

NO. 44

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, APRIL 21, 2009
(STATEWIDE SESSION)

Tuesday, April 21, 2009
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Psalm 138:8: "The Lord will fulfill his purpose for me; your steadfast love, O Lord, endures forever. Do not forsake the work of your hands."

Let us pray. O Lord our God, You have called each of these Representatives to fulfill the task of working for the people of this great State. The wisdom and strength You provide them, let them use these talents to move forward and fulfill their calling as servants of the State. Continue to be an ever present force in Your blessings for 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 Friday, April 3, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. HUGGINS moved that when the House adjourns, it adjourn in memory of Brian Rutland, son of Vivian Rutland of House Word Processing, which was agreed to.

COMMUNICATION

The following was received:

State of South Carolina
Office of the Governor

Columbia, S.C., April 2, 2009

Mr. Speaker and Members of the House of Representatives:

TUESDAY, APRIL 21, 2009

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
Richland County Master-in-Equity
Term Commencing: December 31, 2009
Term Expiring: December 31, 2015
Seat: Master-in-Equity

Reappointment
The Honorable Charles B. Simmons, Jr.
County Courthouse, Suite 313
305 East North Street
Columbia, South Carolina 29601

Respectfully,
Mark Sanford
Governor

Received as information.

COMMUNICATION

The following was received:

State of South Carolina
Office of the Governor

Columbia, S.C., April 2, 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.

Statewide Appointment
State Ethics Commission
Term Commencing: June 30, 2008
Term Expiring: June 30, 2013
Seat: 6th Congressional District

[HJ]

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Reappointment
Mrs. Priscilla L. Tanner
Post Office Box 85
Johnsonville, South Carolina 29555

Respectfully,
Mark Sanford
Governor

Received as information.

COMMUNICATION

The following was received:

State of South Carolina
Office of the Governor

Columbia, S.C., April 2, 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.

Statewide Appointment
State Ethics Commission
Term Commencing: June 30, 2008
Term Expiring: June 30, 2013
Seat: 5th Congressional District
Vice: Robert Bruce

Initial Appointment
Mr. Jonathan H. Burnett
2800 Cypress Bend Road
Florence, South Carolina 29506

Respectfully,
Mark Sanford
Governor

Received as information.

[HJ]

TUESDAY, APRIL 21, 2009

COMMUNICATION

The following was received:

State of South Carolina
Office of the Governor

Columbia, S.C., April 2, 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.

Statewide Appointment
State Ethics Commission
Term Commencing: June 30, 2008
Term Expiring: June 30, 2013
Seat: 1st Congressional District
Vice: Marvin Infinger

Initial Appointment
Dr. Richard H. Fitzgerald
354 Schweers Lane
Mt. Pleasant, South Carolina 29464

Respectfully,
Mark Sanford
Governor

Received as information.

REGULATIONS RECEIVED

The following were received and referred to the appropriate committees for consideration:

Document No. 4062
Agency: Clemson University - State Crop Pest Commission
Statutory Authority: 1976 Code Section 46-9-40
Phytophthora ramorum Quarantine
Received by Speaker of the House of Representatives
April 14, 2009

[HJ]

TUESDAY, APRIL 21, 2009

Referred to Agriculture, Natural Resources and Environmental Affairs
Committee
Legislative Review Expiration March 21, 2010

Document No. 4026

Agency: State Board of Education

Statutory Authority: 1976 Code Sections 59-5-60 and 59-40-10 et seq.
Procedures and Standards for Review of Charter School Applications

Received by Speaker of the House of Representatives
January 13, 2009

Referred to Education and Public Works Committee

Legislative Review Expiration May 13, 2009

01/13/2009

Referred to Committee

04/07/2009

Committee Requested Withdrawal

120 Day Period Tolloed

04/09/2009

Withdrawn and Resubmitted

05/15/2009

Document No. 4061

Agency: Department of Insurance

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 et
seq., and
38-13-300

Valuation of Investments

Received by Speaker of the House of Representatives
April 13, 2009

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration March 20, 2010

Document No. 4060

Agency: Department of Insurance

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110,
38-3-60, 38-57-10 et seq., 38-63-10, 38-65-10 and 38-69-10

Life Insurance Disclosure

Received by Speaker of the House of Representatives
April 13, 2009

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration March 20, 2010

Document No. 4059

Agency: Department of Insurance

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Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-3-110(2)
and 38-77-530
South Carolina Reinsurance Facility Recoupment
Received by Speaker of the House of Representatives
April 13, 2009
Referred to Labor, Commerce and Industry Committee
Legislative Review Expiration March 20, 2010

Document No. 4058
Agency: Department of Insurance
Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-3-110(2)
and 38-21-300
Insurance Holding Company Systems
Received by Speaker of the House of Representatives
April 13, 2009
Referred to Labor, Commerce and Industry Committee
Legislative Review Expiration March 20, 2010

REGULATION WITHDRAWN

Document No. 4003
Agency: Department of Revenue
Statutory Authority: 1976 Code Section 12-4-320
Donors and Goods Given Away for Advertising Purposes
Received by Speaker of the House of Representatives January 13, 2009
Referred to Ways and Means Committee
Legislative Review Expiration: Permanently Withdrawn

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., April 15, 2009
Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor's appointment of:

Greenville County Master-in-Equity
Term Commencing: December 31, 2009
Term Expiring: December 31, 2015
Seat: Master-in-Equity

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Reappointment
The Honorable Charles B. Simmons, Jr.
County Courthouse, Suite 313
305 East North Street
Greenville, South Carolina 29601

Respectfully,
President of the Senate
Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., April 15, 2009
Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor's appointment of:

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,
President of the Senate
Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., April 15, 2009
Mr. Speaker and Members of the House of Representatives:

[HJ]

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The Senate respectfully informs your Honorable Body that it has confirmed the Governor's appointment of:

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,
President of the Senate
Received as information.

