~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 9:30 a.m.

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

Our thought for today is from Psalm 111:7: “The works of his hands are faithful and just; all his precepts are trustworthy.”

Let us pray. Faithful God, we give thanks for You in leading us during these stressful times. Be for these Representatives and staff a fortress of strength, as You lead them through the maze of details and help them make the right decisions for the people of this State. Strengthen them physically and mentally in fulfilling their duties and responsibilities. Help them discern what is the better answer to each of the questions before them. Guide our leaders as they lead in these times of trial. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. DUNCAN moved that when the House adjourns, it adjourn in memory of Tim Mann of Clinton, which was agreed to.

**COMMUNICATION**

The following was received:

State of South Carolina

Office of the Governor

Columbia, S.C., March 16, 2010

Mr. Speaker and Members of the House of Representatives:

 I am transmitting herewith a reappointment for confirmation. This reappointment is made with the advice and consent of the General Assembly and is, therefore, submitted for your consideration.

Local Appointment

Clarendon County Master-in Equity

Term Commencing: June 30, 2010

Term Expiring: June 30, 2016

Seat: At-Large

Reappointment

The Honorable William C. Coffey, Jr.

Coffey, Chandler & Kent, P.A.

8 South Brooks Street

Manning, South Carolina 29102

Respectfully,

Mark Sanford

Governor

Received as information.

**COMMUNICATION**

The following was received:

State of South Carolina

Office of the Governor

Columbia, S.C., March 16, 2010

Mr. Speaker and Members of the House of Representatives:

 I am transmitting herewith a reappointment for confirmation. This reappointment is made with the advice and consent of the General Assembly and is, therefore, submitted for your consideration.

Local Appointment

Allendale County Master-in Equity

Term Commencing: December 31, 2008

Term Expiring: December 31, 2014

Seat: Master-in-Equity

Reappointment

The Honorable Walter H. Sanders, Jr.

Post Office Box 840

Fairfax, South Carolina 29827

Respectfully,

Mark Sanford

Governor

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 16, 2010

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. 1096:

S. 1096 -- Senators McConnell, Alexander, Rankin, Hutto, Matthews, Leatherman, Land, Hayes, Anderson, Scott, Coleman, O'Dell, Nicholson, Setzler, Cleary, Courson, Verdin, L. Martin, Knotts, Lourie, Sheheen, Mulvaney, Campbell, S. Martin, Massey, Grooms, Davis, Shoopman, Thomas, Ford, Elliott, Rose and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-37-50, SO AS TO AUTHORIZE ELECTRICITY PROVIDERS AND NATURAL GAS PROVIDERS TO IMPLEMENT FINANCING AGREEMENTS FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION IMPROVEMENTS, TO PROVIDE FOR THE RECOVERY OF THE FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY EFFICIENCY AND CONSERVATION MEASURES; TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THE MEASURES; TO PROVIDE FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION MEASURES IN RENTAL PROPERTIES; AND TO PROVIDE A MECHANISM FOR RECOVERY OF THE COSTS OF THE MEASURES INSTALLED IN RENTAL PROPERTIES; TO AMEND SECTION 8-21-310, SO AS TO ALLOW CLERKS OF COURT AND REGISTERS OF DEEDS TO CHARGE A FEE FOR FILING A NOTICE OF METER CONSERVATION CHARGE; AND TO AMEND SECTION 27-50-40, SO AS TO REQUIRE THE DISCLOSURE OF A METER CONSERVATION CHARGE BY SELLERS OF REAL PROPERTY.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**REPORTS OF STANDING COMMITTEE**

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

H. 4563 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-25-115 SO AS TO REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE TO PROMULGATE REGULATIONS RELATING TO PRESCRIBED CONDITIONS FOR THE ISSUANCE OF PERMITS FOR THE MANUFACTURING, PROCESSING, OR PACKAGING OF FOODS UNDER CERTAIN CONDITIONS, AND TO ALLOW AN OFFICER OR EMPLOYEE OF THE COMMISSIONER TO HAVE ACCESS TO A FACTORY OR ESTABLISHMENT OWNED BY A PERMIT HOLDER TO ASCERTAIN COMPLIANCE WITH THE PERMIT CONDITIONS; BY ADDING SECTION 39-25-210 SO AS TO REQUIRE A PERSON ENGAGED IN MANUFACTURING, PROCESSING, OR PACKAGING FOODS TO FIRST OBTAIN A PERMIT FROM THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE RENEWAL OF PERMITS, AND TO PROVIDE PENALTIES FOR FAILURE TO OBTAIN A PERMIT; TO AMEND SECTION 39-25-30, RELATING TO PROHIBITED ACTS, SO AS TO INCLUDE OPERATING WITHOUT A VALID PERMIT; TO AMEND SECTION 39-25-180, RELATING TO PROMULGATION OF REGULATIONS BY THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE, SO AS TO INCLUDE REGULATIONS RELATING TO GOOD MANUFACTURING PRACTICE, THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS, ACIDIFIED FOODS, FISH AND FISHERY PRODUCTS, HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEMS, AND FOOD ALLERGEN AND LABELING; AND TO AMEND SECTION 39-25-190, RELATING TO AUTHORITY TO ENTER AND INSPECT A PREMISES, SO AS TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE MAY PERFORM LABORATORY SERVICES, AND TO PROVIDE FOR THE PAYMENT OF FEES FOR THOSE SERVICES.

Ordered for consideration tomorrow.

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

S. 914 -- Senator Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-13-120, TO SET THE SIZE LIMITS AT FOURTEEN INCHES TOTAL LENGTH AND THE CATCH LIMIT AT FIVE PER DAY FOR BLACK BASS IN LAKES MARION AND MOULTRIE AND THE UPPER SANTEE RIVER.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4749 -- Rep. Bowers: A HOUSE RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH CAROLINA UPON THE DEATH OF SARAH RISHER WATFORD MOORE OF COLLETON COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND TO HER MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

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

H. 4750 -- Rep. Owens: A HOUSE RESOLUTION EXTENDING THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE SOUTH CAROLINA DISTRICT TEACHERS OF THE YEAR, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED ON BEING SELECTED TO REPRESENT THEIR INDIVIDUAL SCHOOL DISTRICTS AS TEACHER OF THE YEAR.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4751 -- Reps. Haley and E. H. Pitts: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE LEXINGTON HIGH SCHOOL BOYS CROSS-COUNTRY TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2009 CLASS AAAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL RUNNERS, COACHES, AND STAFF.

