

LEGISLATIVE OVERSIGHT COMMITTEE RULES

South Carolina House of Representatives 123rd General Assembly (2019-2020 Legislative Sessions)

Adopted December 5, 2018

RULE 1

RULES OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES

1.1 The Rules of the South Carolina House of Representatives (House) as they are now or as hereafter adopted shall be the rules of the House Legislative Oversight Committee (Committee) as determined to be appropriate by the Chairman of the Committee (Chairman) and except as otherwise provided below.

1.2 Where the rules of the Committee might be deemed in conflict with the Rules of the House as determined by the Chairman, the Rules of the House will prevail.

RULE 2

GENERAL RULES OF THE COMMITTEE

2.1 The Committee recognizes itself as a standing committee of the House as enumerated in House Rule 4.2.

2.2 The adopted rules of the Committee must be taken as an expression of the normal operating procedure of the Committee, but the procedure, excluding voting requirements, may be departed from with the approval of two-thirds of the Committee members present.

2.3 Permanent changes to the rules require approval by two-thirds of the appointed membership. Any such changes must be conducted by a roll-call vote.

2.4 The rules of the Committee shall remain in effect beyond the two-year session to serve as the temporary rules until the subsequent Committee membership adopts rules.

RULE 3

COMMITTEE OFFICERS

3.1 During its organizational meeting at the beginning of each two-year session (organizational meeting), the Committee's most senior member of the majority party, as determined by service in the General Assembly, shall preside as the temporary Chairman until a permanent Chairman is elected.

3.2 The Committee shall elect a Chairman at its organizational meeting.

3.3 The Committee shall elect a First Vice-Chairman at its organizational meeting.

3.4 The Committee may elect a Second Vice-Chairman.

RULE 4

FULL COMMITTEE MEETINGS

- 4.1 The First Vice-Chairman shall preside over full Committee meetings in the absence of the Chairman or at the pleasure of the Chairman. The Second Vice-Chairman, if one is elected, shall preside over the full Committee meetings in the absence of the Chairman and First Vice-Chairman or at the pleasure of the Chairman.
- 4.2 In the event of the absence of the Chairman and other Committee officers, the Chairman may appoint a Committee member to serve as temporary presiding officer.
- 4.3 A simple majority of the appointed membership constitutes a quorum of the full Committee.
- 4.4 A matter to be considered at a full Committee meeting shall be listed on the agenda.
- 4.5 Preparation of the agenda for a full Committee meeting and designation of the meeting time and location is the responsibility of the Chairman. As the Committee does not have designated meeting rooms, the location of its meetings will vary due to room availability in the Blatt Building.
- 4.6 An agenda for a full Committee meeting shall be distributed to the members of the Committee.
- 4.7 With unanimous consent of those members present and voting, a matter not listed on the agenda may be considered at the meeting for which the agenda is prepared.
- 4.8 To address the full Committee, a person must be: (1) scheduled on the agenda, (2) a constitutional officer of South Carolina, (3) member of the South Carolina General Assembly, or (4) granted permission during the meeting by the Chairman without objection of five or more members of the Committee. This provision does not apply to full Committee meetings scheduled to receive testimony from the public.
- 4.9 The Chairman, in order to ensure that all full committee meetings are available to the public, shall allow access to S.C. ETV for the availability of internet streaming whenever technologically feasible.

RULE 5 VOTING

- 5.1 All votes taken on legislative oversight studies and investigations by the full Committee, any subcommittee or ad hoc committee shall be decided by a roll call vote, after which the names of committee members voting in the affirmative, voting in the negative, and not voting shall be recorded in the minutes. The Chairman, at his pleasure, may direct a roll call vote on any other matter. A subcommittee chair or ad hoc committee chair, at his pleasure, may direct a roll call vote on any other matter in such meetings.
- 5.2 The Chairman may vote, at his discretion, on any matter under consideration in full committee and in all subcommittees and ad hoc committees and may, at his discretion, be counted as a member of such committees to constitute a quorum. If a quorum is not present for a subcommittee or an ad hoc committee meeting, the First Vice-Chairman, at his discretion, may serve temporarily as a member of any such committee to achieve the number necessary to constitute a quorum.
- 5.3 Any member of the Committee may request a roll-call vote on any question pending consideration. The Chairman shall direct a roll-call vote to be taken if at least five Committee members second the requesting member's action.

RULE 6 SUBCOMMITTEES AND AD HOC COMMITTEES

6.1 The Chairman shall determine the number and size of subcommittees; the Committee recognizes that S.C. Code of Laws Section 2-2-30 provides that a subcommittee conducting an oversight study and investigation of an agency must not consist of fewer than three members.

6.2 The Chairman shall appoint subcommittee chairmen and may appoint other subcommittee officers.

6.3 The Chairman may appoint ad hoc committees to study specific issues. The Chairman may appoint officers for any ad hoc committee. The Rules of the House as they are now or as hereafter adopted and the Rules of this Committee, as they may be applicable, shall be the rules of any such ad hoc committee. An ad hoc committee shall cease to exist upon completion of the assigned task(s).

6.4 Legislative oversight studies and investigations of agencies are assigned to a subcommittee or an ad hoc committee at the discretion of the Chairman; the Chairman may modify assignments and appointments as he deems appropriate.

6.5 A subcommittee chairman or an ad hoc committee chairman is responsible for scheduling meetings of such committees, upon approval by the Committee Chairman. As the Committee does not have designated meeting rooms, the location of its subcommittee and ad hoc committee meetings will vary due to room availability in the Blatt Building.

