Necessary Vote on Action by The House

Special Order

To make Special Order requires majority vote for Appropriations Bills and local bills, on all other bills requires a majority vote after approval by two-thirds of the Rules Committee. (Rule 6.3 (15)(b))

Constitutional Amendment

"To pass measure submitting amendment thereto to the electors requires 'two-thirds of the members elected' 83 yeas. (Const., Art. XVI, Sec. 1). Yeas and Nays required on one Reading only."

When a proposed Constitutional Amendment is substantially changed by a Senate Amendment it is required to have three Readings in the changed form; one of these Readings must be agreed to by a two-thirds (roll call) vote of the membership. (83 yeas) (See 1966 House Journal pp. 2032 & 2210)

To pass a bill ratifying same at the **next session after approval** at a general election requires "a majority of each branch," by yeas and nays (Const., Art. XVI, Sec. 1), that is "**a majority of those voting**, a quorum being present." Yeas and Nays required on Second Reading only.

Constitutional Convention

To pass a measure submitting calling of same to the electors requires "two-thirds of the members elected," that is, 83 votes. (Const., Art. XVI, Sec. 3)*

Dispensing with Reference Printing Report

With reference to committee on first reading. Unanimous consent. (Rule 5.6)

With printing **two-thirds of members present**. (Rule 5.14)

Expulsion of a Member

Requires "the concurrence of a two-thirds of those voting." (Const., Art. III, Sec. 12)*

Impeachment

Of an officer by the House requires **"two-thirds of all the members elected"** (83 yeas). (Const., Art. XV, Sec. 1)

Reconsideration of Question

After refusal to reconsider or affirmation of the first decision requires unanimous consent for further motion. (Rule 8.14)

Removal of Officer

By the Governor for neglect or cause. Requires "the address of two-thirds of each House," by yeas and nays. (Const., Art. XV, Sec. 3) See ***Supreme Court Decision** on page 269.

Rules of the House

To rescind, suspend or alter (except Rule 6.1): Requires vote of **"two-thirds of the members present,"** after Report of Rules Committee on written Resolution. (Rule 4.15) Except that a Rule may be amended by a simple majority of the House during the month of January of each year.

Amendments on Third Reading

To offer amendment (except by chairman of Ways and Means Committee, if he gave notice at second reading of Supply or Appropriations Bill), or amendment by committee after bill has been committed or recommitted. **Unanimous consent**. (Rule 9.2)

Time of Daily Meeting

To change same from time set by Rules. Requires majority of those present. (Rule 6.1)

Veto by the Governor

To pass a bill (or item or section therein) over same, requires "two-thirds of each House," that is, two-thirds of those voting a quorum being present. Taken by **yeas** and **nays**, which **shall be entered on the Journals of both Houses**. (Const., Art. IV, Sec. 21)

S.C. Const., Art. IV, Sec. 21. Every bill or joint resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and if he approves he shall sign it; if not, he shall return it, with his objections, to the House in which it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass it,

it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and if approved by two-thirds of that House it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both Houses shall be taken by yeas and nays, and the names of the persons voting for and against the bill or joint resolution shall be entered on the Journals of both Houses respectively.

*Supreme Court Decision

YEA AND NAY VOTE not required on each reading—There is no requirement in Art. XVI, Sec. 1 of the Constitution that the yea and nay vote shall be taken on each reading of the proposed amendment the wording thereof being merely that it shall be agreed to by two-thirds of the members elected to each House and entered in the Journals respectively, and the yea and nay vote, taken on the second reading, meets the requirements of this Section. **Thompson v. Livingston**, 116 S.C. 412, 107 S. E. 581, 583 (1921).

Rules of The House of Representatives

Adopted January 30, 2019

Rule 1

The Speaker
Speaker *Pro Tempore*

1.1 The Speaker shall take the chair on every legislative day precisely at the hour to which the House adjourned at the last sitting, immediately call the members to order, cause prayer to be said, the Journal of the previous proceedings to be corrected, and if a quorum be present, proceed to other business.

1.2 The Speaker shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. Any person guilty of contempt of the House may be ordered into custody by the House and dealt with as it deems proper.

1.3 If any member, in speaking or otherwise, transgresses the Rules of the House, the Speaker shall call him to order, or any member may call such transgressions to the attention of the Speaker who shall call the transgressor to order. If repeated cries of order are ineffective, the Speaker may call a member by name, and if the Speaker deems it necessary, he shall state the offense committed. The member may be heard in his exculpation and shall withdraw, and the House shall consider his punishment or any further proceedings to be had.

1.4 The Speaker shall sign all acts, joint resolutions, memorials, writs, warrants, and authorizations for payment or other papers authorized by the House.

1.5 The Speaker shall decide all points of order, subject to an appeal by any member, and he may require the member raising a point of order to cite the Rule or other authority in support of the question. With unanimous consent, a member may withdraw a point of order the member has raised. Upon appeal, no member shall speak more than once and for no longer than twenty minutes each, except by permission of the House.

1.6 The Speaker may vote in all cases (except when he may be personally or pecuniarily interested). If the House be equally divided, the question shall be decided in the negative.

The presiding officer may give information or explain any matter before the House; he may speak on points of order in preference to other members, and as often as he may deem necessary, but he shall not enter into any debate or endeavor to influence any question before the House while presiding. *Provided*, the Speaker, in his discretion, may address the body concerning matters of importance to the House.

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.

1.8 The Speaker *Pro Tempore* shall be elected on the opening day of the organizational session and shall preside in the absence of the Speaker. If a conflict of interest arises involving the 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. 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.

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.

1.10 The Speaker is responsible that all amendments ordered by the House be correctly made and that the attention of the House be called to all amendments made by the Senate since the matter was before the House. All Senate amendments to matters previously considered by the House and all House amendments to matters previously considered by the Senate shall, after adoption, be printed by use of distinctive type interlineation in such a manner as to reflect in one text the original version and the language of the amendment.

1.11 If the Speaker or Speaker *Pro Tempore* resigns from such position, he shall submit his resignation to the Clerk of the House in writing. This procedure shall be followed in the case of the resignation of any elected officer of the House.

1.12 In case of emergency, the Speaker has the authority, when, in his opinion, it is impractical or dangerous to hold a regularly scheduled session(s) of the House of Representatives, to declare the body adjourned to some other time. Such actions are to be taken only in times of great emergency including, but not limited to, natural disasters, severe weather, and Acts of God.

When, due to great emergency or through inadvertence, the House is adjourned without provision for the next meeting, the Speaker may issue a call specifying the time for the next meeting.

1.13 Sec. 2-3-110 of the Code of Laws of South Carolina, 1976, designates the Speaker of the House as the Chief Administrative Officer of the House of Representatives, and as such, the Speaker is authorized to initiate or otherwise participate in litigation on behalf of the House. The Speaker shall comply with the applicable rules of civil procedure in the relevant jurisdiction when taking action on behalf of the House.

Rule 2

Elected Officials

Clerk, Reading Clerk, Chaplain, and Sergeant At Arms

2.1 The Clerk shall be elected by the membership of the House for a term of two years. This election will take place on the opening day of the organizational session.

2.2 The Clerk of the preceding session shall, at the beginning of the organizational session of the House, call the members to order, proceed to call the roll of members in alphabetical order, and pending election of a Speaker, Speaker *Pro Tempore*, or temporary officers, preserve order and decorum, and decide all questions of order subject to appeal by any member. The duties of this section may be delegated by the Clerk to any member of the House.

2.3 The Clerk shall cause to be kept a correct Journal of the proceedings of the House, and this Journal shall be numbered serially from the first day of each session of the Legislature. He shall not permit any books or papers belonging to the House to be taken out of his custody other than in the regular course of business and then upon receipt when he deems necessary. He shall report any missing papers to the Speaker.

2.4 The Clerk of the House shall cause to be prepared and laid on the desks of the members every morning an itinerary of the day's business to be called the Calendar. This Calendar shall include the orders of the preceding day and all continued matters arranged according to priority, and numbered from the commencement of the session, every matter being introduced and newly numbered after every new order upon it.

2.5 The Clerk shall assist, under the direction of the Speaker, in taking roll call or division votes.

2.6 The Clerk shall issue all pay certificates for *per diem* and mileage and incidental expenses upon the order of the Speaker, the signature of the Speaker being attested by the Clerk. The Clerk shall also attest to all writs and warrants and to the passage of all bills, resolutions, and memorials.

2.7 The Clerk shall prepare in writing, present to the Speaker for his signature, and send all messages to the Senate and elsewhere as ordered by the House.

2.8 The Clerk shall also be charged with the duty of having executed, in a prompt and accurate manner, all the printing required by the Rules or orders of the House.

2.9 The Reading Clerk shall be elected by the membership of the House for a term of two years. This election will take place on the opening day of the organizational session.

