

NO. 54

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

THURSDAY, MAY 14, 2009
(STATEWIDE SESSION)

Thursday, May 14, 2009
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Exodus 19:4: "I bore you on eagle's wings and brought you to myself."

Let us pray. Almighty God, when our troubles are heavy, loving Lord, lift us up, turn us around, and lead us in the way You desire for us. Grant these Representatives and staff integrity, courage, strength, and compassion in making decisions for our State. Put Your guiding hand on us this day. Look in favor upon our Nation, President, State, Governor, Speaker, and all who labor in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us as we pray, O Lord. Amen.

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

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

MOTION ADOPTED

Rep. R. L. BROWN moved that when the House adjourns, it adjourn in memory of James Cleborn Broxton, brother of Representative Bowers, which was agreed to.

COMMUNICATION

The following was received:

May 13, 2009
The Honorable V. Stephen "Steve" Moss
South Carolina House of Representatives
304-A Blatt Building
Columbia, South Carolina 29201

THURSDAY, MAY 14, 2009

Dear Steve:

It is with pleasure that I appoint you to serve on the Agriculture, Natural Resources & Environmental Affairs Committee, effective immediately. I know that you will serve on this committee with honor and distinction.

I appreciate your willingness to serve in this capacity. Please do not hesitate to contact me if I may be of assistance to you in any way.

Sincerely,
Robert W. Harrell, Jr.
Speaker of the House

Received as information.

REGULATION WITHDRAWN AND RESUBMITTED

Document No. 3221

Agency: State Law Enforcement Division

Statutory Authority: 1976 Code Section 16-8-330

Statewide Criminal Gang Database

Received by Speaker of the House of Representatives January 29, 2009

Referred to Judiciary Committee

Legislative Review Expiration May 29, 2009

Revised: June 3, 2009

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 13, 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 H. 3560:

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

[HJ]

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GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 13, 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. 630:

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 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 MANUFACTURES 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.

and has ordered the Bill enrolled for ratification.

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Very respectfully,
President
Received as information.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 13, 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. 491:

S. 491 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN WESTERN YORK COUNTY AS THE WESTERN YORK COUNTY SCENIC BYWAY, AND TO MAKE IT SUBJECT TO THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

and has ordered the Bill enrolled for ratification.

Very respectfully,
President
Received as information.

S. 12--COMMITTEE OF CONFERENCE APPOINTED

The following was received from the Senate:

MESSAGE FROM THE SENATE

Columbia, S.C., May 13, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurrs in the amendments proposed by the House to S. 12:

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

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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.

Very respectfully,
President

On motion of Rep. COOPER, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. WHITE, BATTLE and MERRILL to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

REPORTS OF STANDING COMMITTEES

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

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.

Ordered for consideration tomorrow.

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Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3603 -- Reps. Gullick and M. A. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-1-65 SO AS TO PROVIDE A PERSON WHO POLLUTES THE WATERS OF THIS STATE AS DEFINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL GIVE PUBLIC NOTICE OF THE POLLUTION IN A MANNER PRESCRIBED BY THE DEPARTMENT; TO PROVIDE THE BOARD OF THE DEPARTMENT SHALL PRESCRIBE THIS PUBLIC NOTICE PROCEDURE; TO PROVIDE CERTAIN SPECIFICATIONS THE BOARD MUST INCLUDE IN THIS PUBLIC NOTICE PROCEDURE; AND TO PROVIDE A VIOLATION IS A MISDEMEANOR SUBJECT TO A FINE, IMPRISONMENT, OR BOTH.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report on:

S. 727 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO PHYTOPHTHORA RAMORUM QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4062, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

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

S. 673 -- Senators Thomas and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT", BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH

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QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34-1-20, AS AMENDED, RELATING TO APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BANKERS ASSOCIATION; TO AMEND SECTION 34-1-110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37-1-301, 37-3-105, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTIONS 37-23-40, 37-23-45, AND 37-23-75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH-COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29-4-20, RELATING TO THE DEFINITION OF "REVERSE MORTGAGE", SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL

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ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

Ordered for consideration tomorrow.

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

S. 323 -- Senator Thomas: A BILL TO AMEND SECTION 38-90-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING OF A CAPTIVE INSURANCE COMPANY, SO AS TO PROHIBIT A CAPTIVE INSURANCE COMPANY FROM WRITING WORKERS' COMPENSATION INSURANCE ON A DIRECT BASIS, AND TO AUTHORIZE AN ADDITIONAL PROCESSING FEE FOR AN APPLICATION TO BE CHARGED AS DETERMINED APPROPRIATE BY THE DIRECTOR OR HIS DESIGNEE GIVEN THE NATURE OF THE APPLICATION BEING INVESTIGATED; TO AMEND SECTION 38-90-40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO AUTHORIZE A REDUCTION IN REQUIRED TRUST FUNDS FOR A BRANCH CAPTIVE INSURANCE COMPANY THAT POSTS SECURITY FOR LOSS RESERVES ON BRANCH BUSINESS TO A FRONT COMPANY; TO AMEND SECTION 38-90-55, RELATING TO INCORPORATION OF A CAPTIVE REINSURANCE COMPANY, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS OF CERTAIN TYPE OF CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO AUTHORIZE THE DIRECTOR TO GRANT AN EXTENSION OR

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

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560, RELATING TO EXAMINATIONS BY THE DIRECTOR OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL THAT A COMPANY MUST BE INSPECTED AND DELETE THE AUTHORITY OF THE DIRECTOR TO ENLARGE THE PERIOD OF INSPECTION UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

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

S. 636 -- Senators Thomas and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 64 TO TITLE 38 SO AS TO ENACT THE "LIFE SETTLEMENTS ACT"; TO PROVIDE FOR THE REGULATION OF A LIFE SETTLEMENT CONTRACT; TO PROVIDE FOR THE PROTECTION OF PERSONS ENTERING INTO THESE AGREEMENTS REGARDING CONTRACTUAL AND PROPERTY RIGHTS OF A LIFE INSURANCE POLICY OWNER AND AUTHORIZE THE DIRECTOR OF INSURANCE TO ENFORCE THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR THE LICENSING OF A BROKER OR PRODUCER TO ENTER INTO LIFE SETTLEMENT CONTRACTS; TO PROVIDE FOR THE SUSPENSION, REVOCATION, OR REFUSAL TO RENEW THESE LICENSES; TO PROVIDE FOR CONTRACT REQUIREMENTS, REPORTING AND PRIVACY REQUIREMENTS; TO AUTHORIZE THE DIRECTOR TO EXAMINE THE BUSINESS AND AFFAIRS OF A LICENSEE OR APPLICANT, PROVIDE FOR EXAMINATION REPORTS AND CONFIDENTIALITY OF EXAMINATION INFORMATION, PROHIBIT CONFLICT OF INTEREST BY AN EXAMINER, AND PROVIDE FOR IMMUNITY FROM LIABILITY; TO PROVIDE FOR ADVERTISING REQUIREMENTS OF A BROKER OR LICENSED PROVIDER; TO PROVIDE FOR CERTAIN DISCLOSURES TO AN OWNER; TO PROVIDE DISCLOSURE BY A PROPOSED OWNER OF A LIFE INSURANCE POLICY IF THE OWNER INTENDS TO PAY PREMIUMS WITH THE ASSISTANCE OF FINANCING FROM A LENDER THAT WILL USE THE POLICY AS COLLATERAL TO SUPPORT THE FINANCING; TO REQUIRE A PROVIDER ENTERING INTO A LIFE SETTLEMENT CONTRACT WITH AN

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OWNER OF THE POLICY WHERE THE INSURED IS TERMINALLY OR CHRONICALLY ILL TO OBTAIN CERTAIN INFORMATION; TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS TO IMPLEMENT AND EFFECTUATE THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR PROHIBITIVE PRACTICES, FRAUD PREVENTION, AND CONTROL; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

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

S. 390 -- Senator Hayes: A BILL TO ENACT THE "MENTAL HEALTH PARITY AND ADDICTION ACT OF 2009"; AND TO AMEND SECTION 38-71-880, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL AND SURGICAL BENEFITS AND MENTAL BENEFITS COVERAGE, SO AS TO ADD PROVISIONS RELATING TO SUBSTANCE USE DISORDER COVERAGE, FINANCIAL REQUIREMENTS, AND TREATMENT LIMITATIONS AND TO PROVIDE FOR DEFINITIONS.

Ordered for consideration tomorrow.

INTRODUCTION OF BILLS

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

H. 4038 -- Rep. Bowers: A BILL TO AMEND SECTION 51-3-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM TO SELL, EXCHANGE, OR LEASE LAND UNDER ITS JURISDICTION, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL OBTAIN THE APPROVAL OF THE LOCAL COUNTY LEGISLATIVE DELEGATION BEFORE EXECUTING A LEASE FOR REAL PROPERTY UNDER ITS JURISDICTION TO A PRIVATE CITIZEN, ENTITY, OR BUSINESS; TO PROVIDE THAT A PRIVATE CITIZEN, ENTITY, OR BUSINESS LEASING LANDS UNDER THE DEPARTMENT'S JURISDICTION IS LIABLE FOR LOCAL COUNTY AND MUNICIPAL TAXES IN THE SAME

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MANNER AS IF THE LANDS WERE PRIVATELY OWNED; AND TO PROVIDE THAT THE LEASE OF LANDS UNDER THE DEPARTMENT'S JURISDICTION TO A PRIVATE CITIZEN, ENTITY, OR BUSINESS HAVING A PAST DUE LOCAL COUNTY OR MUNICIPAL TAX OBLIGATION IS DEEMED VOID.

Referred to Committee on Ways and Means

H. 4039 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 46 TO TITLE 15 SO AS TO ENACT THE SOUTH CAROLINA FAIR CREDIT REPORTING ACT, TO PROVIDE THAT UNFAIR METHODS OF REPORTING CREDIT HISTORY AND UNFAIR OR DECEPTIVE ACTS IN THE CONDUCT OF CREDIT REPORTING ARE UNLAWFUL, TO PROVIDE THAT THE FEDERAL FAIR CREDIT REPORTING ACT AS INTERPRETED BY THE FEDERAL TRADE COMMISSION AND FEDERAL COURTS SHALL FURNISH GUIDANCE IN CONSTRUING THIS CHAPTER, TO PROVIDE PENALTIES FOR WILFUL AND NEGLIGENT NONCOMPLIANCE WITH THE TERMS OF THE CHAPTER, TO PROVIDE FOR THE JURISDICTION OF THE STATE COURTS TO HEAR ACTIONS BROUGHT PURSUANT TO THIS CHAPTER, AND TO PROVIDE, WITH EXCEPTIONS, A TWO-YEAR STATUTE OF LIMITATIONS TO SEEK RELIEF PURSUANT TO THIS CHAPTER.

Referred to Committee on Labor, Commerce and Industry

H. 4041 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-9-395 SO AS TO REQUIRE TELEPHONE UTILITIES TO PROVIDE INTERNET SERVICE IN EVERY EXCHANGE AREA OR CEDE SERVICE IN THE AFFECTED AREA TO ANOTHER TELEPHONE UTILITY THAT AGREES TO PROVIDE INTERNET SERVICE; AND TO PROVIDE PENALTIES.