HOUSE RESOLUTION

The following was introduced:

H. 3891 -- Reps. Long, 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, 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, Sandifer, 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 CONGRATULATE THE FORT MILL HIGH SCHOOL MOCK TRIAL TEAM ON ITS FIRST-

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PLACE FINISH IN THE 2009 SOUTH CAROLINA STATE HIGH SCHOOL MOCK TRIAL COMPETITION.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3892 -- Reps. Cobb-Hunter, 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, 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, Sandifer, 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 RECOGNIZE THE CLASS OF 1959 OF ROBERTS HIGH SCHOOL IN HOLLY HILL, SOUTH CAROLINA, ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE MEMBERS OF THIS GREAT CLASS FOR THEIR SUCCESS IN MANY VARIED ENDEAVORS AND FOR THEIR CONTRIBUTIONS TO THEIR LOCAL COMMUNITIES AND THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3893 -- Reps. Cobb-Hunter, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle,

[HJ]

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Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, 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, Sandifer, 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 RECOGNIZE AND HONOR DR. WILLIAM P. FOSTER AND THE FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY MARCHING BAND FOR THEIR EXCEPTIONALLY HIGH STANDARDS FOR MUSICAL AND PERFORMING EXCELLENCE.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3894 -- Rep. Brantley: A HOUSE RESOLUTION TO CONGRATULATE DEACON JESSE WRIGHT OF JASPER COUNTY ON THE OCCASION OF HIS NINETY-FIFTH BIRTHDAY, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3895 -- Reps. Brady, Harrison, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Branham, Brantley,

[HJ]

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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, 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, Sandifer, 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 RECOGNIZE AND HONOR RETIRED MAJOR GENERAL JAMES E. LIVINGSTON OF THE UNITED STATES MARINE CORPS FOR HIS LONG AND DISTINGUISHED MIITARY CAREER, AND TO WISH HIM WELL AS HE DELIVERS THE KEYNOTE ADDRESS TO THE 111TH ANNUAL CONVENTION OF THE SOUTH CAROLINA FUNERAL DIRECTORS ASSOCIATION ON JUNE 9, 2009.

The Resolution was adopted.

HOUSE RESOLUTION

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

H. 3896 -- Rep. Dillard: A HOUSE RESOLUTION TO RECOGNIZE APRIL 13-17, 2009, AS COMMUNITY DEVELOPMENT WEEK IN SOUTH CAROLINA, TO COMMEND HOMES OF HOPE IN GREENVILLE COUNTY FOR ITS OUTSTANDING WORK IN BUILDING AFFORDABLE HOUSING, AND TO CONGRATULATE THE ORGANIZATION ON THE GROUNDBREAKING OF ITS CURRENT DEVELOPMENT, KINGSVIEW POINTE.

Whereas, during the week of April 13-17, 2009, cities across the nation will celebrate Community Development Week with open houses, awards ceremonies, and other events recognizing individuals and organizations that contribute to community revitalization; and

[HJ]

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Whereas, in Greenville County, Homes of Hope, founded in 1998, is an exemplary primary contributor to community revitalization efforts and is thereby worthy of praise; and

Whereas, motivated by Christ's command to minister to those in need and to make disciples, Homes of Hope's mission is to "provide safe, affordable housing for homeless and low-income families or individuals while also providing job training/mentoring for men overcoming drug and alcohol addictions"; and

Whereas, a member of the South Carolina Affordable Housing Coalition, the organization has built sixty-one housing units to date within House District 23; and

Whereas, in conjunction with the City of Greenville and other public and private partners, Homes of Hope will hold groundbreaking ceremonies on April 16, 2009, for its newest development, Kingsview Pointe, which will offer seven homes available for purchase and twenty rental units by the end of the summer; and

Whereas, it is with great pleasure that the South Carolina House of Representatives honors those organizations that consistently promote the welfare of this great State's citizenry; and

Whereas, Homes of Hope stands among their number as an outstanding public benefactor, much admired for the selfless commitment of its staff to helping families and individuals attain their dreams of affordable housing and job training. The House extends its grateful thanks to this fine organization, as well as best wishes for much continued success, as Homes of Hope celebrates Community Development Week and the groundbreaking of its newest project at Kingsview Pointe. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize April 13-17, 2009, as Community Development Week in South Carolina, commend Homes of Hope in Greenville County for its outstanding work in building affordable housing, and congratulate the organization on the groundbreaking of its current development, Kingsview Pointe.

[HJ]

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Be it further resolved that a copy of this resolution be forwarded to Homes of Hope.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3897 -- Reps. Cobb-Hunter, 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, 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, Sandifer, 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 RECOGNIZE AND COMMEND THE FML BOXING CLUB FOR ITS CHARACTER-BUILDING WORK AMONG THE YOUNG MEN OF ORANGEBURG COUNTY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3898 -- Reps. Clemmons, 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, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard,

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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, Sandifer, 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 RECOGNIZE AND HONOR SERGEANT JOHN BERTANG OF THE MYRTLE BEACH POLICE DEPARTMENT FOR HIS OUTSTANDING WORK WITH THE DEPARTMENT'S TRAFFIC UNIT, AND TO CONGRATULATE HIM FOR BEING NAMED THE MYRTLE BEACH ROTARY CLUB "OFFICER JOE MCGARRY MEMORIAL POLICE OFFICER OF THE YEAR" FOR 2008.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 3899 -- Rep. Duncan: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO CORRECT THE RESTRICTIVE AND INTRUSIVE DEFINITION OF "RENEWABLE BIOMASS" IN THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007, AND TO URGE CONGRESS TO PREVENT ADDITIONAL FEDERAL ACTIONS THAT, BY DEFINING "RENEWABLE BIOMASS" IN A RESTRICTIVE MANNER, WOULD ELIMINATE FOREST PRODUCT MARKETS FOR FOREST LANDOWNERS.

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

CONCURRENT RESOLUTION

The following was introduced:

H. 3900 -- Reps. Clyburn and Howard: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR THE

[HJ]

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MEMBERS OF THE 1959 GRADUATING CLASS OF ALLEN UNIVERSITY ON THE OCCASION OF THEIR GOLDEN ANNIVERSARY, FRIDAY, MAY 1, 2009, AND TO COMMEND ITS MEMBERS FOR THEIR MANY ACCOMPLISHMENTS AND CONTRIBUTIONS TO THEIR COMMUNITIES, STATES, AND NATION.

