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Subject: amendment to H.3000

Reps. G.M. SMITH, BALLENTINE, BANNISTER, BEDINGFIELD, BERNSTEIN, CLEMMONS, CLYBURN, CRAWFORD, GAMBRELL, HICKS, MACK, MITCHELL, NORRELL, RUTHERFORD, J.E. SMITH, SOTTILE, WEEKS propose the following Amendment No. To H. 3001 (COUNCIL\BBM\3001C001.BBM.AHB15):

Reference is to the resolution as introduced.

Amend the resolution, as and if amended, by deleting Rule 1.7 and inserting:

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

Amend further by deleting Rule 1.8 and inserting:

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

Amend further by deleting Rule 1.9 and inserting:

/ "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." /

Amend further by deleting Rule 4.2 and inserting:

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

1. Committee on Ways and Means - 25.
2. Committee on the Judiciary (Privileges and Elections) - 25.
3. Committee on Agriculture, Natural Resources and Environmental Affairs (Fish, Game, Forestry, State Parks, Rural Development, Environmental Affairs) - 18.
4. Committee on Education and Public Works (Education, Highways, State House and Grounds, Railroads, Aviation) - 18.
5. Committee on Medical, Military, Public and Municipal Affairs (Medical Affairs, Social Security, Penitentiary, State Hospital, Police Regulations, Military Affairs, Veteran's Affairs) - 18.

6. Committee on Labor, Commerce and Industry (Labor, Commerce and Manufacturing, Banking and Insurance, Merchants and Mercantile Affairs) - 18.
7. Committee on Rules - 15.
8. Committee on Interstate Cooperation (membership limited to 5, under 1976 Code, Sec. 1-17-30) - 5.
9. Committee on Regulations and Administrative Procedures (State Agency Rule Making, SC Code of Laws Section 1-23-10 et seq.) - 13.
10. Committee on Legislative Oversight (Oversight and Review of Government Operations and Accountability, SC Code of Laws Section 2-2-5 et seq.) - 20.
- 9.11. House of Representatives Legislative Ethics Committee - 10.
- 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.
- 11.13. 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) - 7 8.

Each member shall serve on one and only one of the first six Standing Committees listed above. However, a member of these Committees may also serve on any one of the following Committees: Committee on 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." /

Amend further by deleting Rule 4.8 and inserting:

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

Amend further by deleting Rule 4.16 and inserting:

/ "4.16 A. The House of Representatives Legislative Ethics 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.

The committee has the following powers and duties:

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

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

Only sworn written complaints or charges may be considered;

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

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

- (i) violation of Chapter 13, Title 8;
 - (ii) violation of Chapter 17, Title 2; or
 - (iii) breach of this Rule by a person designated in a.(1)(a) above or as designated by statute;
- (2) to investigate these complaints and charges and, if warranted, to report the results of these investigations to the House with recommendations for further appropriate action as authorized by law;
- (3) upon request of any member, officer, or employee of the House to render advisory opinions with regard to legislative ethics when, in their judgment, these opinions would serve the public interest, and to act as an advisory body to the House and to individual members of or candidates for the House on questions pertaining to the disclosure and filing requirements;

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

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

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

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

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

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

- (1) the complaint;
- (2) the response by the respondent;
- (3) any exhibits introduced at a public hearing, subject to redaction of information of a personal nature when public disclosure would constitute unreasonable invasion of personal privacy; and
- (4) the final order issued by the committee.

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

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

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

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

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

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

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

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

(b) convene a formal hearing on the matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Jurisdiction

- (1) The committee shall have jurisdiction over individuals and entities pursuant to Chapter 13, 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) 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;
- (2) upon a majority vote of the members of the committee initiate a complaint concerning any person under the jurisdiction of the committee alleging a violation of Chapter 13, Title 8 or Chapter 17, Title 2;
- (3) cause to be investigated these complaints or allegations;
- (4) upon request of any member, officer, or employee of the House render committee advisory opinions with regard to legislative ethics when, in its judgment, these opinions would serve the public interest. Such advisory opinions shall serve as binding precedent for the committee until specifically altered or withdrawn;
- (5) act as an advisory body to the House and to individual members of or candidates for the House on questions pertaining Chapter 13, Title 8 or Chapter 17, Title 2;
- (6) issue through its staff a written informal advisory opinion, based on real or hypothetical sets of circumstances, to a person or entity within the committee's jurisdiction upon that person's or entity's request. If an informal advisory opinion is raised as a defense in response to a complaint, the committee shall consider whether the respondent is the person who requested the informal advisory opinion or is a member of the entity that requested the informal opinion. The committee 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;
- (7) administer or recommend appropriate sanctions or dismiss charges as the result of a properly filed complaint;
- (8) ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of Chapter 13, Title 8 and promptly notify the person to file the necessary disclosures to satisfy the requirements and assess and collect any fines or fees authorized by state law for the failure to timely file a disclosure statement; and
- (9) recommend a rule or statutory change relating to ethics as the committee deems appropriate.