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

**HOUSE RESOLUTION**

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

H. 4752 -- Reps. Haley and E. H. Pitts: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE LEXINGTON HIGH SCHOOL BOYS CROSS-COUNTRY TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2009 CLASS AAAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4753 -- Reps. J. E. Smith and Harrison: A CONCURRENT RESOLUTION TO CONGRATULATE DR. TED WACHTER, PRINCIPAL OF ROSEWOOD ELEMENTARY SCHOOL IN COLUMBIA, UPON THE OCCASION OF HIS RETIREMENT ON JUNE 30, 2010, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4754 -- Reps. Thompson, Kennedy and Sellers: A CONCURRENT RESOLUTION TO URGE THE MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA TO REFRAIN FROM MEMORIALIZING THE UNITED STATES CONGRESS WITH CONCURRENT RESOLUTIONS SEEKING ARGUABLY UNATTAINABLE RESULTS.

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

**INTRODUCTION OF BILLS**

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

H. 4755 -- Rep. Miller: A BILL TO PROVIDE THAT THE SCHOOL DISTRICT OF GEORGETOWN COUNTY FOR FISCAL YEAR 2010-2011 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUE FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS.

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

S. 452 -- Senators Campbell, Leatherman, Reese, Shoopman, Williams, Mulvaney, Pinckney, O'Dell, Ford, Knotts, Bryant, Land, Grooms, Hutto, Fair, Peeler, Sheheen, Ryberg, Massey, Elliott, Alexander, McGill, Bright, L. Martin, Matthews, Setzler, Rose, Hayes and Campsen: A BILL TO AMEND CHAPTER 4, TITLE 49 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA SURFACE WATER WITHDRAWAL AND REPORTING ACT, TO PROVIDE THAT SUBJECT TO CERTAIN EXCEPTIONS, SURFACE WATER WITHDRAWALS MUST BE MADE PURSUANT TO A PERMIT, TO PROVIDE FOR COMPLETE EXEMPTIONS FROM THE PERMITTING REQUIREMENT, TO PROVIDE THAT REGISTERED SURFACE WATER WITHDRAWERS MAY WITHDRAW SURFACE WATER WITHOUT A PERMIT BUT SUBJECT TO CERTAIN RESTRICTIONS, TO PROVIDE FOR NONCONSUMPTIVE SURFACE WATER WITHDRAWAL PERMITS, TO PROVIDE FOR AN APPLICATION PROCEDURE FOR SURFACE WATER WITHDRAWERS THAT OWN AND OPERATE A LICENSED IMPOUNDMENT OR NEW SURFACE WATER WITHDRAWERS THAT WITHDRAW WATER FROM A LICENSED IMPOUNDMENT, TO PROVIDE FOR REPORTS TO THE DEPARTMENT OF NATURAL RESOURCES FROM PERMITTED AND REGISTERED WATER WITHDRAWERS AND THE CONTENTS OF THOSE REPORTS, TO PROVIDE THAT REGISTERED AND EXEMPT SURFACE WATER WITHDRAWERS MAY APPLY FOR A SURFACE WATER WITHDRAWAL PERMIT, TO AUTHORIZE NONRIPARIAN USE OF SURFACE WATER, TO PROVIDE FOR A PERMITTING PROCESS FOR NEW SURFACE WATER WITHDRAWERS, TO PROVIDE FOR THE CONTENTS OF THE APPLICATION, TO PROVIDE FOR THE DEPARTMENT'S DETERMINATION CONCERNING THE PERMIT, TO PROVIDE FOR PUBLIC HEARINGS CONCERNING NEW PERMIT APPLICATIONS FOR INTERBASIN TRANSFERS, TO PROVIDE FOR THE CONTENTS OF ISSUED PERMITS AND THE RIGHTS CONFERRED BY A PERMIT, TO PROVIDE FOR CIRCUMSTANCES UNDER WHICH A PERMIT MAY BE MODIFIED, SUSPENDED, OR REVOKED, TO PROVIDE FOR NOTICE TO THE DEPARTMENT CONCERNING CERTAIN NEW WATER INTAKES, TO PROVIDE FOR TEMPORARY PERMITS, TO PROVIDE AUTHORIZED WITHDRAWAL AMOUNTS, TO PROVIDE FOR OPERATIONAL AND CONTINGENCY PLANS, TO PROVIDE FOR POWERS AND DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES CONCERNING IMPLEMENTATION OF THE CHAPTER, TO PROVIDE APPROPRIATE PENALTIES FOR VIOLATIONS, TO PROVIDE FOR PERMIT APPLICATION FEES; AND TO REPEAL CHAPTER 21, TITLE 49, RELATING TO THE INTERBASIN TRANSFER OF WATER, TO PROVIDE THAT CHAPTER 1, TITLE 49, RELATING TO GENERAL PROVISIONS CONCERNING WATER, WATER RESOURCES, AND DRAINAGE IS NOT AFFECTED BY AND SUPERCEDED BY CHAPTER 4, TITLE 49 AND TO PROVIDE APPROPRIATE DEFINITIONS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1204 -- Senator Leatherman: A BILL TO AMEND SECTION 48-5-50 OF THE 1976 CODE, RELATING TO USES OF THE CLEAN WATER FUND, TO ALLOW ANY USE PRESCRIBED BY ANY FEDERAL LAW GOVERNING OR APPROPRIATING FUNDS FOR THE CLEAN WATER FUND; AND TO AMEND SECTION 48-5-55, RELATING TO USES OF THE DRINKING WATER FUND, TO ALLOW ANY USE PRESCRIBED BY ANY FEDERAL LAW GOVERNING OR APPROPRIATING FUNDS FOR THE DRINKING WATER FUND.