2.10 The Reading Clerk shall read all papers to be read at the desk, which the Speaker may direct him to read and shall assist in taking any roll call votes at the Speaker's direction. Upon ordering of a roll call vote, or upon a quorum call, the electronic roll call system is to be used following the procedure of Rule 7.3. When the electronic roll call system is not operating in any manner, the Reading Clerk shall call the roll and take the names of all who vote "aye" and all who vote "nay" which shall be entered in the Journal and the provisions of Rule 7.3 shall not apply. If, during the course of an ordered electronic roll call, the electronic roll system malfunctions, in such a manner that the number of aye votes and the number of nay votes are recorded but the names of the members so voting are not recorded, the vote shall stand, and any member desiring to publish a record of his individual vote may submit a statement which shall be printed in the House Journal. If, during the course of an ordered electronic roll call, the electronic roll call system malfunctions in such a manner as to record no accurate information as to the vote totals, the question shall be resubmitted and the Reading Clerk shall call the roll of the members as hereinabove specified.

Provided, however, in the case of a malfunction in the electronic roll call where the roll call to be taken is mandated by the Constitution or Statutes, any malfunction will void the roll call and it will be retaken.

Provided, that whether the ayes and nays are taken by electronic roll or otherwise, they shall be recorded by the Clerk in the Journal.

2.11 The Chaplain shall be elected by the membership of the House for a term of two years. This election will take place on the opening day of the organizational session.

2.12 The Chaplain shall provide spiritual guidance for the membership of the House.

2.13 The Sergeant at Arms shall be elected by the membership of the House for a term of two years and shall be under the direct supervision of the Speaker of the House. This election will take place on the opening day of the organizational session.

2.14 The Sergeant at Arms shall assist the Speaker in maintaining order and decorum.

2.15 The duties of the Sergeant at Arms, shall be as provided for in Chapter 3 of Title 2, Code of Laws of South Carolina, 1976, as amended.

2.16 The Sergeant at Arms may designate, subject to the approval of the Speaker, other staff members of the House to assist the Speaker and the Sergeant in performing such duties as they may direct, in accordance with Chapter 3 of Title 2, Code of Laws of South Carolina, 1976.

Rule 3
Members and Membership

3.1 Every member shall be within the House Chamber during its sittings unless excused or necessarily prevented, and may vote on each question put, except that no member shall be permitted to vote on any question immediately concerning his private rights as distinct from the public interest.

3.2 The Speaker may excuse any member from attendance on the House and its committees for any stated period upon reason shown, and such excused absence shall be noted in the Journal.

3.3 Any member absenting himself from attendance on the House or its committees and having in his possession any original papers relating to the business before the House, shall leave such original papers with the Clerk before departing from the Capitol.

3.4 Any member who enters after the roll call at the opening of the daily session and notifies the Clerk in writing shall thereafter be shown as present for such day. *Provided*, that no person except those recorded present shall be eligible for subsistence for that day.

3.5 In cases of contest for a seat in the House, notice setting forth the grounds of such contest shall be given by the

contestant to the House within three calendar days after the House first convenes, and in such case, the contest shall be determined by majority vote as speedily as reasonably possible.

3.6 When the House is called to order, every member shall take his seat and shall act with decorum at all times when the House is in session. Every member, when about to speak, shall rise from his seat and respectfully address himself to "Mr. Speaker" and shall avoid disrespect to the House or the Senate and all personalities, observe decency of speech, and shall confine himself to the question under consideration.

The Speaker, when duly addressed by a member, shall hear from the member who, in the Speaker's opinion, shall arise first, by identifying the member. The Reading Clerk shall not turn on any member's microphone until the Speaker has recognized that person.

3.7 No employee of the House shall personally interest or concern himself with the passage or consideration of any measure whatsoever. If any employee does so, it shall be grounds for summary dismissal. While within the House Chamber during session, no one may personally, or in an official or representative capacity, concern himself with the passage or consideration of any measure whatsoever, except sitting members of the General Assembly and House staff in the usual and ordinary performance of their duties as an employee of the House. The Speaker may require immediate removal from the House Chamber of any person who violates the provisions of this Rule.

3.8 No member shall speak more than twice on the same question without leave of the House, except merely to explain his meaning, even if the debate on the question should be continued for many days. In the case of a matter requiring more than one reading, this limitation applies separately to each reading, *provided*, however, notwithstanding that a matter may move from the uncontested to contested Calendar or vice versa within the same reading, the limitation applies to the entire reading. If a member has the floor and is addressing the body, he shall not lose the floor by asking a question of any member of the body.

3.9 If any member shall be absent without leave and a quorum is not present, the Speaker shall instruct the Sergeant at

Arms or appoint other authorized persons to send for such member or members and take them into custody. The outer doors to the Chamber shall be closed. The Speaker shall order that security personnel shall be posted at the outer doors of the Chamber and no member shall be permitted to leave the second floor of the State House without written leave of the Speaker. The Speaker may also order that security personnel be posted at all entrances to the State House to prevent members from leaving without authorization. An absent member who is taken into custody after the invocation of this Rule shall pay for all reasonable expenses incurred which shall include mileage at the prevailing rate for state employees. In addition, such absent member who is taken into custody shall forfeit his entitlement to subsistence and mileage for that legislative day and shall be subject to any additional penalties the Speaker deems necessary. Should a quorum be present and ten members request, such absent member or members shall be sent for as herein provided and subjected to the same penalties. The Speaker shall strictly enforce the provisions of this Rule. *Provided*, however, in the case of a member not being present when Rule 3.9 is invoked and such member voluntarily returns without being taken into custody, he shall not be subject to the penalties of this section. The invocation of this Rule may be rescinded by a majority vote of those present and voting.

3.10 As soon as practicable, after the House has been organized, the seats of the members shall be allotted as follows:

The Clerk shall prepare a ballot for each county with only its name printed on it. These shall be put in a closed box. The Speaker shall then direct a person or persons to draw them out, one by one. As each ballot is drawn, the delegation from that county shall select their seats, in accordance with the county in which the member resides. In the event a member's district consists of more than one county, the member may elect to be seated with the delegation the member desires, provided the member indicates the preference to the Clerk of the House prior to balloting. No delegation may select more than one seat on the main aisle.

3.11 As soon as practicable, after the House has been organized, office space of members must be allotted as follows:

Each member shall choose an office in the Blatt Building on the basis of their seniority in the House in accordance with a floor plan prepared by the House Operations and Management Committee with the consent of the Speaker. A member who has served in the immediately preceding session shall have first preference on retention of his previously assigned office. The House Operations and Management Committee is authorized to make necessary adjustments in the assignment of office space with the consent of the Speaker when available space cannot be reasonably adjusted to conform with the county selections made pursuant to this subsection.

The provisions of this Rule do not apply to office space for the Speaker, Speaker *Pro Tempore*, Chairman of the Rules Committee, Chairman of the Invitations and Memorial Resolutions Committee, Chairman of the Interstate Cooperation Committee, and chairmen of any other standing study committees or any other caucus having assigned space in the Blatt Building.

3.12 Members and employees of the House, other than pages, shall observe appropriate and dignified attire which means coat, trousers, shirt and tie for males and dress, skirt, slacks and blouse, or pants suits for females, unless otherwise excused by the Speaker in his sole discretion.

3.13 Each legislative caucus occupying office space in the Blatt Office Building may pay to the Clerk of the House of Representatives an amount, determined by the Clerk, for the use of office space by each caucus. Each caucus may also pay an amount for use of state-owned office related equipment including, but not limited to, copying services, computer equipment, and software and related connection charges for internet access and telephone equipment and service. Each legislative caucus may make payment for equipment and services in the manner to be determined by the Clerk.

Rule 4
Committees

4.1 Committee appointments: see Rule 1.9.

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, South Carolina Code of Laws, Sec. 1-23-10 et seq.)—13.
10. Committee on Legislative Oversight (Oversight and Review of Government Operations and Accountability, South Carolina Code of Laws, Sec. 2-2-5 et seq.)—20.
11. House of Representatives Legislative Ethics Committee—10.
12. 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.

13. 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)—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 Regulations and Administrative Procedures, 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 a 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. 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 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.

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.

4.3 Unless otherwise ordered, committees shall have jurisdiction only over matters pertaining to the subjects indicated by the names of the respective committees, and to the subject matter indicated in parenthesis following the names.

4.4 Committees shall meet regularly to consider pending legislation in the room assigned for their use by the Speaker. Notice of date, time, and place of such meetings shall be posted on a bulletin board provided for this purpose in the lobby. 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. *Provided*, however, that the Committee on Rules and any committee of conference or free conference, may sit at any time and may report its message to the House at any time.

No committee shall sit unless a quorum be present and all bills introduced by committees must carry the statement of the Chairman that the bill has the approval of two-thirds of the membership of the committee, except that the State Appropriations Bill, the Supplemental Appropriations Bill, a Rescission Bill, and the Deficiency Appropriations Bill may be introduced by a majority vote of the Ways and Means Committee.