D. Complaints and Investigations

- (1) Complaints must be written, sworn, and contain allegations of specific conduct believed to be a violation within the jurisdiction of the committee.
- (2) When a complaint is filed with or by the committee, a copy must be sent to the person alleged to have committed the violation, the respondent, within thirty days from the date the complaint was filed and prior to the initiation of any investigation.
- (3) If the committee determines that the complaint alleges facts sufficient to constitute a violation, an investigation shall be conducted into the alleged violation.
- (4) Upon the initiation of an investigation by the committee, pursuant to 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.
- (5) The committee may compel testimony and issue subpoenas for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to its investigation by approval of the chairman or a majority of the committee membership, subject to judicial enforcement as provided by law. The committee may administer oaths and affirmation for the testimony. A person to whom a subpoena has been issued may move before the committee for an order quashing a subpoena issued pursuant to this rule.
- (6) If the committee determines that assistance is needed in conducting an investigation, the committee shall request the assistance of appropriate agencies.
- (7) Upon completion of the committee's investigation, the committee shall make a determination as to whether there is probable cause to believe a violation under its jurisdiction has occurred. If the committee determines that there is no probable cause it shall dismiss the complaint. If probable cause is found the committee may either:
 - (a) render an advisory opinion to the respondent and require the respondent's compliance within a reasonable time; or
 - (b) convene a formal public hearing on the matter within thirty days.

(8) The committee shall refer any matters, regardless of a finding of probable cause, that are violations of law not under its jurisdiction to the appropriate law enforcement or regulatory agency.

E. Formal Public Hearings

(1) All formal public hearings of the committee must be open to the public subject to the provisions of the Freedom of Information Act (Chapter 4, Title 30).

(2) The investigator or attorney handling the investigation for the committee shall present the evidence related to the complaint at any public hearing and shall not serve as counsel to the committee during the hearing.

(3) It is the duty of the investigator or attorney to further investigate the subject of the complaint and any related matters under the jurisdiction and at the direction of the committee, to request assistance from appropriate state agencies as needed, to request authorization from the House of Representatives for funds for the hiring of auditors, investigators, or other assistance as necessary, to prepare subpoenas, and to present evidence to the committee at any public hearing. The committee shall maintain the authority to approve subpoenas, dismiss complaints, schedule hearings, grant continuances, and any other authority as provided for by the rules.

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

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

F. Sanctions

(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 Section 8-13-1170 or 8-13-1372 has occurred;

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

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

(5) recommend expulsion of the member;

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

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

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

(c) 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 a waiver by the respondent, the following documents become public record: the complaint, the response by the respondent, the notice of hearing, exhibits introduced at a hearing, the committee's findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information 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 Section 8-13-1340, a member of the House shall not, directly or indirectly, establish, finance, maintain, or control any entity including, but not limited to, a noncandidate committee that receives or makes contributions as defined in Section 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." /

Amend further by adding Rule 4.20 to read:

/ "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." /

Amend further by deleting Rule 5.3A. and inserting:

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

Amend further by deleting Rule 5.6 and inserting:

/ "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." /

Amend further by deleting Rule 5.14 and inserting:

/ "5.14 No report of a Committee on Conference or Free Conference, except on a *Sine Die* Resolution, the General Appropriations Bill, the Supplemental Appropriations Bill, the Capital Reserve Fund, or local matters, shall be considered until such report has been printed in the House Journal and explained by the conferees on the floor of the House.

Provided, no report of a Committee on Conference or Free Conference concerning the General Appropriations Bills, Supplemental Appropriations Bills for the ordinary expenses of State Government, or legislation appropriating the Capital Reserve Fund, shall be considered until such report has been:

(1) printed in the House Journal; and

(2) made available online to the public for at least twenty-four hours.

The provisions of this paragraph may be specifically dispensed with by a two-thirds vote of the members present and voting of the House, a quorum being present." /

Amend further by deleting Rule 5.19 and inserting:

/ "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." /

Amend further by deleting Rule 6.1a. and inserting:

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

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

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

Amend further by deleting Rule 9.1 and inserting:

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

The General Appropriations Bill, Supplemental Appropriations Bill for the ordinary expenses of State

Government, and legislation appropriating the Capital Reserve Fund, having been returned from the Senate with amendments, shall not be considered until:

- (1) their number and title shall have been printed in the House Calendar; and
- (2) their contents, as amended, have been made available online to the public for at least forty-eight hours.

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

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

Amend further by adding Rule 10.12 to read:

/ "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." /

Amend further adding Rule 10.13 to read:

/ "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." /

Renumber sections to conform.

Amend title to conform.

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