

MINUTES
Ad Hoc Rules and Procedures Committee
October 30, 2014, 11:00 a.m.
Room 516, Solomon Blatt Building

Chairman G. Murrell Smith, Jr. brought the meeting to order at approximately 11:30 a.m.

Ad Hoc Committee Members in Attendance:

Rep. G. Murrell Smith, Jr., **Chairman** (District 67 – Sumter)
Rep. Nathan Ballentine (District 71 – Richland)
Rep. Bruce W. Bannister (District 24 – Greenville)
Rep. Eric M. Bedingfield (District 28 – Greenville)
Rep. Beth E. Bernstein (District 78 – Richland)
Rep. Alan D. Clemmons (District 107 – Horry)
Rep. William "Bill" Clyburn (District 82 – Aiken)
Rep. Kristopher R. "Kris" Crawford (District 63 – Florence)
Rep. Michael W. "Mike" Gambrell (District 7 – Anderson)
Rep. Donna Hicks (District 37 – Spartanburg)
Rep. Mandy Powers Norrell (District 44 – Lancaster)
Rep. David J. Mack, III (District 109 – Charleston)
Rep. J. Todd Rutherford (District 74 – Richland)
Rep. James E. Smith, Jr. (District 72 – Richland)
Rep. F. Michael "Mike" Sottile (District 112 – Charleston)
Rep. J. David Weeks (District 51 – Sumter)

Ad Hoc Committee Members Not In Attendance:

Rep. Harold Mitchell, Jr. (District 31 – Spartanburg)

I. Introductions

Rep. G. Murrell Smith, Jr. (Chairman) welcomed committee members and audience and explained the ad hoc committee's duty to review and recommend changes to House operations, management, and Rules of procedure. Chairman Smith stated that Rep. Harold Mitchell would not be in attendance due to a death in his family.

II. Ideas/Suggestions to Revise House Rules & Procedures

The Chairman stated that the committee had solicited ideas and suggestions for more than six weeks and it was his intention that the committee vote upon the ideas and suggestions that the committee members had instructed staff to draft. The Chairman noted that the ad hoc committee staff had received ideas/suggestions through solicitations sent out via email and through website meeting announcements.

The Chairman stated that Mr. Charles Reid, Clerk of the House and Director of Personnel would explain the first 11 proposals sponsored by Speaker Pro Tempore Jay Lucas and that the committee members would explain their subsequent proposals.

Proposal No. 1 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 1 that would amend House Rule 4.2 to establish a new House standing committee, the Committee on Legislative Oversight, to handle the legislative oversight functions of the Restructuring Act passed during the 2014 legislative session. Debate ensued. On the motion of Rep. Kris Crawford Proposal No. 1 was unanimously adopted.

Proposal No. 2 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 2 that would delete House Rule 4.7b. that promoted log-rolling and bob-tailing of legislation in violation of Article III, Section 7 of the South Carolina Constitution. Debate ensued. On the motion of Rep. Nathan Ballentine the committee passed over Proposal No. 2.

Proposal No. 3 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 3 that would delete the second sentence of House Rule 9.3 that promoted log-rolling and bob-tailing in violation of Article III, Section 17, of the South Carolina Constitution. On the motion of Rep. Kris Crawford the committee passed over Proposal No. 3.

Proposal No. 4 - Submitted by Rep. Jay Lucas

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

Rep. Kris Crawford moved to divide the question on Proposal No. 4 to make two separate questions - 4a and 4b. Question 4a concerned House Rule 1.7 and establishing term limits for the Speaker of the House. Question 4b concerned House Rule 1.8 and establishing term limits for the Speaker Pro Tempore and requiring the Speaker Pro Tempore to perform duties of Speaker when a conflict of interest arises in the performance of the Speaker's duties. The question was divided.

Rep. Nathan Ballentine moved for adoption of Question 4a. It was adopted by a roll call vote of 10-4. Those members voting in favor of adoption Question 4a were:

G.M. Smith
Ballentine
Bedingfield
Bernstein
Clyburn
Crawford
Hicks
Norrell

J.E. Smith
Weeks

Those members voting against adoption of Question 4a were:

Bannister
Gambrell
Rutherford
Sottile

On the motion of Rep. Bannister the committee passed over Question 4b.

