports made available online to the public for at least twenty-four hours prior to being considered by the House. Also provides a "safety valve" that can be used in extreme cases where time restraints call for earlier consideration of the budget conference report. Under these urgent situations a 2/3 vote of the body can waive the 24 hour requirement.**

**5.14** No report of a Committee on Conference or Free Conference, except on a *Sine Die* Resolution, the General Appropriations Bill, the Supplemental Appropriations Bill, the Capital Reserve Fund, or local

matters, shall be considered until such report has been printed in the House Journal and explained by the conferees on the floor of the House.

Provided, no report of a Committee on Conference or Free Conference concerning the General Appropriations Bills, Supplemental Appropriations Bills for the ordinary expenses of State Government, or legislation appropriating the Capital Reserve Fund, shall be considered until such report has been (1) printed in the House Journal; and, (2) made available online to the public for at least twenty-four hours. The provisions of this paragraph may be specifically dispensed with by a two-thirds vote of the members present and voting of the House, a quorum being present.

**EPRESENTATIVE:Rep. Eric Bedingfield**

**PROPOSAL: Establish a new House standing Committee on Regulations and Administrative Procedures to review all regulations proposed by state agencies, and to requires that at least two members from each of the six legislative committees be appointed to the Committee on Regulations and Administrative Procedures.**

**RULE(S) AFFECTED: 4.2**

**DRAFT LANGUAGE:**

**4.2** As soon as practicable after the members have been sworn in and have taken their seats, the following Standing Committees, except the House of Representatives Legislative Ethics Committee, and the House of Representatives Committee on Operations and Management, shall be appointed with the indicated number of members appointed thereto:

1. Committee on Ways and Means – 25.
2. Committee on the Judiciary (Privileges and Elections) – 25.
3. Committee on Agriculture, Natural Resources and Environmental Affairs (Fish, Game, Forestry, State Parks, Rural Development, Environmental Affairs) – 18.
4. Committee on Education and Public Works (Education, Highways, State House and Grounds, Railroads, Aviation) – 18.
5. Committee on Medical, Military, Public and Municipal Affairs (Medical Affairs, Social Security, Penitentiary, State Hospital, Police Regulations, Military Affairs, Veteran’s Affairs) – 18.
6. Committee on Labor, Commerce and Industry (Labor, Commerce and Manufacturing, Banking and Insurance, Merchants and Mercantile Affairs) – 18.
7. Committee on Rules – 15.
8. Committee on Interstate Cooperation (membership limited to 5, under 1976 Code, Sec. 1-17-30) – 5.
9. Committee on Regulations and Administrative Procedures (State Agency Rule Making, SC Code of Laws Section 1-23-10 et seq.) - 13.
- 9~~10~~. House of Representatives Legislative Ethics Committee – 10.
- ~~10~~11. Committee on Invitations and Memorial Resolutions (Invitations, Resolutions memorializing the Federal or State Government or any official or agency thereof, sympathy, and congratulatory Resolutions) – 5.

412. Committee on Operations and Management of the House of Representatives (Advisory to the Speaker on personnel, administration and management of facilities, including management of the Blatt Building) – 7.

Each member shall serve on one and only one of the first six Standing Committees listed above. However, a member of these Committees may also serve on any one of the following Committees: Committee on Rules, Committee on Regulations and Administrative Procedures, Committee on Interstate Cooperation, Committee on Ethics, Committee on Invitations, or Committee on Operations and Management of the House of Representatives. The Speaker, Speaker *Pro Tempore*, and Clerk shall serve as *ex officio* members of the Committee on Operations and Management of the House of Representatives but no chairman of any other standing committee shall serve as a member of such committee.

Provided, that at minimum of two members from each of the first six Standing Committees listed above shall be appointed to the Committee on Regulations and Administrative Procedures.

*Provided*, that the members of the Committee on Operations and Management of the House of Representatives (advisory to the Speaker on personnel, administration and management of facilities), and the members of the House of Representatives Legislative Ethics Committee, shall be elected by the members of the South Carolina House of Representatives, their terms to be coterminous with their respective term of office.

*Provided*, that the Committee on Education and Public Works shall be deemed to be the Committee on Education, and the Committee on Medical, Military, Public and Municipal Affairs shall be deemed to be the Committee on Military Affairs and the Committee on Medical Affairs, in all cases where the statutes provide for the Chairman of these committees to perform *ex officio* duties.

*Provided*, that the Committee on Operations and Management of the House of Representatives with the consent of the Speaker may formulate such policies as it deems advisable relating to House personnel. Such policies shall be distributed to the members and must be adopted by majority vote of the House by House Resolution.

*Provided*, that except as herein provided neither the Speaker nor Speaker *Pro Tempore* shall be a member of any of the foregoing Standing Committees.

No member shall be appointed on a committee before he has been sworn in and has taken his seat. Any member who is sworn in after the general announcement of the committee shall, within a few days afterward, be placed by the Speaker on a Standing Committee whose number of members will not thereby be extended beyond the number provided in these rules.

After a committee has been appointed, no addition to it or change shall be made, except to fill a vacancy or to remove a member for conduct unbecoming a member.

*Provided*, that in filling a vacancy, the assignment of any member may be changed from another committee to fill such vacancy.

**REPRESENTATIVE: Rep. Kris Crawford**

**PROPOSAL:** To 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 signed and notarized 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 shall be given. This rule will not apply to a group/entity already registered as a lobbyist principal with the State Ethics Commission or individuals testifying as to their personal opinions.

**RULE(S) AFFECTED:** Add new Rule 4.20

**DRAFT LANGUAGE:**

4.20 All persons who claim to represent a group or entity (group/entity) and present themselves to testify before a committee, subcommittee, or ad hoc committee of the House must submit to the committee, subcommittee, or ad hoc committee a signed statement concerning the group/entity they represent. The committee, subcommittee, or ad hoc committee shall include the statement in the meeting minutes.