Referred to Committee on Labor, Commerce and Industry

H. 4046 -- Reps. Clyburn, Limehouse and Hosey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-35 SO AS TO PROVIDE THAT A SOUTH CAROLINA RESIDENT WHO OTHERWISE QUALIFIES FOR THE LIFE, HOPE, OR PALMETTO FELLOWS SCHOLARSHIP BUT WHO HAS APPLIED TO AND BEEN

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ACCEPTED BY A SCHOOL IN ANOTHER STATE BECAUSE NO PUBLIC COLLEGE OR UNIVERSITY OFFERS HIS CHOSEN PRE-VETERINARY MEDICINE MAJOR SHALL RECEIVE THE SCHOLARSHIP FOR WHICH HE QUALIFIES TO BE USED FOR PAYMENT OF TUITION AT THE OUT-OF-STATE INSTITUTION.

Referred to Committee on Ways and Means

H. 4047 -- Reps. Funderburk, Lucas and Limehouse: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 10 TO TITLE 47 SO AS TO CREATE THE "SOUTH CAROLINA EQUINE PROMOTION ACT"; TO PROVIDE CERTAIN DEFINITIONS; TO ESTABLISH A PROMOTION BOARD AND SPECIFY ITS RESPONSIBILITIES, COMPOSITION, AND METHOD OF SELECTING BOARD MEMBERS; TO CREATE THE EQUINE PROMOTION FUND TO PROMOTE THE EQUINE INDUSTRY; TO PROVIDE MONEY FOR THE EQUINE PROMOTION FUND BY IMPOSING AN ASSESSMENT ON CERTAIN COMMERCIAL FEED AND CUSTOM BLENDS AND TO PROVIDE A REFUND OF THIS ASSESSMENT IN CERTAIN CIRCUMSTANCES; AND TO REQUIRE PERIODIC AUDITS OF THE EQUINE PROMOTION FUND.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4048 -- Reps. M. A. Pitts, Duncan and Willis: A BILL TO AMEND SECTION 22-2-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY JURY AREA DESIGNATIONS FOR USE IN MAGISTRATES COURTS, SO AS TO REVISE THE JURY AREAS FOR LAURENS COUNTY TO PROVIDE FOR ONE JURY AREA COUNTYWIDE.

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

H. 4049 -- Rep. Nanney: A BILL TO AMEND SECTION 29-3-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

Referred to Committee on Judiciary

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H. 4051 -- Reps. Pinson, M. A. Pitts and Parks: A BILL TO AUTHORIZE THE TRANSFER FROM THE SINKING FUND OF GREENWOOD SCHOOL DISTRICT 52 TO ITS GENERAL FUND A SPECIFIED SUM OF MONEY TO REIMBURSE THE DISTRICT FOR AMOUNTS PAID BY IT FROM ITS GENERAL FUND FOR DEBT SERVICE ON A GENERAL OBLIGATION BOND OF THE DISTRICT.

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

H. 4055 -- Reps. Hardwick, Hearn, Barfield, Clemmons and Edge: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF HORRY 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. HARDWICK, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

S. 249 -- Senator Rose: A BILL TO AMEND CHAPTER 29, TITLE 6 OF THE 1976 CODE, BY ADDING SECTION 6-29-1153 TO PROVIDE THAT A GOVERNING BODY AND A LOCAL PLANNING COMMISSION SERVICING AN AREA IN A HIGH GROWTH COUNTY MUST PROVIDE THE LOCAL SCHOOL DISTRICT LAND DEVELOPMENT APPLICATIONS THAT INCLUDE RESIDENTIAL HOUSING WHICH MEET CERTAIN CRITERIA; AND TO REQUIRE THE SUPERINTENDENT AND BOARD OF TRUSTEES OF THE SCHOOL DISTRICT TO DETERMINE WHETHER A PARTICULAR PROJECT WILL RESULT IN A SUBSTANTIAL IMPACT ON THE DISTRICT'S ABILITY TO PROVIDE SERVICES TO THE ADDITIONAL STUDENT POPULATION AND TO PREPARE A REPORT TO THE GOVERNING BODY AND THE LOCAL PLANNING COMMISSION DETAILING THE IMPACT AND NEED FOR ADDITIONAL RESOURCES.

Referred to Committee on Education and Public Works

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S. 405 -- Senator Cleary: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS, TO CLARIFY THAT A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY-TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED AS A PRIMARY OR SECONDARY RESIDENCE FOR PROPERTY TAX PURPOSES; TO AMEND SECTION 12-37-224, RELATING TO BOATS AS A PRIMARY OR SECONDARY RESIDENCE, TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, SHALL BE CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF AD VALOREM PROPERTY TAXATION IN THIS STATE; AND TO AMEND SECTION 12-37-714, RELATING TO BOATS WITH A SITUS IN THIS STATE, TO PROVIDE THAT UPON AN ORDINANCE PASSED BY THE LOCAL GOVERNING BODY, A COUNTY MAY SUBJECT A BOAT, INCLUDING ITS MOTOR IF THE MOTOR IS SEPARATELY TAXED, TO PROPERTY TAX IF IT IS WITHIN THIS STATE FOR NINETY DAYS IN THE AGGREGATE, REGARDLESS OF THE NUMBER OF CONSECUTIVE DAYS.

Referred to Committee on Ways and Means

S. 553 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 13, TITLE 63 SO AS TO PROVIDE FOR THE LICENSURE AND REGULATION OF SUMMER CAMPS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO DEFINE SUMMER CAMPS AS RESIDENT CAMPS AND DAY CAMPS; TO PROHIBIT PERSONS WHO ARE LISTED AS A PERPETRATOR IN THE CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT, WHO ARE REQUIRED TO REGISTER UNDER THE SEX OFFENDER REGISTRY, OR WHO HAVE BEEN CONVICTED OF CERTAIN CRIMES TO BE LICENSED TO OPERATE A SUMMER CAMP OR TO BE EMPLOYED BY A SUMMER CAMP AND TO PROVIDE THAT IS A CRIMINAL OFFENSE FOR A PERSON WHO HAS BEEN CONVICTED OF SUCH A CRIME TO APPLY FOR SUCH A LICENSE OR EMPLOYMENT; TO REQUIRE STATE AND FEDERAL FINGERPRINT REVIEWS AS A PREREQUISITE TO

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LICENSURE AND EMPLOYMENT; TO PROVIDE FOR THE ISSUANCE OF PROVISIONAL LICENSES WHEN THE APPLICANT MEETS CERTAIN PRELIMINARY REQUIREMENTS; TO REQUIRE THE DEPARTMENT TO CONDUCT AN INVESTIGATION OF A SUMMER CAMP APPLICANT FOR LICENSURE; TO REQUIRE A SUMMER CAMP TO HAVE A PERSON ON SITE WHO IS CERTIFIED IN FIRST AID AND IN CHILD-INFANT CARDIOPULMONARY RESUSCITATION; TO REQUIRE A SUMMER CAMP TO NOTIFY THE DEPARTMENT WHEN A CHILD DIES AT THE SUMMER CAMP; TO REQUIRE THE DEPARTMENT TO ESTABLISH PROCEDURES FOR RECEIVING COMPLAINTS; TO AUTHORIZE THE DEPARTMENT TO CONDUCT INVESTIGATIONS AND INSPECTIONS OF SUMMER DAY CAMPS; TO PROVIDE PROCEDURES FOR ISSUING CORRECTION NOTICES FOR DEFICIENCIES, FOR OBTAINING INJUNCTIONS, AND FOR APPEALS OF DEPARTMENT DECISIONS; TO PROHIBIT A PERSON SEEKING EMPLOYMENT IN THE DEPARTMENT'S SUMMER CAMP LICENSING PROGRAM FROM HAVING BEEN CONVICTED OF CERTAIN CRIMES AND TO PROVIDE THAT IT IS A CRIMINAL OFFENSE FOR A PERSON WHO HAS BEEN CONVICTED OF SUCH AN OFFENSE TO SEEK EMPLOYMENT; AND TO AMEND SECTION 63-13-20, RELATING TO DEFINITIONS IN THE LICENSURE AND REGULATION OF CHILDCARE FACILITIES, SO AS TO REVISE THE EXEMPTIONS FROM CHILDCARE LICENSURE FOR SCHOOL CAMPS AND SUMMER RESIDENT CAMPS.

Referred to Committee on Judiciary

S. 775 -- Senators Grooms and Knotts: A BILL TO AMEND SECTION 56-1-130, AS AMENDED, RELATING TO CLASSIFIED DRIVER'S LICENSES, SO AS TO PROVIDE THAT AN OPERATOR OF A MOTORCYCLE THREE-WHEEL VEHICLE IS ONLY REQUIRED TO HAVE A BASIC DRIVER'S LICENSE OR A MOTORCYCLE LICENSE, RATHER THAN A MOTORCYCLE LICENSE WITH A SPECIAL ENDORSEMENT.

Referred to Committee on Education and Public Works

S. 791 -- Senator L. Martin: A BILL TO REQUIRE THE SOUTH CAROLINA BUILDING CODES COUNCIL TO ADOPT CERTAIN SEISMIC AND WIND MAPS FOR THE STATE UNTIL THE YEAR

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2012 WHEN THE INTERNATIONAL RESIDENTIAL CODE (IRC) IS ADOPTED IN THIS STATE; AND TO AMEND SECTION 6-9-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BUILDING CODE ADOPTION PROCEDURE, SO AS TO PROVIDE THAT THE COMMUNITY MAY OPT OUT OF THESE BUILDING CODE MODIFICATIONS IN CERTAIN CIRCUMSTANCES.

Referred to Committee on Labor, Commerce and Industry

CONCURRENT RESOLUTION

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

H. 4040 -- Rep. Duncan: A CONCURRENT RESOLUTION TO DESIGNATE AUGUST 8, 2009, AS ANNUAL NATIONAL MARINA DAY IN SOUTH CAROLINA IN ORDER TO HONOR SOUTH CAROLINA'S MARINAS FOR THEIR CONTRIBUTIONS TO THE COMMUNITY AND MAKE CITIZENS, POLICYMAKERS, AND EMPLOYEES MORE AWARE OF THE OVERALL CONTRIBUTIONS OF MARINAS TO THEIR WELL-BEING, AND TO REQUEST THAT OUR STATE JOIN HANDS WITH OTHER STATES AND THOUSANDS OF WATERFRONT COMMUNITIES ACROSS THE UNITED STATES IN CELEBRATING THIS DAY.

Whereas, the citizens of South Carolina place a high value on recreation time and the ability to access one of America's greatest natural resources, its waterways; and

Whereas, in 1928, the word "marina" was used for the very first time by the National Association of Engine and Boat Manufacturers to define a recreational boating facility; and

Whereas, South Carolina is home to hundreds of recreational boating facilities that contribute substantially to their communities by providing a safe, reliable gateway to boating for members of the community and welcomed guests; and

Whereas, South Carolina's marinas also serve as stewards of the environment, actively seeking to protect the surrounding waterways not

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only for the enjoyment of this generation, but for generations to come;
and

Whereas, South Carolina marinas also provide their communities and visitors to the State of South Carolina a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation; and

Whereas, marinas will continue to provide an environmentally friendly gateway to boating for the citizens and the visitors of the State of South Carolina; and

Whereas, to shed a deserving light on the marinas' prominent role in South Carolina, August 8, 2009, should mark annual National Marina Day. Now, therefore,

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

That the members of the South Carolina General Assembly, by this resolution, designate August 8, 2009, as annual National Marina Day in South Carolina in order to honor South Carolina's marinas for their contributions to the community and make citizens, policymakers, and employees more aware of the overall contributions of marinas to their well-being and request that our State join hands with other states and thousands of waterfront communities across the United States in celebrating this day.