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

CONCURRENT RESOLUTION

The following was introduced:

H. 3901 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR THE MEMBERS OF THE 1959 GRADUATING CLASS OF ALLEN UNIVERSITY ON THE OCCASION OF THEIR GOLDEN ANNIVERSARY, FRIDAY, MAY 1, 2009, AND TO COMMEND ITS MEMBERS FOR THEIR MANY ACCOMPLISHMENTS AND CONTRIBUTIONS TO THEIR COMMUNITIES, STATES, AND NATION.

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

INTRODUCTION OF BILLS

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

H. 3890 -- Rep. Dillard: A BILL TO AMEND SECTION 57-25-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SIGNS PERMITTED ALONG INTERSTATE OR FEDERAL-AID PRIMARY HIGHWAYS, SO AS TO PROHIBIT FUTURE OUTDOOR ADVERTISING SIGN CONSTRUCTION WITHIN TWO THOUSAND FIVE HUNDRED FEET OF A CEMETERY OR STRUCTURE, SITE OR DISTRICT THAT HAS BEEN IDENTIFIED AS HAVING HISTORICAL OR LANDMARK SIGNIFICANCE AND WHICH IS LISTED IN THE NATIONAL HISTORIC REGISTER, STATE HISTORICAL REGISTER, OR OTHER OFFICIAL COUNTY OR MUNICIPAL INVENTORY OF HISTORIC AND LANDMARK PLACES.

Referred to Committee on Education and Public Works

[HJ]

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H. 3902 -- Rep. Harrison: A BILL TO AMEND SECTION 23-19-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FEES A SHERIFF MAY CHARGE FOR CERTAIN SERVICES, SO AS TO INCREASE THE FEES FOR THESE SERVICES, AND TO DELETE THE PROVISION THAT ALLOWS A SHERIFF OR HIS DEPUTY TO COLLECT THE SAME FEE AS ALLOWED A CONSTABLE FOR THE SERVICE OR EXECUTION OF PAPERS ISSUED BY A MAGISTRATE.

Referred to Committee on Judiciary

H. 3903 -- Rep. Branham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "I SUPPORT LIBRARIES" SPECIAL LICENSE PLATES.

Referred to Committee on Education and Public Works

S. 323 -- Senator Thomas: A BILL TO AMEND SECTION 38-90-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING OF A CAPTIVE INSURANCE COMPANY, SO AS TO PROHIBIT A CAPTIVE INSURANCE COMPANY FROM WRITING WORKERS' COMPENSATION INSURANCE ON A DIRECT BASIS, AND TO AUTHORIZE AN ADDITIONAL PROCESSING FEE FOR AN APPLICATION TO BE CHARGED AS DETERMINED APPROPRIATE BY THE DIRECTOR OR HIS DESIGNEE GIVEN THE NATURE OF THE APPLICATION BEING INVESTIGATED; TO AMEND SECTION 38-90-40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO AUTHORIZE A REDUCTION IN REQUIRED TRUST FUNDS FOR A BRANCH CAPTIVE INSURANCE COMPANY THAT POSTS SECURITY FOR LOSS RESERVES ON BRANCH BUSINESS TO A FRONT COMPANY; TO AMEND SECTION 38-90-55, RELATING TO INCORPORATION OF A CAPTIVE REINSURANCE COMPANY, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS OF CERTAIN TYPE OF CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE

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DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO AUTHORIZE THE DIRECTOR TO GRANT AN EXTENSION OR WAIVE THE REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 38-90-75, RELATING TO DISCOUNTING OF LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO PROVIDE THE SECTION APPLIES TO A CAPTIVE INSURANCE COMPANY, DELETE THE MANNER IN WHICH THE RESERVES WERE DISCOUNTED, AND PROVIDE THAT THIS PROCESS MAY BE ACCOMPLISHED WITH PRIOR WRITTEN APPROVAL BY THE DIRECTOR; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL OF THE INSPECTIONS AND EXAMINATIONS AND AUTHORIZE THE DIRECTOR TO WAIVE THE REQUIREMENT FOR A VISIT TO CERTAIN COMPANIES; TO AMEND SECTION 38-90-90, RELATING TO SUSPENSION OR REVOCATION OF THE LICENSE OF A CAPTIVE INSURANCE COMPANY, SO AS TO AUTHORIZE THE DIRECTOR TO IMPOSE A FINE INSTEAD OF REVOKING OR SUSPENDING A LICENSE; TO AMEND SECTION 38-90-130, RELATING TO THE PROHIBITION OF A CAPTIVE INSURANCE COMPANY FROM PARTICIPATING IN A PLAN, POOL, ASSOCIATION, OR GUARANTY OR INSOLVENCY FUND, SO AS TO AUTHORIZE A COMPANY TO PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE THE PROVISIONS OF CHAPTERS 26 AND 27 APPLICABLE TO CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-440, AS AMENDED, RELATING TO LICENSING OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO PROVIDE THE BASIS FOR CALCULATING A PROCESSING FEE, AND CLARIFY THAT SIX THOUSAND DOLLARS BASED ON A MINIMUM FEE OF TWELVE THOUSAND DOLLARS IS PAYABLE UPON FILING OF THE APPLICATION; TO AMEND SECTION 38-90-450, AS

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AMENDED, RELATING TO THE ORGANIZATION REQUIREMENTS OF A SPECIAL PURPOSE FINANCIAL CAPTIVE, SO AS TO CHANGE FROM MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR WHEN ISSUING A CERTIFICATE; AND TO AMEND SECTION 38-90-560, RELATING TO EXAMINATIONS BY THE DIRECTOR OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL THAT A COMPANY MUST BE INSPECTED AND DELETE THE AUTHORITY OF THE DIRECTOR TO ENLARGE THE PERIOD OF INSPECTION UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Labor, Commerce and Industry

S. 537 -- Senator Setzler: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS RESIDING IN SCHOOL DISTRICTS THAT CLOSED DUE TO SNOW ON MARCH 2, 2009, IS WAIVED FOR STUDENTS IN LEXINGTON SCHOOL DISTRICTS ONE, TWO, THREE, AND FOUR.