Proposal No. 5 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 5 that would amend House Rule 4.16 and the procedures for the House Ethics Committee operations, prohibit PACs controlled by House members, commonly known as Leadership PACs, and prohibit House members from receiving contributions from these PACs.

Rep. Kris Crawford moved to divide the question on Proposal No. 5 to make two separate questions - 5a and 5b. Question 5a was the entire proposal excluding section H.3(a)-(b). Question 5b would be sections H.3(a)-(b). Rep. Crawford explained that question 5b would only consist of the two sections referencing PACs.

Rep. Crawford moved for adoption of Question 5a. It was adopted by a unanimous vote.

Rep. Crawford moved to divide the question on Question 5b. Rep. Crawford explained that Question 5b(i) would reference subsection H.3(a) and Question 5b(ii) would reference Question H.3(b). The question was divided.

Rep. Crawford moved for adoption of Question 5b(i). It was adopted by a unanimous vote.

Rep. James Smith moved to table Question 5b(ii). It was tabled by a unanimous vote.

Chairman G. Murrell Smith ordered a 5 minute recess.

Proposal No. 6 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 6 that would amend House Rule 5.19 to require each bill or joint resolution be explained for a minimum of 10 minutes or until all questions are addressed, whichever occurs first prior to the bill or resolution receiving second reading. Debate ensued. On the motion of Rep. Eric Bedingfield Proposal No. 6 was unanimously adopted by the committee.

Proposal No. 7 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 7 that would amend House Rule 5.6 to prohibit a member from making a motion for legislation "to go without reference" until after attendance roll call has been taken and a quorum of the House has been determined to be present. Debate ensued. It was noted that Proposal No. 7 was identical to Proposal No. 16-e that was proposed by the Minority Party. On the motion of Rep. Eric Bedingfield Proposal No. 7 was unanimously adopted.

Proposal No. 8 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 8 that would amend House Rule 1.9 and require the Speaker to appoint a member of the minority party to each conference committee or free conference committee after consultation with the minority party leader. Debate ensued. On the motion of Chairman G. Murrell Smith the committee passed over Proposal No. 8.

Proposal No. 9 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 9 that would insert a new House Rule 10.12 that would allow the Speaker, Speaker Pro-Tempore, committee chairmen, Sergeant-At-Arms, and Clerk to appoint the appropriate staff under their supervision with all staff appointments submitted to the Operations & Management Committee for advice and consent. Debate ensued. It was noted that Proposal No. 19 also dealt with the hiring of House staff.

Rep. Kris Crawford moved to table Proposal No. 9. It was tabled by a unanimous vote.

Rep. Kris Crawford requested Unanimous Consent that the committee proceed to Proposal No. 19. Unanimous Consent was agreed to.

Proposal No. 19 - Submitted by Reps. G.M. Smith and Eric Bedingfield

Chairman G.M. Smith explained Proposal No. 19 as adding a new House Rule to establish in the House Rules the 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 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. Debate ensued. On the motion of Rep. Eric Bedingfield Proposal No. 19 was unanimously adopted by the committee.

Rep. David Weeks requested unanimous consent that the committee proceed to consider Proposal No. 20. Unanimous Consent was agreed to.

Proposal No. 20 - Submitted by Reps. G.M. Smith and Eric Bedingfield

Chairman G.M. Smith explained proposal No. 20 adding a new House Rule to establish a procedure whereby the House Clerk's Office reviews House employee salaries and compensation, and upon consultation with the appropriate supervisory authorities, submits salary and compensation recommendations to the Speaker. Debate ensued. On the motion of Chairman Smith Proposal No. 19 was unanimously adopted by the committee.

Proposal No. 10 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 10 dealt with the same issue already debated and decided by the committee in its consideration of Proposal No. 20.

On the motion of Chairman Smith Proposal No. 10 was tabled by a unanimous vote.