Be it further resolved that a copy of this resolution be forwarded to Representative Jeff D. Duncan for presentation to the appropriate authority.

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

HOUSE RESOLUTION

The following was introduced:

H. 4042 -- Reps. Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown,

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H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, 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, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO HONOR MRS. MARCIA PIERCE OF LEXINGTON COUNTY UPON THE OCCASION OF HER RETIREMENT FROM THE NATIONAL ASSOCIATION OF INSURANCE AND FINANCIAL ADVISORS-SOUTH CAROLINA AFTER TWENTY-FOUR YEARS OF FAITHFUL SERVICE AS EXECUTIVE DIRECTOR.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4043 -- Reps. Hodges, Brantley, Chalk, Erickson, Herbkersman, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Hiott, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, 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, Sellers, Simrill, Skelton, D. C. Smith,

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G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR AGNES GARVIN, EXECUTIVE DIRECTOR OF THE BEAUFORT COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION, UPON THE OCCASION OF HER RETIREMENT, TO THANK HER FOR HER MANY YEARS OF OUTSTANDING PUBLIC SERVICE, AND TO WISH HER MUCH FULFILLMENT AND SUCCESS IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4044 -- Reps. Knight, Harrell, Horne and A. D. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE SUMMERVILLE HIGH SCHOOL VARSITY COLOR GUARD FOR A SUCCESSFUL SEASON AND FOR CAPTURING THE 2009 SCHOLASTIC A DIVISION STATE CHAMPIONSHIP TITLE IN WINTER GUARD.

The Resolution was adopted.

HOUSE RESOLUTION

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

H. 4045 -- Reps. Knight, Harrell, Horne and A. D. Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE SUMMERVILLE HIGH SCHOOL COLOR GUARD, DIRECTORS, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING

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THE 2009 SCHOLASTIC A DIVISION STATE CHAMPIONSHIP
TITLE IN WINTER GUARD.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Summerville High School color guard, directors, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2009 Scholastic A Division State Championship title in Winter Guard.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4050 -- Rep. Knight: A HOUSE RESOLUTION TO COMMEND BARBARA ANN KIZER PATRICK OF DORCHESTER COUNTY FOR HER MANY YEARS OF DEDICATED SERVICE AS A TEACHER AND SCHOOL ADMINISTRATOR UPON THE OCCASION OF HER RETIREMENT FROM DORCHESTER ACADEMY, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS..

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 815 -- Senator Bryant: A CONCURRENT RESOLUTION TO JOIN THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE IN RECOGNIZING THE WEEK OF MAY 11-15, 2009, AS "NATIONAL LAW ENFORCEMENT WEEK".

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

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CONCURRENT RESOLUTION

The following was introduced:

H. 4052 -- Rep. Bannister: A CONCURRENT RESOLUTION TO CONGRATULATE STEVE BAILEY OF MERUS REFRESHMENT SERVICES, INC., ON BEING NAMED 2009 SMALL BUSINESS ADMINISTRATION (SBA) SMALL BUSINESS PERSON OF THE YEAR FOR SOUTH CAROLINA.

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

CONCURRENT RESOLUTION

The following was introduced:

H. 4053 -- Reps. Edge, Hardwick, Hearn and Barfield: A CONCURRENT RESOLUTION TO DESIGNATE AND PROVIDE THAT COASTAL CAROLINA UNIVERSITY SHALL BE THE HOME OF THE BEACH MUSIC HALL OF FAME.

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

CONCURRENT RESOLUTION

The following was introduced:

H. 4054 -- Rep. Edge: A CONCURRENT RESOLUTION TO URGE THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EDUCATE PARENTS ON THE IMPORTANCE OF ADOLESCENT WELL PHYSICALS TO PREVENT CHRONIC DISEASES, APPROPRIATELY INTERVENE TO BETTER TREAT CHRONIC DISEASE, AND UPDATE IMMUNIZATIONS FOR ADOLESCENTS OF THIS STATE AND NATION.

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

ROLL CALL

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

Agnew	Allen	Allison
Anderson	Anthony	Bales

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Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
R. L. Brown	Cato	Chalk
Clemmons	Clyburn	Cobb-Hunter
Cole	Cooper	Daning
Delleney	Dillard	Duncan
Edge	Erickson	Forrester
Frye	Funderburk	Gambrell
Gilliard	Gullick	Gunn
Hamilton	Hardwick	Harrell
Harrison	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Kelly	Kennedy
King	Kirsh	Knight
Littlejohn	Loftis	Long
Lowe	Mack	McEachern
McLeod	Merrill	Miller
Millwood	D. C. Moss	V. S. Moss
Nanney	J. M. Neal	Neilson
Ott	Owens	Parker
Parks	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Thompson
Toole	Umphlett	Weeks
Whipper	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 Thursday, May 14.

James E. Stewart	Nikki Haley
H.B. "Chip" Limehouse	Harold Mitchell
Terry Alexander	Thad Viers

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James E. Smith	Kris Crawford
Douglas Jennings	Todd Rutherford
James Lucas	Boyd Brown
Bakari Sellers	Jerry Govan
Joseph Neal	

Total Present--121

LEAVE OF ABSENCE

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

DOCTOR OF THE DAY

Announcement was made that Dr. William B. Jones of Greenville was the Doctor of the Day for the General Assembly.

SPECIAL PRESENTATION

Reps. J. H. NEAL and BALES presented to the House the Lower Richland High School "Lady Diamonds" Varsity Girls Basketball Team, the 2009 Class AAA Champions, their coaches and other school officials.

SPECIAL PRESENTATION

Rep. HAMILTON presented to the House the Eastside High School "Eagles" Varsity Wrestling Team, the 2009 State AAA Champions, their coaches and other school officials.

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

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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. 3045
Date: ADD:
05/14/09 MILLWOOD

CO-SPONSOR ADDED

Bill Number: H. 3057
Date: ADD:
05/14/09 MILLWOOD

CO-SPONSOR ADDED

Bill Number: H. 3192
Date: ADD:
05/14/09 MILLWOOD

CO-SPONSOR ADDED

Bill Number: H. 3199
Date: ADD:
05/14/09 ANDERSON

CO-SPONSOR ADDED

Bill Number: H. 3992
Date: ADD:
05/14/09 MILLWOOD

CO-SPONSORS ADDED

Bill Number: H. 3719
Date: ADD:
05/14/09 WILLIS and DILLARD

CO-SPONSOR ADDED

Bill Number: H. 3063
Date: ADD:
05/14/09 HIOTT

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CO-SPONSOR ADDED

Bill Number: H. 3066
Date: ADD:
05/14/09 MILLWOOD

CO-SPONSOR ADDED

Bill Number: H. 3139
Date: ADD:
05/14/09 MILLWOOD

CO-SPONSOR ADDED

Bill Number: H. 3198
Date: ADD:
05/14/09 MILLWOOD

CO-SPONSOR ADDED

Bill Number: H. 3393
Date: ADD:
05/14/09 HIOTT

CO-SPONSOR ADDED

Bill Number: H. 3468
Date: ADD:
05/14/09 MILLWOOD

CO-SPONSOR ADDED

Bill Number: H. 3601
Date: ADD:
05/14/09 MILLWOOD

CO-SPONSOR ADDED

Bill Number: H. 3798
Date: ADD:
05/14/09 KING

CO-SPONSOR ADDED

Bill Number: H. 3888
Date: ADD:
05/14/09 WHIPPER and R. L. BROWN

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ORDERED ENROLLED FOR RATIFICATION

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

S. 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.

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.

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

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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.

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.

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.

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.

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

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CHESTER COUNTY SCHOOL DISTRICT FOR THE PAYMENT OF THOSE FUNDS.

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.

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. 773--COMMITTED

The following Bill was taken up:

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.

Rep. G. M. SMITH moved to commit the Bill to the Sumter Delegation which was agreed to.

SENT TO THE SENATE

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

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

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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. 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.

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.

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 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.

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RETURNED TO THE SENATE WITH AMENDMENTS

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

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 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.

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 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.

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.

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H. 3561--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Tuesday, May 19, 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. 3854--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, May 19, which was adopted:

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

H. 3941--DEBATE ADJOURNED

Rep. SANDIFER moved to adjourn debate upon the following Bill until Saturday, June 20, which was adopted:

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

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FOR THE LICENSURE AND REGULATION OF PERSONS
HANDLING FIREWORKS.

S. 774--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

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 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.

Rep. PARKER proposed the following Amendment No. 1 (COUNCIL\DKA\3738DW09), which was adopted:

Amend the bill, as and if amended, by striking Section 7-7-490(A), as contained in SECTION 1, and inserting:

/ (A) In Spartanburg County there are the following voting precincts:

~~Aradia Johnson City~~

~~Arkwright~~

~~Arlington~~

~~Arrowood~~

~~Ballenger~~

~~Beaumont Methodist Church~~

~~Ben Avon~~

~~Bishop~~

~~Bebe~~

~~Boiling Springs A~~

~~Boiling Springs B~~

~~Bowen~~

~~Brooklyn Cooley Springs Fingerville~~

~~Bunton Church~~

~~Camelot~~

~~Campobello~~

~~Campton A~~

~~Campton B~~

~~Canaan~~

~~Cannon's Campground~~

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~~Cavins Hobbysville~~
~~C.C. Woodson Center~~
~~Cedar Springs~~
~~Central Fire Station~~
~~Cherokee Springs A~~
~~Cherokee Springs B~~
~~Chesnee~~
~~Cleveland Elementary School~~
~~Clifton~~
~~Converse~~
~~Cornerstone~~
~~Cowpens A~~
~~Cowpens B~~
~~Crescent~~
~~Croft~~
~~Cross Anchor~~
~~Cunningham~~
~~DeYoung~~
~~Drayton~~
~~Duncan A~~
~~Duncan B~~
~~East Greer~~
~~Enoree~~
~~Fairforest~~
~~Fairmont~~
~~Glendale~~
~~Gramling~~
~~Hayne Shop~~
~~Holly Springs~~
~~Inman A~~
~~Inman B~~
~~Landrum~~
~~Lyman~~
~~Mayo~~
~~Moore Switzer~~
~~Motlow~~
~~Mt. Moriah~~
~~New Prospect~~
~~Pacolet~~
~~Pacolet Mills~~
~~Park Hills Elementary School~~

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Pauline Glenn Springs
Pelham
Pine Street
Poplar Springs A
Poplar Springs B
Powell Saxon
Reidville A
Reidville B
Roebuck A
Roebuck B
Silver Hills Methodist Church
Spartanburg High School A
Spartanburg High School B
Startex
Trinity Methodist Church
Una
Victor Mill
Walnut Grove
Wellford
West View A
West View B
White Stone
Whitney A-I
Whitney A-II
Whitney B Hill Top
Woodland Heights Recreation Center
Woodruff 1
Woodruff 2
Woodruff 3
Zion Hill A
Zion Hill B
Abner Creek Baptist
Anderson Mill Elementary
Arcadia Elementary
Arrowood Baptist
Beaumont Methodist
Beech Springs Intermediate
Bethany Baptist
Bethany Wesleyan
Boiling Springs Elementary
Boiling Springs High School

