

NO. 61

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, OCTOBER 28, 2009
(STATEWIDE SESSION)

Wednesday, October 28, 2009
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 2:00 p.m.

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

Our thought for today is from Isaiah 59:1: "Surely the arm of the Lord is not too short to save, nor his ear too dull to hear."

Let us pray. Gracious God, Your blessings are too numerous to count. So, bless us now as these Representatives make decisions that may help our State and her people to enjoy the fruits of their labor. Bless 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 our prayer, O God. 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. CLYBURN moved that when the House adjourns, it adjourn in memory of Willie Stewart of North Augusta, which was agreed to.

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
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

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Dillard	Erickson	Forrester
Frye	Funderburk	Gambrell
Gilliard	Govan	Gunn
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	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
Rice	Rutherford	Scott
Sellers	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinnakis	Stringer
Thompson	Toole	Umphlett
Weeks	Whipper	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 Wednesday, October 28.

Phillip Lowe
Thad Viers

Jeffrey D. Duncan

Total Present--113

LEAVE OF ABSENCE

The SPEAKER granted Rep. HALEY a leave of absence for the day due to a prior scheduled commitment.

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STATEMENT FOR THE JOURNAL

Since the rules prohibited me from being able to reach a local bill when we met this week, under an amendment to our *Sine Die* Resolution, I was unable to table H. 4122 on third reading. However, since H. 4122 is no longer necessary, I am giving notice to the desk that I intend to table it on third reading, when we reach the calendar in January 2010.

Rep. Douglas Jennings, Jr.

SENT TO THE SENATE

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

S. 374 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-320 SO AS TO PROVIDE FOR THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN THESE BENEFITS ARE FULLY FUNDED BY THE FEDERAL GOVERNMENT AND UPON THE MEETING OF OTHER SPECIFIC CONDITIONS.

H. 3130--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED

The Senate returned to the House with amendments the following:

H. 3130 -- Rep. Harvin: A BILL TO PROVIDE FOR MAJOR ECONOMIC DEVELOPMENT IN THIS STATE BY AMENDING SECTION 12-6-2320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLOCATION AND APPORTIONMENT OF A MULTISTATE TAXPAYER'S INCOME FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ENTER INTO AN ALLOCATION AND APPORTIONMENT AGREEMENT APPLICABLE FOR NOT MORE THAN TEN YEARS WITH A TAXPAYER IF THE TAXPAYER IS PLANNING A NEW FACILITY IN THIS STATE AND INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS IN REAL OR PERSONAL PROPERTY OR BOTH IN A SINGLE COUNTY IN THIS STATE AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS AND TO EXTEND THE DEFINITION OF "TAXPAYER" FOR PURPOSES OF ENTERING INTO ALLOCATION AND

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APPORTIONMENT AGREEMENTS; BY AMENDING SECTION 12-36-2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT AIRCRAFT FUEL USED IN TEST FLIGHTS AND TRANSPORT OF UNCOMPLETED AIRCRAFT BETWEEN MANUFACTURING FACILITIES WHEN SOLD TO CERTAIN MANUFACTURERS, TO EXEMPT COMPUTER EQUIPMENT USED IN CONJUNCTION WITH A MANUFACTURING FACILITY WHERE THE TAXPAYER INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS IN THIS STATE OVER A SEVEN-YEAR PERIOD, AND TO EXEMPT CONSTRUCTION MATERIALS WHERE THE TAXPAYER MAKES A SIMILAR INVESTMENT AND CREATES A SIMILAR NUMBER OF FULL-TIME JOBS IN THIS STATE OVER A SIMILAR PERIOD; AND BY AMENDING SECTIONS 11-41-20, AS AMENDED, 11-41-50, AS AMENDED, 11-41-60, AND 11-41-90, ALL RELATING TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, SO AS TO AUTHORIZE THE ISSUANCE OF ADDITIONAL STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BONDS AND MAKE FINDINGS WITH RESPECT TO THIS ADDITIONAL AUTHORIZATION, TO PRESCRIBE THE LIMITATIONS APPLICABLE TO THE ISSUANCE OF THESE ADDITIONAL ECONOMIC DEVELOPMENT BONDS, AND TO MAKE CONFORMING AMENDMENTS.

On the motion of Rep. COOPER, with unanimous consent, the Senate Amendments were taken up for immediate consideration.

Rep. COOPER explained the Senate Amendments.

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

Yeas 106; Nays 0

Those who voted in the affirmative are:

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

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Bowen	Bowers	Brady
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	Hamilton
Hardwick	Harrell	Harrison
Hart	Harvin	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Huggins
Hutto	Jefferson	Kelly
Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Millwood
Mitchell	D. C. Moss	V. S. Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parks	Pinson	Rice
Rutherford	Scott	Sellers
Simrill	D. C. Smith	G. M. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrakis
Stringer	Thompson	Toole
Umphlett	Viers	Weeks
Whipper	White	Whitmire
Williams	Willis	Wylie
A. D. Young		

Total--106

Those who voted in the negative are:

Total--0

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The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

RECORDS FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3130. If I had been present, I would have voted in favor of concurrence in the Senate Amendments.