Proposal No. 11 - Submitted by Rep. Jay Lucas

Mr. Charles Reid explained proposal No. 11 that would amend House Rules 9.1 and 5.14 to require a 48-hour waiting period before the House may consider Senate amendments to the

appropriations bills and a 24-hour waiting period before the House may consider a conference or free conference report on the appropriations bills. The proposal would allow the House, upon a two thirds vote of the members present and voting, to waive the 24-hour waiting period requirement for conference reports. Debate ensued. On the motion of Rep. Kris Crawford Proposal No. 11 was unanimously adopted by the committee.

Proposal No. 12 - Submitted by Rep. Eric Bedingfield

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

On the motion of Rep. Donna Hicks Proposal No. 12 was unanimously adopted by the committee.

Proposal No. 13 - Submitted by Rep. Kris Crawford

Rep. Kris Crawford explained proposal No. 13 to add new House Rule that would require all persons who claim to represent a group or entity and are testifying before a committee, subcommittee, or ad hoc committee of the House to submit to the committee, subcommittee, or ad hoc committee a statement containing specific information concerning the group or entity. This statement must be presented to the committee, subcommittee, or ad hoc committee prior to the meeting where the testimony is to be given, but this rule will not apply to a group/entity registered as a lobbyist principal with the State Ethics Commission or individual testifying as to their personal opinions. Rep. Crawford asked for a typographical change be made to his proposal prior to debate. Debate ensued. Rep. Kris Crawford withdrew Proposal No. 13.

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

Chairman G. Murrell Smith explained proposal No. 14 that would add a new House Rule to require roll call voting on the ultimate question of passage of a bill at the committee level and that the vote be recorded in the minutes. Chairman Smith noted that Proposals 17 and 18 concerned similar issues, and withdrew Proposal No. 14.

Rep. Kris Crawford requested unanimous consent that the committee proceed to consider Proposal No. 17. Unanimous Consent was agreed to.

Proposal No. 17 - Submitted by Reps. G. Murrell Smith and Eric Bedingfield

Rep. Eric Bedingfield explained Proposal No. 17 that would add a new House Rule to require committees and subcommittees to record a roll call vote, in the minutes, on the question of adopting any bill or joint resolution. Debate ensued. On the motion of Chairman Smith Proposal No. 17 was unanimously adopted by the committee.

Rep. Eric Bedingfield requested unanimous consent that the committee proceed to consider Proposal No. 18. Unanimous Consent was agreed to.

Proposal No. 18 - Submitted by Rep. Eric Bedingfield

Rep. Eric Bedingfield explained Proposal No. 18 that would add a new House Rule to require committee and subcommittees to record a roll call vote, in the minutes, on every question before the committee or subcommittee. Debate ensued. On the motion of Rep. Alan Clemmons Proposal No. 18 was tabled (Reps. Ballentine and Bedingfield requested to be recorded as voting "no" to the motion to table.)

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

Rep. G. Murrell Smith explained proposal No. 15 amended House Rule 4.8 as requiring the Speaker to commit any bill amended by the Senate that would "bob-tail" or "log-roll" legislation. Debate ensued. On the motion of Rep. Bannister the committee passed over Proposal No. 15.

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

Rep. James Smith withdrew Proposal No. 16-a.

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

Rep. James Smith requested that he be allowed to withdraw a portion of Proposal 16-b from consideration and that the committee only consider the proposed language concerning the House Operations and Management Committee. Mr. Smith explained that he proposed amending House Rule 4.2 to increase the membership on the Operations and Management Committee to 8 members with four members elected from the minority party (or not be affiliated with the majority party) and four members elected from the majority party. On the motion of Rep. Eric Bedingfield Proposal 16-b was unanimously adopted by the committee (as revised by Rep. James Smith).

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

Rep. James Smith withdrew Proposal 16-c.

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

Rep. James Smith withdrew Proposal 16-d.

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

Rep. James Smith withdrew Proposal 16-e.

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

Rep. James Smith noted that Proposal 16-f was identical to Proposal 5.b(i) adopted earlier by the committee. He withdrew Proposal 16-f.

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

Rep. James Smith noted that the issues presented in proposal No. 16-g were better suited for discussion in the Annual Appropriations Bill and he withdrew Proposal 16-g.

Proposal No. 21 - Submitted by Rep. Kris Crawford

Rep. Kris Crawford explained that Proposal No. 21 amended Rule 1.9 and established term limits for committee chairman of five consecutive terms (10 years).