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Boiling Springs Intermediate
Boiling Springs Jr. High
Boiling Springs 9th Grade
Canaan Baptist
Cannons Elementary
Carlisle Fosters Grove
Cavins Hobbysville
C.C. Woodson Recreation
Cedar Grove Baptist
Chapman Elementary
Chapman High School
Cherokee Springs Fire Station
Chesnee Senior Center
Cleveland Elementary
Clifdale Elementary
Converse Fire Station
Cooley Springs Baptist
Cornerstone Baptist
Cowpens Depot Museum
Cowpens Fire Station
Croft Baptist
Cross Anchor Fire Station
Cudd Memorial
Daniel Morgan Technology Center
Drayton Fire Station
Eastside Baptist
Ebenezer Baptist
Enoree First Baptist
E.P. Todd Elementary
Fairforest Middle School
Friendship Baptist
Gable Middle School
Glendale Fire Station
Grace Baptist
Gramling Methodist
Hayne Baptist
Hendrix Elementary
Holly Springs Baptist
Inman Mills Baptist
Jesse Bobo Elementary
Jesse Boyd Elementary

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Lake Bowen Baptist
Landrum High School
Landrum United Methodist
Lyman Town Hall
Mayo Elementary
Motlow Creek Baptist
Mountain View Baptist
Mt. Calvary Presbyterian
Mt. Moriah Baptist
Mt. Sinai Baptist
Mt. Zion Full Gospel Baptist
North Spartanburg Fire Station
Oakland Elementary
Pacolet Town Hall
Park Hills Elementary
Pauline Glenn Springs Elementary
Pelham Fire Station
Pine Street Elementary
Poplar Springs Fire Station
Powell Saxon Una Fire Station
R.D. Anderson Vocational
Rebirth Missionary Baptist
Reidville Elementary
Reidville Fire Station
Roebuck Bethlehem
Roebuck Elementary
Silverhill United Methodist
Southside Baptist
Spartanburg High School
Startex Fire Station
Swofford Career Center
Travelers Rest Baptist
Trinity Methodist
T.W. Edwards Recreation Center
Una Fire Station
Victor Mill Methodist
Wellford Fire Station
West Side Baptist
West View Elementary
White Stone Methodist
Whitlock Jr. High

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Woodland Heights Recreation Center

Woodruff American Legion

Woodruff Armory Drive Fire Station

Woodruff Fire Station

Woodruff Town Hall /

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

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

S. 116--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

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.

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Reps. CRAWFORD, MILLER and ANDERSON proposed the following Amendment No. 2 (COUNCIL\SWB\5916MM09), which was adopted:

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

/ SECTION ____ . Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-1523. The procurement preferences set forth in Section 11-35-1524 are not available to a not-for-profit corporation that converts to a for-profit corporation pursuant to Sections 33-31-1040 and 33-31-1045.”

SECTION ____ . Article 10, Chapter 31, Title 33 of the 1976 Code is amended by adding:

“Section 33-31-1040. (A) Subject to the limitations of Section 33-31-1045, a corporation formed under this chapter may, by amendment of its articles pursuant to this section, convert to a for profit corporation as described in Section 33-1-400(a), which is subject to Chapters 1 through 20 of this title. Upon conversion, the corporation is considered to have previously filed articles of incorporation under Section 33-2-102 upon the date of its incorporation under this chapter and to have filed articles of amendment pursuant to Section 33-31-1005.

(B) The amendment of the articles to convert to a for profit corporation shall:

(1) eliminate the statement of purpose for which the corporation is organized and state that the corporation is to be organized under Chapters 1 through of Title 33 of the Code of Laws of South Carolina;

(2) if the corporation is to be a statutory close corporation described in Section 33-18-101, et seq., contain the statement required by Section 33-18-103(a) that the corporation is a statutory close corporation;

(3) if the corporation is to be a professional corporation described in Section 33-19-101, et seq., contain the statement required by Section 33-19-109(a) that the corporation is a professional corporation and its purpose is to render the specified professional services;

(4) set forth the address, including zip code, of the proposed registered office for the corporation which must be within this State and provide the name of the initial registered agent at that address;

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(5) state whether the corporation is authorized to issue one or more than classes of shares and state the authorized number of shares for each class;

(6) if the corporation is to have multiple classes of shares, state the relative right, preference, and limitations of the shares of each class, and of each series within a class;

(7) if the corporation elects to include optional provisions pursuant to Section 33-2-102(b), 35-2-105 and 35-2-221, include such provisions;

(8) contain a certification by an attorney licensed to practice in the state of South Carolina, certifying that the corporation has complied with the requirements of Chapter 2, Title 33 of the 1976 South Carolina Code of Laws, as amended, relating to the articles of incorporation;

(9) make other changes as necessary or desired pursuant to Section 33-2-102; and

(10) if any memberships have been issued, provide either for the cancellation of those memberships or for the conversion of those memberships to shares of the for profit corporation.

(C) If memberships have been issued, an amendment to convert to a for profit corporation must be approved by all of the outstanding memberships of all classes regardless of limitations or restrictions on the voting rights of the memberships.

(D) Upon conversion, the corporation's bylaws must be amended to comply with Section 33-2-106 and the provisions of Chapters 1 through 20 of this title, as applicable."

Section 33-31-1045. (a) Without the prior approval of the court of common pleas of Richland County in a proceeding in which the Attorney General has been given written notice, a public benefit or religious corporation may convert to a for profit corporation under this section only if:

(1) on or before the effective date of the conversion, assets with a value equal to the greater of the fair market value of the net tangible and intangible assets, including goodwill, of the public benefit corporation or religious corporation or the fair market value of the public benefit corporation or religious corporation if it were to be operated as a business concern are transferred or conveyed to one or more persons who would have received its assets under Section 33-31-1406(a)(5) and (6) had it dissolved;

(2) it shall return, transfer, or convey any assets held by it upon condition requiring return, transfer, or conveyance, which

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condition occurs by reason of the conversion, in accordance with such condition; and

(3) the conversion is approved by a majority of directors of the public benefit or religious corporation who are not and will not become shareholders in or officers, employees, agents, or consultants of the converted corporation.

(B) At least twenty days before consummation of a conversion of a public benefit corporation or a religious corporation pursuant to subsection (A), notice, including a copy of the proposed plan of conversion, addressing all of the issues described in Section 33-31-1040 and this section, must be delivered to the Attorney General.

(C) Where approval or consent is required by this section, it must be given if the transaction is consistent with the purposes of the public benefit or religious corporation or is otherwise in the public interest.” /

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

/ SECTION __. Section 33-1-200(b) of the 1976 Code is amended to read:

“(b) Chapters 1 through 20 and Chapter 31 of this Title must require or permit filing the document in the office of the Secretary of State.” /

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

The amendment was then adopted.

Rep. BANNISTER proposed the following Amendment No. 1 (COUNCIL\AGM\19474MM09), which was adopted:

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

/ SECTION __. The Department of Vocational Rehabilitation, the Department of Health and Human Services, the Department of Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, the Department of Alcohol and Other Drug Abuse Services, the Department of Social Services, and the Commission for the Blind shall explore the feasibility of a “one-step” healthcare information system for the populations served by each agency. The State, through the Department of Revenue, has developed a one-step software system for businesses, and to save time and expense, this system must be considered for use and

[HJ]

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adaptation for the healthcare information system. Furthermore, if the Department of Revenue's one-stop system is deemed feasible, the agencies named in this SECTION shall use funds appropriated or authorized to implement the system using the model and contract adopted and implemented by the Department of Revenue. The engagement of the current contractor for the one-stop healthcare information system is authorized for the purposes of this SECTION. /

Re-number sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

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

S. 116--ORDERED TO BE READ THIRD TIME TOMORROW

On motion of Rep. BANNISTER, with unanimous consent, it was ordered that S. 116 be read the third time tomorrow.

H. 4033--REQUESTS FOR DEBATE

The following Bill was taken up:

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, A. D. Young, Sellers and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "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

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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 AWARDED 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, 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

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

Rep. OTT moved to commit the Bill to the Ways and Means Committee .

Rep. CLEMMONS moved to table the motion.

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By a division vote of 27 to 34, the House refused to table the motion to commit the Bill to the Ways and Means Committee.

The question then recurred to the motion to commit the Bill to the Ways and Means Committee.

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

Yeas 44; Nays 58

Those who voted in the affirmative are:

Allison	Bales	Ballentine
Bowers	Brantley	R. L. Brown
Clyburn	Cobb-Hunter	Cole
Funderburk	Gilliard	Gunn
Haley	Hamilton	Harvin
Hiott	Hodges	Hosey
Jefferson	Kelly	Kennedy
King	Kirsh	Loftis
Mack	McLeod	Millwood
D. C. Moss	V. S. Moss	Nanney
J. H. Neal	Ott	Parker
Parks	Pinson	Rice
Rutherford	Sandifer	Skelton
Stewart	Stringer	Weeks
Whipper	Willis	

Total--44

Those who voted in the negative are:

Alexander	Allen	Anderson
Anthony	Bannister	Barfield
Battle	Bingham	Bowen
Brady	Branham	Chalk
Clemmons	Cooper	Crawford
Daning	Delleney	Duncan
Forrester	Gambrell	Gullick
Hardwick	Harrell	Harrison
Hayes	Hearn	Herbkersman
Horne	Huggins	Hutto
Jennings	Limehouse	Littlejohn

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Long	Lowe	McEachern
Miller	Neilson	Owens
E. H. Pitts	Scott	Simrill
D. C. Smith	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Thompson
Toole	Umphlett	White
Whitmire	Williams	A. D. Young
T. R. Young		

Total--58

So, the House refused to commit the Bill.

Rep. J. E. SMITH moved to adjourn debate on the Bill until Tuesday, May 19.

By a division vote of 44 to 45, the House refused to adjourn debate on the Bill until Tuesday, May 19.

Reps. SKELTON, HIOTT, LOFTIS, BRANTLEY, STRINGER, ERICKSON, COBB-HUNTER, KING, MILLWOOD, PARKER, NANNEY, LITTLEJOHN, WHIPPER, ANDERSON, R. L. BROWN, CLEMMONS, ALEXANDER, CLYBURN, LONG, HOSEY, J. H. NEAL, SCOTT, DANING, WILLIS, BARFIELD, HEARN, HARDWICK, GUNN, VIERS, G. A. BROWN and GILLIARD requested debate on the Bill.

RECORD FOR VOTING

I am refraining from participation in the vote on H. 4033, due to the potential of a perceived conflict of interest.

Rep. Eric Bedingfield

ORDERED TO THIRD READING

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

S. 668 -- Senators Courson, Knotts, Cromer, Setzler, Jackson, Scott, Lorie and Rose: A BILL TO AMEND SECTIONS 53-5-10 AND 53-5-15, RELATING TO LEGAL HOLIDAYS FOR STATE

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EMPLOYEES, TO ESTABLISH CHRISTMAS EVE AS A LEGAL HOLIDAY.

S. 668--ORDERED TO BE READ THIRD TIME TOMORROW

On motion of Rep. DUNCAN, with unanimous consent, it was ordered that S. 668 be read the third time tomorrow.