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

S. 540 -- Senator Alexander: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS ATTENDING OCONEE COUNTY SCHOOLS ON MARCH 2, 2009, 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.

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

S. 703 -- Senators S. Martin, Bright, Reese and Peeler: A BILL TO AMEND ACT 612 OF 1984, RELATING TO THE METHOD OF CONDUCTING ELECTIONS FOR MEMBERS OF THE SCHOOL 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 AN AT-LARGE CANDIDATE ON THE BALLOT AND TO PROVIDE FOR THE MANNER IN WHICH A SCHOOL DISTRICT BOARD OF TRUSTEE CANDIDATE FROM

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A SINGLE MEMBER DISTRICT IN ONE OF SPARTANBURG COUNTY'S SCHOOL DISTRICTS MAY PLACE HIS NAME ON THE BALLOT.

Referred to Spartanburg Delegation

S. 709 -- Senator Bright: A BILL TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARDS OF FIRE CONTROL OF SPARTANBURG COUNTY.

Referred to Spartanburg Delegation

HOUSE RESOLUTION

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

H. 3904 -- Rep. McLeod: A HOUSE RESOLUTION TO DESIGNATE THE MONTH OF MAY 2009 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

Whereas, the members of the House of Representatives call upon all citizens, government agencies, public and private institutions, businesses, and schools in South Carolina to increase our State's awareness and understanding of mental illnesses; and

Whereas, mental health is critical for the well-being and vitality of our families, businesses, and communities; and

Whereas, mental illness will strike one in five Americans in a given year regardless of age, gender, race, ethnicity, religion, or economic status; and

Whereas, one in five children suffers from a diagnosable mental or emotional disorder, and one in ten has a serious disorder that, if untreated, can lead to school failure, addiction, and even suicide; and

Whereas, mental disorders, collectively, make mental illness the most prevalent health problem in America today. It is more common than cancer and lung and heart disease combined; and

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Whereas, the South Carolina Department of Mental Health observes Mental Health Month each year in May to raise awareness of mental health, mental illness, and insurance discrimination against people with mental illnesses; and

Whereas, the House of Representatives commends the South Carolina Department of Mental Health as it fulfills its difficult task of educating the public about the often-misunderstood issue of mental illness. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, designate the month of May 2009 as “Mental Health Month” in South Carolina and encourage community awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illness.

Be it further resolved that a copy of this resolution be forwarded to the South Carolina Department of Mental Health.

The Resolution was adopted.

HOUSE RESOLUTION

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

H. 3905 -- Rep. Ott: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE CALHOUN COUNTY HIGH SCHOOL BOYS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2009 CLASS A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Calhoun County High School boys

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basketball team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2009 Class A State Championship title.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3906 -- Reprs. Ott, 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, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, 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 RECOGNIZE AND COMMEND THE CALHOUN COUNTY "SAINTS" BOYS BASKETBALL TEAM ON AN IMPRESSIVE WIN OF THE 2009 CLASS A STATE CHAMPIONSHIP TITLE AND TO HONOR THE PLAYERS, COACHES, AND STAFF ON AN OUTSTANDING SEASON.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 3907 -- Reprs. Ott, Cobb-Hunter, Sellers and Govan: A CONCURRENT RESOLUTION TO REQUEST THAT THE

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DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 149 ALONG INTERSTATE HIGHWAY 26 IN ORANGEBURG COUNTY THE "LANCE CORPORAL JAMES D. HAYNES INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "LANCE CORPORAL JAMES D. HAYNES INTERCHANGE".

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

HOUSE RESOLUTION

The following was introduced:

H. 3908 -- Reps. Gambrell, Agnew, Bowen, Cooper, Thompson, White, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, 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, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Toole, Umphlett, Vick, Viers, Weeks, Whipper, Whitmire, Williams, Willis, Wylie and A. D. Young: A HOUSE RESOLUTION TO EXPRESS THE APPRECIATION OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES FOR THE OUTSTANDING COMMUNITY SERVICE OF MR. JOHN LESLIE "LES" GRIFFIN OF HONEA PATH.

The Resolution was adopted.

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CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 655 -- Senators Ryberg, Knotts, Hutto, Ford, Peeler, Leventis, Alexander, Setzler, O'Dell, Rose, Massey, Elliott, Davis, Nicholson, Land, L. Martin, Bryant, Campsen, Courson, Campbell, Grooms and Verdin: A CONCURRENT RESOLUTION TO URGE THE CONGRESS OF THE UNITED STATES TO ENDORSE YUCCA MOUNTAIN'S SUITABILITY AS A PERMANENT FEDERAL REPOSITORY FOR HIGH-LEVEL RADIOACTIVE MATERIALS.

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

CONCURRENT RESOLUTION

The following was taken up for immediate consideration:

S. 675 -- Senator Ryberg: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD WEEK IN APRIL 2009 AS "SHAKEN BABY SYNDROME AWARENESS WEEK" TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

Whereas, the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition that was initiated in 1979 by former President Jimmy Carter; and

Whereas, the most recent National Child Abuse and Neglect Data System figures reveal that almost 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens; and

Whereas, among the children who are victims of abuse and neglect, nearly four children die in the United States each day; and

Whereas, children aged one year or younger accounted for forty-one percent of all child abuse and neglect fatalities in 2002, and children aged four years or younger accounted for seventy-six percent of all child abuse and neglect fatalities in 2002; and

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Whereas, abusive head trauma, including the trauma known as “Shaken Baby Syndrome”, is recognized as the leading cause of death of physically abused children; and

Whereas, Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death; and

Whereas, a 2003 report in the Journal of the American Medical Association estimated that in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom two-thirds will be babies or infants under one year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities; and

