

NO. 52

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, MAY 12, 2009
(STATEWIDE SESSION)

**Tuesday, May 12, 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 27:1: "The Lord is my light and my salvation, whom shall I fear?"

Let us pray. Lord, be our light and direct us as we begin a new week of working together for the best that can be offered for the people of this State. Increase our faith and hope in doing the very best we can. Bless the people of this State as many suffer the loss of jobs and find it difficult to hold body and soul together. By Your help, O Lord, and with the strength and courage you bring to us, we can be instruments of good change. Look in favor upon 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, May 1, the SPEAKER ordered it confirmed.

COMMUNICATION

The following was received:

STATE OF SOUTH CAROLINA
OFFICE OF THE SECRETARY OF STATE

May 12, 2009
Mr. Charles F. Reid
Clerk of the House
P.O. Box 11867
Columbia, South Carolina 29211

TUESDAY, MAY 12, 2009

Dear Mr. Reid:

The State Election Commission has certified to this office that the Honorable V. Stephen Moss received the greatest number of votes cast for the House of Representatives, House District No. 30, in a special election held in Cherokee County on April 28, 2009.

The Honorable V. Stephen Moss is hereby certified as the duly and properly elected Member of the House of Representatives, House District No. 30.

Sincerely,
Mark Hammond
Secretary of State

MEMBER-ELECT SWORN IN

The Honorable V. Stephen Moss, Member-elect from District No. 30, presented his credentials and the oath of office was administered to him by the SPEAKER.

COMMUNICATION

The following was received:

May 6, 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 hereby vetoing and returning without my approval H. 3627, R. 38, a bill that would allow Sandy Island residents and their guests to utilize a boat operated by the State Department of Education (SDE).

Having been to Sandy Island and having seen firsthand its unique character and the special people that make this the case, for a variety of reasons I would like to let this bill become law. Unfortunately, to be consistent in that which we have advocated with regard to the use of state assets, I am compelled to veto this bill. To the great people of the island let me both offer my apology in being compelled to do so and to offer thoughts and prayers for the Sandy Island families still dealing with the tragedy of the boat accident earlier this year – and my rationale for doing as I am in vetoing this bill.

[HJ]

TUESDAY, MAY 12, 2009

This legislation is a short-term attempt to address this Sandy Island tragedy by giving the residents of the island a special exception to use SDE's boat when it is not transporting students. On the surface, we see how this might be an efficient use of state resources, particularly because the boat only transports students for a total of roughly 30 minutes each day. However, because of the precedent this sets, we need to be careful about not backing our way into a state ferry system or opening the floodgates to using state property for well-intended, but wide-ranging, interests outside of the statutory framework used to justify the state's involvement and spending. As such, we have several concerns that constrain us from not supporting this legislation.

Who will shoulder the cost? The legislation allows the school district to bear the cost of operating the boat for Sandy Island residents and they may contract with a third party to operate the boat. This means that the school district – which is funded by the state – would pick up the costs for use of this boat, and a separate entity could then reimburse the state. According to SDE officials, they estimate it would cost \$30,000 per year for operation of the 1968-model boat, including maintenance, fuel, and the driver's salary. Additionally, officials at the South Carolina Insurance Reserve Fund say it would cost \$3,600 per year to cover individuals who ride the boat who are not public school students. What is not included in this cost is wear and tear on the boat that is being requested by residents for use twice each weekday and twice on the weekends. The legislation does not provide any direction as to how the costs of operations will be shared outside of the Georgetown County School District either with local residents or the county government. In most other cases of public transportation, the costs of operation are shared between the municipal governments that provide the service and the riders and users of those systems. Leaders in Georgetown even say that questions linger about how the costs will be picked up, as the waterway that leads to Sandy Island may be a national waterway, suggesting that potential federal funding may be available for this need.

Second, we are not supporting this bill because it is only one of many options that are presently being considered by Georgetown County Council. A committee has been formed to study the transportation issues regarding Sandy Island, and even council members realize that using the state boat would only be a temporary solution to a pre-existing and permanent issue. Sandy Island residents and Department of Transportation officials are a part of this committee, and we trust that this collaborative group can come together to provide

TUESDAY, MAY 12, 2009

a lasting proposal that does not rely solely on access to a state-funded asset.

While addressing this issue, we think it would be wise for leaders in Georgetown to look to Beaufort County, which is the only other South Carolina school district that uses a boat to transport students. For more than 20 years, the school district has contracted with a vendor to provide a ferry that takes a dozen students from Daufuskie Island to Hilton Head High School. The Daufuskie boat is a unique example of a public-private partnership in that the school district receives the majority of its funding from the State Department of Education and they make up the difference with local funds. The district pays a total of \$148,000 each year, and they don't have to worry about paying for maintenance or upkeep because they don't own the boat. Presently, Beaufort County Council and the Beaufort school district are looking at ways to partner, so that the school ferry can accommodate students and residents at the same time. They believe this will be an efficient use of shared resources, with which we would agree.

Finally, as mentioned earlier we believe this legislation would set a negative precedent statewide. If this bill were to become law, it opens the door to allow the use of public school buses – or, in this case, a boat – for private use. Given the number of valid needs across the state and the number of state assets around this state, I am not sure how one ever draws the line – and if one doesn't, there are substantial future costs that must be borne by taxpayers already saddled with a government that has made more promises than it has tax revenue to support. For example, we have a \$20 billion unfunded liability in our retirement and health care plans. These benefits were added by well-intended legislators – but not paid for, and what is contemplated here mirrors in a small way this pattern. In this case, we would urge Sandy Island residents to continue working with local leaders – as they are presently doing – to find a safe and reliable mode of transportation that does not interfere with the state-owned boat intended for student use only.

For these reasons, I am vetoing H. 3627, R. 38.

Sincerely,
Mark Sanford
Received as information.

[HJ]

TUESDAY, MAY 12, 2009

COMMUNICATION

The following was received:

May 6, 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 hereby veto and return without my approval H. 3776, R. 41. This veto is based upon our belief that H. 3776, R. 41 is unconstitutional.

The purpose of this legislation is to allow members of a Dorchester County governing board or commission to receive reimbursement for expenses incurred inside the county. Current law allows for reimbursement by members of a governing board or commission if they travel *outside* of the county. As a result, this legislation is crafted to contradict a general statewide law and is specific to only one county.

This administration has long supported the notion of home rule – that the office closest to the people is generally in the best position to represent the will of a community. It has always been our position that local perspective should not be thwarted by others in government – whether in Columbia or Washington. For this reason we have let several pieces of legislation, whose content we disagreed with, become law because we recognized the decision on that content should be made at the local level – even if we happened to disagree with those decisions.

Equally as important, we have vetoed local legislation aimed to the benefit of a single county and in direct conflict with a statewide law. If the General Assembly's wish is to modify existing law so that *all* locally-appointed board and commission members can recoup expenses incurred inside the county, our administration can then be consistent in taking a very different look at this idea. This not being the case, I am compelled to veto this bill based on our belief that it is unconstitutional.

Such acts are in violation of Article VIII, Section 7, of the Constitution of the State of South Carolina, which provides that “[n]o laws for a specific county shall be enacted.” Acts similar to H. 3776, R. 41, have been struck down by the South Carolina Supreme Court as violative of Article VIII, Section 7.

[HJ]

TUESDAY, MAY 12, 2009

For this reason, I am vetoing and returning H. 3776, R. 41, to you without my signature.

Sincerely,
Mark Sanford
Received as information.

INVITATION

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

May 12, 2009
The Honorable Herb Kirsh
Chairman, House Invitations Committee
503-A Blatt Building
Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina REALTORS Association, the Members of the House of Representatives and staff are invited to a Legislative Luncheon. This event will be held on Tuesday, May 19, 2009, from 1:00 p.m. until 3:00 p.m. on the State House Grounds.

Sincerely,
Schip Ames
Government Affairs Coordinator

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 4068
Agency: Board of Funeral Service
Statutory Authority: 1976 Code Sections 32-8-300 et seq.
Funeral Service Practice Act
Received by Speaker of the House of Representatives
May 5, 2009
Referred to Labor, Commerce and Industry Committee
Legislative Review Expiration April 11, 2010

TUESDAY, MAY 12, 2009

REGULATIONS WITHDRAWN AND RESUBMITTED

Document No. 4020
Agency: Public Service Commission
Statutory Authority: 1976 Code Section 58-3-140
PC&N (Stretcher Vans)
Received by Speaker of the House of Representatives
January 13, 2009
Referred to Labor, Commerce and Industry Committee
Legislative Review Expiration May 13, 2009
Revised: May 24, 2009

Document No. 3198
Agency: Department of Health and Environmental Control
Statutory Authority: 1976 Code Sections 44-96-10 et seq.
Solid Waste Management - Demonstration of Need
Received by Speaker of the House of Representatives January 13, 2009
Referred to Agriculture, Natural Resources and Environmental Affairs
Committee
Legislative Review Expiration May 13, 2009
Revised: May 27, 2009

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 5, 2009

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. 232:

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".

and has ordered the Bill enrolled for ratification.

TUESDAY, MAY 12, 2009

Very respectfully,
President
Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 7, 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:

State Ethics Commission
Term Commencing: June 30, 2008
Term Expiring: June 30, 2013
Seat: 5th Congressional District
Vice: Marvin Infinger

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

Respectfully,
President of the Senate
Received as information.

HOUSE RESOLUTION

The following was introduced:

H. 4014 -- Rep. Cobb-Hunter: A HOUSE RESOLUTION TO AUTHORIZE THE ANNUAL YOUTH LEGISLATIVE CONFERENCE TO USE THE HOUSE CHAMBER ON MONDAY, SEPTEMBER 28, 2009, FROM 9:00 A.M. TO 12:00 NOON FOR ITS ANNUAL MOCK SESSION.

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

[HJ]

TUESDAY, MAY 12, 2009

INTRODUCTION OF BILLS

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

H. 4015 -- Rep. Barfield: A BILL TO AMEND SECTION 50-5-1540, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NET PLACEMENTS, SO AS TO REDUCE THE MINIMUM DISTANCE REQUIRED BETWEEN NETS ON THE LITTLE PEE DEE RIVER FROM SIX HUNDRED FEET TO SEVENTY-FIVE FEET.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 23 -- Senator Jackson: A BILL TO AMEND ARTICLE 47, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS, SO AS TO DELETE THE TERM "THIS ARTICLE" AND REPLACE IT WITH "SECTION 56-5-6410", AND TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OR OCCUPANT OF A MOTOR VEHICLE TO SMOKE A TOBACCO PRODUCT WHILE A CHILD WHO IS LESS THAN TEN YEARS OLD IS ALSO AN OCCUPANT OF THE MOTOR VEHICLE, AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

S. 168 -- Senators Cleary, Campsen, Rose, Bryant, Elliott and Hutto: A BILL TO AMEND SECTION 38-79-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL MALPRACTICE INSURANCE SO AS TO PROVIDE THAT A LICENSED HEALTH CARE PROVIDER WHO RENDERS MEDICAL SERVICES VOLUNTARILY AND WITHOUT COMPENSATION, AND SEEKS NO REIMBURSEMENT FROM CHARITABLE AND GOVERNMENTAL SOURCES, AND PROVIDES NOTICE TO THE PATIENT OR PATIENT'S PROVIDER IN A NON-EMERGENCY, IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ANY ACT OR OMISSION UNLESS THE ACT OR OMISSION WAS THE RESULT OF THE HEALTH CARE PROVIDER'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

Referred to Committee on Labor, Commerce and Industry

TUESDAY, MAY 12, 2009

S. 248 -- Senators L. Martin, Shoopman, Fair, Verdin, Thomas, Lourie, Williams and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-95 SO AS TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING BEER OR WINE TO A PERSON UNDER THE AGE OF TWENTY-ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61-6-4083 SO AS TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING ALCOHOLIC LIQUORS TO A PERSON UNDER THE AGE OF TWENTY-ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES.

Referred to Committee on Judiciary

S. 319 -- Senators Leventis, Rose, Malloy, Davis, Lourie and Hayes: A BILL TO AMEND TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 46 SO AS TO ENACT THE "INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN", TO PROVIDE THAT THE GOVERNOR MAY EXECUTE THE COMPACT WITH OTHER COMPACT STATES, TO PROVIDE THAT THE STATE SUPERINTENDENT OF EDUCATION IS THE COMPACT COMMISSIONER OF THIS STATE, TO ESTABLISH A COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE FOR THE COUNCIL'S MEMBERSHIP, APPOINTMENTS, TERMS, QUORUM, LEADERSHIP, FILLING OF VACANCIES, AND POWERS AND DUTIES, AND TO PROVIDE THE TERMS OF THE COMPACT.

Referred to Committee on Education and Public Works

S. 416 -- Senators Lourie, Knotts, Land, Leatherman, Hutto, Pinckney, Elliott, O'Dell, Massey, Peeler, Leventis, Hayes, Anderson, Sheheen, Rankin, Malloy, Scott, Williams, Setzler, Nicholson, Reese, L. Martin, Thomas and Ford: A BILL TO ENACT THE "HEALTH CARE ACCESSIBILITY FOR YOUNG AMERICANS ACT", INCLUDING PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-295 SO AS TO PROVIDE HEALTH INSURANCE COVERAGE UNDER A

[HJ]

TUESDAY, MAY 12, 2009

PARENT'S POLICY FOR CERTAIN MILITARY PERSONNEL ON TERMINATION OF ACTIVE DUTY STATUS, AMONG OTHER THINGS; BY ADDING SECTION 38-71-300 SO AS TO DEFINE THE TERMS "DEPENDENT" AND "ELIGIBLE DEPENDENT" FOR HEALTH INSURANCE POLICIES ISSUED IN THIS STATE; TO AMEND SECTION 38-71-350, RELATING TO THE REQUIRED CONTINUATION OF COVERAGE FOR HANDICAPPED CHILDREN UNDER A PARENT'S INDIVIDUAL POLICY, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 38-71-360, RELATING TO THE REQUIRED CONTINUATION OF COVERAGE FOR NONHANDICAPPED CHILDREN UNDER A PARENT'S INDIVIDUAL POLICY, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 38-71-780, RELATING TO THE REQUIRED CONTINUATION OF COVERAGE TO HANDICAPPED AND DEPENDENT CHILDREN UNDER A PARENT'S GROUP POLICY, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 38-71-1330, AS AMENDED, RELATING TO DEFINITIONS CONCERNING SMALL EMPLOYER HEALTH INSURANCE, SO AS TO MAKE CONFORMING CHANGES.