S. 453--INTERRUPTED DEBATE

The following Bill was taken up:

S. 453 -- Senators Verdin and Ford: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20303SD09):

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

/SECTION _____. Section 6-1-330 of the 1976 Code is amended by adding a new subsection (D) to read:

“(D)The governing body of a county may not impose a fee on agricultural lands, forest lands, or undeveloped lands for a stormwater, sediment, or erosion control program unless Chapter 14, Title 48, allows for the imposition of this fee on these lands; provided, that any county which imposes such a fee on these lands on the effective date of this subsection may continue to impose that fee under its same terms, conditions, and amounts.” /

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

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/SECTION __. Chapter 9, Title 47 of the 1976 Code is amended by adding:

“Section 47-9-60. Notwithstanding any other provision of law, only property owners and residents within a one mile radius of a permitted livestock and poultry facility, with the exception of a swine facility, may appeal a permit issued by the Department of Health and Environmental Control pertaining to the facility.” /

Renumber sections to conform.

Amend title to conform.

Rep. DUNCAN explained the amendment.

POINT OF ORDER

Rep. HUTTO raised the Point of Order that Amendment No. 1 was out of order in that it was not germane to the bill.

SPEAKER HARRELL stated that the amendment was germane to the bill. Therefore, he overruled the Point of Order.

Rep. J. E. SMITH moved to divide the question.

Rep. DUNCAN moved to table the motion, which was agreed to by a division vote of 54 to 22.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

LEAVE OF ABSENCE

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

**S. 166--RECALLED FROM COMMITTEE ON EDUCATION
AND PUBLIC WORKS**

On motion of Rep. E. H. PITTS, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Education and Public Works:

S. 166 -- Senator Campsen: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT A HIGHWAY BEAUTIFICATION PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE.

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OBJECTION TO RECALL

Rep. CLEMMONS asked unanimous consent to recall H. 3719 from the Committee on Judiciary.

Rep. KENNEDY objected.

OBJECTION TO RECALL

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

Rep. CRAWFORD objected.

OBJECTION TO RECALL

Rep. G. M. SMITH asked unanimous consent to recall H. 3693 from the Committee on Judiciary.

Rep. WEEKS objected.

OBJECTION TO RECALL

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

Rep. HARVIN objected.

OBJECTION TO RECALL

Rep. SKELTON asked unanimous consent to recall H. 3523 from the Committee on Judiciary.

Rep. VIERS objected.

OBJECTION TO RECALL

Rep. CHALK asked unanimous consent to recall H. 3768 from the Committee on Ways and Means.

Rep. KENNEDY objected.

OBJECTION TO RECALL

Rep. BANNISTER asked unanimous consent to recall H. 3798 from the Committee on Judiciary.

Rep. KING objected.

OBJECTION TO RECALL

Rep. HARRISON asked unanimous consent to recall S. 186 from the Committee on Judiciary.

Rep. KENNEDY objected.

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OBJECTION TO RECALL

Rep. RUTHERFORD asked unanimous consent to recall H. 3976 from the Committee on Judiciary.

Rep. KENNEDY objected.

OBJECTION TO RECALL

Rep. FUNDERBURK asked unanimous consent to recall S. 324 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. LOFTIS objected.

H. 3572--NONCONCURRENCE IN SENATE AMENDMENTS

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

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

Rep. DUNCAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 0; Nays 95

Those who voted in the affirmative are:

Total--0

Those who voted in the negative are:

Allen	Allison	Anderson
Anthony	Bales	Ballentine
Bannister	Battle	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	H. B. Brown
R. L. Brown	Cato	Clemmons
Cobb-Hunter	Cole	Crawford
Daning	Delleney	Dillard
Duncan	Forrester	Funderburk
Gambrell	Gilliard	Gullick
Haley	Hamilton	Hardwick
Harrell	Harrison	Harvin

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Hayes	Hearn	Hiott
Hodges	Horne	Hosey
Huggins	Hutto	Jefferson
Jennings	Kelly	Kennedy
King	Kirsh	Knight
Limehouse	Loftis	Long
Lowe	Mack	Miller
Millwood	Mitchell	D. C. Moss
V. S. Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	E. H. Pitts
Rice	Rutherford	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	White
Whitmire	Williams	Willis
A. D. Young	T. R. Young	

Total--95

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

S. 126--NONCONCURRENCE IN SENATE AMENDMENTS

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

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM "HANDICAPPED", DELETE THE TERM "LICENSE TAG" AND REPLACE IT WITH THE TERM "LICENSE PLATE", AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM "HANDICAPPED", AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON'S

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TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED" AND TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, AND DISPLAY OF HANDICAPPED PLACARDS; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO ALSO QUALIFIES IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS.

Rep. OWENS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 1; Nays 104

Those who voted in the affirmative are:

Funderburk

Total--1

Those who voted in the negative are:

Alexander	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham

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Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Forrester
Gambrell	Gilliard	Gullick
Haley	Hamilton	Hardwick
Harrell	Harrison	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Huggins	Hutto
Jefferson	Jennings	Kelly
Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Long	Lowe	Lucas
Mack	McLeod	Miller
Millwood	Mitchell	D. C. Moss
V. S. Moss	Nanney	J. M. Neal
Neilson	Ott	Owens
Parker	E. H. Pitts	Rice
Rutherford	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--104

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

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SENT TO THE SENATE

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

H. 3718 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-148 SO AS TO PROHIBIT THE RESALE OF FRESH OR FROZEN MEAT OR MEAT PRODUCTS SOLD TO AND RETURNED BY A CONSUMER.

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. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54 OF THE 1976 CODE, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CAUSE, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS, TO ESTABLISH A SOUTH CAROLINA STATE PORTS ADVISORY BOARD, AND SET THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE ADVISORY BOARD; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2, RELATING TO PORTS AUTHORITY MANAGEMENT, TO PROVIDE THAT THE BOARD OF DIRECTORS MUST HIRE AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR'S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO

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AMEND SECTION 54-3-140(5), TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS; TO AMEND SECTION 54-3-140, RELATING TO THE POWERS OF THE PORTS AUTHORITY, BY ADDING TWO NEW ITEMS THAT REQUIRE A LONG-RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN AND TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC-PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, AND TO PROVIDE THAT COPIES OF THE STATEMENT MUST BE FORWARDED TO THE ADVISORY COMMITTEE AND THE GENERAL ASSEMBLY; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060, TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND MUST MAINTAIN ON ITS INTERNET WEBSITE A COPY OF EACH MONTHLY CREDIT CARD STATEMENT FOR ALL CREDIT CARDS MAINTAINED BY THE AUTHORITY; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13, RELATING TO LEGISLATIVE OVERSIGHT, TO REQUIRE REGULAR OVERSIGHT REVIEW OF THE AUTHORITY AND THE EXECUTIVE DIRECTOR.

RECURRENCE TO THE MORNING HOUR

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

CONCURRENT RESOLUTION

The following was taken up for immediate consideration:

S. 577 -- Senators Leatherman, Land, Setzler, Malloy, McGill, O'Dell, Reese, Nicholson, Williams, Elliott and Knotts: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO HR-1 OF 2009, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, THE GENERAL ASSEMBLY ACCEPTS THE USE OF FEDERAL STIMULUS FUNDS PROVIDED TO THIS STATE IN THIS ACT IF THE GOVERNOR OF SOUTH CAROLINA, WITHIN THE REQUIRED FORTY-FIVE DAY PERIOD, FAILS TO CERTIFY THAT HE WILL REQUEST

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AND USE THESE FUNDS FOR THIS STATE AND THE AGENCIES AND ENTITIES THEREOF IN THE MANNER PROVIDED IN THE FEDERAL ACT, AND TO PROVIDE FOR THE MANNER OF DISTRIBUTION OF THESE FUNDS.

Rep. COOPER explained the Concurrent Resolution.

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

RECORD FOR VOTING

Regarding the vote on S. 577, which states that the General Assembly accepts the use of the federal stimulus funds, the Concurrent Resolution was passed by a voice vote. Please let the record reflect that I voted against this Resolution to accept federal stimulus funds.

Rep. Tommy Stringer

RECORD FOR VOTING

I voted "nay" on S. 577.

Rep. Eric Bedingfield

RECORD FOR VOTING

I voted "nay" on S. 577.

Rep. Dan Hamilton

RECORD FOR VOTING

I voted "nay" on S. 577.

Rep. Wendy Nanney

RECORD FOR VOTING

I voted "nay" on S. 577.

Rep. Joey Millwood

RECORD FOR VOTING

I voted "nay" on S. 577.

Rep. Jim Stewart

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HOUSE RESOLUTION

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

H. 4056 -- Reprs. McLeod, Neilson, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA SILVER HAired LEGISLATURE TO USE THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES ON TUESDAY THROUGH THURSDAY, SEPTEMBER 15 THROUGH SEPTEMBER 17, 2009, PROVIDED THE HOUSE IS NOT IN SESSION, AND TO PROVIDE FOR THE USE OF THE HOUSE CHAMBER ON ALTERNATE DATES AND TIMES AS MAY BE SELECTED BY THE SPEAKER IF THE HOUSE IS IN SESSION ON THESE DATES.

Be it resolved by the House of Representatives:

That the South Carolina Silver Haired Legislature is authorized to use the chamber of the South Carolina House of Representatives on Tuesday through Thursday, September 15 through September 17, 2009, provided the House of Representatives is not in session on these dates. If the House of Representatives is in statewide session, the House chamber may not be used on those dates but may be used by the South

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Carolina Silver Haired Legislature on alternate dates and times as may be selected by the Speaker.

Be it further resolved that the use of the chamber of the South Carolina House of Representatives by the South Carolina Silver Haired Legislature must be in accordance with the policies and Rules of the South Carolina House of Representatives.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4057 -- Rep. Gilliard: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SHARNAY VIRGIE GREEN, BURKE HIGH SCHOOL GRADUATING SENIOR, FOR HER EXCELLENCE IN LEADERSHIP, AND TO CONGRATULATE HER UPON RECEIVING SCHOLARSHIP OFFERS AMOUNTING TO MORE THAN FIVE HUNDRED THOUSAND DOLLARS.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4058 -- Rep. Clemmons: A CONCURRENT RESOLUTION TO MEMORIALIZE THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE HONORABLE RAY H. LAHOOD, TO SET ASIDE THE FUNDS NECESSARY TO ACQUIRE THE RIGHT OF WAY AND BUILD THE APPROXIMATELY SIX-MILE PORTION OF INTERSTATE 73 FROM "THE INTERSECTION OF HOPE" AT ITS INTERSECTION WITH INTERSTATE 95 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 501 WHICH CONSTITUTES THE FIRST PHASE OF CONSTRUCTION OF INTERSTATE 73 IN SOUTH CAROLINA, AND SET ASIDE ADDITIONAL FUNDS TO COMPLETE THE REMAINING PORTION OF THIS INTERSTATE HIGHWAY AS THESE FUNDS BECOME AVAILABLE.

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

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INTRODUCTION OF BILLS

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

H. 4059 -- Reps. Stringer, Nanney, Bedingfield, Hamilton and G. R. Smith: A BILL TO AMEND SECTION 56-5-2950, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A DRIVER OF A MOTOR VEHICLE IMPLYING CONSENT TO SUBMIT TO TESTING FOR ALCOHOL OR DRUGS, SO AS TO PROVIDE THAT A DRIVER ALSO IMPLIES CONSENT TO BE TESTED FOR ALCOHOL OR DRUGS WHEN HE IS INVOLVED IN AN ACCIDENT THAT RESULTS IN THE DEATH OF A PERSON.

