

NO. 60

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, OCTOBER 27, 2009
(STATEWIDE SESSION)

Tuesday, October 27, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Deuteronomy 15:7: "Do not be hard-hearted or tight-fisted towards your needy neighbor."

Let us pray. O God, fill us with Your presence and strength for today's challenges. Grant us a generous and patient heart as we think and work for the good of those in need. Lord, You are faithful to us in all things. Help us to be faithful and kind to our calling as Your servants of the people. Grant us Your blessings. Continue to bless our Nation, State, and her leaders. Protect our defenders of freedom at home and abroad as they protect us. To the One who loves and sustains and protects us, we pray. Amen.

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

After corrections to the Journal of the proceedings of Tuesday, June 16, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. CLYBURN moved that when the House adjourns, it adjourn in memory of Mrs. Ruth Ashe of Aiken, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for the safe return of Representative E. H. "TED" PITTS from his deployment to Afghanistan.

ROLL CALL

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

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Ballentine	Bannister
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	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gunn	Haley	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
Mitchell	D. C. Moss	V. S. Moss
Nanney	J. H. Neal	J. M. Neal
Ott	Owens	Parker
Parks	Pinson	Rice
Rutherford	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Toole
Umphlett	Viers	Weeks
White	Whitmire	Williams
Willis	Wylie	A. D. Young

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Tuesday, October 27.

Denny Neilson
James Lucas

H.B. "Chip" Limehouse
Tracy Edge

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Michael Thompson
Douglas Jennings

Chris Hart
Seth Whipper

Total Present--116

LEAVE OF ABSENCE

The SPEAKER granted Rep. BARFIELD a leave of absence for the week due to being out of the country on official business.

LEAVE OF ABSENCE

The SPEAKER granted Rep. SANDIFER a leave of absence for the week due to being out of the country.

LEAVE OF ABSENCE

The SPEAKER granted Rep. M. A. PITTS a leave of absence for the week due to a previous commitment to attend a conference in McCall, Idaho.

LEAVE OF ABSENCE

The SPEAKER granted Rep. E. H. PITTS a leave of absence for the week due to military service training.

LEAVE OF ABSENCE

The SPEAKER granted Rep. T. R. YOUNG a leave of absence for the week due to a longstanding family engagement out-of-state.

LEAVE OF ABSENCE

The SPEAKER granted Rep. VICK a leave of absence for the week due to being out-of-state on official business.

LEAVE OF ABSENCE

The SPEAKER granted Rep. STEWART a leave of absence for the week due to being out-of-state on official business.

**S. 374--RECALLED FROM COMMITTEE ON LABOR,
COMMERCE AND INDUSTRY**

On motion of Rep. BINGHAM, with unanimous consent, the following Bill was ordered recalled from the Committee on Labor, Commerce and Industry:

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S. 374 -- Senator L. Martin: A BILL TO AMEND SECTION 41-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, SO AS TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41-3-10, AS AMENDED, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, SO AS TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41-3-40, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41-3-50, 41-3-60, 41-3-100, AND 41-3-120, ALL AS AMENDED, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41-1-40, 41-1-50, 41-3-80, 41-15-10, AND 41-15-50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41 ALL RELATING TO VARIOUS OBSOLETE PROVISIONS PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Rep. BINGHAM moved that the House recede until 1:45 p.m., which was agreed to.

THE HOUSE RESUMES

At 1:45 p.m. the House resumed, the SPEAKER in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

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HOUSE RESOLUTION

The following was taken up for immediate consideration:

H. 4161 -- Rules Committee: A HOUSE RESOLUTION TO SET BY SPECIAL ORDER S. 374 FOR CONSIDERATION OF SECOND READING OR OTHER CONSIDERATION ON TUESDAY, OCTOBER 27, 2009, AT THE CALL OF THE SPEAKER AND TO PROVIDE FOR THE CONTINUING SPECIAL ORDER CONSIDERATION OF S. 374 CONTINUING EACH LEGISLATIVE DAY UNTIL SECOND READING OR OTHER DISPOSITION.

The Resolution was adopted.

S. 374--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 374 -- Senator L. Martin: A BILL TO AMEND SECTION 41-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, SO AS TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41-3-10, AS AMENDED, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, SO AS TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41-3-40, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41-3-50, 41-3-60, 41-3-100, AND 41-3-120, ALL AS AMENDED, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41-1-40, 41-1-50, 41-3-80, 41-15-10, AND 41-15-50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41 ALL RELATING TO VARIOUS OBSOLETE PROVISIONS

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PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING
AND REGULATION.