No committee shall introduce a bill pertaining to subject matter over which it has no jurisdiction.

Notice in writing of all public hearings shall be given by committee chairmen to the Clerk of the House at least five calendar days prior to the date fixed for the hearing, such notice to be published in the House Calendar. Notice in writing of all committee action taken on a bill or resolution shall be given to the principal author thereof.

No statewide bill directly appropriating money shall be considered by the House until after such bill has been referred to the Ways and Means Committee, *provided*, however, a statewide bill which directly or by implication provides for *per diem*, subsistence or mileage in connection with the subject matter of the bill, but does not otherwise directly appropriate money, shall not be required to be referred to the Ways and Means Committee.

After the House sets a bill for Special Order pursuant to Rule 6.3, no point of order may be raised regarding its reference

to committee, however, the House by majority vote may commit or recommit a bill or other matter under debate.

No committee action shall be taken on a bill or resolution except at a regular or called meeting, but this shall not apply to resolutions referred to the Committee on Invitations and Memorial Resolutions.

When any standing committee or subcommittee schedules a public hearing on a bill or resolution, the principal sponsor of such bill or resolution shall be notified of the time and place of such hearing not less than five calendar days prior to the hearing date.

4.5 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. *Provided*, a legislative caucus as defined by Sec. 2-17-10 of the 1976 Code of Laws of South Carolina, as amended, and its meetings are not subject to the provisions of Title 30, Chapter 4 of the 1976 Code of Laws of South Carolina, as amended.

No committee shall file a report unless the committee has met formally at an authorized time and place with a quorum present. All standing committees of the House shall prepare and make available for public inspection, in compliance with Sec. 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.

4.6 After twenty days from the date of reference, the Chairman of the committee in possession of a measure shall, upon written request of a sponsor or, in the case of a Senate measure, a House member, set a time for consideration of the measure by the full committee or subcommittee which shall be no later than seven legislative working days thereafter. *Provided*, however, that a member may request consideration of a bill or resolution pursuant to this Rule only one time per bill or resolution during a legislative session.

4.7 a. Each report of a committee shall contain the action of the committee on the bill or other measure being transmitted. Such report shall certify the action by the committee and shall be signed by an officer of the committee.

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.

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 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. *Provided*, the provisions of this Rule may be dispensed with by a two-thirds vote of the membership present and voting of the House, a quorum being present.

4.9 In all cases the House may resolve itself into a Committee of the Whole. The motion to resolve the House into a Committee of the Whole shall specify the subject(s) to be considered in the Committee of the Whole. In the event the House resolves itself into a Committee of the Whole, the Committee of the Whole shall limit discussion to the subject(s) specified in the motion. The Speaker shall leave the Chair after appointing a chairman to preside, who shall, in

case of disturbance or disorderly conduct, have the power to cause same to be cleared. No bill or resolution may be considered by the Committee of the Whole House, except by a two-thirds vote, unless same has first been considered by the appropriate Standing Committee of the House.

4.10 The Committee of the Whole shall consist of the entire body of members in attendance at the particular meeting of the House. Such committee is a real committee in the parliamentary sense. During the time that a meeting of the Committee of the Whole is held, it is technically not "the assembly."

4.11 The Rules of the House so far as they are applicable shall be observed in a Committee of the Whole, the Chairman being substituted for the Speaker.

4.12 No Committee of the Whole or other committee shall deface or interline a bill or other paper, referred to it, but shall report any amendments recommended on a separate paper, noting the page and line.

4.13 No person shall be permitted to address the House or the Joint Assembly except by written resolution, and such resolution shall be referred to the Committee on Invitations and Memorial Resolutions before being considered by the House. The committee shall not extend an invitation to any individual or group to address the House or the Joint Assembly unless such person or group is of significant national or state prominence at the time the invitation is extended and will bring a message of major importance to the State or such individual or group will present an artistic performance during the established hours of meeting.

Any invitations extended to the House as a whole to attend any functions shall be submitted to the Committee on Invitations and Memorial Resolutions at least 10 days in advance in order that it may determine what legislation or other pertinent matters may be pending before the House and its committees before the invitation is accepted. The House shall accept no invitations to any functions other than a breakfast or luncheon prior to 6:00 p.m. Pages are not permitted to attend such functions. No invitations to functions for the House as a whole will be accepted during the week anticipated for the debate of the State Appropriations Bill.

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

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.

4.16 A. The House of Representatives Legislative Ethics Committee (committee) consists of ten (10) members. The ten members of the House of Representatives Legislative Ethics 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 Ethics 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 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.

B. Jurisdiction

(1) The committee shall have jurisdiction over individuals and entities pursuant to Chapter 13, Title 8.

(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) ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of Chapter 13, Title 8, which may include, but are not limited to, an audit of filed reports and applicable campaign bank statements, and to promptly notify the person to file the necessary notices and reports to satisfy the requirements of Chapter 13, Title 8;

(2) receive complaints or allegations concerning any person under the jurisdiction of the committee alleging a violation of Chapter 13, Title 8 or Chapter 17, Title 2 and refer any complaint except for a complaint regarding a violation of the Rules of the House of Representatives to the State Ethics Commission (commission) for investigation in compliance with Sections 8-13-530 through 8-13-550;

(3) 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, Title 8 or Chapter 17, Title 2 and refer the complaint for investigation to the commission except for a complaint concerning a violation of the Rules of the House of Representatives;

(4) cause to be investigated any complaints or allegations regarding a violation of the Rules of the House of Representatives or technical violation;

(5) 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;

(6) act as an advisory body to the House and to individual members of or candidates for the House on questions pertaining to Chapter 13, Title 8 or Chapter 17, Title 2;

(7) 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 also shall 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;

(8) administer or recommend appropriate sanctions or dismiss charges as the result of a properly filed complaint including a complaint which has been investigated by the commission;

(9) 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

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

D. Complaints and Investigations

(1) Complaints must be verified in writing and state the name of the person alleged to have committed the violation and the particulars of the violation.

(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, and to the commission for investigation,

except for a complaint alleging a violation of the Rules of the House of Representatives, within thirty days from the date the complaint was filed.

(3) If the committee determines that the complaint regarding a violation of the Rules of the House of Representatives 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 Rule 4.16D.(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 thirty days of being notified by the committee. Any complaint referred to the commission by the committee will be handled in accordance with Sections 8-13-530 through 8-13-550.

(5) After the investigation of a complaint referred to the commission and the commission subsequently provides a report to the committee with a recommendation that there is probable cause to believe a violation of Chapter 13, Title 8 or of Chapter 17, Title 2 has occurred, the committee may then concur or nonconcur with the commission's recommendation, or within forty-five days from the committee's receipt of the report, submit a request to the commission to continue the investigation in order to review information previously received or consider additional matters not considered by the commission.

(6) If, after reviewing the commission's recommendation and relevant evidence, the committee determines that there is not competent and substantial evidence of a violation of Chapter 13, Title 8 or of Chapter 17, Title 2 has occurred, the committee shall dismiss the complaint and send a written decision to the respondent and the complainant. The notice of dismissal must

be made public if the commission made a recommendation that probable cause existed.

(7) If, after reviewing the commission's recommendation and relevant evidence, the committee determines that the respondent has committed only a technical violation pursuant to Sec. 8-13-1170 or 8-13-1372, then the provisions of the appropriate section apply.

(8) If, after reviewing the commission's recommendation and relevant evidence, the committee determines that there is competent and substantial evidence that a violation of Chapter 13, Title 8 or of Chapter 17, Title 2 has occurred, except for a technical violation of Sec. 8-13-1170 or 8-13-1372, the committee shall, as appropriate:

(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.

(9) The committee may obtain its own information, or request additional investigation by the commission, if it needs additional information to make a determination as to whether or not competent and substantial evidence of a violation exists.

(10) 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.

(11) If the committee determines that assistance is needed in conducting an investigation, the committee shall request the assistance of appropriate agencies.

(12) If the committee determines that there is no probable cause it shall dismiss the complaint.

(13) 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 the Freedom of Information Act (Chapter 4, Title 30).

(2) The investigator or attorney handling the investigation concerning a violation of the Rules of the House of Representatives or a technical violation 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) The investigator or attorney handling the investigation for the commission shall present the evidence related to the complaint to the committee.

(4) 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 committee 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.

(5) 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.

(6) The committee may deliberate in executive session but must render its findings of fact and issue any sanctions in a public hearing.

F. Sanctions

(a) 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 Sec. 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 may levy an enforcement or administrative fee on a person found in violation or who admits to a violation, pursuant to Title 2 or Title 8, to reimburse the committee for costs associated with the investigation and hearing of a violation as provided in Sec. 8-13-130.