Referred to Committee on Ways and Means

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Weeks | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, March 17.

|  |  |
| --- | --- |
| Paul Agnew | Grady Brown |
| Boyd Brown | Jeffrey D. Duncan |
| Tracy Edge | Laurie Funderburk |
| Jerry Govan | Anton J. Gunn |
| Chip Huggins | Douglas Jennings |
| Walton McLeod | Joseph Neal |
| G. Murrell Smith | James E. Stewart |
| Todd Rutherford | Bakari Sellers |
| Thad Viers | Chris Hart |
| Patsy Knight | H.B. "Chip" Limehouse |
| Jackson "Seth" Whipper | Ted Vick |
| Leon Howard |  |

**Total Present--122**

**DOCTOR OF THE DAY**

Announcement was made that Dr. Conyers O'Bryan of Florence was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co‑sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co‑sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member’s or co‑sponsor’s written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4607 |
| Date: | ADD: |
| 03/17/10 | HORNE, CLEMMONS, SIMRILL and COLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4663 |
| Date: | ADD: |
| 03/17/10 | CHALK |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4269 |
| Date: | ADD: |
| 03/17/10 | H. B. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4153 |
| Date: | ADD: |
| 03/17/10 | D. C. MOSS |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4587 |
| Date: | REMOVE: |
| 03/17/10 | MERRILL |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4523 |
| Date: | REMOVE: |
| 03/17/10 | WILLIS |

**H. 4657--AMENDED AND INTERRUPTED DEBATE**

Debate was resumed on the following Bill, the pending question being the consideration of Part IB:

**H. 4657--THE GENERAL APPROPRIATION BILL**

H. 4657 -- 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, 2010, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

**PART IB**

**SECTION 89--AMENDED AND INTERRUPTED DEBATE**

Rep. COOPER proposed the following Amendment No. 20 (Doc Name h:\legwork\house\amend\H-WM\001\89.17 TRI COUNTY TEC BRIDGE.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 487, paragraph 89.17, line 8, after “Personnel” by inserting:

/ *; TriCounty Technical College’s Bridge to Clemson Resident and Area Directors*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. SIMRILL proposed the following Amendment No. 90 (Doc Name h:\legwork\house\amend\H-WM\001\89.22 DELETE.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 488, paragraph 89.22, line 26-28, by striking: / 89.22. (GP: Travel Spouse of Governor & Lt. Governor) The spouses of the Governor and the Lieutenant Governor of the State are authorized to receive reimbursement of actual expenses when accompanying the Governor or the Lieutenant Governor on official state business. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. SIMRILL explained the amendment.

The amendment was then adopted.

Rep. GAMBRELL proposed the following Amendment No. 184 (Doc Name h:\legwork\house\amend\H-WM\009\INSERT VOLUNTEER FOR OFF ROAD DIESEL.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 510, paragraph 89.110, line 21, by inserting before Fire:

/ *Volunteer*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. GAMBRELL explained the amendment.

The amendment was then adopted.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. BINGHAM proposed the following Amendment No. 30 (Doc Name h:\legwork\house\amend\H-WM\008\89.111 DELETE.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 510, paragraph 89.111, lines 24-27, by striking the paragraph in its entirety.

Renumber sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

Rep. KIRSH proposed the following Amendment No. 46 (Doc Name h:\legwork\house\amend\H-WM\005\89.112 INTER AGENCY LOAN.DOCX):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 510, lines 28-35 and page 511, lines 1-13 paragraph 89.112, by striking the paragraph in its entirety.

Renumber sections to conform.

Amend totals and titles to conform.

Rep. KIRSH explained the amendment.

Rep. COOPER spoke against the amendment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MACK a temporary leave of absence.

Rep. NORMAN spoke in favor of the amendment.

Rep. COOPER moved to divide the question, which was agreed to.

**QUESTION 1-- TABLED**

Amend the Bill, as and if amended, by striking Part IB, Section 89, General Provisions, page 510, lines 28-35.

Rep. COOPER explained the question.

Rep. MERRILL spoke against the question.

Rep. COOPER moved to table the question, which was agreed to.

**QUESTION 2-- TABLED**

Amend the Bill, as and if amended, by striking Part IB, Section 89, General Provisions, page 511, lines 1-13.

Rep. WHITE explained the question.

Rep. HALEY spoke in favor of the question.

Rep. HALEY spoke in favor of the question.

Rep. STAVRINAKIS spoke against the question.

Rep. CHALK spoke against the question.

Rep. RUTHERFORD spoke against the question.

Rep. MERRILL spoke against the question.

Rep. MERRILL spoke against the question.

**SPEAKER IN CHAIR**

Rep. COOPER moved to table the question.

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

Yeas 69; Nays 43

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bannister |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Dillard |
| Edge | Erickson | Funderburk |
| Gambrell | Govan | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hodges |
| Hosey | Hutto | Jefferson |
| Loftis | Long | Lowe |
| Lucas | McEachern | Merrill |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parks | Rutherford | Sandifer |
| Skelton | G. M. Smith | J. E. Smith |
| Spires | Stavrinakis | Toole |
| Umphlett | Viers | Whipper |
| White | Williams | Wylie |

**Total--69**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| R. L. Brown | Cato | Delleney |
| Duncan | Forrester | Frye |
| Gilliard | Gunn | Haley |
| Hamilton | Harvin | Hiott |
| Horne | Huggins | Kelly |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Millwood |
| Nanney | Norman | Parker |
| Pinson | M. A. Pitts | Rice |
| Scott | Sellers | Simrill |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Stewart | Stringer | Thompson |
| Weeks | Whitmire | Willis |
| T. R. Young |  |  |

**Total--43**

So, the question was tabled.

Rep. COBB‑HUNTER proposed the following Amendment No. 8 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\BBM\ 9638HTC10.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, by adding an appropriately numbered paragraph to read:

/ *89.\_\_ (GT: Earned income Tax Credit) For taxable year 2010, there is allowed as a credit against the tax imposed pursuant to Section 12‑6‑510 of the 1976 Code on a full‑year resident individual taxpayer an amount equal to ten percent of the earned income tax credit (EITC) allowed the taxpayer pursuant to Internal Revenue Code Section 32. If the amount of the credit allowed by this section exceeds the tax imposed on the taxpayer pursuant to Section 12‑6‑510, the excess must be refunded to the taxpayer.* /

 Renumber sections to conform.

Amend totals and titles to conform.

Rep. COBB-HUNTER explained the amendment.

