

NO. 42

**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**  
**of the**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009**

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**THURSDAY, APRIL 2, 2009**  
**(STATEWIDE SESSION)**

**Thursday, April 2, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 16:8: "I have set the Lord always before me, because he is at my right hand, I will not be shaken."

Let us pray. Faithful Lord God, we know that we cannot find safety or peace of mind through our own efforts, but since You are at our right hand, we are confident that we will never be shaken. Because You are unshakable, Your promises can be depended upon to lead these Representatives to make the right call in the process of carrying out their duties. Nothing can separate us from the love of God. Bless and preserve our Nation, President, State, Governor, Speaker, and all who serve in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. CRAWFORD moved that when the House adjourns, it adjourn in memory of Hilton P. Terrell MD, PhD, of Florence, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

State of South Carolina  
Office of the Governor

**THURSDAY, APRIL 2, 2009**

Columbia, S.C., March 30, 2009

Mr. Speaker and Members of the House of Representatives:

I am transmitting herewith a reappointment for confirmation. This reappointment is made with the advice and consent of the General Assembly and is, therefore, submitted for your consideration.

Local Appointment  
Beaufort County Master-in Equity  
Term Commencing: June 6, 2009  
Term Expiring: June 6, 2015  
Seat: Master-in-Equity

Reappointment  
The Honorable Marvin H. Dukes III  
Post Office Box 1228  
Beaufort, South Carolina 29901

Respectfully,  
Mark Sanford  
Governor

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

State of South Carolina  
Office of the Governor

Columbia, S.C., March 30, 2009

Mr. Speaker and Members of the House of Representatives:

I am transmitting herewith a reappointment for confirmation. This reappointment is made with the advice and consent of the General Assembly and is, therefore, submitted for your consideration.

[HJ]

**THURSDAY, APRIL 2, 2009**

Local Appointment  
Richland County Master-in Equity  
Term Commencing: April 30, 2009  
Term Expiring: April 30, 2015  
Seat: Master-in-Equity

Reappointment  
The Honorable Joseph M. Strickland  
Richland County Master-in Equity  
Post Office Box 192  
Columbia, South Carolina 29202

Respectfully,  
Mark Sanford  
Governor

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

State of South Carolina  
Office of the Governor

Columbia, S.C., March 30, 2009  
Mr. Speaker and Members of the House of Representatives:

I am transmitting herewith a reappointment for confirmation. This reappointment is made with the advice and consent of the General Assembly and is, therefore, submitted for your consideration.

Local Appointment  
Calhoun County Master-in Equity  
Term Commencing: August 14, 2009  
Term Expiring: August 14, 2015  
Seat: Master-in-Equity

Reappointment  
The Honorable Martin R. Banks  
312 Tamwood Circle  
Cayce, South Carolina 29033

[HJ]

**THURSDAY, APRIL 2, 2009**

Respectfully,  
Mark Sanford  
Governor

Received as information.

**MESSAGE FROM THE SENATE**

Columbia, S.C., April 2, 2009

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time, for the purpose of ratifying Acts.

Very respectfully,  
President

On motion of Rep. PARKER the invitation was accepted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 664 -- Senators Thomas, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE THE MANY CONTRIBUTIONS CREDIT UNIONS HAVE MADE TO THE COMMUNITIES IN THIS STATE AND THROUGHOUT THE COUNTRY, BOTH TANGIBLE AND INTANGIBLE, THROUGH THEIR FIRST ONE HUNDRED YEARS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

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**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 665 -- Senator Ford: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE MORNINGSIDE MIDDLE SCHOOL IN CHARLESTON COUNTY ON BEING NAMED WINNER OF THE 2009 DICK AND TUNKY RILEY SCHOOL IMPROVEMENT AWARD.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

S. 116 -- Senators Knotts and McConnell: A BILL TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

Referred to Committee on Ways and Means

[HJ]

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S. 232 -- Senators Ryberg, Hutto, Massey, Coleman, O'Dell, Anderson, L. Martin and Nicholson: A BILL TO AMEND SECTION 48-52-210 OF THE 1976 CODE, RELATING TO THE PLAN FOR THE STATE ENERGY POLICY, TO ENCOURAGE THE USE OF CLEAN ENERGY SOURCES; AND TO AMEND ARTICLE 2, CHAPTER 52, TITLE 48 BY ADDING SECTION 48-52-220 TO PROVIDE A DEFINITION FOR "RENEWABLE ENERGY RESOURCES".

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 324 -- Senators Malloy, Leventis, Lourie, Bryant, Courson, Scott, Williams, Davis and Cleary: A JOINT RESOLUTION TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS, REQUESTS TO EXPAND OR REPLACE EXISTING LANDFILLS, AND THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE UNTIL DECEMBER 31, 2010.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 445 -- Senators Cleary and McGill: A BILL TO AMEND CHAPTER 13, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF FISH, BY ADDING SECTION 50-13-2017 TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM IN GEORGETOWN COUNTY, IN THE WATERS OF MURRELLS INLET ESTUARY, PAWLEYS ISLAND ESTUARY, AND THE CREEKS OF LITCHFIELD FLOWING INTO PAWLEYS ISLAND ESTUARY, TO SET FLOUNDER CATCH LIMITS AND PROHIBIT THE USE OF ARTIFICIAL ILLUMINATION POWERED BY GENERATORS, TO SET PENALTIES FOR VIOLATIONS OF THIS RESOLUTION, AND TO ESTABLISH THE DURATION OF THE PROGRAM.

On motion of Rep. MILLER, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allen	Allison
Anderson	Anthony	Bales

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Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
R. L. Brown	Cato	Chalk
Clemmons	Cobb-Hunter	Cole
Cooper	Crawford	Daning
Delleney	Dillard	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Hart	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Jennings	Kelly
Kennedy	King	Kirsh
Knight	Littlejohn	Loftis
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Millwood
Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stewart	Stringer	Thompson
Toole	Umphlett	Vick
Weeks	White	Whitmire
Williams	Willis	Wylie
A. D. Young	T. R. Young	

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, April 2.

Paul Agnew

Boyd Brown

William Clyburn

Jerry Govan

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James Harrison  
Harold Mitchell  
Bakari Sellers

H.B. "Chip" Limehouse  
Todd Rutherford  
Thad Viers

**Total Present--120**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. DUNCAN a leave of absence for the day.

**DOCTOR OF THE DAY**

Announcement was made that Dr. John Raymond of Charleston was the Doctor of the Day for the General Assembly.

***SPEAKER PRO TEMPORE* IN CHAIR**

**SPECIAL PRESENTATION**

Reps. BRADY and HARRISON presented to the House the Cardinal Newman High School Varsity Cheerleading Team, the 2009 South Carolina Independent Schools Association Class AAA Champions, their coach and other school officials.

**SPECIAL PRESENTATION**

Reps. BRADY and HARRISON presented to the House the Cardinal Newman High School Varsity Wrestling Team, the 2009 South Carolina Independent Schools Association Class AAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. HARRELL presented to the House former Journal Clerk of the House of Representatives Debbie Parker Hankins for her service in the House.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or

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resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

**CO-SPONSOR ADDED**

Bill Number: H. 3541  
Date: ADD:  
04/02/09 RICE

**CO-SPONSOR ADDED**

Bill Number: H. 3856  
Date: ADD:  
04/02/09 KNIGHT

**CO-SPONSOR ADDED**

Bill Number: H. 3395  
Date: ADD:  
04/02/09 WYLIE

**CO-SPONSOR ADDED**

Bill Number: H. 3396  
Date: ADD:  
04/02/09 WYLIE

**CO-SPONSORS ADDED**

Bill Number: H. 3766  
Date: ADD:  
04/02/09 UMPHLETT, DANING, JEFFERSON, MERRILL  
and STEWART

**CO-SPONSORS ADDED**

Bill Number: H. 3272  
Date: ADD:  
04/02/09 WYLIE, BARFIELD and VIERS

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**CO-SPONSOR ADDED**

Bill Number: H. 3584  
Date: ADD:  
04/02/09 BALES

**CO-SPONSORS ADDED**

Bill Number: H. 3018  
Date: ADD:  
04/02/09 MITCHELL and M. A. PITTS

**CO-SPONSOR ADDED**

Bill Number: H. 3371  
Date: ADD:  
04/02/09 BOWERS

**CO-SPONSOR ADDED**

Bill Number: H. 3415  
Date: ADD:  
04/02/09 CLEMMONS

**CO-SPONSORS ADDED**

Bill Number: H. 3483  
Date: ADD:  
04/02/09 BARFIELD, CLEMMONS, HARDWICK and  
HEARN

**CO-SPONSOR ADDED**

Bill Number: H. 3681  
Date: ADD:  
04/02/09 HUTTO

**CO-SPONSOR ADDED**

Bill Number: H. 3856  
Date: ADD:  
04/02/09 CLEMMONS

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**CO-SPONSOR ADDED**

Bill Number: H. 3829  
Date: ADD:  
04/02/09 BALLENTINE, MILLWOOD, HALEY,  
HAMILTON, STRINGER, BEDINGFIELD, VIERS,  
TOOLE, NANNEY and E. H. PITTS

**CO-SPONSOR ADDED**

Bill Number: H. 3841  
Date: ADD:  
04/02/09 SKELTON

**CO-SPONSORS REMOVED**

Bill Number: H. 3842  
Date: REMOVE:  
04/02/09 SCOTT, COBB-HUNTER, J. H. NEAL, KING,  
HOWARD, CATO and SELLERS

**SENT TO THE SENATE**

The following Bills and Joint Resolution were taken up, read the third time, and ordered sent to the Senate:

H. 3589 -- Reps. White, Bowen, Thompson, Cooper and Gambrell: A BILL TO AMEND ACT 269 OF 1989, AS AMENDED, RELATING TO ANDERSON COUNTY SCHOOL DISTRICT BUDGETS AND TAX MILLAGES, SO AS TO PROVIDE THAT THE BUDGET THAT A SCHOOL DISTRICT IN ANDERSON COUNTY MUST PROVIDE TO THE ANDERSON COUNTY BOARD OF EDUCATION MUST INCLUDE AN ITEMIZED ACCOUNTING OF HOW OPERATING FUNDS OF THE DISTRICT ARE PROPOSED TO BE ALLOCATED, AND TO PROVIDE THAT THE BOARD MAY DELETE ITEMS OR SHIFT FUNDS AMONG BUDGET ITEMS OF DISTRICT BUDGETS.

H. 3818 -- Reps. Funderburk, Gunn and Lucas: A BILL TO PROVIDE THAT ON THE EFFECTIVE DATE OF THIS ACT, THE NAME OF THE KERSHAW COUNTY MEDICAL CENTER IS HEREBY CHANGED TO KERSHAWHEALTH.

H. 3823 -- Rep. Knight: A BILL TO PROVIDE THAT RESIDENTS OF THE TOWNS OF ST. GEORGE AND HARLEYVILLE, WHO

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OWN GOLF CARTS THAT MAY BE OPERATED ALONG CERTAIN PRIMARY HIGHWAYS OR STREETS, MAY OPERATE THEM ALONG CERTAIN HIGHWAYS AND STREETS WITHIN THEIR RESPECTIVE JURISDICTIONS IN A TWO-MILE RADIUS OF THEIR RESIDENCES OR PLACES OF BUSINESS, AND TO PROVIDE THAT DURING NIGHTTIME HOURS, THE GOLF CART MUST BE OPERATED WITH WORKING HEADLIGHTS AND TAILLIGHTS.

H. 3730 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT ALL FUNDS RECEIVED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (RECOVERY ACT) FOR THE CLEAN WATER STATE REVOLVING FUND AND DRINKING WATER STATE REVOLVING FUND MAY BE RECEIVED AND EXPENDED PURSUANT TO PROVISIONS OF THE RECOVERY ACT FOR SO LONG AS MONIES ARE AVAILABLE UNDER THE RECOVERY ACT.

H. 3721 -- Rep. Kirsh: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2008; TO AMEND SECTION 12-6-50, AS AMENDED, RELATING TO INTERNAL REVENUE CODE SECTIONS NOT ADOPTED BY STATE LAW, SO AS TO MAKE ADDITIONS; AND TO PROVIDE THAT A TAXPAYER WHO FOLLOWS SECTION 3094 OF THE FEDERAL HOUSING ECONOMIC RECOVERY ACT OF 2008, FOR SOUTH CAROLINA PURPOSES MUST NOT BE PENALIZED.

H. 3148 -- Reps. Clyburn, G. M. Smith, H. B. Brown, Branham, Ott, Agnew, R. L. Brown, Hayes, Battle, Miller, Weeks, J. R. Smith, D. C. Smith, Parks, Rice, Littlejohn, Hosey, Jefferson, Cobb-Hunter, Howard, Cooper, Gunn, McLeod, T. R. Young, Kennedy, Vick, Edge, J. E. Smith, Harrell, A. D. Young, Alexander, Neilson, Lucas, Merrill, Barfield, Bales, Allen, Hodges, Knight and Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE "SOUTH CAROLINA RURAL INFRASTRUCTURE ACT", TO ESTABLISH THE SOUTH CAROLINA RURAL

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INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

H. 3203 -- Reps. Brady, Harrison, J. E. Smith, Battle and Simrill: A BILL TO AMEND ARTICLE 4, CHAPTER 56, TITLE 44 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS, AMONG OTHER THINGS, TO FURTHER SPECIFY THAT WHOLESALE DRYCLEANING FACILITIES ARE SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND ARE ELIGIBLE TO SEEK RESTORATION ASSISTANCE UNDER THIS ARTICLE; TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO USE FUNDS, OTHER THAN FUNDS FROM THE DRYCLEANING FACILITY RESTORATION TRUST FUND, IF AN EMERGENCY EXISTS AND FUNDS ARE NOT AVAILABLE FROM THE TRUST FUND AND TO FURTHER PROVIDE THAT THESE FUNDS MUST BE REPAYED FROM THE TRUST FUND; TO PROVIDE EXEMPTIONS FROM THE ENVIRONMENTAL SURCHARGE IMPOSED ON THE GROSS PROCEEDS OF SALES OF RETAIL DRYCLEANING FACILITIES, INCLUDING AN EXEMPTION FOR WHOLESALE SALES OF DRYCLEANING SERVICES; TO FURTHER PROVIDE FOR ELIGIBILITY REQUIREMENTS AND DETERMINATIONS AND PROCEDURES FOR REQUESTING AND ISSUING RESTORATION ASSISTANCE, INCLUDING OBTAINING SECONDARY ASSESSMENTS AND THE AMOUNT OF DEDUCTIBLES; TO PROVIDE INITIAL AND ANNUAL REGISTRATION FEES FOR DRYCLEANING FACILITIES ESTABLISHED AFTER OCTOBER 1, 1995 AND TO AUTHORIZE THE PROPERTY OWNER TO REGISTER A FACILITY IF THE OWNER OR OPERATOR OF THE FACILITY DOES NOT; TO

[HJ]

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PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF REGISTRATION, TO REQUIRE PRESENTATION OF SUCH CERTIFICATES IN ORDER TO PURCHASE DRYCLEANING SOLVENTS, TO PROHIBIT A SUPPLY FACILITY, OR OTHER DRYCLEANING FACILITY, FROM SELLING DRYCLEANING SOLVENT TO A DRYCLEANING FACILITY IF THE FACILITY DOES NOT POSSESS A CERTIFICATE, AND TO PROVIDE CIVIL PENALTIES; TO SPECIFY REQUIREMENTS FOR A DRYCLEANING FACILITY EXEMPTION CERTIFICATE; AND TO REVISE THE MEMBERSHIP OF THE DRYCLEANING ADVISORY COUNCIL.

H. 3268 -- Rep. Cooper: A BILL TO AMEND SECTION 12-28-2920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF TOLL ROADS, SO AS TO REVISE THE METHOD OF DISBURSAL OF FUNDS DERIVED FROM TOLLS, TO PROVIDE FOR THE DISBURSAL OF FUNDS DERIVED FROM QUALIFIED TOLL PROJECTS, TO PROVIDE WHEN TOLLS COLLECTED FROM QUALIFIED TOLL PROJECTS SHALL CEASE, AND TO DEFINE THE TERM "QUALIFIED TOLL PROJECT"; AND TO AMEND SECTION 57-3-200, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AUTHORITY TO ENTER INTO AGREEMENTS TO FINANCE, CONSTRUCT, AND MAINTAIN HIGHWAYS, ROADS, STREETS, AND BRIDGES, SO AS TO PROVIDE GUIDELINES FOR THE DEPARTMENT'S EXPENDITURE OF FUNDS ON QUALIFIED TOLL PROJECTS AND THE SETTING OF TOLLS ALONG TRANSPORTATION FACILITIES.

H. 3365 -- Reprs. Cooper, T. R. Young and J. R. Smith: A BILL TO ENACT THE "HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT".

H. 3762 -- Reprs. Duncan, Umphlett, Dillard, Ott, Forrester, Moss, Parker, Stringer, Vick, Hodges and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77, CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "OUR FARMS-OUR FUTURE" SPECIAL LICENSE PLATES.

[HJ]

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**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time, passed and, having received three readings in both Houses, it was ordered that the title of each be changed to that of an Act, and that they be enrolled for ratification:

S. 407 -- Senators Hayes, Cleary and Campsen: A BILL TO AMEND ARTICLE 1, CHAPTER 43, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DONATION OF HUMAN BODIES, PARTS OF THE HUMAN BODY AND HUMAN TISSUE, SO AS TO CONFORM CROSS REFERENCES TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, TO DELETE THE PROVISION STATING THAT A DONOR DESIGNATION ON A DRIVER'S LICENSE DOES NOT CONSTITUTE A GIFT UNDER THE UNIFORM ANATOMICAL GIFT ACT; TO AMEND ARTICLE 5, CHAPTER 43, TITLE 44, RELATING TO THE UNIFORM ANATOMICAL GIFT ACT, SO AS TO CHANGE THE ACT NAME TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, AND, AMONG OTHER THINGS, TO REVISE DEFINITIONS, DONOR ELIGIBILITY, DONATION AMENDMENT AND REVOCATION PROCEDURES, THE PRIORITY ORDER TO GIVE CONSENT, SUBSTITUTE DONOR PROCEDURES, DONEE QUALIFICATIONS, AND ALTERNATIVE DONEE PROCEDURES; TO ESTABLISH PROCEDURES FOR REFUSAL TO MAKE AN ANATOMICAL GIFT; TO REQUIRE CERTAIN LAW ENFORCEMENT, HOSPITAL PERSONNEL, AND ORGAN PROCUREMENT ORGANIZATIONS TO MAKE REASONABLE SEARCHES FOR DONOR INFORMATION AND DONOR REFUSAL INFORMATION; TO PROVIDE THAT A PHYSICIAN WHO ATTENDED A PERSON AT DEATH OR WHO DETERMINES THE TIME OF DEATH MAY NOT PARTICIPATE IN REMOVAL OR TRANSPLANTATION PROCEDURES; TO ESTABLISH CRIMINAL PENALTIES FOR SELLING OR PURCHASING ORGANS AND FOR OBTAINING FINANCIAL GAIN BY FALSIFYING OR DEFACING A DONATION DOCUMENT; TO ESTABLISH CRITERIA FOR THE VALIDITY OF AN ORGAN DONATION; TO ESTABLISH PROCEDURES TO RESOLVE ISSUES WHEN CERTAIN CONFLICTS EXIST BETWEEN A DECLARATION OF A ORGAN DONATION AND THE MEDICAL SUITABILITY OF THE ORGAN DONATION; TO REQUIRE

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CORONERS TO COOPERATE WITH PROCUREMENT ORGANIZATIONS TO MAXIMIZE THE OPPORTUNITY TO RECOVER ANATOMICAL GIFTS; AND TO AMEND ARTICLE 11, CHAPTER 43, TITLE 44, RELATING TO HOSPITAL POLICY AND PROTOCOL FOR ORGAN AND TISSUE DONATION, SO AS TO REVISE DEFINITIONS AND PROCEDURES FOR CONTACTING PERSONS AUTHORIZED TO CONSENT TO ORGAN DONATION.

S. 483 -- Senators Rankin, Cleary, McGill and Elliott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A MUNICIPALITY LOCATED IN A COUNTY IN WHICH AT LEAST FOURTEEN MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT THE MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE OR BY REFERENDUM IN THE MUNICIPALITY, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING TOURISM PROMOTION, PROPERTY TAX ROLLBACK, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

**H. 3561--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Tuesday, April 21, which was adopted:

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

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**ORDERED TO THIRD READING**

The following Bill was taken up, read the second time, and ordered to a third reading:

H. 3395 -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A. D. Young, Edge, Bedingfield, J. R. Smith, G. R. Smith, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A BILL TO AMEND SECTION 11-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE OF REPLENISHMENT OF THAT AMOUNT.

Rep. NEILSON explained the Bill.

**H. 3395--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. NEILSON, with unanimous consent, it was ordered that H. 3395 be read the third time tomorrow.

**H. 3396--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3396 -- Reps. Harrell, Thompson, Scott, Cooper, Erickson, Bingham, A. D. Young, Edge, J. R. Smith, G. R. Smith, Bedingfield, Whitmire, Hiott, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND.

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Rep. NEILSON explained the Joint Resolution.

Pursuant to the provisions of the Constitution the yeas and nays were taken on the passage of the Joint Resolution resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

Allen	Allison	Anderson
Anthony	Bales	Ballentine
Bannister	Barfield	Battle
Bedingfield	Bingham	Bowen
Bowers	Brady	Brantley
G. A. Brown	R. L. Brown	Cato
Chalk	Clemmons	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Edge	Erickson	Forrester
Frye	Funderburk	Gambrell
Gilliard	Gunn	Haley
Hamilton	Hardwick	Harrell
Hart	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Huggins	Hutto	Jefferson
Jennings	Kelly	King
Kirsh	Knight	Littlejohn
Loftis	Long	Lowe
Lucas	Mack	McEachern
McLeod	Merrill	Miller
Millwood	Mitchell	Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Parker
Parks	Pinson	E. H. Pitts
Rice	Sandifer	Scott
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Weeks	White

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Whitmire  
Wylie

Williams  
A. D. Young

Willis  
T. R. Young

**Total--105**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution, having received the necessary two-thirds vote, was passed and ordered to third reading.

**H. 3396--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. COOPER, with unanimous consent, it was ordered that H. 3396 be read the third time tomorrow.

**SPEAKER IN CHAIR**

**H. 3254--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 3254 -- Reps. Edge, Sellers, Barfield, Kelly, G. M. Smith and Branham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-87 SO AS TO PROVIDE THAT CERTAIN SPEECH-LANGUAGE PATHOLOGISTS WHO HAVE RECEIVED NATIONAL CERTIFICATION FROM THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION AND WHO ARE EMPLOYED IN A SOUTH CAROLINA PUBLIC SCHOOL DISTRICT SHALL RECEIVE A YEARLY INCENTIVE FOR THE LIFE OF THE CERTIFICATION, AND TO PROVIDE THAT THESE INCENTIVES MUST BE PAID FROM FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THIS PURPOSE IF AVAILABLE.

The Ways and Means Committee proposed the following Amendment No.1 (COUNCIL\NBD\11402BH09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

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/SECTION 1. Chapter 26, Title 59 of the 1976 Code is amended by adding:

“Section 59-26-87. (A) For purposes of this section, ‘certified speech-language pathologist’ means a speech-language pathologist who has:

- (1) a master’s degree that includes medical training;
- (2) completed a one-year clinical fellowship;
- (3) passed the Praxis Exam; and
- (4) received and maintained a Certificate of Clinical Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association.

(B) Beginning with the 2009-2010 school year, the Department of Education shall pay a yearly bonus of three thousand dollars to a certified speech-language pathologist who:

- (1) holds a South Carolina teaching certification as a speech-language therapist;
- (2) is continuously employed full time in a South Carolina school district as a speech-language pathologist at the time of receiving the bonus;
- (3) is not considered a purchased service contractor; and
- (4) is not receiving a salary supplement as a result of holding a National Board for Professional Teaching Standards certification.