(c) 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 his 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 after the dismissal of a complaint after the commission's finding of probable cause, or a complete, written waiver by the respondent, the following documents become public record: the complaint, the response by the respondent, and, if applicable, the committee's notice of dismissal. After a public hearing, the following documents become public record: 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 when 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 (Chapter 4, Title 30).

(2) In an instance when 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) Notwithstanding Sec. 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 Sec. 8-13-1300. This Rule does not apply to a candidate committee or a legislative caucus committee.

(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.

4.17 The Standing Committees may order to be printed for their use such papers as shall be referred to them.

4.18 The House shall not resolve itself into Executive Session except under those circumstances permitted by the laws of this State, and then only upon a vote of two-thirds of the membership present and voting, a quorum being present. Upon resolving itself into Executive Session, the Halls of the House shall be cleared of all persons except the members of the House, the Clerk of the House, and the Sergeant at Arms.

No action shall be taken which violates the Statutory Law of this State and when such action is permissible it shall only be taken upon a two-thirds vote of the membership present and voting, a quorum being present.

4.19 When a bill or resolution is reported out of a standing committee of the House of Representatives, a summary of the bill or resolution prepared by the staff of that committee, if such summary is available, may be made available to the members electronically. Each summary prepared by staff shall have the following language printed in bold capital letters at the top of the summary: **"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".**

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

Rule 5

Bills, Resolutions, and Reports

5.1 No notice shall be required of a member of his intention to introduce a bill or resolution. Any member may introduce bills or resolutions which shall be received by the House staff whether or not the House is in session. Bills and resolutions so received shall be periodically referred by the Speaker of the House to the appropriate committee or committees which may then consider them at such times as the committee meets. Any matter acted upon favorably by any committee may be reported out by the committee when the House reconvenes and need not thereafter be sent to any committee but shall then be ready, upon compliance with other Rules of the House, for second reading consideration; *provided*, however, that bills appropriating revenue shall be referred to the Ways and Means Committee. *Provided*, further, that bills and resolutions creating study committees shall first be referred to the appropriate standing committee having jurisdiction of the subject matter of the bill or resolution. The Clerk of the House shall establish procedures to notify the House membership on a monthly basis of bills and resolutions introduced during periods when the Journal is not printed.

All bills received prior to the first day of the convening or reconvening of the General Assembly shall receive first reading on the first day of the session.

In those years in which all seats of the House are up for election, no bill shall be received for prefiling between the dates of adjournment *sine die* and the date of completion of the Organizational Session of the House.

When the House of Representatives is not in session and bills are being prefiled and assigned to committees, any member who wishes to have their name added as a sponsor of a bill may do so by notifying the Clerk of the House in writing. The Clerk shall then notify the Chairman of the committee to which the bill has been assigned and their name shall be added. If a member wishes to sponsor a bill individually then they shall so indicate on the face of the bill and no additional sponsors shall be allowed.

5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.

And every bill or joint resolution which shall propose the amendment or repeal of any Section, Chapter, or Title of the General Statutes or of any Act of Assembly or joint resolution, shall, in its title express the subject matter of such section, chapter, title, act, or joint resolution so sought to be amended or repealed. If this is not complied with, the paper shall not be received by the Speaker and objection may be raised by any member to such improper introduction at any time prior to third reading that the bill or resolution is being considered by the House.

Every bill or joint resolution proposing to amend any section or clearly identifiable subdivision or portion of a section of any chapter of the General Statutes or of any Act of Assembly or joint resolution shall give the full text of the Section or clearly identifiable subdivision or portion of a Section as it would read with such amendment inserted therein. And if this latter clause of this Rule is not complied with, the bill or joint resolution shall be amended so as to conform to this Rule before it be considered by the House. Any member may require such amendment at any time a bill or resolution not in conformance herewith is being considered by the House.

5.3 General Appropriations Bill and Supplemental Appropriations Bill:

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 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 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 Revenue and Fiscal Affairs Office cannot give such certificate, the Speaker shall order the bill recommitted to the Ways and Means Committee.

B. Germaneness and Amendments: The General Appropriations Bill and Supplemental Appropriations Bills may include both temporary and permanent provisions of law. The substantial effect of all temporary provisions of law and amendments thereto must be directly germane to the appropriation of funds, affecting revenue, or be Rules, regulations, directives, or procedures relative to the appropriation of funds or affecting revenue for the fiscal year referred to in the bill. The substantial effect of all permanent provisions of law and amendments thereto must be directly related to and expressly germane to the purpose of an appropriation being made or revenue provided therein for the fiscal year referred to in the

bill. An amendment which has the effect of appropriating funds in excess of one million dollars during the fiscal year stated within the bill shall include within the amendment the corresponding appropriation reduction(s) and/or revenue increase(s) within the same section that shall fully fund the amendment's proposed appropriation(s) or have attached to it in writing an explanation of the specific appropriation reduction(s) and/or revenue increase(s) from the different section(s) that shall fully fund the amendment's proposed appropriation(s). *Provided*, if an amendment identifies unspent projected revenue or balance as the funding source, the Speaker must consult with the Office of Revenue and Fiscal Affairs and confirm the existence of sufficient unspent revenue or balance before the House may consider the amendment. The provisions of this paragraph shall be narrowly and strictly construed with regard to all provisions of and amendments to the General Appropriations Bill and Supplemental Appropriations Bills.

C. Report of Conference of Committee: The following requirement applies to the report of the Conference Committee on the Annual Appropriations Bill: Any provision offered for inclusion in the Annual Appropriations Bill which increases or decreases the most recent official projection of general fund revenues of the Board of Economic Advisors may not be included in the bill or recommendation unless the revenue impact is certified by the Board of Economic Advisors. Changes to the official general fund revenue estimate as a result of such provisions may not exceed amounts certified by the Board of Economic Advisors. This requirement is in addition to other provisions of law regarding fiscal impact statements.

D. Format of Appropriations Bill: All State Appropriations Bills must be printed at the following stages in their passage so that:

1. The House Ways and Means Committee version of the Appropriations Bill must include the amounts recommended by the Ways and Means Committee.
2. The House version of the Appropriations Bill must include the amounts recommended by the Ways and Means Committee and the amounts passed by the House.
3. The Report of Conference or Free Conference Committee must include the amounts passed by the House, the amounts passed by the Senate, and the amounts agreed upon by the Conference Committee.
4. The Appropriations Act must include total funds approved for the next fiscal year and a listing of appropriations from the General Fund.
5. *Provided*, further, that:
   a. the full salary of the principal officer of each department, agency, or institution shall be set forth as an item distinct and apart;
   b. minor budget classifications or other descriptive terminology may be used when necessary to better express the purpose of the appropriation;
   c. where the major portion of the operating funds to any department, institution, or principal operational division thereof is derived from federal or other nonappropriated funds, the total appropriation for each major budget classification may be shown, and the relative contributions of state and nonappropriated funds therefor shall be shown as completely as possible; and
   d. the appropriations must be in conformity with the program budget format as adopted by the Ways and Means Committee.

E. Any bill or resolution considered by the House of Representatives, upon second reading, that raises

revenue must conform to the provisions of Article III, Section 15 of the South Carolina Constitution.

F. Earmark Projects and Programs: For purposes of this section:

1. "Appropriations bill" means the annual general appropriations bill, a supplemental appropriations bill, the joint resolution appropriating revenues of the capital reserve fund, a bill appropriating contingency reserve fund revenues, bond bills, or any other bill appropriating state revenues while under consideration by the House Ways and Means Committee or Senate Finance Committee or any subcommittee of it and any free conference committee on an appropriations bill. For purposes of this definition, a bill includes a joint resolution.

2. "Earmark project or program" means:

   a. an appropriation for a specific program or project not originating with a written agency budget request or not included in an appropriations act from the prior fiscal year;

   b. an appropriations bill proviso directing the expenditure of funds appropriated to an agency for a purpose not originating with a written agency budget request or not included in an appropriations act from the prior fiscal year.

3. Each request for an earmark project or program included in an appropriations bill must be memorialized in writing on a form designed by the Chairman of the House Ways and Means Committee. The form must include the member's name who requested the earmark project or program, an explanation of the earmark project or program requested, and such other information as the form may require. The form must be filed with the House Ways and Means Committee.

4. Each request for an earmark project or program included in the House Ways and Means Committee version of an appropriations bill must be listed on a separate document prepared by the appropriate committee and placed on the members' desks before beginning debate of the appropriations bill on second reading. The document must include the members' name requesting the earmark project or program, a brief description of the earmark project or program request, and such other information as the form may require and must be posted on the General Assembly's web site.
5. An earmark project or program request made while an appropriations bill is in the Senate and is included in the report of a committee of conference must be listed on a separate document, similar to the form described in item 4., and placed on the members' desks before beginning debate of the report of the committee of conference. The Chairman of the House Ways and Means Committee is charged with providing this form to the House membership.
6. An earmark project or program request made while an appropriations bill is in a committee of free conference must be listed on a separate document, similar to the form described in item 4., and placed on the members' desks before beginning debate of the report of the committee of free conference. The Chairman of the House Ways and Means Committee is charged with providing this form to the House membership.
7. If the provisions of this subsection are not followed in reference to an individual earmark project or program, a two-thirds vote of the membership present and voting is required to include the earmark project or program in the appropriations bill or the report of the committee of conference or free conference.