Referred to Committee on Labor, Commerce and Industry

S. 481 -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE.

Referred to Committee on Education and Public Works

S. 484 -- Senators Sheheen and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-68-95 SO AS TO PROVIDE DE MINIMIS OPERATIONS LICENSURE REQUIREMENTS FOR NONRESIDENT PROFESSIONAL EMPLOYER ORGANIZATIONS AND GROUPS; TO AMEND SECTION 40-68-30, AS AMENDED, RELATING TO LICENSURE REQUIREMENTS FOR PROFESSIONAL EMPLOYER ORGANIZATIONS, SO AS TO INCREASE APPLICATION FEES AND TO REQUIRE AN APPLICATION FEE FOR EACH COMPANY IN A

[HJ]

TUESDAY, MAY 12, 2009

PROFESSIONAL EMPLOYER ORGANIZATION GROUP; TO AMEND SECTION 40-68-40, AS AMENDED, RELATING TO QUALIFICATIONS TO BE LICENSED AS A PROFESSIONAL EMPLOYER ORGANIZATION AND QUALIFICATIONS TO SERVE AS A CONTROLLING PERSON OF A LICENSEE, SO AS TO DELETE A PROVISION AUTHORIZING ISSUANCE OF A NONRESIDENT RESTRICTED LICENSE WITHOUT THE REQUISITE TWO YEARS EXPERIENCE, TO MAKE TECHNICAL CORRECTIONS, AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 40-68-45, RELATING TO CONTINUING EDUCATION, SO AS TO PROVIDE THAT THE HOLDER OF A DE MINIMIS OPERATIONS LICENSE IS NOT REQUIRED TO TAKE CONTINUING EDUCATION, TO REVISE THE DEFINITION OF "KEY PERSONNEL" FOR CERTAIN PURPOSES, AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 40-68-50, AS AMENDED, RELATING TO LICENSURE AND RENEWAL FEES, SO AS TO REVISE INITIAL AND RENEWAL LICENSE FEES, TO DELETE NONRESIDENT PROFESSIONAL EMPLOYER ORGANIZATION LICENSE AND RENEWAL LICENSE FEES, AND TO DELETE PROVISIONS STATING MAXIMUM LICENSURE FEES; TO AMEND SECTION 40-68-90, AS AMENDED, RELATING TO RESTRICTED LICENSURE OF NONRESIDENT COMPANIES AND GROUPS, SO AS TO REVISE THE REQUIREMENTS FOR A RESTRICTED LICENSE AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO WAIVE THE AUDITED FINANCIAL STATEMENT REQUIREMENT FOR SUCH APPLICANTS; TO AMEND SECTION 40-68-100, AS AMENDED, RELATING TO ISSUANCE AND VALIDITY OF LICENSES, SO AS TO CLARIFY THE INITIAL LICENSURE PERIOD; TO AMEND SECTION 40-68-120, AS AMENDED, RELATING TO REQUIREMENTS FOR VARIOUS BENEFIT PROGRAMS FOR LICENSEES, INCLUDING WORKERS' COMPENSATION PLANS AND HEALTH BENEFIT PLANS, SO AS TO REQUIRE BOTH PLANS TO BE LICENSED WITH THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 40-68-140, AS AMENDED, RELATING TO REQUIREMENTS FOR LICENSEE NAME AND LOCATION CHANGES, SO AS TO ALSO REQUIRE A LICENSEE TO PROVIDE THE DEPARTMENT WITH OTHER CHANGES IN STATUS AS MAY BE REQUIRED; TO AMEND SECTION 40-68-160, AS AMENDED, RELATING TO GROUNDS FOR

[HJ]

TUESDAY, MAY 12, 2009

DISCIPLINARY ACTION AND DISCIPLINARY PROCEDURES, SO AS TO FURTHER SPECIFY PROCEDURES FOR PURSUING A CONTESTED CASE; TO AMEND SECTION 40-68-165, AS AMENDED, RELATING TO THE DEPARTMENT OF CONSUMER AFFAIRS OR THE ATTORNEY GENERAL ENFORCING THIS CHAPTER BY FILING AN ACTION IN THE CIRCUIT COURT, SO AS TO ALSO AUTHORIZE FILING AN ACTION IN THE ADMINISTRATIVE LAW COURT; AND TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO THE PROHIBITION AGAINST DISCLOSING RECORDS OF AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE AND EXCEPTIONS TO THIS PROHIBITION, SO AS TO INCLUDE IN THIS EXCEPTION THE DISCLOSURE OF INFORMATION RELATED TO PAYROLL WITHHOLDING TAXES TO THE DEPARTMENT OF CONSUMER AFFAIRS IN CONJUNCTION WITH THE DEPARTMENT LICENSING AND REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

Referred to Committee on Labor, Commerce and Industry

S. 756 -- Senator Hayes: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF YORK COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Referred to York Delegation

S. 773 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATED SUMTER SCHOOL DISTRICT, SO AS TO REVISE THE INITIAL TERMS OF THE SEVEN MEMBERS OF THE GOVERNING BOARD OF THE DISTRICT ELECTED IN 2010.

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

S. 774 -- Senator Reese: A BILL TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN

[HJ]

TUESDAY, MAY 12, 2009

SPARTANBURG COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SPARTANBURG COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

S. 795 -- Senator Fair: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON APRIL 30, 2009, AND MAY 1, 2009, BY THE STUDENTS OF MAULDIN HIGH SCHOOL WHEN THE SCHOOL WAS CLOSED DUE TO POTENTIAL FLU-LIKE ILLNESS ARE 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. RICE, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

S. 796 -- Senator Coleman: A BILL TO DIRECT THE FAIRFIELD COUNTY TREASURER TO TRANSFER A SPECIFIED AMOUNT OF FUNDS TO CHESTER COUNTY SCHOOL DISTRICT IN ORDER TO DEFRAY THE COSTS TO EDUCATE CERTAIN STUDENTS WHO RESIDE IN FAIRFIELD COUNTY BUT ATTEND CHESTER COUNTY SCHOOLS, AND TO REQUIRE THAT THE AMOUNT OF FUNDS DELIVERED TO CHESTER COUNTY SCHOOL DISTRICT BE REEXAMINED EVERY THREE YEARS AND AN AGREEMENT BE ENTERED INTO BETWEEN THE SCHOOL DISTRICT OF FAIRFIELD COUNTY AND CHESTER COUNTY SCHOOL DISTRICT FOR THE PAYMENT OF THOSE FUNDS.

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

HOUSE RESOLUTION

The following was introduced:

H. 4016 -- Rep. Barfield: A HOUSE RESOLUTION TO COMMEND THE REPUBLIC OF CHINA (TAIWAN) FOR ITS

[HJ]

TUESDAY, MAY 12, 2009

RELATIONS WITH THE UNITED STATES AND FOR OTHER PURPOSES.

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

HOUSE RESOLUTION

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

H. 4017 -- Rep. Brady: A HOUSE RESOLUTION TO DECLARE THE MONTH OF JUNE 2009 AS PALMETTOVORE CHALLENGE MONTH AND TO ENCOURAGE ALL CITIZENS OF THIS GREAT STATE TO EAT ONLY PRODUCE AND PRODUCTS GROWN AND PROCESSED IN SOUTH CAROLINA DURING THIS MONTH.

Whereas, across the United States, people who seek to consume foods produced within one hundred miles of where they live are called locavores, and their numbers are growing rapidly; and

Whereas, in the same spirit, South Carolina Commissioner of Agriculture Hugh E. Weathers has coined the new term "Palmettovore" to mean a person who attempts to eat only produce and products grown and processed in South Carolina; and

Whereas, as a movement, Palmettovorism encourages shoppers to buy properly labeled Certified South Carolina produce and products in season and to dine at Fresh on the Menu restaurants, which make it a practice to serve such produce; and

Whereas, as Palmettovorism grows, it will support sustainable, local food production, processing, and distribution networks that reach supermarkets and restaurants statewide. This integration enhances the economic, environmental, and social health of the State; and

Whereas, Palmettovores make the conscious lifestyle choice to eat Certified South Carolina Grown produce and products because they are healthier and better for the economy; and

Whereas, in support of our State's economic, environmental, and social well-being, the House of Representatives urges South

TUESDAY, MAY 12, 2009

Carolinians across the Palmetto State regularly to seek out and take advantage of locally grown produce and products. The members further urge all citizens to accept the Palmettovore Challenge during the month of June 2009. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, declare the month of June 2009 as Palmettovore Challenge Month and encourage all citizens of this great State to eat only produce and products grown and processed in South Carolina during this month.

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

The Resolution was adopted.

HOUSE RESOLUTION

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

H. 4018 -- Rep. Ott: A HOUSE RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES DURING THE 2009 LEGISLATIVE INTERIM ON A DAY AND AT A TIME TO BE DETERMINED BY THE SPEAKER NOT TO CONFLICT WITH ANY HOUSE BUSINESS.

Be it resolved by the House of Representatives:

That the South Carolina Independent School Association be authorized to use the Chambers of the House of Representatives during the 2009 legislative interim on a day and at a time to be determined by the Speaker not to conflict with any House business.

Be it further resolved that the State House security forces shall provide assistance and access as necessary for this meeting in accordance with previous procedures.

[HJ]

TUESDAY, MAY 12, 2009

Be it further resolved that no charges may be assessed for the use of the House chamber by the South Carolina Independent School Association on the date chosen.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4019 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR MARY LEE PROCTOR FREEMAN OF SUMTER COUNTY FOR HER WORK AS HISTORIAN OF BETHEL UNITED METHODIST CHURCH-OSWEGO, AND TO COMMEND HER FOR MANY YEARS OF DEDICATED SERVICE IN FAITHFULLY RECOUNTING THE CHRONICLES AND MEMOIRS OF HER CHURCH MEMBERS.

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 797 -- Senator Verdin: A CONCURRENT RESOLUTION TO CONGRATULATE NANCY THOMPSON OF LAURENS, SOUTH CAROLINA, UPON THE OCCASION OF HER RETIREMENT AND TO WISH HER MUCH HAPPINESS IN THE FUTURE.

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	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	Cobb-Hunter

[HJ]

TUESDAY, MAY 12, 2009

Cole	Cooper	Crawford
Daning	Delleney	Dillard
Duncan	Erickson	Forrester
Frye	Funderburk	Gambrell
Gilliard	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
Littlejohn	Loftis	Long
Lowe	Lucas	McEachern
McLeod	Merrill	Miller
Millwood	Mitchell	D. C. Moss
V. S. Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	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. E. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Weeks
White	Whitmire	Williams
Willis	A. D. Young	T. R. Young

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Tuesday, May 12.

Bakari Sellers	C. David Umphlett
Jackson "Seth" Whipper	Jerry Govan
Thad Viers	Leon Stavrinakis
H.B. "Chip" Limehouse	Tracy Edge
David Mack	William Clyburn

Total Present--121

TUESDAY, MAY 12, 2009

LEAVE OF ABSENCE

The SPEAKER granted Rep. WYLIE a leave of absence due to illness.

DOCTOR OF THE DAY

Announcement was made that Dr. Ted Watson of Anderson was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED

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 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. 3047
Date: ADD:
05/12/09 JEFFERSON

CO-SPONSOR ADDED

Bill Number: H. 3063
Date: ADD:
05/12/09 HUGGINS

CO-SPONSOR ADDED

Bill Number: H. 3393
Date: ADD:
05/12/09 HUGGINS

TUESDAY, MAY 12, 2009

CO-SPONSOR ADDED

Bill Number: H. 3394
Date: ADD:
05/12/09 HUGGINS

CO-SPONSORS ADDED

Bill Number: H. 3724
Date: ADD:
05/12/09 HORNE and A. D. YOUNG

CO-SPONSOR ADDED

Bill Number: H. 3888
Date: ADD:
05/12/09 HORNE

CO-SPONSORS ADDED

Bill Number: H. 3279
Date: ADD:
05/12/09 HARRELL and A. D. YOUNG

CO-SPONSORS ADDED

Bill Number: H. 3280
Date: ADD:
05/12/09 HARRELL and A. D. YOUNG

CO-SPONSOR ADDED

Bill Number: H. 3199
Date: ADD:
05/12/09 A. D. YOUNG

CO-SPONSORS ADDED

Bill Number: H. 4007
Date: ADD:
05/12/09 MILLER and ANDERSON

SPEAKER *PRO TEMPORE* IN CHAIR

TUESDAY, MAY 12, 2009

H. 4000--SENATE AMENDMENTS CONCURRED IN

The Senate Amendments to the following Concurrent Resolution were taken up for consideration:

H. 4000 -- Rep. Harrell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 21, 2009, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT *PRO TEMPORE* OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES NOT EARLIER THAN NOON ON TUESDAY, JUNE 16, 2009, FOR A PERIOD NOT TO EXCEED THREE STATEWIDE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS AFTER THIS THREE-DAY PERIOD NOT LATER THAN 5:00 P.M. ON THE THIRD LEGISLATIVE DAY, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT *PRO TEMPORE* OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN 5:00 P.M. ON MONDAY, JANUARY 11, 2010.

Rep. HARRELL explained the Senate Amendments.

The Senate Amendments were concurred in by a division vote of 89-0 and a message was ordered sent to the Senate accordingly.

SPEAKER IN CHAIR

S. 537--DEBATE ADJOURNED

Rep. E. H. PITTS moved to adjourn debate upon the following Joint Resolution until Tuesday, May 19, which was adopted:

S. 537 -- Senator Setzler: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS RESIDING IN

[HJ]

TUESDAY, MAY 12, 2009

SCHOOL DISTRICTS THAT CLOSED DUE TO SNOW ON MARCH 2, 2009, IS WAIVED FOR STUDENTS IN LEXINGTON SCHOOL DISTRICTS ONE, TWO, THREE, AND FOUR.

S. 758--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 758 -- Senator Land: A BILL TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALE AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW PROCEEDS FROM THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009-2010 SCHOOL YEAR.

Rep. HARVIN proposed the following Amendment No. 1 (COUNCIL\BBM\9387HTC09), which was adopted:

Amend the bill, as and if amended, by striking Section 3 of Act 355 of 2004, as contained in SECTION 1, page 1, and inserting:

/ Section 3. Subject to the requirements of this act, there may be imposed a one percent sales and use tax within Clarendon County. The proceeds of the tax must be distributed to the three school districts in Clarendon County as provided in this act. The boards of trustees of each of the school districts, before the expenditure of the proceeds of the tax authorized by this act, by resolution, must determine the specific purposes for which the proceeds of the tax as distributed must be expended. However, in any case and as finally determined by the governing body, the proceeds only must be applied to:

(a) reduce ad valorem property taxes imposed to pay debt service on general obligation bonds; ~~or~~

(b) otherwise defray the cost of capital improvements within each school district; or

(c) ensure the delivery of academic and arts instruction to students during the 2009-2010 and 2010-2011 school years.

Before any proceeds can be applied pursuant to item (c) of this section, the debt service obligation for the 2009-2010 and 2010-2011 fiscal years, as provided in item (a) of this section, must be met. /

Renumber sections to conform.

Amend title to conform.

Rep. HARVIN explained the amendment.

The amendment was then adopted.

[HJ]

TUESDAY, MAY 12, 2009

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

SENT TO THE SENATE

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

H. 3794 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-11-2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT AREAS, SO AS TO SPECIFY ADDITIONAL PROHIBITED ACTIVITIES; TO AMEND SECTION 50-11-2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50-11-2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; AND BY ADDING SECTION 50-11-2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL.

H. 3678 -- Reps. D. C. Moss, Whipper, Anthony, Herbkersman, Merrill, Nanney, G. M. Smith, Thompson and Weeks: A BILL TO AMEND SECTION 56-5-4140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM ALLOWABLE GROSS WEIGHTS OF VEHICLES THAT MAY BE OPERATED ALONG THE STATE'S HIGHWAYS, SO AS TO MAKE A TECHNICAL CHANGE.

H. 3467 -- Reps. M. A. Pitts, Brantley, Allison, Horne, Rice and Spires: A BILL TO AMEND SECTION 8-11-83, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYROLL DEDUCTION FOR DUES OF THE STATE EMPLOYEES' ASSOCIATION AND THE SOUTH CAROLINA TROOPERS' ASSOCIATION, SO AS TO ALSO AUTHORIZE A PAYROLL DEDUCTION FOR DUES OF THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE.

TUESDAY, MAY 12, 2009

ORDERED ENROLLED FOR RATIFICATION

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

S. 13 -- Senators Leatherman, Elliott and Campbell: A BILL TO AMEND SECTION 56-3-910 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE FEES, TO PROVIDE THAT FEES BE PLACED IN THE STATE HIGHWAY ACCOUNT OF THE TRANSPORTATION INFRASTRUCTURE BANK INSTEAD OF THE DEPARTMENT OF TRANSPORTATION.

H. 3561--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Wednesday, May 13, 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. 3415--RECOMMITTED

The following Joint Resolution was taken up:

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, Clemmons and Millwood: 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

TUESDAY, MAY 12, 2009

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.

Rep. COOPER moved to recommit the Joint Resolution to the Committee on Ways and Means, which was agreed to.

H. 3541--DEBATE ADJOURNED

Rep. HIOTT moved to adjourn debate upon the following Bill until Wednesday, May 13, 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. 3854--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Bill until Wednesday, May 13, which was adopted:

H. 3854 -- Rep. Cooper: A BILL TO AMEND TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAXATION,

TUESDAY, MAY 12, 2009

SO AS TO REVISE CERTAIN CHAPTERS AND SECTIONS PERTAINING TO VARIOUS TAX MATTERS.

H. 3608--DEBATE ADJOURNED

Rep. CLEMMONS moved to adjourn debate upon the following Bill until Wednesday, May 13, which was adopted:

H. 3608 -- Reps. Mack, Alexander, Allen, R. L. Brown, Williams and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO PROVIDE THAT THE AUTHORITY CHARGED BY LAW CONDUCTING AN ELECTION SHALL ESTABLISH EARLY VOTING CENTERS, TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT, TO PROVIDE A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY REGISTER TO VOTE AND CAST A BALLOT DURING THE EARLY VOTING PERIOD, TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30-4-80.