Reps BINGHAM, COBB-HUNTER, SANDIFER, and OTT proposed the following Amendment No. 1 (COUNCIL\GGS\22379AB09), which was adopted:

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

/SECTION 1. Article 3, Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41-35-320. (1) For a week in which one hundred percent federal sharing funding is available, there is an ‘on’ indicator for a week:

(a) beginning after March 7, 2009; and

(b) ending four weeks before the last week of unemployment for which one hundred percent federal sharing is available under Section 2005(a) of Public Law No. 111-5, or an amendment of this provision, without regard to the extension of federal sharing for certain claims as provided under Section 2005(c) of this law.

(2) There is a state ‘on’ indicator for this State for a week in which the United States Secretary of Labor determines that for the period consisting of the most recent three months, the rate of total unemployment, seasonally adjusted, equaled or exceeded six and a half percent, and the average rate of total unemployment for the State, seasonally adjusted, as determined by the United States Secretary of Labor for this period equals or exceeds one hundred ten percent of the average unemployment for the State for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(3)(a) Effective with respect to weeks beginning in a ‘high unemployment period’, Section 41-35-440 must be applied by substituting:

(i) ‘eighty percent’ for ‘fifty percent’ in item (1)(a) of that section; and

(ii) ‘twenty’ for ‘thirteen’ in item (1)(b) of that section.

(b) For the purpose of this section, a ‘high unemployment period’ exists during a period in which an extended benefit period would be in effect by substituting ‘eight percent’ for ‘six and a half percent’ in subsection (2).

(4) There is a state ‘off’ indicator for the purpose of this section when a condition of subsection (2) is not satisfied.

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(5) Notwithstanding a provision of Section 41-35-380, an individual's 'eligibility period' must include an eligibility period provided in Section 2005(b) of Public Law 111-5 and an amendment of this provision.

(6) The commission shall implement procedures to allow retroactive claims, but these procedures must conform to conditions of federal funding.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

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

Yeas 113; Nays 0

Those who voted in the affirmative are:

Agnew	Alexander	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	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Duncan	Edge	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gunn	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	Harvin	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Howard
Huggins	Hutto	Jefferson
Jennings	Kelly	Kennedy
King	Kirsh	Knight
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas

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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
Rice	Rutherford	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	White
Whitmire	Williams	Willis
Wylie	A. D. Young	

Total--113

Those who voted in the negative are:

Total--0

The amendment was then adopted.

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

RECORD FOR VOTING

Because of long-standing plans to be abroad with my family, I am unable to participate in this special session that was called one day prior to my scheduled departure. Canceling my trip would have meant losing a large sum of money and a 'once in a lifetime' opportunity to vacation with my family. I empathize with the South Carolinians who have lost their jobs and exhausted current benefits and want to be sure the State avails itself of all available federal stimulus funds. As a result, I am in full support of S. 374, as amended, to add the total unemployment rate as an index to determine when extended benefits are provided, so as to qualify the State for additional federal stimulus funds to extend additional benefits.

Rep. Bill Sandifer

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RECORD FOR VOTING

My job obligations in Dillon County prevented me from being able to vote on the Amendment to S. 374. Had I been present, I would have voted in favor of adopting the Amendment.

Rep. Jackie Hayes

RECORD FOR VOTING

I have been unavoidably called away from the State and am unable to return to Columbia for the special session of the General Assembly which commences October 27, 2009. If I were able to be present, I would support, and vote in favor of, all efforts to extend unemployment compensation benefits for unemployed South Carolina citizens to the extent of funding allocated therefore by federal stimulus allocation.

Rep. Liston Barfield

RECORD FOR VOTING

I was in a meeting with a Senator on the issue of the constitutionality of the *Sine Die* Resolution, during the vote on the Amendment to S. 374, extending the unemployment benefits for South Carolinians. Had I been present, I would have voted in favor of the Amendment.

Rep. Karl B. Allen

CONCURRENT RESOLUTION

The following was taken up for immediate consideration:

S. 856 -- Senator Campsen: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 21, 2009, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES NO LATER THAN JUNE 30, 2009, FOR A PERIOD NOT TO EXCEED THREE STATEWIDE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS AFTER THIS THREE-DAY PERIOD NOT LATER THAN 5:00 P.M. ON THE THIRD LEGISLATIVE DAY, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED

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UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 12, 2010.