Rep. Doug Jennings
Rep. B.R. Skelton
Rep. Steve Parker

RECORD FOR VOTING

I was not in the Chamber during the vote on H. 3130. Had I been present, I would have voted to concur with the Senate's Amendments.

Rep. Nikki Haley

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., October 28, 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. 374:

S. 374 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-320 SO AS TO PROVIDE FOR THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN THESE BENEFITS ARE FULLY FUNDED BY THE FEDERAL GOVERNMENT AND UPON THE MEETING OF OTHER SPECIFIC CONDITIONS.

and has ordered the Bill enrolled for ratification.

Very respectfully,
President
Received as information.

[HJ]

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MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., October 28, 2009

Mr. Speaker and Members of the House:

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

Very respectfully,
President

On motion of Rep. COOPER the invitation was accepted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4166 -- Rep. Neilson: A CONCURRENT RESOLUTION TO CONGRATULATE REVEREND WILLIAM CALVIN DANIELS ON HIS TWENTY-FIFTH ANNIVERSARY AS PASTOR OF NEW HOPEWELL MISSIONARY BAPTIST CHURCH IN DARLINGTON COUNTY.

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

HOUSE RESOLUTION

The following was introduced:

H. 4167 -- Reps. Anderson and Kennedy: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE THE REVEREND MOSES JEFFERSON WILSON OF WILLIAMSBURG COUNTY ON THE OCCASION OF HIS RETIREMENT FROM PASTORING AND TO WISH HIM CONTINUED GOOD HEALTH AND HAPPINESS FOR MANY YEARS TO COME.

The Resolution was adopted.

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RATIFICATION OF ACTS

At 5:30 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R122, S. 374) -- Senator L. Martin: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-320 SO AS TO PROVIDE FOR THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN THESE BENEFITS ARE FULLY FUNDED BY THE FEDERAL GOVERNMENT AND UPON THE MEETING OF OTHER SPECIFIC CONDITIONS.

(R123, H. 3130) -- Rep. Harvin: AN ACT TO PROVIDE FOR MAJOR ECONOMIC DEVELOPMENT IN THIS STATE BY AMENDING SECTION 12-6-2320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLOCATION AND APPORTIONMENT OF A MULTISTATE TAXPAYER'S INCOME FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ENTER INTO AN ALLOCATION AND APPORTIONMENT AGREEMENT APPLICABLE FOR NOT MORE THAN TEN YEARS WITH A TAXPAYER IF THE TAXPAYER IS PLANNING A NEW FACILITY IN THIS STATE AND INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS IN REAL OR PERSONAL PROPERTY OR BOTH IN A SINGLE COUNTY IN THIS STATE AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS AND TO EXTEND THE DEFINITION OF "TAXPAYER" FOR PURPOSES OF ENTERING INTO ALLOCATION AND APPORTIONMENT AGREEMENTS; BY AMENDING SECTION 12-36-2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT AIRCRAFT FUEL USED IN TEST FLIGHTS AND TRANSPORT OF UNCOMPLETED AIRCRAFT BETWEEN MANUFACTURING FACILITIES WHEN SOLD TO CERTAIN MANUFACTURERS, TO EXEMPT COMPUTER EQUIPMENT USED IN CONJUNCTION WITH A MANUFACTURING FACILITY WHERE THE TAXPAYER INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS IN THIS STATE OVER A SEVEN-YEAR PERIOD, AND TO EXEMPT CONSTRUCTION MATERIALS WHERE THE TAXPAYER MAKES A SIMILAR

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INVESTMENT AND CREATES A SIMILAR NUMBER OF FULL-TIME JOBS IN THIS STATE OVER A SIMILAR PERIOD; AND BY AMENDING SECTIONS 11-41-20, AS AMENDED, 11-41-50, AS AMENDED, 11-41-60, AND 11-41-90, ALL RELATING TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, SO AS TO AUTHORIZE THE ISSUANCE OF ADDITIONAL STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BONDS AND MAKE FINDINGS WITH RESPECT TO THIS ADDITIONAL AUTHORIZATION, TO PRESCRIBE THE LIMITATIONS APPLICABLE TO THE ISSUANCE OF THESE ADDITIONAL ECONOMIC DEVELOPMENT BONDS, AND TO MAKE CONFORMING AMENDMENTS.

Rep. OTT 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. 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, 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

[HJ]

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EXTEND DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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.

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.

ADJOURNMENT

At 5:35 p.m. the House, in accordance with the motion of Rep. CLYBURN, adjourned pursuant to S. 856, the *Sine Die* Resolution, in memory of Willie Stewart of North Augusta.

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H. 3130	3, 6, 8	H. 4166	7
H. 4122	3	H. 4167	7
H. 4163	9		
H. 4164	10	S. 374.....	3, 6, 8
H. 4165	10	S. 856.....	10