The statement must be submitted on a form prescribed by the Clerk's Office and be signed by the person claiming to testify on behalf of the group/entity listed on the form. The form must contain full and complete information concerning:

- A. the name, address, and workplace telephone of the group/entity;
- B. the date the group/entity was organized;
- C. a summary of the purpose of the group/entity;
- D. the name and address of a corporation, or an organization that sponsors the group/entity or is affiliated with the group/entity;
- E. the full name, address, telephone number, occupation, and principal place of business of the chairman or chief officer of the group/entity;
- F. the names and occupations of persons who comprise the board of directors, steering committee, or principal leadership of the group/entity;
- G. the source, type, and amount of donations and or contributions received by the group entity within the preceding twelve months; and,
- H. the name and address of each person, business, corporation, or entity making a conation or contribution to the group/entity and the amount and date of receipt of each donation or contribution.

Provided, this rule shall not apply to persons representing a group/entity registered with the South Carolina State Ethics Commission as a lobbyist principal. Provided further, this rule shall not apply to individuals testifying on their own behalf and presenting their personal views and opinions.

**REPRESENTATIVE:** Rep. G. Murrell Smith

**PROPOSAL:** Add House Rule 4.20 to require Committees to have a roll call vote, with the yeas and nays recorded in the committee minutes, on the question of whether to give the bill or joint resolution a favorable report to the House.

**RULE(S) AFFECTED:** 4.20

**DRAFT LANGUAGE:**

"4.20 Committees shall order a roll call vote, with the yeas and nays recorded in the committee minutes, on the question of adopting a bill or joint resolution with a favorable report."

REPRESENTATIVE: Rep. G. Murrell Smith

PROPOSAL: To require Speaker to commit any legislation that the Senate has returned to the House with an amendment that has so materially changed the legislation that the legislation is no longer substantially germane to the legislation as it originally passed the House.

RULE(S) AFFECTED: 4.8

DRAFT LANGUAGE:

" 4.8 Any bill, report, petition, or other paper except an amendment which may come before the House, may be committed or recommitted before a final decision thereon. *Provided*, further that the Speaker ~~may, in his discretion,~~ shall commit to a committee any bill, joint resolution, or concurrent resolution returned from the Senate with an amendment that has so materially changed the bill that the bill's contents, as amended by the Senate, are no longer substantially germane to the bill, joint resolution, or concurrent resolution as it passed the House. Such bill, joint resolution, or concurrent resolution may be reported out of the committee with its recommendation and shall be placed on the Calendar under the heading of second reading or concurrent resolution. If not amended, it shall be enrolled as an act and ratified. If said bill, joint resolution, or concurrent resolution shall be amended, it shall be returned to the Senate at the conclusion of the process as a House amendment.

Per committee instruction the staff is to insert appropriate language to allow House, by a 2/3 vote of body, to overrule this action. CER 10/30/14



16-a

**REPRESENTATIVE: Rep. J.E. Smith (on behalf of Minority Caucus)**

**PROPOSAL:**

**RULE(S) AFFECTED: 1.9**

**DRAFT LANGUAGE:**

**Amend House Rule 1.9 to allow the minority party leader to appoint one member of each Committee on Conference or Free Conference.**

"1.9 All committees shall be appointed by the Speaker, unless otherwise provided for by rule or by law, except Senatorial and Gubernatorial appointees and *ex officio* members of the House. The Speaker shall name the members constituting each committee in alphabetical order. The Chairman shall be elected by the respective committees during the organizational session. If any subsequent vacancy shall occur in a committee's chairmanship, the election of a new committee chairman shall take place at the time and date to be set by the presiding officer of the respective committee. The committees may at their discretion elect a Vice-Chairman and such other officers as they may choose.

*Provided, when appointing members to a Committee on Conference or Free Conference, the Speaker shall appoint two members and the minority party leader shall appoint one member.*

16-b

REPRESENTATIVE: J.E. Smith (on behalf of Minority Caucus)

PROPOSAL: Revise the Rules Committee and the Operations & Management Committee so that have an even number of members (16 members of Rules and 8 members of O&M) with equal representation from the minority and majority parties with the Chairs elected from the majority party. Also create a committee on Legislative Oversight with equal membership between minority and majority caucuses and requiring that members of the minority caucus chair a minimum number of subcommittees within the Legislative Oversight committee.

RULE(S) AFFECTED: 4.2

"4.2 As soon as practicable after the members have been sworn in and have taken their seats, the following Standing Committees, except the House of Representatives Legislative Ethics Committee, and the House of Representatives Committee on Operations and Management, shall be appointed with the indicated number of members appointed thereto:

- 1. Committee on Ways and Means – 25.
- 2. Committee on the Judiciary (Privileges and Elections) – 25.
- 3. Committee on Agriculture, Natural Resources and Environmental Affairs (Fish, Game, Forestry, State Parks, Rural Development, Environmental Affairs) – 18.
- 4. Committee on Education and Public Works (Education, Highways, State House and Grounds, Railroads, Aviation) – 18.
- 5. Committee on Medical, Military, Public and Municipal Affairs (Medical Affairs, Social Security, Penitentiary, State Hospital, Police Regulations, Military Affairs, Veteran's Affairs) – 18.
- 6. Committee on Labor, Commerce and Industry (Labor, Commerce and Manufacturing, Banking and Insurance, Merchants and Mercantile Affairs) – 18.
- 7. Committee on Rules – ~~15~~ 16.
- 8. Committee on Interstate Cooperation (membership limited to 5, under 1976 Code, Sec. 1-17-30) – 5.
- 9. Committee on Legislative Oversight (Oversight and Review of Government Operations and Accountability, SC Code of Laws Section 2-2-5 et seq.) - 20.
- 9 ~~10~~. House of Representatives Legislative Ethics Committee – 10.
- 10 ~~11~~. Committee on Invitations and Memorial Resolutions (Invitations, Resolutions memorializing the Federal or State Government or any official or agency thereof, sympathy, and congratulatory Resolutions) – 5.