G. The Annual General Appropriations Bill must be considered section-by-section on second reading, and when the pending question is the adoption of an individual section, the yeas and nays must be taken by roll call and the votes on it must be recorded by name in the Journal except when the House agrees to a section by unanimous consent.

5.4 No bill or amendment providing an appropriation to pay a private claim against this State or a department thereof shall be introduced or considered.

5.5 No bill or joint resolution shall be introduced as a delegation bill or resolution unless such bill or resolution relates only to local matters concerning the county which such delegation represents.

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.

5.7 Upon the second reading of a bill, after all amendments and motions have been disposed of, the question shall be the passage of the bill. Upon a decision in the affirmative, the order shall be made accordingly and the bill shall take its place on the Calendar for third reading.

5.8 At the third reading of a bill, the bill shall be read by its title only.

If the bill originated in the House, the question then shall be the passage of the bill. On a bill which originated in the Senate, if no amendment has been made by the House, the question shall be the passage of the bill and in the case of an affirmative vote, the title "Bill" shall be changed to an "Act" and the act shall be enrolled for ratification.

If the bill has been amended in the House, the question shall be the passage of the bill, as amended, and in the event of an affirmative vote, the bill, as amended, shall be returned to the Senate.

5.9 All bills and resolutions reported by a committee shall, as a matter of course, be printed, together with the report of a committee. A bill or joint resolution shall be reprinted following its second reading, if amended by the House, reflecting the substance of the bill in its amended form. Every committee report which amends the provisions of legislation referred to such committee shall give the full text of the section or clearly identifiable subdivision or portion of a section as it would read with such amendment inserted therein. If this Rule is not complied with, the committee report shall be amended so as to conform to this Rule before the bill or joint resolution is considered by the House. This shall be the responsibility of the committee Chairman.

5.10 No local bill or joint resolution shall receive a second reading unless its number and title shall have been printed in the House Calendar at least one day prior to such reading. *Provided*, that no statewide bill or joint resolution shall receive a second reading unless its number and title shall have been printed in the House Calendar at least one statewide legislative day prior to such reading unless said bill or resolution has been set for Special Order consideration as provided for by Rule 6.3(15)(b). *Provided*, further, no General Appropriations Bill or Supplemental Appropriations Bill for the ordinary expenses of the State Government shall receive a second reading unless printed copies of such Appropriations Bill shall have been laid on the desks of members at least three legislative days prior to second reading.

5.11 Any bill, resolution, report, or other paper which has been under consideration, may, at the Speaker's discretion, be ordered to be printed for distribution to the members.

5.12 No bill or joint resolution from the Senate shall be considered unless received by April tenth in the House. *Provided*, such bill or joint resolution shall be placed on the Calendar for further consideration if two-thirds of those members present and voting agree to waive the Rule. Any bill or joint resolution failing to receive the required vote shall be returned to the appropriate committee. Once voted on and rejected, no further vote shall be allowed to waive this Rule.

The motion to waive this Rule shall not be debatable, except that the mover shall have the right to make a three-minute explanation of his motion.

The provisions of this Rule shall apply only to regular sessions of the General Assembly as opposed to special sessions of the General Assembly.

The Speaker shall enforce the deadlines provided by this Rule and shall not allow consideration without putting the question of waiver before the House.

5.13 Each bill effecting the expenditures of money by the State shall, prior to receiving second reading, have attached to it in writing such comment of the appropriate state official or office as may appear appropriate regarding the bill's effect on the finances of the State. Each committee amendment that substantially changes a bill effecting expenditures of money by the State, prior to the bill receiving second reading, shall have attached to the committee amendment such comment of the appropriate state official or office as may appear appropriate regarding the committee amendment's effect on the finances of the State. *Provided*, however, this Rule shall not be invoked where the amount is shown in the bill.

Committee chairmen shall satisfy these requirements of a fiscal impact statement prior to the bill receiving second reading.

5.14 No report of a Committee on Conference or Free Conference, except on a *sine die* Resolution 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 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.

5.15 The printing of any document required to be printed under the Rules of the House may specifically be dispensed with by two-thirds vote of the membership present and voting of the House, a quorum being present; *provided*, such vote shall be by division vote; *provided*, however, the printing of any bill which has not been referred to committee shall not be waived.

5.16 Should any member seek immediate consideration of any House or Concurrent Resolution, the resolution shall receive immediate consideration unless five members object. If immediate consideration of such resolution is not sought, or in the event five members do object where immediate consideration is sought, the resolution shall be referred to an appropriate committee and shall not be considered by the House until after the committee has made its report and at that time shall take its place on the Calendar. *Provided*, however, a House or Concurrent Resolution concerning *sine die* adjournment under Article III, Section 21 of the South Carolina Constitution and Sec. 2-1-180 of the Code of Laws of South Carolina, 1976, shall receive immediate consideration, which shall include the motion to commit or recommit.

A House or Concurrent Resolution sponsored by a committee shall receive immediate consideration if so requested by a member unless five members object, in which case it shall take its place on the Calendar without the necessity of being referred to a committee. Such resolution shall be printed in the same manner as is prescribed in Rule 5.9 for the printing of bills.

Provided, however, the Clerk shall prepare forms for House Resolutions expressing the sympathy or congratulations of the members of the House. Any member wishing to sponsor such a resolution shall forward in writing on a form prepared by the Clerk information sufficient to prepare the resolution. The Speaker shall sign the resolution on behalf of the membership. Such resolutions shall not be read to the House or printed in the Journal except upon the request of ten members. The Speaker may refer any such resolution to the Committee on Invitations and Memorial Resolutions and, in such event, the resolutions must be approved by the committee or if the committee recommends, by the House.

When the roll of the House is added by unanimous consent to a House or Concurrent Resolution, the Clerk of the House shall maintain possession of such resolution until noon on the following legislative day. A member of the House who does not wish to have his name included on a House or Concurrent Resolution when the roll of the House is added by unanimous consent may request, on a form provided by the Clerk, that his name be removed from the resolution. The Clerk shall remove the member's name from such resolution if the request is received by noon on the following legislative day. After such time, a member who was not present when the roll of the House was added by unanimous consent to a House or Concurrent Resolution, shall be permitted to add a written statement, in less than two hundred words, in the appropriate journal stating that had the member been present in the Chamber, he or she would not have voted in favor of the resolution.

5.17 (A) Upon the consideration of any statewide uncontested bill or joint resolution, an objection or request for debate by five (5) members at any time prevents the consideration of the statewide bill or resolution and it then must be placed upon the statewide contested Calendar and remain on it until one (1) or more objections or requests for debate are formally withdrawn from the floor, and if there are not further objections or requests for debate entered at that time so that the total number of outstanding cumulative objections or requests for debate is less than five (5) or more, the statewide bill or resolution shall then receive immediate consideration if there is any time remaining in the applicable period for that statewide day for that bill or resolution.

(B) Upon the consideration of any local uncontested bill or joint resolution, an objection or request for debate by three (3) members at any time prevents the consideration of the local bill or resolution and it then must be placed upon the local contested Calendar and remain on it until one (1) or more objections or requests for debate are formally withdrawn from the floor, and if there are not

further objections or requests for debate entered at that time so that the total number of outstanding objections or requests for debate is less than three (3), the local bill or resolution shall then receive immediate consideration if there is any time remaining in the applicable period for that day for that local bill or resolution.

5.18 If any bill or resolution shall be recommitted to a committee or referred to another committee retaining its place on the Calendar, the same may be listed on the Calendar by number only until it is returned to the floor for debate or such action as may be appropriate.

Any bill, resolution, or report upon which debate has been adjourned may be listed on the Calendar by number only until the date for consideration has been reached.

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 of the committee 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.

5.20 Notwithstanding the provisions of any other House Rule, no House or Concurrent Resolution memorializing the Congress of the United States, the President of the United States, or any state or federal department, agency, or official shall receive immediate consideration but shall be referred to the Committee on Invitations and Memorial Resolutions and shall remain in such committee unless three members of the

committee vote to report the resolution out of committee. No such resolution may be recalled from committee.