(C) Bonuses paid to a certified speech-language pathologist pursuant to this section must be paid from funds appropriated by the General Assembly specifically for this purpose. However, the yearly bonuses provided by this section must not be paid unless necessary funding in an amount certified annually by the Office of State Budget of the Budget and Control Board has been appropriated by the General Assembly specifically for this purpose.

(D) The cost and expenses related to the acquisition and maintenance of the Certificate of Clinical Competence in Speech-Language Pathology for the American Speech-Language-Hearing Association are the responsibility of the certified speech-language pathologist.

(E) Upon implementation of programs and efforts coordinated by the South Carolina Department of Education to attract individuals to positions that are difficult to staff or to critical subject areas by providing bonuses, the line-item appropriation for the Speech Language Pathologist bonus program must be combined with funds appropriated by the General Assembly for other teacher bonuses and

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must be allocated for that purpose based on the guidelines established by the South Carolina Department of Education.”

SECTION 2. This act takes effect upon approval by the Governor and applies beginning with the 2009-2010 school year./

Re-number sections to conform.

Amend title to conform.

Rep. NEILSON explained the amendment.

Rep. BALLENTINE moved to recommit the Bill to the Committee on Education and Public Works.

Rep. EDGE moved to table the motion.

Rep. HALEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 66; Nays 41

Those who voted in the affirmative are:

Alexander	Allen	Anderson
Anthony	Bales	Bannister
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	G. A. Brown	Cato
Cobb-Hunter	Cooper	Delleney
Dillard	Edge	Erickson
Funderburk	Gambrell	Gilliard
Gunn	Harvin	Hayes
Herbkersman	Hodges	Horne
Hosey	Hutto	Jefferson
Jennings	Kelly	King
Kirsh	Littlejohn	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Mitchell
Moss	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parks	M. A. Pitts	Sandifer
Simrill	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Stavrinakis

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Vick	Weeks	White
Whitmire	Williams	A. D. Young

**Total--66**

Those who voted in the negative are:

Allison	Ballentine	Chalk
Clemmons	Cole	Crawford
Daning	Forrester	Frye
Haley	Hamilton	Hardwick
Harrell	Hart	Hearn
Hiott	Huggins	Kennedy
Knight	Loftis	Long
Lowe	Millwood	Nanney
Parker	Pinson	E. H. Pitts
Rice	Scott	Skelton
D. C. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	Willis
Wylie	T. R. Young	

**Total--41**

So, the House tabled the motion to recommit.

The question then recurred to the adoption of the amendment.  
The amendment was then adopted.

Rep. HALEY spoke against the Bill.  
Rep. EDGE spoke in favor of the Bill.

Rep. LOFTIS moved to adjourn debate on the Bill until Tuesday, April 21, which was agreed to.

**H. 3722--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Bill, which was adopted:

H. 3722 -- Reps. Kirsh and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO PROVIDE FOR DETERMINATION

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OF TREATMENT OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; BY ADDING SECTION 12-36-2575 SO AS TO PROVIDE FOR FILING OF A RETURN FOR EACH SALES OR USE TAX LIABILITY PERIOD EVEN IF NO TAX LIABILITY ACCRUES FOR THAT PERIOD; TO AMEND SECTION 12-4-320, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS; TO AMEND SECTION 12-6-590, AS AMENDED, RELATING TO TREATMENT OF "S" CORPORATIONS FOR TAX PURPOSES, SO AS TO INCLUDE ADDITIONAL REFERENCES TO THE INTERNAL REVENUE CODE FOR SIMILAR STATE TREATMENT; TO AMEND SECTION 12-6-2250, AS AMENDED, RELATING TO THE APPORTIONMENT OF INCOME DERIVED BY A TAXPAYER TO THE TAXPAYER'S CONDUCT OF BUSINESS IN THIS STATE, SO AS TO CHANGE THE WORD "ALLOCATED" TO "APPORTIONED"; TO AMEND SECTION 12-6-2295, RELATING TO INCLUSIONS AND EXCLUSIONS IN CONNECTION WITH THE TERMS "SALES" AND "GROSS RECEIPTS" AS USED IN THE APPORTIONMENT OF INCOME TO THIS STATE FOR STATE INCOME TAX PURPOSES, SO AS TO FURTHER SPECIFY RENTAL AND SALES INCOME FROM TANGIBLE AND INTANGIBLE, REAL AND PERSONAL PROPERTY IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOB TAX CREDIT AGAINST THE STATE INCOME TAX, SO AS TO DELETE A REFERENCE TO GENERAL CONTRACTORS IN CONNECTION WITH THE TERM "CORPORATE OFFICE"; TO AMEND SECTION 12-6-3376, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR THE PURCHASE OR LEASE OF A PLUG-IN HYBRID VEHICLE, SO AS TO REQUIRE THAT THE CREDIT BE THE FIRST CLAIMED FOR THAT VEHICLE, TO PROVIDE FOR REGULATIONS PROMULGATED BY THE STATE ENERGY OFFICE, TO FURTHER PROVIDE FOR CLAIMING THE CAPPED CREDIT, AND TO PROVIDE FOR THE EFFECT OF A REPEAL OF THE CAPS ON THE CREDIT; TO AMEND SECTION 12-6-3377, RELATING TO THE ALTERNATIVE MOTOR VEHICLE FUEL CREDIT AGAINST THE STATE INCOME TAX, SO AS TO

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FURTHER PROVIDE FOR THE CALCULATION OF THE CREDIT FOR BUSINESS USE AND TO DELETE A PROVISION DEEMING THE FEDERAL TAX TREATMENT OF THE ALTERNATIVE FUEL CREDIT TO BE PERMANENT; TO AMEND SECTION 12-6-3535, AS AMENDED, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR REHABILITATION OF A HISTORIC STRUCTURE, SO AS TO INCLUDE A CREDIT AGAINST THE CORPORATE LICENSE FEES; TO AMEND SECTION 12-6-3550, AS AMENDED, RELATING TO THE VOLUNTARY CLEANUP INCOME TAX CREDIT, SO AS TO CLARIFY THAT THE CREDIT IS ONE AGAINST THE STATE INCOME TAX; TO AMEND SECTION 12-6-3585, AS AMENDED, RELATING TO THE INDUSTRY PARTNERSHIP FUND CREDIT AGAINST STATE TAXES, SO AS TO ALLOW THE CREDIT TO BE USED AGAINST THE TAXPAYER'S APPLICABLE STATE INCOME TAX, BANK TAX, INSURANCE PREMIUM TAX, OR LICENSE FEE LIABILITY; TO AMEND SECTION 12-6-3610, AS AMENDED, RELATING TO INCOME TAX CREDIT FOR PROPERTY USED FOR DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL, SO AS TO DELETE CERTAIN TRANSITIONAL PROVISIONS; TO AMEND SECTION 12-6-3630, RELATING TO A CREDIT AGAINST CERTAIN STATE TAXES FOR A CONTRIBUTION TO THE SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT FUND, SO AS TO FURTHER PROVIDE FOR CLAIMING THE CREDIT; TO AMEND SECTION 12-8-1530, RELATING TO QUARTERLY RETURNS OF WITHHELD TAX, SO AS TO REQUIRE RETURNS EVEN IN PERIODS WHEN NO TAX HAS BEEN WITHHELD; TO AMEND SECTION 12-8-1550, RELATING TO STATEMENTS REQUIRED TO BE FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR PRESCRIPTION BY THE DEPARTMENT OF EITHER ELECTRONIC OR MAGNETIC MEDIA METHOD FOR SUBMISSION OF CERTAIN INFORMATION; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO THE JOB DEVELOPMENT TAX CREDIT, SO AS TO MAKE TECHNICAL CORRECTIONS AND ADD A CROSS REFERENCE; TO AMEND SECTION 12-20-100, RELATING TO LICENSE TAX ON UTILITIES AND ELECTRIC COOPERATIVES, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-21-2575, RELATING TO METHODS OF ACCOUNTING FOR ADMISSIONS OTHER THAN TICKETS, SO AS TO PROVIDE THAT THE

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TICKETS BE COLLECTED AND RETAINED TO ACCOUNT FOR ADMISSIONS; TO AMEND SECTION 12-36-910, AS AMENDED, RELATING TO THE FIVE PERCENT SALES TAX ON THE PROCEEDS OF THE SALE OF TANGIBLE PERSONAL PROPERTY, SO AS TO DELETE A REDUNDANCY AS TO THE TAX ON PROCEEDS FROM THE SALE OF A WARRANTY, MAINTENANCE, OR SIMILAR CONTRACT FOR TANGIBLE PERSONAL PROPERTY; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE'S SALES TAX, SO AS TO SPECIFY NOTIFICATION REQUIREMENTS FOR CLAIMING THE EXEMPTION ON THE CONSTRUCTION MATERIALS USED IN CERTAIN SINGLE MANUFACTURING AND DISTRIBUTION FACILITIES AND TO PROVIDE FOR ASSESSMENT OF ANY TAX DUE, TO SPECIFY THAT THE EXEMPTION IN CONNECTION WITH THE SALE OF CURRENCY APPLIES TO CURRENCY THAT IS LEGAL TENDER, AND TO CLARIFY THE EXEMPTION AS TO DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; TO AMEND SECTION 12-37-90, RELATING TO DUTIES OF A FULL-TIME COUNTY ASSESSOR, SO AS TO DELETE THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO ALTER A VALUE OF REAL PROPERTY AS SET BY THE ASSESSOR; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR EXEMPTION OF THE REAL PROPERTY OF DEFINED TAX EXEMPT ORGANIZATIONS AND TO CORRECT A CROSS REFERENCE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO CORRECT A CROSS REFERENCE IN THE DEFINITION OF "SPONSOR"; TO AMEND SECTION 12-54-70, AS AMENDED, RELATING TO EXTENSION OF TIME FOR FILING RETURNS OR PAYING TAX, SO AS TO FURTHER DEFINE THE LENGTH OF THE EXTENSION; TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO TIME LIMITATION FOR ASSESSMENT OF TAXES OR FEES BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR THE INSTANCE OF A TAXPAYER LACKING A VALID BUSINESS PURPOSE; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS AND REPORTS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO REQUIRE THAT THE DISCLOSURE MUST BE WILFUL

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TO GIVE RISE TO THE PENALTIES; TO AMEND SECTION 12-63-20, AS AMENDED, RELATING TO THE ENERGY FREEDOM AND RURAL DEVELOPMENT ACT, SO AS TO DEFINE "BIODIESEL" FOR THAT PURPOSE; TO AMEND SECTION 30-2-320, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLIC RECORDS, AND SECTION 37-20-180, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLICATION OF A SOCIAL SECURITY NUMBER, BOTH SO AS TO ALLOW DISCLOSURE BY AND TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF CARRYING OUT ITS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 44-43-1360, AS AMENDED, RELATING TO ADMINISTRATION OF DONATE LIFE SOUTH CAROLINA, SO AS TO CORRECT A CROSS REFERENCE; AND TO REPEAL SECTION 12-20-175, RELATING TO REDUCTION OF LICENSE FEES DUE TO TAX CREDITS AND SECTION 12-36-30, RELATING TO THE DEFINITION OF "PERSON" FOR PURPOSES OF THE SALES AND USE TAX.

**H. 3590--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, April 7, which was adopted:

H. 3590 -- Reps. Edge, Clemmons, Hardwick, Hearn and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A COUNTY IN WHICH AT LEAST FOURTEEN MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR AND A MUNICIPALITY LOCATED IN SUCH A COUNTY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT THE COUNTY MAY IMPOSE THE FEE BY ORDINANCE IN THE UNINCORPORATED AREAS OF THE COUNTY AND A MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE IN THE MUNICIPALITY, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE

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THAT USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING TOURISM PROMOTION, PROPERTY TAX ROLLBACK, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

Further proceedings were interrupted by time expiring in the uncontested period.

**RECURRENCE TO THE MORNING HOUR**

Rep. MERRILL moved that the House recur to the morning hour which was agreed to.

**HOUSE RESOLUTION**

On motion of Rep. SANDIFER, with unanimous consent, the following was taken up for immediate consideration:

H. 3867 -- Reps. Sandifer, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO DECLARE TUESDAY, APRIL 21, 2009, AS "SOUTH CAROLINA RECYCLERS DAY," AND TO COMMEND AND RECOGNIZE SOUTH CAROLINA'S RECYCLERS FOR THEIR CONTRIBUTIONS TO OUR STATE'S ECONOMY AND FOR THEIR EFFORTS TO PROTECT THE ENVIRONMENT AND PROMOTE ENERGY EFFICIENCY.

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Whereas, recycling in South Carolina protects the environment, conserves natural resources, promotes energy efficiency, and supports economic development; and

Whereas, the recycling industry generated \$1.1 billion in revenue and created approximately one thousand four hundred jobs for the State of South Carolina in 2008; and

Whereas, the upgrading and processing of recycled materials adds \$6.5 billion annually to the State's economy. In addition, South Carolina's recycling industry will increase approximately twelve percent annually during the next five years, with an economic impact of more than \$11 billion; and

Whereas, in South Carolina, the recycling industry is directly responsible for more than fifteen thousand jobs, \$1.5 billion in annual personal income, and \$69 million in tax revenue each year; and

Whereas, reprocessing used materials to make new products and packaging reduces the consumption of natural resources; and

Whereas, through the recognition and promotion of the economic, energy, and environmental benefits of recycling, South Carolina's recycling industry will grow, thereby creating efficient market-based solutions to the growing energy crisis and ensuring a clean, safe, abundant, and stable energy supply to the citizens of this State for years to come; and

Whereas, the significant energy benefits of recycling provide greater diversity and reliability to the South Carolina energy grid while protecting our natural resources. Manufacturing recycled products requires, on average, seventeen times less energy than manufacturing the same products from virgin materials. In 2007, the energy saved from recycling reached 900 trillion BTUs nationwide, or the amount of energy used by nine million American households. As such, in addition to the traditionally understood benefits of recycling as a conservation and waste-management tool, recycling is becoming known as an energy source to help combat the nation's growing energy crisis. Now, therefore,

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Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, declare Tuesday, April 21, 2009, as “South Carolina Recyclers Day,” and commend and recognize South Carolina’s recyclers for their contributions to our State’s economy and for their efforts to protect the environment and promote energy efficiency.

Be it further resolved that a copy of this resolution be forwarded to Gerry Fishbeck, United Resource Recovery Corporation, and chairman, Recycling Market Development Advisory Council; Mike Gipko, Nucor Steel--South Carolina and Carolina Recycling Association’s Business and Industry Council; and Gary Bilbro, interim executive director, Carolina Recycling Association.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3868 -- Reps. Clemmons, Harrell, Alexander, Anderson, Battle, Bingham, Branham, G. A. Brown, Cato, Cooper, Crawford, Edge, Hardwick, Harrison, Harvin, Hayes, Hearn, Jennings, Kennedy, Lowe, Lucas, Miller, Neilson, Owens, Sandifer, Vick, Viers and Willis: A HOUSE RESOLUTION TO MEMORIALIZE THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE HONORABLE RAY H. LAHOOD, TO SET ASIDE THE FUNDS NECESSARY TO ACQUIRE THE RIGHT-OF-WAY AND BUILD THE APPROXIMATELY TWELVE-MILE PORTION OF INTERSTATE 73 FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 34 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 501.

The Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**HOUSE RESOLUTION**

The following was introduced:

H. 3869 -- Reps. Hutto, Herbkersman, Erickson, Merrill, Limehouse, Daning and Wylie: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE MOST REVEREND ROBERT E. GUGLIELMONE

[HJ]

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UPON THE OCCASION OF HIS ORDINATION AND INSTALLATION AS THE THIRTEENTH BISHOP OF THE DIOCESE OF CHARLESTON ON MARCH 25, 2009, AND TO WELCOME HIM TO THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3870 -- Rep. Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO PROVIDE FOR THE "SOUTH CAROLINA ENTREPRENEURIAL SUCCESS FUND ACT" TO BE ADMINISTERED BY THE SOUTH CAROLINA VENTURE CAPITAL AUTHORITY, TO PROVIDE DEFINITIONS, TO PROVIDE A STATE INCOME TAX CREDIT FOR QUALIFIED INVESTMENTS IN A FUND, TO PROVIDE FOR THE AMOUNT OF ANNUAL AVAILABLE CREDIT, TO DETERMINE THE AMOUNT OF A TAXPAYER'S CREDIT, TO PROVIDE FOR THE FORMATION OF A FUND, TO PROVIDE THAT THE PURPOSE OF A FUND IS TO MAKE SEED CAPITAL INVESTMENTS IN HIGH GROWTH-ORIENTED BUSINESSES, AND TO PROVIDE REPORTING REQUIREMENTS.

Referred to Committee on Ways and Means

H. 3871 -- Reps. Harvin, Hosey and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-29-15 SO AS TO SPECIFY REPORTING REQUIREMENTS FOR LABORATORIES THAT TEST FOR INFECTIOUS OR OTHER DISEASES REQUIRED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO BE REPORTED AND TO PROVIDE A CIVIL MONETARY PENALTY FOR VIOLATIONS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3872 -- Reps. Cato, Bannister, Wylie, Loftis, Bedingfield, Allen, Stringer, Nanney, Dillard, Hamilton, Rice, G. R. Smith and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,

[HJ]

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1976, BY ADDING ARTICLE 26 TO CHAPTER 53, TITLE 59 SO AS TO ENACT THE "GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY ACT", AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY.

On motion of Rep. CATO, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 3873 -- Reps. Rice, Hiott, Owens, Loftis, Littlejohn and J. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-500 SO AS TO CREATE THE VIRTUAL HEAD START COMMITTEE UNDER THE ADMINISTRATION OF THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE FOR THE PURPOSE AND MEMBERSHIP OF THE COMMITTEE, TO REQUIRE THE COMMITTEE TO COMPILE A SET OF AGE APPROPRIATE INTERNET-BASED LESSONS DESIGNED TO STIMULATE THE DEVELOPMENT OF CHILDREN AGED ZERO TO SIX, TO PROVIDE FOR THE IMPLEMENTATION OF THE COMMITTEE WEBSITE, TO PROVIDE REPORTING REQUIREMENTS, TO PROVIDE THAT THE WEBSITE MUST BE FUNDED BY PRIVATE GRANTS AND ADVERTISING, AND TO DEFINE CERTAIN TERMS; AND BY ADDING SECTION 59-7-70 SO AS TO REQUIRE THE STATE BUDGET AND CONTROL BOARD AND THE EDUCATIONAL TELEVISION NETWORK TO PROVIDE A WIRELESS CLOUD OVER ALL PUBLIC SCHOOL FACILITIES AND OVER A TEN-MILE RADIUS SURROUNDING THE FACILITIES USING EXISTING INFRASTRUCTURE.

Referred to Committee on Education and Public Works

H. 3874 -- Reps. Stavrinakis and Merrill: A BILL TO AMEND SECTION 1-23-525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISQUALIFICATION OF MEMBERS OF THE GENERAL ASSEMBLY FROM ELECTION TO AN ADMINISTRATIVE LAW JUDGE POSITION, SO AS TO CHANGE FOUR YEARS TO ONE YEAR.

Rep. STAVRINAKIS asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. J. H. NEAL objected.

Referred to Committee on Judiciary

[HJ]

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H. 3875 -- Reps. Rice and Cato: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 60 TO TITLE 38 SO AS TO ENACT THE "SOUTH CAROLINA HEALTHNET PROGRAM"; TO PROVIDE FOR THE CREATION OF A FIVE-YEAR PILOT PROGRAM TO PROMOTE THE AVAILABILITY OF HEALTH INSURANCE COVERAGE TO EMPLOYEES OF SMALL EMPLOYER GROUPS AND HEALTH GROUP COOPERATIVES REGARDLESS OF HEALTH STATUS OR CLAIMS EXPERIENCE, ESTABLISH RULES REGARDING RENEWAL OF COVERAGE, LIMITATIONS ON THE USE OF PREEXISTING CONDITIONS EXCLUSIONS, ASSURE FAIR ACCESS TO HEALTH PLANS AND IMPROVE OVERALL FAIRNESS AND EFFICIENCY OF THE SMALL GROUP HEALTH INSURANCE MARKET; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE COMPOSITION AND AUTHORITY OF THE BOARD OF DIRECTORS; TO PROVIDE FAIR MARKETING STANDARDS; TO PROVIDE FOR THE ESTABLISHMENT OF CRITERIA FOR PLAN ADMINISTRATION IN THE PLAN OF OPERATION; TO PROVIDE FOR RATES; TO PROVIDE FOR PROVIDER PARTICIPATION; TO PROVIDE FOR THE APPLICABILITY AND SCOPE OF THE CHAPTER; TO PROVIDE THAT SMALL GROUP HEALTH INSURERS SHALL OFFER AND MARKET PLANS DEVELOPED BY THE SOUTH CAROLINA HEALTHNET PROGRAM; TO PROVIDE FOR HEALTH BENEFIT PLAN STANDARDS; TO PROVIDE FOR ELIGIBILITY STANDARDS AND PROVIDE EXCEPTIONS; TO PROVIDE FOR TERMINATION AND NONRENEWAL OF COVERAGE; TO PROVIDE FOR CLAIMS DATA TO BE REPORTED TO THE PROGRAM; TO REQUIRE THE BOARD TO SUBMIT A REPORT REGARDING THE IMPLEMENTATION OF THE PROGRAM; AND TO AUTHORIZE THE DIRECTOR OF THE STATE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF CHAPTER 60, TITLE 38 ADDED BY THIS ACT.

Referred to Committee on Labor, Commerce and Industry

H. 3876 -- Reps. Scott, E. H. Pitts, Huggins, Toole, Barfield, Crawford, Daning, Lowe, M. A. Pitts and Umphlett: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE HOUSE OF REPRESENTATIVES, SO

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AS TO PROVIDE THAT BEGINNING IN 2012, MEMBERS OF THE HOUSE OF REPRESENTATIVES MUST BE CHOSEN EVERY FOURTH INSTEAD OF EVERY SECOND YEAR; TO AMEND SECTION 8, ARTICLE III, RELATING TO ELECTION OF THE HOUSE OF REPRESENTATIVES, SO AS TO PROVIDE THAT MEMBERS OF THE HOUSE BE ELECTED EVERY FOURTH INSTEAD OF EVERY SECOND YEAR; AND TO AMEND SECTION 6, ARTICLE III, RELATING TO ELECTION OF THE SENATE, SO AS TO PROVIDE THAT BEGINNING IN 2012, MEMBERS OF THE SENATE BE ELECTED EVERY SIXTH INSTEAD OF EVERY FOURTH YEAR.

Referred to Committee on Judiciary

H. 3877 -- Reps. Scott, E. H. Pitts, Huggins, Toole, Crawford, Daning, Hardwick, Hearn and Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-70 SO AS TO PROVIDE THAT THE TERM OF OFFICE FOR THE SENATE IS SIX YEARS; BY ADDING SECTION 2-1-190 SO AS TO PROVIDE THAT A PERSON IS NOT ELIGIBLE FOR ELECTION TO THE HOUSE OF REPRESENTATIVES IF THAT PERSON HAS SERVED FOUR TERMS IN THE SAME BODY, TO PROVIDE THAT A PERSON IS NOT ELIGIBLE FOR ELECTION TO THE SENATE IF THAT PERSON HAS SERVED THREE TERMS IN THE SAME BODY, AND TO PROVIDE THAT A TERM SERVED FOR WHICH THE ELECTION WAS HELD BEFORE JANUARY 1, 2009, MAY NOT BE COUNTED AS A TERM SERVED; TO AMEND SECTION 2-1-20, RELATING TO THE ELECTION DATE FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES, SO AS TO PROVIDE THE ELECTION DATE IS THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVERY OTHER EVEN-NUMBERED YEAR; AND TO AMEND SECTION 2-1-40, RELATING TO THE TERM OF OFFICE FOR THE HOUSE OF REPRESENTATIVES, SO AS TO PROVIDE THE TERM IS FOUR YEARS.

Referred to Committee on Judiciary

H. 3878 -- Rep. Rice: A JOINT RESOLUTION TO ESTABLISH A JOINT STUDY COMMITTEE ON THE CONSOLIDATION OF STATE AGENCIES, PROVIDE FOR ITS MEMBERSHIP AND

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DUTIES, REQUIRE SUBMISSION OF RECOMMENDATIONS, AND PROVIDE FOR ITS TERMINATION.