S. 488--RECOMMITTED

The following Joint Resolution was taken up:

S. 488 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CHARTER SCHOOL APPEALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4028, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. ALLISON moved to recommit the Joint Resolution to the Committee on Education and Public Works, which was agreed to.

S. 489--RECOMMITTED

The following Joint Resolution was taken up:

S. 489 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSESSMENT PROGRAM,

[HJ]

TUESDAY, MAY 12, 2009

DESIGNATED AS REGULATION DOCUMENT NUMBER 4029, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. ALLISON moved to recommit the Joint Resolution to the Committee on Education and Public Works, which was agreed to.

S. 490--RECOMMITTED

The following Joint Resolution was taken up:

S. 490 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM FOR ASSISTING, DEVELOPING, AND EVALUATING PRINCIPAL PERFORMANCE (PADEPP), DESIGNATED AS REGULATION DOCUMENT NUMBER 4027, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. ALLISON moved to recommit the Joint Resolution to the Committee on Education and Public Works, which was agreed to.

ORDERED TO THIRD READING

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

S. 583 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EDUCATION, RELATING TO USE AND DISSEMINATION OF TEST RESULTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4049, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. ALLISON explained the Joint Resolution.

S. 301 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 38-9-225 AND 38-9-230 SO AS TO ENACT PROVISIONS REQUIRING CERTAIN INSURERS TO FILE A STATEMENT OF ACTUARIAL OPINION AND ACTUARIAL OPINION SUMMARY ANNUALLY AND PROVIDE FOR THE CONFIDENTIALITY OF THESE DOCUMENTS; TO AMEND SECTION 38-5-120,

[HJ]

TUESDAY, MAY 12, 2009

RELATING TO THE REVOCATION OR SUSPENSION OF LICENSE OF AN INSURER AND ITS OFFICERS AND AGENTS FOR THE PUBLICATION OF THE NOTICE, SO AS TO PROVIDE A PROCEDURE FOR AN AGGRIEVED INSURER TO REQUEST A HEARING BEFORE THE DIRECTOR OR HIS DESIGNEE AND PROVIDE RECOURSE THROUGH JUDICIAL REVIEW; TO AMEND SECTION 38-9-330, RELATING TO THE DEFINITION OF "COMPANY ACTION LEVEL EVENT", SO AS TO REDEFINE THE TERM; AND TO AMEND SECTION 38-21-95, RELATING TO APPROVAL FOR ACQUISITION OF A DOMESTIC INSURER BY A CONTROLLING PRODUCER IN ANOTHER STATE, SO AS TO DELETE THE APPLICABILITY TO FOREIGN PRODUCERS AND CORRECT INCORRECT REFERENCES.

Rep. BRADY explained the Bill.

H. 3543--DEBATE ADJOURNED

Rep. DELLENEY moved to adjourn debate upon the following Bill until Wednesday, May 13, which was adopted:

H. 3543 -- Reps. Brady and Mitchell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-490 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING THEIR OWN POLICIES FOR REPORTING AND RESPONDING TO DATING VIOLENCE, TO PROVIDE WHAT MUST BE INCLUDED IN THE POLICIES, TO PROVIDE REPORTING AND PUBLICATION REQUIREMENTS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM PARENTS AND GUARDIANS OF THE POLICY AND TO PROVIDE PARENTS WITH A COPY OF THE POLICY UPON REQUEST.

S. 202--OBJECTION AND REQUESTS FOR DEBATE

The following Bill was taken up:

S. 202 -- Senator Thomas: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF "ADMITTED ASSETS" TO INCLUDE THOSE ON

[HJ]

TUESDAY, MAY 12, 2009

THE INSURER'S MOST RECENT STATUTORY FINANCIAL STATEMENT FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38-13-80 INSTEAD OF THOSE ADMITTED UNDER THE PROVISIONS OF SECTION 38-11-100; TO AMEND SECTION 38-9-10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38-10-40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38-33-130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38-55-80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3730DW09):

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

/ SECTION __. Section 38-73-737 of the 1976 Code is amended to read:

“Section 38-73-737. (A) Premium rates charged for liability coverages and collision coverage under a private passenger automobile insurance policy are subject to an appropriate driver training course credit once satisfactory evidence is presented that an applicant for the credit, ~~who is not subject to the youthful operator approved driver training course credit mandated by Regulation 69-13.2(C)~~, has completed successfully an approved driver training course. The amount of the credit may be determined by each individual insurer

TUESDAY, MAY 12, 2009

based upon factually or statistically supported data and is subject to prior approval by the commissioner. The credit must be afforded to the operator for thirty-six months from the date the approved driver training course was completed. The insurer may require as a condition of providing and maintaining the credit, that the insured for a three-year period after course completion not be involved in an accident for which the insured is at fault. The credit must be afforded by each insurer in a nondiscriminatory manner to all applicants, ~~other than those considered within Regulation 69-13.2(C).~~

(B) 'An approved driver training course' for purposes of this section is a driver training course which has been approved by the Department of Motor Vehicles and was conducted by:

- (1) a recognized college or university;
- (2) instructors certified by the Department of Motor Vehicles;

or

(3) any other school approved and supervised by the Department of Motor Vehicles.

(C) The requirements of the course, in order to qualify for the insurance credit, must include the following minimum criteria:

- (1) ~~eight~~ six hours of classroom instruction;
- (2) the teaching method must include group discussion, lecture, and visual presentations;
- (3) the course materials must include age-related physical changes affecting older drivers, accident prevention measures, and a basic review of the rules-of-the-road including, but not limited to, rights of way, backing, entering, and leaving interstate highways; and
- (4) a relevant test on the course material.

(D) For purposes of this section 'satisfactory evidence' is a certificate signed by an official of the school or the Department of Motor Vehicles, which certifies that:

- (1) the person achieved a passing grade on a relevant test on the course material;
- (2) the course was approved by and the instructors were certified by the Department of Motor Vehicles; and
- (3) the school was approved and supervised by the Department of Motor Vehicles.

(E) Only the vehicle driven by drivers who have completed successfully the driver training course qualifies for the insurance credit. In order for the credit to apply, the certificate must be furnished by the named insured, or principal operator of the insured vehicle, ~~and all occasional operators named in the policy as provided in Department of~~

TUESDAY, MAY 12, 2009

~~Insurance Regulation 69-13.1(H)(C)~~. Other vehicles which may be operated by other family members who have not completed the driver training course do not qualify for the insurance credit unless the primary driver of the additional vehicle has successfully completed the driver training course.

(F)(1) An applicant meeting the requirements of this section and receiving a driver training course credit may renew the insurance credit by completing a four hour driver training refresher course that has been approved by the Department of Motor Vehicles and furnishing satisfactorily evidence to the insurer within sixty days from the termination of the preceding thirty-six months effective period.

(2) An applicant that fails to renew the insurance credit as provided for in item (1) of this subsection shall complete successfully an approved driver training course as provided for in subsection (C) in order to qualify for the insurance credit.

(G) Only driver training courses taken on a voluntary basis qualify for the insurance credit. Driver training courses taken as a requirement of a driving offense including, but not limited to, ADSAP or driver training courses taken to reduce the number of traffic violation points against a driver's license, do not qualify for the insurance credit provided in this section."

SECTION __. Section 38-77-112 of the 1976 Code is amended to read:

"Section 38-77-112. Notwithstanding Section 38-77-280, ~~no~~ an automobile insurer is not required to write coverage for automobile insurance as defined in Section 38-77-30 for ~~any~~ an applicant or existing policyholder. An insurer or an agent shall retain, for a period of three years, the driver's license numbers for all persons who have submitted an application for insurance but who were refused coverage and shall furnish ~~such~~ this information upon the request of the director of the Department of Insurance or his designee. This section does not apply to an individual who is handicapped and who owns a vehicle in this State but who does not have a valid driver's license. If an automobile is principally garaged and operated in this State, the owner of the vehicle can be offered coverage ~~thereon~~ on it regardless of whether or not he possesses a valid South Carolina driver's license if he designates to the insurer who the principal operator of the vehicle will be and this person has a valid South Carolina driver's license or otherwise meets the requirements of this section. This requirement does not apply to personnel of the Armed Forces of the United States on active duty and officially stationed in this State who possess a valid

TUESDAY, MAY 12, 2009

motor vehicle driver's license issued by another state or territory of the United States or the District of Columbia or to an individual exempt from licensing requirements by Section 56-1-30. This requirement is waived ninety days for individuals who move into South Carolina with the intent of making South Carolina their place of residence if they possess a valid driver's license issued by another state or territory of the United States or the District of Columbia." /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

Reps. KENNEDY objected to the Bill.

Reps. R. L. BROWN, OTT, HART, GOVAN, HOSEY, LOWE, CRAWFORD and SANDIFER requested debate on the Bill.

S. 364--POINT OF ORDER

The following Bill was taken up:

S. 364 -- Senator Alexander: A BILL TO AMEND CHAPTER 9, TITLE 23 OF THE 1976 CODE , BY ADDING SECTION 23-9-25 TO ENACT THE "VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM" (V-SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, AND TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

POINT OF ORDER

Rep. SANDIFER 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]

TUESDAY, MAY 12, 2009

H. 3941--POINT OF ORDER

The following Bill was taken up:

H. 3941 -- Reps. Hayes, Gambrell, Agnew, Bowen, Gullick and D. C. Moss: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

POINT OF ORDER

Rep. SANDIFER 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.

S. 630--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 630 -- Senators Land, Setzler, L. Martin, Ford, Nicholson, Lourie, Sheheen, Massey, Reese, Elliott, Peeler, Leatherman, Knotts, Hayes, Verdin, Leventis, Coleman, Matthews, Fair, Scott, Hutto, McGill, Williams, O'Dell, Campbell, Thomas, Rankin, Rose, Davis, Alexander, Shoopman, Anderson, S. Martin, Bright, Grooms, Jackson and Malloy: A BILL TO AMEND CHAPTER 15, TITLE 56 OF THE 1976 CODE BY ADDING SECTION 56-15-65, RELATING TO MOTOR VEHICLE DEALERS, TO PROHIBIT MOTOR VEHICLE MANUFACTURES OR DISTRIBUTORS FROM REQUIRING

TUESDAY, MAY 12, 2009

DEALERS TO RELOCATE OR MAKE ALTERATIONS TO THEIR DEALERSHIP UNLESS CERTAIN REQUIREMENTS ARE MET; BY ADDING SECTION 56-15-75, RELATING TO MOTOR VEHICLE DEALERS, 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, TO PROVIDE FACTORS TO BE CONSIDERED IN CALCULATING THE FAIR AND REASONABLE COMPENSATION FOR THE VALUE OF A MOTOR VEHICLE DEALERSHIP.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\SWB\5901CM09), which was adopted:

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

/ SECTION 1. Chapter 15, Title 56 of the 1976 Code is amended by adding:

“Section 56-15-65. It is unlawful for any manufacturer, distributor, factory representative, or distributor representative to require, coerce, or attempt to coerce any motor vehicle dealer to change the location of the motor vehicle dealership or to make any substantial alterations to the dealer’s premises or facilities unless:

(1) the manufacturer demonstrates that such change or alteration is reasonable in light of the current market and economic conditions; and

(2) the motor vehicle dealer has been provided written assurance from the manufacturer or distributor of a sufficient supply of motor vehicles to justify such change or alteration.”

SECTION 2. Chapter 15, Title 56 of the 1976 Code is amended by adding:

“Section 56-15-75. It is unlawful for any manufacturer, distributor, factory branch, distributor branch, factory representative, or distributor representative to require, coerce, or attempt to coerce any motor vehicle dealer to refrain from participation in the management of, investment in, or acquisition of any other make or line of new motor vehicles or related products if:

TUESDAY, MAY 12, 2009

(1) the requirements are unreasonable considering current economic conditions and are not otherwise justified by reasonable business considerations;

(2) the motor vehicle dealer has maintained a reasonable line of credit for each make or line of new motor vehicle; and

(3) the motor vehicle dealer remains in compliance with reasonable capital standards and reasonable facilities requirements specified by the manufacturer.

Reasonable facilities requirements shall not include any requirement that a motor vehicle dealer establish or maintain exclusive facilities, personnel, or display space, unless the manufacturer or distributor establishes by a preponderance of the evidence that such requirements are justified by current economic conditions or reasonable business considerations.”

SECTION 3. Section 56-15-90 of the 1976 Code is amended to read:

“Section 56-15-90. (A) Anything to the contrary, notwithstanding, it shall be unlawful for the manufacturer, wholesaler, distributor, or franchisor, without due cause, to fail to renew on terms then equally available to all its motor vehicle dealers of the same line-make, to terminate a franchise or to unreasonably restrict the transfer of a franchise unless the ~~franchise~~ franchisee shall receive fair and reasonable compensation for the value of the business and compensation for its dealership facilities or location as provided in subsection (C).

(B) In determining the fair and reasonable compensation for a business, pursuant to subsection (A) or (D), the value of the business shall include, but not be limited to:

(1) the dealer cost for all new untitled, undamaged, and unaltered motor vehicles in the dealer's inventory purchased from the manufacturer or from another same line-make dealer in the ordinary course of business within eighteen months of termination;

(2) the dealer cost for all new, unused, and undamaged parts listed in the current price catalog and still in the original, resalable merchandising package and in unbroken lots, purchased from the manufacturer or distributor;

(3) the fair market value of signage bearing a trademark or trade name of the manufacturer or line-make purchased from and required by the manufacturer or distributor;

(4) the fair market value of special tools and automotive service equipment owned by the dealer that were designated as special

TUESDAY, MAY 12, 2009

tools or equipment required by and purchased from the manufacturer or distributor, if the tools and equipment are in useable and good condition, normal wear and tear excepted; and

(5) the reasonable cost of return shipping and handling charges incurred as a result of returning such items.

Provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer, the payments required under this section shall be paid by the manufacturer, wholesaler, distributor, or franchisor within ninety days of the effective date of the termination, nonrenewal, or cancellation of a franchise. If the inventory or other items are subject to a security interest, the manufacturer, wholesaler, distributor, or franchisor may make payment jointly to the dealer and the holder of the security interest.

(C) Within ninety days of the termination, cancellation, or nonrenewal of a franchise by a manufacturer, wholesaler, distributor, or franchisor, due to a dealer's poor sales and service performance, or due to the discontinuation of a line-make, the party shall pay the franchisee an amount equal to:

(1) the franchisee's reasonable cost to rent or lease its dealership facility or location for one year or the unexpired term of the lease or rental period, whichever is less; or

(2) the reasonable rental value of the facilities or location for one year if the franchisee owns the facility or location.

If more than one franchise is being terminated, canceled, or not renewed, the reimbursement shall be prorated equally among the different manufacturers, wholesalers, distributors, and franchisors. If the facility is used for the operations of more than one franchise and only one is being terminated, the reasonable rent shall be paid based upon the prorated portion of new vehicle sales for the previous year attributable to the line-make being terminated, cancelled, or nonrenewed for the prior one-year period.

(D) In the event a franchisee terminates the franchise agreement with the manufacturer, wholesaler, distributor, or franchisor, it is unlawful for the manufacturer, wholesaler, distributor, or franchisor to not abide by the provisions included in subsection (B) in determining fair and reasonable compensation to the dealer. However, the requirements of subsection (B) do not apply to a termination, cancellation, or nonrenewal due to the sale of the assets or stock of a motor vehicle franchisee.

TUESDAY, MAY 12, 2009

(E) In the case of a franchise for motor homes as defined in Section 56-15-10(q), subsections (B), (C), and (D) do not apply.”

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

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

Rep. LIMEHOUSE proposed the following Amendment No. 2 (COUNCILMS\7378AHB09), which was ruled out of order:

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

/ SECTION __. Section 61-4-110, as last amended by Act 390 of 2000, is further amended to read:

“Section 61-4-110. It is unlawful for a person to have in his possession, except in the trunk or luggage compartment, beer or wine in an open container in a motor vehicle of any kind while located upon the public highways or highway rights of way of this State. This section must not be construed to prohibit the transporting of beer or wine in a closed container, does not apply to a passenger twenty-one years years of age or older in a moving limousine, chartered bus, or recreational vehicle who is not in the driving compartment or portion of the vehicle which is accessible to the driver while operating the vehicle, and ~~this section~~ does not apply to vehicles parked in legal parking places during functions such as sporting events where law enforcement officers are on duty to perform traffic control duties. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

For purposes of this section, beer or wine means any beer or wine containing one-half of one percent or more of alcohol by volume.” /

Renumber sections to conform.
Amend title to conform.