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

Yeas 109; Nays 0

Those who voted in the affirmative are:

Agnew	Alexander	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	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Duncan	Edge	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gunn	Haley	Hamilton
Hardwick	Harrell	Harrison
Hart	Harvin	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Howard
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
Owens	Parker	Pinson

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Rice	Rutherford	Scott
Sellers	Simrill	Skelton
D. C. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Thompson
Toole	Umphlett	Viers
Weeks	White	Whitmire
Williams	Willis	Wylie
A. D. Young		

Total--109

Those who voted in the negative are:

Total--0

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

H. 3722--CONFERENCE COMMITTEE REPLACEMENTS

The SPEAKER announced that Reps. OTT and COOPER replaced Reps. KIRSH and WHITE on the Conference Committee on the following Bill:

H. 3722 -- Reps. Kirsh and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO PROVIDE FOR DETERMINATION OF TREATMENT OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; BY ADDING SECTION 12-36-2575 SO AS TO PROVIDE FOR FILING OF A RETURN FOR EACH SALES OR USE TAX LIABILITY PERIOD EVEN IF NO TAX LIABILITY ACCRUES FOR THAT PERIOD; TO AMEND SECTION 12-4-320, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS; TO AMEND SECTION 12-6-590, AS AMENDED, RELATING TO TREATMENT OF "S" CORPORATIONS FOR TAX PURPOSES, SO AS TO INCLUDE ADDITIONAL REFERENCES TO THE INTERNAL REVENUE CODE FOR SIMILAR STATE TREATMENT; TO AMEND

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SECTION 12-6-2250, AS AMENDED, RELATING TO THE APPORTIONMENT OF INCOME DERIVED BY A TAXPAYER TO THE TAXPAYER'S CONDUCT OF BUSINESS IN THIS STATE, SO AS TO CHANGE THE WORD "ALLOCATED" TO "APPORTIONED"; TO AMEND SECTION 12-6-2295, RELATING TO INCLUSIONS AND EXCLUSIONS IN CONNECTION WITH THE TERMS "SALES" AND "GROSS RECEIPTS" AS USED IN THE APPORTIONMENT OF INCOME TO THIS STATE FOR STATE INCOME TAX PURPOSES, SO AS TO FURTHER SPECIFY RENTAL AND SALES INCOME FROM TANGIBLE AND INTANGIBLE, REAL AND PERSONAL PROPERTY IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOB TAX CREDIT AGAINST THE STATE INCOME TAX, SO AS TO DELETE A REFERENCE TO GENERAL CONTRACTORS IN CONNECTION WITH THE TERM "CORPORATE OFFICE"; TO AMEND SECTION 12-6-3376, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR THE PURCHASE OR LEASE OF A PLUG-IN HYBRID VEHICLE, SO AS TO REQUIRE THAT THE CREDIT BE THE FIRST CLAIMED FOR THAT VEHICLE, TO PROVIDE FOR REGULATIONS PROMULGATED BY THE STATE ENERGY OFFICE, TO FURTHER PROVIDE FOR CLAIMING THE CAPPED CREDIT, AND TO PROVIDE FOR THE EFFECT OF A REPEAL OF THE CAPS ON THE CREDIT; TO AMEND SECTION 12-6-3377, RELATING TO THE ALTERNATIVE MOTOR VEHICLE FUEL CREDIT AGAINST THE STATE INCOME TAX, SO AS TO FURTHER PROVIDE FOR THE CALCULATION OF THE CREDIT FOR BUSINESS USE AND TO DELETE A PROVISION DEEMING THE FEDERAL TAX TREATMENT OF THE ALTERNATIVE FUEL CREDIT TO BE PERMANENT; TO AMEND SECTION 12-6-3535, AS AMENDED, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR REHABILITATION OF A HISTORIC STRUCTURE, SO AS TO INCLUDE A CREDIT AGAINST THE CORPORATE LICENSE FEES; TO AMEND SECTION 12-6-3550, AS AMENDED, RELATING TO THE VOLUNTARY CLEANUP INCOME TAX CREDIT, SO AS TO CLARIFY THAT THE CREDIT IS ONE AGAINST THE STATE INCOME TAX; TO AMEND SECTION 12-6-3585, AS AMENDED, RELATING TO THE INDUSTRY PARTNERSHIP FUND CREDIT AGAINST STATE TAXES, SO AS TO ALLOW THE CREDIT TO BE USED AGAINST