Rule 6

Daily Order of Business and Calendar

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 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.

b. The Speaker, in his sole discretion, is authorized to call the House of Representatives into statewide session for the exclusive purpose of the introduction and referral of bills and receipt and reading of communications and committee reports and to adjourn immediately thereafter with no roll to be taken. Any such action by the Speaker shall provide the specific date of the statewide session and shall provide that the House of Representatives must convene at 10:00 a.m. and adjourn not later than 10:30 a.m. on these days. *Provided*, that a statewide session held pursuant to this paragraph shall not be considered in calculating the provisions of Rules 5.10 and 9.1.

6.2 All questions as to priority of business or as to the time when any matters shall be considered or ordered for consideration and as to a departure from the regular order of business shall be decided without debate.

6.3 The following order of business shall be enforced every day by the Speaker, except that Special Orders as defined in subsection 14a of this Rule shall be considered at the time and place set.

1. a. Prayer;
   b. Pledge of Allegiance to the Flag of the United States of America;
2. corrections to the Journal;
3. receipt of communications including messages from the Senate;
4. reports of committees including Conference and Free Conference;
5. first reading of House resolutions, concurrent resolutions, committee reports on resolutions, joint resolutions, and bills upon the desk;
6. call of the roll of the House;
7. a. consideration of local uncontested bills and joint resolutions on third reading;
   b. consideration of local uncontested bills and joint resolutions on second reading;
8. Special introductions, recognitions, and announcements, the sum total of which may not exceed fifteen minutes with no more than eight special introductions, recognitions, or announcements, each one not exceeding ninety seconds. However, nothing contained herein limits the discretion of the Speaker to allow such special introductions, recognitions, and announcements during roll call voting as he deems appropriate.
9. a. consideration of statewide uncontested bills and joint resolutions on third reading;
   b. consideration of statewide uncontested bills and joint resolutions on second reading;
10. withdrawal of objections and requests for debate;
11. consideration of pending motions to reconsider;
12. a. consideration of unanimous consent requests;
    b. consideration of vetoes;

c. consideration of Senate amendments;

d. consideration of local contested bills and joint resolutions on third reading;

13. consideration of statewide contested bills and joint resolutions on third reading in the order in which they appear on the Calendar;

14. a. motion period;

b. consideration of local contested bills and joint resolutions on second reading;

15. consideration of statewide contested bills and joint resolutions on second reading in the order in which they appear on the Calendar;

a. Notwithstanding the order of business set forth in Rule 6.3 a matter may be set for Special Order for consideration on a particular day at a particular hour or at a particular place on the Calendar.

b. Special Orders may be set for appropriations bills and local bills by majority vote of the House. Special Orders on all other bills on the Calendar shall be set only by written resolution, which has been referred to the Rules Committee or originates therein, and agreed to by two-thirds of the members of that committee and agreed to by majority of the members of the House present after the committee has made its report; *provided*, however, that notwithstanding the provisions of Rule 9 governing the amendability of bills and resolutions, no amendments may be offered to any Special Order Resolution, which amendments do not pertain to the bill which is the subject of the Special Order Resolution, except as to the time and date called for in such resolution.

Provided, that for the purpose of explaining any Special Order Resolution the time limit for opponents shall not exceed five minutes and the time limit for proponents shall not exceed five minutes.

c. A Special Order set for a certain day and hour, not being considered by the House at the hour

named, shall be transferred by the Clerk of the House to the Special Orders of the following day until disposed of, in the chronological order of original appointment.

Any member may insist upon a Special Order of the Day, or other Special Orders, until it be discharged.

d. The motion period provided for the daily order of business under Rule 6.3 shall be limited to ten minutes only.

Provided, however, that time consumed by roll call votes shall not be construed as part of time allotted to said motions period.

e. Consideration of uncontested local bills and joint resolutions on third and second readings as provided in subsection 7a and b of this Rule shall be limited to a total of ten minutes only. Consideration of contested local bills and joint resolutions on second and third readings as provided in subsections 12b and 14b of this Rule is limited to a total of ten minutes for second reading bills and joint resolutions and ten minutes for third reading bills and joint resolutions.

f. Consideration of uncontested statewide bills and joint resolutions on third and second readings as provided in subsection 9a and b of this Rule shall be limited to a total of thirty minutes only.

g. No debate shall be allowed in the uncontested period, *provided*, however, the Speaker may recognize a proponent and opponent of any uncontested bill or joint resolution for a brief explanation of their position.

h. Consideration of unanimous consent requests as provided for in subsection 12 of this Rule shall be limited to five minutes only. No unanimous consent requests except those unanimous consent requests dealing with the pending matter may be considered at any time other than during the time provided for in subsection 12 of this Rule.

6.4 A debate interrupted by a simple adjournment shall afterwards be resumed at the point of interruption as if debate had been formally adjourned. A matter interrupted by a call for the Orders of the Day shall, after the Orders have been disposed of, be resumed at the point of interruption before any other question.

6.5 Messages may be received at any time while the door is open, except while a question is being put, or a ballot, or a *viva voce* vote is taken. A message shall be presented to the House by the Speaker when received, or afterwards, according to its nature, and the business in which the House is engaged, or its consideration may, on motion, be ordered by the House.

6.6 In all particulars not determined by these Rules, or by the laws of the Constitution of this State, or of the United States, the practice of this House shall conform to its previous usage or be guided by parliamentary law as it may be collected from the best authorities, *Mason's Manual of Legislative Procedure* being the preferred parliamentary authority.

Rule 7
Voting

7.1 If, upon a question by acclamation, the Speaker doubts, or a division be called for, the House shall proceed with a division vote by voting on the electronic roll call board. If the electronic roll call board malfunctions, the Speaker shall proceed to call the division vote by voice vote. When division votes are made by use of the electronic roll call equipment, no individual votes shall be recorded. 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 that voting will proceed. He shall then sound the bell. Thirty seconds after the announcement of the commencement of the vote on the board, the Speaker shall then announce that voting is closed and shall 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.

7.2 The House of Representatives shall take a roll call vote on second and on third reading when an amendment has been made on third reading for the following matters, whereupon the

yeas and nays shall be ordered and shall be entered by name in the House Journal, the electronic roll call system shall be used, and the procedure provided for in Rule 7.3 shall be followed:

(1) adoption of a joint resolution proposing an amendment to the Constitution of South Carolina;

(2) adoption of legislation ratifying a proposed amendment to the Constitution of South Carolina;

(3) adoption of a bill or joint resolution establishing a fee or tax, raising an existing fee or tax, or reducing an existing fee or tax;

(4) adoption of the Annual General Appropriations Bill and any individual section of it pursuant to Rule 5.3G;

(5) adoption of a state or congressional reapportionment plan;

(6) adoption of a bill or joint resolution directly increasing or decreasing the salary, benefits, or retirement benefits of members of the General Assembly, elected officials of the Executive Branch, or members of the Judicial Branch;

(7) adoption of a bill or joint resolution amending the Ethics and Accountability Act or the Campaign Finance Act; and

(8) adoption of a Conference or Free Conference Report pursuant to Rule 5.19c.

Provided, the House of Representatives shall take a roll call vote and shall enter the yeas and nays in the House Journal for the following questions:

(1) a question for which the Constitution of South Carolina requires the yeas and nays to be recorded;

(2) an election by the General Assembly or the House of Representatives except where the election is declared by unanimous consent to be by declaration;

(3) adoption of an amendment to the Annual General Appropriations Bill where the amendment directly effects the raising or spending of revenue in the amount of ten thousand dollars or more;

(4) a question of overriding or sustaining an act returned by the Governor with objections;

(5) a question for which ten members of the House request a roll call vote; and

(6) a question of concurrence, nonconcurrence, or adoption of amendments to bills or joint resolutions returned to the House with amendments by the Senate.

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 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.

7.4 If the electronic roll call machine is declared by the Speaker of the House to be inoperative, the yeas and nays shall be taken by the Reading Clerk calling each member's name in alphabetical order and each member responding by answering simply: "yea" or "nay". Each member who may be in the House when called may give his vote.

Provided, further, that when the electronic roll call system is being used to record votes, the doors shall not be closed and members shall be permitted to vote as provided in Rule 7.3.

7.5 No member shall, under any circumstances, be permitted to vote after a decision shall have been announced by the Chair. After the decision of the question, a member absent may be permitted to record the vote he would have given if present, but such vote shall not affect the previous question.

7.6 No member shall be permitted to explain his vote during a roll call but may reduce his explanation to writing in not more than 200 words, and upon filing said explanation with the Clerk, it shall be entered in the Journal.

7.7 When the pending question is the passage of any bill or resolution on the contested Calendar on second reading, the yeas and nays shall be taken by roll call and the votes thereon shall be recorded in the Journal.

7.8 A member of the House of Representatives may give his proxy to vote on matters before the full body to another member of the House of Representatives if that member is deployed by military order for federal military duty or state national guard duty to a combat zone for a period of more than twenty-one days during a legislative session. However, the member holding the proxy may not cast a vote for the deployed member unless the deployed member has specifically provided the voting member with written voting instructions, including, but not limited to, instruction transmitted by facsimile or electronic mail, with regard to the deployed member's position on the issue. The proxy on a particular question

may be used upon unanimous consent of the members of the House present and voting provided the proxy vote does not change the outcome of the question.