Rep. LIMEHOUSE explained the amendment.

POINT OF ORDER

Rep. SANDIFER raised the Point of Order that Amendment No. 2 was out of order in that it was not germane to the Bill.

[HJ]

TUESDAY, MAY 12, 2009

SPEAKER HARRELL stated that while the amendment dealt with the unlawful possession in a motor vehicle of any kind, except in the luggage or trunk compartment, the bill dealt with automobile contractual agreements on the purchase of motor vehicles. Therefore, he sustained the Point of Order and ruled the amendment out of order.

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

S. 388--POINT OF ORDER

The following Joint Resolution was taken up:

S. 388 -- Senator Leatherman: A JOINT RESOLUTION TO DIRECT THE STATE TREASURER'S OFFICE TO PROVIDE FINANCING ARRANGEMENTS THROUGH THE MASTER LEASE PROGRAM FOR ANY AGENCY THAT HAS NOT PAID IN FULL FOR ITS SOUTH CAROLINA ENTERPRISE INFORMATION SYSTEM (SCEIS) IMPLEMENTATION COSTS AND HAS NOT UTILIZED THE AGENCY'S SET-ASIDE ACCOUNT TO MEET ITS OBLIGATIONS, TO PROVIDE THAT THE AMOUNTS AND TIMING OF LEASE PAYMENTS BY AN AGENCY SHALL BE DETERMINED BY THE STATE TREASURER'S OFFICE IN COOPERATION WITH THE SCEIS EXECUTIVE OVERSIGHT COMMITTEE, TO REQUIRE AN AGENCY TO MEET ALL OF ITS SCEIS FINANCIAL OBLIGATIONS, AND TO PROVIDE WHEN AN AGENCY MAY WITHDRAW FUNDS FROM ITS SCEIS SET-ASIDE ACCOUNT.

POINT OF ORDER

Rep. WHITE 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. 360--POINT OF ORDER

The following Bill was taken up:

S. 360 -- Senator Hayes: A BILL TO AMEND SECTION 4-10-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECT

[HJ]

TUESDAY, MAY 12, 2009

SALES AND USE TAX BY A COUNTY GOVERNING BODY, SO AS TO DELETE A REQUIREMENT THAT THE TAX IS TO COLLECT A LIMITED AMOUNT OF MONEY; TO AMEND SECTION 4-10-330, AS AMENDED, RELATING TO THE COUNTY ORDINANCE AND BALLOT QUESTION FOR THE REFERENDUM REQUIRED, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE ORDINANCE AND THE DATES AND PURPOSES OF THE REFERENDUM; AND TO AMEND SECTION 4-10-340, AS AMENDED, RELATING TO THE IMPOSITION AND TERMINATION OF THE TAX, SO AS TO FURTHER PROVIDE FOR THE TERMINATION OF A NEWLY IMPOSED AND A REIMPOSED TAX.

POINT OF ORDER

Rep. WHITE 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.

S. 463--POINT OF ORDER

The following Bill was taken up:

S. 463 -- Senators Peeler and Rose: A BILL TO AMEND SECTION 44-36-10 OF THE 1976 CODE, RELATING TO THE PURPOSE AND FUNCTIONS OF THE ALZHEIMER'S DISEASE REGISTRY, TO EXPAND THE TYPES OF DATA COLLECTED BY THE ALZHEIMER'S DISEASE REGISTRY, AND TO PROVIDE FOR THE AUTHORIZATION OF STUDIES ABOUT ALZHEIMER'S DISEASE AND THE CAREGIVERS OF PERSONS WITH ALZHEIMER'S DISEASE.

POINT OF ORDER

Rep. WHITE 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.

TUESDAY, MAY 12, 2009

S. 696--POINT OF ORDER

The following Bill was taken up:

S. 696 -- Senator Matthews: A BILL TO AMEND SECTION 59-18-930 OF THE 1976 CODE, RELATING TO THE REQUIRED ADVERTISEMENT OF THE RESULTS OF A SCHOOL'S REPORT CARD IN A LOCAL NEWSPAPER, TO ALLOW REQUIRED ADVERTISEMENT TO BE WAIVED IF AN AUDITED NEWSPAPER OF GENERAL CIRCULATION IN A SCHOOL DISTRICT'S GEOGRAPHIC AREA HAS PREVIOUSLY PUBLISHED THE ENTIRE SCHOOL REPORT CARD RESULTS AS A NEWS ITEM.

POINT OF ORDER

Rep. WHITE 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.

S. 700--POINT OF ORDER

The following Joint Resolution was taken up:

S. 700 -- Senator Leatherman: A JOINT RESOLUTION TO AUTHORIZE THE UNIVERSITY OF SOUTH CAROLINA TO DEVELOP AND CONSTRUCT A NEW FACILITY FOR THE MOORE SCHOOL OF BUSINESS IN THE INNOVISTA DISTRICT ON THE COLUMBIA CAMPUS.

POINT OF ORDER

Rep. WHITE 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.

OBJECTION TO RECALL

Rep. COOPER asked unanimous consent to recall S. 576 from the Committee on Ways and Means.

Rep. BALLENTINE objected.

TUESDAY, MAY 12, 2009

S. 363--RECALLED FROM COMMITTEE ON JUDICIARY

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

S. 363 -- Senator Alexander: A BILL TO AMEND SECTION 23-41-20 OF THE 1976 CODE, RELATING TO THE ARSON REPORTING IMMUNITY ACT, TO ADD CERTAIN PUBLIC SAFETY OFFICIALS TO THE LIST OF AGENCIES AUTHORIZED TO RECEIVE INFORMATION FROM AN INSURANCE COMPANY.

OBJECTION TO RECALL

Rep. DUNCAN asked unanimous consent to recall S. 617 from the Committee on Judiciary.

Rep. KENNEDY objected.

S. 278--RECALLED FROM COMMITTEE ON WAYS AND MEANS

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

S. 278 -- Senator Alexander: A JOINT RESOLUTION TO ALLOW THE GOVERNING BODY OF A COUNTY BY RESOLUTION ADOPTED BY MAJORITY VOTE TO ALLOW COUNTY OFFICIALS CHARGED WITH COLLECTING TAXES ON REAL PROPERTY FOR PROPERTY TAX YEARS 2008 AND 2009 TO WAIVE OR REDUCE THE PENALTIES FOR LATE PAYMENTS, AND TO PROVIDE THAT THE RESOLUTION MUST PROVIDE THE TERMS AND CONDITIONS UNDER WHICH THE WAIVER OR REDUCTION APPLIES.

S. 345--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:

S. 345 -- Senator Leatherman: A BILL TO AMEND SECTION 8-11-65 OF THE 1976 CODE, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, TO PROVIDE THAT THE

TUESDAY, MAY 12, 2009

NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS SHALL BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; AND TO AMEND SECTION 8-11-120, RELATING TO THE POSTING OF JOB VACANCIES BEFORE THE VACANCY IS FILLED, TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR THE NOTICE.

OBJECTION TO RECALL

Rep. TOOLE asked unanimous consent to recall S. 116 from the Committee on Ways and Means.

Rep. KENNEDY objected.

H. 3311--DEBATE ADJOURNED

The following Bill was taken up:

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

[HJ]

TUESDAY, MAY 12, 2009

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 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.

Rep. BRADY moved to adjourn debate on the Senate amendments until Wednesday, May 13, which was agreed to.

H. 3616--SENATE AMENDMENTS CONCURRED IN

The Senate Amendments to the following Bill were taken up for consideration:

H. 3616 -- Rep. Simrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 53, TITLE 59 SO AS TO PROVIDE FOR THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS, AND TO PROVIDE FOR ITS POWERS AND DUTIES.

Rep. OWENS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:
Yeas 100; Nays 0

TUESDAY, MAY 12, 2009

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Bannister
Barfield	Battle	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Chalk	Clemmons
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Erickson
Forrester	Frye	Funderburk
Gambrell	Govan	Gullick
Gunn	Hamilton	Hardwick
Harrell	Hart	Harvin
Hearn	Hiott	Hodges
Horne	Hosey	Huggins
Hutto	Jefferson	Jennings
Kelly	King	Kirsh
Knight	Limehouse	Loftis
Long	Lucas	McEachern
McLeod	Miller	Millwood
D. C. Moss	V. S. Moss	Nanney
J. H. Neal	J. M. Neal	Neilson
Ott	Owens	Parker
Parks	Pinson	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	Weeks
Whipper	White	Whitmire
Williams	Willis	A. D. Young
T. R. Young		

Total--100

TUESDAY, MAY 12, 2009

Those who voted in the negative are:

Total--0

The Senate Amendments were concurred in and a message was ordered sent to the Senate accordingly.

LEAVE OF ABSENCE

The SPEAKER granted Rep. D. C. SMITH a leave of absence for the remainder of the day.

H. 3560--INTERRUPTED DEBATE

The Senate Amendments to the following Bill were taken up for consideration:

H. 3560 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Rep. COOPER explained the Senate Amendments.

Rep. COOPER moved that the House recede until 2:30 p.m., which was agreed to.

Further proceedings were interrupted by the House receding, the pending question being consideration of Senate Amendments.

THE HOUSE RESUMES

At 2:30 p.m. the House resumed, Acting Speaker MCEACHERN in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

SPEAKER IN CHAIR

[HJ]

TUESDAY, MAY 12, 2009

H. 3560--DEBATE ADJOURNED

Debate was resumed on the following Bill, the pending question being the consideration of Senate amendments:

H. 3560 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Rep. COOPER moved to adjourn debate on the Senate Amendments, which was agreed to.

RETURNED TO THE SENATE WITH AMENDMENTS

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

S. 12 -- Senators Leatherman, Alexander, Ford, Rankin, 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.

MOTION PERIOD

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

TUESDAY, MAY 12, 2009

S. 184--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 184 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 40-27-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS; TO AMEND SECTION 40-27-40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56-5-5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS OR MORE TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56-5-5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON'S NAME AND ADDRESS AND THE YEAR, MAKE, MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF

[HJ]

TUESDAY, MAY 12, 2009

AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

Rep. SANDIFER proposed the following Amendment No. 2 (COUNCIL\SWB\5892CM09), which was adopted:

Amend the bill, as and if amended, Section 56-5-5670~~(B)(C)~~, as contained in SECTION 6, by deleting Section 56-5-5670~~(B)(C)~~ and inserting:

/ ~~(B)(C)~~ A demolisher must keep an accurate and complete record of all abandoned vehicles and vehicle parts with a total weight of twenty-five pounds or more purchased or received by him in the course of his business. These records must contain the name and address of the person from whom ~~each~~ the vehicle or vehicle parts ~~was~~ were purchased or received, a photo or copy of the person's driver's license or other government issued picture identification card that legibly shows the person's name and address, the date when the purchases or receipts occurred, and the year, make, model, and identification number of the vehicle or vehicle parts, if ascertainable, along with any other identifying features. The records are open for inspection by any police officer at any time during normal business hours. Any record required by this section must be kept by the demolisher for at least one year after the transaction to which it applies. /

Amend the bill further, Section 56-5-5945~~(b)(c)~~, as contained in SECTION 8, by deleting Section 56-5-5945~~(b)(c)~~ and inserting:

/ ~~(b)(c)~~ A demolisher shall keep an accurate and complete record of all vehicles and vehicle parts with a total weight of twenty-five pounds or more purchased or received by him in the course of his business. These records shall contain the name and address of the person from whom ~~each~~ the vehicle or vehicle parts ~~was~~ were purchased or received, a photo or copy of the person's driver's license or other government issued picture identification card that legibly shows the person's name and address, ~~and~~ the date when such purchases or receipts occurred, and the year, make, model, and identification number of the vehicle or vehicle parts, if ascertainable, along with any other identifying features. The records shall be open

TUESDAY, MAY 12, 2009

for inspection by any law enforcement officer at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

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

Yeas 111; Nays 0

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Ballentine
Bannister	Barfield	Battle
Bedingfield	Bowen	Bowers
Brady	Branham	Brantley
G. A. Brown	H. B. 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	Hosey
Howard	Huggins	Hutto
Jefferson	Jennings	Kelly
Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Millwood
D. C. Moss	V. S. Moss	Nanney
J. H. Neal	J. M. Neal	Neilson

[HJ]

TUESDAY, MAY 12, 2009

Ott	Owens	Parker
Parks	Pinson	E. H. Pitts
Rice	Rutherford	Sandifer
Scott	Simrill	Skelton
G. M. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Viers	Weeks	Whipper
White	Whitmire	Williams
Willis	A. D. Young	T. R. Young

Total--111

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. 3279--DEBATE ADJOURNED

The following Joint Resolution was taken up:

H. 3279 -- Reps. T. R. Young, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Daning, Horne, Funderburk, Wylie, Bedingfield, Hart, Harrell and A. D. Young: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE

[HJ]

TUESDAY, MAY 12, 2009

PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20299SD09):

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

/SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of the provisions of this paragraph, the Secretary of State must be appointed by the Governor, upon the advice and consent of the General Assembly. The term of office must be for four years, coterminous with that of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Secretary of State may be removed from office.”

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 Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Secretary of State from the list of state officers which the Constitution requires to be elected; provide that upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of this provision, the Secretary of State must be appointed by the Governor, upon the advice and consent of the General Assembly; and require the General Assembly to provide by law for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Secretary of State may be removed from office?”

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

TUESDAY, MAY 12, 2009

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'."

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:

/PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE./

Rep. HARRISON explained the amendment.

Rep. SKELTON spoke against the amendment.

Rep. G. R. SMITH spoke in favor of the amendment.

Rep. HARRISON moved to adjourn debate on the Joint Resolution until Wednesday, May 13, which was agreed to.

RECURRENCE TO THE MORNING HOUR

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

[HJ]

TUESDAY, MAY 12, 2009

HOUSE RESOLUTION

The following was introduced:

H. 4012 -- Rep. Gilliard: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE CHARLESTON CARIFEST TO BE HELD JUNE 11-13, 2009, AND TO COMMEND THE ORGANIZERS, VOLUNTEERS, AND PARTICIPANTS FOR THEIR WORK IN PRESERVING THE CULTURAL CONNECTIONS BETWEEN THE CAROLINAS AND THE CARIBBEAN COUNTRIES.

The Resolution was adopted.

INTRODUCTION OF BILLS

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

H. 4013 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-12 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MUST PLACE A NOTICE ON ITS WEBSITE AND IN ITS DRIVER'S MANUAL THAT STATES A DRIVER OR OCCUPANT OF A MOTOR VEHICLE WHO POSSESSES A WRITTEN VERIFICATION FROM A PHYSICIAN THAT HE IS UNABLE TO WEAR A SAFETY BELT FOR CERTAIN REASONS IS NOT SUBJECT TO THE PROVISIONS THAT REQUIRE A PERSON TO WEAR A SAFETY BELT.

Referred to Committee on Education and Public Works

H. 4020 -- Reps. Herbkersman, Brantley, Chalk and Erickson: A BILL TO CONVEY TO BEAUFORT COUNTY STANDING TO BRING LEGAL ACTION AGAINST A COUNTY WHOSE GEOGRAPHIC BOUNDARIES ARE CONTIGUOUS TO BEAUFORT'S WHEN A CONTIGUOUS COUNTY'S TRAFFIC CONGESTION OR STORMWATER RUNOFF ADVERSELY AFFECTS THE CITIZENS OF BEAUFORT COUNTY.

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

H. 4021 -- Rep. Rice: A BILL TO AMEND TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 156

TUESDAY, MAY 12, 2009

SO AS TO ESTABLISH THE SPECIAL NEEDS SCHOLARSHIP PROGRAM THAT PROVIDES SPECIAL NEEDS STUDENTS WITH THE OPTION TO ATTEND A PUBLIC OR NONPUBLIC SCHOOL OF THEIR CHOICE.

Referred to Committee on Education and Public Works

H. 4022 -- Reps. E. H. Pitts, G. M. Smith, G. R. Smith, Millwood, Hamilton, Nanney, Bedingfield, Duncan, M. A. Pitts, Simrill and V. S. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE "SOUTH CAROLINA FIREARMS FREEDOM ACT", TO PROVIDE THAT A FIREARM, FIREARM ACCESSORY, OR AMMUNITION MANUFACTURED AND RETAINED IN SOUTH CAROLINA IS EXEMPT FROM FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE CONSTITUTION OF THE UNITED STATES.

Rep. E. H. PITTS asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. BALES objected.