6.6 An agenda for a subcommittee or an ad hoc committee meeting shall be distributed to the members of such committees.

6.7 At least three of the membership of a subcommittee or a simple majority of an ad hoc committee constitutes a quorum.

6.8 To address a subcommittee or ad hoc committee, a person must be: (1) scheduled on the agenda, (2) a constitutional officer of South Carolina, (3) member of the South Carolina General Assembly, or (4) granted permission during the meeting by the subcommittee chairman or ad hoc committee chairman.

6.9 A subcommittee chairman or an ad hoc committee chairman shall allow access to S.C. ETV for the availability of internet streaming of such meetings whenever technologically feasible.

RULE 7

LEGISLATIVE OVERSIGHT STUDIES AND INVESTIGATIONS OF AN AGENCY

7.1 The Committee recognizes its duties, jurisdiction, and responsibilities as enumerated in House Rule 4.2, House Rule 4.3, and S.C. Code of Laws Section 2-2-5 et seq. In carrying out those duties and responsibilities, the Committee may develop and adhere to standard practices for the normal operating procedure, upon approval by the Chairman.

7.2 Pursuant to the provisions of S.C. Code Section 2-2-50 et seq., S.C. Code Section 2-69-30 and Article III, Section 12, of the South Carolina Constitution, the full Committee, a subcommittee or an ad hoc committee, in the discharge of its duties, may administer oaths and affirmations, take depositions, issue subpoenas and subpoenas duces tecum, and receive testimony and evidence as necessary in connection with its work, study, or investigation. Further, the full Committee, a subcommittee or ad hoc committee, in the discharge of its duties of providing legislative oversight, may determine what evidence or information to obtain from an agency.

7.3 A request for a subcommittee or an ad hoc committee meeting on any unassigned legislative oversight study or investigation not assigned must be submitted in writing to the Chairman by the chairman of a subcommittee or an ad hoc committee. The Chairman shall determine whether or not a meeting will be conducted. The subcommittee or ad hoc committee studying an agency shall conduct the meeting; the subcommittee chairman or ad hoc committee chairman shall designate the meeting time for the hearing, upon approval by the Chairman.

7.4 A Committee meeting shall be held on any legislative oversight study or investigation the Committee is considering if requested by two-thirds of the appointed members of the Committee. The Chairman shall designate the meeting time for the meeting.

7.5 With the exception of members of the South Carolina General Assembly, a person requesting to be heard at a full committee, subcommittee or ad hoc committee hearing must contact the Committee office by the deadline determined by the full Committee Chairman, a subcommittee chairman, or an ad hoc committee chairman. The person must submit a prepared statement at least twenty-four hours before the day and time of the hearing to Committee staff. An appropriate number of copies of the prepared statement, as determined by Committee staff, is the responsibility of the person requesting to be heard. However, the full Committee Chairman, a subcommittee chairman or an ad hoc chairman may waive the requirement for a prepared statement.

7.6 The Chairman, at his discretion, may request that the Legislative Audit Council perform an audit of an agency.

7.7 The Chairman, at his discretion, may agree to joint investigations with the Senate or other House standing committees.

RULE 8 MISCELLANEOUS MATTERS

8.1 The Chairman, at his discretion, may approve publication of Committee information on the South Carolina General Assembly's website.

8.2 In recognizing the importance of fairness in the legislative oversight process, the Committee, subcommittees, and ad hoc committees shall decline any invitations for meals or other similar social events that may be issued to the Committee.

8.3 The Chairman, subcommittee chairmen, and ad hoc committee chairmen shall maintain order and decorum at all meetings in which they preside.

8.4 The Committee shall not intervene in any individual's ongoing matter with an agency.

8.5 Whenever the pronoun 'he' appears in any rule, it shall be deemed to designate either masculine or feminine.

Selected House Rules Relevant to Committee Procedure*

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. House Rule 1.9

Whenever feasible twenty-four hour advance notice shall be given for all committee meetings. Such notice shall be mailed to the members by the committee chairmen when the House is not in session. Notice of regular and special meetings shall also be given by the administrative assistants to each member of the committees and to the Sergeant at Arms in the manner the committee deems proper. Information as to subcommittee meetings shall be provided by the administrative assistants to the Sergeant at Arms and shall be available at the Sergeant at Arms' desk. Failure of notice of any meeting shall not invalidate committee action unless bad faith is shown. No committee shall meet while the House is in session without special leave by the Speaker. House Rule 4.4.

No committee shall sit unless a quorum be present House Rule 4.4.

All meetings of all committees shall be open to the public at all times, subject always to the power and authority of the Chairman to maintain order and decorum with the right to go into Executive Session as provided for in the South Carolina Freedom of Information Act, Title 30, Chapter 4 of the 1976 Code of Laws of South Carolina, as amended. House Rule 4.5.

* The House Rules included in this documents are listed for informational purposes only and are not intended to be a part of the formal Legislative Oversight Committee Rules. Additionally, the House Rules listed are not exhaustive and may be updated as rule changes are adopted by the South Carolina House of Representatives.

No committee shall file a report unless the committee has met formally at an authorized time and place with a quorum present. House Rule 4.5.

All standing committees of the House shall prepare and make available for public inspection, in compliance with Section 30-4-90 of the 1976 Code of Laws of South Carolina, as amended, the minutes of full committee meetings. Such minutes need not be verbatim accounts of such meetings but shall include those matters required by the above mentioned Freedom of Information Act. House Rule 4.5

No member of a committee shall be allowed under any circumstances to vote by proxy. House Rule 4.14.