**POINT OF ORDER**

Rep. COOPER raised the Point of Order that Amendment No. 8 was out of order under House Rule 5.3B in that it affected the appropriations of funds of more than 5 million dollars and that there was no corresponding resources to cover this expense. Furthermore, Rep. COOPER argued that the amendment did not affect appropriations or revenue in the fiscal year referred to in the bill.

SPEAKER HARRELL sustained the Point of Order and ruled the amendment out of order.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GUNN a leave of absence for the remainder of the week due to business out-of-state.

Rep. COOPER 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, Acting Speaker LOFTIS in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 4657--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of Part IB, Section 89.

**H. 4657--THE GENERAL APPROPRIATION BILL**

H. 4657 -- 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, 2010, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

**PART IB**

**SECTION 89--AMENDED AND REJECTED**

Rep. HAYES proposed the following Amendment No. 211 (Doc Name h:\legwork\house\amend\H-WM\008\RETIREE RETURN TO WORK DELETION.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, paragraph 89.114, lines 21-24, by striking the paragraph in its entirety.

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HAYES explained the amendment.

Rep. COOPER moved to table the amendment, which was agreed to.

Rep. GOVAN proposed the following Amendment No. 17 (Doc Name h:\legwork\house\amend\H-WM\001\3 YR BUDGET PLAN.DOCX):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Three Year Expenditure Plan) In order to ensure transparency and accountability, the report provided under Section 11-11-350 of the 1976 Code must be submitted to all members of the General Assembly. Each member of the General Assembly must sign that they received a copy of the report. In addition, an electronic version of the report must be published on the Governor’s and General Assembly’s website.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. GOVAN explained the amendment.

Rep. GOVAN moved to adjourn debate on the amendment, which was agreed to.

Rep. COOPER proposed the following Amendment No. 18 (Doc Name h:\legwork\house\amend\H-WM\001\TRAVEL REDUCTIONS FRONT LINE.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *Agencies are encouraged, when assessing travel reductions, to ensure that front line employees who provide direct services to clients are minimally impacted by the reduction.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Reps. COBB-HUNTER and COOPER proposed the following Amendment No. 21 (Doc Name h:\legwork\house\amend\H-WM\001\89 TRANSFER COC TO DSS.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Transfer Continuum of Care to DSS) For the current fiscal year, effective July 1, 2010, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Continuum of Care program within the Governor’s Office of Executive Policy and Programs are transferred to the Department of Social Services.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. COOPER proposed the following Amendment No. 35 (Doc Name h:\legwork\house\amend\H-WM\007\RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/*(GP: Retirement Systems) a charter school employing an individual on leave from a local school district on or after July 1, 2006 shall participate in the South Carolina Retirement Systems as a covered employer with respect to the employee on leave through June 30, 2011 only to the extent that the charter school and the employee have made required employer and employee contributions to the South Carolina Retirement Systems from the employee’s date of employment with the charter school. The employee on leave from a local school district employed by a charter school shall accrue benefits and credits in the South Carolina Retirement Systems. The charter school shall remit to the Retirement Systems the employer contributions required by law for participating employers. The employee shall make the employee contributions to the Retirement Systems required by law and the contributions must be picked up in accordance with Section 9-1-1020. The South Carolina Retirement Systems may impose reasonable requirements to administer this section.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. HOSEY proposed the following Amendment No. 73 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\NBD\12041ac 10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, paragraph , line 24, by inserting:

/*89.\_(GP: Soft Drink Tax)\_ Effective for the current fiscal year, there is a soft drink tax to be imposed at the rate and in the manner of the soft drink tax in effect June 30, 1996, pursuant to Article 13, Chapter 21, Title 12. This tax must be imposed, reported, paid, collected, and enforced in the same manner as the soft drink tax in effect June 30, 1996, except that no criminal penalty may be imposed for violations specific to the soft drink tax. However, the Department of Revenue may impose a civil penalty in an amount not to exceed two hundred dollars for each separate offense. Notwithstanding any other provision of law, the revenue collected from this tax must be remitted to the State Treasurer and credited to the Department of Disabilities an Special Needs.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HOSEY explained the amendment.

Rep. PARKER moved to table the amendment.

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

Yeas 85; Nays 14

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Ballentine | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Haley | Hardwick |
| Harrell | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Hutto | Kelly |
| Kirsh | Knight | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | McEachern | McLeod |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Viers |
| Weeks | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--85**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Bales |
| Brantley | R. L. Brown | Dillard |
| Gilliard | Harvin | Hosey |
| Jefferson | King | Neilson |
| Rutherford | Williams |  |

**Total--14**

So, the amendment was tabled.

Reps. HALEY, BALLENTINE, MILLWOOD and VIERS proposed the following Amendment No. 83 (Doc Name h:\legwork\house\amend\H-WM\007\THREE DAY WAIT.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/*(GP: Appropriations Bill) No final vote may be taken on the annual general appropriations bill until that bill, in its most recent iteration has been available for viewing on the General Assembly's website for at least the last three statewide legislative days ending before the legislative day the final vote is taken on the bill."* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HALEY explained the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 50; Nays 44

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bannister | Battle | Bingham |
| Brady | Brantley | G. A. Brown |
| Cole | Cooper | Erickson |
| Gilliard | Govan | Hardwick |
| Harrell | Harvin | Hayes |
| Herbkersman | Hodges | Horne |
| Hosey | Hutto | Jefferson |
| King | Kirsh | Limehouse |
| Littlejohn | Lucas | McEachern |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | Ott | Parker |
| Parks | M. A. Pitts | Rutherford |
| Sandifer | Skelton | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Toole | Umphlett | Vick |
| White | A. D. Young |  |

**Total--50**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Ballentine |
| Bedingfield | Bowers | R. L. Brown |
| Cato | Clemmons | Clyburn |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Forrester | Frye | Funderburk |
| Gambrell | Haley | Hamilton |
| Hart | Hearn | Huggins |
| Kelly | Knight | Lowe |
| McLeod | Millwood | Pinson |
| Rice | Scott | Sellers |
| D. C. Smith | G. R. Smith | J. E. Smith |
| Stewart | Stringer | Weeks |
| Whitmire | Williams | Willis |
| Wylie | T. R. Young |  |

**Total--44**

So, the amendment was tabled.

RECORD FOR VOTING

 I was away from the House of Representatives when Amendment No. 83 was being considered to require a 3-day waiting period to review the budget before debating it. As a strong proponent of transparency in government and our budget process, I would have voted against tabling this important amendment.