Rule 8
Motions and Their Precedence

8.1 No motion shall be debated until it shall have been stated by the Speaker. Any motion, if requested by the Speaker, must be reduced to writing and delivered at the desk and read, before it shall be debated.

8.2 The mover may withdraw any question or proposition before an amendment or decision, except after a demand for the yeas and nays and except after the previous question has been ordered.

8.3 No dilatory motion or amendment shall be entertained by the Speaker, prior precedents to the contrary notwithstanding.

8.4 A question before the House shall be suspended by:

1. a message;
2. a report or resolution of the Committees on Rules, Conference, Free Conference, or Invitations;
3. a question of order;
4. a question of privilege;
5. a question of taking recess;
6. any other incidental questions, such as of reading papers, dividing a question, withdrawing a motion, excusing a member from voting, or the like. *Provided*, further, the five first named may suspend even a speech; *provided*, that the fifth, if once negatived, shall not be received during the same speech without the consent of the member speaking.

8.5 When a question is under debate only those motions herein below shall be received and notwithstanding the provisions of any other Rule, none of such motions except the motion to adjourn or recede, a motion to continue, or a motion for the previous question shall be considered until the conclusion of such debate. Such motions shall require a simple majority vote unless otherwise specified herein:

1. to adjourn or recede;
2. to continue;
3. to lay on the table;
4. for the previous question (fifty percent of those present and voting, a quorum being present, plus five when a member has the floor at the time the motion is made);
5. to adjourn the debate to a certain day;
6. to commit or recommit.

These motions shall have precedence in the order in which they are hereinabove arranged.

Provided, a motion to reconsider shall be received and noted while a speech is being made but notwithstanding the provisions of Rule 8.14, shall be considered immediately after disposal of the pending matter or pursuant to Rule 6.3(11), whichever shall come first.

8.6 The previous question upon any matter may be invoked as follows:

Upon an affirmative vote on a motion for the previous question (fifty percent of those present and voting, a quorum being present, plus five, being required to interrupt debate and a simple majority vote at all other times), the amendments then upon the desk shall be considered, but no further amendments shall be allowed to be offered unless the amendment has at least two-thirds of the membership of the House as its sponsor. The proponents of an amendment shall be allowed an opportunity to make a short explanation of his amendment for a period not to exceed three minutes, then opponents to the amendment shall be permitted not more than three minutes to oppose the proposed amendment. Then two hours of debate shall be allowed on the bill, the time being equally divided between opponents and proponents with no person to speak more than ten minutes. *Provided*, that after the previous question has been invoked, the primary sponsor of an amendment may withdraw it with unanimous consent without making a motion to table it.

Provided, the previous question may be invoked on a motion to reconsider only when the matter to be reconsidered is debatable.

Provided, a motion to adjourn debate shall be in order even though the previous question has been invoked.

Provided, further, any member who has been recognized by the Speaker and is speaking from the podium, is considered to be debating the issue and a call for the previous question, whether by the member or any other member, requires the necessary fifty percent of those present and voting plus five.

8.7 A motion to recess may state the time for reconvening and in the absence of such time stated, reconvening shall be at the call of the Chair. The Speaker may at any time order the House to stand at ease to be reconvened at the call of the Chair.

8.8 (Reserved)

8.9 When a motion is made during a motion period, the Speaker shall entertain but one motion at a time and there shall be no substitute motions considered. The same motion may be entertained consecutively during the motion period.

8.10 Any member may without debate, call for the division of a question and the House may divide the question if the Speaker determines the question so distinct that, one being taken away, the rest may stand entirely on its own. *Provided*, however, that a bill may not be divided into separate parts.

8.11 a. The following motions shall be decided by simple majority unless otherwise specified and without debate after any short remarks the Speaker permits:

to adjourn;

to recede;

to continue;

to lay on the table;

for the previous question (unless it is made when a member has the floor and then it requires a majority plus five);

to adjourn debate;

to commit or recommit;

to resolve the House into a Committee of the Whole;

to proceed to the orders of the day;

to recur to the morning hour;

to fix the hour to which the House shall next meet;

to grant free conference powers;

to divide the question.

b. The following motions shall not be permitted at the same stage of the bill or proposition until one hour of time has elapsed since the same question was negatived:

for the previous question;

to lay on the table;

to adjourn debate;

to continue;

to commit or recommit;

to recur to the morning hour.

8.12 Motions to adjourn, to recede, and to recede subject to the call of the Chair, shall always be in order except while the House is actually engaged in deciding a question by yeas and nays or in voting *viva voce* or in balloting. However, if a motion to adjourn or to take a recess has been negatived, no new motion to adjourn or take a recess shall be in order until fifteen minutes shall have elapsed from the decision of the former motion, even though such motion to recede might be to recede to a different time.

8.13 (Reserved)

8.14 When a question shall have been once decided in the affirmative or negative, any member who voted with the prevailing side may on the same day or the next day of the sitting of the House move for a reconsideration thereof and the House, if in session for statewide matters, shall immediately have the question of reconsideration before it. If the House is not in session for statewide matters or have before it a matter under Special Order, it shall have the question of reconsideration before it as provided in Rule 6.3. *Provided*, that, if the motion to reconsider concerns an amendment to the matter under Special Order, the House shall immediately have the question of reconsideration before it. If the House shall refuse to reconsider, or, upon reconsideration, shall affirm its first

decision, no further motion shall be in order except by unanimous consent; *provided*, that once a motion to reconsider is made it may not be withdrawn except in the same day in which it was made.

Provided, that a motion to reconsider shall not be allowed if the bill, resolution, message, report, amendment, motion, or the paper upon which the vote was taken shall have gone out of the possession of the House.

A motion to reconsider may be laid on the table. If such motion be laid on the table, it shall be deemed a final disposition of the motion.

8.15 A member may move to continue a matter when called on the Calendar to the next session, but not to a specific date in the next session; and if the House agrees thereto, the matter shall be thereupon continued to the next session, and the Clerk of the House shall make up a Calendar of all the matters so continued, placing the same thereupon, in the order in which they have been continued. At the ensuing session the continued matters shall be taken up and considered in the same stage in which they were when so continued and shall have priority according to the last order for consideration made upon them.

If a motion to continue, having received an affirmative vote, shall be reconsidered and thereupon such motion to continue shall receive a negative vote, the matter shall be taken up in its original place on the Calendar.

Rule 9
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 Sec. 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.

9.2 At the third reading of a bill, no amendment shall be permitted without unanimous consent, except that the Chairman of the Committee on Ways and Means may (if he shall have given notice at the second reading of his intention to offer amendments at the third) be permitted to offer amendments to any appropriations bill, as may be pertinent to the bill. The Chairman of any committee may (if he has given notice at the second reading of his intention to offer amendments at the third) be permitted to offer technical amendments to any bill which has been reported from his committee; and, *provided*, that the House may, in its discretion, commit or recommit any bill at its third reading and after the report of the committee any amendment which it shall recommend may be adopted.

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.

9.4 A proposed amendment shall be in order regardless of the number of changes proposed therein to the matter under debate, *provided*, such amendment is otherwise in order. Proposed amendments must be typewritten and in the proper format for the computer system except as allowed by the Speaker at his discretion.

9.5 Proposed amendments to any matter before the House shall be initially considered in the order in which received.

9.6 Proposed amendments to local bills may not impact, affect, or reference any portion of a county other than the county originally referenced in the local bill.

Rule 10
Miscellaneous

10.1 Only the following persons shall be admitted within the House Chamber during a session of the House unless otherwise authorized by House Resolution.

The present and former members and officers and present employees of the House of Representatives; the members of the Press as designated by the Speaker of the House of Representatives; the Governor; the Lieutenant Governor; each statewide constitutional officer; the present members, officers, and employees of the Senate; the present employees of Legislative Council; dignitaries and the family of members designated by the Speaker, employees of the respective legislative delegations; the employees of legislative caucuses, and such persons as may be invited by resolution of the House; *provided*, however, that employees of legislative caucuses, legislative delegations, the Senate, state agencies, and other

branches of state government that are authorized admittance must remain behind the rail in the back of the Chamber at all times when the House is in session; *provided*, no seat in the House shall be occupied by anyone except the members thereof. No lobbyist, including former members registered as lobbyists, shall be admitted within the Hall without special leave of the House. No former member seeking personal favors nor any former member who has filed as a candidate or is a candidate for a position which is elected by the General Assembly shall be admitted within the outer doors of the Chamber without special leave of the House. *Provided*, that no member of the Press may conduct interviews within the House Chamber while the House is in session.

