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INTRODUCED

May 12, 2010

**S. 1437**

Introduced by Rules Committee

S. Printed 5/12/10--S.

Read the first time May 12, 2010.

**A** **SENATE RESOLUTION**

TO AMEND RULE 16 OF THE SENATE, RELATING TO VOTES BY AYES AND NOES AND THE REQUIREMENT THAT SENATORS PRESENT MUST VOTE, TO PROVIDE THAT ON VOTES TAKEN “VIVA VOCE”, THE VOTE OF ALL SENATORS WHO HAVE ANSWERED THE DAILY QUORUM CALL OR HAVE RECORDED THEIR PRESENCE WITH THE DESK SUBSEQUENT TO THE QUORUM CALL AND HAVE NOT BEEN GRANTED LEAVE BY THE SENATE SHALL BE RECORDED IN THE JOURNAL AS VOTING ON THE PREVAILING SIDE WITH THE RIGHT OF ANY SENATOR TO INFORM THE CLERK OF THE SENATE WITHIN THIRTY MINUTES OF ADJOURNMENT THAT HE DESIRES HIS VOTE TO BE RECORDED ON THE SIDE THAT DID NOT PREVAIL AND TO ALLOW A SENATOR WHO IS ABSENT FROM A VOTE AND NOT RECORDED BY THIS RULE AT THAT TIME TO BE LISTED IN THE JOURNAL IN A CATEGORY AS NOT PRESENT AND SET FORTH HOW HE WOULD HAVE VOTED HAD HE BEEN PRESENT; AND TO AMEND RULE 32A OF THE SENATE, RELATING TO THE ORDER OF BUSINESS, TO PROVIDE FOR A DAILY QUORUM CALL AFTER THE INTRODUCTION AND REFERENCE OF NEW BILLS AND RESOLUTIONS.

Be it resolved by the Senate:

That Rule 16 of the Senate is amended to read:

“RULE 16.

Vote by Ayes and Noes

Senators Present Must Vote

Except as otherwise provided, the decision of the Senate on any question other than unanimous consent shall be taken by all members voting ‘viva voce’ or electronically when a roll call is required, if an electronic voting system is available. Votes on the following matters shall be taken by roll call and the names of the Senators voting shall be recorded in the Journal:

(1) Second reading of Joint Resolutions proposing amendments to the South Carolina Constitution and third reading of such Joint Resolutions that are substantively amended on third reading;

(2) The question on any act returned from the Governor with his or her objections;

(3) Second reading of the General Appropriations Bill and any other Bill or Resolution authorizing the expenditure of funds and third reading of such Bills and Resolutions that are substantively amended on third reading;

(4) Second reading of any state or congressional reapportionment plan and third reading of any such plan that is substantively amended on third reading;

(5) Second reading of contested Bills and Joint Resolutions and third reading of such Bills and Resolutions that are substantively amended on third reading;

(6) Second reading of any Bill or Resolution that impacts the pay, benefits, or retirement of members of the General Assembly, the Executive Branch, the Judicial Branch, or the provisions of the Ethics Act or the Campaign Finance Act and third reading of such Bills and Resolutions that are substantively amended on third reading;

(7) Second reading of Bills or Resolutions that contain provisions that would create a fee or tax, raise the amount of an existing fee or tax, or reduce an existing fee or tax and third reading of such Bills and Resolutions that are substantively amended on third reading;

(8) Second reading of any Bill or Resolution that has a fiscal impact statement greater than $10,000 and third reading of such Bills and Resolutions that are substantively amended on third reading;

(9) Adoption of reports of conference committees and free conference committees and the granting of free conference powers;

(10) The question on concurrence or the adoption of a substantive amendment proposed to Bills or Resolutions returned from the House of Representatives; and

(11) Any vote on the main question of a Bill, Joint Resolution, or amendment for which there is a request for a roll call by three (3) Senators and the vote on any other motion for which there is a request for a roll call by five (5) Senators.

Upon a call of the Senate and unless a division is ordered, the Senators present shall vote alphabetically, unless voting electronically when a roll call is required and every Senator present must give his or her vote as aye, no, or abstain unless excused by the Senate. No Senator who is absent when the vote is taken and the result announced by the President shall be allowed to vote without leave of the Senate. A Senator who is absent from a vote may not be recorded as voting on that matter.

On votes taken ‘viva voce’, the vote of all Senators who have answered the daily quorum call or who have recorded their presence with the desk subsequent to the quorum call and have not been granted leave by the Senate shall be recorded in the Journal as voting on the prevailing side. However, any Senator who notifies the Clerk within thirty minutes of adjournment of session on the day on which the vote is taken shall have the right to inform the Clerk that he desires his vote to be recorded on the side that did not prevail.

A Senator who is absent from a vote and not recorded by this Rule at that time may, at the request of the Senator on the day of the vote, have his name listed in the Journal in a category as not present and set forth how he would have voted had he been present.”

That Rule 32A of the Senate is amended to read:

“RULE 32.

A.

Order of Business

1. Called to Order by the President

2. Prayer by the Chaplain

3. Pledge of Allegiance

4. Receipt of Communications

5. Introduction and reference of new Bills and Resolutions

6. Daily Quorum Call

~~6~~7. Call of the Uncontested local Third Reading Calendar

~~7~~8. Call of the Uncontested local Second Reading Calendar

~~8~~9. Call of the Uncontested statewide Third Reading Calendar

~~9~~10. Call of the Uncontested statewide Second Reading Calendar

~~10~~11. Motion Period

~~11~~12. Acts returned by the Governor

~~12~~13. Reports of Committees of Conference and Free Conference

~~13~~14. Bills and Resolutions returned from the House of Representatives

~~14~~15. Interrupted Debate

~~15~~16. Adjourned Debate

~~16~~17. Special Order

~~17~~18. Call of the contested statewide Third Reading Calendar

~~18~~19. Call of the contested statewide Second Reading Calendar

~~19~~20. Call of the contested local Calendar

The order of business above provided for may be varied by vote of two‑thirds (2/3) of the Senators present and voting and any order or business already completed may be reverted to in any legislative day by the vote of two‑thirds (2/3) of the Senators present and voting. A motion to vary the order of the day shall be in order, prior to, or at the completion of, any orders enumerated above or during the motion period and any such motion shall be decided without debate.

For the order of business designated as Interrupted Debate there shall not be more than one (1) Bill in this status at any one time provided however, that this limitation shall not apply to the General Appropriation Bill. For the order of business designated as Adjourned Debate there shall not be more than two (2) Bills in this status at any one time. For the order of business designated as Special Order there shall not be more than three (3) Bills on second reading and three (3) Bills on third reading in this status at any one time. Provided that of the Special Order slots, one (1) shall be reserved exclusively for Bills which are the subject of motions authorized by the Rules Committee and made by the Chairman of the Rules Committee or his or her designee, and provided only one bill may be in this status on any reading at any one time. The Bills occupying the slot reserved for Bills made Special Order on motion of the Rules Committee shall have a unique notation to call such status to the Senate’s attention.

When a Bill or Resolution is returned from the House of Representatives or an Act or Joint Resolution is returned by the Governor with his or her objections, the message shall be read and the matter placed on the Calendar for consideration the next legislative day. However, in the final two (2) weeks before the date set for sine die adjournment, this requirement may be waived upon a motion adopted at the time the message is read in which case the matter will be considered when the Senate reaches that order of business. Such motion shall be decided without debate.

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