Referred to Committee on Judiciary

H. 4023 -- Reps. Daning, Jefferson, Merrill and Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-815 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE HIGHWAY 26 AT EXIT 199 IN BERKELEY COUNTY.

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

H. 4024 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-462 SO AS TO PROVIDE FOR AN EXEMPTION FROM THE PROPERTY TAX ON RESIDENTIAL PROPERTY CONSISTING OF THREE OR FEWER UNITS IN AMOUNTS OF FAIR MARKET VALUE SUFFICIENT TO EQUAL AN ASSESSMENT RATIO OF FOUR PERCENT ON THE PROPERTY AND TO DEFINE RESIDENTIAL PROPERTY.

Referred to Committee on Ways and Means

[HJ]

TUESDAY, MAY 12, 2009

H. 4025 -- Rep. Bowers: A BILL TO AMEND SECTION 12-36-920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX ON ACCOMMODATIONS FOR TRANSIENTS, SO AS TO INCLUDE ACCOMMODATIONS PROVIDED TO OCCUPANTS, OTHER THAN OWNER OCCUPANTS, PURSUANT TO A VACATION TIME SHARING PLAN.

Referred to Committee on Ways and Means

H. 4027 -- Reps. Gullick, Simrill and Kirsh: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 39 SO AS TO REQUIRE PACKAGED ICE PRODUCERS TO SUBMIT SAMPLES MONTHLY TO A LABORATORY FOR MICROBIOLOGICAL ANALYSIS; TO PRESCRIBE FOR CERTAIN SAMPLE TESTING; AND TO REQUIRE SUBMISSION OF WEEKLY SAMPLE IF THE TESTED SAMPLE DOES NOT CONFORM TO REQUIRED STANDARDS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4028 -- Reps. Gullick, Simrill and Kirsh: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 39 SO AS TO REQUIRE PRODUCERS OF PACKAGED ICE WHO SELL DIRECTLY TO CUSTOMERS TO SUBMIT ICE SAMPLES MONTHLY TO A LABORATORY FOR MICROBIOLOGICAL ANALYSIS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4029 -- Reps. Gullick, Simrill and Kirsh: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 39 SO AS TO REQUIRE PACKAGED ICE PLANT OPERATORS AND PACKAGED ICE DEALERS TO OBTAIN ANNUAL PERMITS TO MANUFACTURE AND DISTRIBUTE PACKAGED ICE FOR HUMAN CONSUMPTION AND TO FURTHER PROVIDE FOR THE REGULATION OF THE MANUFACTURING, DISTRIBUTION, AND SALE OF PACKAGED ICE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

TUESDAY, MAY 12, 2009

CONCURRENT RESOLUTION

The following was introduced:

H. 4026 -- Reps. G. M. Smith, Weeks, Lowe, G. A. Brown and J. H. Neal: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. NINA G. GUNTER FOR A LIFETIME OF DEDICATION AND FAITHFUL SERVICE IN THE CHURCH OF THE NAZARENE, AND UPON THE OCCASION OF HER RETIREMENT TO WISH HER MANY YEARS OF HEALTH AND HAPPINESS IN THE FUTURE.

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 792 -- Senators Scott, 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, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF OCTOBER 2009 AS GANG AWARENESS MONTH IN SOUTH CAROLINA IN ORDER TO RAISE PUBLIC AWARENESS OF THE INCREASING PROBLEM OF CRIMINAL GANG ACTIVITY IN OUR STATE.

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

OBJECTION TO RECALL

Rep. HART asked unanimous consent to recall H. 3669 from the Committee on Ways and Means.

Rep. CRAWFORD objected.

OBJECTION TO RECALL

Rep. J. R. SMITH asked unanimous consent to recall S. 442 from the Committee on Aiken Delegation.

Rep. FRYE objected.

TUESDAY, MAY 12, 2009

OBJECTION TO RECALL

Rep. T. R. YOUNG asked unanimous consent to recall H. 3886 from the Committee on Judiciary.

Rep. KENNEDY objected.

OBJECTION TO RECALL

Rep. T. R. YOUNG asked unanimous consent to recall H. 3845 from the Committee on Judiciary.

Rep. KENNEDY objected.

OBJECTION TO RECALL

Rep. HERBKERSMAN asked unanimous consent to recall H. 3693 from the Committee on Judiciary.

Rep. KENNEDY objected.

**S. 304--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:

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, 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.

**H. 3944--RECALLED FROM COMMITTEE ON
EDUCATION AND PUBLIC WORKS**

On motion of Rep. JENNINGS, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

H. 3944 -- Reps. Jennings and Neilson: A BILL TO AMEND SECTION 56-3-8710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF NASCAR

TUESDAY, MAY 12, 2009

SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT A PORTION OF THE FEES COLLECTED FROM THE SALE OF THESE LICENSE PLATES MUST BE DISTRIBUTED TO THE SOUTH CAROLINA ASSOCIATION OF CHILDREN'S HOMES AND FAMILY SERVICES AND NO LONGER TO THE SOUTH CAROLINA CHILDREN'S EMERGENCY SHELTER FOUNDATION.

**S. 116--RECALLED FROM COMMITTEE ON
WAYS AND MEANS**

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

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.

TUESDAY, MAY 12, 2009

OBJECTION TO RECALL

Rep. E. H. PITTS asked unanimous consent to recall S. 166 from the Committee on Education and Public Works.

Rep. KENNEDY objected.

OBJECTION TO RECALL

Rep. HARRISON asked unanimous consent to recall S. 692 from the Committee on Judiciary.

Rep. HART objected.

H. 3560--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE

The following Bill was taken up:

H. 3560 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Reps. COOPER, HARRELL, EDGE, BINGHAM, YOUNG, J.R. SMITH, LIMEHOUSE, WHITE, LUCAS, and KIRSH proposed the following Amendment No. 1A (Doc Name h:\legwork\house\amend\H-WM\001\HOU2.DOCX), which was adopted:

Amend the bill, as and if amended, Part IA, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 21, line 5, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
107,610	107,610

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 21, line 12, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
220,112	220,112

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 21, line 14, opposite /sc

TUESDAY, MAY 12, 2009

association for the deaf/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
5,390	5,390

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 21, line 34, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
360	360

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 22, line 8, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
3,481	3,481

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 22, line 24, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
5,869	5,869

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 23, line 1, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
17,462	17,462

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 23, line 18, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
18,651	18,651

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 23, line 32, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
30,338	30,338

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 23, line 34, opposite /early intervention/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
34,601	34,601

Amend the bill further, as and if amended, Section 4, SCHOOL FOR THE DEAF AND THE BLIND, page 24, line 8, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
156,126	156,126

Amend the bill further, as and if amended, Section 5, JOHN DE LA HOWE SCHOOL, page 25, line 31, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
100,000	100,000

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 117, line 6, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
415,618	415,618

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 117, line 19, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
173,890	173,890

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 117, line 31, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
564,943	564,943

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 118, line 28, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
107,234	107,234

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 120, line 8, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
512,033	512,033

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 120, line 23, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
67,670	67,670

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 120, line 38, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
1,438,975	1,438,975

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 121, line 16, opposite /assistance payments/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
300,000	300,000

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 121, line 38, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
161,169	161,169

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 122, line 31, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
43,422	43,422

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 123, line 17, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

TUESDAY, MAY 12, 2009

Column 5 Column 6
261,095 261,095

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 124, line 9, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
274,901 274,901

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 124, line 22, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
759,538 759,538

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 126, lines 3-4, opposite /continuation teen pregnancy prevention/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
1,200,000 1,200,000

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 126, line 23, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
32,796 32,796

Amend the bill further, as and if amended, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 127, line 3, opposite /employer contributions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
886,716 886,716

Amend the bill further, as and if amended, Section 47, COMMISSION ON INDIGENT DEFENSE , page 190, line 36, opposite /circuit public defenders/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
2,084,992 2,084,992

Amend the bill further, as and if amended, Section 47, COMMISSION ON INDIGENT DEFENSE , page 190, line 38,

TUESDAY, MAY 12, 2009

opposite /unclassified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
394,160	394,160

Amend the bill further, as and if amended, Section 47, COMMISSION ON INDIGENT DEFENSE , page 191, line 3, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
96,000	96,000

Amend the bill further, as and if amended, Section 47, COMMISSION ON INDIGENT DEFENSE , page 191, lines 5-6, opposite /defense of indigents per capita/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
89,956	89,956

Amend the bill further, as and if amended, Section 47, COMMISSION ON INDIGENT DEFENSE , page 191, line 7, opposite /dui defense of indigents/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
70,354	70,354

Amend the bill further, as and if amended, Section 47, COMMISSION ON INDIGENT DEFENSE , page 191, line 8, opposite /criminal domestic violence/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
70,354	70,354

Amend the bill further, as and if amended, Section 47, COMMISSION ON INDIGENT DEFENSE , page 191, line 37, opposite /employer contributions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
1,624,848	1,624,848

Amend the bill further, as and if amended, Section 48, STATE LAW ENFORCEMENT DIVISION, page 193, line 27, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
500,000	500,000

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 48, STATE LAW ENFORCEMENT DIVISION, page 194, line 2, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
161,817	161,817

Amend the bill further, as and if amended, Section 48, STATE LAW ENFORCEMENT DIVISION, page 194, line 17, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
400,000	400,000

Amend the bill further, as and if amended, Section 48, STATE LAW ENFORCEMENT DIVISION, page 194, line 37, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
161,818	161,818

Amend the bill further, as and if amended, Section 48, STATE LAW ENFORCEMENT DIVISION, page 200, line 10, opposite /employer contributions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
408,000	408,000

Amend the bill further, as and if amended, Section 51, DEPARTMENT OF CORRECTIONS, page 207, line 30, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
14,410,607	14,410,607

Amend the bill further, as and if amended, Section 70B, LEG. DEPT-HOUSE OF REPRESENTATIVES, page 257, line 11, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
7,000,000	7,000,000

Amend the bill further, as and if amended, Section 70C, LEG. DEPT-CODIFICATION OF LAWS & LEG COUNCIL, page 258, line 5, opposite /unclass. leg. misc (P) / by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
250,000	250,000

Amend the bill further, as and if amended, Section 70D, LEG. DEPT-LEG PRINTING, INF. TECH. SYSTEMS, page 260, line 11,

TUESDAY, MAY 12, 2009

opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
100,000	100,000

Amend the bill further, as and if amended, Section 72A, GOVERNOR'S OFF-EXECUTIVE CONTROL OF STATE, page 264, line 5, opposite /unclassified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
305,709	305,709

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 265, line 4, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
24,177	24,177

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 265, line 6, opposite /unclassified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
38,373	38,373

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 265, line 16, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
68,133	68,133

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 265, line 18, opposite /unclassified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
13,814	13,814

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 265, line 20, opposite /other personal services/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
1,715	1,715

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 266, line 9, opposite /other personal services/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
145,431	145,431

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 266, line 24, opposite /children's case resolution/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
8,030	8,030

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 266, line 38, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
76,643	76,643

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 267, line 13, opposite /case services/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
441,146	441,146

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 267, line 38, opposite /victims rights/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
37,336	37,336

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 268, line 13, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
23,043	23,043

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 268, line 15, opposite /unclassified positions/ by increasing the amount(s) in Columns 5 and 6 by:

TUESDAY, MAY 12, 2009

Column 5 Column 6
26,961 26,961

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 268, line 17, opposite /other personal services/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
4,092 4,092

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 268, line 23, opposite /veterans counseling/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
31,253 3 1,253

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 268, line 32, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
10,416 10,416

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 268, line 36, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
21,172 21,172

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 269, line 23, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
6,860 6,860

Amend the bill further, as and if amended, Section 72B, GOVERNOR'S OFF-EXECUTIVE POLICY & PROGRAMS, page 270, line 3, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6
18,019 18,019

Amend the bill further, as and if amended, Section 72C, GOVERNOR'S OFF-MANSION AND GROUNDS, page 272, line 10,

TUESDAY, MAY 12, 2009

opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
73,781	73,781

Amend the bill further, as and if amended, Section 79, ELECTION COMMISSION, page 286, line 5, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
30,000	30,000

Amend the bill further, as and if amended, Section 79, ELECTION COMMISSION, page 286, line 17, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
72,625	72,625

Amend the bill further, as and if amended, Section 79, ELECTION COMMISSION, page 286, line 21, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
31,375	31,375

Amend the bill further, as and if amended, Section 79, ELECTION COMMISSION, page 286, line 28, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
36,000	36,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 289, line 15, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
87,537	87,537

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 289, line 37, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
5,000	5,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 290, line 10, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
129,450	129,450

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 290, line 16, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
17,302	17,302

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 292, line 1, opposite /mapping/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
25,000	25,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 292, line 31, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
4,000	4,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 293, line 24, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
37,500	37,500

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 293, line 37, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
12,500	12,500

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 294, line 7, opposite /classified positions/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
2,100	2,100

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 294, line 14, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
78,067	78,067

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 296, line 30, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
65,000	65,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 296, line 36, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
11,000	11,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 298, line 6, opposite /other personal services/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
66,000	66,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 298, line 9, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
6,745	6,745

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 298, line 21, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
101,340	101,340

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 299, line 30, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
75,000	75,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 300, line 03, opposite /local govt grants program/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
91,752	91,752

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 300, line 23, opposite /loans/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
797,238	797,238

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 302, line 23, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
14,611	14,611

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 302, line 25, opposite /service contract 800mhz/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
2,177,449	2,177,449

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 303, line 30, opposite /employer contributions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5	Column 6
46,578	46,578

Amend the bill further, as and if amended, Section 81, DEPARTMENT OF REVENUE, page 309, immediately after line 32, by inserting new lines to read:

Column 5	Column 6
new positions:	
tax auditor 0	0
(5.00)	(5.00)
revenue officer 0	0
(4.00)	(4.00)

Amend the bill further, as and if amended, Section 86A, AID TO SUBDIVISIONS-DEPARTMENT OF REVENUE, page 316, lines 2-3, opposite /id to counties - homestead exemption fund/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3	Column 4
42,674,979	42,674,979

Amend the bill further, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 324, paragraph 1.3, line 21, by inserting at the end:

/ For Fiscal Year 2009-10 the South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the current year's base student cost, as funded by the General Assembly, plus an additional \$700, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and state budget allocations. /

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 331, paragraph 1.3A, lines 25-29, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 339, paragraph 1.43, lines 16-34, by striking the paragraph in its entirety and inserting:

/ 1.43. (SDE: School Districts and Special Schools Flexibility) ~~All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education~~

Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness.

All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least sixty-five percent of the school district's per pupil expenditures must be utilized within the InSite categories of instruction, instructional support, and non-instruction pupil services. No portion of the sixty-five percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by InSite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the school year ending June 30, 2010.

"InSite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

~~The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision.~~

TUESDAY, MAY 12, 2009

~~The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.~~

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the 2009-10 fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

For Fiscal Year ~~2008-2009~~ 2009-10, Section 59-21-1030 is suspended.

TUESDAY, MAY 12, 2009

Formative assessments for grades one, two, and nine, the foreign language program assessment, and the physical education assessment must be suspended. New textbook adoptions may be suspended. Nothing in this provision suspends, amends, modifies, or otherwise authorizes changes in the manner in which textbooks are purchased. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee; and

(iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

TUESDAY, MAY 12, 2009

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act. /

Amend the bill further, as and if amended, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 365, paragraph 1A.41, lines 6-23, by striking the paragraph in its entirety and inserting:

/ 1A.41. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness.

All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least sixty-five percent of the school district's per pupil expenditures must be utilized within the InSite categories of instruction, instructional support, and non-instruction pupil services. No portion of the sixty-five percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by InSite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the school year ending June 30, 2010.

"InSite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board,

TUESDAY, MAY 12, 2009

reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

~~The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.~~

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the 2009-10 fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly

TUESDAY, MAY 12, 2009

at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

For Fiscal Year ~~2008-2009~~ 2009-10, Section 59-21-1030 is suspended.