 Rep. Anton J. Gunn

Reps. MERRILL and UMPHLETT proposed the following Amendment No. 96 (Doc Name h:\legwork\house\amend\H-WM\009\TRANSFER FROM WATER REC FUND TO CONSERVATION BANK.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/(GP:) *Directs the Department of Natural Resources to transfer two million dollars from the Water Recreation Fund to the Conservation Bank.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. UMPHLETT explained the amendment.

Rep. A. D. YOUNG moved to table the amendment, which was agreed to.

**AMENDMENT NO. 83--MOTION TO RECONSIDER REJECTED**

Rep. KING moved to reconsider the vote whereby Amendment No. 83 was tabled.

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

Yeas 47; Nays 67

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Bowers | R. L. Brown | Cato |
| Clemmons | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Frye | Funderburk | Govan |
| Haley | Hamilton | Hart |
| Hearn | Huggins | Kelly |
| King | Long | Lowe |
| McLeod | Miller | Millwood |
| Nanney | J. M. Neal | Norman |
| Parker | Pinson | Rice |
| Scott | Sellers | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Stewart | Stringer | Thompson |
| Viers | Whipper | Willis |
| Wylie | T. R. Young |  |

**Total--47**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Bannister | Battle |
| Bingham | Bowen | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | Chalk | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Edge | Erickson | Forrester |
| Gambrell | Gilliard | Hardwick |
| Harrell | Harrison | Harvin |
| Hayes | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Hutto | Jefferson | Kirsh |
| Knight | Limehouse | Littlejohn |
| Lucas | McEachern | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | Neilson | Ott |
| Owens | Parks | M. A. Pitts |
| Rutherford | Sandifer | Skelton |
| D. C. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Toole |
| Umphlett | Vick | Weeks |
| White | Whitmire | Williams |
| A. D. Young |  |  |

**Total--67**

So, the motion to reconsider was rejected.

Rep. GUNN proposed the following Amendment No. 148 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\AGM\19941BH 10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *89.\_\_\_. (GP: Suspension of Cap on Sales Tax for Certain Items) For Fiscal Year 2010‑2011, the maximum sales and use tax imposed on certain items as provided in Section 12‑36‑2110(A)(1)‑(5) is suspended. Funds realized from the provisions of this paragraph must be allocated first to the Department of Education to fully fund the Education Finance Act of 1977 and then to the Department of Juvenile Justice to be used to offset its operating or projected deficit as the General Assembly shall provide.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

Rep. WHIPPER spoke in favor of the amendment.

Rep. WHIPPER spoke in favor of the amendment.

Rep. G. R. SMITH spoke against the amendment.

Rep. KING spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 97; Nays 14

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Govan | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Hutto | Jennings |
| Kelly | Kirsh | Knight |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | McEachern |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Pinson | 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 | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--97**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Brantley |
| R. L. Brown | Gilliard | Hart |
| Hodges | Jefferson | King |
| McLeod | Parks | Weeks |
| Whipper | Williams |  |

**Total--14**

So, the amendment was tabled.

Rep. SIMRILL proposed the following Amendment No. 158 (Doc Name h:\legwork\house\amend\H-WM\006\OWENS HALL PROCUREMENT.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(WU: Owens Hall) All procurements related to reconstruction/restoration of Winthrop University properties damaged by the Owens Hall fire of March 6,2010, and related fire suppression efforts, shall be deemed allowed and determined to meet all requirements of sole source and emergency procurement provisions of SC Code of Regulations 19-445-2105 and 19-445-2110, through use of original contractors and vendors as necessary to insure compatibility of equipment, accessories and replacement parts as a paramount consideration in order to expedite the return of damaged properties to intended uses by August 15,2010 (or as reasonable close thereto as possible), the welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. Further, by adoption of this proviso, all Permanent Improvement Project documentation related to this work shall be deemed submitted and approved, with the original documentation for the Owens Hall welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. All documentation related to reconstruction/restoration conducted under this proviso shall be subject to routine audit measures and compliance.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. SIMRILL explained the amendment.

The amendment was then adopted.

Reps. COOPER and WYLIE proposed the following Amendment No. 163 (Doc Name h:\legwork\house\amend\H-WM\001\DJJ & WLG.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: DJJ & Wil Lou Gray Potential Consolidation Plan) The Director of the Department of Juvenile Justice and the Superintendent of the Wil Lou Gray Opportunity School are directed to collaborate and develop a plan to potentially consolidate the functions of the two entities. This plan, including an estimate of the cost savings, must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than December 31, 2010. In the event the Director and Superintendent identify functions which could be immediately implemented to enable the two agencies to operate more efficiently they shall have the authorization to implement such actions.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. CRAWFORD proposed the following Amendment No. 165 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\AGM\ 19949AHB10.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, General Provisions, page 511, immediately after line 24, by adding an appropriately numbered paragraph to read:

/*89.\_\_(GP: Information Technology for Health Care) The General Assembly finds that:*

 *(1) Congress has enacted the Health Information Technology for Economic and Clinical Health Act of 2009, also known as HITECH, to advance the use of health information technology and health information exchange to improve quality and efficiency of health care and to decrease the costs of health care.*

 *(2) HITECH authorizes grant funding for states to establish health information exchanges and funding for regions to create regional extension centers to aid in adoption of health information technology (American Recovery and Reinvestment Act of 2009, Health Information Technology Extension Program: Regional Centers). The State of South Carolina has received a grant to establish a South Carolina health information exchange and has applied for a separate grant to establish a regional extension center to serve the entire state of South Carolina as a region.*

 *(3) The establishment of a statewide health information exchange is also necessary for the State and health care providers in the State to comply with these HITECH provisions. The work of the regional extension center program and the health information exchange initiative are complementary and nonoverlapping.*

 *(4) HITECH also provides for monetary incentives to encourage qualified health care professionals and hospitals to adopt electronic health records and to utilize the state health information exchange and also penalizes Medicare providers who do not utilize this technology.*