Rep. Nathan Ballentine requested Unanimous Consent to add language to Proposal No. 21 that expressly stated that the consecutive terms would begin with the 2015-16 General Assembly and would not count committee chairman service prior to the implementation of the amended rule. Unanimous Consent was agreed to. Debate ensued.

Rep. Kris Crawford requested Unanimous Consent to remove the language proposed in Rep. Nathan Ballentine's prior Unanimous Consent request. Unanimous Consent was agreed to. Debate ensued.

Rep. Donna Hicks moved that Proposal No. 21 be tabled. By a show of hands Proposal No. 21 was tabled. (Reps. Ballentine, Bedingfield, Bannister, and Norrell requested to be noted as voting "no" on the motion to table.)

Proposal No. 22 - Submitted by Rep. Kris Crawford

Rep. Kris Crawford explained that Proposal No. 22 was requested by Rep. Brian White to reflect that the new restructuring bill had abolished the Budget & Control Board and that House Rule 5.3.A must be amended to reflect that the Revenue & Fiscal Affairs Office would now certify whether the budget bill was balanced. On the motion of Rep. Crawford Proposal No. 22 was unanimously adopted.

Proposal No. 23 - Submitted by Rep. Kris Crawford

Rep. Kris Crawford explained that Proposal No. 23 would amend the House Rules 4.2, 4.16, and 7.3 to change the name of the House Legislative Ethics Committee to the "Committee on Member Conduct and Campaign Finance." On the motion of Rep. Crawford the committee passed over Proposal No. 23.

Proposal No. 24 - Submitted by Rep. G.M. Smith

Chairman G.M. Smith explained that Proposal No. 24 would amend House Rule 6.1 to require that House to meet at 2:00 p.m. on Wednesdays for the first three weeks of each legislative year. Debate ensued. On the motion of Rep. Mike Gambrell Proposal No. 24 was unanimously adopted.

Proposal No. 25 - Submitted by Rep. G.M. Smith

Chairman G.M. Smith explained that Proposal No. 25 would amend House Rule 4.15 to allow a majority vote of the House to amend the House Rules only during the first year of a two-year session. Debate ensued. On the motion of Rep. Bedingfield the committee unanimously tabled Proposal No. 25 by a unanimous vote.

Proposal No. 26 - Submitted by Reps. Bruce Bannister, Alan Clemmons, and Kris Crawford

Rep. Bruce Bannister explained that Proposal No. 26 would add a new House Rule to require committees, subcommittees, and ad hoc committees of the House to require all testimony before them to be made under oath and subjecting a person wilfully giving false, materially misleading, or materially incomplete testimony to contempt of the General Assembly. Debate ensued. On the motion of Rep. Kris Crawford Proposal No. 26 was adopted. (Rep. Bedingfield requested to be recorded as voting "no" to the question of adopting Proposal No. 26)

Rep. James Smith moved to reconsider the vote whereby Proposal No. 26 was adopted. The motion to reconsider was agreed to.

Rep. James Smith requested Unanimous Consent to delete the last phrase of Proposal No. 26 including the words "and may be punished pursuant to the provisions of Section 2-2-100 as applicable". Debate ensued. The Unanimous Consent request was agreed to.

On the motion of Rep. James Smith Proposal No. 26 (as amended by the Unanimous Consent request) was adopted. (Rep. Bedingfield requested to be recorded as voting "no" to the question of adopting Proposal No. 26)

Proposal No. 27 - Submitted by Rep. Bruce Bannister

Rep. Bruce Bannister explained that Proposal No. 27 would amend House Rule 1.9 to require the Speaker to consult with the majority and minority political party leaders regarding the appointment of members to conference and free conference committees and appoint at least one member of the minority political party represented in the House to each conference and free conference committee. Debate ensued. Proposal No. 27 was adopted. (Reps. Bannister and Bedingfield requested to be recorded as voting "no" to the question of adopting Proposal No. 27)

Mr. Charles Reid informed the committee that Proposal Nos. 2, 3, 8, 15, 23, and Question 4b had been passed over by the committee and remained before them for disposition.