Formative assessments for grades one, two, and nine, the foreign language program assessment, and the physical education assessment must be suspended. New textbook adoptions may be suspended. Nothing in this provision suspends, amends, modifies, or otherwise authorizes changes in the manner in which textbooks are purchased. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee; and

(iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

TUESDAY, MAY 12, 2009

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act. /

Amend the bill further, as and if amended, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 367, paragraph 1A.58, lines 34-36 and page 368, lines 1-3, by striking the paragraph in its entirety and inserting:

/ 1A.58. (SDE-EIA: One Year Suspension of EIA Programs) The following programs funded with EIA revenues will be temporarily suspended for Fiscal Year 2009-10 and funds appropriated to these programs allocated to teacher salaries and fringe benefits, National Board Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program: competitive teacher grants, Palmetto Gold and Silver program and external review teams. Schools will still be recognized as Palmetto Gold and Silver recipients in 2009-10 but will not receive financial compensation. /

Amend the bill further, as and if amended, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 369, after line 16, by adding an appropriately numbered paragraph to read:

/ (SDE-EIA: Statewide Student Information System) Contingent on the availability of a Fiscal Year 2008-09 end of year EIA cash balance the department is authorized in Fiscal Year 2009-10 to utilize up to \$5,000,000 for the costs related to the conversion, implementation, support, maintenance, and training activities for state, school district, and school users for the statewide student information system essential for sustaining accountability and transparency. /

Amend the bill further, as and if amended, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 372, paragraph 2.7, line 6, by striking / \$4,668,936; / and inserting / \$3,852,636 /

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 372, paragraph 2.7, lines 15-16, by striking: / In the event S110 which permits the sale of lottery tickets on general or primary election days is not enacted into law, the funding in item (9) above for Technology shall be reduced by \$816,300. /

Amend the bill further, as and if amended, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 372, paragraph 2.7, line 36, after / Initiative. / by inserting: / The next \$5,470,093 shall be directed for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. /

Amend the bill further, as and if amended, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 373, paragraph 2.7, lines 1-2, by striking: / The next \$4,653,793 shall be directed for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. /

Amend the bill further, as and if amended, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 385, paragraph 19.3, line 22, after

/ ~~Sinking Fund.~~ / by inserting: / The Budget and Control Board is authorized to recover actual expenses incurred to support the Broadband Service Commission from funds received by the State through any contract resulting from the Commission's activities. /

Amend the bill further, as and if amended, Section 23, DEPARTMENT OF MENTAL HEALTH, page 404, paragraph 23.16, by striking line 34 in its entirety, and inserting

/ 23.16. (DMH: Veterans' Nursing Home Death Investigations) In the event that a coroner rules that the death of an individual in a veterans' nursing home under the authority of the Department of Mental Health results from natural causes, then the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death. /

Amend the bill further, as and if amended, Section 23, DEPARTMENT OF MENTAL HEALTH, page 404, paragraph 23.17, line 35, by striking: / State Match /; and line 36, by striking: / state match /

Amend the bill further, as and if amended, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 420, paragraph 37.17, lines 4-26, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 39, DEPARTMENT OF PARKS, RECREATION & TOURISM, page 422, paragraph 39.10, by striking line 28 in its entirety and inserting

TUESDAY, MAY 12, 2009

/ 39.10. (PRT: Motion Picture Rebate Percentage) From the amount set aside pursuant to Section 12-62-50, the South Carolina Film Commission may rebate to a motion picture production company, up to twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. From the amount set aside pursuant to Section 12-62-60, the South Carolina Film Commission may rebate to a motion picture production company up to thirty percent of the expenditures made by the motion picture production company in the State. Motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project that was approved is still in production in South Carolina as of the effective date of this proviso. /

Amend the bill further, as and if amended, Section 43, S.C. CONSERVATION BANK, page 429, paragraph 43.2, lines 5-8, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 44, JUDICIAL DEPARTMENT, page 431, after line 7, by adding an appropriately numbered paragraph to read:

/ 44.20 (JUD: Marshal of the Supreme Court) If the provisions of paragraph 49A.5 of this Part apply July 1, 2009, then the Office of State Budget shall transfer all amounts otherwise appropriated and FTE's authorized in Part IA, Section 44.V.D. of this act for the operations of the Marshal of the Supreme Court to the appropriations categories of those agencies from whence those funds and FTE's were drawn to provide for the Marshal of the Supreme Court. /

Amend the bill further, as and if amended, Section 49A, CAPITOL POLICE FORCE, page 444, after line 36, by adding an appropriately numbered paragraph to read:

/ 49A.5. (CPF: Dispositions if agency not established) (A) The provisions of this paragraph apply if legislation is not enacted and in effect as of July 1, 2009, establishing in permanent law the Capitol Police Force. In that eventuality, the provisions of this paragraph and paragraph 44.20 of this Part apply and are deemed the intention of and the last expression of the General Assembly with respect to all matters addressed by this paragraph and paragraph 44.20.

(B) The provisions of paragraphs 49A.1 through 49A.4 of this section are suspended and the following numbered paragraphs contained in this Part IB are amended, effective July 1, 2009, to read:

Section 48 - D10 - State Law Enforcement Division

TUESDAY, MAY 12, 2009

“48.11.(SLED: Detective/Security Fee) The State Law Enforcement Division is hereby authorized to charge and collect additional license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises. The funds generated will be transmitted to the ~~Capitol Police Force~~ Department of Public Safety and used for the purpose of providing additional security in the Capitol Complex area.”

Section 49 - K05 - Department of Public Safety

“49.8. (DPS: Retention of Private Detective Fees) The Department of Public Safety is hereby authorized to receive, expend, retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises. The funds transferred are to be used in the Bureau of Protective Services Program to provide security for state agencies and the Capitol Complex.”

Section 68A - U12 - Department of Transportation

“68A.13. (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I). ~~Any balance remaining after the match requirement is satisfied shall be transferred to the Capitol Police Force to be used for operating purposes.~~”

Section 89 - X90 - General Provisions

“89.89.(GP: Lt. Governor Security Detail) The State Law Enforcement Division (SLED) shall provide a security detail to the Lieutenant Governor in a manner agreed to by SLED and the Lieutenant Governor's Office. Reimbursement to SLED to offset the cost of the security detail for the Lieutenant Governor's Office shall be made in an amount agreed to by SLED and the Lieutenant Governor's Office from funds appropriated to the Lieutenant Governor's Office for this purpose.”

89.131. (GP: Capitol Police Force Training) ~~The Law Enforcement Training Council, Criminal Justice Academy shall provide basic or advanced training to Capitol Police Force officers, as requested, without charge.~~

TUESDAY, MAY 12, 2009

89.132. (GP: Capitol Police Force Storage and Maintenance)
~~The State Law Enforcement Division, the Department of Public Safety, and the Budget and Control Board shall provide the Capitol Police Force with support as requested for the storage of evidence, ammunition, and weapons, for the maintenance of vehicles and other equipment, and for other operations as necessary.”~~

(C) The Office of State Budget shall transfer all amounts otherwise appropriated and FTE's authorized in Part IA, Section 49A of this act for the operations of the Capitol Police Force to the appropriations categories of those agencies from whence those funds and FTE's were drawn to establish the Capitol Police Force.

(D) If any time during the current fiscal year legislation is enacted establishing in permanent law the Capitol Police Force and the effective date of that legislation is in the current fiscal year, then on that date, the paragraphs amended pursuant to subparagraph (B) of this paragraph are then further amended to their texts as of June 30, 2009, and the provisions of paragraphs 49A.1 through 49A.4 of this section are reinstated. The Office of State Budget shall then transfer appropriations and FTE's previously transferred pursuant to subparagraph (C) of this paragraph and paragraph 44.20 of this Part so as to restore the appropriations made and FTE's authorized pursuant to Section 49A and Section 44.V.D. of Part IA of this act. The appropriation amounts restored must be prorated to the extent possible to reflect the date during the current fiscal year the restorations occur./

Amend the bill further, as and if amended, Section 52, DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES, page 451, paragraph 52.11, lines 17-24, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 52, DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES, page 451, paragraph 52.12, lines 25-34, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 78, ADJUTANT GENERAL'S OFFICE, page 481, paragraph 78.12, line 2, after / State / by inserting: / \$1,250,000 of /

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 486, paragraph 80A.11, line 7, by inserting at the end: / For Fiscal Year 2009-10, the Budget and Control Board is authorized to suspend the requirement of this provision. /

TUESDAY, MAY 12, 2009

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 491, paragraph 80A.39, lines 11-35, and page 492, lines 1-8 by striking the paragraph in its entirety and inserting:

/ 80A.39. (BCB: FY ~~08-09~~ 09-10 Employee Compensation) The amounts appropriated to the Budget and Control Board for Employee Pay Increases must be allocated by the Board to the various state agencies to provide for employee pay increases in accordance with the following plan:

1. With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after July 1 of the current fiscal year, the compensation of all classified employees shall be increased by ~~4%~~ 0%.

2. With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July 1 of the current fiscal year each agency is authorized to allot the total funds for compensation increases among individual employees without uniformity. The funds provided for compensation increases for any employees subject to the provisions of this paragraph are based on an average ~~4%~~ 0% increase. All of the salaries are subject to the provisions of Section 89.17 of Part IB of this act and Office of Human Resources approval must be obtained before any employees subject to the provisions of this paragraph may be granted an annual pay increase in excess of the guidelines established by the Budget and Control Board. Any employee subject to the provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

3. Effective on the first pay date that occurs on or after July 1 of the current fiscal year, agency heads not covered by the Agency Head Salary Commission, shall receive an annualized base pay increase of ~~4%~~ 0%.

4. With respect to local health care providers compensation increases shall be ~~4%~~ 0% effective on the first pay date that occurs on or after July 1 of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant Governor's Office on Aging, compensation shall be increased by ~~4%~~ 0% effective on the first pay date that occurs on or after July 1 of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant Governor's Office on Aging through Area Agencies

TUESDAY, MAY 12, 2009

on Aging, no pay increases will be allowed. School Bus Driver salary and fringe funding to school districts shall be increased by ~~1%~~ 0%.

5. Effective on the first pay date that occurs on or after July 1 of the current fiscal year, the Chief Justice and other judicial officers shall receive an annualized base pay increase of ~~1%~~ 0%.

6. Effective on the first pay date that occurs on or after July 1 of the current fiscal year, county auditors and county treasurers shall receive an annualized base pay increase of ~~1%~~ 0%.

The Budget and Control Board shall allocate associated compensation increases for retirement employer contributions based on the retirement rate of the retirement system in which individual employees participate.

The Executive Director of the Budget and Control Board is authorized to use excess appropriations for the current fiscal year, as determined by the Director of the Office of State Budget, designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the Budget and Control Board, such action may be considered a permanent transfer into the receiving agency's base budget.

Funds appropriated in Part IA, F30, Section 80C, Budget and Control Board, Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year. /

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 496, after line 8, by adding an appropriately numbered paragraph to read:

/ (BCB: Human Resource Programming) To properly encode the Human Resource regulations and guidelines for the SC Enterprise Information System, the following provisions are authorized for Fiscal Year 2009-10:

A. All officers and employees of this State or a political subdivision of this State who wish to be an organ donor and who accrue annual or sick leave as part of their employment are entitled to leaves of absence from their respective duties without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of thirty regularly scheduled workdays in any one calendar year during which they may engage in the donation of their organs. Saturdays, Sundays, and state holidays may not be included in the thirty-day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the officer or employee involved.

TUESDAY, MAY 12, 2009

B. Section 8-11-120 of the 1976 Code is suspended for Fiscal Year 2009-10 and in addition to any other requirement provided by law, when a job vacancy occurs in any state office, agency, department, or other division of the Executive branch of state government, the appointing authority must post a notice with the Office of Human Resources of the Budget and Control Board and the South Carolina Employment Security Commission at least five working days before employing a person to fill the vacancy. The posting must give notice of the job vacancy, describe the duties to be performed by a person employed in that position, and include any other information required by law. For purposes of this section, 'appointing authority' shall have the same meaning as in Section 8-11-220 of the 1976 Code.

C. A state agency that has its payroll processed by the Office of the Comptroller General is authorized to withhold or deduct any portion of a state employee's wages when: (1) the State of South Carolina or a state agency that has its payroll processed by the Office of the Comptroller General in its role as an employer is required or empowered to do so by state or federal law; or (2) an overpayment of wages to an employee as a result of a miscalculation or other bona fide error has occurred. Prior to any deduction being made pursuant to this section, the employee must receive advance written notice of the deduction, the reason for the deduction, and the actual dollar amount or percentage of wages which will be deducted during one or more pay periods.

D. Positions established under Section 8-11-196 of the 1976 Code must be limited to and must not exist beyond the duration of the time-limited project, grant, or a subsequent renewal of it. However, at the discretion of any agency, other funds may be used to fund continued employment between the expiration of one grant or time-limited project and the subsequent renewal of the same or similar grant or time-limited project. When the grant, time-limited project, or a subsequent renewal ends, temporary grant or time-limited project employees must be terminated and their positions will cease to exist. Temporary grant or time-limited project employees will be exempt from the provisions of Sections 8-17-310 through 8-17-380 of the 1976 Code. State agencies and institutions must terminate all temporary grant or time-limited project positions when funding is terminated, or is insufficient to continue payments under the conditions of the grant or time-limited project.

E. In order to implement and transition to the South Carolina Enterprise Informational System in Fiscal Year 2009-10, the Budget

TUESDAY, MAY 12, 2009

and Control Board, Office of Human Resources is authorized to amend or modify human resource policies, regulations, and processes as it determines efficient to implement and transition to the South Carolina Enterprise Informational System. Any changes or modifications adopted by the Office of Human Resources shall be published in the State Register and published on the official Office of Human Resources website prior to the changes or modifications taking effect. /

Amend the bill further, as and if amended, Section 81, DEPARTMENT OF REVENUE, page 499, after line 7, by adding an appropriately numbered paragraph to read:

/ (DOR: Admissions Tax Exemption) Effective January 1, 2008, any amount that an accredited college or university requires a season ticket holder to pay to a nonprofit athletic booster organization that is exempt from federal income taxation in order to receive the right to purchase athletic event tickets is exempt from admissions tax. /

Amend the bill further, as and if amended, Section 82, STATE ETHICS COMMISSION, page 499, paragraph 82.5, lines 26-29, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 82, STATE ETHICS COMMISSION, page 499, paragraph 82.6, lines 30-34, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 501, paragraph 86.2, by striking line 11 in its entirety and inserting:

/ 86.2. (AS-TREAS: Local Government Flexibility) For Fiscal Year 2009-10, counties of this State may transfer funds among appropriated state revenues as needed to ensure the delivery of services. /

Amend the bill further, as and if amended, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 502, paragraph 86.7, lines 10-12, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 534, paragraph 89.114, by striking line 24 in its entirety and inserting:

/ 89.114. (GP: Solar Power Income Tax Credit Increased) The State income tax credit allowed pursuant to Section 12-6-3587 of the 1976 Code for the costs of purchase and installation of a qualifying solar energy system in a taxable year ending in 2009 is increased from twenty-five to thirty percent of such costs. /

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 536, paragraph 89.125, line 3, by striking: / Each

TUESDAY, MAY 12, 2009

/ and inserting: / *In order to promote accountability and transparency, each* /

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 536, paragraph 89.130, lines 32-36, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 537, after line 22, by adding an appropriately numbered paragraph to read:

/ (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., Friday, November 27, 2009, through twelve midnight, Saturday, November 28, 2009. /

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 537, after line 22, by adding an appropriately numbered paragraph to read:

/ (GP: Economic Activity Web-Based Applications) The Department of Commerce, for Fiscal Year 2009-10, is directed to transfer \$75,000 to the Budget and Control Board which shall be utilized to support a web-based application for public submission of questions and concerns about state agency licensing, permitting, and regulation of economic activity to ensure that such agency licensing, permitting, and regulation of economic activity is not unduly burdensome on economic activity in this State. /

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 537, after line 22, by adding an appropriately numbered paragraph to read:

/ (GP: South Carolina Research Authority Officers) For the current fiscal year, the Governor's appointee to the board of trustees of the South Carolina Research Authority shall not serve as chairman of that board, but continues to serve on the board if otherwise eligible. The positions of chairman and vice-chairman of the board of trustees must be filled for the current fiscal year by appointments made by the executive committee of the South Carolina Research Authority in the manner the executive committee determines appropriate. /

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 543, paragraph 90.13, line 30, by striking / \$445,738,999 / and by inserting / \$450,762,894 /; amend further, page 543, line 33, after / *distributed* / by inserting / , *at a minimum,* /; amend

TUESDAY, MAY 12, 2009

further, page 544, line 9, by striking / \$101,284,296; / and by inserting / \$98,897,191; /; amend further, page 544, line 22, by striking / \$5,000,000; / and by inserting / \$7,500,000; /; amend further, page 544, line 29, by striking / and /; amend further, page 544, after line 30, by inserting:

/ CC. Shared Care \$ 500,000;
DD. Durable Medical Goods \$ 770,000; and
EE. OB & Delivery Rates \$1,141,000. /

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 545, paragraph 90.13, after line 19, by inserting an appropriately numbered subitem to read: / Rural Hospital Equipment and Facilities \$2,000,000; /; amend further, page 545, line 20, by striking / \$1,800,000; / and by inserting / \$3,000,000; /; amend further, page 546, by striking line 8 in its entirety and by inserting / B. Operating expenses \$350,000. /; amend further, page 546, line 10, by striking / \$450,000 / and by inserting / \$100,000 /; amend further, page 546, line 11, by striking / of which \$100,000 shall be utilized /; amend further, page 546, line 16, by striking / \$600,000 / and by inserting / \$700,000 / and by striking / \$500,000 / and by inserting / \$600,000 /

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 547, paragraph 90.19, by striking line 4 in its entirety and by inserting:

/ 90.19. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in this provision is \$51,920,921 of non-recurring revenue generated from the following sources, transferred to the State Treasurer, and subsequently deposited in a fund separate and distinct from the General Fund as established within the State Treasurer's Office: (1) the State Treasurer shall transfer \$15,000,000 of the excess cash balance from E16, State Treasurer's Office, Subfund 3879, Unclaimed Property; and (2) the Budget and Control Board shall transfer \$36,920,921 of premium savings from F03, Budget and Control Board, Subfund 4161, Insurance Reserve Fund. These transfers shall occur no later than September 1, 2009 and shall be available for use in Fiscal year 2009-10 after September 1, 2009.

