

MINUTES  
Ad Hoc Rules and Procedures Committee  
September 23, 2014, 2:00 p.m.  
Room 110, Solomon Blatt Building

Chairman G. Murrell Smith, Jr. brought the meeting to order at 2:10 p.m.

Ad Hoc Committee Members in Attendance:

Rep. G. Murrell Smith, Jr., **Chairman** (District 67 – Sumter)  
Rep. Nathan Ballentine (District 71 – Richland)  
Rep. Bruce W. Bannister (District 24 – Greenville)  
Rep. Eric M. Bedingfield (District 28 – Greenville)  
Rep. Beth E. Bernstein (District 78 – Richland )  
Rep. Alan D. Clemmons (District 107 – Horry)  
Rep. William "Bill" Clyburn (District 82 – Aiken)  
Rep. Kristopher R. "Kris" Crawford (District 63 – Florence)  
Rep. Michael W. "Mike" Gambrell (District 7 – Anderson)  
Rep. Donna Hicks (District 37 – Spartanburg)  
Rep. David J. Mack, III (District 109 – Charleston)  
Rep. Harold Mitchell, Jr. (District 31 – Spartanburg)  
Rep. J. Todd Rutherford (District 74 – Richland)  
Rep. James E. Smith, Jr. (District 72 – Richland)  
Rep. F. Michael "Mike" Sottile (District 112 – Charleston)  
Rep. J. David Weeks (District 51 – Sumter)

Ad Hoc Committee Members Not In Attendance:

Rep. Mandy Powers Norrell (District 44 – Lancaster)

I. Introductions

Chairman G. Murrell Smith, Jr. (Chairman) welcomed committee members, guest speakers, and members of audience and explained the ad hoc committee's duty to review and recommend changes to House operations, management, and Rules of procedure.

The Chairman recognized Speaker Pro-Tempore James H. "Jay" Lucas for introductory remarks.

The Speaker Pro-Tempore explained his reasons for appointing the ad hoc committee and made ten (10) specific recommendations to the ad hoc committee for their consideration during deliberations:

(1) Recommended creation of a new committee to handle the legislative oversight of state agencies, boards, and commissions mandated by the Restructuring Act passed in 2014 (S. 22). 200+ agencies, boards, and commissions must be reviewed and House must publish in the first journal of 2015 a schedule stating when each agency, board, and commission shall be

reviewed. Speaker Pro-Tempore Lucas stated that current committee structure is not capable of handling these additional responsibilities and that the legislative oversight function of the restructuring act was, in his opinion, the most significant part of the legislation.

(2) Requested the committee consider deleting 2nd sentence of Rule 9.3 and Rule 4.7.b in its entirety to eliminate language that promotes unconstitutional practice of bob-tailing.

(3) Requested review and revision of House Rule 4.16 concerning the operations of the House Ethics Committee to make its processes fair, accountable, and more transparent. Also requested ad hoc committee to consider prohibiting Political Action Committees controlled by House members.

(4) Requested the ad hoc committee recommend a procedure for the hiring of staff and the approval of staff salaries that solicits input from persons who work directly with staff on a regular basis and to also establish a process for review and approval of staff hiring and salaries by an entity other than just the Speaker - specifically mentioning the Operations & Management Committee as a possibility.

(5) Requested the ad hoc committee review the possibility of establishing term limits for the position of the Speaker of the House to ensure opportunities for future leaders, new ideas, and to avoid too much power in one person for too long.

(6) Requested the ad hoc committee consider a House Rule to require all bills and joint resolutions, upon 2nd reading consideration, to have a minimum of 10 minutes (or until all questions answered - whichever comes first) of explanation by the chairman of the committee to which the legislation was referred, the chairman's designee, or sponsor.

(7) Requested the ad hoc committee consider a House Rule to prohibit motions requesting that a bill go without reference until after the attendance roll call has been taken and the Speaker has stated a quorum of the House is present.

(8) Requested the ad hoc committee consider a House Rule to require the Speaker to include at least one member of the minority party on each conference and free conference committee to ensure representation of minority views.