Proposal No. 2 - Submitted by Rep. Jay Lucas

Rep. Kris Crawford moved to table Proposal No. 2. Proposal No. 2 was tabled. (Reps. G.M. Smith and Eric Bedingfield requested to be recorded as voting "no" to the motion to table Proposal No. 2)

Proposal No. 3 - Submitted by Rep. Jay Lucas

Rep. Kris Crawford moved to table Proposal No. 3. Proposal No. 3 was tabled. (Reps. G.M. Smith, Eric Bedingfield, and Mandy Norrell requested to be recorded as voting "no" to the motion to table Proposal No. 3)

Proposal No.8 - Submitted by Rep. Jay Lucas

Rep. Kris Crawford moved to table Proposal No. 8. Proposal No. 8 was tabled by a unanimous vote of the committee.

Proposal No. 15 - Submitted by G.M. Smith

Rep. Kris Crawford moved to table Proposal No. 15. Proposal No. 15 was tabled by a unanimous vote of the committee.

Proposal No. 23 - Submitted by Rep. Kris Crawford

Rep. Kris Crawford moved to table Proposal No. 23. Proposal No. 23 tabled by a unanimous vote of the committee.

Question No. 4b - Submitted by Rep. Jay Lucas (question previously divided by committee)

Rep. Kris Crawford reminded the committee that it had previously divided the question on Proposal No. 4 and that Question No. 4a had been adopted. He stated further that the committee had passed over Question No. 4b.

Rep. Crawford explained Question No. 4b as requiring the Speaker Pro Tempore to preside and perform the duties of the Speaker if the Speaker faced a conflict of interest in

performing duties. He further explained that Question No. 4b set a term limit for the Speaker Pro Tempore of no more than 5 consecutive terms (10 years).

Rep. Crawford moved to divide the question on Question No. 4b so that Question 4b(i) referenced the Speaker Pro Tempore performing the Speaker's duties if a conflict of interest existed and Question 4b(ii) referencing term limits for the Speaker Pro Tempore. The motion to divide the question was agreed to.

Rep. Crawford requested Unanimous Consent that the committee proceed to Question 4b(ii) concerning term limits for the Speaker Pro Tempore. The Unanimous Consent request was agreed to. Debate ensued. On the motion of Rep. Crawford Question No. 4b(ii) was adopted by a roll call vote of 10-5.

Those members voting in favor of adopting Question 4b(ii) were:

GM Smith
Ballentine
Bedingfield
Bernstein
Clemmons
Clyburn
Crawford
Hicks
Norrell
J.E. Smith

Those members voting against the adoption of Question 4b(ii) were:

Bannister
Gambrell
Mack
Sottile
Weeks

The pending question returned to the adoption of Question 4b(i). Rep. Kris Crawford further explained Question 4b(i). Debate ensued.

Chairman Smith ordered a recess.

The committee resumed with the question being the adoption of Question 4b(i). On the motion of Rep. Crawford Question 4b(i) was adopted by a unanimous vote of the committee.

Rep. Mandy Norrell moved to reconsider the vote whereby Proposal No. 15 was tabled. The motion to reconsider as agreed to.

Proposal No. 15 - submitted by Rep. G.M. Smith

Rep. Mandy Norrell requested Unanimous Consent to amend Proposal No. 15 to insert appropriate language to create a means whereby the House, by a 2/3 vote of the body, might

override the requirement that the Speaker refer bills to committee that had been "bob-tailed" or "log-rolled" by the Senate. The Unanimous Consent request was agreed to.

On the motion of Rep. Mandy Norrell Proposal No. 15, as amended by the Unanimous Consent request, was adopted by a unanimous vote of the committee.

Chairman Smith instructed staff to make sure that appropriate language was prepared and inserted into Proposal No. 15 to comply with the committee's actions.

Rep. Kris Crawford moved that staff be granted the authority to make technical corrections to the all proposals adopted by the committee and to conform the wording and numbering of the House Rules accordingly to reflect the actions of the committee. The motion was unanimously adopted.

III. Adjournment

The Chairman thanked the ad hoc committee for its work.

At approximately 4:10 p.m., upon the motion of Rep. David Mack, the meeting was adjourned.