(B) The State Treasurer shall disburse the following appropriations by September 1, 2009, for the purposes stated:

- (1) Aid to Subdivisions-Department of Revenue
Homestead Exemption Shortfall \$ 37,534,561;
- (2) Commission on Higher Education
Need-Based Grants \$ 1,000,000;

TUESDAY, MAY 12, 2009

(3) Department of Parks, Recreation and Tourism
Destination Specific Tourism \$ 8,000,000;

(4) South Carolina Conservation Bank \$ 2,000,000;

(5) Budget and Control Board

State Energy Office-Hydrogen Fuel Station Loans \$
1,450,800;

(6) Budget and Control Board

General Services-Deferred Maintenance \$ 1,800,000

and

(7) Commission on Higher Education

University Center of Greenville \$ 135,560.

(C) The Budget and Control Board is required to suspend the payment of annual premiums for all Insurance Reserve Fund insurance lines that would otherwise be paid by State agencies up to an amount of \$36,920,921 in order to meet the requirements of this provision for Fiscal Year 2009-10. This suspension of annual renewal premium applies to coverages that were in effect and would be subject to renewal in Fiscal Year 2009-10. Any new coverages or additional coverages insured with the Insurance Reserve Fund during Fiscal Year 2009-10 are subject to premium collection. Each state agency, as so classified by the Insurance Reserve Fund for purposes of providing insurance, is directed to remit the amount of premium savings, as reported by the Insurance Reserve Fund, to the Budget and Control Board for deposit into the Insurance Reserve Fund. Each State agency is authorized to use funds from any source except federal funds for this payment. By this provision, these remittances are deemed to have occurred and are available for appropriation in the amount of \$36,920,921. The Insurance Reserve Fund is directed to adjust rates in future years as necessary to ensure actuarial soundness of the fund.

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 547, paragraph 90.21, by striking lines 25-26 in their entirety; amend further, page 547, by striking lines 31-32 in their entirety; amend further, page 547, line 36, by striking / \$38,363,923 / and by inserting / \$43,504,341 /; amend further, page 548, line 7, by adding at the end: / The next \$30,000 of excess revenue shall be transferred to the Department of Agriculture for Agri-Business Development. The next \$10,000,000 of excess revenue shall be transferred to Aid to Subdivisions-State Treasurer for the Local Government Fund./

Amend the bill further, as and if amended, PART III, Section 1, page 550, line 11, by inserting at the end:

[HJ]

TUESDAY, MAY 12, 2009

/ The action required by this Part includes but is not limited to: (1) within five days of the effective date of this Part, the Governor shall submit an application to the United State's Secretary of Education to obtain phase one State Fiscal Stabilization Funds, and (2) within thirty days of phase two State Fiscal Stabilization Funds becoming available or thirty days following the effective date of this act, whichever is later, the Governor shall submit an application to the United State's Secretary of Education to obtain phase two State Fiscal Stabilization Funds. The State Superintendent of Education shall take all action necessary and provide any information needed to assist the Governor in fulfilling his obligation to apply for State Fiscal Stabilization funds pursuant to this Section. /

Amend the bill further, as and if amended, PART III, Section 2, page 552, line 20, after / Spoleto / by inserting: / and \$10,435 of the funds for the McClellanville Arts Council /

Amend the bill further, as and if amended, page 553, after line 13, by adding a new paragraph to read:

/ If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

Rep. HALEY moved to adjourn debate on the Bill until Wednesday, May 13.

Rep. COOPER moved to table the motion.

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

Yeas 93; Nays 22

[HJ]

TUESDAY, MAY 12, 2009

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Bannister
Barfield	Battle	Bingham
Bowen	Bowers	Brady
Branham	H. B. Brown	R. L. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Crawford	Daning
Delleney	Dillard	Edge
Erickson	Forrester	Funderburk
Gambrell	Gilliard	Govan
Gullick	Hardwick	Harrell
Harrison	Hart	Harvin
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Hutto	Jefferson
Jennings	Kelly	King
Kirsh	Knight	Limehouse
Littlejohn	Long	Lowe
Lucas	Mack	McEachern
McLeod	Merrill	Miller
Mitchell	D. C. Moss	V. S. Moss
J. H. Neal	J. M. Neal	Neilson
Ott	Owens	Parker
Parks	Pinson	M. A. Pitts
Rutherford	Sandifer	Simrill
Skelton	G. M. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Umphlett	Weeks
Whipper	White	Whitmire
Williams	Willis	A. D. Young

Total--93

Those who voted in the negative are:

Ballentine	Bedingfield	Brantley
Duncan	Frye	Gunn
Haley	Hamilton	Huggins
Kennedy	Millwood	Nanney
E. H. Pitts	Rice	Scott

TUESDAY, MAY 12, 2009

G. R. Smith	Stewart	Stringer
Thompson	Toole	Viers
T. R. Young		

Total--22

So, the motion to adjourn debate was tabled.

The question then recurred to the adoption of Amendment 1A.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 18

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Bannister
Barfield	Battle	Bingham
Bowen	Bowers	Brady
Branham	Brantley	H. B. Brown
R. L. Brown	Cato	Chalk
Clemmons	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Edge	Erickson	Forrester
Funderburk	Gambrell	Gilliard
Govan	Gunn	Hardwick
Harrell	Harrison	Hart
Harvin	Hayes	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Howard
Hutto	Jefferson	Jennings
Kelly	King	Kirsh
Knight	Limehouse	Littlejohn
Long	Lucas	Mack
McEachern	McLeod	Merrill
Miller	Mitchell	D. C. Moss
V. S. Moss	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
M. A. Pitts	Rutherford	Sandifer
Simrill	Skelton	G. M. Smith

[HJ]

TUESDAY, MAY 12, 2009

J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Toole
Umphlett	Weeks	Whipper
White	Whitmire	Williams
Willis	A. D. Young	

Total--95

Those who voted in the negative are:

Ballentine	Bedingfield	Duncan
Frye	Haley	Hamilton
Huggins	Kennedy	Millwood
Nanney	E. H. Pitts	Rice
Scott	G. R. Smith	Stringer
Thompson	Viers	T. R. Young

Total--18

The amendment was then adopted.

STATEMENT FOR THE JOURNAL

I voted against Amendment No. 1A to H. 3560 for the following reasons:

1. The alternative budget provides more money for public education and law enforcement, which are two of the most critical functions of state government.
2. The alternative budget does not use the fiscal stabilization funds because we still do not know, as of today, whether those funds will be available.
3. We did not receive the budget until today and we had no time to study the budget before voting on it today.

I strongly believe that the Governor should seek the fiscal stabilization funds so those funds are not spent in other states. However, we should not appropriate those funds until we know we have them and until then, we should prioritize spending in the budget as if we will not receive those funds.

I am aware of the work put into Amendment No. 1A by the Ways and Means staff and I support that Amendment over the Senate Budget. Nevertheless, until we know the stimulus funds are available, I support the alternative budget over Amendment No. 1A.

Rep. Tom Young

[HJ]

TUESDAY, MAY 12, 2009

Reps. DUNCAN, NANNEY, G.R. SMITH, BEDINGFIELD, HAMILTON STEWART, MILLWOOD, STRINGER, RICE, BALLENTINE and HALEY proposed the following Amendment No. 3A (LEGWORK\HOUSE\COMBINED_COUNCIL_AMENDMENTS\20348SD09KRL), which was tabled:

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

/For Part 1A, Columns (5) and (6) as shown by http://www.scstatehouse.gov/sess118_2009-2010/hj09/ha09ndx.htm

For Part 1B:

http://www.scstatehouse.gov/sess118_2009-2010/hj09/hab09ndx.htm

Re-number sections to conform.

Amend title to conform.

Rep. DUNCAN explained the amendment.

POINT OF ORDER

Rep. J. E. SMITH raised the Point of Order that Amendment No. 3A was out of order under House Rule 9.4 which states that proposed amendments must be typewritten and in the proper format for the computer system.

SPEAKER HARRELL stated that the Speaker, in his discretion accepted a typed copy of the amendment presented on the House Desk, with a internet link to the full document on-line. The Speaker stated he was allowing this in his discretion in order to conserve the cost of printing a 526 page amendment for distribution to 124 members. He stated further that the members could access the amendment on the State House website under current amendment or under the link entitled "Duncan Amendment". Therefore, he overruled the Point of Order.

Rep. DUNCAN continued speaking.

Rep. DUNCAN spoke in favor of the amendment.

Rep. G. R. SMITH spoke in favor of the amendment.

Rep. BALLENTINE spoke in favor of the amendment.

Rep. HALEY spoke in favor of the amendment.

Rep. G. R. SMITH spoke in favor of the amendment.

Rep. KENNEDY spoke against the amendment.

Rep. BALLENTINE moved to adjourn debate on the Bill until Wednesday, May 13.

[HJ]

TUESDAY, MAY 12, 2009

Rep. COOPER moved to table the motion.

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

Yeas 94; Nays 21

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Bannister
Barfield	Battle	Bingham
Bowen	Brady	Branham
Brantley	H. B. Brown	R. L. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Crawford	Daning
Delleney	Dillard	Edge
Erickson	Forrester	Funderburk
Gambrell	Gilliard	Govan
Gullick	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Howard	Hutto
Jefferson	Jennings	Kelly
Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Mitchell
D. C. Moss	V. S. Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	M. A. Pitts	Rutherford
Sandifer	Simrill	Skelton
G. M. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinnakis
Umphlett	Weeks	Whipper
White	Whitmire	Williams
A. D. Young		

Total--94

[HJ]

TUESDAY, MAY 12, 2009

Those who voted in the negative are:

Ballentine	Bedingfield	Duncan
Frye	Gunn	Haley
Hamilton	Huggins	Millwood
Nanney	E. H. Pitts	Rice
Scott	G. R. Smith	Stewart
Stringer	Thompson	Toole
Viers	Willis	T. R. Young

Total--21

So, the motion to adjourn debate was tabled.

Rep. E. H. PITTS moved that the House do now adjourn.

Rep. A. D. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 21; Nays 91

Those who voted in the affirmative are:

Ballentine	Bedingfield	Duncan
Frye	Gunn	Haley
Hamilton	Hart	Littlejohn
Millwood	Nanney	E. H. Pitts
Rice	Scott	G. M. Smith
G. R. Smith	Stewart	Stringer
Thompson	Viers	T. R. Young

Total--21

Those who voted in the negative are:

Agnew	Allen	Allison
Anderson	Bales	Barfield
Battle	Bingham	Bowen
Brady	Branham	Brantley
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Danig	Delleney
Dillard	Edge	Erickson
Forrester	Funderburk	Gambrell

TUESDAY, MAY 12, 2009

Gilliard	Govan	Gullick
Hardwick	Harrell	Harrison
Harvin	Hayes	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Howard
Hutto	Jefferson	Jennings
Kelly	Kennedy	King
Kirsh	Knight	Limehouse
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Mitchell
D. C. Moss	V. S. Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	M. A. Pitts	Rutherford
Simrill	Skelton	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Toole	Umphlett
Weeks	Whipper	White
Whitmire	Williams	Willis
A. D. Young		

Total--91

So, the House refused to adjourn.

Rep. COOPER moved to table the amendment.

The yeas and nays were taken resulting as follows:

Yeas 90; Nays 23

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Bannister
Barfield	Battle	Bingham
Bowen	Brady	Branham
Brantley	H. B. Brown	R. L. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Daning	Delleney
Dillard	Edge	Erickson

[HJ]

TUESDAY, MAY 12, 2009

Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gullick	Gunn	Hardwick
Harrell	Harrison	Hart
Harvin	Hayes	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Howard
Hutto	Jefferson	Jennings
Kelly	Kennedy	King
Kirsh	Knight	Limehouse
Littlejohn	Long	Lucas
Mack	McEachern	McLeod
Miller	Mitchell	D. C. Moss
V. S. Moss	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
M. A. Pitts	Rutherford	Skelton
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Umphlett
Weeks	Whipper	White
Whitmire	Williams	A. D. Young

Total--90

Those who voted in the negative are:

Ballentine	Bedingfield	Crawford
Duncan	Haley	Hamilton
Huggins	Lowe	Merrill
Millwood	Nanney	E. H. Pitts
Rice	Scott	Simrill
G. M. Smith	G. R. Smith	Stewart
Stringer	Thompson	Toole
Viers	T. R. Young	

Total--23

So, the amendment was tabled.

TUESDAY, MAY 12, 2009

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Amendment No. 3A. If I had been present, I would have voted in favor of tabling the Amendment.

Rep. Mark Willis

Reps. RICE, THOMPSON and DUNCAN proposed the following Amendment No. 4A (COMBINED_COUNCIL_AMENDMENTS\19468MM09KRL), which was tabled:

Amend the bill, as and if amended, Part IB, SECTION 89, General Provisions, by adding an appropriately numbered paragraph at the end to read:

/ 89.____ (GP: Agency study) For the current fiscal year only, there is established the Joint Study Committee on the Consolidation of State Agencies. The purpose of the committee is to review the feasibility and costs savings related to the consolidation of certain state agencies with the following objectives:

- (1) identifying a consolidation plan that generates at least three hundred fifty million dollars in savings; and
- (2) applying the funds generated only to offset recurring state expenditures.

B. The savings generated during the implementation of the consolidation plan in the current fiscal year must be used only for reduction of the state's debt.

C. The Joint Study Committee must be composed of the Governor, or his designee; Chairman of the Senate Judiciary Committee, or his designee; the Chairman of the House Judiciary Committee, or his designee; the Chairman of the Senate Finance Committee, or his designee; the Chairman of the House Ways and Means Committee, or his designee; the majority and minority leaders of the House of Representatives, or their designees; and the majority and minority leaders of the Senate, or their designees. Designees, if appointed, must be from within the respective committee. The study committee may solicit input from agency heads and from other sources as necessary.

D. Recommendations for elimination of duplication within state agencies and costs savings mechanisms must be reported to the General Assembly by January 15, 2010, at which time the committee is dissolved. /

Renumber sections to conform.

Amend title to conform.

[HJ]

TUESDAY, MAY 12, 2009

Rep. RICE explained the amendment.

POINT OF ORDER

Rep. SKELTON raised the Point of Order that Amendment No. 4A was out of order in that it was not germane to the bill since it attempted to create a new study committee.

SPEAKER HARRELL stated the amendment was germane and overruled the Point of Order.

Rep. COOPER moved to table the amendment.