On motion of Rep. RICE, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

**H. 3722--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Bill, which was adopted:

H. 3722 -- Reps. Kirsh and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO PROVIDE FOR DETERMINATION OF TREATMENT OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; BY ADDING SECTION 12-36-2575 SO AS TO PROVIDE FOR FILING OF A RETURN FOR EACH SALES OR USE TAX LIABILITY PERIOD EVEN IF NO TAX LIABILITY ACCRUES FOR THAT PERIOD; TO AMEND SECTION 12-4-320, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS; TO AMEND SECTION 12-6-590, AS AMENDED, RELATING TO TREATMENT OF "S" CORPORATIONS FOR TAX PURPOSES, SO AS TO INCLUDE ADDITIONAL REFERENCES TO THE INTERNAL REVENUE CODE FOR SIMILAR STATE TREATMENT; TO AMEND SECTION 12-6-2250, AS AMENDED, RELATING TO THE APPORTIONMENT OF INCOME DERIVED BY A TAXPAYER TO THE TAXPAYER'S CONDUCT OF BUSINESS IN THIS STATE, SO AS TO CHANGE THE WORD "ALLOCATED" TO "APPORTIONED"; TO AMEND SECTION 12-6-2295, RELATING TO INCLUSIONS AND EXCLUSIONS IN CONNECTION WITH THE TERMS "SALES" AND "GROSS RECEIPTS" AS USED IN THE APPORTIONMENT OF INCOME TO THIS STATE FOR STATE INCOME TAX PURPOSES, SO AS TO FURTHER SPECIFY RENTAL AND SALES INCOME FROM TANGIBLE AND INTANGIBLE, REAL AND PERSONAL PROPERTY IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOB TAX CREDIT AGAINST THE STATE INCOME TAX, SO AS TO DELETE A REFERENCE TO GENERAL

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CONTRACTORS IN CONNECTION WITH THE TERM "CORPORATE OFFICE"; TO AMEND SECTION 12-6-3376, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR THE PURCHASE OR LEASE OF A PLUG-IN HYBRID VEHICLE, SO AS TO REQUIRE THAT THE CREDIT BE THE FIRST CLAIMED FOR THAT VEHICLE, TO PROVIDE FOR REGULATIONS PROMULGATED BY THE STATE ENERGY OFFICE, TO FURTHER PROVIDE FOR CLAIMING THE CAPPED CREDIT, AND TO PROVIDE FOR THE EFFECT OF A REPEAL OF THE CAPS ON THE CREDIT; TO AMEND SECTION 12-6-3377, RELATING TO THE ALTERNATIVE MOTOR VEHICLE FUEL CREDIT AGAINST THE STATE INCOME TAX, SO AS TO FURTHER PROVIDE FOR THE CALCULATION OF THE CREDIT FOR BUSINESS USE AND TO DELETE A PROVISION DEEMING THE FEDERAL TAX TREATMENT OF THE ALTERNATIVE FUEL CREDIT TO BE PERMANENT; TO AMEND SECTION 12-6-3535, AS AMENDED, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR REHABILITATION OF A HISTORIC STRUCTURE, SO AS TO INCLUDE A CREDIT AGAINST THE CORPORATE LICENSE FEES; TO AMEND SECTION 12-6-3550, AS AMENDED, RELATING TO THE VOLUNTARY CLEANUP INCOME TAX CREDIT, SO AS TO CLARIFY THAT THE CREDIT IS ONE AGAINST THE STATE INCOME TAX; TO AMEND SECTION 12-6-3585, AS AMENDED, RELATING TO THE INDUSTRY PARTNERSHIP FUND CREDIT AGAINST STATE TAXES, SO AS TO ALLOW THE CREDIT TO BE USED AGAINST THE TAXPAYER'S APPLICABLE STATE INCOME TAX, BANK TAX, INSURANCE PREMIUM TAX, OR LICENSE FEE LIABILITY; TO AMEND SECTION 12-6-3610, AS AMENDED, RELATING TO INCOME TAX CREDIT FOR PROPERTY USED FOR DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL, SO AS TO DELETE CERTAIN TRANSITIONAL PROVISIONS; TO AMEND SECTION 12-6-3630, RELATING TO A CREDIT AGAINST CERTAIN STATE TAXES FOR A CONTRIBUTION TO THE SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT FUND, SO AS TO FURTHER PROVIDE FOR CLAIMING THE CREDIT; TO AMEND SECTION 12-8-1530, RELATING TO QUARTERLY RETURNS OF WITHHELD TAX, SO AS TO REQUIRE RETURNS EVEN IN PERIODS WHEN NO TAX HAS BEEN WITHHELD; TO AMEND SECTION 12-8-1550, RELATING TO STATEMENTS REQUIRED TO BE FILED WITH

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THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR PRESCRIPTION BY THE DEPARTMENT OF EITHER ELECTRONIC OR MAGNETIC MEDIA METHOD FOR SUBMISSION OF CERTAIN INFORMATION; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO THE JOB DEVELOPMENT TAX CREDIT, SO AS TO MAKE TECHNICAL CORRECTIONS AND ADD A CROSS REFERENCE; TO AMEND SECTION 12-20-100, RELATING TO LICENSE TAX ON UTILITIES AND ELECTRIC COOPERATIVES, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-21-2575, RELATING TO METHODS OF ACCOUNTING FOR ADMISSIONS OTHER THAN TICKETS, SO AS TO PROVIDE THAT THE TICKETS BE COLLECTED AND RETAINED TO ACCOUNT FOR ADMISSIONS; TO AMEND SECTION 12-36-910, AS AMENDED, RELATING TO THE FIVE PERCENT SALES TAX ON THE PROCEEDS OF THE SALE OF TANGIBLE PERSONAL PROPERTY, SO AS TO DELETE A REDUNDANCY AS TO THE TAX ON PROCEEDS FROM THE SALE OF A WARRANTY, MAINTENANCE, OR SIMILAR CONTRACT FOR TANGIBLE PERSONAL PROPERTY; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE'S SALES TAX, SO AS TO SPECIFY NOTIFICATION REQUIREMENTS FOR CLAIMING THE EXEMPTION ON THE CONSTRUCTION MATERIALS USED IN CERTAIN SINGLE MANUFACTURING AND DISTRIBUTION FACILITIES AND TO PROVIDE FOR ASSESSMENT OF ANY TAX DUE, TO SPECIFY THAT THE EXEMPTION IN CONNECTION WITH THE SALE OF CURRENCY APPLIES TO CURRENCY THAT IS LEGAL TENDER, AND TO CLARIFY THE EXEMPTION AS TO DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; TO AMEND SECTION 12-37-90, RELATING TO DUTIES OF A FULL-TIME COUNTY ASSESSOR, SO AS TO DELETE THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO ALTER A VALUE OF REAL PROPERTY AS SET BY THE ASSESSOR; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR EXEMPTION OF THE REAL PROPERTY OF DEFINED TAX EXEMPT ORGANIZATIONS AND TO CORRECT A CROSS REFERENCE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO CORRECT A CROSS

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REFERENCE IN THE DEFINITION OF "SPONSOR"; TO AMEND SECTION 12-54-70, AS AMENDED, RELATING TO EXTENSION OF TIME FOR FILING RETURNS OR PAYING TAX, SO AS TO FURTHER DEFINE THE LENGTH OF THE EXTENSION; TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO TIME LIMITATION FOR ASSESSMENT OF TAXES OR FEES BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR THE INSTANCE OF A TAXPAYER LACKING A VALID BUSINESS PURPOSE; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS AND REPORTS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO REQUIRE THAT THE DISCLOSURE MUST BE WILFUL TO GIVE RISE TO THE PENALTIES; TO AMEND SECTION 12-63-20, AS AMENDED, RELATING TO THE ENERGY FREEDOM AND RURAL DEVELOPMENT ACT, SO AS TO DEFINE "BIODIESEL" FOR THAT PURPOSE; TO AMEND SECTION 30-2-320, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLIC RECORDS, AND SECTION 37-20-180, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLICATION OF A SOCIAL SECURITY NUMBER, BOTH SO AS TO ALLOW DISCLOSURE BY AND TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF CARRYING OUT ITS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 44-43-1360, AS AMENDED, RELATING TO ADMINISTRATION OF DONATE LIFE SOUTH CAROLINA, SO AS TO CORRECT A CROSS REFERENCE; AND TO REPEAL SECTION 12-20-175, RELATING TO REDUCTION OF LICENSE FEES DUE TO TAX CREDITS AND SECTION 12-36-30, RELATING TO THE DEFINITION OF "PERSON" FOR PURPOSES OF THE SALES AND USE TAX.

**H. 3018--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3018 -- Reps. E. H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G. M. Smith, Lowe, Vick, H. B. Brown, R. L. Brown, Viers, Clemmons, Ballentine, Mitchell and M. A. Pitts: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976,

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RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS OCCUPIED, OR THE SECOND PROPERTY TAX YEAR ENDING DECEMBER THIRTY-FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\BBM\9298HTC09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 12-37-220(B) of the 1976 Code is amended by adding a new item at the end appropriately numbered to read:

“( ) one hundred percent of the value of an improvement to real property consisting of a newly constructed detached single family home offered for sale by a residential builder or developer through the earlier of:

(a) the property tax year in which the home is sold or otherwise occupied; or

(b) the property tax year ending the third December thirty first after the home is completed and a certificate of occupancy, if required, is issued thereon.

In lieu of other exemption application requirements, the owner of property eligible for the exemption allowed by this item shall obtain the exemption by notifying the county assessor and county auditor by written affidavit no later than thirty days after the certificate of occupancy is issued and no later than January thirty-first in subsequent exemption eligibility years that the property is of the type eligible for the exemption and unoccupied and if found in order, the exemption is allowed for the applicable property tax year. If the unsold residence is occupied at any time before eligibility for the exemption ends, the owner shall so notify the auditor and assessor and the exemption ends as provided in subitem (a) of this item.”

SECTION 2. This act takes effect upon approval by the Governor and applies for single family homes completed and, if required, a certificate of occupancy issued thereon after 2006. No refunds are

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allowed for property tax years 2007 and 2008 as a result of the exemption allowed pursuant to this act. /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

**H. 3018--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. E. H. PITTS, with unanimous consent, it was ordered that H. 3018 be read the third time tomorrow.

**H. 3272--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3272 -- Reps. Cooper, Merrill, Erickson, Herbkersman, Chalk, Duncan, Long, Sottile, Daning, Lowe, Bowen, Harrison, Horne, A. D. Young, Limehouse, R. L. Brown, Clemmons, Edge and Wylie: A BILL TO AMEND SECTION 12-37-3140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING THE FAIR MARKET VALUE OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO POSTPONE THE IMPLEMENTATION OF THE TRANSFER VALUE OF A PARCEL OF REAL PROPERTY UNIMPROVED SINCE THE LAST COUNTYWIDE REASSESSMENT PROGRAM UNTIL THE TIME OF IMPLEMENTATION OF THE NEXT COUNTYWIDE REASSESSMENT PROGRAM AND TO REQUIRE THE FIFTEEN PERCENT LIMIT ON INCREASES IN VALUE TO BE CALCULATED SEPARATELY ON LAND AND IMPROVEMENTS; TO AMEND SECTION 12-37-3150, AS AMENDED, RELATING TO THE TIME AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO REVISE THE PENALTY FOR FAILURE TO PROVIDE NOTICE OR FAILURE TO PROVIDE ACCURATE NOTICE TO THE ASSESSING AUTHORITY OF BUSINESS ENTITY TRANSFERS; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO THE

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CLASSIFICATION AND VALUATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE RESIDENTIAL REAL PROPERTY HELD IN TRUST DOES NOT QUALIFY AS A LEGAL RESIDENCE UNLESS A NAMED INDIVIDUAL BENEFICIARY UNDER THE TRUST OCCUPIES THE RESIDENCE AS THAT NAMED BENEFICIARY'S LEGAL RESIDENCE AND THAT INDIVIDUAL BENEFICIARY'S NAME APPEARS ON THE DEED TO THE RESIDENCE AND REQUIRE SOCIAL SECURITY NUMBERS OF APPLICANTS FOR THE LEGAL RESIDENCE ASSESSMENT RATIO; AND TO AMEND SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, SO AS TO REVISE THE REQUIREMENT.

Reps. COBB-HUNTER, OTT, MERRILL, J. H. NEAL, CLEMMONS, GAMBRELL, WHITE, FUNDERBURK, MCLEOD, HART, HARVIN, WEEKS, COOPER, DANING, WILLIAMS, HOSEY, BINGHAM, STAVRINAKIS, R. L. BROWN, ALEXANDER, MITCHELL, HUTTO, BRANTLEY, KING, J. R. SMITH and KNIGHT requested debate on the Bill.

**H. 3415--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Tuesday, April 7, which was adopted:

H. 3415 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Scott, Erickson, Herbkersman, T. R. Young, G. R. Smith, Huggins, Bedingfield, A. D. Young, Pinson, Lucas, E. H. Pitts, Crawford, Allison, Barfield, Brady, Chalk, Daning, Delleney, Edge, Frye, Hamilton, Hearn, Horne, Long, Merrill, Parker, Rice, Sellers, Skelton, G. M. Smith, J. R. Smith, Spires, Stringer, Thompson, Toole, Viers, Willis, Wylie, Neilson, Bales and Clemmons: A JOINT RESOLUTION TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION; TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE'S TAX SYSTEM INCLUDING ITS SALES TAX AND EXEMPTIONS STRUCTURE AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN

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OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE; AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION'S RECOMMENDATIONS.

**S. 12--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, April 7, which was adopted:

S. 12 -- Senators Leatherman, Alexander, O'Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE'S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION'S RECOMMENDATIONS.

**ORDERED TO THIRD READING**

The following Bills and Joint Resolution were taken up, read the second time, and ordered to a third reading:

S. 26 -- Senators Jackson and Rose: A JOINT RESOLUTION TO ESTABLISH THE STROKE SYSTEMS OF CARE STUDY COMMITTEE WITHIN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP RECOMMENDATIONS FOR A REGIONALLY ORGANIZED AND STATEWIDE COMPREHENSIVE PLAN FOR A STROKE SYSTEMS OF CARE.

Rep. HARVIN explained the Joint Resolution.

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H. 3635 -- Rep. Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-560 SO AS TO SPECIFY APPLICABLE FEES FOR RECREATIONAL SALTWATER FISHING LICENSES; BY ADDING SECTION 50-9-715 SO AS TO SPECIFY RECREATIONAL SALTWATER FISHING LICENSE EXEMPTIONS; BY ADDING SECTION 50-9-925 SO AS TO SPECIFY HOW THE REVENUE FROM THE SALE OF STAMPS, LICENSES, PRINTS, AND RELATED ARTICLES MUST BE DISTRIBUTED; TO AMEND SECTION 50-5-15, RELATING TO THE DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA MARINE RESOURCES ACT, SO AS TO DEFINE THE TERMS "DROP NET" AND "FOLD UP TRAP"; TO AMEND SECTION 50-5-955, RELATING TO THE DESIGNATION AND MAINTENANCE OF PUBLIC SHELLFISH GROUNDS, SO AS TO SUBSTITUTE REFERENCE TO THE RECREATIONAL SALTWATER FISHING LICENSE FOR THE MARINE RECREATIONAL FISHING STAMP; TO AMEND SECTION 50-5-1915, RELATING TO CHARTER FISHING VESSEL LOGS, SO AS TO REQUIRE MONTHLY SUBMISSIONS TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-9-20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, SO AS TO REMOVE REFERENCES TO RESIDENT AND NONRESIDENT LICENSES; TO AMEND SECTION 50-9-40, RELATING TO LICENSES FOR FRESHWATER FISHING, SO AS TO SPECIFY RECREATIONAL FRESHWATER FISHING; TO AMEND SECTION 50-9-540, AS AMENDED, RELATING TO FRESHWATER AND SALTWATER FISHING LICENSES, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 50-5-1905, 50-5-1910, 50-5-1920, 50-5-1925, AND 50-5-1945 ALL RELATING TO RECREATIONAL SALTWATER FISHERIES LICENSES AND STAMPS.

Rep. UMPHLETT explained the Bill.

H. 3835 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Brady, Branham, Brantley, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn,

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Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Spires, Stavrinakis, Stewart, Thompson, Toole, Umphlett, Vick, Viers, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 9, TITLE 23 TO ENACT THE "SOUTH CAROLINA HYDROGEN PERMITTING ACT" SO AS TO CREATE THE STATE HYDROGEN PERMITTING PROGRAM AND TO STATE THE PURPOSE OF THE PROGRAM; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT ONLY THE STATE FIRE MARSHAL MAY PERMIT A HYDROGEN FACILITY IN THIS STATE, BUT MAY DELEGATE THIS AUTHORITY TO A COUNTY OR MUNICIPAL OFFICIAL IN SPECIFIC CIRCUMSTANCES; TO PROVIDE THE DUTIES AND OBLIGATIONS OF THE STATE FIRE MARSHAL UNDER THE ACT; TO PROVIDE REQUIREMENTS FOR A PARTY SEEKING TO RENOVATE OR CONSTRUCT A HYDROGEN FACILITY; TO PROVIDE THE STATE FIRE MARSHAL MAY IMPOSE CERTAIN FEES RELATED TO PERMITTING, LICENSING, AND INSPECTING UNDER THE ACT; TO PROVIDE PENALTIES FOR A PERSON WHO CONVEYS OR ATTEMPTS TO CONVEY HYDROGEN IN VIOLATION OF THE ACT; AND TO AMEND SECTION 23-9-20, RELATING TO DUTIES OF THE STATE FIRE MARSHAL, SO AS TO PROVIDE THE STATE FIRE MARSHAL SHALL SUPERVISE ENFORCEMENT OF THE SOUTH CAROLINA HYDROGEN PERMITTING PROGRAM.

H. 3856 -- Reps. Umphlett, Battle, Hardwick, Clemmons and Knight: A BILL TO AMEND SECTION 51-17-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON DISPOSITION OF HERITAGE TRUST PROPERTY, SO AS TO EXCLUDE PUBLIC INFRASTRUCTURE PROJECTS FROM THE LIMITATION.

Rep. UMPHLETT explained the Bill.

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**S. 26--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HARVIN, with unanimous consent, it was ordered that S. 26 be read the third time tomorrow.

**H. 3635--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. UMPHLETT, with unanimous consent, it was ordered that H. 3635 be read the third time tomorrow.

**H. 3835--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. G. M. SMITH, with unanimous consent, it was ordered that H. 3835 be read the third time tomorrow.

**H. 3856--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. UMPHLETT, with unanimous consent, it was ordered that H. 3856 be read the third time tomorrow.

**H. 3681--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3681 -- Reps. Ott, Kirsh, Brantley, McEachern, G. A. Brown, J. H. Neal, Cobb-Hunter, Sellers, Gunn, Dillard, King, Anderson, Duncan, Agnew, Clyburn, Edge, Gambrell, Hosey, Howard, McLeod, M. A. Pitts, Hodges and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT "CHANDLER'S LAW" TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING THE REQUIREMENT THAT PERSONS FIFTEEN AND YOUNGER MUST COMPLETE A SAFETY COURSE BEFORE THEY MAY OPERATE AN ALL-TERRAIN VEHICLE, TO REQUIRE THAT VEHICLES MEETING SPECIFIC STANDARDS ONLY MAY BE OPERATED BY PERSONS OF A CERTAIN AGE, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES BEGINNING WITH CALENDAR YEAR 2009; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

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The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20248SD09), which was adopted:

Amend the bill, as and if amended, by adding immediately after Section 50-26-60 of the 1976 Code, which begins on line 24, page 3, the following:

/ Section 50-26-70. This chapter does not apply to:

(1) an owner, operator, lessor, or renter of a farm or ranch, or that person's employees, immediate family, or household members, when operating an all-terrain vehicle while engaged in farming or ranching operations; or

(2) a person using an all-terrain vehicle for hunting or trapping purposes if the person is otherwise lawfully engaged in those activities./

Re-number sections to conform.

Amend title to conform.

Rep. AGNEW explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

#### **OBJECTION TO MOTION**

Rep. AGNEW asked unanimous consent that H. 3681 be read a third time tomorrow.

Rep. G. M. SMITH objected.

#### **H. 3572--POINT OF ORDER**

The following Bill was taken up:

H. 3572 -- Rep. Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50-5-1707 RELATING TO SHARK CATCH LIMITS.

#### **POINT OF ORDER**

Rep. HART made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

[HJ]

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**H. 3571--POINT OF ORDER**

The following Bill was taken up:

H. 3571 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-11-840, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST TAKING OR DESTROYING THE NESTS OR EGGS OF WILD BIRDS, SO AS TO DEFINE THE TERM "ACTIVE NEST" AND TO PROVIDE THAT THE DEPARTMENT MAY ISSUE PERMITS FOR THE REMOVAL OF CERTAIN ACTIVE NESTS.

**POINT OF ORDER**

Rep. HART made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3541--POINT OF ORDER**

The following Bill was taken up:

H. 3541 -- Reps. Hiott, Frye, Duncan, M. A. Pitts, Whitmire and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-525 SO AS TO ESTABLISH THE REQUIREMENT AND PROCEDURES FOR OBTAINING BEAR TAGS; BY ADDING SECTION 50-9-537 SO AS TO REQUIRE A TEN DOLLAR BEAR DRAW HUNT APPLICATION FEE; BY ADDING SECTION 50-11-435 SO AS TO PROHIBIT TAKING OR ATTEMPTING TO TAKE BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND PROVIDE APPLICABLE PENALTIES; TO AMEND SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, SO AS TO DEFINE THE USES FOR REVENUE GENERATED FROM THE SALE OF BEAR TAGS; TO AMEND SECTION 50-11-310, AS AMENDED, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO DESIGNATE WHEN CERTAIN EQUIPMENT MAY BE USED IN GAME ZONE 1; AND TO AMEND SECTION 50-11-430, RELATING TO BEAR HUNTING, SO AS TO REDESIGNATE THE OPEN SEASON AND PROVIDE ADDITIONAL PENALTIES.

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**POINT OF ORDER**

Rep. HART made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3483--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 3483 -- Reps. White, M. A. Pitts, Toole, Willis, Barfield, Clemmons, Hardwick and Hearn: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING, TRAPPING, AND FISHING AND THE TAKING OF WILD ANIMALS, BIRDS, AND FISH ARE A VALUED PART OF OUR HERITAGE AND SHALL BE FOREVER PRESERVED FOR THE PEOPLE, TO PROVIDE THAT FISH AND WILDLIFE SHALL BE MANAGED BY LAWS AND REGULATIONS THAT PROVIDE PERSONS WITH THE CONTINUED OPPORTUNITY TO TAKE, BY TRADITIONAL MEANS AND METHODS, SPECIES TRADITIONALLY PURSUED BY HUNTERS, ANGLERS, AND TRAPPERS, TO PROVIDE FISH AND WILDLIFE MANAGEMENT, INCLUDING TAKING, SHALL BE CONSISTENT WITH THE STATE'S DUTY TO PROTECT THIS HERITAGE AND ITS DUTY TO CONSERVE WILD ANIMALS, BIRDS, AND FISH, TO PROVIDE HUNTING, FISHING, OR TRAPPING BY SPORTSMEN SHALL ALWAYS BE A PREFERRED AND AVAILABLE MEANS OF CONTROLLING ALL INVASIVE OR OVERPOPULATED SPECIES, TO PROVIDE THAT ANY PERSON WHO IS LICENSED TO HUNT, FISH, OR TRAP AND WHO IS ADVERSELY AFFECTED BY A FAILURE TO COMPLY WITH THIS SECTION SHALL HAVE A PRIVATE CAUSE OF ACTION TO ENFORCE THIS SECTION, AND TO PROVIDE THAT THE RIGHT OF THE PEOPLE TO HUNT, FISH, TRAP, AND HARVEST GAME SHALL BE SUBJECT ONLY TO SUCH REGULATIONS AND RESTRICTIONS AS THE GENERAL ASSEMBLY MAY PRESCRIBE BY GENERAL LAW.

