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COMMITTEE REPORT

February 16, 2011

**H. 3285**

Introduced by Reps. Ballentine, Young, Viers and Huggins

S. Printed 2/16/11--S. [SEC 2/17/11 11:54 AM]

Read the first time January 26, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (H. 3285) proposing an amendment to Article III of the Constitution of South Carolina, 1895, relating to the legislative department, by adding Section 22A so as to require certain bills and joint, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting therein:

/ A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 12 OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO OFFICERS, RULES, AND PUNISHMENT AND EXPULSION OF MEMBERS OF EACH HOUSE OF THE GENERAL ASSEMBLY, TO PROVIDE THAT THE NAMES OF THE MEMBERS VOTING FOR AND AGAINST ALL BILLS AND JOINT RESOLUTIONS HAVING THE FORCE AND EFFECT OF LAW MUST UPON SECOND READING AND UPON ANY SUBSTANTIVE AMENDMENT ADOPTED SUBSEQUENT TO SECOND READING BE ENTERED ON THE JOURNALS OF EACH HOUSE RESPECTIVELY, AND THAT THE GENERAL ASSEMBLY MAY ESTABLISH BY PERMANENT LAW MATTERS WHICH REQUIRE THE RECORDING OF THE YEAS AND NAYS IN THE JOURNALS OF EACH HOUSE IN ADDITION TO THOSE MATTERS FOR WHICH THE RECORDING OF THE YEAS AND NAYS IS REQUIRED BY THIS CONSTITUTION AND THAT EACH HOUSE MAY REQUIRE BY RULE FOR THE RECORDING OF VOTES ON OTHER MATTERS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Article III, Section 12 of the Constitution of this State be amended to read:

“Section 12. Each house shall choose its own officers, determine its rules of procedure, punish its members for disorderly behavior, and, with the concurrence of two‑thirds, expel a member, but not a second time for the same cause. The names of the members voting for and against all bills and joint resolutions having the force and effect of law must upon second reading and upon any substantive amendment adopted subsequent to second reading be entered on the journals of each house, respectively. The General Assembly may provide by permanent law that votes on certain matters require the recording of the yeas and nays in the journal of each respective house in addition to those matters for which the recording of the yeas and nays is required by this Constitution, and each respective house may provide by rule for the recording of votes on additional matters not required by permanent law or this Constitution.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed on the ballot:

“Must Article III, Section 12 of the South Carolina Constitution relating to the officers, rules, and punishment and expulsion of members of each house of the General Assembly be amended to provide that the names of the members voting for and against all bills and joint resolutions having the force and effect of law must upon second reading and upon any substantive amendment adopted subsequent to second reading be entered on the journals of each house, respectively, and that the General Assembly may by permanent law require a roll call vote on certain matters to be printed in the journal of each respective house that are in addition to matters for which a roll call vote is already required by the State Constitution and provide that each house may by rule require a roll call vote on additional matters not required by permanent law or the State Constitution?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

LARRY A. MARTIN C. BRADLEY HUTTO

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Elections Commission indicates that the cost of an amendment on the ballot is minimal and can be absorbed by election funds appropriated by statewide elections.

*Approved By:*

Harry Bell

Office of State Budget

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE LEGISLATIVE DEPARTMENT, BY ADDING SECTION 22A SO AS TO REQUIRE CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Article III of the Constitution of this State be amended by adding:

“Section 22A. (1) For purposes of this section, a ‘recorded roll call vote’ means a vote recorded in the Journals of the respective Houses of the General Assembly, which must be by yeas and nays and recorded by name.

(2) The Annual General Appropriations Bill must be considered section by section on second reading, and must receive a recorded roll call vote by the House of Representatives and the Senate when the pending question is the adoption of an individual section.

(3) A bill or joint resolution must receive a recorded roll call vote by the House of Representatives and the Senate when:

(a) the pending question is adoption of a Conference or Free Conference Report;

(b) the pending question is the passage of a bill or joint resolution on second reading;

(c) either the House of Representatives or the Senate concurs or nonconcurs in the other body’s amendment; or

(d) a bill or joint resolution is amended subsequent to second reading and the pending question is the passage of a bill or joint resolution on third reading.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article III of the Constitution of this State be amended so as to require the respective Houses of the General Assembly to conduct recorded roll call votes for the Annual General Appropriations Bill and certain other bills and joint resolutions whenever the pending question is adoption of a Conference Report or Free Conference Report, passage of a bill or joint resolution on second reading, the House of Representatives or the Senate approval of the other body’s amendment, or a bill or joint resolution is amended and the pending question is the passage of a bill on third reading?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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