 *(5) The establishment of a statewide regional extension center, CITIA, focused on providing health information technology implementation assistance, is necessary to aid in the widespread adoption and use of electronic health records by primary care providers. Adoption and meaningful use of electronic health records is required in order for health care providers in the State to comply with certain HITECH provisions and to become eligible for federal monetary incentives. The regional extension center expands the use of electronic health records among care providers so that the statewide health information exchange is useful and effective. The result of broader adoption and use of electronic health records can improve quality of health care, improve patient safety, reduce healthcare costs borne by the individual and state, improve clinical effectiveness and improve care of underserved populations.*

 *(6) The regional extension center, CITIA, has no regulatory powers or powers of certification. The regional extension center exists to provide services that support the primary care providers across South Carolina and is an essential element for improving health care for all South Carolinians and thus improving their health status. Matching funds for the first year of operation, and also the second year if CITIA continues, are available from the private sector.*

 *(7) In order to receive federal funding for CITIA, the state*’*s designated regional extension center, matching support must be provided at a minimal match of ten dollars for every ninety dollars of federal funds during the first year of operation, and if CITIA is continued, the second year the minimal match also would be ten dollars for every ninety dollars of federal funding. If CITIA is continued further, in years three and four the minimal match would be ninety dollars for every ten dollars of federal funds. No funds are provided after year four.*

 *(8) It is the intent of the CITIA program that it serve to respond to an overwhelming need created by federal legislation and significantly affecting primary care providers across the state. Support of the CITIA program will provide immediate technical and logistical support to primary care providers. During this period, there will be the opportunity for businesses to become established within South Carolina capable of filling this need in future years.*

 *Effective for the current fiscal year:*

 *(B) As used in this proviso:*

 *(1)* ‘*Council*’ *means the CITIA Fund Governing Council created pursuant to this proviso.*

 *(2)* ‘*Electronic health record*’ *or* ‘*EHR*’ *means an electronic record of health‑related information regarding an individual that conforms to nationally recognized interoperability standards and that can be created, managed, and consulted by authorized clinicians and staff across more than one health care organization.*

 *(3)* ‘*Health care organization*’ *or* ‘*HCO*’ *means health care providers, public health agencies, and payors and entities offering patient engagement services including, but not limited to, Patient Health Records.*

 *(4)* ‘*Regional extension center*’ *means the service entity created in response to the federal American Recovery and Reinvestment Act of 2009, Health Information Technology Extension Program: Regional Centers. This entity for the state of South Carolina is the Center for Information Technology Implementation Assistance (CITIA) and is directed by the non‑profit organization, Health Sciences South Carolina in Columbia, South Carolina.*

 *(5)* ‘*Primary care providers*’ *means physicians providing primary health care within South Carolina. This would include those providing care in settings such as family practice, pediatrics, obstetrics and gynecology, general medicine and internal medicine.*

 *(6)* ‘*Health information exchange*’ *or* ‘*HIE*’ *means the electronic movement of health‑related information among health care organizations in this State according to nationally recognized standards.*

 *(7)* ‘*Health information organization*’ *or* ‘*HIO*’ *means an organization that oversees and governs the exchange of health‑related information among health care organizations according to nationally recognized standards.*

 *(C)(1) Funds accepted by the Council pursuant to Section (F) of this proviso shall be received and placed into an account within the South Carolina Budget and Control Board and designated the CITIA fund.*

 *(2) The CITIA fund will be managed with the support of a council designated for oversight and distribution of the moneys received. The establishment of CITIA fund designated to support the CITIA program requires the creation of a governance body composed of a group of knowledgeable stakeholders with the expertise to ensure the efficient and responsible use of funds in support of enhancing the adoption and use of information technology by the state*’*s primary care providers. There is established the Information Technology Implementation Assistance Council, a body corporate and politic, which shall serve as the governance authority for distribution of funds to the CITIA and shall perform other functions as provided by law. The council consists of:*

 *(a) two primary care providers licensed and in good standing and practicing in this state;*

 *(b) a pharmacist licensed in good standing and practicing in this State;*

 *(c) a health care administrator in this State that is related to a health care practice or institution and that has one hundred or more employees;*

 *(d) a representative with a technical understanding of health information technology and health information exchange including the electronic exchange of e‑prescription and billing data;*

 *(D)(1) The members enumerated in items (a) and (b) of subparagraph (C)(2) must be appointed by the President Pro Tempore of the Senate for a five‑year term or until their successors are appointed and qualify. The members enumerated in items (c) and (d) of subparagraph (C)(2) must be appointed by the Speaker of the House of Representatives. A vacancy in appointed members of the council must be filled by the appointing authority for the vacated position for the unexpired portion of the term.*

 *(2) The council shall elect a chairman from among its members.*

 *(3) Members of the council must not be compensated for service on the council. Council members may be reimbursed for actual and reasonable travel expenses incurred in the performance of their duties as council members.*

 *(4) The council shall meet on a regular basis but no less than quarterly. A majority of the members constitute a quorum for taking action, and decisions must be by majority vote.*

 *(5) CITIA shall provide staff assistance to the council.*

 *(E) The council shall:*

 *(1) review the use of funds by CITIA for information technology implementation assistance in support of primary care providers in the state;*

 *(2) review budgets submitted by CITIA defining proposed use of funds under the council*’*s supervision;*

 *(3) approve the release of funds to CITIA for use as defined in budgets submitted to the council;*

 *(4) review programs and initiatives of CITIA and, if needed, make recommendations to President Pro Tempore of the Senate and the Speaker of the House of Representatives;*

 *(5) ensure, if support of the program is terminated, that moneys within the CITIA fund are used appropriately and the account terminated appropriately;*

 *(6) review and, if needed, revise CITIA*’*s operational plan on an annual basis.*

 *(F) The council may accept revenue from public or private sources, or both, for the establishment and operation of CITIA.*

 *(G)(1) The State, its agencies and employees, and the council, its staff and employees, are immune from suit and liability for any acts performed in the course of official duties pursuant to this paragraph so long as these acts do not constitute actual fraud, actual malice, intent to harm, or a crime of moral turpitude.*

 *(2) Nothing in this proviso affects the power of a court of equity to enjoin unlawful acts committed by governmental entities or mandate lawful action by governmental entities.*

 *(H) The council shall submit a report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than January fifteenth regarding the activities of the council, the status and financial stability of CITIA, and recommendations for whether CITIA should be extended.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. CRAWFORD explained the amendment.

The amendment was then adopted.