Withdrawn  
per J.E. Smith  
10/30/14  
CPR

~~11 12. Committee on Operations and Management of the House of Representatives (Advisory to the Speaker on personnel, administration and management of facilities, including management of the Blatt Building) – 7 8.~~

~~Each member shall serve on one and only one of the first six Standing Committees listed above. However, a member of these Committees may also serve on any one of the following Committees: Committee on Legislative Oversight, Committee on Rules, Committee on Interstate Cooperation, Committee on Ethics, Committee on Invitations, or Committee on Operations and Management of the House of Representatives. The Speaker, Speaker *Pro Tempore*, and Clerk shall serve as *ex officio* members of the Committee on Operations and Management of the House of Representatives but no chairman of any other standing committee shall serve as a member of such committee.~~

Withdrawn  
Per JE Smith  
10/30/14  
CPR

~~Provided, that the members of the Committee on Operations and Management of the House of Representatives (advisory to the Speaker on personnel, administration and management of facilities), and the members of the House of Representatives Legislative Ethics Committee, shall be elected by the members of the South Carolina House of Representatives, their terms to be coterminous with their respective term of office. The Committee on Operations and Management of the House of Representatives shall consist of eight members. Four members of the committee shall be members of the majority party represented in the House of Representatives and four members shall be members of the minority party represented in the House of Representatives or be nonaffiliated with any party or another party not in the majority. The Chairman of the Committee on Operations and Management of the House shall be one of the four members of the of the committee from the majority party represented in the House to be elected by the member of the committee. Other officers of the committee are not required to be affiliated with a particular party.~~

~~Provided, the Speaker shall appoint the membership of the Committee on Rules to ensure that eight members of the committee are members of the majority party represented in the House of Representatives and eight members of the minority party represented in the House of Representative or be nonaffiliated with any party or another party not in the majority. The Chairman of the Committee on Rules must be one of the eight members of the committee from the majority party represented in the House to be appointed by the Speaker. Other officers in the committee are not required to be affiliated with a particular party.~~

~~Provided, the Speaker shall appoint the membership of the Committee on Legislative Oversight to ensure that ten members of the committee are members of the majority party represented in the House of Representatives and ten members of the minority party represented in the House of Representative or be nonaffiliated with any party or another party not in the majority. The Chairman of the Committee on Legislative Oversight must be one of the ten members of the committee from the majority party represented in the House to be appointed by the Speaker. Other officers in the committee are not required to be affiliated with a particular party. The Committee on Legislative Oversight, in establishing its committee rules and procedures, must ensure that members of the minority party represented in the House are appointed chairs of subcommittees in a number not less than one fewer than the chairs of subcommittees to which members of the majority party are appointed.~~

Withdrawn  
Per JE Smith  
10/30/14  
CPR

*Provided*, that the Committee on Education and Public Works shall be deemed to be the Committee on Education, and the Committee on Medical, Military, Public and Municipal Affairs shall be deemed to be the Committee on Military Affairs and the Committee on Medical Affairs, in all cases where the statutes provide for the Chairman of these committees to perform *ex officio* duties.

*Provided*, that the Committee on Operations and Management of the House of Representatives with the consent of the Speaker may formulate such policies as it deems advisable relating to House personnel. Such policies shall be distributed to the members and must be adopted by majority vote of the House by House Resolution.

*Provided*, that except as herein provided neither the Speaker nor Speaker *Pro Tempore* shall be a member of any of the foregoing Standing Committees.

No member shall be appointed on a committee before he has been sworn in and has taken his seat. Any member who is sworn in after the general announcement of the committee shall, within a few days afterward, be placed by the Speaker on a Standing Committee whose number of members will not thereby be extended beyond the number provided in these rules.

After a committee has been appointed, no addition to it or change shall be made, except to fill a vacancy or to remove a member for conduct unbecoming a member.

*Provided*, that in filling a vacancy, the assignment of any member may be changed from another committee to fill such vacancy.

16-c

**REPRESENTATIVE:** J.E. Smith (on behalf of Minority Caucus)

**PROPOSAL:** Add a House Rule 1.13 to require a member, upon announcing candidacy for another office, to forfeit any leadership position held within the House of Representatives.

**RULE(S) AFFECTED:** new Rule 1.3

"1.13 A member who has announced their candidacy for elected office other than the House of Representatives may not offer themselves as a candidate for, nor serve as, Speaker, Speaker Pro Tempore, or Chairman of a committee provided within these rules. If the member is currently serving as Speaker, Speaker Pro Tempore, or Committee Chairman, the office is deemed vacant as of the date of their announcement of candidacy for elected office other than the House of Representatives, and the presiding officer of the House, affected Committee must schedule an election to fill the vacancy at the appropriate time."