Whereas, medical professionals believe that thousands of additional cases of Shaken Baby Syndrome are being misdiagnosed or not detected; and

Whereas, Shaken Baby Syndrome may result in more than \$1,000,000 in medical costs to care for a single, disabled child in just the first few years of life; and

Whereas, the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families; and

Whereas, prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome; and

Whereas, education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives; and

Whereas efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents

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and relatives of children who have been killed or injured by shaking, including the National Shaken Baby Coalition, the Shaken Baby Association, the Shaking Kills: Instead Parents Please Educate and Remember Initiative, commonly known as the “SKIPPER Initiative”, the Shaken Baby Alliance, Shaken Baby Prevention, Inc., A Voice for Gabbi, Don’t Shake Jake, the Kierra Harrison Foundation, and the Hannah Rose Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems; and

Whereas, child abuse prevention programs and “National Shaken Baby Syndrome Awareness Week” are supported by the National Shaken Baby Coalition, the National Center on Shaken Baby Syndrome, the Children’s Defense Fund, the American Academy of Pediatrics, the Child Welfare League of America, Prevent Child Abuse America, the National Child Abuse Coalition, the National Exchange Club Foundation, the American Humane Association, the American Professional Society on the Abuse of Children, the Arc of the United States, the Association of University Centers on Disabilities, Children’s Healthcare is a Legal Duty, Family Partnership, Family Voices, National Alliance of Children’s Trust and Prevention Funds, United Cerebral Palsy, the National Association of Children’s Hospitals and related institutions, Never Shake a Baby Arizona, Prevent Child Abuse Arizona, the Center for Child Protection and Family Support, and many other organizations; and

Whereas, a 2000 survey by Prevent Child Abuse America shows that approximately half of all citizens of the United States believe that, of all the public health issues facing the United States, child abuse and neglect is the most important issue; and

Whereas, it would be appropriate to observe the third week of April 2009 as “Shaken Baby Syndrome Awareness Week”. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the members of the General Assembly of South Carolina, by this resolution, designate the third week of April 2009 as “Shaken Baby Syndrome Awareness Week” to raise awareness regarding Shaken

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Baby Syndrome and commend the hospitals, child care councils, schools, and other organizations that educate parents and caregivers on how to protect children from abuse.

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 701 -- Senator Elliott: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE LORIS CIVITAN CLUB OF HORRY COUNTY FOR SERVICE TO THE CITIZENS OF THE COMMUNITY AND TO CONGRATULATE THE MEMBERS UPON THE OCCASION OF THEIR SEVENTIETH ANNIVERSARY.

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 702 -- Senators McConnell, Ford and Knotts: A CONCURRENT RESOLUTION TO FIX NOON WEDNESDAY, MAY 13, 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,

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WHOSE TERMS 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 returned to the Senate with concurrence.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 713 -- Senator Hayes: A CONCURRENT RESOLUTION TO EXPRESS THE APPRECIATION OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY TO MR. J. PHILIP LAND, RESEARCH DIRECTOR FOR THE SENATE ETHICS COMMITTEE, FOR HIS MANY YEARS OF DISTINGUISHED SERVICE TO THE STATE OF SOUTH CAROLINA UPON HIS RETIREMENT FROM THE SOUTH CAROLINA SENATE, AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 715 -- Senator Elliott: A CONCURRENT RESOLUTION TO CONGRATULATE CHARLIE BRINDEL, EXECUTIVE VICE PRESIDENT OF COASTAL CAROLINAS ASSOCIATION OF REALTORS, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF COMMITTED VOLUNTEER SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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. 721 -- Senators Lourie, Sheheen and Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND PEGGY AUN OF LEXINGTON COUNTY FOR HER MANY YEARS OF OUTSTANDING COMMUNITY SERVICE, AND TO CONGRATULATE HER ON BEING NAMED COLONIAL LIFE INSURANCE COMPANY'S 2009 FRANK SUMNER SMITH JR. VOLUNTEER OF THE YEAR.

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

ROLL CALL

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

Agnew	Alexander	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	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Horne	Hosey	Howard
Huggins	Hutto	Jefferson
Kelly	Kennedy	King
Kirsh	Littlejohn	Loftis
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Millwood

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Mitchell	Moss	Nanney
J. H. Neal	J. M. Neal	Neilson
Ott	Owens	Parker
Parks	Pinson	E. H. Pitts
M. A. Pitts	Rice	Rutherford
Sandifer	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stewart
Stringer	Thompson	Toole
Umphlett	Viers	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 Tuesday, April 21.

Karl Allen	Tracy Edge
Davey Hiott	K. F. Hodges
Patsy Knight	Ted Vick
J. Seth Whipper	

Total Present--119

DOCTOR OF THE DAY

Announcement was made that Dr. Louis Costa of Charleston was the Doctor of the Day for the General Assembly.

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 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

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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-SPONSORS ADDED

Bill Number: H. 3707
Date: ADD:
04/21/09 MOSS and H. B. BROWN

CO-SPONSOR ADDED

Bill Number: H. 3047
Date: ADD:
04/21/09 BATTLE

CO-SPONSOR ADDED

Bill Number: H. 3482
Date: ADD:
04/21/09 BANNISTER

CO-SPONSOR ADDED

Bill Number: H. 3650
Date: ADD:
04/21/09 SIMRILL

CO-SPONSOR ADDED

Bill Number: H. 3651
Date: ADD:
04/21/09 HAYES

CO-SPONSOR ADDED

Bill Number: H. 3774
Date: ADD:
04/21/09 MILLWOOD

CO-SPONSORS ADDED

Bill Number: H. 3841
Date: ADD:
04/21/09 SOTTILE, J. M. NEAL, R. L. BROWN, SIMRILL,
BATTLE, BARFIELD and GOVAN