Rep. HERBKERSMAN proposed the following Amendment No. 178 (Doc Name h:\legwork\house\amend\H-WM\005\HERITAGE FUNDING.DOCX):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *a public private partnership is established to permit foundations to fund the loan to the heritage golf tournament. the public private partnership is to be reimbursed up to fifty percent of quantifiable tax dollars generated in the municipality as a direct result of the heritage.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HERBKERSMAN explained the amendment.

Rep. NORMAN moved to adjourn debate on the amendment, which was agreed to.

Rep. J. E. SMITH proposed the following Amendment No. 188 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\NBD\20831SD 10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, immediately after paragraph 89.114, by adding an appropriately numbered paragraph to read:

/*89.\_\_(GP: Retirement System) Any new member of the General Assembly taking office after the 2010 general election who does not have earned service credit in the General Assembly Retirement System shall participate in the South Carolina Retirement System under the same terms and conditions as are applicable to state employees and shall not participate in the General Assembly Retirement System.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

Rep. WHITE moved to table the amendment, which was agreed to.

Rep. GUNN proposed the following Amendment No. 189 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\AGM\19950 BH10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511 by adding an appropriately numbered paragraph to read:

/ *89.\_\_\_. (GP: Athletic Stipends) For Fiscal Year 2010‑2011, a state supported institution of higher education having an athletic budget exceeding $50,000,000 must provide a monthly stipend of $1,000 for each scholarship athlete participating in a revenue producing sport. Funding for the provisions of this item must come from the athletic budget of the institution of higher education.* /

Renumber sections to conform.

Amend totals and titles conform.

Rep. SELLERS explained the amendment.

Rep. SKELTON moved to table the amendment, which was agreed to.

**LEAVE OF ABSENCE**

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

Reps. BEDINGFIELD, HAMILTON, G. R. SMITH, WYLIE and STRINGER proposed the following Amendment No. 214 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\GGS\22571AB10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after paragraph 89.114, at line 25, by adding an appropriately numbered paragraph to read:

/89.\_\_\_\_*(GP: School District Lobbyists Prohibited) No school district of this State may expend public funds in order to employ, or contract with a lobbyist, or pay dues to an organization which employs a lobbyist as defined in Section 2‑17‑10(13) of the 1976 Code.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. BEDINGFIELD explained the amendment.

Rep. SKELTON spoke against the amendment.

Rep. OTT spoke against the amendment.

Rep. PARKER spoke against the amendment.

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

Rep. RUTHERFORD spoke against the amendment.

Rep. COBB-HUNTER moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 55; Nays 54

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Barfield |
| Battle | Branham | G. A. Brown |
| R. L. Brown | Clemmons | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gambrell | Gilliard | Govan |
| Hardwick | Hart | Hayes |
| Herbkersman | Hiott | Hodges |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | King |
| Knight | Littlejohn | Lucas |
| McEachern | McLeod | Miller |
| Mitchell | V. S. Moss | J. H. Neal |
| J. M. Neal | Ott | Parker |
| Parks | Pinson | Rutherford |
| Sandifer | Sellers | Skelton |
| D. C. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Whitmire |
| Williams |  |  |

**Total--55**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | H. B. Brown |
| Cato | Chalk | Cole |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Haley | Hamilton |
| Harrell | Harrison | Horne |
| Kelly | Kirsh | Limehouse |
| Long | Lowe | Merrill |
| Millwood | D. C. Moss | Nanney |
| Norman | Owens | M. A. Pitts |
| Rice | Simrill | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | White | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--54**

So, the amendment was tabled.

Rep. LIMEHOUSE proposed the following Amendment No. 210 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\MS\ 7779AHB10.docx), which was rejected:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/*89.\_\_(GP: Masters‑in‑Equity Fees) Notwithstanding the provisions of Section 14‑11‑310(3) for the current fiscal year, the maximum collectible commission limit that a Master‑in‑Equity shall collect on sales of land is increased to five thousand dollars. /*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. LIMEHOUSE explained the amendment.

The amendment was rejected.

Rep. GOVAN proposed the following Amendment No. 213 (Doc Name h:\legwork\house\amend\H-WM\001\3 yr budget plan2.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Three Year Expenditure Plan) In order to ensure transparency and accountability, the report provided under Section 11-11-350 of the 1976 Code must be submitted to all members of the General Assembly. An electronic version of the report must be sent to each member of the General Assembly and must also be published on the Governor’s and General Assembly’s website.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. GOVAN explained the amendment.

The amendment was then adopted.

Rep. CLEMMONS, SCOTT, BARFIELD and EDGE proposed the following Amendment No. 215 (Doc Name h:\legwork\house\ amend\H-WM\001\89 coastal hlth science bldg 8m.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Coastal Carolina Health Sciences Building) The Department of Commerce is directed to transfer $8,025,000 of the funds authorized for the Coordinating Council for Economic Development to Coastal Carolina University which shall utilize the funds to equip the Health Sciences Instructional Building.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. CLEMMONS explained the amendment.

Rep. COOPER moved to table the amendment, which was agreed to.

Rep. CLEMMONS, SCOTT, BARFIELD and EDGE proposed the following Amendment No. 216 (Doc Name h:\legwork\house\amend\ H-WM\001\89 coastal hlth science bldg 3m.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Coastal Carolina Health Sciences Building) The Department of Commerce is directed to transfer $3,225,000 of the funds authorized for the Coordinating Council for Economic Development to Coastal Carolina University which shall utilize the funds to equip the Health Sciences Instructional Building.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. CLEMMONS explained the amendment.

Rep. COOPER moved to table the amendment, which was agreed to.

Rep. CLEMMONS, SCOTT, BARFIELD and EDGE proposed the following Amendment No. 217 (Doc Name h:\legwork\house\amend\ H-WM\001\89 coastal hlth science bldg 800k.docx),which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Coastal Carolina Health Sciences Building) The Department of Commerce is directed to transfer $800,000 of the funds authorized for the Coordinating Council for Economic Development to Coastal Carolina University which shall utilize the funds to equip the Health Sciences Instructional Building.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. CLEMMONS explained the amendment.

Rep. WHITE moved to table the amendment, which was agreed to.