Referred to Committee on Judiciary

H. 4060 -- Rep. Jennings: A BILL TO AMEND SECTION 41-27-370, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "UNEMPLOYED" FOR PURPOSES OF THE SOUTH CAROLINA EMPLOYMENT SECURITY LAW AND THE REDUCTION OF UNEMPLOYMENT BENEFITS TO REFLECT PENSION AND OTHER PAYMENTS ATTRIBUTABLE TO WORK, SO AS TO ELIMINATE EMPLOYER-FILED CLAIMS; TO AMEND SECTION 41-27-380, RELATING TO THE DEFINITION OF "WAGES", SO AS TO INCREASE THE TAXABLE WAGE BASE BEGINNING DECEMBER 31, 2008; TO AMEND SECTION 41-27-510, RELATING TO REGULATIONS APPLICABLE TO UNEMPLOYED INDIVIDUALS, SO AS TO CONFORM THE SECTION TO THE AMENDMENTS TO SECTION 41-27-370; TO AMEND SECTION 41-29-170, AS AMENDED, RELATING TO THE DISCLOSURE OF CERTAIN INFORMATION TO ENSURE THAT A CLAIMANT, OR HIS LEGAL REPRESENTATIVE, BE SUPPLIED WITH RECORDS IN ORDER TO MAKE A CLAIM, SO AS TO ADD A PROVISION TO PROVIDE UNEMPLOYMENT INFORMATION NECESSARY FOR WORKFORCE IMPROVEMENT AND PROGRAM EVALUATION TO THE AGENCY ADMINISTERING THE WORKFORCE INVESTMENT ACT; TO AMEND SECTION 41-31-50, AS AMENDED, RELATING TO THE COMPUTATION OF RATES OF CONTRIBUTIONS BY EMPLOYERS, SO AS TO RESTRUCTURE THE COMPUTATION FOR CERTAIN EMPLOYERS; TO AMEND SECTION 41-31-80, AS

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AMENDED, RELATING TO THE STATEWIDE RESERVE RATIO, SO AS TO ADJUST THE RATES OF CONTRIBUTION FOR CERTAIN EMPLOYERS; TO AMEND SECTION 41-35-50, RELATING TO THE MAXIMUM POTENTIAL BENEFITS OF AN INSURED WORKER, SO AS TO CHANGE THE FORMULA FOR CALCULATING THE BENEFIT; TO AMEND SECTION 41-35-120, AS AMENDED, RELATING TO DISQUALIFICATION OF BENEFITS, SO AS TO ADD A PROVISION PROVIDING FOR "GROSS MISCONDUCT" AND CONFORMING THE TERM "MOST RECENT BONA FIDE EMPLOYER" TO ITS DEFINITION IN SECTION 41-35-110(5), AND TO REQUIRE THE DEDUCTION OF SEVERANCE PAY FROM UNEMPLOYMENT COMPENSATION PAYMENTS.

Referred to Committee on Ways and Means

H. 4061 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-130 SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY ANNUALLY BY JOINT RESOLUTION SHALL IMPOSE A STATEWIDE MILLAGE ON ALL REAL AND PERSONAL PROPERTY SUBJECT TO PROPERTY TAX IN THIS STATE FOR THE PURPOSE OF RAISING REVENUE FOR PUBLIC SCHOOL OPERATIONS AND IN THE JOINT RESOLUTION IMPOSING THE TAX SHALL PROVIDE THE PLAN OF DISTRIBUTING THE REVENUE FOR THE APPLICABLE FISCAL YEAR TO THE SCHOOL DISTRICTS OF THE STATE; AND TO AMEND SECTION 12-37-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT ONE HUNDRED PERCENT OF THE FAIR MARKET VALUE OF ALL REAL AND PERSONAL PROPERTY SUBJECT TO PROPERTY TAX IN THIS STATE FROM PROPERTY TAX MILLAGE IMPOSED BY A SCHOOL DISTRICT FOR SCHOOL OPERATIONS.

Referred to Committee on Ways and Means

S. 453--REQUESTS FOR DEBATE

Debate was resumed on the following Bill, the pending question being the adoption of Amendment No. 1.

Reps. STAVRINAKIS, RUTHERFORD, WEEKS, BALES, R. L. BROWN, MILLER, HUTTO, J. H. NEAL, M. A. PITTS, HARDWICK, UMPHLETT, KENNEDY, DUNCAN, OTT, HOSEY,

[HJ]

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WHIPPER, MACK, BRANTLEY, GULLICK and KING requested debate on the Bill.

S. 577--MOTION TO RECONSIDER TABLED

Rep. COOPER moved to reconsider the vote whereby the following Concurrent Resolution was adopted:

S. 577 -- Senators Leatherman, Land, Setzler, Malloy, McGill, O'Dell, Reese, Nicholson, Williams, Elliott and Knotts: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO HR-1 OF 2009, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, THE GENERAL ASSEMBLY ACCEPTS THE USE OF FEDERAL STIMULUS FUNDS PROVIDED TO THIS STATE IN THIS ACT IF THE GOVERNOR OF SOUTH CAROLINA, WITHIN THE REQUIRED FORTY-FIVE DAY PERIOD, FAILS TO CERTIFY THAT HE WILL REQUEST AND USE THESE FUNDS FOR THIS STATE AND THE AGENCIES AND ENTITIES THEREOF IN THE MANNER PROVIDED IN THE FEDERAL ACT, AND TO PROVIDE FOR THE MANNER OF DISTRIBUTION OF THESE FUNDS.

Rep. COOPER moved to table the motion to reconsider.

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

Yeas 95; Nays 17

Those who voted in the affirmative are:

Alexander	Allen	Allison
Anderson	Bales	Bannister
Barfield	Battle	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cato
Chalk	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Forrester	Funderburk	Gambrell
Gilliard	Gullick	Gunn
Hardwick	Harrell	Harrison
Hayes	Hearn	Herbkersman

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Hiott	Hodges	Horne
Hosey	Howard	Huggins
Hutto	Jefferson	Jennings
Kelly	King	Kirsh
Knight	Limehouse	Littlejohn
Loftis	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	Sellers	Simrill
Skelton	D. C. Smith	G. M. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Umphlett
Weeks	Whipper	White
Whitmire	Williams	Willis
A. D. Young	T. R. Young	

Total--95

Those who voted in the negative are:

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

Total--17

So, the motion to reconsider was tabled.

ORDERED TO THIRD READING

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

H. 3845 -- Reps. T. R. Young, Allen and Kelly: A BILL TO AMEND SECTION 22-3-1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME FOR A MOTION

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FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, SO AS TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS.

Rep. T. R. YOUNG explained the Bill.

**H. 3845--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. T. R. YOUNG, with unanimous consent, it was ordered that H. 3845 be read the third time tomorrow.

S. 593--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 593 -- Senator S. Martin: A BILL TO AMEND SECTION 16-23-430 OF THE 1976 CODE, RELATING TO THE CARRYING OF WEAPONS ON SCHOOL PROPERTY, TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AUTHORIZED TO CARRY A CONCEALED WEAPON WHEN THE WEAPON IS INSIDE A MOTOR VEHICLE.

Reps. HUTTO and M.A. PITTS proposed the following Amendment No. 1 (COUNCIL\SWB\5924CM09), which was adopted:

Amend the bill, as and if amended, Section 16-23-430(B), as contained in SECTION 1, page 1, by deleting Section 16-23-430(B), and inserting:

/ (B) This section does not apply to a person who is authorized to possess a weapon when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle. /

Renumber sections to conform.

Amend title to conform.

Rep. HUTTO explained the amendment.

The amendment was then adopted.

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

[HJ]

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

Yeas 110; Nays 2

Those who voted in the affirmative are:

Allen	Allison	Anderson
Anthony	Bales	Ballentine
Bannister	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	Delleney	Dillard
Duncan	Forrester	Frye
Funderburk	Gambrell	Gilliard
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Jennings	Kelly
Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lowe
Lucas	Mack	McEachern
McLeod	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	Sellers
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Viers	Weeks	White

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

Total--110

Those who voted in the negative are:

Daning	Whipper
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Total--2

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

S. 593--ORDERED TO BE READ THIRD TIME TOMORROW

On motion of Rep. M. A. PITTS, with unanimous consent, it was ordered that S. 593 be read the third time tomorrow.

OBJECTION TO RECALL

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

Rep. KENNEDY objected.

H. 3976--RECALLED FROM COMMITTEE ON JUDICIARY

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

H. 3976 -- Rep. G. M. Smith: A BILL TO AMEND SECTIONS 24-13-1530 AND 24-13-1590, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO ELIGIBILITY FOR OFFENDERS TO BE PLACED ON HOME DETENTION, SO AS TO ALLOW CERTAIN DRUG AND CONTROLLED SUBSTANCE OFFENDERS TO PARTICIPATE IN THE HOME DETENTION PROGRAM UNDER CERTAIN CIRCUMSTANCES.

OBJECTION TO RECALL

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

Rep. JENNINGS objected.

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OBJECTION TO RECALL

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

Rep. DUNCAN objected.

H. 3798--RECALLED FROM COMMITTEE ON JUDICIARY

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

H. 3798 -- Reps. Bannister and Harrison: A BILL TO AMEND SECTION 17-15-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE INSTEAD OF A BOND, ASSIGNMENT OF THE DEPOSIT, AND RESTITUTION TO THE VICTIM, SO AS TO PROVIDE FOR THE DEPOSIT OF A CASH AMOUNT BY THE DEFENDANT THROUGH AN ACCOMMODATION BONDSMAN, TO INCREASE THE CASH AMOUNT PERCENTAGE TO NOT LESS THAN TWENTY-FIVE PERCENT, AND TO REQUIRE THE ACCOMMODATION BONDSMAN TO PAY A HANDLING FEE TO THE CLERK OF COURT EQUAL TO FOUR PERCENT OF THE AMOUNT OF THE BOND SET.

OBJECTION TO RECALL

Rep. CHALK asked unanimous consent to recall H. 3768 from the Committee on Ways and Means.

Rep. SELLERS objected.

H. 3719--RECALLED FROM COMMITTEE ON JUDICIARY

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

H. 3719 -- Reps. Clemmons and Weeks: A BILL TO AMEND SECTION 23-3-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON, MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23-3-250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON REPORT TO A LAW ENFORCEMENT

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AGENCY; TO AMEND SECTION 23-3-270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTERS TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23-3-330 SO AS TO ESTABLISH A STATEWIDE SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION REGARDING A MISSING PERSON WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

OBJECTION TO RECALL

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

Rep. UMPHLETT objected.

MOTION PERIOD

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

H. 3279--DEBATE ADJOURNED

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

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

[HJ]

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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.