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CO-SPONSORS ADDED

Bill Number: H. 3878
Date: ADD:
04/21/09 HARRISON and COOPER

CO-SPONSORS ADDED

Bill Number: H. 3888
Date: ADD:
04/21/09 RICE, OWENS, HUGGINS, TOOLE, MOSS,
DUNCAN, FORRESTER, SOTTILE, HARVIN,
BOWERS, VICK, BANNISTER, T. R. YOUNG,
BARFIELD and G. A. BROWN

CO-SPONSOR ADDED

Bill Number: H. 3527
Date: ADD:
04/21/09 MILLWOOD

CO-SPONSOR REMOVED

Bill Number: H. 3888
Date: REMOVE:
04/21/09 BEDINGFIELD

CO-SPONSOR REMOVED

Bill Number: H. 3842
Date: REMOVE:
04/21/09 HARVIN

R. 19, H. 3649--ORDERED PRINTED IN THE JOURNAL

The SPEAKER ordered the following Veto printed in the Journal:

April 8, 2009
The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

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Dear Mr. Speaker and Members of the House:

I am vetoing and returning without my approval H. 3649, R. 19, a Joint Resolution waiving the requirement for Pickens County Schools to make up a school day missed on March 2, 2009, due to snow.

Time is always limited. For this reason we have long believed it was not in the best interest of South Carolinians for the General Assembly to spend days passing bills on school days missed on the coast due to hurricanes, snow in the Upstate, ice storms in other parts of the state, or a variety other natural disasters. In the first year of this Administration, we worked with the General Assembly to enact legislation requiring all school districts to set aside three days to make up for lost time due to inclement weather. Prior to this Administration, every time a school district closed for inclement weather they would ask the General Assembly to waive the 180 day requirement and grant them the day off. The law recognized there would be unusual circumstances that would affect one or just a few schools in a given district and, in those unusual cases, the make-up day requirement could indeed be waived by the General Assembly.

Unfortunately, the Pickens County School District has asked for legislative relief, even though all schools in the district closed and every scheduled make up day – March 17, April 6 and April 13 – took place after the missed school day on March 2. In fact, the Pickens school district posted a notice on its website alerting parents that H. 3649 had been introduced and would hopefully be enacted before their scheduled make-up days lapse so that students would not have to make up the missed day.

Since the enactment of Act 89 in 2003, very few school districts have sought legislative relief except in extremely unusual circumstances. For example, I just signed legislation that exempts three schools in the Greenville County School District from the make-up requirement because of a power outage affecting only those schools. Like Pickens, Greenville schools were closed, but in contrast, schools in Greenville made up those days missed due to bad weather. Last year, I signed a bill exempting one elementary school in Richland School District One closed due to a collapsed ceiling. This year, Richland One also made up all missed days when the entire district closed due to bad weather this year. Power outages and collapsed ceilings represent the type of extremely unusual circumstances that should justify the need for a waiver because it is burdensome for the school district to open up transportation and food services for only a few schools in the district.

[HJ]

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This legislation is precisely the reason we worked so closely with the General Assembly to require scheduled days to make up missed time. This Joint Resolution excuses Pickens County schools time off, while other districts, such as Greenville and Richland make up those lost days. While some may appreciate not having to make up the school day, we believe it is bad public policy to arbitrarily waive the 180 day requirement for some school districts – and not others when there was legislation passed just a few years ago to deal directly with this issue. In addition, the state has set a length of time for instruction and that should be honored in all but the most unusual of cases. Given the fact that so many other districts complied with the spirit of the law, we would ask Pickens County to do the same.

For these reasons, I am vetoing H. 3649, R. 19.

Sincerely,
Mark Sanford
Governor

R. 19, H. 3649--GOVERNOR'S VETO OVERRIDDEN

The Veto on the following Act was taken up:

(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.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 4; Nays 0

Those who voted in the affirmative are:

Hiott	Owens	Rice
Skelton		

Total--4

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Those who voted in the negative are:

Total--0

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

R. 18, H. 3583--ORDERED PRINTED IN THE JOURNAL

The SPEAKER ordered the following Veto printed in the Journal:

April 8, 2009

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am vetoing and returning without my approval H. 3583, R. 18, a Joint Resolution waiving the requirement for Kershaw County Schools to make up a school day missed on February 4, 2009, due to snow. The bill also waives up to three days for all school districts for any reason.

Time is always limited. For this reason we have long believed it was not in the best interest of South Carolinians for the General Assembly to spend days passing bills on school days missed on the coast due to hurricanes, snow in the Upstate, ice storms in other parts of the state, or a variety other natural disasters. In the first year of this Administration, we worked with the General Assembly to enact legislation requiring all school districts to set aside three days to make up for lost time due to inclement weather. Prior to this Administration, every time a school district closed for inclement weather they would ask the General Assembly to waive the 180 day requirement and grant them the day off. The law recognized there would be unusual circumstances that would affect one or just a few schools in a given district and, in those unusual cases, the make-up day requirement could indeed be waived by the General Assembly.

Though Section 2 of the bill is intended to provide budgetary relief for school districts around the state, we do not believe that closing schools down during instructional days should be the first order of business. We agree that school districts should have greater flexibility to manage their costs, and that is why I signed legislation giving greater flexibility to school districts. But we should not be in a rush to

[HJ]

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sacrifice classroom time in the name of making budget decisions – even if it is three days.

Allowing school districts to simply shut down for three days may save on some transportation and food services costs, but we agree with Senator Greg Ryberg that doing so will come at the expense of reducing valuable instructional days for students. We thank Senator Ryberg for his leadership in opposing this legislation and thank those who joined him in the fight.

Our administration has consistently vetoed legislation that allows school districts to waive missed school days due to bad weather, except in extremely unusual circumstances like isolated disruptions at a single school or a small group of schools, because we believe attendance policy should be as uniform as possible throughout the state. It would be an unfair disadvantage for students in one school district to lose valuable instructional time because their school district chose to close schools while students in other districts did not.

Additionally, this Joint Resolution would essentially allow teachers to furlough on what *should be* an instructional day, rather than furlough on non-instructional days as intended by H. 3352. This is a clear circumvention of the requirements in H. 3352.