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THE TAXPAYER'S APPLICABLE STATE INCOME TAX, BANK TAX, INSURANCE PREMIUM TAX, OR LICENSE FEE LIABILITY; TO AMEND SECTION 12-6-3610, AS AMENDED, RELATING TO INCOME TAX CREDIT FOR PROPERTY USED FOR DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL, SO AS TO DELETE CERTAIN TRANSITIONAL PROVISIONS; TO AMEND SECTION 12-6-3630, RELATING TO A CREDIT AGAINST CERTAIN STATE TAXES FOR A CONTRIBUTION TO THE SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT FUND, SO AS TO FURTHER PROVIDE FOR CLAIMING THE CREDIT; TO AMEND SECTION 12-8-1530, RELATING TO QUARTERLY RETURNS OF WITHHELD TAX, SO AS TO REQUIRE RETURNS EVEN IN PERIODS WHEN NO TAX HAS BEEN WITHHELD; TO AMEND SECTION 12-8-1550, RELATING TO STATEMENTS REQUIRED TO BE FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR PRESCRIPTION BY THE DEPARTMENT OF EITHER ELECTRONIC OR MAGNETIC MEDIA METHOD FOR SUBMISSION OF CERTAIN INFORMATION; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO THE JOB DEVELOPMENT TAX CREDIT, SO AS TO MAKE TECHNICAL CORRECTIONS AND ADD A CROSS REFERENCE; TO AMEND SECTION 12-20-100, RELATING TO LICENSE TAX ON UTILITIES AND ELECTRIC COOPERATIVES, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-21-2575, RELATING TO METHODS OF ACCOUNTING FOR ADMISSIONS OTHER THAN TICKETS, SO AS TO PROVIDE THAT THE TICKETS BE COLLECTED AND RETAINED TO ACCOUNT FOR ADMISSIONS; TO AMEND SECTION 12-36-910, AS AMENDED, RELATING TO THE FIVE PERCENT SALES TAX ON THE PROCEEDS OF THE SALE OF TANGIBLE PERSONAL PROPERTY, SO AS TO DELETE A REDUNDANCY AS TO THE TAX ON PROCEEDS FROM THE SALE OF A WARRANTY, MAINTENANCE, OR SIMILAR CONTRACT FOR TANGIBLE PERSONAL PROPERTY; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE'S SALES TAX, SO AS TO SPECIFY NOTIFICATION REQUIREMENTS FOR CLAIMING THE EXEMPTION ON THE CONSTRUCTION MATERIALS USED IN CERTAIN SINGLE MANUFACTURING AND DISTRIBUTION FACILITIES AND TO PROVIDE FOR ASSESSMENT OF ANY TAX DUE, TO SPECIFY

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THAT THE EXEMPTION IN CONNECTION WITH THE SALE OF CURRENCY APPLIES TO CURRENCY THAT IS LEGAL TENDER, AND TO CLARIFY THE EXEMPTION AS TO DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; TO AMEND SECTION 12-37-90, RELATING TO DUTIES OF A FULL-TIME COUNTY ASSESSOR, SO AS TO DELETE THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO ALTER A VALUE OF REAL PROPERTY AS SET BY THE ASSESSOR; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR EXEMPTION OF THE REAL PROPERTY OF DEFINED TAX EXEMPT ORGANIZATIONS AND TO CORRECT A CROSS REFERENCE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO CORRECT A CROSS REFERENCE IN THE DEFINITION OF "SPONSOR"; TO AMEND SECTION 12-54-70, AS AMENDED, RELATING TO EXTENSION OF TIME FOR FILING RETURNS OR PAYING TAX, SO AS TO FURTHER DEFINE THE LENGTH OF THE EXTENSION; TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO TIME LIMITATION FOR ASSESSMENT OF TAXES OR FEES BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR THE INSTANCE OF A TAXPAYER LACKING A VALID BUSINESS PURPOSE; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS AND REPORTS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO REQUIRE THAT THE DISCLOSURE MUST BE WILFUL TO GIVE RISE TO THE PENALTIES; TO AMEND SECTION 12-63-20, AS AMENDED, RELATING TO THE ENERGY FREEDOM AND RURAL DEVELOPMENT ACT, SO AS TO DEFINE "BIODIESEL" FOR THAT PURPOSE; TO AMEND SECTION 30-2-320, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLIC RECORDS, AND SECTION 37-20-180, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLICATION OF A SOCIAL SECURITY NUMBER, BOTH SO AS TO ALLOW DISCLOSURE BY AND TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF CARRYING OUT ITS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 44-43-1360, AS AMENDED, RELATING TO ADMINISTRATION OF DONATE LIFE SOUTH CAROLINA, SO AS TO CORRECT A

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CROSS REFERENCE; AND TO REPEAL SECTION 12-20-175, RELATING TO REDUCTION OF LICENSE FEES DUE TO TAX CREDITS AND SECTION 12-36-30, RELATING TO THE DEFINITION OF "PERSON" FOR PURPOSES OF THE SALES AND USE TAX.