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**POINT OF ORDER**

Rep. HART made the Point of Order that the Joint Resolution was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**S. 620--POINT OF ORDER**

The following Joint Resolution was taken up:

S. 620 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSIONERS OF PILOTAGE, RELATING TO ENFORCEMENT OF PILOT STATUES AND MARITIME HOMELAND SECURITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4053, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**POINT OF ORDER**

Rep. HART made the Point of Order that the Joint Resolution was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3854--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, April 7, which was adopted:

H. 3854 -- Rep. Cooper: A BILL TO AMEND TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAXATION, SO AS TO REVISE CERTAIN CHAPTERS AND SECTIONS PERTAINING TO VARIOUS TAX MATTERS.

**S. 304--RECOMMITTED**

The following Bill was taken up:

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES,

[HJ]

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HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

Rep. LITTLEJOHN explained the Bill.

Rep. LITTLEJOHN moved to recommit the Bill to the Committee on Ways and Means, which was agreed to.

**H. 3681--MOTION TO RECONSIDER TABLED**

Rep. STEWART moved to reconsider the vote whereby the following Bill was read the second time:

H. 3681 -- Reps. Ott, Kirsh, Brantley, McEachern, G. A. Brown, J. H. Neal, Cobb-Hunter, Sellers, Gunn, Dillard, King, Anderson, Duncan, Agnew, Clyburn, Edge, Gambrell, Hosey, Howard, McLeod, M. A. Pitts, Hodges and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT "CHANDLER'S LAW" TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING THE REQUIREMENT THAT PERSONS FIFTEEN AND YOUNGER MUST COMPLETE A SAFETY COURSE BEFORE THEY MAY OPERATE AN ALL-TERRAIN VEHICLE, TO REQUIRE THAT VEHICLES MEETING SPECIFIC STANDARDS ONLY MAY BE OPERATED BY PERSONS OF A CERTAIN AGE, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES BEGINNING WITH CALENDAR YEAR 2009; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

Rep. CRAWFORD moved to table the motion to reconsider.

Rep. CRAWFORD demanded the yeas and nays which were taken, resulting as follows:

Yeas 87; Nays 19

[HJ]

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Those who voted in the affirmative are:

Agnew	Alexander	Allen
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bingham	Bowen
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Clemmons	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Dillard	Edge
Erickson	Forrester	Funderburk
Gambrell	Gilliard	Govan
Gunn	Haley	Hardwick
Harrell	Harrison	Hart
Harvin	Hayes	Hearn
Herbkersman	Hiott	Hodges
Home	Hosey	Huggins
Hutto	Jefferson	Kelly
Kirsh	Limehouse	Long
Lucas	Mack	McEachern
McLeod	Miller	Mitchell
Moss	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	Scott	Sellers
Skelton	J. E. Smith	Sottile
Spires	Stavrinakis	Stringer
Umphlett	Vick	Weeks
White	Whitmire	Williams
Willis	Wylie	A. D. Young

**Total--87**

Those who voted in the negative are:

Bedingfield	Cato	Delleney
Frye	Hamilton	Knight
Littlejohn	Lowe	Millwood
Nanney	M. A. Pitts	Rice
Simrill	D. C. Smith	G. M. Smith

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G. R. Smith  
T. R. Young

Stewart

Thompson

**Total--19**

So, the motion to reconsider was tabled.

**RECORD FOR VOTING**

I voted against the motion to table the motion to reconsider second reading of H. 3681, because I did not support the titling requirements in the Bill. Otherwise, I support the Bill.

Rep. Tom Young

**S. 420--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. LITTLEJOHN, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 420 -- Senators Knotts, Land, Coleman, Setzler, McConnell, Leatherman, Courson, Thomas and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-4975 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS TO OPERATE A VEHICLE THAT IS UPFITTED AS AN AMBULANCE OR NO LONGER PERMITTED AND LICENSED AS AN AMBULANCE UNLESS CERTAIN EXTERIOR ITEMS THAT DISTINGUISH IT AS AN AMBULANCE ARE REMOVED, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION, AND TO PROVIDE THAT THE USE OF THE VEHICLE DURING THE COMMISSION OF A CRIME OR A TERRORIST ACT IS A FELONY.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall H. 3482 from the Committee on Ways and Means.

Rep. HART objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3853 from the Committee on Judiciary.

Rep. COOPER objected.

[HJ]

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**H. 3871--RECALLED AND REFERRED TO COMMITTEE  
ON MEDICAL, MILITARY, PUBLIC AND MUNICIPAL  
AFFAIRS**

On motion of Rep. HARVIN, with unanimous consent, the following Bill was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs and was referred to the Committee on Medical, Military, Public and Municipal Affairs:

H. 3871 -- Reps. Harvin, Hosey and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-29-15 SO AS TO SPECIFY REPORTING REQUIREMENTS FOR LABORATORIES THAT TEST FOR INFECTIOUS OR OTHER DISEASES REQUIRED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO BE REPORTED AND TO PROVIDE A CIVIL MONETARY PENALTY FOR VIOLATIONS.

**H. 3630--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. WEEKS, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 3630 -- Rep. Weeks: A BILL TO AMEND SECTION 5-15-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT OF A MUNICIPAL ELECTION COMMISSION IN EACH MUNICIPALITY TO CONDUCT MUNICIPAL ELECTIONS, SO AS TO REQUIRE ALL ELECTION COMMISSIONERS AND STAFF TO COMPLETE A TRAINING AND CERTIFICATION PROGRAM CONDUCTED BY THE STATE ELECTION COMMISSION.

**OBJECTION TO RECALL**

Rep. STAVRINAKIS asked unanimous consent to recall H. 3874 from the Committee on Judiciary.

Rep. CRAWFORD objected.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3340 from the Committee on Education and Public Works.

Rep. WHITMIRE objected.

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**SENT TO THE SENATE**

The following Bills were taken up, read the third time, and ordered sent to the Senate:

H. 3311 -- Reps. Brady, Harrison, Erickson, Umphlett, A. D. Young, Agnew, Allison, Battle, Bowen, Bowers, Clemmons, Cooper, Duncan, Gambrell, Hardwick, Hearn, Horne, Kirsh, Long, Lowe, McLeod, Parker, Simrill, Whitmire, Willis, Toole, G. M. Smith, Harvin, Hutto, Neilson, Nanney, Miller, G. R. Smith, Hamilton, Jennings, T. R. Young, Limehouse, Sottile, Viers, Williams, White, Weeks, Wylie, Forrester, Sellers, Rice, Hiott, Owens, Bannister and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT AN UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD, TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES IMPLIED IRREVOCABLE CONSENT TO THE TERMINATION OF HIS PARENTAL RIGHTS AND TO THE CHILD'S ADOPTION, TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER'S PREGNANCY, AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63-9-730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF TERMINATION OF PARENTAL RIGHTS ACTIONS AND ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63-7-2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE

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GRANTED; TO AMEND SECTION 63-7-2550, RELATING TO PERSONS OR ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY THE NOTICE PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

H. 3579 -- Reps. Jennings, Cato and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-200 SO AS TO PROVIDE FOR QUARTERLY ELECTION DATES FOR CONDUCTING REFERENDA OR OTHER BALLOT QUESTIONS FOR ALL ENTITIES AUTHORIZED TO CONDUCT THEM.

**H. 3766--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3766 -- Reps. Scott, Umphlett, Daning, Jefferson, Merrill and Stewart: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MYERS ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 "FIREFIGHTER BRANDON THOMPSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FIREFIGHTER BRANDON THOMPSON HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 3805--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3805 -- Reps. Millwood, Allison, Cole, Forrester, Kelly and Parker: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES LAKE BOWEN IN SPARTANBURG COUNTY ALONG SOUTH CAROLINA HIGHWAY 9

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"CORPORAL JAMES E. 'BO' BROWN BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "CORPORAL JAMES E. 'BO' BROWN BRIDGE".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 3813--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3813 -- Rep. Harrison: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES GILLS CREEK ALONG SHADY LANE IN RICHLAND COUNTY "BURWELL D. MANNING, JR., BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "BURWELL D. MANNING, JR., BRIDGE".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 3821--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3821 -- Reps. Parker, Allison, Cole, Forrester, Kelly, Littlejohn and Millwood: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES INTERSTATE HIGHWAY 585 IN SPARTANBURG COUNTY ALONG VALLEY FALLS ROAD "SGT. STEPHEN CORRELL HIGH MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "SGT. STEPHEN CORRELL HIGH MEMORIAL BRIDGE".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 559--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

S. 559 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF

[HJ]

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REPRESENTATIVES ON THURSDAY, JUNE 11, 2009, AND FRIDAY, JUNE 12, 2009.

Rep. LITTLEJOHN moved to adjourn debate on the Resolution until Tuesday, April 7, which was agreed to.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. ALLISON.

**RATIFICATION OF ACTS**

At 12:00 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R. 7, S. 289) -- Senator L. Martin: A JOINT RESOLUTION TO ALLOW THE CRIMINAL DOMESTIC VIOLENCE STUDY COMMITTEE, AS ESTABLISHED BY ACT 402 OF 2008, ADDITIONAL TIME TO REVIEW THE CRIMINAL DOMESTIC VIOLENCE LAWS OF THE STATE AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING ANY PROPOSED CHANGES.

(R. 8, S. 432) -- Senators Malloy, Knotts and Campsen: A JOINT RESOLUTION TO EXTEND THE TIME IN WHICH THE SENTENCING REFORM COMMISSION, AS ESTABLISHED BY ACT 407 OF 2008, SHALL SUBMIT ITS REPORT TO THE CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE FROM JUNE 1, 2009, TO FEBRUARY 1, 2010, AT WHICH TIME THE COMMISSION SHALL BE DISSOLVED.

(R. 9, S. 449) -- Senator Fair: AN ACT TO CHANGE THE NAME OF THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY TO RENEWABLE WATER RESOURCES.

(R. 10, S. 473) -- Senator Leventis: AN ACT TO AMEND ACT 387 OF 2008, RELATING TO THE SUMTER COUNTY CONSOLIDATED SCHOOL DISTRICT, SO AS TO PROVIDE THAT A MEMBER OF THE SUMTER CONSOLIDATION TRANSITION COMMITTEE WHO HAS BEEN DISMISSED, SUSPENDED FROM HIS POSITION, OR DEMOTED, OR FORCED

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TO ACCEPT A CHANGE IN THE TERMS AND CONDITIONS AT HIS CURRENT EMPLOYMENT, OR RECEIVES ANY DIRECT OR INDIRECT THREATS IN CONNECTION WITH HIS DECISIONS OR ACTIONS ON BEHALF OF THE COMMITTEE MAY INSTITUTE A NONJURY CIVIL ACTION AGAINST SUMTER SCHOOL DISTRICT 2 OR SUMTER SCHOOL DISTRICT 17 OR THEIR SUCCESSORS FOR CERTAIN DAMAGES.

(R. 11, S. 483) -- Senators Rankin, Cleary, McGill and Elliott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A MUNICIPALITY LOCATED IN A COUNTY IN WHICH AT LEAST FOURTEEN MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT THE MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE OR BY REFERENDUM IN THE MUNICIPALITY, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING TOURISM PROMOTION, PROPERTY TAX ROLLBACK, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

(R. 12, S. 588) -- Senators Peeler, Setzler, Hayes and Matthews: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH A SCHOOL DISTRICT MUST DECIDE WHETHER TO EMPLOY A TEACHER FOR THE 2009-2010 SCHOOL YEAR FROM APRIL FIFTEENTH TO MAY FIFTEENTH, TO PROVIDE THAT A TEACHER HAS TEN DAYS FOLLOWING RECEIPT OF WRITTEN NOTIFICATION OF AN OFFER TO ACCEPT THE CONTRACT, AND TO PROVIDE THAT A SCHOOL DISTRICT MAY UNIFORMLY NEGOTIATE SALARIES BELOW THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE 2009-2010 SCHOOL YEAR FOR RETIRED TEACHERS WHO ARE NOT PARTICIPANTS IN THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM.

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(R. 13, H. 3295) -- Reps. Hamilton, Allen, Bedingfield, Cato, Dillard, Nanney, Stringer and Wylie: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 8, 2009, BY THE STUDENTS OF PARIS ELEMENTARY SCHOOL, TAYLORS ELEMENTARY SCHOOL, AND SEVIER MIDDLE SCHOOL WHEN THE SCHOOLS WERE CLOSED DUE TO A POWER OUTAGE IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

(R. 14, H. 3352) -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E.H. Pitts, R.L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G.R. Smith, Knight, Willis, Neilson, T.R. Young, Cobb-Hunter, J.H. Neal, Clyburn, G.M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J.R. Smith, A.D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M.A. Pitts, Loftis, D.C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J.E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER CERTAIN FUNDS AMONG APPROPRIATED REVENUES, EDUCATION IMPROVEMENT ACT FUNDS, EDUCATION LOTTERY ACT FUNDS, AND FUNDS RECEIVED FROM THE CHILDREN'S EDUCATION ENDOWMENT FUND IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS, AND TO PROVIDE THAT A SCHOOL DISTRICT MAY NOT TRANSFER FUNDS REQUIRED FOR DEBT SERVICE OR BONDED INDEBTEDNESS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS AND EXPENDITURE REGULATIONS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, TO NEGOTIATE SALARIES FOR CERTAIN RETIRED TEACHERS BELOW THE SCHOOL DISTRICT SALARY SCHEDULE, AND TO FURLOUGH TEACHERS FOR UP TO FIVE NONINSTRUCTIONAL DAYS, PROVIDED THAT DISTRICT ADMINISTRATORS ARE FURLOUGHED FOR TWICE THE NUMBER OF DAYS; TO

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PROVIDE FURTHER MEASURES SCHOOL DISTRICTS AND EDUCATION-RELATED ENTITIES ARE ENCOURAGED TO TAKE TO MAXIMIZE RESOURCES; TO PROVIDE DISTRICT REPORTING REQUIREMENTS FOR COST-SAVING MEASURES UNDERTAKEN BY THE DISTRICT; TO REQUIRE SCHOOL DISTRICTS TO PROVIDE TO PUBLIC CHARTER SCHOOLS PUPIL ALLOCATION FOR EACH CATEGORICAL PROGRAM BEFORE IMPLEMENTING THESE FLEXIBILITY PROVISIONS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS, TO ALLOW SCHOOL DISTRICTS TO SUSPEND TEXTBOOK ADOPTIONS, AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO REQUIRE SCHOOL DISTRICTS FOR THE 2009-2010 FISCAL YEAR TO UTILIZE AT LEAST SIXTY-FIVE PERCENT OF ITS PER PUPIL EXPENDITURES WITHIN PROVIDED CATEGORIES OF INSTRUCTION WITH CERTAIN CONDITIONS, AND TO PROVIDE REPORTING REQUIREMENTS; TO REQUIRE SCHOOL DISTRICTS FOR THE 2009-2010 FISCAL YEAR TO MAINTAIN A TRANSACTION REGISTER THAT RECORDS CERTAIN EXPENDED FUNDS, TO PROVIDE WHAT THE REGISTER MUST INCLUDE, TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THEIR CREDIT CARD STATEMENTS ON THEIR WEBSITES, AND TO REQUIRE THE COMPTROLLER GENERAL TO PUBLISH ON ITS WEBSITE CREDIT CARD INFORMATION OF SCHOOL DISTRICTS THAT DO NOT MAINTAIN THEIR OWN WEBSITES; AND TO SUSPEND SECTION 59-21-1030 OF THE 1976 CODE FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

(R. 15, H. 3463) -- Reps. G.R. Smith, Bannister and Hiott: AN ACT TO AMEND SECTION 56-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HANDWRITTEN AND ELECTRONIC TRAFFIC TICKETS, SO AS TO DELETE THE PROVISIONS THAT REQUIRE ELECTRONIC TRAFFIC TICKETS TO BE PRINTED IN SPECIFIC COLORS.

(R. 16, H. 3556) -- Reps. Loftis, Bedingfield, Nanney, Dillard, Cato, Allen, G.R. Smith, Hamilton, Rice, Stringer, Willis and Wylie: AN ACT TO CHANGE THE NAME OF THE WESTERN CAROLINA

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REGIONAL SEWER AUTHORITY TO RENEWABLE WATER RESOURCES.

(R. 17, H. 3575) -- Reps. Hearn, Barfield, Hardwick, Clemmons, Edge and Viers: AN ACT TO AMEND ACT 287 OF 1989, AS AMENDED, RELATING TO THE MEMBERSHIP OF THE HORRY COUNTY BOARD OF EDUCATION, SO AS TO PROVIDE THAT THE TERM OF OFFICE OF A NEWLY ELECTED MEMBER OF THE HORRY COUNTY BOARD OF EDUCATION MUST COMMENCE UPON THE DATE OF THE FIRST MEETING OF THE BOARD IN JANUARY FOLLOWING THE NOVEMBER ELECTION.

(R. 18, H. 3583) -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP; AND TO PROVIDE THAT SCHOOL DISTRICTS MAY CLOSE FOR UP TO THREE DAYS OF THE SCHOOL DISTRICT'S CHOOSING DURING THE 2008-2009 SCHOOL YEAR AND THAT MAKE-UP REQUIREMENTS ARE WAIVED.

(R. 19, H. 3649) -- Reps. Hiott, Rice, Skelton and Owens: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON MARCH 2, 2009, BY THE STUDENTS OF THE SCHOOL DISTRICT OF PICKENS COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

(R. 20, H. 3657) -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO PRENEED LIFE INSURANCE MINIMUM STANDARDS FOR DETERMINING

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RESERVE LIABILITIES AND NONFORFEITURE VALUES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4035, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R. 21, H. 3664) -- Rep. Merrill: AN ACT TO AMEND SECTION 59-147-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, SO AS TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

**H. 3584--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J. R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E. H. Pitts, Rice, Skelton, D. C. Smith, G. M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis, J. E. Smith and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE-HALF CENTS, PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE DEPARTMENT OF AGRICULTURE FOR MARKETING AND BRANDING STATE-GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND DEFINE "CIGARETTE"; TO AMEND SECTION 12-21-620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO CONFORM DEFINITIONS; BY ADDING SECTION 11-11-230 SO AS TO CREATE AND ESTABLISH IN THE STATE TREASURY THE SMOKING

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PREVENTION AND CESSATION TRUST FUND, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, ALL SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; BY ADDING CHAPTER 62 TO TITLE 38 SO AS TO CREATE AND ESTABLISH THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE PLAN, PROVIDING FOR A PREMIUM CREDIT NOT TO EXCEED THREE THOUSAND DOLLARS TO AN ELIGIBLE INDIVIDUAL OR EMPLOYER TOWARD THE PURCHASE OF A QUALIFYING HEALTH INSURANCE PLAN, DESCRIBING ELIGIBILITY REQUIREMENTS AND THE CERTIFICATION PROCESS, DEFINING THE QUALIFYING INDIVIDUALLY OR EMPLOYER-SPONSORED INSURANCE PLANS, AND PROVIDING FOR ADMINISTRATION AND REPORTING BY THE DEPARTMENT OF INSURANCE; AND BY ADDING SECTION 38-74-75 SO AS TO CREATE THE PALMETTO HEALTH CARE SAFETY NET PROGRAM, ESTABLISHING A SELF-SUSTAINING AND FINANCIALLY INDEPENDENT PORTION OF THE PREMIUM ASSISTANCE POOL, AND PROVIDING FOR ELIGIBILITY REQUIREMENTS, ADMINISTRATION, AND REPORTING BY THE DEPARTMENT OF INSURANCE AND OPERATING GUIDELINES.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19381MM09), which was adopted:

Amend the bill, as and if amended, by striking Section 12-21-625 of the 1976 Code, as contained in SECTION 1, and inserting:

/ Section 12-21-625. (A) Effective July 1, 2009, there is imposed a surtax on cigarettes subject to the tax imposed pursuant to Section 12-21-620(1) in an amount equal to two and one-half cents on each cigarette.

(B) Notwithstanding another provision of law providing for the crediting of the revenues of license or other taxes, the revenue of the surtax imposed pursuant to this section must be credited as follows:

(1) each year, five million dollars to the Smoking Prevention and Cessation Trust Fund created pursuant to Section 11-11-230(A) and the revenue of five hundredths of a cent of the surtax on each cigarette to the Department of Agriculture to cause the marketing and branding of South Carolina agricultural crops or produce as being

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grown in South Carolina when offered for sale in retail establishments and to assist in relief from natural disasters affecting state-grown crops; and

(2) the remaining annual revenue to the South Carolina Healthy Families Insurance Trust Fund created pursuant to Section 11-11-230(B) and the Palmetto Health Care Safety Net Trust Fund created pursuant to Section 11-11-230(C).

(C) For all purposes of reporting, payment, collection, and enforcement, the surtax imposed by this section is deemed to be imposed pursuant to Section 12-21-620.

(D) For purposes of this section, 'cigarette' means:

(1) any roll for smoking containing tobacco or any substitute for tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking containing tobacco or any substitute for tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in item (1)./

Amend the bill further, as and if amended, by striking subsection (B) of Section 12-21-620 of the 1976 Code, as contained in SECTION 2 and inserting:

/ (B) As used in this section, 'cigarette' means:

(1) any roll for smoking containing tobacco or any substitute for tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking containing tobacco or any substitute for tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in item (1) of this subsection. /

Amend the bill, further, Section 38-62-140 as found in SECTION 4, by deleting Section 38-62-140 in its entirety and inserting:

/ Section 38-62-140. The Department of Health and Human Services must submit and negotiate any state plan amendments, waiver applications, or other appropriate requests to the Centers for Medicare and Medicaid Services (CMS) necessary to allow the use of federal Medicaid funding to accomplish the purposes outlined in this section.

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The department must submit the initial request no later than ninety days after the effective date of this chapter.” /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. E. H. PITTS proposed the following Amendment No. 2 (COUNCIL\BBM\9307HTC09), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 5, Chapter 21, Title 12 of the 1976 Code is amended by adding:

“Section 12-21-625. (A) Effective July 1, 2009, there is imposed a surtax on cigarettes subject to the tax imposed pursuant to Section 12-21-620(1) in an amount equal to two and one-half cents on each cigarette.

(B) Notwithstanding another provision of law providing for the crediting of the revenues of license or other taxes, the revenue of the surtax imposed pursuant to this section must be credited to the general fund of the State to replace individual income tax revenues not collected as a result of providing full inflation protection to South Carolina individual income taxpayers. Of the balance of the revenues of the surtax, one-half must be credited to the Smoking Prevention and Cessation Trust Fund created pursuant to Section 11-11-230 and one-half must be appropriated in the annual general appropriations act to the Department of Agriculture to cause the marketing and branding of South Carolina agricultural crops or produce as being grown in South Carolina when offered for sale in retail establishments and to assist in relief from natural disasters affecting state-grown crops.

(C) For all purposes of reporting, payment, collection, and enforcement, the surtax imposed by this section is deemed to be imposed pursuant to Section 12-21-620.

(D) For purposes of this section and Section 12-21-620, ‘cigarette’ means:

(1) any roll for smoking containing tobacco or any substitute for tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking containing tobacco or any substitute for tobacco, wrapped in any substance, weighing three pounds per

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thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in item (1).

SECTION 2. Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11-11-230. There is created in the State Treasury the Smoking Prevention and Cessation Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The trust fund must transfer five million dollars annually to the Department of Health and Environmental Control to administer a statewide smoking prevention and cessation program.”

SECTION 3. Section 12-6-510(A) of the 1976 Code is amended to read:

~~“(A) For taxable years beginning after 1994 2008, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:~~

Not over \$2,220	2.5 percent of taxable income
over \$2,220 but not over \$4,440	\$56 plus 3 percent of the excess over \$2,220;
over \$4,440 but not over \$6,660	\$123 plus 4 percent of the excess over \$4,440;
over \$6,660 but not over \$8,880	\$212 plus 5 percent of the excess of \$6,660;
over \$8,880 but not over \$11,100	\$323 plus 6 percent of the excess over \$8,880;
over \$11,100	\$456 plus 7 percent of the excess over \$11,100.