Second, I continue to believe that school districts, like Kershaw County, should not get legislative relief for a missed school day except in extremely unusual circumstances. Section 1 of this bill allows the school day missed on February 4, 2009, by schools in the Kershaw County School District due to snow to be exempt from the make-up requirement that full school days missed due to inclement weather or other disruptions be made up. When I signed Act 89 of 2003, which requires school districts to designate three make-up days in their school calendar for missing school due to bad weather or other disruptions, it was my aim to require students to make up missed days except in extremely unusual circumstances. My opposition to legislation like H. 3583 is that it circumvents the make-up requirement that most other schools now use.

Since the enactment of Act 89 six years ago, very few school districts have sought legislative relief except in extremely unusual circumstances. For example, I signed legislation today that exempts three schools in the Greenville County School District from the make-up requirement because of a power outage that only affected a small group of schools. Last year, I signed a bill that exempted one elementary school in Richland School District One that closed due to a collapsed ceiling. Power outages and collapsed ceilings represent the

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type extremely unusual circumstances that justify the need for a waiver because it is burdensome for the school district to open up transportation and food services for only a few schools in the district.

Unfortunately, the Kershaw County School District has chosen to seek legislative relief with this bill when no extraordinary circumstances are present. Even though the school district has already used two out of three scheduled make-up days and no other make up days are available, current law gives school districts other options to require students to make up missed days.

As a policy, we should require school districts to exhaust their make-up days and other available make-up options prior to providing legislative relief, except in extremely unusual circumstances, so that instructional time is provided uniformly to all students throughout the state.

For these reasons, I am vetoing H. 3583, R. 18.

Sincerely,
Mark Sanford
Governor

R. 18, H. 3583--GOVERNOR'S VETO OVERRIDDEN

The Veto on the following Act was taken up:

(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.

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The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 82; Nays 9

Those who voted in the affirmative are:

Agnew	Alexander	Allison
Anderson	Bales	Bannister
Barfield	Battle	Bingham
Bowen	Brady	Branham
Brantley	H. B. Brown	R. L. Brown
Cato	Clemmons	Clyburn
Cole	Cooper	Delleney
Dillard	Erickson	Forrester
Frye	Gambrell	Govan
Gullick	Hamilton	Hardwick
Harrell	Harvin	Hayes
Hearn	Hiott	Horne
Hosey	Hutto	Jefferson
Kelly	King	Littlejohn
Loftis	Long	Lucas
Mack	McEachern	McLeod
Miller	Millwood	Mitchell
Moss	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Pinson	E. H. Pitts
Rice	Rutherford	Sandifer
Scott	Sellers	Simrill
Skelton	D. C. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Thompson	Toole
Viers	Weeks	White
Whitmire	Williams	Wylie
A. D. Young		

Total--82

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Those who voted in the negative are:

Ballentine	Bedingfield	Haley
Harrison	Limehouse	Lowe
Nanney	Stewart	T. R. Young

Total--9

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3583. If I had been present, I would have voted to override the Governor's veto on the Joint Resolution.

Rep. Laurie Funderburk

SENT TO THE SENATE

The following Bill was taken up, read the third time, and ordered sent to the Senate:

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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H. 3561--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Wednesday, April 22, 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.

H. 3254--DEBATE ADJOURNED

Rep. CRAWFORD moved to adjourn debate upon the following Bill until Wednesday, April 22, which was adopted:

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.

H. 3590--RECOMMITTED

The following Bill was taken up:

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

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

Rep. COOPER moved to recommit the Bill to the Committee on Ways and Means which was agreed too.

H. 3415--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Wednesday, April 22, 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 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.

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S. 12--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Bill until Wednesday, April 22, 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 were taken up, read the second time, and ordered to a third reading:

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.

Rep. UMPHLETT explained the Bill.

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.

Rep. UMPHLETT explained the Bill.

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H. 3541--DEBATE ADJOURNED

Rep. UMPHLETT moved to adjourn debate upon the following Bill until Tuesday, May 12, which was adopted:

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.

H. 3483--AMENDED AND ORDERED TO THIRD READING

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, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE'S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE'S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE, TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PRESCRIBED BY THE GENERAL ASSEMBLY, AND TO

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SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE'S SOVEREIGNTY OVER ITS NATURAL RESOURCES. /

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

“Section 25. The traditions of hunting and fishing are valuable parts of the state’s heritage, important for conservation, and a protected means of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state’s sovereignty over its natural resources.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article I of the Constitution of this State, relating to the declaration of rights under the state’s Constitution, be amended by adding Section 25 so as to provide that hunting and fishing are valuable parts of the state’s heritage, important for conservation, and a protected means of managing nonthreatened wildlife, to provide that the citizens of South Carolina shall have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations prescribed by the General Assembly, and to specify that this section must not be construed to abrogate any private property rights, existing state laws or regulations, or the state’s sovereignty over its natural resources?

Yes

No

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

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20228SD09), which was adopted:

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

[HJ]

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

“Section 25. The traditions of hunting and fishing are valuable parts of the state’s heritage, important for conservation, and a protected means of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state’s sovereignty over its natural resources.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article I of the Constitution of this State, relating to the declaration of rights under the state’s Constitution, be amended by adding Section 25 so as to provide that hunting and fishing are valuable parts of the state’s heritage, important for conservation, and a protected means of managing nonthreatened wildlife, to provide that the citizens of South Carolina shall have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations prescribed by the General Assembly, and to specify that this section must not be construed to abrogate any private property rights, existing state laws or regulations, or the state’s sovereignty over its natural resources?

Yes

No

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

Renumber sections to conform.