16-d

**REPRESENTATIVES:** Representatives J.E. Smith (on behalf of Minority Caucus)

**PROPOSAL:** Amend House Rules to require explanation of a bill/joint resolution on second reading.

**RULE(S) AFFECTED:** 5.19

**DRAFT LANGUAGE:**

"5.19 a. No member shall speak more than twice on the main question of a bill or resolution being considered for any reading and not longer than sixty minutes for the first speech nor longer than thirty minutes for the second speech, unless allowed to do so by the affirmative vote of a majority of the members present and voting. No member shall speak more than twice upon an amendment or a motion to reconsider that is debatable and then not longer than ten minutes each time. However, if the previous question has been invoked, no member may speak more than twice on a motion to reconsider that is debatable and then not longer than the amount of time remaining for debate of the underlying motion; *provided*, that proposed amendments announced and introduced by the Reading Clerk shall be considered prior to a member speaking on the bill. No member shall speak more than twice on Senate amendments to a House bill and not longer than sixty minutes for the first speech nor longer than thirty minutes for the second speech, unless allowed to do so by the affirmative vote of a majority of the members present and voting. The House may, however, by consent of a majority of the members present and voting suspend the operation of this rule during any debate on any particular question before the House.

*Provided*, each bill or joint resolution, prior to receiving second reading, must be explained for a minimum of ten minutes or until all questions from House members are addressed, whichever occurs first. The committee chairman to which a bill or joint resolution was referred, the committee chairman's designee, the sponsor(s) of the bill or joint resolution, and other members of the House may jointly explain the bill or joint resolution in order to provide the required explanation.

b. Subsection (a) of this rule shall be applicable on a section-by-section basis on debate upon the General Appropriations Bill, the Supplemental Appropriations Bill, or the bond bills but shall not apply to bills on reapportionment.

c. The question of granting Free Conference Powers shall require an affirmative vote of two-thirds of the membership of the House and is not debatable. No member shall speak more than twice on the question of adoption of a Conference or Free Conference Report and not longer than sixty minutes for the first speech nor longer than thirty minutes for the second speech, unless allowed to do so by the affirmative vote of a majority of the members present and voting. When the pending question is adoption of a Conference or Free Conference Report, the yeas and nays must be taken by roll call and the votes on it must be recorded by name in the Journal. Furthermore, the question of adoption of a Conference or Free Conference Report is subject to the provisions of Rule 8.6."

16-e

**REPRESENTATIVE:** Representatives J.E. Smith (on behalf of Minority Caucus)

**PROPOSAL:** Prohibit motions for bill/joint resolutions to go without reference to committee until a quorum is present.

**RULE(S) AFFECTED:** 5.6

**DRAFT LANGUAGE:**

"5.6 Except as provided in subsection 5.1, the first reading of the bill shall be by title only. No amendments shall then be in order and the bill shall be referred to some committee, unless the House unanimously agrees, without debate, to dispense with reference. Provided, a request to dispense with reference to committee shall not be in order unless the call of the roll of the House has been taken that day and the Speaker has determined a quorum to be present."

16-f

**REPRESENTATIVE:** Representatives J.E. Smith (on behalf of Minority Caucus)

**PROPOSAL:** Add subsection to House Rule 4.16 to prohibit leadership PACs for members of the South Carolina House of Representatives.

**RULE(S) AFFECTED:** 4.16

**DRAFT LANGUAGE:**

" ( ) Notwithstanding Section 8-13-1340, a member of the House shall not, directly or indirectly, establish, finance, maintain, or control any entity, including but not limited to a noncandidate Committee, that receives or makes contributions as defined in 8-13-1300. This rule does not apply to a candidate Committee or a legislative caucus Committee.



16-9

**REPRESENTATIVE:** Representative J.E. Smith (on behalf of Minority Caucus)

**PROPOSAL:** Provide one full-time administrative staff person per Blatt Building Office site and allow members to carry-forward annual balance(s) from appropriations provided for these services from the first year of a two-year session to the second year of a two-year session.

**STATUS:**

*After discussion with Rep. J.E. Smith it was determined that these issues (because they concern appropriations made through the Annual General Appropriations Bill) should be addressed through proviso in the Annual General Appropriations Bill and not within the House Rules.*

**REPRESENTATIVE:** Rep. G. Murrell Smith and Rep. Eric Bedingfield

**PROPOSAL:** Add House Rule 4.20 to require Committees and subcommittees to have a roll call vote, with the yeas and nays recorded in the committee minutes, on the question of whether to give the bill or joint resolution a favorable report to the House.

**RULE(S) AFFECTED:** new Rule 4.20

**DRAFT LANGUAGE:**

"4.20 All Committees and subcommittees shall order a roll call vote, with the yeas and nays recorded in the committee minutes, on the question of adopting a bill or joint resolution with a favorable report."

Typographical Error  
10/30/14  
CPR

**REPRESENTATIVE: Rep. Eric Bedingfield**

**PROPOSAL: Add House Rule 4.20 to require Committees and subcommittees to have a roll call vote, with the yeas and nays recorded in the committee minutes, on ALL questions presented to the Committee and subcommittee.**

**RULE(S) AFFECTED: new rule 4.20**

**DRAFT LANGUAGE:**

"4.20 All Committees and subcommittees shall order a roll call vote, with the yeas and nays recorded in the minutes, on every question before the Committee or subcommittee."

**REPRESENTATIVE: Rep. G.M. Smith and Rep. Eric Bedingfield**

**PROPOSAL:** Establishes in House Rule a procedure for hiring House staff. The procedure would require the Clerk's Office to review all applicants for vacant positions and send a list of the most qualified applicants to the appropriate supervisory authority. The supervisory authority would choose a candidate from the qualified applicants, and this applicant would be submitted to the Speaker for appointment.

**RULE(S) AFFECTED: New Rule 10.12**

**DRAFT LANGUAGE:**

**(Insert New Rule 10.12)**

"10.12. The Clerk's Office shall establish procedures for the hiring of staff for the House of Representatives. The procedures must provide that the Clerk's Office shall receive and review all applications for employment vacancies within the House, and the Clerk's Office shall submit a list of the most qualified applicants to the appropriate supervisory authority for consideration. The appropriate supervising authority shall select an applicant from the list submitted by the Clerk's Office. If the appropriate supervisory authority determines no applicant is acceptable the Clerk's Office shall reopen the application process, receive and review additional applications for the vacancy, and will resubmit a list of the most qualified applicants to the appropriate supervisory authority. The appropriate supervisory authority 's selected applicant then must be submitted to the Speaker of the House for final appointment as a member of the staff of the House of Representatives.