(A)(1) For taxable years beginning after 2008, the tax otherwise imposed on the South Carolina taxable income of individuals, estates, trusts, and any other entity except those taxed or exempted from taxation pursuant to Sections 12-6-530 through 12-6-550 at the following rates and brackets:

<u>OVER</u>	<u>BUT NOT</u>	<u>RATE</u>
	<u>OVER</u>	

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<u>\$0</u>	<u>\$2,740</u>	<u>0%</u>
<u>\$2,740</u>	<u>\$5,480</u>	<u>3%</u>
<u>\$5,480</u>	<u>\$8,220</u>	<u>4%</u>
<u>\$8,220</u>	<u>\$10,960</u>	<u>5%</u>
<u>\$10,960</u>	<u>\$13,700</u>	<u>6%</u>
<u>\$13,700</u>	<u>or more</u>	<u>7%</u>

is imposed instead at the following rates and brackets:

<u>OVER</u>	<u>BUT NOT</u>	<u>RATE</u>
	<u>OVER</u>	
<u>\$0</u>	<u>\$3,490</u>	<u>0%</u>
<u>\$3,490</u>	<u>\$6,980</u>	<u>3%</u>
<u>\$6,980</u>	<u>\$10,470</u>	<u>4%</u>
<u>\$10,470</u>	<u>\$13,960</u>	<u>5%</u>
<u>\$13,960</u>	<u>\$17,450</u>	<u>6%</u>
<u>\$17,450</u>	<u>or more</u>	<u>7%</u>

(2) The brackets applicable for taxable years beginning after 2009 must be adjusted as provided pursuant to Section 12-6-520.

SECTION 4. Section 12-6-520 of the 1976 Code is amended to read:

“Section 12-6-520. Each Beginning December 15, 2009, and each December fifteenth thereafter, the department cumulatively shall cumulatively adjust the brackets in Section 12-6-510(A)(1) in the same manner that brackets are adjusted in Internal Revenue Code Section 1(f). However, the adjustment is limited to one half of the adjustment determined by Internal Revenue Code Section 1(f), may not exceed four percent a year, and the rounding amount provided in 1(f)(6) is deemed to be ten dollars. The brackets, as adjusted, apply in lieu of those provided in Section 12-6-510(A)(1) for taxable years beginning in the succeeding calendar year years. Inflation adjustments must be made cumulatively to the income tax brackets.”

SECTION 5. Act 115 of 2007 is amended by deleting Section 5, which reads:

“Section 5. Notwithstanding any other provision of law, for taxable years beginning after 2006, the rate of tax imposed pursuant to Section 12-6-510(A) on the lowest bracket of South Carolina taxable income is reduced from 2.5 percent to zero percent, and the Department of Revenue shall adjust amounts due in tax tables prescribed by the department.”

SECTION 6. Except where otherwise stated, this act takes effect upon approval by the Governor. /

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Renumber sections to conform.  
Amend title to conform.

Rep. E. H. PITTS explained the amendment.

Rep. COOPER moved to table the amendment.

Rep. E. H. PITTS demanded the yeas and nays which were taken,  
resulting as follows:

Yeas 79; Nays 35

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Anderson	Anthony	Bales
Bannister	Battle	Bingham
Bowen	Brady	Branham
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Clyburn	Cobb-Hunter
Cole	Cooper	Daning
Dillard	Forrester	Funderburk
Gambrell	Govan	Gullick
Gunn	Harrell	Harrison
Hart	Harvin	Hayes
Hiott	Hodges	Hosey
Hutto	Jefferson	Jennings
Kelly	Kennedy	King
Kirsh	Knight	Limehouse
Littlejohn	Long	Mack
McEachern	McLeod	Miller
Mitchell	Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	Rice	Sandifer
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Stavrinakis	Toole
Umphlett	Vick	Weeks
White	Whitmire	Williams
Wylie		

**Total--79**

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Those who voted in the negative are:

Allison	Ballentine	Barfield
Bedingfield	Bowers	Chalk
Clemmons	Crawford	Delleney
Edge	Erickson	Frye
Haley	Hamilton	Hardwick
Hearn	Horne	Huggins
Lowe	Lucas	Merrill
Millwood	Nanney	E. H. Pitts
M. A. Pitts	Scott	Simrill
Spires	Stewart	Stringer
Thompson	Viers	Willis
A. D. Young	T. R. Young	

**Total--35**

So, the amendment was tabled.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KIRSH a temporary leave of absence.

Reps. G. R. SMITH and HAMILTON proposed the following Amendment No. 3 (COUNCIL\AGM\19385MM09), which was tabled:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Article 5, Chapter 21, Title 12 of the 1976 Code is amended by adding:

“Section 12-21-625. (A) Effective July 1, 2009, there is imposed a surtax on cigarettes subject to the tax imposed pursuant to Section 12-21-620(1) in an amount equal to one and one-half cents on each cigarette.

(B) Notwithstanding another provision of law providing for the crediting of the revenues of license or other taxes, the revenue of the surtax imposed pursuant to this section must be credited to the South Carolina Cigarette Surtax Rebate Trust Fund created pursuant to Section 11-11-230.

(C) For all purposes of reporting, payment, collection, and enforcement, the surtax imposed by this section is deemed to be imposed pursuant to Section 12-21-620.

(D) For purposes of this section, ‘cigarette’ means:

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(1) any roll for smoking containing tobacco or any substitute for tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking containing tobacco or any substitute for tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in item (1).”

SECTION 2. Section 12-21-620 of the 1976 Code is amended to read:

“Section 12-21-620. (A) There shall be levied, assessed, collected, and paid in respect to the articles containing tobacco enumerated in this section the following amounts:

(1) upon all cigarettes made of tobacco or any substitute for tobacco, three and one-half mills on each cigarette;

(2) upon all tobacco products, as defined in Section 12-21-800, five percent of the manufacturer’s price.

Manufacturer’s price as used in this section is the established price at which a manufacturer sells to a wholesaler.

(B) As used in this section, ‘cigarette’ means:

(1) any roll for smoking containing tobacco or any substitute for tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking containing tobacco or any substitute for tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in item (1) of this subsection.”

SECTION 3. Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11-11-230. There is created in the State Treasury the Cigarette Surtax Rebate Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The trust fund must transfer the full amount of revenue generated by the cigarette surtax imposed pursuant to Section 12-21-625 for the immediately preceding fiscal year annually, by January 15, to the Department of Revenue to administer a statewide

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cigarette surtax rebate. The rebate must be distributed in equal amounts per capita to each person who paid South Carolina tax pursuant to Chapter 6, 11, or 20, Title 12 for that immediately preceding fiscal year.”

SECTION 4. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.  
Amend title to conform.

Rep. G. R. SMITH explained the amendment.  
Rep. GULLICK moved to table the amendment.

Rep. HALEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 92; Nays 19

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Anthony	Bales
Bannister	Battle	Bingham
Bowen	Bowers	Brady
Branham	G. A. Brown	H. B. Brown
R. L. Brown	Cato	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Crawford	Daning
Delleney	Dillard	Edge
Erickson	Forrester	Funderburk
Gambrell	Gilliard	Govan
Gullick	Gunn	Hardwick
Harrell	Hart	Harvin
Hayes	Hearn	Hiott
Hodges	Horne	Hosey
Hutto	Jefferson	Jennings
Kelly	Kennedy	King
Knight	Limehouse	Littlejohn
Loftis	Long	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Mitchell
Moss	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
M. A. Pitts	Rice	Rutherford

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Simrill	Skelton	D. C. Smith
G. M. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Umphlett	Vick	Weeks
White	Whitmire	Williams
Willis	T. R. Young	

**Total--92**

Those who voted in the negative are:

Ballentine	Barfield	Bedingfield
Frye	Haley	Hamilton
Huggins	Lowe	Millwood
Nanney	E. H. Pitts	Scott
G. R. Smith	Stringer	Thompson
Toole	Viers	Wylie
A. D. Young		

**Total--19**

So, the amendment was tabled.

Rep. RICE proposed the following Amendment No. 4 (COUNCIL\AGM\19382MM09), which was adopted:

Amend the bill, as and if amended, Section 11-11-230(B) and (C) as found in SECTION 3 by deleting (B) and (C) in their entirety and inserting:

/ (b) There is created in the State Treasury the South Carolina Healthy Families Insurance Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The trust fund must transfer seventy percent of the remaining annual revenue from the cigarette surtax, as described in Section 12-21-625(B)(2), annually to the Department of Insurance to fund the South Carolina Healthy Families Insurance Plan as provided in Chapter 62 of Title 38.

(C) There is created in the State Treasury the Palmetto Health Care Safety Net Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings on this fund must be credited to it and any balance in this fund at the end of a fiscal

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year carries forward in the fund in the succeeding fiscal year. Beginning July 1, 2011, and every July first thereafter, the State Treasurer shall make a transfer from the South Carolina Healthy Families Insurance Trust Fund to the Palmetto Health Care Safety Net Trust Fund in an amount equal to twenty percent of the remaining annual revenue from the cigarette surtax, as described in Section 12-21-625(B)(2).” /

Re-number sections to conform.

Amend title to conform.

Rep. RICE explained the amendment.

The amendment was then adopted.

Rep. CHALK proposed the following Amendment No. 5 (COUNCIL\BBM\9322HTC09), which was tabled:

Amend the bill, as and if amended, in Section 12-21-625, page 3584-2, immediately after line 24, by inserting:

/ (E) If the General Assembly enacts a ‘follow the child’ education funding formula that applies in the first four fiscal years of the imposition of the surtax, then during any of those four years the ‘follow the child’ formula is used, the first twenty-five million dollars of the surtax revenue is available to hold school districts harmless in the operation of that new funding formula and the other uses provided for the surtax revenue apply after deducting any hold harmless funding./

Re-number sections to conform.

Amend title to conform.

Rep. CHALK explained the amendment.

#### **POINT OF ORDER**

Rep. MCLEOD raised the Point of Order that Amendment No. 5 was out of order in that it was not germane to the Bill in that it did not state how the surtax revenue would be spent.

SPEAKER HARRELL stated the Amendment did direct how the revenue would be spent and he overruled the Point of Order.

Rep. CHALK continued speaking.

Rep. J. R. SMITH moved to table the amendment.

[HJ]

**THURSDAY, APRIL 2, 2009**

Rep. J. R. SMITH demanded the yeas and nays which were taken,  
resulting as follows:

Yeas 99; Nays 12

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Battle	Bedingfield	Bingham
Bowen	Brady	Branham
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gullick	Gunn	Haley
Hamilton	Harrell	Harrison
Hart	Harvin	Hayes
Hiott	Horne	Hosey
Huggins	Hutto	Jefferson
Jennings	Kelly	King
Knight	Littlejohn	Loftis
Long	Lucas	Mack
McEachern	McLeod	Miller
Millwood	Mitchell	Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	M. A. Pitts	Rice
Rutherford	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Spires	Stavrinakis
Stringer	Thompson	Toole
Umphlett	Vick	Weeks
White	Whitmire	Williams
Willis	Wylie	T. R. Young

**Total--99**

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Those who voted in the negative are:

Barfield	Bowers	Chalk
Clemmons	Edge	Erickson
Hardwick	Hearn	Herbkersman
Limehouse	Sottile	Viers

**Total--12**

So, the amendment was tabled.

Reps. BALES, J. H. NEAL, CRAWFORD, VICK, HARVIN, J. E. SMITH proposed the following Amendment No. 6 (LEGWORK\HOUSE\9330HTC09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Article 5, Chapter 21, Title 12 of the 1976 Code is amended by adding:

“Section 12-21-627. (A) Effective July 1, 2009, there is imposed a surtax on cigarettes subject to the tax imposed pursuant to Section 12-21-620(1) in an amount equal to one and one-quarter cents on each cigarette.

(B) Effective July 1, 2009, there is imposed a surtax on all tobacco products as defined pursuant to Section 12-21-800 in an amount equal to twenty percent of the manufacturer’s price.

(C) For all purposes of reporting, payment, collection, and enforcement, the surtaxes imposed by this section are deemed to be imposed pursuant to Section 12-21-620.

(D) Notwithstanding any other provision of law, providing for the crediting of the revenues of license or other taxes, the revenues of the surtaxes imposed pursuant to this section must be applied against the principal portion of general obligation debt of this State. /

Renumber sections to conform.

Amend title to conform.

Rep. BALES explained the amendment.

Rep. COOPER moved to table the amendment.

Rep. BALES demanded the yeas and nays which were taken, resulting as follows:

Yeas 79; Nays 33

[HJ]

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Those who voted in the affirmative are:

Allen	Allison	Ballentine
Bannister	Barfield	Battle
Bedingfield	Bingham	Bowen
Brady	Branham	H. B. Brown
Cato	Chalk	Clemmons
Cole	Cooper	Daning
Delleney	Edge	Erickson
Forrester	Frye	Gambrell
Gilliard	Gullick	Haley
Hardwick	Harrell	Harrison
Hearn	Hiott	Hodges
Horne	Huggins	Kelly
Knight	Limehouse	Long
Lowe	Lucas	Merrill
Miller	Millwood	Mitchell
Moss	Nanney	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	M. A. Pitts
Rice	Rutherford	Sandifer
Scott	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Viers	White	Whitmire
Willis	Wylie	A. D. Young
T. R. Young		

**Total--79**

Those who voted in the negative are:

Agnew	Alexander	Anderson
Anthony	Bales	Bowers
G. A. Brown	Clyburn	Cobb-Hunter
Dillard	Funderburk	Govan
Gunn	Hart	Harvin
Hayes	Hosey	Hutto
Jefferson	Jennings	Kennedy
King	Mack	McEachern
McLeod	J. H. Neal	J. M. Neal

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Neilson  
Vick

Sellers  
Weeks

J. E. Smith  
Williams

**Total--33**

So, the amendment was tabled.

Rep. BOWERS proposed the following Amendment No. 7 (COUNCIL\BBM\9333ZW09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Notwithstanding another provision of law providing for the crediting of the revenues of license or other taxes, an amount equal to two cents a pack of cigarettes collected from the revenue of the surtax imposed pursuant to Section 12-21-625 must be appropriated for the use of the Department of Mental Health. /

Renumber sections to conform.

Amend title to conform.

Rep. BOWERS explained the amendment.

Rep. COOPER moved to table the amendment, which was agreed to.

Rep. SIMRILL proposed the following Amendment No. 8 (COUNCIL\BBM\9318HTC09), which was tabled:

Amend the bill, as and if amended, in Section 12-21-625(A), page 3584-1, line 35, by striking / two / and inserting / one /.

Renumber sections to conform.

Amend title to conform.

Rep. SIMRILL explained the amendment.

Rep. OTT moved to table the amendment.

Rep. SIMRILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 67; Nays 52

Those who voted in the affirmative are:

Alexander  
Anthony

Allen  
Bales

Anderson  
Bannister

[HJ]

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Bingham	Bowen	Bowers
Brady	Branham	G. A. Brown
H. B. Brown	R. L. Brown	Clyburn
Cobb-Hunter	Crawford	Daning
Dillard	Erickson	Funderburk
Gilliard	Govan	Gullick
Gunn	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Hutto	Jefferson
Jennings	Kennedy	King
Knight	Limehouse	Lucas
Mack	McEachern	Miller
J. H. Neal	Ott	Owens
Parks	Pinson	Rice
Rutherford	Skelton	G. M. Smith
J. E. Smith	Sottile	Stavrinakis
Stewart	Umphlett	Vick
Weeks	Whitmire	Williams
T. R. Young		

**Total--67**

Those who voted in the negative are:

Agnew	Allison	Ballentine
Barfield	Battle	Bedingfield
Cato	Chalk	Clemmons
Cole	Cooper	Delleney
Edge	Forrester	Frye
Gambrell	Haley	Hamilton
Hearn	Huggins	Kelly
Littlejohn	Loftis	Long
Lowe	McLeod	Merrill
Millwood	Mitchell	Moss
Nanney	J. M. Neal	Neilson
Parker	E. H. Pitts	M. A. Pitts
Sandifer	Scott	Sellers
Simrill	D. C. Smith	G. R. Smith
J. R. Smith	Spires	Stringer
Thompson	Toole	Viers

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White  
A. D. Young

Willis

Wylie

**Total--52**

So, the amendment was tabled.

The question then recurred to the passage of the Bill on second reading.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 97; Nays 22

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Anderson	Anthony	Bales
Ballentine	Bannister	Bingham
Bowen	Bowers	Brady
Branham	H. B. Brown	R. L. Brown
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Edge	Erickson
Forrester	Frye	Funderburk
Gilliard	Govan	Gullick
Gunn	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Howard	Huggins
Hutto	Jefferson	Jennings
Kelly	King	Knight
Limehouse	Littlejohn	Loftis
Long	Lucas	Mack
McEachern	McLeod	Merrill
Miller	Mitchell	Moss
J. H. Neal	J. M. Neal	Ott
Owens	Parks	Pinson
E. H. Pitts	Rice	Rutherford
Sandifer	Sellers	Skelton

[HJ]

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D. C. Smith	G. M. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Toole
Umphlett	Vick	Weeks
White	Whitmire	Williams
Willis	Wylie	A. D. Young
T. R. Young		

**Total--97**

Those who voted in the negative are:

Allison	Barfield	Battle
Bedingfield	G. A. Brown	Cato
Gambrell	Haley	Hamilton
Kennedy	Lowe	Millwood
Nanney	Neilson	Parker
M. A. Pitts	Scott	Simrill
G. R. Smith	Stringer	Thompson
Viers		

**Total--22**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 3584--MOTION TO RECONSIDER TABLED**

Rep. COOPER moved to reconsider the vote whereby the following Bill was read the second time:

H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J. R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E. H. Pitts, Rice, Skelton, D. C. Smith, G. M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis, J. E. Smith and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE-HALF CENTS, PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE SMOKING PREVENTION AND CESSATION

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TRUST FUND, THE DEPARTMENT OF AGRICULTURE FOR MARKETING AND BRANDING STATE-GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND DEFINE "CIGARETTE"; TO AMEND SECTION 12-21-620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO CONFORM DEFINITIONS; BY ADDING SECTION 11-11-230 SO AS TO CREATE AND ESTABLISH IN THE STATE TREASURY THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, ALL SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; BY ADDING CHAPTER 62 TO TITLE 38 SO AS TO CREATE AND ESTABLISH THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE PLAN, PROVIDING FOR A PREMIUM CREDIT NOT TO EXCEED THREE THOUSAND DOLLARS TO AN ELIGIBLE INDIVIDUAL OR EMPLOYER TOWARD THE PURCHASE OF A QUALIFYING HEALTH INSURANCE PLAN, DESCRIBING ELIGIBILITY REQUIREMENTS AND THE CERTIFICATION PROCESS, DEFINING THE QUALIFYING INDIVIDUALLY OR EMPLOYER-SPONSORED INSURANCE PLANS, AND PROVIDING FOR ADMINISTRATION AND REPORTING BY THE DEPARTMENT OF INSURANCE; AND BY ADDING SECTION 38-74-75 SO AS TO CREATE THE PALMETTO HEALTH CARE SAFETY NET PROGRAM, ESTABLISHING A SELF-SUSTAINING AND FINANCIALLY INDEPENDENT PORTION OF THE PREMIUM ASSISTANCE POOL, AND PROVIDING FOR ELIGIBILITY REQUIREMENTS, ADMINISTRATION, AND REPORTING BY THE DEPARTMENT OF INSURANCE AND OPERATING GUIDELINES.

Rep. COOPER moved to table the motion to reconsider, which was agreed to.

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**H. 3584--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. COOPER, with unanimous consent, it was ordered that H. 3584 be read the third time tomorrow.

**H. 3272--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3272 -- Reps. Cooper, Merrill, Erickson, Herbkersman, Chalk, Duncan, Long, Sottile, Daning, Lowe, Bowen, Harrison, Horne, A. D. Young, Limehouse, R. L. Brown, Clemmons, Edge and Wylie: A BILL TO AMEND SECTION 12-37-3140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING THE FAIR MARKET VALUE OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO POSTPONE THE IMPLEMENTATION OF THE TRANSFER VALUE OF A PARCEL OF REAL PROPERTY UNIMPROVED SINCE THE LAST COUNTYWIDE REASSESSMENT PROGRAM UNTIL THE TIME OF IMPLEMENTATION OF THE NEXT COUNTYWIDE REASSESSMENT PROGRAM AND TO REQUIRE THE FIFTEEN PERCENT LIMIT ON INCREASES IN VALUE TO BE CALCULATED SEPARATELY ON LAND AND IMPROVEMENTS; TO AMEND SECTION 12-37-3150, AS AMENDED, RELATING TO THE TIME AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO REVISE THE PENALTY FOR FAILURE TO PROVIDE NOTICE OR FAILURE TO PROVIDE ACCURATE NOTICE TO THE ASSESSING AUTHORITY OF BUSINESS ENTITY TRANSFERS; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO THE CLASSIFICATION AND VALUATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE RESIDENTIAL REAL PROPERTY HELD IN TRUST DOES NOT QUALIFY AS A LEGAL RESIDENCE UNLESS A NAMED INDIVIDUAL BENEFICIARY UNDER THE TRUST OCCUPIES THE RESIDENCE AS THAT NAMED BENEFICIARY'S LEGAL RESIDENCE AND THAT INDIVIDUAL BENEFICIARY'S NAME APPEARS ON THE DEED TO THE RESIDENCE AND REQUIRE SOCIAL SECURITY NUMBERS OF APPLICANTS FOR THE LEGAL RESIDENCE ASSESSMENT RATIO; AND TO AMEND SECTION 40-60-35, RELATING TO CONTINUING EDUCATION

[HJ]

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**REQUIREMENTS FOR ASSESSORS, SO AS TO REVISE THE REQUIREMENT.**

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\BBM\9297HTC09):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Article 25, Chapter 37, Title 12 of the 1976 Code is amended by adding:

“Section 12-37-3135. (A)(1) When a parcel of real property and improvements thereon previously subject to property tax undergoes an assessable transfer of interest and the value of the parcel as determined at the time of the assessable transfer of interest is greater than the value of the parcel used in the property tax assessment on the parcel for the most recent completed property tax year, there is allowed an exemption of an amount of the fair market value of the parcel sufficient to eliminate any increase in the value of the parcel as determined in the appraisal at the time of the assessable transfer of interest over the value used in the property tax assessment on the parcel for the most recently completed property tax year. For purposes of this item, property tax assessment has the meaning provided in Section 12-60-30(19).

(2) The value to which the cap on increases in fair market value imposed pursuant to Section 12-37-3140(B) applies is the value as it may be reduced by the exemption allowed pursuant to item (1) of this subsection.

(3) The exemption allowed by item (A) of this subsection does not apply to the fair market value of a parcel of real property when that separate parcel has not been previously taxed nor does it apply to the fair market value of additions or improvements made to a parcel of real property when those additions or improvements have not previously been taxed.

(B) When a parcel receiving the exemption allowed by subsection (A)(1) of this section thereafter undergoes assessable transfers of interest, that parcel is not subject to appraisal as required pursuant to Section 12-37-3130(4) unless the taxpayer notifies the property tax assessor in writing that the parcel has undergone an assessable transfer of interest in the current property tax year. Upon confirmation that an assessable transfer of interest has occurred, the property tax assessor shall determine the fair market value of parcel at the time of the assessable transfer of value and that value shall apply as provided in Section 12-37-3140(E).

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(2) The owner of a parcel receiving the exemption allowed by subsection (A) of this section is not subject to the ownership reporting requirements of this article except at the time of the notice to the property tax assessor.”

SECTION 2. Section 12-37-3140(A)(1)(b) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“(b) subject to any exemption allowed pursuant to Section 12-37-3135(A), December thirty-first of the year in which an assessable transfer of interest has occurred;”

SECTION 3. Section 12-60-30(19) of the 1976 Code is amended to read:

“(19) ‘Property tax assessment’ means any valuation or determination of property value for annual property tax purposes arrived at by multiplying the fair market value, fair market value as limited pursuant to Section 12-37-3140(B), or special use value of the property by the appropriate assessment ratio for the taxable property’s classification.”