H. 3280--DEBATE ADJOURNED

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

H. 3280 -- Reps. T. R. Young, Allison, Parker, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Horne, Funderburk, Viers, 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 SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION 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 SUPERINTENDENT OF EDUCATION 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 SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

H. 3746--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Bill until Tuesday, May 19, which was adopted:

H. 3746 -- Rep. Clemmons: A BILL TO AMEND SECTION 7-11-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING

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TO THE NOMINATION OF CANDIDATES BY A PETITION, SO AS TO PROVIDE THAT NO QUALIFIED ELECTOR WHO VOTED IN A PRIMARY ELECTION IS ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO RUN FOR AN OFFICE TO BE FILLED AT THE GENERAL ELECTION FOLLOWING THAT PRIMARY AND TO PROVIDE THAT A QUALIFIED ELECTOR OTHERWISE ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT MAY NOT SIGN MORE THAN ONE PETITION PER GENERAL ELECTION PER OFFICE; BY ADDING SECTION 7-11-75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST HAVE FIRST NOTIFIED THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY THE BEGINNING DATE OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, AND TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION; TO AMEND SECTION 7-11-80, AS AMENDED, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO REQUIRE ALL THE SIGNATURES TO BE LEGIBLE SO THAT THE NAME OF THE VOTER CAN BE IDENTIFIED BEYOND A REASONABLE DOUBT; TO AMEND SECTION 7-11-85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO REQUIRE THE REGISTRATION BOARD TO VERIFY THE VOTER IS A QUALIFIED ELECTOR IN THAT JURISDICTION; BY ADDING SECTION 7-11-95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION IF, AFTER A HEARING, THE ENTITY FINDS THAT BY A PREPONDERANCE OF THE EVIDENCE FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION, AND TO PROVIDE THAT THE VALIDATION OF THE SIGNATURES ON A PETITION AND THE DETERMINATION OF WHETHER OR NOT FRAUD WAS COMMITTED IN THE

[HJ]

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EXECUTION OF THE PETITION MUST BE CONDUCTED IN PUBLIC AFTER NOTICE; AND BY ADDING SECTION 7-11-100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY TO WHICH A PETITION MUST BE FILED MAY BE APPEALED TO THE STATE ELECTION COMMISSION AND THEREAFTER TO A COURT OF COMPETENT JURISDICTION IN THE MANNER IN WHICH APPEALS FROM THE STATE ELECTION COMMISSION MAY BE TAKEN.

H. 3199--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Bill until Tuesday, May 19, which was adopted:

H. 3199 -- Reps. Harrison, Allison, G. M. Smith, Weeks, Hutto and A. D. Young: A BILL TO AMEND SECTION 1-30-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, TO ENACT THE BEHAVIORAL HEALTH SERVICES ACT OF 2009, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 1-30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO PROVIDE THAT THE POWER AND DUTIES OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL HEALTH ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF MENTAL HEALTH; BY ADDING SECTION 1-30-72 SO AS TO PLACE THE DEPARTMENT OF MENTAL HEALTH AND THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES UNDER THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; BY

[HJ]

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ADDING CHAPTER 8 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES COMPRISED OF THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DIVISION OF MENTAL HEALTH AND TO PROVIDE FOR THE DEPARTMENT'S POWERS AND DUTIES, INCLUDING DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF BEHAVIORAL HEALTH SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF BEHAVIORAL HEALTH SERVICES; TO AMEND CHAPTERS 9, 11, 13, and 15 OF TITLE 44, RELATING, AMONG OTHER THINGS, TO THE ORGANIZATION AND OPERATION OF THE DEPARTMENT OF MENTAL HEALTH AND ITS FACILITIES, THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, AND LOCAL MENTAL HEALTH PROGRAMS AND BOARDS, SO AS TO CONFORM THESE CHAPTERS TO THE PROVISIONS OF THIS ACT AND TO PROVIDE THAT THE MENTAL HEALTH COMMISSION IS AN ADVISORY BOARD TO THE DIVISION OF MENTAL HEALTH; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE DIVISION; AND TO AMEND SECTIONS 44-52-10, 44-52-165, 44-52-200, AND 44-52-210, RELATING, AMONG OTHER THINGS, TO ALCOHOL AND DRUG ABUSE COMMITMENTS AND PROGRAMS FOR CHEMICALLY DEPENDENT PERSONS, SO AS TO CONFORM THESE SECTIONS TO THE PROVISIONS OF THIS ACT.

S. 202--AMENDED AND ORDERED TO THIRD READING

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 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

[HJ]

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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), which was adopted:

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 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

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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 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

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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 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

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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.

The amendment was then adopted.

Rep. SANDIFER proposed the following Amendment No. 2 (COUNCIL\DKA\3740DW09), which was adopted:

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

/ SECTION __. Section 38-71-1730(A)(3) of the 1976 Code is amended to read:

“(3) Differences between coinsurance percentages for in-network and out-of-network covered health care services or supplies in a point-of-service option may not exceed a maximum differential of ~~twenty~~ thirty percent. The coinsurance percentage for in-network and out-of-network covered health care services or supplies provided by dentists may not exceed a maximum difference of five percent.” /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

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

Yeas 112; Nays 0

Those who voted in the affirmative are:

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

[HJ]

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Daning	Delleney	Dillard
Duncan	Forrester	Frye
Funderburk	Gambrell	Gilliard
Govan	Gullick	Gunn
Haley	Hamilton	Hardwick
Harrell	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Jennings	Kelly
Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lucas
Mack	McEachern	McLeod
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
Rice	Rutherford	Sandifer
Scott	Sellers	Simrill
Skelton	D. C. Smith	G. M. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Thompson	Toole
Umphlett	Viers	Weeks
Whipper	White	Whitmire
Williams	Willis	A. D. Young
T. R. Young		

Total--112

Those who voted in the negative are:

Total--0

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

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S. 202--ORDERED TO BE READ THIRD TIME TOMORROW

On motion of Rep. SANDIFER, with unanimous consent, it was ordered that S. 202 be read the third time tomorrow.

H. 3608--DEBATE ADJOURNED

Rep. MACK moved to adjourn debate upon the following Bill until Tuesday, May 19, 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.

H. 3543--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3543 -- Reps. Brady, Mitchell and Erickson: 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.

Rep. DELLENEY proposed the following Amendment No. 2 (COUNCIL\NBD\11505BH09), which was adopted:

[HJ]

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Amend the bill, as and if amended, Section 59-1-490(A)(1) and (2), as contained in SECTION 2, page 3543-1, lines 35 through 42, by deleting the items in their entirety and inserting:

/ (1) 'Dating violence' means a pattern of behavior in which one dating partner uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner, or who engages in stalking as defined in Section 16-3-1700(C).

(2) 'Dating partner' means a person involved in a heterosexual dating relationship with another. /

Amend the bill, further, Section 59-1-490 (B), (C), and (D), as contained in SECTION 2, page 3543-2, lines 7 through 30, by deleting the subsections in their entirety and inserting:

/ (B) On or before December 1, 2009, the department shall develop a model dating violence prevention policy to assist school districts in developing policies for reporting and responding to dating violence among students in grades six through twelve. This prevention policy must include, but may not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines for responding to at school incidents of dating violence, and disciplinary procedures specific to these incidents.

(C)(1) By the beginning of the 2010-2011 school year, each school district shall establish a specific prevention policy to address incidents of dating violence involving students in grades six through twelve. Each school district annually shall verify with the department compliance with this provision, in a manner established by the department.

(2) To ensure notice of the school district's dating violence prevention policy, the prevention policy must be published in school and school district handbooks or any publications on the school or district website that provide the rules, procedures, or standards of conduct for students at school.

(D) Each school district shall inform the students' parents or legal guardians of the school district's dating violence prevention policy. Upon request, the school district shall provide parents or legal guardians with a copy of the school district's dating violence prevention policy and relevant information./

Re-number sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

Rep. BRADY spoke in favor of the amendment.

[HJ]

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

Yeas 87; Nays 13

Those who voted in the affirmative are:

Allen	Allison	Anderson
Anthony	Ballentine	Bannister
Barfield	Battle	Bedingfield
Bingham	Bowen	Brady
Branham	G. A. Brown	H. B. Brown
Cato	Chalk	Clemmons
Clyburn	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Forrester
Funderburk	Gambrell	Gullick
Haley	Hamilton	Hardwick
Harrell	Harvin	Hayes
Hearn	Herbkersman	Hiott
Horne	Hosey	Huggins
Jennings	Kelly	King
Kirsh	Knight	Limehouse
Littlejohn	Loftis	Long
Lucas	McEachern	McLeod
Miller	Millwood	Mitchell
D. C. Moss	V. S. Moss	Nanney
J. M. Neal	Neilson	Owens
Parker	Pinson	E. H. Pitts
Rice	Sandifer	Scott
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Thompson
Toole	Umphlett	Viers
Weeks	White	Whitmire
Willis	A. D. Young	T. R. Young

Total--87

Those who voted in the negative are:

Cobb-Hunter	Gilliard	Gunn
Hutto	Jefferson	Kennedy
Mack	J. H. Neal	Parks

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Rutherford
Williams

J. E. Smith

Whipper

Total--13

So, the amendment was adopted.

The question then recurred to the passage of the Bill.

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

Yeas 75; Nays 25

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Barfield	Battle	Bingham
Bowen	Bowers	Brady
Branham	G. A. Brown	H. B. Brown
Cato	Chalk	Clemmons
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Forrester	Frye	Funderburk
Gambrell	Govan	Gullick
Haley	Hardwick	Harrell
Harrison	Harvin	Hayes
Hearn	Herbkersman	Hiott
Horne	Jennings	Kelly
Kirsh	Limehouse	Lucas
McEachern	McLeod	Miller
Mitchell	D. C. Moss	V. S. Moss
J. M. Neal	Neilson	Ott
Owens	Parker	Pinson
E. H. Pitts	Rice	Sandifer
Scott	Simrill	Skelton
D. C. Smith	J. R. Smith	Sottile
Spires	Thompson	Toole
Umphlett	White	Whitmire
Willis	A. D. Young	T. R. Young

Total--75

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Those who voted in the negative are:

Bedingfield	Clyburn	Cobb-Hunter
Gunn	Hamilton	Hosey
Hutto	Kennedy	King
Littlejohn	Mack	Millwood
Nanney	J. H. Neal	Parks
Rutherford	Sellers	G. M. Smith
G. R. Smith	J. E. Smith	Stewart
Stringer	Viers	Weeks
Williams		

Total--25

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

OBJECTION TO MOTION

Rep. BRADY asked unanimous consent that H. 3543 be read a third time tomorrow.

Rep. KENNEDY objected.

H. 4033--DEBATE ADJOURNED

The following Bill was taken up:

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, A. D. Young, Sellers and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "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

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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 AWARDED 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, 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

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

Rep. CLEMMONS proposed the following Amendment No. 1 (COUNCIL\SWB\5919CM09):

Amend the bill, as and if amended, Section 57-3-910, as contained in SECTION 3, by deleting / A / and inserting / No / on line 18, page 14.

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Amend the bill further, as and if amended, Section 57-3-520, as contained in SECTION 2, page 13, by deleting Section 57-3-520 and inserting:

/ Section 57-3-520. The financial structure of a transportation facility subject to a partnership agreement authorized by law on or before the effective date of this act may be refinanced pursuant to the provisions contained in this article if the refinancing is in the best interest of the public and allows for the continued operation and maintenance of the facility. /

Amend the bill further, Section 57-3-900(2)(b), as contained in SECTION 3, page 14, by deleting Section 57-3-900(2)(b) and inserting:

/ (b) a transportation facility constructed by the department under a partnership agreement on which a toll is charged by law on or before the effective date of this act; or /

Amend the bill further, Section 57-3-930 as contained in SECTION 3, pages 14 and 15 by deleting Section 57-3-930 and inserting:

/ Section 57-3-930. (A) For the purposes of this section, 'costs associated with the toll road' means the costs of acquisition, construction, improving, financing, refinancing, operating, maintaining, and the satisfaction of the obligations of any partnership agreement authorized by law on or before the effective date of this act, or partnership agreement under Article 3, Chapter 3, Title 57. Under no circumstances may a toll be collected for maintenance and operations on a road subject to a partnership agreement after the expiration of the partnership agreement, or after financial obligations related to the financing of that road have been satisfied.