Amend title to read:

/TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE’S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE’S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE, TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO

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HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PRESCRIBED BY THE GENERAL ASSEMBLY, AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE'S SOVEREIGNTY OVER ITS NATURAL RESOURCES. /

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

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

Yeas 106; Nays 1

Those who voted in the affirmative are:

Agnew	Allen	Allison
Bales	Ballentine	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	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Hutto	Jefferson
Kelly	King	Kirsh
Limehouse	Loftis	Long
Lowe	Lucas	Mack
McEachern	McLeod	Merrill
Miller	Mitchell	Moss
Nanney	J. M. Neal	Neilson
Ott	Owens	Parker

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Parks	Pinson	E. H. Pitts
M. A. Pitts	Rice	Rutherford
Sandifer	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stewart
Stringer	Thompson	Toole
Umphlett	Vick	Viers
Weeks	White	Whitmire
Willis	Wylie	A. D. Young
T. R. Young		

Total--106

Those who voted in the negative are:
Hart

Total--1

So, the Joint Resolution was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3483. If I had been present, I would have voted 'yea' on the Joint Resolution.

Rep. Joey Millwood

S. 620--DEBATE ADJOURNED

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.

Rep. VIERS explained the Joint Resolution.

[HJ]

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Rep. VICK moved to adjourn debate on the Joint Resolution until Wednesday, April 22, which was agreed to.

RECURRENCE TO THE MORNING HOUR

Rep. HARRISON moved that the House recur to the Morning Hour, which was agreed to.

HOUSE RESOLUTION

The following was introduced:

H. 3909 -- Reps. Pinson, Parks and M. A. Pitts: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DAVID DOUGHERTY OF GREENWOOD AND TO CONGRATULATE HIM FOR BEING NAMED THE 2009 SMALL BUSINESS ADMINISTRATION FINANCIAL SERVICES CHAMPION OF THE YEAR FOR SOUTH CAROLINA.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3910 -- Reps. Pinson, Parks and M. A. Pitts: A HOUSE RESOLUTION TO CONGRATULATE DYAN WEBB OF GREENWOOD FOR BEING NAMED 2009 SMALL BUSINESS ADMINISTRATION WOMEN IN BUSINESS CHAMPION OF THE YEAR FOR SOUTH CAROLINA.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3911 -- Reps. Weeks, 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,

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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, Sandifer, 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, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE THE MEMBERS OF THE SOUTH CAROLINA FEDERATION OF WOMEN AND YOUTH CLUBS ON THE ORGANIZATION'S CELEBRATION OF ONE HUNDRED YEARS OF COMMUNITY SERVICE THROUGHOUT THE PALMETTO STATE.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 3912 -- Reps. Rutherford, Bales, Ballentine, Brady, Gunn, Harrison, Hart, Howard, McEachern, J. H. Neal and J. E. Smith: A CONCURRENT RESOLUTION TO RECOGNIZE THE PALMETTO HEALTH RICHLAND VOLUNTEER AUXILIARY IN RICHLAND COUNTY UPON THE CELEBRATION OF ITS CENTENNIAL YEAR, AND TO HONOR ITS ONE HUNDRED YEARS OF SERVICE TO PALMETTO HEALTH RICHLAND, THE CITY OF COLUMBIA, AND THE STATE OF SOUTH CAROLINA.

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

INTRODUCTION OF BILLS

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

H. 3913 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-5-1556 SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN THE INSHORE WATERS AND THE

[HJ]

TUESDAY, APRIL 21, 2009

TERRITORIAL SEA; AND TO AMEND SECTION 50-13-221, RELATING TO STRIPED BASS IN THE LOWER SANTEE AND COOPER RIVERS, SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN CERTAIN FRESHWATER BODIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3914 -- Rep. White: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF SOCIAL SERVICES TO SUSPEND THE ENFORCEMENT OF CERTAIN CHILDCARE CENTER STAFF-CHILD RATIO REGULATIONS.

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

H. 3917 -- Rep. Harrell: A JOINT RESOLUTION TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL MAINTAIN ITS MEDICALLY FRAGILE CHILDREN'S PROGRAM AND SHALL PURSUE OPTIONS TO OBTAIN AUTHORITY TO MAINTAIN THE EXISTING PROGRAM WITH ITS CURRENT ELIGIBILITY CRITERIA.

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

HOUSE RESOLUTION

The following was introduced:

H. 3915 -- Rep. Allen: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE SOUTHSIDE HIGH SCHOOL BOYS BASKETBALL TEAM FOR CAPTURING THE 2009 CLASS AA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

TUESDAY, APRIL 21, 2009

HOUSE RESOLUTION

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

H. 3916 -- Rep. Allen: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE SOUTHSIDE HIGH SCHOOL BOYS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2009 CLASS AA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Southside High School boys basketball team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2009 Class AA State Championship title.

The Resolution was adopted.

Rep. RICE 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. 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.

TUESDAY, APRIL 21, 2009

ADJOURNMENT

At 1:12 p.m. the House, in accordance with the motion of Rep. HUGGINS, adjourned in memory of Brian Rutland, son of Vivian Rutland of House Word Processing, to meet at 10:00 a.m. tomorrow.

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H. 3047	30	H. 3900	14
H. 3254	39	H. 3901	15
H. 3352	35	H. 3902	16
H. 3415	40	H. 3903	16
H. 3482	30	H. 3904	19
H. 3483	42, 46	H. 3905	20
H. 3527	31	H. 3906	21
H. 3541	42	H. 3907	21
H. 3561	39	H. 3908	22
H. 3571	41	H. 3909	47
H. 3572	41	H. 3910	47
H. 3583	34, 35, 36, 38	H. 3911	47
H. 3590	39	H. 3912	48
H. 3649	31, 32, 33	H. 3913	48
H. 3650	30	H. 3914	49
H. 3651	30	H. 3915	49
H. 3681	38	H. 3916	50
H. 3707	30	H. 3917	49
H. 3774	30		
H. 3841	30	S. 12	41
H. 3842	31	S. 12	41
H. 3878	31	S. 323	16
H. 3880	50	S. 537	18
H. 3888	31	S. 540	18
H. 3890	15	S. 620	46
H. 3891	8	S. 655	23
H. 3892	9	S. 675	23
H. 3893	9	S. 701	26
H. 3894	10	S. 702	26
H. 3895	10	S. 703	18
H. 3896	11	S. 709	19
H. 3897	13	S. 713	27
H. 3898	13	S. 715	27
H. 3899	14	S. 721	28