SECTION 4. This act takes effect upon approval by the Governor and applies for property tax years beginning after 2008. /

Re-number sections to conform.

Amend title to conform.

Rep. MERRILL moved to adjourn debate on the amendment, which was agreed to.

Rep. RICE proposed the following Amendment No. 2 (COUNCIL\BBM\9331HTC09):

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. This act takes effect upon approval by the Governor and applies for property tax years beginning after 2006. Property tax assessors shall conform the values of parcels of real property which underwent an assessable transfer of interest in 2007 and 2008, and in 2009 before the effective date of this act, to the value of these parcels as that value may have been adjusted to reflect the provisions of Section 12-37-3135 of the 1976 Code, as added by this act. No refund is allowed on account of values adjusted as provided in this section. /

Re-number sections to conform.

Amend title to conform.

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Rep. MERRILL moved to adjourn debate on the amendment, which was agreed to.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BRADY a leave of absence for the remainder of the day due to moderating the NHA Conference.

Reps. BINGHAM and MERRILL proposed the following Amendment No. 3 (COUNCIL\BBM\9327HTC09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 12-37-3140 of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“Section 12-37-3140. (A)(1) For property tax years beginning after 2006, the fair market value of real property is its fair market value applicable for the later of:

(a) the base year, as defined in subsection (C) of this section;

(b) subject to the provisions of item (3) of this subsection, December thirty-first of the year in which an assessable transfer of interest has occurred;

(c) as determined on appeal; or

(d) as it may be adjusted as determined in a countywide reassessment program conducted pursuant to Section 12-43-217, but limited to increases in such value as provided in subsection (B) of this section.

(2) To the fair market value of real property as determined at the time provided in item (1) of this subsection, there must be added the fair market value of subsequent improvements and additions to the property.

(3) If a parcel of real property which has had no further improvement since the most recent countywide reassessment program was implemented undergoes an assessable transfer of interest, the implementation of the transfer value as determined pursuant to item (1)(b) of this subsection is postponed until the property tax year of implementation of the next countywide assessment program and that transfer value is the value to which the limit on increases in fair market value provided pursuant to subsection (B) of this section applies.

(B) Any increase in the fair market value of real property attributable to the periodic countywide appraisal and equalization

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program implemented pursuant to Section 12-43-217 or as implemented pursuant to subsection (A)(3) of this section is limited to fifteen percent within a five-year period to the otherwise applicable fair market value. This limit must be calculated separately on land and improvements. However, this limit does not apply to the fair market value of additions or improvements to real property in the year those additions or improvements are first subject to property tax, nor ~~do they~~ does the limit apply to the fair market value of real property when an assessable transfer of interest occurred in the year that the transfer value is first subject to tax.

(C) For purposes of determining a 'base year' fair market value pursuant to this section, the fair market value of real property is its appraised value applicable for property tax year 2007.

(D) Real property valued by the unit valuation concept is excluded from the limits provided pursuant to subsection (B) of this section.

(E) Value attributable to additions and improvements, and changes in value resulting from assessable transfers of interest occurring in a property tax year are first subject to property tax in the following tax year except as provided pursuant to subsection (A)(3) of this section and Section 12-37-670(B)."

SECTION 2. This act takes effect upon approval by the Governor and applies for property tax years beginning after 2008. /

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

#### POINT OF ORDER

Rep. VICK raised the Point of Order that the Bill was out of order in that a fiscal impact statement was not attached to the Bill.

SPEAKER HARRELL stated that a fiscal impact statement was attached to the Bill and he overruled the Point of Order.

#### POINT OF ORDER

Rep. COBB-HUNTER raised the Point of Order that Amendment No. 3 was out of order since the fiscal impact statement attached was not complete. She stated further that both the Board of Economic Advisors and the Office of the Budget and Control were required to provide an updated fiscal impact statement in accordance with South Carolina Code Section 2-7-76.

[HJ]

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SPEAKER HARRELL stated that Section 2-7-76 applied to Bills and Resolutions, not amendments. Therefore, he overruled the Point of Order.

Rep. OTT spoke against the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. OTT moved to adjourn debate on the Bill.

Rep. MERRILL moved to table the motion.

Rep. MERRILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 40

Those who voted in the affirmative are:

Allison	Bales	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Cato
Chalk	Clemmons	Cole
Cooper	Crawford	Daning
Delleney	Edge	Erickson
Forrester	Gambrell	Gunn
Haley	Hamilton	Hardwick
Harrell	Harrison	Hearn
Herbkersman	Hiott	Horne
Huggins	Hutto	Kelly
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Merrill	Millwood	Nanney
Neilson	Owens	Parker
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Simrill	Skelton	D. C. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stewart
Stringer	Thompson	Toole
Umphlett	Viers	White

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Whitmire	Willis	Wylie
A. D. Young	T. R. Young	

**Total--71**

Those who voted in the negative are:

Agnew	Alexander	Allen
Anderson	Anthony	Battle
Bowers	Branham	H. B. Brown
R. L. Brown	Clyburn	Cobb-Hunter
Dillard	Frye	Funderburk
Gilliard	Hart	Harvin
Hayes	Hodges	Hosey
Jefferson	Jennings	Kennedy
King	Knight	Mack
McEachern	McLeod	Miller
Moss	J. H. Neal	J. M. Neal
Ott	Parks	Rutherford
Sellers	Vick	Weeks
Williams		

**Total--40**

So, the motion to adjourn debate was tabled.

Rep. MERRILL spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

Rep. KENNEDY demanded the yeas and nays which were taken, resulting as follows:

Yeas 83; Nays 30

Those who voted in the affirmative are:

Allen	Allison	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Branham	Cato
Chalk	Clemmons	Cole
Cooper	Crawford	Danig
Delleney	Edge	Erickson

[HJ]

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Forrester	Frye	Gambrell
Govan	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hayes	Hearn
Herbkersman	Hiott	Horne
Huggins	Hutto	Kelly
Knight	Limehouse	Littlejohn
Loftis	Long	Lowe
Lucas	Merrill	Miller
Millwood	Mitchell	Nanney
Neilson	Owens	Parker
Pinson	E. H. Pitts	M. A. Pitts
Rice	Rutherford	Sandifer
Scott	Simrill	Skelton
D. C. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Viers	Weeks	White
Whitmire	Willis	Wylie
A. D. Young	T. R. Young	

**Total--83**

Those who voted in the negative are:

Agnew	Alexander	Anderson
Anthony	Bowers	H. B. Brown
R. L. Brown	Cobb-Hunter	Dillard
Funderburk	Gilliard	Harvin
Hodges	Hosey	Howard
Jefferson	Jennings	Kennedy
King	Mack	McEachern
McLeod	Moss	J. H. Neal
J. M. Neal	Ott	Parks
Sellers	Vick	Williams

**Total--30**

The amendment was then adopted.

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**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. STEWART a leave of absence for the remainder of the day.

**POINT OF ORDER**

Rep. JENNINGS raised the Point of Order that under Section 2-7-76, the Bill, as amended, was now required to be referred to the House Ways and Means Committee in order for an updated fiscal impact statement to be attached. He stated further that two Point of Orders raised on May 16, 1990 and on February 15, 1990 supported this Point of Order.

SPEAKER *PRO TEMPORE* CATO stated that the cited precedents were not applicable to this situation because they referred to House Rule 5.13 and not Section 2-7-76. He stated further that the Chairman of Ways and Means had met the standard set forth in the Section 2-7-76(A) concerning a fiscal impact statement on the Bill as reported out by the committee. He stated further that Section 2-7-76(B) required a revised fiscal impact statement before the Bill received third reading if the Bill had been substantially amended on second reading. He stated that this Point could only be raised before third reading of the Bill, not second reading. Therefore, he overruled the Point of Order.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\BBM\9297HTC09), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Article 25, Chapter 37, Title 12 of the 1976 Code is amended by adding:

“Section 12-37-3135. (A)(1) When a parcel of real property and improvements thereon previously subject to property tax undergoes an assessable transfer of interest and the value of the parcel as determined at the time of the assessable transfer of interest is greater than the value of the parcel used in the property tax assessment on the parcel for the most recent completed property tax year, there is allowed an exemption of an amount of the fair market value of the parcel sufficient to eliminate any increase in the value of the parcel as determined in the appraisal at the time of the assessable transfer of interest over the value used in the property tax assessment on the parcel for the most recently completed property tax year. For purposes of this item, property tax assessment has the meaning provided in Section 12-60-30(19).

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(2) The value to which the cap on increases in fair market value imposed pursuant to Section 12-37-3140(B) applies is the value as it may be reduced by the exemption allowed pursuant to item (1) of this subsection.

(3) The exemption allowed by item (A) of this subsection does not apply to the fair market value of a parcel of real property when that separate parcel has not been previously taxed nor does it apply to the fair market value of additions or improvements made to a parcel of real property when those additions or improvements have not previously been taxed.

(B) When a parcel receiving the exemption allowed by subsection (A)(1) of this section thereafter undergoes assessable transfers of interest, that parcel is not subject to appraisal as required pursuant to Section 12-37-3130(4) unless the taxpayer notifies the property tax assessor in writing that the parcel has undergone an assessable transfer of interest in the current property tax year. Upon confirmation that an assessable transfer of interest has occurred, the property tax assessor shall determine the fair market value of parcel at the time of the assessable transfer of value and that value shall apply as provided in Section 12-37-3140(E).

(2) The owner of a parcel receiving the exemption allowed by subsection (A) of this section is not subject to the ownership reporting requirements of this article except at the time of the notice to the property tax assessor.”

SECTION 2. Section 12-37-3140(A)(1)(b) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“(b) subject to any exemption allowed pursuant to Section 12-37-3135(A), December thirty-first of the year in which an assessable transfer of interest has occurred;”

SECTION 3. Section 12-60-30(19) of the 1976 Code is amended to read:

“(19) ‘Property tax assessment’ means any valuation or determination of property value for annual property tax purposes arrived at by multiplying the fair market value, fair market value as limited pursuant to Section 12-37-3140(B), or special use value of the property by the appropriate assessment ratio for the taxable property’s classification.”

SECTION 4. This act takes effect upon approval by the Governor and applies for property tax years beginning after 2008. /

Renumber sections to conform.

Amend title to conform.

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Rep. MERRILL moved to table the amendment, which was agreed to.

Rep. RICE proposed the following Amendment No. 2 (COUNCIL\BBM\9331HTC09), which was tabled:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. This act takes effect upon approval by the Governor and applies for property tax years beginning after 2006. Property tax assessors shall conform the values of parcels of real property which underwent an assessable transfer of interest in 2007 and 2008, and in 2009 before the effective date of this act, to the value of these parcels as that value may have been adjusted to reflect the provisions of Section 12-37-3135 of the 1976 Code, as added by this act. No refund is allowed on account of values adjusted as provided in this section. /

Renumber sections to conform.

Amend title to conform.

Rep. RICE explained the amendment.

Rep. BINGHAM moved to table the amendment.

Rep. RICE demanded the yeas and nays which were taken, resulting as follows:

Yeas 69; Nays 42

Those who voted in the affirmative are:

Alexander	Allen	Allison
Anthony	Bedingfield	Bingham
Branham	H. B. Brown	R. L. Brown
Cato	Clyburn	Cobb-Hunter
Cole	Cooper	Delleney
Dillard	Funderburk	Gilliard
Govan	Gullick	Gunn
Haley	Harrell	Harrison
Hart	Harvin	Hodges
Hosey	Howard	Huggins
Hutto	Jefferson	Kelly
Kennedy	King	Knight
Long	Lucas	Mack
McEachern	McLeod	Millwood

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Mitchell	Moss	Nanney
J. H. Neal	J. M. Neal	Neilson
Ott	Parker	Parks
Pinson	M. A. Pitts	Rutherford
Scott	Sellers	Skelton
G. R. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Toole
Vick	Weeks	White
Williams	Willis	Wylie

**Total--69**

Those who voted in the negative are:

Bales	Ballentine	Bannister
Barfield	Battle	Bowen
Bowers	Chalk	Clemmons
Crawford	Daning	Edge
Erickson	Forrester	Frye
Gambrell	Hamilton	Hardwick
Hayes	Herbkersman	Hiott
Horne	Jennings	Kirsh
Limehouse	Littlejohn	Loftis
Merrill	Miller	Owens
E. H. Pitts	Rice	Sandifer
Simrill	D. C. Smith	J. R. Smith
Stringer	Thompson	Umphlett
Viers	A. D. Young	T. R. Young

**Total--42**

So, the amendment was tabled.

Rep. CLEMMONS spoke in favor of the Bill.

Rep. J. H. NEAL spoke against the Bill.

Rep. VICK spoke against the Bill.

Rep. HART spoke against the Bill.

Rep. E. H. PITTS spoke in favor of the Bill.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 85; Nays 23

[HJ]

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Those who voted in the affirmative are:

Allen	Allison	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Branham	H. B. Brown
R. L. Brown	Cato	Chalk
Clemmons	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Edge	Erickson
Forrester	Frye	Gambrell
Govan	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Hearn
Herbkersman	Hiott	Horne
Huggins	Hutto	Kelly
Knight	Limehouse	Littlejohn
Loftis	Long	Lowe
Lucas	McEachern	Merrill
Miller	Millwood	Mitchell
Moss	Nanney	Owens
Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Simrill	Skelton
D. C. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Thompson
Toole	Umphlett	Viers
Weeks	White	Whitmire
Willis	Wylie	A. D. Young
T. R. Young		

**Total--85**

Those who voted in the negative are:

Anthony	Bowers	Clyburn
Cobb-Hunter	Funderburk	Harvin
Hayes	Hosey	Howard
Jefferson	Jennings	Kennedy
King	Mack	McLeod
J. H. Neal	J. M. Neal	Neilson

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Ott  
Vick

Parks  
Williams

Sellers

**Total--23**

So, the Bill, as amended, was read the second time and ordered to third reading.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. WHITMIRE a leave of absence for the remainder of the day.

**H. 3272--MOTION TO RECONSIDER TABLED**

Rep. MERRILL moved to reconsider the vote whereby the following Bill was read the second time:

H. 3272 -- Reps. Cooper, Merrill, Erickson, Herbkersman, Chalk, Duncan, Long, Sottile, Daning, Lowe, Bowen, Harrison, Horne, A. D. Young, Limehouse, R. L. Brown, Clemmons, Edge and Wylie: A BILL TO AMEND SECTION 12-37-3140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING THE FAIR MARKET VALUE OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO POSTPONE THE IMPLEMENTATION OF THE TRANSFER VALUE OF A PARCEL OF REAL PROPERTY UNIMPROVED SINCE THE LAST COUNTYWIDE REASSESSMENT PROGRAM UNTIL THE TIME OF IMPLEMENTATION OF THE NEXT COUNTYWIDE REASSESSMENT PROGRAM AND TO REQUIRE THE FIFTEEN PERCENT LIMIT ON INCREASES IN VALUE TO BE CALCULATED SEPARATELY ON LAND AND IMPROVEMENTS; TO AMEND SECTION 12-37-3150, AS AMENDED, RELATING TO THE TIME AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO REVISE THE PENALTY FOR FAILURE TO PROVIDE NOTICE OR FAILURE TO PROVIDE ACCURATE NOTICE TO THE ASSESSING AUTHORITY OF BUSINESS ENTITY TRANSFERS; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO THE CLASSIFICATION AND VALUATION OF PROPERTY FOR

[HJ]

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PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE RESIDENTIAL REAL PROPERTY HELD IN TRUST DOES NOT QUALIFY AS A LEGAL RESIDENCE UNLESS A NAMED INDIVIDUAL BENEFICIARY UNDER THE TRUST OCCUPIES THE RESIDENCE AS THAT NAMED BENEFICIARY'S LEGAL RESIDENCE AND THAT INDIVIDUAL BENEFICIARY'S NAME APPEARS ON THE DEED TO THE RESIDENCE AND REQUIRE SOCIAL SECURITY NUMBERS OF APPLICANTS FOR THE LEGAL RESIDENCE ASSESSMENT RATIO; AND TO AMEND SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, SO AS TO REVISE THE REQUIREMENT.

Rep. MERRILL moved to table the motion to reconsider.

Rep. KENNEDY demanded the yeas and nays which were taken, resulting as follows:

Yeas 82; Nays 22

Those who voted in the affirmative are:

Allen	Allison	Bales
Ballentine	Bannister	Battle
Bedingfield	Bingham	Bowen
Branham	H. B. Brown	Cato
Chalk	Clemmons	Clyburn
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Edge	Erickson	Forrester
Frye	Gambrell	Govan
Gullick	Gunn	Haley
Hardwick	Harrell	Harrison
Hart	Hearn	Herbkersman
Hiott	Horne	Huggins
Hutto	Kelly	Kirsh
Knight	Limehouse	Littlejohn
Long	Lowe	Lucas
McEachern	Merrill	Miller
Millwood	Mitchell	Moss
Nanney	Neilson	Owens
Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer

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Simrill	Skelton	D. C. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Thompson	Toole	Umphlett
Viers	Weeks	White
Willis	Wylie	A. D. Young
T. R. Young		

**Total--82**

Those who voted in the negative are:

Anthony	Bowers	Cobb-Hunter
Funderburk	Gilliard	Harvin
Hayes	Hodges	Hosey
Howard	Jefferson	Jennings
Kennedy	King	Mack
McLeod	J. H. Neal	Ott
Parks	Sellers	Vick
Williams		

**Total--22**

So, the motion to reconsider was tabled.

**OBJECTION TO MOTION**

Rep. MERRILL asked unanimous consent that H. 3272 be read a third time tomorrow.

Rep. COBB-HUNTER objected.

**RECURRENCE TO THE MORNING HOUR**

Rep. MERRILL moved that the House recur to the morning hour, which was agreed to.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. LITTLEJOHN a leave of absence for the remainder of the day.

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**MESSAGE FROM THE SENATE**

The following was received:

State of South Carolina  
Office of the Governor

Columbia, S.C., March 30, 2009

Mr. Speaker and Members of the House of Representatives:

I am transmitting herewith a reappointment for confirmation. This reappointment is made with the advice and consent of the General Assembly and is, therefore, submitted for your consideration.

**Local Appointment**

Calhoun County Master-in Equity

Term Commencing: August 14, 2009

Term Expiring: August 14, 2015

Seat: Master-in-Equity

**Reappointment**

The Honorable Martin R. Banks

312 Tamwood Circle

Cayce, South Carolina 29033

Respectfully,  
Mark Sanford  
Governor

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., Thursday, April 2

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 487:

S. 487 -- Senators Bright, Reese and S. Martin: A BILL TO AMEND ACT 612 OF 1984, RELATING TO THE METHOD OF CONDUCTING ELECTIONS FOR MEMBERS OF THE SCHOOL

[HJ]

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DISTRICT BOARDS OF TRUSTEES IN SPARTANBURG COUNTY, TO REDUCE THE NUMBER OF QUALIFIED ELECTORS THAT MUST SIGN A PETITION FOR A PERSON TO PLACE HIS NAME AS A CANDIDATE ON THE BALLOT.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**H. 3722--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3722 -- Reps. Kirsh and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO PROVIDE FOR DETERMINATION OF TREATMENT OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; BY ADDING SECTION 12-36-2575 SO AS TO PROVIDE FOR FILING OF A RETURN FOR EACH SALES OR USE TAX LIABILITY PERIOD EVEN IF NO TAX LIABILITY ACCRUES FOR THAT PERIOD; TO AMEND SECTION 12-4-320, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS; TO AMEND SECTION 12-6-590, AS AMENDED, RELATING TO TREATMENT OF "S" CORPORATIONS FOR TAX PURPOSES, SO AS TO INCLUDE ADDITIONAL REFERENCES TO THE INTERNAL REVENUE CODE FOR SIMILAR STATE TREATMENT; TO AMEND SECTION 12-6-2250, AS AMENDED, RELATING TO THE APPORTIONMENT OF INCOME DERIVED BY A TAXPAYER TO THE TAXPAYER'S CONDUCT OF BUSINESS IN THIS STATE, SO AS TO CHANGE THE WORD "ALLOCATED" TO "APPORTIONED"; TO AMEND SECTION 12-6-2295, RELATING TO INCLUSIONS AND EXCLUSIONS IN CONNECTION WITH THE TERMS "SALES" AND "GROSS RECEIPTS" AS USED IN THE APPORTIONMENT OF INCOME TO THIS STATE FOR STATE INCOME TAX PURPOSES, SO AS TO FURTHER SPECIFY RENTAL AND SALES INCOME FROM TANGIBLE AND INTANGIBLE, REAL AND PERSONAL PROPERTY IN THE

[HJ]

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ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOB TAX CREDIT AGAINST THE STATE INCOME TAX, SO AS TO DELETE A REFERENCE TO GENERAL CONTRACTORS IN CONNECTION WITH THE TERM "CORPORATE OFFICE"; TO AMEND SECTION 12-6-3376, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR THE PURCHASE OR LEASE OF A PLUG-IN HYBRID VEHICLE, SO AS TO REQUIRE THAT THE CREDIT BE THE FIRST CLAIMED FOR THAT VEHICLE, TO PROVIDE FOR REGULATIONS PROMULGATED BY THE STATE ENERGY OFFICE, TO FURTHER PROVIDE FOR CLAIMING THE CAPPED CREDIT, AND TO PROVIDE FOR THE EFFECT OF A REPEAL OF THE CAPS ON THE CREDIT; TO AMEND SECTION 12-6-3377, RELATING TO THE ALTERNATIVE MOTOR VEHICLE FUEL CREDIT AGAINST THE STATE INCOME TAX, SO AS TO FURTHER PROVIDE FOR THE CALCULATION OF THE CREDIT FOR BUSINESS USE AND TO DELETE A PROVISION DEEMING THE FEDERAL TAX TREATMENT OF THE ALTERNATIVE FUEL CREDIT TO BE PERMANENT; TO AMEND SECTION 12-6-3535, AS AMENDED, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR REHABILITATION OF A HISTORIC STRUCTURE, SO AS TO INCLUDE A CREDIT AGAINST THE CORPORATE LICENSE FEES; TO AMEND SECTION 12-6-3550, AS AMENDED, RELATING TO THE VOLUNTARY CLEANUP INCOME TAX CREDIT, SO AS TO CLARIFY THAT THE CREDIT IS ONE AGAINST THE STATE INCOME TAX; TO AMEND SECTION 12-6-3585, AS AMENDED, RELATING TO THE INDUSTRY PARTNERSHIP FUND CREDIT AGAINST STATE TAXES, SO AS TO ALLOW THE CREDIT TO BE USED AGAINST THE TAXPAYER'S APPLICABLE STATE INCOME TAX, BANK TAX, INSURANCE PREMIUM TAX, OR LICENSE FEE LIABILITY; TO AMEND SECTION 12-6-3610, AS AMENDED, RELATING TO INCOME TAX CREDIT FOR PROPERTY USED FOR DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL, SO AS TO DELETE CERTAIN TRANSITIONAL PROVISIONS; TO AMEND SECTION 12-6-3630, RELATING TO A CREDIT AGAINST CERTAIN STATE TAXES FOR A CONTRIBUTION TO THE SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT FUND, SO AS TO FURTHER PROVIDE FOR CLAIMING THE CREDIT; TO AMEND SECTION 12-8-1530,

[HJ]

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RELATING TO QUARTERLY RETURNS OF WITHHELD TAX, SO AS TO REQUIRE RETURNS EVEN IN PERIODS WHEN NO TAX HAS BEEN WITHHELD; TO AMEND SECTION 12-8-1550, RELATING TO STATEMENTS REQUIRED TO BE FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR PRESCRIPTION BY THE DEPARTMENT OF EITHER ELECTRONIC OR MAGNETIC MEDIA METHOD FOR SUBMISSION OF CERTAIN INFORMATION; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO THE JOB DEVELOPMENT TAX CREDIT, SO AS TO MAKE TECHNICAL CORRECTIONS AND ADD A CROSS REFERENCE; TO AMEND SECTION 12-20-100, RELATING TO LICENSE TAX ON UTILITIES AND ELECTRIC COOPERATIVES, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-21-2575, RELATING TO METHODS OF ACCOUNTING FOR ADMISSIONS OTHER THAN TICKETS, SO AS TO PROVIDE THAT THE TICKETS BE COLLECTED AND RETAINED TO ACCOUNT FOR ADMISSIONS; TO AMEND SECTION 12-36-910, AS AMENDED, RELATING TO THE FIVE PERCENT SALES TAX ON THE PROCEEDS OF THE SALE OF TANGIBLE PERSONAL PROPERTY, SO AS TO DELETE A REDUNDANCY AS TO THE TAX ON PROCEEDS FROM THE SALE OF A WARRANTY, MAINTENANCE, OR SIMILAR CONTRACT FOR TANGIBLE PERSONAL PROPERTY; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE'S SALES TAX, SO AS TO SPECIFY NOTIFICATION REQUIREMENTS FOR CLAIMING THE EXEMPTION ON THE CONSTRUCTION MATERIALS USED IN CERTAIN SINGLE MANUFACTURING AND DISTRIBUTION FACILITIES AND TO PROVIDE FOR ASSESSMENT OF ANY TAX DUE, TO SPECIFY THAT THE EXEMPTION IN CONNECTION WITH THE SALE OF CURRENCY APPLIES TO CURRENCY THAT IS LEGAL TENDER, AND TO CLARIFY THE EXEMPTION AS TO DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; TO AMEND SECTION 12-37-90, RELATING TO DUTIES OF A FULL-TIME COUNTY ASSESSOR, SO AS TO DELETE THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO ALTER A VALUE OF REAL PROPERTY AS SET BY THE ASSESSOR; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR EXEMPTION OF THE REAL PROPERTY OF DEFINED TAX EXEMPT

[HJ]

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ORGANIZATIONS AND TO CORRECT A CROSS REFERENCE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO CORRECT A CROSS REFERENCE IN THE DEFINITION OF "SPONSOR"; TO AMEND SECTION 12-54-70, AS AMENDED, RELATING TO EXTENSION OF TIME FOR FILING RETURNS OR PAYING TAX, SO AS TO FURTHER DEFINE THE LENGTH OF THE EXTENSION; TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO TIME LIMITATION FOR ASSESSMENT OF TAXES OR FEES BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR THE INSTANCE OF A TAXPAYER LACKING A VALID BUSINESS PURPOSE; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS AND REPORTS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO REQUIRE THAT THE DISCLOSURE MUST BE WILFUL TO GIVE RISE TO THE PENALTIES; TO AMEND SECTION 12-63-20, AS AMENDED, RELATING TO THE ENERGY FREEDOM AND RURAL DEVELOPMENT ACT, SO AS TO DEFINE "BIODIESEL" FOR THAT PURPOSE; TO AMEND SECTION 30-2-320, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLIC RECORDS, AND SECTION 37-20-180, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLICATION OF A SOCIAL SECURITY NUMBER, BOTH SO AS TO ALLOW DISCLOSURE BY AND TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF CARRYING OUT ITS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 44-43-1360, AS AMENDED, RELATING TO ADMINISTRATION OF DONATE LIFE SOUTH CAROLINA, SO AS TO CORRECT A CROSS REFERENCE; AND TO REPEAL SECTION 12-20-175, RELATING TO REDUCTION OF LICENSE FEES DUE TO TAX CREDITS AND SECTION 12-36-30, RELATING TO THE DEFINITION OF "PERSON" FOR PURPOSES OF THE SALES AND USE TAX.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19379MM09), which was adopted:

[HJ]

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Amend the bill, as and if amended, SECTION 13, pages 11 and 12, and SECTION 29, page 20, by deleting SECTIONS 13 and 29 in their entirety.