For purposes of this rule the Speaker of the House and the Speaker Pro Tempore are the supervisory authority for their respective offices. The Committee Chairmen are the supervisory authority for their respective committees, and the Sergeant-At-Arms is the supervisory authority for security personnel necessary for the proper performance of the Sergeant-At-Arms office and security needs of the House Chamber, Solomon Blatt Building, and other areas under the Sergeant-At-Arms' jurisdiction. The Clerk is the appropriate supervisory authority for administrative and clerical staff of the House necessary for the proper operation of the Clerk's Office and the general administrative and clerical needs of the House.

Provided, the appropriate supervisory authority's selected applicant must be submitted to the Speaker of the House for final appointment as a member of the staff of the House of Representatives.

**REPRESENTATIVE: Rep. G.M. Smith and Rep. Eric Bedingfield**

**PROPOSAL: The House Clerk's office shall review House employee salaries and compensation and shall, upon consultation with supervisory authorities, submit salary and compensation recommendations regarding new and current employees to the Speaker of the House.**

**RULE(S) AFFECTED: New Rule 10.13**

**(Insert New Rule 10.13)**

"10.13. The Clerk's Office shall conduct reviews of employee salaries and compensation and shall, upon consultation with the appropriate supervisory authority, submit salary and compensation recommendations regarding new and current employees to the Speaker of the House. After consideration of these recommendations, the Speaker shall set the salary and compensation of new and current employees."

**REPRESENTATIVE: Rep. Kris Crawford**

**PROPOSAL: Establish term limits for committee chairmen.**

**RULE(S) AFFECTED: 1.9**

**DRAFT LANGUAGE:**

"1.9 All committees shall be appointed by the Speaker, unless otherwise provided for by rule or by law, except Senatorial and Gubernatorial appointees and *ex officio* members of the House. The Speaker shall name the members constituting each committee in alphabetical order. The Chairman shall be elected by the respective committees during the organizational session. Provided, a person may not serve more than five consecutive terms as Chairman of a committee. If any subsequent vacancy shall occur in a committee's chairmanship, the election of a new committee chairman shall take place at the time and date to be set by the presiding officer of the respective committee. The committees may at their discretion elect a Vice-Chairman and such other officers as they may choose.

**REPRESENTATIVE: Rep. Kris Crawford**

**PROPOSAL: Revise Rules to reflect that Revenue and Fiscal Affairs Office is the entity that will perform duties under Rules previously performed by Budget & Control Board. This change reflects the changes in government restructuring.**

**RULE(S) AFFECTED: 5.3.A**

**DRAFT LANGUAGE:**

"A. Certificate: Every General Appropriations Bill and Supplemental Appropriations Bill for the ordinary expenses of State Government before presentation shall have attached thereto a certificate from the ~~Budget Division of the State Budget and Control Board~~ Revenue and Fiscal Affairs Office stating that the total of the appropriations therein provided for is not in excess of the estimated total revenue of the State for such purposes, including that revenue which may be provided for in the bill, or in any other bill previously passed by the House for the fiscal year to which the bill is applicable, and an Appropriations Bill without such certificate shall not be read the first time in the House, but shall be returned to the Committee on Ways and Means by the Speaker. After passage on second reading and before its consideration on third reading, every General Appropriations Bill, and every Supplemental Appropriations Bill shall have attached thereto a certificate from the ~~Budget Division of the State Budget and Control Board~~ Revenue and Fiscal Affairs Office that the total of the appropriations therein provided is not in excess of the estimated total revenue of the State for such purposes, including that revenue which may be provided in the bill, or in any other bill previously passed by the House for the fiscal year to which the bill is applicable, and if the ~~Budget Division~~ Revenue and Fiscal Affairs Office cannot give such certificate, the Speaker shall order the bill recommitted to the Ways and Means Committee.

**REPRESENTATIVE: Rep. Kris Crawford**

**PROPOSAL: Amend the House Rules to change the name of the House Ethics Committee to Committee on Member Conduct and Campaign Finance.**

**RULE(S) AFFECTED: 4.2, 4.16, and 7.3**

**DRAFT LANGUAGE:**

4.2 As soon as practicable after the members have been sworn in and have taken their seats, the following Standing Committees, except the House of Representatives ~~Legislative Ethics Committee~~ Committee on Member Conduct and Campaign Finance, and the House of Representatives Committee on Operations and Management, shall be appointed with the indicated number of members appointed thereto:

1. Committee on Ways and Means – 25.
2. Committee on the Judiciary (Privileges and Elections) – 25.
3. Committee on Agriculture, Natural Resources and Environmental Affairs (Fish, Game, Forestry, State Parks, Rural Development, Environmental Affairs) – 18.
4. Committee on Education and Public Works (Education, Highways, State House and Grounds, Railroads, Aviation) – 18.
5. Committee on Medical, Military, Public and Municipal Affairs (Medical Affairs, Social Security, Penitentiary, State Hospital, Police Regulations, Military Affairs, Veteran’s Affairs) – 18.
6. Committee on Labor, Commerce and Industry (Labor, Commerce and Manufacturing, Banking and Insurance, Merchants and Mercantile Affairs) – 18.
7. Committee on Rules – 15.
8. Committee on Interstate Cooperation (membership limited to 5, under 1976 Code, Sec. 1–17–30) – 5.
9. House of Representatives ~~Legislative Ethics Committee~~ Committee on Member Conduct and Campaign Finance – 10.
10. Committee on Invitations and Memorial Resolutions (Invitations, Resolutions memorializing the Federal or State Government or any official or agency thereof, sympathy, and congratulatory Resolutions) – 5.
11. Committee on Operations and Management of the House of Representatives (Advisory to the Speaker on personnel, administration and management of facilities, including management of the Blatt Building) – 7.