Provided, that notwithstanding other provisions of this Rule, access within the outer doors of the Chamber is denied to any former House member who has been convicted of a crime, the conviction of which would impose a maximum penalty of imprisonment of one year or more. This paragraph does not apply to a former House member who is reelected to either House of the General Assembly after the conviction of the crime referred to in this paragraph.

10.2 Whenever the pronoun "he" appears in any Rule, it shall be deemed to designate either masculine or feminine. The words "person" and "party" and any other word importing the singular number used in any bill or resolution shall be held to include the plural and to include firms, companies, associations, and corporations and all words in the plural shall apply also to the singular in all cases in which the spirit and intent of the bill or resolution may require it. All words in a bill or resolution importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males. And all words importing the present tense shall apply to the future also.

10.3 Definitions of measures:

1. "Resolutions"—This term includes:
   a. "House Resolution"—affects only the action of the House and the members thereof. It requires only one reading for adoption and shall not be submitted to the Senate.

b. "Concurrent Resolution"—affects only the action of the General Assembly and the members thereof. It requires only one reading in each House for adoption.

c. "Joint Resolution"—shall have the same force of law as an act, but is a temporary measure, dying when its subject matter is completed. It requires the same treatment as a bill does in its passage through both Houses, but its title after passage shall not be changed to that of an act; and when used to propose an amendment to the Constitution it does not require the approval of the Governor.

2. "Bill"—A bill is the term applied to a measure introduced in either House designed to become a permanent law (or an "act").

It must be read and adopted three times on three separate days in each House, following which its title is changed to that of an act.

3. "Act"—An act is the term applied to a bill that has passed both Houses, been ratified by the presiding officer of each House and signed by the Governor or passed over his veto. It is a permanent measure, having the force of law until repealed.

4. "Veto"—The term used for disapproval of a bill or joint resolution by the Governor. It may be overridden by a two-thirds vote of the members present and voting of each House.

10.4 The House shall not accept any invitations to attend functions (social or otherwise) which are to be held at a club or organization which does not admit as members persons of all races, religions, colors, sexes, or national origins. All invitations received shall be referred to the Committee on Invitations and Memorial Resolutions and the five House members on the Committee on Invitations and Memorial Resolutions shall have the duty of recommending to the House which invitations should be accepted.

10.5 Each member of the House shall be entitled to appoint one individual as a House page to perform such duties as determined by the Speaker. The provisions of this Rule shall

be contingent upon the General Assembly providing for at least one hundred twenty-four House pages in the annual General Appropriations Act for the fiscal year during which such session shall take place. Any additional House pages authorized shall be appointed by the Speaker in his sole discretion. Pages and guests of the House shall observe appropriate and dignified attire which means shirt and tie for males and dress, skirt or slacks and blouse, or pants suits for females. This provision shall be enforced by the Speaker.

10.6 Laptop computers located in the House Chamber may not be removed from the Chamber.

10.7 No smoking or use of tobacco products is permitted in any area under the exclusive control of the House of Representatives unless the area is otherwise designated a "smoking area" by the Speaker. Smoking for purposes of this Rule includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment. *Provided*, further, that the consumption of food is not permitted within the House Chamber.

10.8 No member of the House shall incur more than one thousand eight hundred dollars in long distance telephone charges at state expense during any fiscal year. If a member accumulates more than one thousand eight hundred dollars in long distance telephone expenses during any fiscal year, he shall be billed and must reimburse the State on a monthly basis for the remaining balance.

10.9 House Resolutions granting the privilege of admittance to the House Chamber to persons not otherwise granted the privilege pursuant to House Rule 10.1 are limited to the following conditions:

(a) The privilege of admittance to the House Chamber is limited to school teams or school groups that have won state or national championships or received statewide or national awards. Individual persons are not granted the privilege of admittance to the House Chamber.

(b) School teams or groups may be scheduled for the privilege of admittance to the House Chamber only on Wednesdays and Thursdays that the House is in session, and no more than two teams or groups

may be scheduled in one day. *Provided*, further, that no school teams or groups may be granted the privilege of admittance to the House Chamber during the last week of the regularly scheduled legislative session.

(c) The House member wishing for the qualified school team or group to have privilege of admittance to the House Chamber shall introduce a House Resolution granting the privilege on a "date and time to be determined by the Speaker of the House." The House of Representatives shall adopt the resolution in order for the team or group to be granted the privilege. *Provided*, the school team or group's list of members, coaches, mascot, and other appropriate school officials must be listed on the House Calendar for the day in which they are granted the privilege of admittance to the House Chamber. The House member sponsoring the resolution shall provide the appropriate information to the Clerk five days in advance of the school team or group scheduled admittance to the House Chamber.

(d) All other teams, groups, or individuals not otherwise allowed the privilege of admittance to the House Chamber may be recognized in the balcony of the House Chamber at a "time determined by the Speaker of the House." *Provided*, no presentation either within the House Chamber or in the balcony may exceed five minutes, and no one, other than a House member, may speak or make remarks during a presentation.

10.10 The use of audible pagers, cell phones, and any other personal communication device by any person is prohibited in the House Chamber when the House is in session and when the General Assembly is meeting in Joint Session. The use of these devices by any person is also prohibited in House committee meetings and subcommittee meetings. These devices must be turned off, or placed in a silent mode, such as vibrate, prior to being carried into the House Chamber, committee meetings, or subcommittee meetings. Should a device which has been placed in a silent mode activate in the Chamber, a

committee meeting, or subcommittee meeting the person possessing the device must exit the Chamber, committee room, or subcommittee room prior to responding in any fashion.

10.11 The Clerk's office shall establish procedures for providing House members with certificates commemorating birthdays, anniversaries, retirements, achievements, awards, etc. as needed. House members shall request certificates in writing and provide the Clerk's office with the information necessary to complete the certificates.

The Clerk's office also shall establish procedures whereby members may have House certificates and House and Concurrent Resolutions framed at local businesses providing framing services within the Columbia area during the legislative session. House members are responsible for paying for all framing services within a timely manner.

The Clerk's office shall establish procedures whereby staff shall deliver framing requests to local businesses no more than one time each legislative day. *Provided*, further, the Clerk's office shall establish procedures whereby staff shall pick up framing requests from local businesses no more than one time each legislative day. Framing requests will not be delivered or picked up on nonlegislative days. All framing requests, upon their completion and pickup, must be delivered to the House member on the State House complex. House staff may not deliver framing requests to members outside the State House complex.

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.

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.

10.14 (A) Gifts intended for members of the House of Representatives, whether individually or collectively as a body, may not be delivered to the Chamber of the House of Representatives for distribution or placement on members' desks. A gift may be delivered to the members' offices with the presumption under penalty of perjury that the gift is not reportable on the member's Statement of Economic Interests pursuant to Sec. 8-13-710 of the South Carolina Code of Laws. When, however, the gift is reportable on the member's Statement of Economic Interests pursuant to Sec. 8-13-710,

the individual or officer providing the gift must deliver correspondence to the offices of the members of the House announcing their intention to provide a gift to the members and at that time must provide a statement of value to the House Ethics Committee. A member may choose to opt in to the receipt of all or specific gifts to be delivered to the member's office by notifying the appropriate giver of the gift in writing of such desire within seven (7) days of receipt of correspondence.

(B) The Speaker of the House of Representatives shall strictly enforce the provisions of this Rule.

Note:

Capital Reserve Fund

S.C. Code, Sec. 11-11-320, S.C. Constitution, Article III, Sec. 36. After March first of a fiscal year, monies from the Capital Reserve Fund may be appropriated by the General Assembly in separate legislation upon an affirmative vote in each branch of the General Assembly by two-thirds of the members present and voting but not less than three-fifths of the total membership in each branch for the following purposes:

(a) to finance in cash previously authorized capital improvement bond projects;

(b) to retire interest or principal on bonds previously issued;

(c) for capital improvements or other nonrecurring purposes.

Sine die Adjournment:

S.C. Code, Sec. 2-1-180. The regular annual session of the General Assembly shall adjourn *sine die* each year not later than 5:00 p.m. on the second Thursday in May. In any year that the House of Representatives fails to give third reading to the annual General Appropriations Bill by March thirty-first, the date of *sine die* adjournment is extended by one statewide day for each statewide day after March thirty-first that the House of Representatives fails to give the bill third reading. If, after April tenth, the Board of Economic Advisors forecasts a reduction in state revenue for the next fiscal year, the adjournment

date may be extended up to two weeks by mutual agreement of the Speaker of the House and the President *Pro-Tempore* of the Senate. Furthermore, the session may also be extended by concurrent resolution adopted by a two-thirds vote of both the Senate and House of Representatives. During the time between 5:00 p.m. on the second Thursday in May and the extended *sine die* adjournment date, as set forth herein, no legislation or other business may be considered except the General Appropriations Bill and any matters approved for consideration by a concurrent resolution adopted by a two-thirds vote in both Houses.

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