Amend the bill, further, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_\_. Section 12-36-2120 of the 1976 Code, as amended by Act 338 of 2008, is amended by adding an appropriately numbered item to read:

“( ) Machinery and equipment including lighting, filming and computer equipment, building and other raw materials used in test specimens, and electricity and electrical transformers and substations purchased for use in the operation of a facility placed in service on or after July 2, 2009 owned by an organization which qualifies as a tax exempt organization pursuant to the Internal Revenue Code Section 501(c)(3) when the facility is principally used for researching and testing the impact of such natural hazards as wind, fire, water, earthquake, and hail on building materials and construction methods used in residential, commercial, and agricultural buildings. To qualify for this exemption, the taxpayer shall notify the department of its intent to qualify and shall invest at least twenty million dollars in real or personal property at a single site in this State over a three-year period beginning on the date provided by the taxpayer to the department in its notices. After the taxpayer notifies the department of its intent to qualify and use this exemption, the department shall issue an appropriate exemption certificate to the taxpayer to be used for qualifying purposes. Within six months of the third anniversary of the taxpayer’s first use of the exemption, the taxpayer shall notify the department in writing that it has met the twenty million dollar investment requirement or that it has not met the twenty million dollar investment requirement. The department may assess any tax due on the machinery and equipment and all other materials purchased tax-free pursuant to this item but due the State as a result of the taxpayer’s failure to meet the twenty million dollar investment requirement. The running of the periods of limitations for assessment of taxes provided in Section 12-54-85 is suspended for the time period beginning with notice to the department before the taxpayer uses the exemption and ending with notice to the department that the taxpayer either has met or has not met the twenty million dollar investment requirement. /

Amend the bill, further, by adding an appropriately numbered SECTION to read:

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/ SECTION \_\_. Section 12-2-25(B) of the 1976 Code is amended to read:

“(B) For all South Carolina tax purposes:

(1) a single-member limited liability company, which is not taxed for South Carolina income tax purposes as a corporation, is not regarded as an entity separate from its owner;

(2) a ‘qualified subchapter S subsidiary’, as defined in Section 1361(b)(3)(B) of the Internal Revenue Code, is not regarded as an entity separate from the ‘S’ corporation that owns the stock of the qualified subchapter ‘S’ subsidiary; and

(3) a grantor trust, to the extent that it is a grantor trust, is not regarded as an entity separate from its grantor.” /

Re-number sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. KIRSH proposed the following Amendment No. 2 (COUNCIL\AGM\19384MM09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_. Section 12-37-220 of the 1976 Code, as last amended by Act 357 of 2008, is further amended by adding an item at the end to read:

“(51) All property used in the operation of a facility with a capital investment of twenty million dollars or more at a single site that is owned by an organization that qualifies as a tax exempt organization pursuant to Internal Revenue Code Section 501(c)(3) when the facility is principally used for researching and testing the impact of natural hazards such as wind, fire, water, earthquake, and hail on building materials used in residential, commercial, and agricultural buildings.” /

Re-number sections to conform.

Amend title to conform.

Rep. KIRSH explained the amendment.

The amendment was then adopted.

Reps. LITTLEJOHN and BOWERS proposed the following Amendment No. 3 (COUNCIL\BBM\9321HTC09), which was adopted:

[HJ]

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Amend the bill, as and if amended, by adding a penultimate SECTION appropriately numbered to read:

/ SECTION \_\_. Notwithstanding the provisions of Section 12-43-217 of the 1976 Code, a county otherwise scheduled to implement a countywide property tax equalization and reassessment program effective beginning for the 2009 property tax year, by ordinance may postpone that implementation for one additional year. /

Re-number sections to conform.

Amend title to conform.

Rep. LITTLEJOHN explained the amendment.

The amendment was then adopted.

Rep. FUNDERBURK proposed the following Amendment No. 4 (COUNCIL\AGM\19389MM09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. A. Section 12-62-20 of the 1876 Code, as last amended by Act 359 of 2008, is further amended to read:

“Section 12-62-20. For purposes of this chapter:

(1) ‘Company’ means a corporation, partnership, limited liability company, or other business entity.

(2) ‘Department’ means the South Carolina Department of Parks, Recreation and Tourism.

(3) ‘Motion picture’ means a feature-length film, video, episodic television series, or commercial made in whole or in part in South Carolina, and intended for national theatrical or television viewing or as a television pilot produced by a motion picture production company.

(a) The term ‘motion picture’ does not include the production of television coverage of news and athletic events or a production produced by a motion picture production company if records, as required by 18 U.S.C. 2257, are to be maintained by that motion picture production company with respect to any performer portrayed in that single media or multimedia program.

(b) In the case of an episodic television series, an entire season of episodes is considered one production. The rebate is computed based on all of the motion picture production company’s production expenditures incurred with respect to the production of the entire season’s episodes.

(4) ‘Motion picture production company’ means a company engaged in the business of producing motion pictures intended for a

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national theatrical release or for television viewing. 'Motion picture production company' does not mean or include a company owned, affiliated, or controlled, in whole or in part, by a company or person that is in default on a loan made by the State or a loan guaranteed by the State.

(5) 'Payroll' means ~~salary, wages, or other compensation subject to South Carolina income tax withholdings.~~ payment for services to individuals who are directly involved in a production filmed in South Carolina. If an individual directly involved in the filming of a production in South Carolina is represented by a personal service company, loan out company, or payroll services company, only the motion picture production company may qualify for the rebate pursuant to Section 12-62-50 for payments to the personal service company, loan out company, or payroll services company. For the purpose of this chapter, personal service companies, loan out companies, and payroll services companies referenced in this section are not subject to the requirements of Chapter 68 of Title 40. It does not include that portion of the payments to an individual or payments to personal service company or loan out company associated with an individual that result in the individual or company receiving more than one million dollars for a single motion picture.

(6) 'Director' means the director of the South Carolina Department of Parks, Recreation and Tourism, or his designee.

(7) 'Rebate' means money that is transferred from the department to a motion picture production company that is associated with either payroll of individuals subject to South Carolina income tax withholding or South Carolina supplier expenditures for a motion picture."

B. Section 12-62-50 of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

~~"Section 12-62-50. (A)(1) The South Carolina Film Commission may rebate to a motion picture production company a portion of the South Carolina payroll of the employment of persons subject to South Carolina income tax withholdings in connection with production of a motion picture. The rebate may not exceed fifteen percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production when total production costs in South Carolina equal or exceed one million dollars during the taxable year. The rebates in total may not annually exceed ten million dollars and shall come from the state's general fund. For purposes of this section, "total aggregate payroll"~~

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does not include the salary of an employee whose salary is equal to or greater than one million dollars for each motion picture.

~~(2)(a) For purposes of this section, an employee is an individual directly involved in the filming or post production of a motion picture in South Carolina and who is an employee of a:~~

~~(i) motion picture production company that is directly involved in the filming or post production of a motion picture in South Carolina; or~~

~~(ii) personal service corporation retained by a motion picture production company to provide persons used directly in the filming or post production of a motion picture in South Carolina; or~~

~~(iii) payroll services or loan out company that is retained by a motion picture production company to provide employees who work directly in the filming or post production of a motion picture in South Carolina.~~

~~(b) For his wages to qualify for the rebate, the employee must be certified by the department as a qualifying employee and the employee must have had South Carolina income tax withholding withheld and remitted to the Department of Revenue by a company described in item (2)(a).~~

~~(3) The rebate applies with respect to an employee described in subitem (a)(ii) or (iii) only if, before commencement of filming in South Carolina, the personal services corporation, payroll services company, or loan out company is approved and certified by the department, and makes an irrevocable assignment of its rebate to the motion picture production company that produced the motion picture. The assignment must be made on a form provided by the Department of Revenue, which must include a waiver of confidentiality pursuant to Section 12-54-240. Upon assignment, the rebate may be paid only to the motion picture production company.~~

~~(B)(1) The rebate provided in subsection (A) is available to the motion picture production company at the end of all filming in South Carolina in connection with the motion picture. The motion picture production company producing the motion picture must apply to the department for a certificate of completion once filming in South Carolina is complete. The motion picture production company must provide the information the department considers necessary to determine if the one million dollar expenditure requirement has been met.~~

~~(2) A motion picture production company may claim the rebate by filing a request for rebate with the department once the certificate of completion is obtained. The request for rebate must be filed by the last~~

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day of February of the year following the year in which the certificate of completion is obtained. To claim the rebate, the motion picture production company and all companies described in subsection (A)(2)(a)(ii) or (iii) must be current with respect to all taxes due and owing the State at the time of filing the request for rebate. If the motion picture production company or a company described in subsection (A)(2)(a)(ii) or (iii) is not current with respect to all taxes due and owing the State, the motion picture production company is permanently barred from claiming the rebate.

(3) The motion picture production company must attach to its request for rebate a copy of the certificate of completion and a copy of all assignments of the rebate, if applicable.

(C) A motion picture production company claiming a rebate pursuant to this section, and all companies described in subsection (A)(2)(a)(ii) or (iii), must make payroll books and records available for inspection to the commission and the department at the times requested by the commission or the department. Each motion picture production company claiming the rebate, at the time of filing, must provide a report to both the commission and the department that includes the project's name, the name of each employee that worked on the motion picture, the social security number for each employee, the dates employed, the dates the employee worked on the motion picture, a job description for each employee, the total gross wages for each employee, the South Carolina taxable wages subject to withholding for each employee, the amount of rebate attributable to that employee, and other information considered necessary by the commission or the department. The report also must contain the total amount of withholding attributable to all employees that worked on the motion picture in South Carolina.

(D) For purposes of this section, and as an exception to Section 12-54-240, a motion picture production company and a company described in subsection (A)(2)(a)(ii) or (iii) agree that the commission and the department may share or provide information concerning the request for rebate and the certificate of completion among the respective taxpayers and the respective agencies. The department may return to a motion picture production company a portion of the South Carolina payroll of individuals subject to South Carolina income tax withholding incurred in connection with production of a motion picture in South Carolina in the form of a rebate to that company. The rebate may not exceed fifteen percent of the total aggregate South Carolina payroll in connection with the motion picture and is not available

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unless total production costs of the motion picture in South Carolina equal or exceed one million dollars within twelve months from the date the incentive application is approved by the department. Rebate funding pursuant to this section may not exceed ten million dollars annually and must come from the State's general fund. The distribution of rebates associated with payroll may not exceed the amount available to the department.

(B)(1) For purpose of this section, only the motion picture production company may qualify for the rebate for individuals whose services are provided through any of the following entities:

(i) a motion picture production company that is directly involved in the filming or post-production of a motion picture in South Carolina;

(ii) a personal service company retained by a motion picture production company to provide individuals used directly in the filming or post-production of a motion picture in South Carolina; or

(iii) a payroll services or loan out company that is retained by a motion picture production company to provide individuals who work directly in the filming or post-production of a motion picture in South Carolina.

(C)(1) The rebate provided in subsection (A) is available to the motion picture production company at the end of all filming in South Carolina in connection with the motion picture. The motion picture production company producing the motion picture must apply to the department for a certificate of completion once filming in South Carolina is complete. The motion picture production company must provide the information the department considers necessary to determine if the one million dollar expenditure requirement has been met.

(2) A motion picture production company may receive the rebate by filing a request with the department within ninety days of obtaining the certificate of completion or earlier if requested by the department in writing. To receive the rebate, the motion picture production company must be current with respect to all taxes due and owing the State at the time of filing the request for rebate. If the motion picture production company is not current with respect to taxes due and owing to the State, the motion picture production company may be permanently barred from claiming the rebate.

(3) The motion picture production company must attach to its request for rebate a copy of the certificate of completion and a copy of the assignment, if applicable.

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(4) A motion picture production company claiming a rebate must make payroll books and records available for inspection to the department at the times requested by the department. Each motion picture production company claiming the rebate, at the time of filing, must provide a report to the department that includes the project's name, the name of each individual that worked on the motion picture, the social security number for each individual, and if applicable, the EIN of any loan out company or personal service company of that individual, the date range and the number of hours the individual worked on the motion picture, a job description for each individual, the amount paid to the loan out company or personal service company representing the individual, total gross payments for each individual, the amount subject to withholding for each individual or company, the amount of rebate attributed to all individuals or companies to whom payroll is attributed, and other information considered necessary by the South Carolina Film Commission or the department.

(D) For purposes of this section, and as an exception to Section 12-54-240, a motion picture production company and a company described in subsection (B)(1)(i), (ii) or (iii) agree that the South Carolina Film Commission and the department may share or provide information concerning the request for rebate and the certificate of completion among the respective companies, the department and the Department of Revenue.”

C. Section 12-62-55 of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

“Section 12-62-55. At the time the motion picture production company is certified by the department, it may make an irrevocable assignment of future payments attributable to the rebates made pursuant to Section ~~12-62-40~~ 12-62-50 or ~~12-62-50~~ 12-62-60 to a designated trustee. For purposes of this chapter, ‘designated trustee’ means the single financier or financial institution designated ~~by the council~~ to receive all assignments of payments made pursuant to this chapter and to the terms of an agreement entered into by the qualifying motion picture production company. If a qualifying motion picture production company elects to assign payments to the designated trustee, the election must be made on a form provided by the department, including a waiver of confidentiality pursuant to Section 12-54-240, and the payments may be paid only to the designated trustee. The qualifying motion picture production company must file ~~an application for the form for~~ assignment with the ~~director no later~~

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~~than thirty days after filming begins in South Carolina department before applying for the rebate.”~~

D. Section 12-62-60 of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

“Section 12-62-60. (A)(1) An amount equal to twenty-six percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the department for the exclusive use of the South Carolina Film Commission. The department may rebate to a motion picture production company up to fifteen percent of the expenditures made by the motion picture production company in the State if the motion picture production company has a minimum in-state expenditure of one million dollars. The distribution of rebates may not exceed the amount annually funded to the department for the South Carolina Film Commission from the admissions tax collected by the State.

(2) This subsection does not apply to payroll paid ~~for motion picture production employees~~ to individuals subject to Section 12-62-50 or money paid to the companies described in Section ~~12-62-50(A)(2)(a)(ii) or (iii)~~ 12-62-50(B)(1)(i), (ii), or (iii). Unexpended funds from this source may be carried over to the next and succeeding fiscal years.

(B) Up to seven percent of the amount provided to the department in subsection (A) may be used exclusively for marketing and special events.

(C) The allocations to motion picture production companies contemplated by this chapter must be made by the department. The department may adopt rules and promulgate regulations for the application for and award of the rebate.

(D) One percent of the general fund portion of admissions tax collected by the State of South Carolina must be funded to the department for the exclusive use of the South Carolina Film Commission for the promotion of collaborative production and educational efforts between institutions of higher learning in South Carolina and motion picture related entities. ~~The department, in conjunction with the South Carolina Film Commission,~~ shall adopt rules and promulgate regulations necessary to administer this section. Unexpended funds from this source may be carried over to the next and succeeding fiscal years.

(E) The department shall report annually to the chairman of the Senate Finance Committee and the chairman of the House Ways and

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Means Committee on the use of all funds pursuant to this section. The report is a public record pursuant to the Freedom of Information Act, Chapter 4 of Title 30, and must be posted annually on the ~~commission's~~ South Carolina Film Commission's web site by January first."

E. Section 12-62-70(B) of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

"(B) The State or its political subdivisions may not charge a location or facility fee for properties they own if the properties are used for seven or fewer days as a location or facility in the production of a motion picture that is approved by the department pursuant to the South Carolina Motion Picture Incentive Act. A property may be used for a total of only twenty-one days without location or facility fees in a calendar year. The motion picture production company may be on site no longer than seven days within a thirty-day period without a location or facility fee charge. State-owned or political subdivision-owned properties may recoup all costs they expend on behalf and at the direction of the motion picture production company. State-owned or political subdivision-owned properties also may recoup a location or facility fee, after the first seven days, not to exceed two thousand five hundred dollars a day. State-owned or political subdivision-owned properties also may recoup costs required to repair damage caused by the motion picture production company to real or personal property of the state agency or political subdivision. The motion picture production company shall reimburse all costs, at the property's normal and customary rates, to the state agency or political subdivisions incurring the costs within twenty-one calendar days of completion of production activities on site. The motion picture production company may use the publicly owned property only on the days agreed to and approved by the state agency or political subdivision."

F. Section 12-62-90 of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

"Section 12-62-90. The end credit roll of a motion picture that utilizes a South Carolina tax credit or rebate must recognize the State of South Carolina with the following statement: 'Filmed in South Carolina ~~pursuant to the South Carolina Motion Picture Incentive Act~~ www.FilmSC.com', except that the State of South Carolina reserves the right to refuse the use of South Carolina's name in the credits of a motion picture filmed or produced in the State." /

Renumber sections to conform.

Amend title to conform.

[HJ]

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Rep. FUNDERBURK explained the amendment.  
The amendment was then adopted.

Reps. HARRELL, COOPER and MACK proposed the following Amendment No. 6 (COUNCIL\BBM\9329HTC09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. A. Section 12-37-220(B)(33) of the 1976 Code is amended to read:

“(33)(a) All personal property including aircraft of an air carrier which operates an air carrier hub terminal facility in this State for a period of ten consecutive years from the date of qualification, if its qualifications are maintained. An air carrier hub terminal facility is defined in Section 55-11-500.

(b) All personal property, including aircraft, owned by a company owning aircraft meeting the requirements of Section 55-11-500(a)(3)(i) without regard to the other requirements of Section 55-11-500. An aircraft qualifying for the exemption allowed by this subitem may not be used by the operator of the aircraft as the basis for an exemption pursuant to subitem (a) of this item.”

B. Notwithstanding the general effective date of this act, this section takes effect upon approval of this act by the Governor and applies for property tax years beginning after 2006. /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.  
The amendment was then adopted.

Reps. HARRELL, BINGHAM, SANDIFER, HERBKERSMAN and BRANTLEY proposed the following Amendment No. 7 (COUNCIL\GGS\22318AB09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. A. The General Assembly recognizes and finds that:

(1) the people of South Carolina are enduring extraordinary levels of unemployment and are likely to do so for the immediately foreseeable future and, further, that the national economy is undergoing changes that affect many of the businesses and industries that have

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traditionally provided jobs for the citizens and residents of South Carolina;

(2) there is a need for a program to provide inducements for the creation of jobs in the commercial and retail sector under conditions that will ensure: (i) significant capital investment, and (ii) the creation and maintenance of significant new employment, all under conditions that restrict the cost of funding that inducement to sources of funds related to the creation of revenues that do not exist presently;

(3) it has heretofore authorized the creation of industrial or business parks by counties to encourage and promote economic development which creation has been instrumental in the efforts of the State to attract and retain significant investment and employment;

(4) the risks of this existing and time-tested program are minimized;

(5) by providing counties a means of funding grants to certain private entities for the purpose of defraying a portion of the cost of infrastructure related to these developments after the developments have been constructed, certain initial levels of employment have been satisfied and new sales tax revenue targets have been met and the level of investment and number of jobs required to be created before the provision of the grants is designed to avoid speculative risk and, together with demonstrated revenues, are designed to ensure that the benefit to the public in new investment and jobs will render the public the primary beneficiary of the incentive notwithstanding the incidental benefits that may be derived by the private grantees; and

(6) that the inducement authorized by this act will serve the public welfare by providing for additional employment and will serve the affected counties by additional employment and by an increase in their local tax base.

B. Chapter 1, Title 4 of the 1976 Code is amended by adding:

“Section 4-1-180. (A)(1) ‘Extraordinary commercial facilities’ means commercial facilities, including facilities for the retail sale of goods, in a designated economic development site that meets the initial qualifying criteria.

(2) ‘New capital investment’ means facilities that either have been placed in service, or for which a certificate of occupancy has been issued, after July 1, 2009.

(3) ‘New job’ means a job created in this State at the time a new facility is initially staffed.

(B) Counties that create a multicounty business park may designate a portion or all of that park as a designated economic

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development site for extraordinary commercial facilities. Initial qualifying criteria for a designated economic development site are: (i) the value of new capital investment within the designated economic development site, including the value of capital investment in all its components, regardless of how those components are owned or controlled, is not less than an aggregate amount of one hundred million dollars; (ii) there is an aggregate of not fewer than one thousand new jobs measured by number of employees; and (iii) there are total sales tax receipts at a rate of six million dollars each year, which may be based on an annualized number using the two most recent quarters.

(C) The number of new jobs may be based on a quarterly report filed with the South Carolina Employment Security Commission or the Bureau of Labor Statistics; except that a certificate based on those reports need not include copies of the reports so as to ensure the maintenance of privacy of information in the reports.

(D) The counties making a designation of an economic development site shall notify the South Carolina Department of Revenue of the boundaries of the designated site.