Each member shall serve on one and only one of the first six Standing Committees listed above. However, a member of these Committees may also serve on any one of the following Committees: Committee on Rules, Committee on Interstate Cooperation, ~~Committee on Ethics~~ Committee on Member Conduct and Campaign Finance, Committee on Invitations, or Committee on Operations and Management of the House of Representatives. The Speaker, Speaker *Pro Tempore*, and Clerk shall serve as *ex officio* members of the Committee on Operations and Management of the House of Representatives but no chairman of any other standing committee shall serve as a member of such committee.

*Provided*, that the members of the Committee on Operations and Management of the House of Representatives (advisory to the Speaker on personnel, administration and management of facilities), and the members of the House of Representatives ~~Legislative Ethics Committee~~ Committee on Member Conduct and Campaign Finance, shall be elected by the members of the South Carolina House of Representatives, their terms to be coterminous with their respective term of office.

*Provided*, that the Committee on Education and Public Works shall be deemed to be the Committee on Education, and the Committee on Medical, Military, Public and Municipal Affairs shall be deemed to be the Committee on Military Affairs and the Committee on Medical Affairs, in all cases where the statutes provide for the Chairman of these committees to perform *ex officio* duties.

*Provided*, that the Committee on Operations and Management of the House of Representatives with the consent of the Speaker may formulate such policies as it deems advisable relating to House personnel. Such policies shall be distributed to the members and must be adopted by majority vote of the House by House Resolution.

*Provided*, that except as herein provided neither the Speaker nor Speaker *Pro Tempore* shall be a member of any of the foregoing Standing Committees.

No member shall be appointed on a committee before he has been sworn in and has taken his seat. Any member who is sworn in after the general announcement of the committee shall, within a few days afterward, be placed by the Speaker on a Standing Committee whose number of members will not thereby be extended beyond the number provided in these rules.

After a committee has been appointed, no addition to it or change shall be made, except to fill a vacancy or to remove a member for conduct unbecoming a member.

*Provided*, that in filling a vacancy, the assignment of any member may be changed from another committee to fill such vacancy.

**4.16 a.** The House of Representatives ~~Legislative Ethics Committee~~ Committee on Member Conduct and Campaign Finance consists of ten (10) members. The ten members of the House of Representatives ~~Legislative Ethics Committee~~ Committee on Member Conduct and Campaign Finance shall be elected by the members of the House. Five members of the committee shall be members of the majority party represented in the House of Representatives and five members shall be members of the minority party represented in the House of Representatives or be nonaffiliated with any party or another party not in the majority. The Chairman of the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance shall be one of the five members of the committee from the majority party represented in the House to be elected by the members of the committee. Other officers of the committee are not required to be affiliated with a particular party and shall be elected by members of the committee as well.

The committee has the following powers and duties:

(1)(a) to receive complaints or charges concerning conduct alleged to be unethical from any citizen of this State or member of the House against:

- (i) House members;

(ii) former House members, provided the allegations are related to the former member's service in the House;

(iii) candidates for the House;

(iv) former candidates for the House, provided the allegations are related to the former candidate's bid for the House;

(v) officers and employees of the House;

(vi) staff and independent contractors of a House legislative caucus committee.

Only sworn written complaints or charges may be considered;

(b) to file a complaint upon concurrence of at least four members of the House ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance when alleged violations are identified;

(c) for purposes of this Rule, unethical conduct may include, but is not limited to, a:

(i) violation of Chapter 13, Title 8;

(ii) violation of Chapter 17, Title 2; or

(iii) breach of this Rule by a person designated in a.(1)(a) above or as designated by statute;

(2) to investigate these complaints and charges and, if warranted, to report the results of these investigations to the House with recommendations for further appropriate action as authorized by law;

(3) upon request of any member, officer, or employee of the House to render advisory opinions with regard to legislative ethics when, in their judgment, these opinions would serve the public interest, and to act as an advisory body to the House and to individual members of or candidates for the House on questions pertaining to the disclosure and filing requirements;

(4) to make available annually to the House a compilation of the principles provided in advisory opinions rendered;

(5) to administer or recommend appropriate sanctions or dismiss charges;

(6) to ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of Chapter 13, Title 8 and promptly notify the person to file the necessary notices and reports to satisfy the requirements; and

(7) to recommend a rule or statutory change relating to ethics as the committee deems appropriate.

b. All papers, documents, complaints, charges, requests for advisory opinions, and any other material required to be filed with or received by the committee are strictly confidential prior to a finding of probable cause, or a waiver of confidentiality by the respondent. No persons involved with a complaint before the committee, including complainant, respondent, counsel, counsel's secretaries, committee members and staff, and investigators shall mention the existence of any proceeding nor disclose any information pertaining to it, unless otherwise permitted by the Rules. Disclosure of confidential information must be punished in a manner provided by the Ethics, Government Accountability, and Campaign Reform Act. If the House ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance finds that a person has violated the provisions of this subsection, it must report its findings to the Attorney General.

c. Information that must be made public following a finding of probable cause or waiver of confidentiality by the respondent is: (1) the complaint;

(2) the response by the respondent;

(3) any exhibits introduced at a public hearing, subject to redaction of information of a personal nature when public disclosure would constitute unreasonable invasion of personal privacy; and

(4) the final order issued by the committee.

d. All investigations, inquiries, hearings and accompanying documents must remain strictly confidential until a finding of probable cause, unless the respondent waives the right to confidentiality.

