**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3138**

**STATUS INFORMATION**

House Resolution

Sponsors: Reps. Haley, Ballentine and Wylie

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Introduced in the House on January 13, 2009

Last Amended on January 14, 2009

Adopted by the House on January 14, 2009

Summary: Roll call votes

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Rules**

1/13/2009 House Introduced [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑105

1/13/2009 House Referred to Committee on **Rules** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑105

1/14/2009 House Committee report: Favorable **Rules** [HJ](file:///h:\HJ%20Archive\2009\01-14-09.docx)‑32

1/14/2009 House Amended [HJ](file:///h:\HJ%20Archive\2009\01-14-09.docx)‑33

1/14/2009 House Adopted [HJ](file:///h:\HJ%20Archive\2009\01-14-09.docx)‑38

1/14/2009 House Roll call Yeas‑115 Nays‑0 [HJ](file:///h:\HJ%20Archive\2009\01-14-09.docx)‑38

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3138_20081216.docx)

[1/14/2009](file:///p:\pprever\2009-10\3138_20090114.docx)

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Indicates New Matter

AMENDED--NOT PRINTED IN THE HOUSE

Amendment No. 1 (council\gjk\20054sd09.docx)

January 14, 2009

**H. 3138**

Introduced by Reps. Haley, Ballentine and Wylie

S. Printed 1/13/09--H.

Read the first time January 13, 2009.

**A** **HOUSE RESOLUTION**

TO AMEND RULE 5.3 OF THE RULES OF THE HOUSE OF REPRESENTATIVES, RELATING GENERAL AND SUPPLEMENTAL APPROPRIATIONS BILLS, SO AS TO REQUIRE THE ANNUAL GENERAL APPROPRIATIONS BILL TO BE CONSIDERED SECTION‑BY‑SECTION WITH A REQUIRED ROLL CALL VOTE ON THE QUESTION OF SECOND READING; TO AMEND RULE 5.19, RELATING TO THE LIMITATIONS ON MEMBERS SPEAKING ON THE MAIN QUESTION OF A BILL OR RESOLUTION, SO AS TO REQUIRE A ROLL CALL VOTE WHEN THE PENDING QUESTION IS THE ADOPTION OF A CONFERENCE OR FREE CONFERENCE REPORT; AND TO AMEND RULE 7.2, RELATING TO TAKING A ROLL CALL VOTE ON SECOND OR THIRD READING FOR CERTAIN SPECIFIC MATTERS, SO AS TO REQUIRE AN ELECTRONIC ROLL CALL VOTE MUST BE USED PURSUANT TO THE PROVISIONS OF RULE 7.3 AND THESE ROLL CALL VOTES MUST BE RECORDED BY NAME ON SECOND AND THIRD READING IN THE JOURNAL AND DELETE A PROCEDURE FOR RECORDING A MEMBER’S VOTE WHEN THAT MEMBER HAS NOT BEEN GRANTED LEAVE.

Amend Title To Conform

Be it resolved by the House of Representatives:

(1) That Rule 5.3 of the Rules of the House of Representatives be amended by adding:

“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.”

(2) That Rule 5.19c. of the Rules of the House of Representatives be amended to read:

“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.”

(3) That Rule 7.2 of the Rules of the House of Representatives be amended to read:

“**7.2** The House of Representatives shall take a roll call vote on second ~~or~~ and on third reading when an amendment has been made on third reading for the following matters, ~~and shall enter~~ 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; ~~and,~~

(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;

and~~,~~

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

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

~~Provided, on a question determined by a voice vote a member who has not been granted leave shall be considered to have voted aye. However, a member, prior to the House adjourning that day, may inform the Clerk that he desires his vote to be recorded as nay, and the Clerk shall record such ‘nay’ vote in the House Journal. Provided, further, if such nay votes constitute a majority of the members present that day, the House shall on the next statewide legislative day reconsider the voice vote pursuant to item 14 of Rule 6.3 and a roll call vote shall be required.~~”

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