RECURRENCE TO THE MORNING HOUR

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

POINT OF ORDER

Rep. MCLEOD raised the Point of Order that the introduction and referral to committee of Rep. DELLENEY's Resolution calling for the impeachment of Governor Marshall Clement Sanford, Jr. was out of order pursuant to the *Sine Die* Resolution. He argued that the introduction of impeachment resolutions was not provided for as an acceptable subject matter under the *Sine Die* Resolution.

Rep. DELLENEY argued that the Impeachment Resolution was in order under Article XV of the South Carolina Constitution because the House of Representatives has sole authority over impeachment. Rep. DELLENEY argued that the *Sine Die* Resolution could not limit the House's authority to consider impeachment resolutions.

Rep. COBB-HUNTER agreed with Rep. MCLEOD that adopting the Resolution was premature in that the report from the Ethics Committee had not been completed on the Governor's actions. Rep. COBB-HUNTER further argued that House precedents required that the Point of Order be sustained because the introduction of Impeachment Resolutions was not listed as an acceptable matter under the *Sine Die* Resolution.

SPEAKER HARRELL stated that the House has sole constitutional authority to impeach the Governor. However, he also pointed out that Article III, Section 12 of the Constitution also gave the House the right to establish its own rules of procedure. He stated that the *Sine Die* Resolution, which had been adopted by a 2/3 vote of the House, established rules, procedures, and limits on what the House can take up in the extended session and that a resolution calling for the impeachment of the Governor was not included in what could be introduced. However, the SPEAKER stated further that the Impeachment Resolution could be introduced and referred to committee during the prefiling dates that would most likely be

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scheduled in several weeks. Therefore, the SPEAKER sustained the Point of Order and ruled the Impeachment Resolution out of order.

INTRODUCTION OF BILL

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

H. 4162 -- Reps. Clemmons, Viers, Edge, Hardwick and Hearn: A BILL TO PROVIDE THAT WHEN THE LOCAL OPTION MUNICIPAL TOURISM DEVELOPMENT FEE IS IMPOSED IN A MUNICIPALITY IN HORRY COUNTY, THE FEE REVENUE ALLOWED TO BE USED FOR PROPERTY TAX RELIEF FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY AND FOR TOURISM-RELATED CAPITAL PROJECTS ARE FIRST AVAILABLE FOR THOSE USES BEGINNING IN THE SECOND RATHER THAN THE THIRD YEAR OF IMPOSITION OF THE FEE, TO PROVIDE THAT THIS PROPERTY TAX RELIEF MUST BE GIVEN IN THE FORM OF A CREDIT AGAINST THE MUNICIPAL PROPERTY TAX LIABILITY ON EACH PARCEL OF OWNER-OCCUPIED RESIDENTIAL PROPERTY LOCATED IN THE MUNICIPALITY, TO PROVIDE FOR THE CALCULATION OF THE CREDIT, AND TO PROVIDE FOR THE USE OF CREDITS IN EXCESS OF THE MUNICIPAL PROPERTY TAX LIABILITY.

Referred to Horry Delegation

CONCURRENT RESOLUTION

The following was introduced:

H. 4163 -- Reps. Brantley, 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, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, 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,

[HJ]

TUESDAY, OCTOBER 27, 2009

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 CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE GENERAL ASSEMBLY UPON THE DEATH OF MR. JUSTIN IHLY BAKER OF JASPER COUNTY, AND TO EXTEND DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

CONCURRENT RESOLUTION

The following was introduced:

H. 4164 -- Rep. Bales: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR MICHAEL M. FLACK OF LEXINGTON COUNTY ON THE OCCASION OF HIS RETIREMENT AS EXECUTIVE DIRECTOR OF THE COLUMBIA METROPOLITAN AIRPORT, TO COMMEND HIM ON ELEVEN YEARS OF FAITHFUL SERVICE IN THAT CAPACITY AND TO HIS COMMUNITY, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN HIS FUTURE ENDEAVORS.

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

CONCURRENT RESOLUTION

The following was introduced:

H. 4165 -- Rep. Bales: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR RONALD E. JORDAN OF RICHLAND COUNTY FOR HIS OUTSTANDING CONTRIBUTIONS TO HIS COMMUNITY THROUGH VOLUNTEERISM, AND TO WISH HIM ALL THE BEST IN THE COMING YEARS.

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

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ADJOURNMENT

At 2:49 p.m. the House, in accordance with the motion of Rep. CLYBURN, adjourned in memory of Mrs. Ruth Ashe of Aiken, to meet at 2:00 p.m. tomorrow.

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