(1) A certified copy of the sworn statement of charges against the respondent must be given to him or her within ten days of the time the statement of charges is received by the Chairman of the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance. The respondent has the right to file a response to the complaint within fifteen calendar days after receipt of the complaint and to face and cross examine his accusers and the witnesses against him at any hearing called by the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance. All hearings following a finding of probable cause must be conducted in open session. The ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance must call a hearing if a majority of the membership of the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance feels that the charges have merit or if the respondent formally requests a hearing.

(2) No complaint may be accepted by the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance concerning a member of or candidate for the House during the fifty-day period before an election in which the member or candidate is participating. During this fifty-day time period, a person may petition the court of common pleas alleging the violations complained of pursuant to the provisions of Section 8-13-530. Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance at least thirty days before the election must be postponed until after the election.

(3) If the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. If the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers. The subpoena must be signed by the Chairman of the House ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance.

(4) No complaint shall be accepted which is filed later than four years after the violation is alleged to have occurred.

e. All ~~ethics committee~~ Committee on Member Conduct and Campaign Finance investigations and records relating to the preliminary investigation are confidential unless otherwise permitted by the Rules.

(1) If the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance finds that probable cause exists to support an alleged violation after a preliminary investigation, as appropriate, it shall:

(a) render an advisory opinion to the respondent and require the respondent's compliance within a reasonable time; or

(b) convene a formal hearing on the matter.

(2) If the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance renders an advisory opinion and the respondent fails to comply, the committee must convene a formal hearing on the matter within thirty days of the respondent's failure to comply.

(3) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the ~~Ethics Committee's~~ Committee on Member Conduct and Campaign Finance's possession relating to the charges. The Committee must establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross examine opposing witnesses. All hearings must be conducted in open session.

(4) After the hearing, the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance shall determine its findings of fact. If the Committee, based on competent and substantial evidence, finds the respondent has violated Chapter 13, Title 8, or Chapter 17, Title 2, or violated this Rule, it shall:

- (a) administer a public reprimand;
- (b) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;
- (c) require the forfeiture of gifts, receipts, or profits, or the value of them, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;
- (d) recommend expulsion of the member;
- (e) in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation; or
- (f) require a combination of subitems (a) through (e), as necessary and appropriate.

If the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance finds the respondent has not violated a statutory provision or Rule or engaged in unethical behavior, it shall dismiss the charges.

(5) The ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance shall report its findings in writing to the Speaker of the House. If the Committee finds a violation of a statutory provision or Rule or finds unethical behavior, the report must be accompanied by an order of punishment that is supported and signed by a majority of the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance members.

(6) The respondent has ten calendar days from the date of the notification of the ~~Ethics Committee's~~ Committee on Member Conduct and Campaign Finance's action to appeal the action to the full House.

(7) No ~~Ethics Committee~~ member of the Committee on Member Conduct and Campaign Finance may participate in any matter in which he is involved as a respondent.

(8) Upon receipt of a recommendation of expulsion or an appeal from an order of the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance, the Speaker of the House shall call the House into open session at a time to be determined at his discretion to consider the action of the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance. The House shall either sustain or overrule the ~~Ethics Committee's~~ Committee on Member Conduct and Campaign Finance's action or order other action consistent with these Rules as otherwise permitted by statute. The consideration and results of a House ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance report are a matter of public record.

(9) No member may vote on the question of his expulsion from the House.

(10) Failure to fully comply with a final ethics order is a separate violation that may be considered by the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance.

f. If the House ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance finds the respondent has failed to file or was late in filing a required statement of economic interest or campaign disclosure report, the House ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance must order the respondent to pay a fine according to the provisions in Section 8-13-1510.

g. The House ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance may, in its discretion, determine that errors or omissions on statements of economic interests and campaign disclosure reports are inadvertent and unintentional and not an effort to violate a requirement of Chapter 13, Title 8 and may be handled as technical violations not subject to the provisions of Chapter 13, Title 8 pertaining to ethical violations. The House ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance may assess a penalty for technical violations not exceeding fifty dollars.

h. The Speaker of the House, and the House ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance on behalf of the entire House, may receive:

- (1) certified copies of any indictment or information for a felony or offense against the election laws filed or returned against any member of the House;
- (2) certified copies of any plea of guilty or nolo contendere to the felony entered by any member of the House;
- (3) certified copies of any conviction of a member for a felony; and
- (4) certified copies of any opinion, order, or judgment of any court, state or federal, trial or appellate, relating to any of the aforementioned matters.

**7.3** a. When the House is ready to vote upon any question requiring the yeas and nays and the vote is to be taken by the electronic roll call system, the Speaker shall state: 'The pending question is ..... (designating the matter to be voted upon)'. The Speaker shall then unlock the voting machine and announce: 'Roll call vote. Voting on the board'. He shall then sound the bell. Once the voting has begun, it shall not be interrupted, except for the purpose of questioning the validity of a member's vote before the result is announced.

b. Two minutes after the bell has been sounded, the Speaker shall ask the question: 'Have all members present voted?' After a pause, the Speaker shall then lock the machine and instruct the Clerk to tabulate the vote on the electronic roll call board. The Speaker shall then announce the result of the vote.

c. After the voting machine is locked, no member may change his vote and the votes of tardy members shall not be counted.

d. Subject to the provisions of Rule 2.10, the vote as electronically recorded on the roll of members shall not in any manner be altered or changed by any person.

e. No member shall vote for another member, nor shall any person not a member vote for a member. Any member who shall vote or attempt to vote for another member or a person not a member who shall vote or attempt to vote for a member may be punished in such manner as the House determines.

f. Any member or other person who wilfully tampers with or attempts to disarrange, deface, impair, or destroy in any manner whatsoever the electronic voting equipment or who destroys or changes the record of votes thereon shall be punished in such manner as the House determines.