(B) Tolls imposed and collected on a toll road only must be used to pay for the costs associated with that toll road. The tolls collected on a toll road must be:

(1) credited to the State Highway Fund to be used for payment of costs associated with the toll road;

(2) retained and applied by the entity or entities developing the toll road pursuant to a partnership agreement authorized by law on or before the effective date of this act or a partnership agreement authorized pursuant to Article 3, Chapter 3, Title 57; or

(3) used to service bonded indebtedness for the toll road pursuant to Paragraph 9, Section 13, Article X of the South Carolina Constitution, 1895.

(C) Upon repayment of the costs associated with the toll road, the toll charges shall cease. /

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Renumber sections to conform.
Amend title to conform.

Rep. CLEMMONS explained the amendment.
Rep. CLEMMONS spoke in favor of the amendment.

Rep. BINGHAM moved to adjourn debate on the Bill until Tuesday, May 19, which was agreed to.

S. 453--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 453 -- Senators Verdin and Ford: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20303SD09), which was adopted:

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

/SECTION ____: Section 6-1-330 of the 1976 Code is amended by adding a new subsection (D) to read:

“(D) The governing body of a county may not impose a fee on agricultural lands, forest lands, or undeveloped lands for a stormwater, sediment, or erosion control program unless Chapter 14, Title 48, allows for the imposition of this fee on these lands; provided, that any county which imposes such a fee on these lands on the effective date of this subsection may continue to impose that fee under its same terms, conditions, and amounts.” /

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

/SECTION __. Chapter 9, Title 47 of the 1976 Code is amended by adding:

“Section 47-9-60. Notwithstanding any other provision of law, only property owners and residents within a one mile radius of a permitted livestock and poultry facility, with the exception of a swine facility, may appeal a permit issued by the Department of Health and Environmental Control pertaining to the facility.” /

Renumber sections to conform.

Amend title to conform.

Rep. DUNCAN spoke in favor of the amendment.

Rep. STAVRINAKIS moved to adjourn debate on the Bill until Tuesday, May 19.

Rep. DUNCAN moved to table the motion to adjourn debate, which was agreed to by a division vote of 49 to 27.

The question then recurred to the adoption of the amendment.

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

Yeas 71; Nays 33

Those who voted in the affirmative are:

Allison	Bales	Ballentine
Barfield	Battle	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	H. B. Brown
Chalk	Clemmons	Crawford
Daning	Delleney	Duncan
Forrester	Frye	Funderburk
Govan	Gunn	Haley
Hamilton	Hardwick	Harrell
Harvin	Hayes	Herbkersman
Hiott	Horne	Huggins
Jefferson	Jennings	Kennedy
Knight	Limehouse	Littlejohn
Loftis	Long	McEachern

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McLeod	Millwood	D. C. Moss
V. S. Moss	Nanney	Neilson
Ott	Owens	Parker
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Skelton	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	White
Willis	A. D. Young	

Total--71

Those who voted in the negative are:

Allen	Anderson	Anthony
R. L. Brown	Clyburn	Cobb-Hunter
Cole	Dillard	Gambrell
Gilliard	Gullick	Harrison
Hodges	Hosey	Howard
Hutto	Kelly	King
Kirsh	Lucas	Miller
Mitchell	J. H. Neal	Parks
Rutherford	Sellers	Simrill
D. C. Smith	Stavrinakis	Weeks
Whipper	Williams	T. R. Young

Total--33

So, the amendment was adopted.

Rep. LIMEHOUSE proposed the following Amendment No. 2 (COUNCIL\MS\7362AHB09), which was adopted:

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

/ SECTION __. Article 1, Chapter 9, Title 47 of the 1976 Code is amended by adding:

“Section 47-9-60. The compounding pharmacist who fills an order for performance enhancing mineral or drug compounds which are not FDA approved for polo horses prior to a polo match must certify the compound with his signature accompanied by a complete listing of the components contained in the compound. A person who violates the

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provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.”/

Renumber sections to conform.

Amend title to conform.

Rep. LIMEHOUSE explained the amendment.

POINT OF ORDER

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

SPEAKER HARRELL stated that the bill dealt with the regulation of livestock and the amendment dealt with regulation requirements of compounding pharmacists who fill orders for drugs for polo horses. Therefore, he overruled the Point of Order.

Reps. SIMRILL and LIMEHOUSE proposed the following Amendment No. 3 (COUNCIL\MS\7363AHB09), which was ruled out of order:

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

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

“Section 1-1-711. (A) The General Assembly finds:

(1) The Marsh Tacky, a rare Colonial Spanish horse breed unique to South Carolina, has played a significant role in South Carolina’s history. During the American Revolution, it is historically documented that Marsh Tackies assisted in the victories of the famous ‘Swamp Fox’, Brigadier General Francis Marion, whose troops of ‘irregulars’ had the advantage of being mounted on small, agile horses that were superbly adapted to the Lowcountry’s rough, swampy terrain. Marsh Tackies required little care from the troops, were able to travel long distances without fatigue, and survived on forage reducing the need for supply wagons carrying grain. The sure-footed Marsh Tacky enabled the militia to out maneuver the British troops who rode larger European horse breeds that could not traverse the swampy forests.

(2) Marsh Tackies served the southern Confederate cavalry during the Civil War. Southern recruits were often required to provide their own horses, which were trained and familiar with their riders, giving an early advantage to the southern forces. After the Civil War, Marsh Tackies became an integral part of agricultural life and were

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used for everything from plowing fields and herding cattle to delivering the mail, taking children to school, and families to church. Most Lowcountry families had Marsh Tackies in their fields or gardens.

(3) Marsh Tackies have changed little since the colonial period. Relative isolation on the Sea Islands and secluded areas of the Lowcountry, along with owner dedication to the preservation of the breed has allowed the Marsh Tacky to remain relatively untouched. Owners often comment on the built-in ‘woods sense’ of the breed and how the horses have a natural way of traversing water obstacles and swamps. Many horses display characteristics and primitive markings carried by their Spanish ancestors including dorsal stripes, zebra leg stripes, and lengthy manes and tails.

(4) Marsh Tacky owners and enthusiasts further supported the breed by forming the Carolina Marsh Tacky Association in 2007. National associations such as American Livestock Breeds Conservancy and Equus Survival Trust have joined local efforts to study, document, and provide a future plan to ensure the survival of the Marsh Tacky.

(5) The Marsh Tacky remains a living piece of history in its native region and has earned its title as the state horse of South Carolina.

(B) The Marsh Tacky is designated as the official State Horse of South Carolina.” /

Renumber sections to conform.

Amend title to conform.

Rep. SIMRILL explained the amendment.

POINT OF ORDER

Rep. SKELTON raised the Point of Order that Amendment No. 3 was out of order in that it was not germane to the bill.

SPEAKER HARRELL sustained the point and ruled the amendment out of order.

Rep. KENNEDY proposed the following Amendment No. 5 (COUNCIL\GJK\20364SD09), which was ruled out of order:

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

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

“Section 1-1-712. The mule is hereby designated as the ‘historic work animal’ of South Carolina.” /

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Renumber sections to conform.
Amend title to conform.

Rep. KENNEDY explained the amendment.

POINT OF ORDER

Rep. DUNCAN raised the Point of Order that Amendment No. 5 was out of order in that it was not germane to the bill.

SPEAKER HARRELL sustained the point and ruled the amendment out of order.

The question then recurred to the passage of the Bill.

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

Yeas 96; Nays 9

Those who voted in the affirmative are:

Alexander	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Brady	Branham
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cole	Daning	Delleney
Dillard	Duncan	Forrester
Frye	Funderburk	Gilliard
Govan	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Harvin	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Huggins	Hutto	Jefferson
Jennings	Kelly	Kennedy
Knight	Limehouse	Littlejohn
Loftis	Long	Lucas
McEachern	Miller	Millwood
D. C. Moss	V. S. Moss	Nanney
J. M. Neal	Neilson	Ott
Owens	Parker	Parks

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

Total--96

Those who voted in the negative are:

Gullick	Howard	King
Kirsh	Mitchell	J. H. Neal
Rutherford	Weeks	Whipper

Total--9

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 453. If I had been present, I would have voted in favor of the Bill.

Rep. Walt McLeod

RECURRENCE TO THE MORNING HOUR

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

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 14, 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. 360:

S. 360 -- Senator Hayes: A BILL TO AMEND SECTION 4-10-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

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THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECT 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.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

REPORT OF STANDING COMMITTEE

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

H. 4058 -- Rep. Clemmons: A CONCURRENT RESOLUTION TO MEMORIALIZE THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE HONORABLE RAY H. LAHOOD, TO SET ASIDE THE FUNDS NECESSARY TO ACQUIRE THE RIGHT OF WAY AND BUILD THE APPROXIMATELY SIX-MILE PORTION OF INTERSTATE 73 FROM "THE INTERSECTION OF HOPE" AT ITS INTERSECTION WITH INTERSTATE 95 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 501 WHICH CONSTITUTES THE FIRST PHASE OF CONSTRUCTION OF INTERSTATE 73 IN SOUTH CAROLINA, AND SET ASIDE ADDITIONAL FUNDS TO COMPLETE THE REMAINING PORTION OF THIS INTERSTATE HIGHWAY AS THESE FUNDS BECOME AVAILABLE.

Ordered for consideration tomorrow.

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CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 831 -- Senators Sheheen and Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE KATHY BRADLEY UPON HER RETIREMENT FROM THE KERSHAW COUNTY BOARD OF DISABILITIES AND SPECIAL NEEDS.

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 833 -- Senator McConnell: A CONCURRENT RESOLUTION TO HONOR PINCUS KOLENDER, A HOLOCAUST SURVIVOR WHO DEDICATED HIS LIFE TO EDUCATING PEOPLE ABOUT THE HOLOCAUST AND CHARGING THEM WITH THE RESPONSIBILITY OF PREVENTING SIMILAR TRAGEDIES IN THE FUTURE.

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

INTRODUCTION OF BILL

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 4062 -- Reps. Nanney, Stringer and Wylie: A BILL TO AMEND SECTION 56-3-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTERING AND LICENSING OF VEHICLES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE APPLICATION TO REGISTER AND LICENSE A VEHICLE SHALL REQUIRE THE VEHICLE'S OWNER TO PRESENT TO THE DEPARTMENT A VALID DRIVER'S LICENSE OR STATE-ISSUED IDENTIFICATION CARD IN ADDITION TO ANY OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE.

Referred to Committee on Education and Public Works

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

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 4052 -- Rep. Bannister: A CONCURRENT RESOLUTION TO CONGRATULATE STEVE BAILEY OF MERUS REFRESHMENT SERVICES, INC., ON BEING NAMED 2009 SMALL BUSINESS ADMINISTRATION (SBA) SMALL BUSINESS PERSON OF THE YEAR FOR SOUTH CAROLINA.

MOTION NOTED

Rep. T. R. YOUNG moved to reconsider the vote whereby S. 796 was read the third time and enrolled for ratification and the motion was noted.

ADJOURNMENT

At 1:06 p.m. the House, in accordance with the motion of Rep. R. L. BROWN, adjourned in memory of James Cleborn Broxton, brother of Representative Bowers, to meet at 10:00 a.m. tomorrow.

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