(9) Specifically referred to Rep. Dan Hamilton's ideas concerning the state budget process and to require a 48-hour waiting period before the House may consider Senate amendments to the budget and to require a 24-hour waiting period before the House may consider a conference or free conference committee report to the budget. Also suggests requiring that the content of the bill during these waiting periods be published online for review by the public.

(10) Specifically cited to the recent possible conflict of interest concerning the Speaker of the House and the performance of his legal duties. Requested the ad hoc committee draft a House Rule to require the Speaker Pro-Tempore to step into the role of Speaker whenever a conflict of interest arises in the Speaker's performance of duties.

## II. Public Testimony

The Chairman recognized Ms. Lynn Teague of the League of Women Voters.

Ms. Teague testified that her testimony would mirror Speaker Pro-Tempore Lucas's remarks in many respects. She emphasized the need to approach the process with "fresh eyes". She stated that term limits for the Speaker were a good idea, encouraged the prohibition of leadership

PAC's, and suggested the ad hoc committee look at limiting appointments currently made by Speaker, committee chairmen, and appointments of sitting legislators to committees, boards, and commissions outside the legislative branch.

The Chairman recognized Mr. John Crangle of Common Cause.

Mr. Crangle testified as to the following:

- (1) Requested the a ban of the use of campaign funds for non-campaign purposes.
- (2) Requested the ban of Leadership PAC's.
- (3) Requested that Fundraising be limited to election years only.
- (4) Requested a ban on campaign funds being used to pay attorneys fees for candidates and fines/penalties for alleged violations of Ethics Act.
- (5) Requested legislation from the legislature to "do something" about local government corruption and suggested possibly empowering the Office of Inspector General to look at local governments processes/operations to weed out corruption.

The Chairman recognized Ms. Jamie Murguia of the South Carolina Policy Council.

Ms. Murguia testified to the following:

- (1) Requested limiting or abolishing the ability of the Speaker or committee chairmen to appoint persons to statewide boards and commissions and to also prohibit sitting legislators from serving on statewide boards and commissions.
- (2) Requested House defined "presiding officer".
- (3) Requested House Rule to require roll call votes in various committees and to require those roll call votes be published online for the public's information.
- (4) Discussed term limits but stated that it was more important to decrease the power of the office of Speaker and committee chairman. Stated, upon questioning by Rep. Ballentine, that South Carolina Policy Council did not advocate term limits for Speaker.
- (5) Specifically cited House Rule 4.6 as a good rule and encouraged its further use.
- (6) Suggested Rule to require all amendments presented in committee to be written out before vote taken upon their adoption.
- (7) Wants House and Senate to follow statutory law stating that House and Senate shall meet jointly to consider the budget process. Stated, upon questioning of Rep. Gambrell, that Governor should be required to balance her proposed budget recommendations to the House and Senate.

The Chairman recognized Robert J. Sheheen, Speaker Emeritus to the South Carolina House of Representatives.

Speaker Sheheen testified to the following:

- (1) Stability in operations is achieved by treating all members equally and the same.
- (2) Stated the importance of all members having access to precedents defining and establishing House Rules.
- (3) Changes should not be "knee-jerk" decision but should be made thoughtfully with their long-term impact in mind.

(4) Stated that a body, whether legislative, school, local, non-profit, etc. needs someone in charge - a person to be held accountable to the other members of the body and the public.

(5) Emphasized the need for transparency and openness in the exercise of leadership and stated that "sunshine is the best disinfectant" and that "you can't give someone ethics by passing a rule".

(6) Cited the example, under his tenure as Speaker, where he always appointed two members from those who prevailed on an issue and one member from those who did not prevail on an issue when making conference and free conference appointments. He emphasized that these appointments were made regardless of party affiliation but were instead based upon the issue.

The Chairman opened the floor to other persons who wished to testify and no one came forth.

### III. Adjournment

The Chairman instructed staff to contact the ad hoc committee members concerning their schedule availability of the coming weeks and to solicit suggestions from ad hoc committee members of other issues they wish to address. The Chairman instructed staff to meet with the Legislative Services Agency and establish an email address or internet portal whereby the public might submit ideas and suggested revisions to House Rules and procedures for the committee's consideration.

At 3:00 p.m., upon the motion of Rep. Bannister, the meeting was adjourned.