*Provided, however, the minimum penalty for violation of Rule 7.3 shall be a public reprimand.*

g. The Speaker *Pro Tempore* or a member who has been appointed by the Speaker to preside may designate another member to cast his vote on any question while he is presiding in accordance with his instructions from the Chair.

h. A member recorded as voting while absent from the Chamber shall present to the presiding officer an affidavit attesting to this fact. Any member may also report to the presiding officer his knowledge that another member was recorded as voting while absent from the Chamber. If the affidavit of the member whose vote is in question is presented within forty-eight hours of the vote, the presiding officer shall adjust the vote totals to reflect the affidavit and order action on the question in accordance with the adjusted vote total. If the member filing the affidavit or any other member has knowledge of the identity of the person who voted for him while absent, he shall present this information to the presiding officer who shall refer it to the ~~Ethics Committee~~ Committee on Member Conduct and Campaign Finance for consideration of any recommendation of punishment in accordance with this rule.

i. Each member shall be issued one electronic card by the Sergeant at Arms to activate the voting console on his desk to operate the electronic voting system. That card may not be duplicated by

the member nor may a duplicate be issued to a member. The card must not be left in the voting console at any time while the member is not within the outer doors of the Chamber. If a member loses his card, a replacement will be issued by the Sergeant at Arms at the member's expense. If a member is temporarily without his card while the House is in session, the Sergeant at Arms will provide a temporary card to that member at the member's request for that day only and that card may not be removed from the House Chamber.



**Rep. Murrell Smith proposes the following amendment to Rule 6.1 a.:**

**PROPOSAL:** Amend House Rules to provide that during the first three weeks of the legislative session the House shall meet on Wednesdays at 2:00 p.m. rather than having this apply only to the first year of a legislative session.

**RULE AFFECTED:** 6.1 a.

**DRAFT LANGUAGE:**

6.1 a. The House shall meet each legislative day at 12:00 Noon every Tuesday, 10:00 a.m. every Wednesday, and 10:00 a.m. every Thursday and Friday unless otherwise ordered by the House. *Provided*, that by motion made at any time the House by majority vote may fix the day and hour at which time the House shall next meet (not to exceed constitutional limitations) and this shall be decided without debate.

*Provided*, further, that during the first three weeks of the ~~first year of a~~ legislative session, unless a majority of the House members present object, on Wednesdays the House shall meet at 2:00 p.m. to provide time in the morning hours for committees to meet and hearings to be held.

*Provided*, further, that unless ordered otherwise, the House shall consider only local uncontested matters on Friday of each week.



**Rep. Murrell Smith proposes the following amendment to Rule 4.15:**

**PROPOSAL: Amend House Rules to allow House Rules to be amended by a simple majority of the House during the month of January of the first year of a two-year legislative session rather than each year to coincide with the biannual Organizational Session.**

**RULE AFFECTED: 4.15**

**DRAFT LANGUAGE:**

**4.15** None of the House Rules shall be rescinded, suspended, or altered, except by written resolution which has been referred to the Rules Committee, or originates therein, and agreed to by two-thirds of the members of the House present after the committee has made its report. *Provided*, that any rule may be amended by a simple majority of the House during the month of January of ~~each year~~ the first year of a two-year legislative session.



Reps. Bannister, Clemmons, and Crawford propose the following amendment to Rule 4.20 (as amended) by adding a new paragraph at the end:

**PROPOSAL:** Amend House Rules to require persons who testify before House committees, subcommittees, or ad hoc committees to be sworn in by the presiding officer of the respective committee before testimony is given, etc.

**RULE AFFECTED:** 4.20

**DRAFT LANGUAGE:**

**4.20 .....**

In addition, all testimony to a House committee, subcommittee, or ad hoc committee must be given under oath which must be administered by the presiding officer of the respective committee and the person desiring to testify shall swear or affirm that his testimony is true and accurate to the best of his knowledge. A person who appears before a House committee, subcommittee, or ad hoc committee and wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of contempt of the General Assembly, ~~and may be punished pursuant to the provisions of Section 2-2-100 as applicable.~~

Unanimous Consent Request  
of JE Smith  
10/30/2014  
CRA

\*\*\*Note: Section 2-2-100. Any person who appears before a committee or subcommittee of either house, pursuant to this chapter, and wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of contempt of the General Assembly. A person who is convicted of or pleads guilty to contempt of the General Assembly is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both.

Act 121 of 2014, S. 22 - Restructuring



Rep. Bannister proposes the following amendment to Rule 1.9:

**PROPOSAL: Amend House Rules to require the Speaker to consult with the majority and minority party leaders regarding the appointment of members to conference and free conference committees and appoint at least one member of the minority party represented in the House.**

**RULE AFFECTED: 1.9**

**DRAFT LANGUAGE:**

1.9 All committees shall be appointed by the Speaker, unless otherwise provided for by rule or by law, except Senatorial and Gubernatorial appointees and *ex officio* members of the House. The Speaker shall name the members constituting each committee in alphabetical order. The Chairman shall be elected by the respective committees during the organizational session. If any subsequent vacancy shall occur in a committee's chairmanship, the election of a new committee chairman shall take place at the time and date to be set by the presiding officer of the respective committee. The committees may at their discretion elect a Vice-Chairman and such other officers as they may choose.

Provided, when appointing members to a Committee on Conference or Free Conference, the Speaker shall consult with the majority and minority political party leaders and appoint at least one member of the minority political party represented in the House.