The yeas and nays were taken resulting as follows:

Yeas 83; Nays 27

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Bannister
Barfield	Battle	Bingham
Bowen	Brady	Branham
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Edge	Forrester
Funderburk	Gambrell	Gilliard
Govan	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Hosey
Hutto	Jefferson	Jennings
Kelly	King	Kirsh
Knight	Limehouse	Long
Lowe	Lucas	Mack
McEachern	McLeod	Miller
Mitchell	D. C. Moss	V. S. Moss
J. H. Neal	J. M. Neal	Neilson
Ott	Owens	Parker
Parks	Pinson	M. A. Pitts
Rutherford	Sandifer	Skelton
J. E. Smith	J. R. Smith	Sottile
Stavrinakis	Umphlett	Weeks

TUESDAY, MAY 12, 2009

Whipper	White	Whitmire
Williams	Willis	

Total--83

Those who voted in the negative are:

Ballentine	Bedingfield	Duncan
Erickson	Frye	Gunn
Haley	Hamilton	Horne
Huggins	Kennedy	Merrill
Millwood	Nanney	E. H. Pitts
Rice	Scott	Simrill
G. M. Smith	G. R. Smith	Spires
Stewart	Stringer	Thompson
Toole	Viers	T. R. Young

Total--27

So, the amendment was tabled.

The Senate Amendments, as amended, were then agreed to and the Bill was ordered returned to the Senate.

RECURRENCE TO THE MORNING HOUR

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

REPORTS OF STANDING COMMITTEES

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4007 -- Reps. Sellers, Funderburk, Miller and Anderson: A HOUSE RESOLUTION TO MEMORIALIZE ANY GOVERNMENTAL BODY SUBJECT TO THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE TO MAXIMIZE THE CREATION OF AMERICAN JOBS AND RESTORE ECONOMIC GROWTH AND OPPORTUNITY BY COMMITTING TO SPENDING ECONOMIC RECOVERY PLAN FUNDS PROVIDED TO THAT BODY BY THE AMERICAN TAXPAYERS ON PURCHASING MATERIALS, GOODS, AND SERVICES THAT

TUESDAY, MAY 12, 2009

ARE MADE OR PERFORMED IN THE UNITED STATES OF AMERICA WHENEVER AND WHEREVER POSSIBLE.

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4014 -- Rep. Cobb-Hunter: A HOUSE RESOLUTION TO AUTHORIZE THE ANNUAL YOUTH LEGISLATIVE CONFERENCE TO USE THE HOUSE CHAMBER ON MONDAY, SEPTEMBER 28, 2009, FROM 9:00 A.M. TO 12:00 NOON FOR ITS ANNUAL MOCK SESSION.

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4016 -- Rep. Barfield: A HOUSE RESOLUTION TO COMMEND THE REPUBLIC OF CHINA (TAIWAN) FOR ITS RELATIONS WITH THE UNITED STATES AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 4030 -- Rep. Thompson: A HOUSE RESOLUTION TO AMEND RULE 6.3 OF THE RULES OF THE HOUSE OF REPRESENTATIVES, RELATING TO THE DAILY ORDER OF BUSINESS AND CALENDAR, SO AS TO PROVIDE THAT A MAXIMUM OF FIFTEEN MINUTES IS ALLOWED TO ANSWER THE ROLL CALL OF THE HOUSE.

The Resolution was ordered referred to the Committee on Rules.

HOUSE RESOLUTION

The following was introduced:

H. 4031 -- Reps. Pinson, M. A. Pitts and Parks: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE CAMBRIDGE ACADEMY GOLF TEAM FOR CAPTURING THE 2009 SOUTH CAROLINA INDEPENDENT SCHOOL

[HJ]

TUESDAY, MAY 12, 2009

ASSOCIATION CLASS A STATE CHAMPIONSHIP TITLE, AND TO HONOR THESE EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4032 -- Rep. Huggins: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR RONALD C. OSBORNE OF COLUMBIA, DIRECTOR OF THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION, OFFICE OF THE ADJUTANT GENERAL, UPON THE OCCASION OF HIS RETIREMENT, TO THANK HIM FOR HIS MANY YEARS OF OUTSTANDING PUBLIC SERVICE, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was taken up for immediate consideration:

S. 755 -- Senator Massey: A CONCURRENT RESOLUTION TO URGE THE CITIZENS OF SOUTH CAROLINA TO PRACTICE SAFE BOATING HABITS, ESPECIALLY THE WEARING OF LIFE JACKETS, AND TO DECLARE MAY 16-22, 2009, AS SAFE BOATING WEEK IN SOUTH CAROLINA.

Whereas, on average, seven hundred people die each year in boating-related accidents in the United States, and nearly seventy percent of these are fatalities caused by drowning; and

Whereas, the vast majority of these accidents are caused by human error or poor judgment, not by the boat, equipment, or environmental factors; and

Whereas, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

[HJ]

TUESDAY, MAY 12, 2009

Whereas, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public; and

Whereas, in light of the many lives spared yearly because of the wearing of a life jacket, the General Assembly strongly encourages all South Carolina boaters to don this life-saving equipment when on the water, and, to encourage further compliance with this and other important water-safety guidelines, the members hereby declare the week of May 16-22, 2009, as Safe Boating Week in South Carolina. Now, therefore,

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

That the members of the South Carolina General Assembly, by this resolution, urge the citizens of South Carolina to practice safe boating habits, especially the wearing of life jackets, and declare May 16-22, 2009, as Safe Boating Week in South Carolina.

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

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

INTRODUCTION OF BILLS

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

H. 4033 -- Reps. Clemmons, Harrell, Gunn, Anderson, Gullick, Limehouse, Hardwick, Merrill, Ott, Rutherford, Bales, V. S. Moss, Duncan, Owens, Bowen, Stavrinakis, Hutto, Allison, Barfield, Battle, Bingham, Branham, H. B. Brown, Cato, Cole, Cooper, Crawford, Delleney, Dillard, Gambrell, Harrison, Harvin, Hayes, Hearn, Herbkersman, Horne, Hosey, Howard, Jefferson, Jennings, Kennedy, King, Kirsh, Lowe, Lucas, Mack, McLeod, Miller, D. C. Moss, J. M. Neal, Neilson, M. A. Pitts, Rice, Sandifer, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Thompson, Weeks, White, Williams, Willis and A. D. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE

TUESDAY, MAY 12, 2009

"TRANSPORTATION INFRASTRUCTURE FUNDING FLEXIBILITY ACT" BY ADDING ARTICLE 3 TO CHAPTER 3, TITLE 57 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY SOLICIT AND ENTER INTO CERTAIN PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES AND TO PROVIDE THE PROCEDURE WHEREBY PUBLIC-PRIVATE INITIATIVES ARE SOLICITED, APPROVED, AND IMPLEMENTED; BY ADDING ARTICLE 9 TO CHAPTER 3, TITLE 57 SO AS TO PROVIDE THE CIRCUMSTANCES WHEREBY TOLLS MAY BE IMPOSED AND COLLECTED ALONG THE STATE'S HIGHWAYS, TO PROVIDE FOR THE PROJECTS THAT MAY BE FINANCED BY TOLL REVENUES, TO PROVIDE PENALTIES FOR A PERSON WHO FAILS TO PAY A TOLL, AND TO PROVIDE THAT THE DEPARTMENT MAY IMPLEMENT AN ELECTRONIC TOLL SYSTEM; BY ADDING SECTION 11-35-3075 SO AS TO PROVIDE THAT THE PROVISIONS THAT ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES ARE SUBJECT TO CERTAIN PORTIONS OF THE CONSOLIDATED PROCUREMENT CODE AND TO CERTAIN EXPANDED DISCUSSIONS AND PROPOSAL REVISIONS; TO AMEND SECTION 11-35-710, AS AMENDED, RELATING TO THE PURCHASE OF CERTAIN ITEMS THAT ARE EXEMPT FROM THE PROVISIONS CONTAINED IN THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE THAT THE PURCHASE OF ITEMS ASSOCIATED WITH DEPARTMENT OF TRANSPORTATION PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES ARE NOT EXEMPT FROM THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO THE APPLICATION OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE AN ENTITY THAT UTILIZES A FEDERAL GRANT TO PROCURE AN ITEM MUST COMPLY WITH ALL APPLICABLE LAWS THAT ARE NOT CONTAINED IN THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 57-5-1625, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AWARDDING OF CONTRACTS THAT USE THE DESIGN-BUILD PROCEDURE, SO AS TO REVISE THE DEFINITION OF THE TERM "DESIGN-BUILD CONTRACT"; TO AMEND SECTION 57-5-1310,

[HJ]

TUESDAY, MAY 12, 2009

RELATING TO THE GENERAL ASSEMBLY'S INTENT WHEN IT PROVIDED THE DEPARTMENT OF TRANSPORTATION THE AUTHORITY TO CONSTRUCT TURNPIKE PROJECTS, SO AS TO PROVIDE THAT THE DEPARTMENT ALSO HAS THE AUTHORITY TO IMPROVE THESE FACILITIES PURSUANT TO THIS PROVISION; TO AMEND SECTION 57-5-1320, RELATING TO THE DEFINITION OF TERMS REGARDING TURNPIKE PROJECTS, SO AS TO REVISE THE DEFINITION OF THE TERM "TURNPIKE FACILITY"; TO AMEND SECTION 57-5-1330, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AUTHORITY TO DESIGNATE, ESTABLISH, PLAN, IMPROVE, CONSTRUCT, OPERATE, AND REGULATE TURNPIKE FACILITIES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DESIGNATE AS A TURNPIKE FACILITY ANY TRANSPORTATION FACILITY THAT IS FUNDED IN PART BY A LOCAL OPTION SALES AND USE TAX; TO AMEND SECTION 40-11-360, RELATING TO THE ENTITIES THAT ARE EXEMPT FROM THE PROVISIONS THAT REGULATE LICENSED CONTRACTORS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 57-5-1660, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S REQUIREMENT THAT CERTAIN CONTRACTORS MUST FURNISH A BOND FOR CERTAIN CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO CERTAIN PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES AND PROVIDE THAT WHEN THE DEPARTMENT UTILIZES THE DESIGN-BUILD DELIVERY METHOD FOR A HIGHWAY CONSTRUCTION PROJECT, THE AMOUNT OF THE PERFORMANCE AND INDEMNITY BOND AND PAYMENT BONDS REQUIRED BY THIS PROVISION RELATE ONLY TO THE PORTION OF THE CONTRACT CONCERNING CONSTRUCTION; AND TO REPEAL SECTIONS 12-28-2920, 57-3-200, 57-3-615, 57-3-618, 57-5-1490, AND 57-5-1495 RELATING TO THE CONSTRUCTION OF TOLL ROADS BY THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT'S AUTHORITY TO ENTER INTO AGREEMENTS WITH VARIOUS ENTITIES TO CONSTRUCT, OPERATE, AND MAINTAIN HIGHWAY FACILITIES, THE PROJECTS THAT MAY BE CONSTRUCTED WITH TOLL REVENUES, THE IMPOSITION AND COLLECTION OF A TOLL ALONG

[HJ]

TUESDAY, MAY 12, 2009

INTERSTATE 73, THE PENALTY FOR FAILURE TO PAY A TOLL, AND THE COLLECTION OF TOLLS.

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

S. 144 -- Senators Campsen and Ford: A BILL TO RATIFY AN AMENDMENT TO SECTION 33, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROVISION PROVIDING THAT NO UNMARRIED WOMAN UNDER THE AGE OF FOURTEEN YEARS OLD MAY LEGALLY CONSENT TO SEXUAL INTERCOURSE, SO AS TO DELETE THAT PROVISION.

Referred to Committee on Judiciary

S. 282 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

Referred to Committee on Judiciary

S. 372 -- Senators Hayes and Ford: A BILL TO AMEND SECTION 62-2-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, SO AS TO CLARIFY THAT AN INTEREST AS A BENEFICIARY IN A TESTAMENTARY TRUST OR IN PROPERTY PASSING TO AN INTER VIVOS TRUST THROUGH THE DECEDENT'S WILL IS A BENEFICIAL INTEREST CHARGEABLE TO THE ELECTIVE SHARE; AND TO

TUESDAY, MAY 12, 2009

AMEND SECTION 62-7-401, AS AMENDED, RELATING TO CREATION OF A TRUST, SO AS TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE'S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

Referred to Committee on Judiciary

S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-2-805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT'S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

Referred to Committee on Judiciary

S. 446 -- Senator Land: A BILL TO PROVIDE THAT FROM JUNE 1, 2009, TO SEPTEMBER 30, 2009, A NONRESIDENT MAY OBTAIN A LIFETIME COMBINATION LICENSE FROM THE DEPARTMENT OF NATURAL RESOURCES UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 495 -- Senators Massey, Hutto and S. Martin: A BILL TO AMEND SECTION 50-11-2100 OF THE 1976 CODE, RELATING TO FIELD TRIALS, TO PROVIDE THAT A PARTICIPANT IN FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL RESOURCES IS NOT REQUIRED TO OBTAIN A HUNTING LICENSE IF THE PARTICIPANT IS NOT CARRYING A FIREARM AND NO GAME IS TAKEN, AND TO PROVIDE THAT NO FIELD TRIALS MAY BE HELD OUTSIDE OF THE REGULAR SEASON EXCEPT AS PERMITTED BY THE DEPARTMENT.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 554 -- Senators Hutto and Ford: A BILL TO AMEND SECTION 63-11-1950, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE AND DUTIES OF THE STATE

[HJ]

TUESDAY, MAY 12, 2009

CHILD FATALITY COMMITTEE, SO AS TO PROVIDE THAT THE COMMITTEE MAY REQUEST THE DEPARTMENT OF SOCIAL SERVICES TO OPEN A CASE ON THE FAMILY WHERE THE FATALITY OCCURRED IF THE COMMITTEE SUSPECTS CRIMINAL DOMESTIC VIOLENCE, DRUG ABUSE, ABUSE, OR NEGLECT IN THE HOME AND CHILDREN CONTINUE TO LIVE IN THE HOME.

Referred to Committee on Judiciary

S. 668 -- Senators Courson, Knotts, Cromer, Setzler, Jackson, Scott, Lourie and Rose: A BILL TO AMEND SECTIONS 53-5-10 AND 53-5-15, RELATING TO LEGAL HOLIDAYS FOR STATE EMPLOYEES, TO ESTABLISH CHRISTMAS EVE AS A LEGAL HOLIDAY.

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

ADJOURNMENT

At 5:43 p.m. the House in accordance with the motion of Rep. COOPER adjourned to meet at 10:00 a.m. tomorrow.

TUESDAY, MAY 12, 2009

H. 3047	19	H. 4026	56
H. 3063	19	H. 4027	55
H. 3199	20	H. 4028	55
H. 3279	20, 50	H. 4029	55
H. 3280	20	H. 4030	103
H. 3311	42	H. 4031	103
H. 3393	19	H. 4032	104
H. 3394	20	H. 4033	105
H. 3415	24		
H. 3467	23	S. 12	46
H. 3541	25	S. 13	24
H. 3543	28	S. 23	9
H. 3560	45, 46, 59, 94	S. 116	42, 58
H. 3561	24	S. 144	108
H. 3608	26	S. 166	59
H. 3616	43	S. 168	9
H. 3627	2, 4	S. 184	47
H. 3669	56	S. 202	28
H. 3678	23	S. 232	7
H. 3693	57	S. 248	10
H. 3724	20	S. 278	41
H. 3776	5, 6	S. 282	108
H. 3794	23	S. 301	27
H. 3845	57	S. 304	57
H. 3854	25	S. 319	10
H. 3886	57	S. 345	41
H. 3888	20	S. 360	38
H. 3941	33	S. 363	41
H. 3944	57	S. 364	32
H. 4000	21	S. 372	108
H. 4007	20, 102	S. 382	109
H. 4012	53	S. 388	38
H. 4013	53	S. 416	10
H. 4014	8, 103	S. 442	56
H. 4015	9	S. 446	109
H. 4016	14, 103	S. 463	39
H. 4017	15	S. 481	11
H. 4018	16	S. 484	11
H. 4019	17	S. 488	26
H. 4020	53	S. 489	26
H. 4021	53	S. 490	27
H. 4022	54	S. 495	109
H. 4023	54	S. 537	21
H. 4024	54	S. 554	109
H. 4025	55	S. 576	40

TUESDAY, MAY 12, 2009

S. 583.....	27
S. 617.....	41
S. 630.....	33
S. 668.....	110
S. 692.....	59
S. 696.....	40
S. 700.....	40
S. 755.....	104
S. 756.....	13
S. 758.....	22
S. 773.....	13
S. 774.....	13
S. 792.....	56
S. 795.....	14
S. 796.....	14
S. 797.....	17