(E)(1) In addition to the matters specified in Section 4-1-170, the agreement relating to the designated economic development site may provide that an amount equal to three-fourths of the revenues collected in the designated economic development site from sales taxes imposed pursuant to Section 12-36-2620(1) must be paid quarterly by the Department of Revenue from the general fund of the State to the counties and allocated in accordance with the provisions of the agreement for the qualifying period, except during a suspension period.

(2) The qualifying period must begin no earlier than the first day of the third calendar month after the counties creating a designated economic development site: (i) provide the department with a certificate satisfactory to the department that contains information that the extraordinary commercial facilities in a designated economic development site meet the initial qualifying criteria; and (ii) provide the department with a copy of the agreement specifying the percentage of funds to be remitted to the counties. The qualifying period must end at the end of the fifteenth year after the commencement of the qualifying period.

(3) To maintain receipt of payments, the counties must file with the department an annual report showing the number of employees at the site for the most recent four quarters. If the report does not show an average of five hundred jobs during the reporting period, quarterly payments must be suspended until the next annual

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report shows an average of five hundred jobs during that reporting period. A suspension period is the time between the two filings, and payments must not be made to the counties during the suspension period.

(4) A county that receives revenues from this source may treat those revenues in the same fashion as fees in lieu of taxes and issue special sources revenue bonds or provide for credits or payments as provided in Section 4-1-175.

(5) If a county uses funds to reimburse another governmental or private entity for expenditures incurred by it, the county must have a grant agreement with each recipient. Each grant agreement must contain provisions relating to the grantee's obligation to provide jobs and require an annual certification of compliance. The grant agreement must require that, if a grantee fails to satisfy the conditions of a grant, then all future payments must be suspended until the grantee certifies compliance with the terms. Copies of all grant agreements must be provided to the department.

(f) The provisions of this section expire five years from the effective date of this section." /

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill on second reading.

Rep. WHITE demanded the yeas and nays which were taken, resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

Alexander	Allen	Allison
Anthony	Bales	Ballentine
Bannister	Barfield	Battle
Bedingfield	Bingham	Bowen
Bowers	Branham	H. B. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Crawford	Daning

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Delleney	Dillard	Edge
Erickson	Forrester	Funderburk
Gambrell	Gilliard	Govan
Gunn	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Hosey	Howard
Huggins	Hutto	Jefferson
Jennings	Kelly	Kennedy
King	Knight	Limehouse
Loftis	Long	Lowe
Lucas	Mack	McEachern
McLeod	Merrill	Miller
Millwood	Mitchell	Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Thompson	Toole	Umphlett
Vick	Weeks	White
Williams	Willis	Wylie
A. D. Young	T. R. Young	

**Total--104**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 3722--ORDERED TO BE READ THIRD TIME  
TOMORROW**

On motion of Rep. COOPER, with unanimous consent, it was ordered that H. 3722 be read the third time tomorrow.

[HJ]

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**H. 3482--RECALLED FROM COMMITTEE ON WAYS AND MEANS**

On motion of Rep. COOPER, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

H. 3482 -- Reps. Harrell, Cooper and Mack: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL PERSONAL PROPERTY, INCLUDING AIRCRAFT, OF A COMPANY ENGAGED IN AIR TRANSPORT OF SPECIALIZED CARGO.

**H. 3874--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. STAVRINAKIS, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 3874 -- Reps. Stavrakis and Merrill: A BILL TO AMEND SECTION 1-23-525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISQUALIFICATION OF MEMBERS OF THE GENERAL ASSEMBLY FROM ELECTION TO AN ADMINISTRATIVE LAW JUDGE POSITION, SO AS TO CHANGE FOUR YEARS TO ONE YEAR.

**H. 3706--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. WEEKS, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 3706 -- Reps. Weeks and Harrison: A BILL TO AMEND SECTION 8-13-1348, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO AUTHORIZE A DEBIT CARD DRAWN UPON THE CAMPAIGN ACCOUNT MAY BE USED ON EXPENDITURES MORE THAN TWENTY-FIVE DOLLARS IN ADDITION TO A WRITTEN INSTRUMENT.

**OBJECTION TO RECALL**

Rep. COBB-HUNTER asked unanimous consent to recall H. 3125 from the Committee on Ways and Means.

Rep. LOFTIS objected.

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**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3492 from the Committee on Labor, Commerce and Industry.

Rep. CRAWFORD objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3853 from the Committee on Judiciary.

Rep. HARRISON objected.

**RECURRENCE TO THE MORNING HOUR**

Rep. MITCHELL moved that the House recur to the morning hour.

**REPORTS OF STANDING COMMITTEE**

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 3371 -- Reps. Harvin, Kennedy, Alexander, Funderburk, Gunn, Hart, McEachern, McLeod, Ott, J. E. Smith, Spires, Weeks and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-243 SO AS TO REGULATE A PROVIDER OF HEALTH CARE AND THE ISSUER OF INDIVIDUAL HEALTH INSURANCE WHEN AN ISSUER NEGOTIATES RATES WITH A PROVIDER FOR COVERED HEALTH CARE SERVICES AND THEN TERMINATES OR OTHERWISE NONRENEWS THE PROVIDER'S CONTRACT.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

S. 268 -- Senator McConnell: A BILL TO AMEND CHAPTER 8, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUILDING CODES ENFORCEMENT OFFICERS, SO AS TO ESTABLISH A "SPECIAL INSPECTOR" OR "SPECIAL INSPECTION AGENCY" TO PERFORM BUILDING INSPECTIONS IN ONE OR MORE CONSTRUCTION TRADE DISCIPLINES, AND TO PROVIDE THE LICENSING PROCEDURE TO REQUIRE AUTHORIZATION FOR PERFORMING THESE INSPECTIONS FROM THE SOUTH

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CAROLINA BUILDING CODES COUNCIL AND THE  
DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Ordered for consideration tomorrow.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3879 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 20, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 4, WHOSE TERM EXPIRES DECEMBER 31, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JULY 31, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JULY 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRD JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JULY 31, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO A CERTAIN CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, WHOSE TERM EXPIRES JUNE 30, 2013.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

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**CONCURRENT RESOLUTION**

The following was introduced:

H. 3880 -- Reps. Pinson, Parks and M. A. Pitts: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF R. THORNWELL DUNLAP, JR., OF GREENWOOD, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 659 -- Senators Knotts, Alexander, Rose, S. Martin, Elliott, McConnell, Williams, Malloy, Peeler, Leatherman, Grooms, Campbell, Cromer, Cleary, Scott, Shoopman, Bryant, Ryberg, Bright, Davis, Setzler and Ford: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 29, 2009, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, COLLEGE OF CHARLESTON, SOUTH CAROLINA STATE UNIVERSITY, WIL LOU GRAY OPPORTUNITY SCHOOL, AND WINTHROP UNIVERSITY TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE IN 2009, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION; IMMEDIATELY FOLLOWING ELECTION OF BOARDS OF TRUSTEE MEMBERS, THE HOUSE OF REPRESENTATIVES AND THE SENATE SHALL ELECT ONE MEMBER AT LARGE TO THE OLD EXCHANGE BUILDING

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COMMISSION TO SUCCEED THE MEMBER WHOSE TERM IS EXPIRING.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3881 -- Reps. T. R. Young, Stewart, Spires, Toole, Kennedy, Bedingfield, Huggins, G. R. Smith, Agnew, Anthony, Bales, Bannister, H. B. Brown, Delleney, Frye, Gambrell, McLeod, E. H. Pitts, M. A. Pitts, J. R. Smith and Thompson: A BILL TO AMEND SECTION 50-11-520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WILD TURKEY SEASON, SO AS TO ESTABLISH A UNIFORM STATEWIDE WILD TURKEY SEASON AND TO ESTABLISH A UNIFORM STATEWIDE SEASON LIMIT OF FIVE TURKEYS PER SEASON PER PERSON.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3882 -- Labor, Commerce and Industry Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-55 SO AS TO PROVIDE THE STATE BUDGET AND CONTROL BOARD SHALL DEVELOP A WEB-BASED APPLICATION FOR THE SUBMISSION OF QUESTIONS AND CONCERNS ABOUT STATE AGENCY LICENSING, PERMITTING, AND REGULATION OF ECONOMIC ACTIVITY, AND TO PROVIDE A STATE AGENCY THAT PROMULGATES REGULATIONS, ISSUES PERMITS OR LICENSES, AND HAS A WEBSITE ON THE INTERNET SHALL PLACE ON ITS WEBSITE HOMEPAGE A HYPERLINK OR UNIFORM RESOURCE LOCATOR THAT PROVIDES DIRECT ACCESS TO THIS WEB-BASED APPLICATION; BY ADDING SECTION 48-39-155 SO AS TO PROVIDE A CERTIFICATION OF CONSISTENCY WITH THE COASTAL ZONE MANAGEMENT PLAN MUST BE MADE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WITHIN THIRTY DAYS AFTER THE DATE THE REQUEST IS SUBMITTED TO THE DEPARTMENT FOR THIS CERTIFICATION, AND IF THE DEPARTMENT FAILS TO ISSUE

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A WRITTEN DECISION WITHIN THIS THIRTY-DAY PERIOD, THE PROPOSED ACTIVITY OR LICENSE IS CONSIDERED CONSISTENT WITH THE COASTAL ZONE MANAGEMENT PLAN AND PROGRAM; AND TO AMEND SECTION 33-41-1110, RELATING TO A RENEWAL APPLICATION FOR A REGISTERED LIMITED LIABILITY COMPANY, SO AS TO PROVIDE THIS APPLICATION ANNUALLY MUST BE RENEWED BEFORE APRIL FIRST.

Without Reference

H. 3883 -- Reps. Bowers and Brantley: A BILL TO AMEND SECTION 1-11-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE HEALTH PLAN, SO AS TO PROVIDE MAJOR MEDICAL COVERAGE PROVIDED BY THE PLAN MUST HAVE A LIFETIME MAXIMUM OF NO LESS THAN TWO MILLION DOLLARS.

Referred to Committee on Labor, Commerce and Industry

H. 3884 -- Rep. Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-1-240 SO AS TO PROVIDE DEFINITIONS OF TERMS RELATING TO THE VIDEO RECORDING OF STATEMENTS MADE DURING A CUSTODIAL INTERROGATION, TO PROVIDE THAT CERTAIN STATEMENTS MADE DURING A CUSTODIAL INTERROGATION MUST BE VIDEO RECORDED, TO PROVIDE THAT A COURT MUST INSTRUCT A JURY THAT IT MAY DRAW AN ADVERSE INFERENCE FOR A LAW ENFORCEMENT OFFICER WHO FAILS TO VIDEO RECORD A STATEMENT RELATING TO A CRIME, TO PROVIDE THE CIRCUMSTANCE IN WHICH A PERSON'S STATEMENT MAY BE USED FOR IMPEACHMENT PURPOSES, TO PROVIDE THE CIRCUMSTANCES WHEN A STATEMENT OBTAINED IN ANOTHER STATE OR BY THE FEDERAL GOVERNMENT IS ADMISSIBLE IN THIS STATE AND TO PROVIDE THE CIRCUMSTANCES WHEN AN INAUDIBLE PORTION OF A VIDEO RECORDING DOES NOT RENDER IT INADMISSIBLE IN A JUDICIAL PRECEDING.

Referred to Committee on Judiciary

H. 3885 -- Reps. Bingham, Harrell, Sandifer, Herbkersman and Brantley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH

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CAROLINA, 1976, BY ADDING SECTION 4-1-180 SO AS TO ALLOW COUNTIES TO DESIGNATE ALL OR A PORTION OF A MULTICOUNTY PARK AS A "DESIGNATED ECONOMIC DEVELOPMENT SITE" FOR EXTRAORDINARY COMMERCIAL FACILITIES, TO PROVIDE THE ELIGIBILITY CRITERIA FOR A SITE SO DESIGNATED, TO ALLOW THE AGREEMENT ESTABLISHING THE SITE TO DIRECT THE DEPARTMENT OF REVENUE TO REMIT UP TO THREE-FOURTHS OF A PORTION OF STATE SALES TAX REVENUE COLLECTED IN THE SITE OTHERWISE CREDITED TO THE GENERAL FUND OF THE STATE TO THE COUNTIES THAT ARE PARTY TO THE AGREEMENT, TO PROVIDE THE USES TO WHICH THIS SALES TAX REVENUE REMITTED TO THE PARTY COUNTIES MUST BE APPLIED, AND TO SUNSET NEW DESIGNATIONS FIVE YEARS AFTER THE EFFECTIVE DATE OF THIS ACT.

Referred to Committee on Ways and Means

H. 3886 -- Reps. G. R. Smith, Bowen, Bedingfield, Parker, A. D. Young, Cato, Herbkersman, Erickson, Huggins, Toole, Ballentine, Wylie, Stringer, Simrill, E. H. Pitts, Haley, Harrison, Spires, Edge, Crawford, Agnew, Allison, Bannister, Clemmons, Cole, Daning, Delleney, Forrester, Gambrell, Hamilton, Harrell, Hearn, Horne, Kelly, Kirsh, Limehouse, Littlejohn, Lowe, Lucas, Millwood, Nanney, Owens, M. A. Pitts, D. C. Smith, J. R. Smith, Sottile, Stewart, Thompson, Viers, White, Whitmire, Willis and T. R. Young: A JOINT RESOLUTION TO REQUEST APPROPRIATE ACTION BY THE CONGRESS OF THE UNITED STATES, ON ITS OWN ACTION BY CONSENT OF TWO-THIRDS OF BOTH HOUSES OR ON THE APPLICATION OF THE LEGISLATURES OF TWO-THIRDS OF THE SEVERAL STATES, TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO REQUIRE THAT THE TOTAL OF ALL FEDERAL APPROPRIATIONS MAY NOT EXCEED THE TOTAL OF ALL ESTIMATED FEDERAL REVENUES IN ANY FISCAL YEAR, WITH CERTAIN EXCEPTIONS.

Referred to Committee on Judiciary

H. 3887 -- Rep. Cobb-Hunter: A BILL TO AMEND SECTION 11-27-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SUBJECTING A LEASE PURCHASE OR FINANCING AGREEMENT TO A CONSTITUTIONAL DEBT

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LIMIT, SO AS TO PROVIDE A SCHOOL DISTRICT WITH AN AVERAGE DAILY MEMBERSHIP OF SIXTY-FIVE HUNDRED STUDENTS OR LESS MAY ENTER CERTAIN FINANCING AGREEMENTS THROUGH DECEMBER 31, 2012.

Referred to Committee on Ways and Means

H. 3888 -- Reps. Harrison, Cato, Sandifer and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-15-65 SO AS TO PROHIBIT MOTOR VEHICLE MANUFACTURERS OR DISTRIBUTORS FROM REQUIRING DEALERS TO RELOCATE OR MAKE ALTERATIONS TO THEIR DEALERSHIPS UNLESS CERTAIN REQUIREMENTS ARE MET; BY ADDING SECTION 56-15-75 SO AS TO PROHIBIT MOTOR VEHICLE MANUFACTURERS OR DISTRIBUTORS FROM PREVENTING DEALERS FROM INVESTING IN, MANAGING, OR ACQUIRING ANY OTHER LINE-MAKE OF NEW MOTOR VEHICLES OR RELATED PRODUCTS IF CERTAIN REQUIREMENTS ARE MET; AND TO AMEND SECTION 56-15-90, RELATING TO MOTOR VEHICLE DEALERS, SO AS TO PROVIDE CERTAIN FACTORS THAT MUST BE CONSIDERED IN CALCULATING THE FAIR AND REASONABLE COMPENSATION FOR THE VALUE OF A MOTOR VEHICLE DEALERSHIP.

Referred to Committee on Labor, Commerce and Industry

H. 3889 -- Rep. Bales: A BILL TO AMEND SECTION 47-13-1350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HEALTH CERTIFICATION REQUIREMENTS FOR A HORSE TO ENTER THE STATE, SO AS TO REQUIRE TESTING FOR EQUINE STRANGLES AND A VETERINARY CERTIFICATE OF GOOD HEALTH ISSUED NOT MORE THAN THIRTY DAYS BEFORE ENTRY; TO AMEND SECTION 47-13-1370, AS AMENDED, RELATING TO THE PROOF OF TESTS REQUIRED FOR THE PUBLIC ASSEMBLY OF HORSES, SO AS TO REQUIRE THAT HORSES MAINTAINED AT A PUBLIC STABLE OR OTHER PUBLIC FACILITY BE TESTED FOR EQUINE INFECTIOUS ANEMIA NOT LESS THAN ONCE EACH TWENTY-FOUR MONTHS AND TO INCREASE THE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 47-13-1390, AS AMENDED, RELATING TO THE POSSESSION OF A FALSE CERTIFICATE SHOWING A NEGATIVE COGGINS TEST

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FOR ANY HORSE, SO AS TO INCREASE THE PENALTIES FOR VIOLATIONS; AND TO AMEND SECTION 47-13-1400, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR VIOLATIONS OF ARTICLE 13, CHAPTER 13, TITLE 47, SO AS TO INCREASE THE RANGE OF PENALTIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 239 -- Senators Massey, Rose and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-7-67 ENACTING THE "APPROPRIATIONS BILL EARMARK DISCLOSURE ACT", TO PROVIDE FOR THE DISCLOSURE OF INFORMATION SURROUNDING EARMARKS REQUESTED BY MEMBERS OF THE GENERAL ASSEMBLY FOR INCLUSION IN AN APPROPRIATIONS BILL, TO PROVIDE DEFINITIONS APPLICABLE FOR THIS DISCLOSURE, AND TO PROVIDE FOR THE ENFORCEMENT OF THESE DISCLOSURE REQUIREMENTS.

Referred to Committee on Ways and Means

S. 576 -- Senators McConnell, Malloy, Scott, Knotts and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 2, SO AS TO ESTABLISH THE CAPITOL POLICE FORCE, WHICH SHALL CONSIST OF THE CAPITOL POLICE FORCE, THE SERGEANT AT ARMS OF THE SENATE, THE SERGEANT AT ARMS OF THE HOUSE, AND THE MARSHAL OF THE SUPREME COURT; TO PROVIDE THAT THE FUNCTIONS, POWERS, DUTIES, AND RESPONSIBILITIES EXERCISED BY THE DEPARTMENT OF PUBLIC SAFETY AND THE BUREAU OF PUBLIC SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS AND THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT, INCLUDING ALL CLASSIFIED AND UNCLASSIFIED EMPLOYEES WHOSE DUTIES INVOLVE THE PROVISION OF SECURITY SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS AND THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT, BUT EXCLUDING THOSE AREAS OF THE STATE HOUSE THAT ARE RESERVED FOR THE EXECUTIVE CHAMBER AND THE GOVERNOR'S STAFF, BE DEVOLVED AND TRANSFERRED TO THE CAPITOL POLICE FORCE; TO PROVIDE THAT THE

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SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE SHALL HAVE EXCLUSIVE CARE AND CHARGE OVER THOSE AREAS DESCRIBED IN SECTION 2-3-100, AND TO PROVIDE THAT THE MARSHAL OF THE SUPREME COURT SHALL HAVE PRIMARY RESPONSIBILITY OVER THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT AND THE CALHOUN BUILDING; TO PROVIDE FOR THE CREATION OF THE CAPITOL POLICE FORCE COMMITTEE, CONSISTING OF THREE MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT *PRO TEMPORE* OF THE SENATE, THREE MEMBERS OF THE HOUSE APPOINTED BY THE SPEAKER, AND THREE MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT OF SOUTH CAROLINA, AND TO PROVIDE THAT THE DIRECTOR OF GENERAL SERVICES SHALL SERVE AS A NON-VOTING EX OFFICIO MEMBER, TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE COMMITTEE; TO PERMIT THE CHIEF OF THE CAPITOL POLICE FORCE TO EMPLOY SUCH DEPUTY OFFICERS AND OTHER EMPLOYEES AS NECESSARY; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND HOUSE, THE MARSHAL OF THE SUPREME COURT, AND ALL THEIR DEPUTIES SHALL HAVE THE SAME POLICE POWERS AS SHERIFFS AND DEPUTY SHERIFFS; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE MAY ENTER INTO RECIPROCAL LAW ENFORCEMENT AGREEMENTS; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND HOUSE, THE MARSHAL OF THE SUPREME COURT, AND THEIR DEPUTIES MUST DEMONSTRATE KNOWLEDGE OF THE DUTIES OF LAW ENFORCEMENT OFFICERS OR UNDERGO TRAINING REQUIRED OF OFFICERS OF THE SOUTH CAROLINA STATE POLICE; AND TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE OFFICERS; TO AMEND SECTION 10-1-30 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO PROVIDE THAT THE CAPITOL POLICE FORCE SHALL PROVIDE SECURITY SERVICES FOR ALL USES OF THE STATE HOUSE LOBBIES, STATE HOUSE STEPS AND GROUNDS, AND ALL PUBLIC BUILDINGS AND GROUNDS ON THE CAPITOL GROUNDS; TO AMEND CHAPTER 11 OF TITLE 10 OF THE

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CODE OF LAWS OF SOUTH CAROLINA, 1976, TO PROVIDE THAT THE PARKING LOTS ON THE CAPITOL GROUNDS AND AT THE SUPREME COURT BUILDING SHALL BE POLICED BY THE CAPITOL POLICE FORCE; TO DELETE SECTION 10-11-90, RELATING TO NIGHT WATCHMEN AND POLICEMEN EMPLOYED BY THE BUDGET AND CONTROL BOARD, TO AMEND SECTIONS 10-11-90 AND 10-11-100, RELATING TO NIGHT WATCHMEN; TO AMEND SECTION 10-11-110, RELATING TO TRAFFIC AND PARKING, TO PROVIDE THAT THE CAPITOL POLICE FORCE HAS THE RIGHT TO ISSUE PARKING TICKETS; TO AMEND SECTION 10-11-130, REMOVING REFERENCES TO THE CITY OF COLUMBIA RECORDER AND VESTING JURISDICTION IN CRIMINAL MATTERS IN MAGISTRATE'S COURT; TO DELETE SECTION 10-11-150, RELATING TO THE STATE HOUSE RENOVATION PROJECT; AND TO AMEND SECTION 10-11-310, RELATING TO THE DEFINITION OF CAPITOL GROUNDS; TO INCLUDE THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT; AND TO ADD SECTION 14-3-135 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY CREATING THE MARSHAL OF THE SUPREME COURT AND TO DEFINE HIS DUTIES.

Referred to Committee on Ways and Means

S. 643 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, BAG LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS; USE OF FERTILITY CONTROL OR OTHER CHEMICAL SUBSTANCES IN WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4042, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 654 -- Senators Mulvaney and Sheheen: A BILL TO AMEND SECTION 30-5-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PERFORMANCE OF THE REGISTER OF DEEDS' DUTIES BY THE CLERK OF COURT IN CERTAIN COUNTIES, SO AS TO PROVIDE LANCASTER

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COUNTY HAS A SEPARATE CLERK OF COURT AND REGISTER OF DEEDS; TO AMEND SECTION 30-5-12, AS AMENDED, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS IN CERTAIN COUNTIES, SO AS TO PROVIDE THE GOVERNING BODY OF LANCASTER COUNTY SHALL APPOINT THE REGISTER OF DEEDS FOR LANCASTER COUNTY; AND TO REPEAL ACT 454 OF 2000 RELATING TO THE TRANSFER OF THE DUTIES OF THE REGISTER OF DEEDS IN LANCASTER COUNTY TO THE RECORDS MANAGEMENT DIRECTOR OF LANCASTER COUNTY.

Referred to Committee on Judiciary

Rep. ANTHONY moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3401 -- Reps. Willis, M. A. Pitts and Duncan: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME RAIDER ROAD (5-30-497) IN LAURENS COUNTY "JOHN K. HENDRICKS, JR., MEMORIAL MILE", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "JOHN K. HENDRICKS, JR., MEMORIAL MILE".

**ADJOURNMENT**

At 3:15 p.m. the House, in accordance with the motion of Rep. CRAWFORD, adjourned in memory of Hilton P. Terrell MD, PhD, of Florence, to meet at 10:00 a.m. tomorrow.

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