Rep. RUTHERFORD proposed the following Amendment No. 218 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\SWB\ 8012AB10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/89.\_\_. (GP: Suspension of Cap on Sales Tax for Automobiles; graduated tax schedule imposed) *For fiscal year 2010‑11, the maximum sales and use tax imposed on motor vehicles as provided in Section 12‑36‑2110 (A)(2) is suspended and a sales tax on Motor Vehicles in the following amounts are imposed: $1.00 to $60,000 is $300.00; $60,001 to $75,000 is $500.00; $75,001 to $100,000 is $750.00; $100,001 to $500,000 is $5,000.00; and $500,001 and above is $10,000.00. Funds realized from the provisions of this paragraph must be deposited into the General Fund.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. RUTHERFORD explained the amendment.

Rep. KIRSH moved to table the amendment.

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

Yeas 86; Nays 24

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | H. B. Brown | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Gambrell |
| Govan | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Hutto | Jennings |
| Kelly | Kirsh | Knight |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--86**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | G. A. Brown |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Hart | Hodges |
| Hosey | Jefferson | King |
| Mack | McEachern | McLeod |
| Mitchell | J. H. Neal | Ott |
| Rutherford | J. E. Smith | Vick |
| Weeks | Whipper | Williams |

**Total--24**

So, the amendment was tabled.

STATEMENT FOR THE JOURNAL

 I voted against Amendment No. 218 because I do not believe that money should go into a fund dedicated to road maintenance and infrastructure. Also, the Tax Realignment Commission is reviewing this issue and will make recommendations by November 15, 2010.

 Rep. Tom Young

Reps. MERRILL and UMPHLETT proposed the following Amendment No. 219 (Doc Name h:\legwork\house\amend\H-WM\009\llr to conservation bank.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/(GP) *Directs Labor, Licensing, and Regulations to transfer two million dollars from Subfund 3115 Fund to the Conservation Bank.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. MERRILL explained the amendment.

Rep. MERRILL spoke in favor of the amendment.

Rep. SANDIFER moved to table the amendment.

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

Yeas 68; Nays 45

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Barfield |
| Bedingfield | Bowers | Branham |
| G. A. Brown | Cato | Chalk |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Duncan |
| Edge | Forrester | Frye |
| Gambrell | Gilliard | Haley |
| Hamilton | Hardwick | Hart |
| Harvin | Hayes | Hiott |
| Hodges | Horne | Huggins |
| Jennings | Kelly | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Millwood | Mitchell |
| Nanney | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | Rice |
| Rutherford | Sandifer | Skelton |
| D. C. Smith | G. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Viers | Weeks | Whipper |
| White | Williams | Willis |
| Wylie | A. D. Young |  |

**Total--68**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bales | Ballentine | Bannister |
| Battle | Bingham | Bowen |
| Brady | H. B. Brown | R. L. Brown |
| Clemmons | Clyburn | Daning |
| Dillard | Erickson | Funderburk |
| Govan | Harrell | Harrison |
| Hearn | Herbkersman | Hosey |
| Hutto | Jefferson | King |
| Limehouse | Long | Lowe |
| Lucas | Merrill | Miller |
| D. C. Moss | V. S. Moss | Neilson |
| M. A. Pitts | Scott | Sellers |
| Simrill | G. M. Smith | J. E. Smith |
| Stavrinakis | Thompson | Toole |
| Umphlett | Vick | T. R. Young |

**Total--45**

So, the amendment was tabled.

Rep. EDGE proposed the following Amendment No. 224 (Doc Name h:\legwork\house\amend\H-WM\001\89 HLTH CARE RESTRUCT STUDY COM.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Healthcare Agencies Restructuring Study Committee) A Joint Study Committee on Healthcare Agencies Restructuring is established to determine the feasibility of restructuring and consolidating South Carolina’s healthcare agencies. The joint study committee shall be composed of the Chairman of the Senate Finance Committee, or his designee, the Chairman of the House of Representatives Ways and Means Committee, or his designee, the Chairman of the Senate Finance Health and Human Services Subcommittee or his designee, and the Chairman of the House Ways and Means Health, Human Services and Medicaid Subcommittee, or his designee. The study committee may solicit input from healthcare agency directors, and from other sources as deemed necessary. Recommendations for legislative changes shall be reported to the General Assembly by January 15, 2011. Upon submission of the findings, the joint study committee shall be dissolved.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. EDGE explained the amendment.

**POINT OF ORDER**

Rep. HART raised the Point of Order that Amendment No. 224 was out of order in that it was not germane to the bill. He stated that the amendment created a new study committee and, as drafted, was not related to the appropriation of funds or the raising of revenue.

Rep. EDGE argued contra.

SPEAKER HARRELL sustained the Point of Order and ruled the amendment out of order.

Rep. LIMEHOUSE proposed the following Amendment No. 227 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\MS\7778 AHB10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/*89.\_\_(GP: Masters‑in‑Equity Fees) Notwithstanding the provisions of Section 14‑11‑310(3) for the current fiscal year, the maximum collectible commission limit that a Master‑in‑Equity shall collect on sales of land is suspended. /*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. LIMEHOUSE explained the amendment.

Rep. G. M. SMITH moved to table the amendment, which was agreed to.

Rep. FUNDERBURK proposed the following Amendment No. 228 (Doc Name h:\legwork\house\amend\H-WM\001\89 voc rehab & comm blind.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Vocational Rehabilitation & Commission for the Blind Potential Consolidation Plan) The Commissioner of Vocational Rehabilitation and the Commissioner of the Commission for the Blind are directed to collaborate and develop a plan to potentially consolidate the functions of the two entities. This plan, including an estimate of the cost savings, must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than December 31, 2010. In the event the Commissioners identify functions which could be immediately implemented to enable the two agencies to operate more efficiently they shall have the authorization to implement such actions.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. FUNDERBURK explained the amendment.

The amendment was then adopted.

Rep. LIMEHOUSE proposed the following Amendment No. 229 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\MS\7780 AHB10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/*89.\_\_(GP: Masters‑in‑Equity Fees) Notwithstanding the provisions of Section 14‑11‑310(3) for the current fiscal year, the maximum collectible commission limit that a Master‑in‑Equity shall collect on sales of land is increased to four thousand five hundred dollars. /*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. LIMEHOUSE explained the amendment.

Rep. PARKER moved to table the amendment.

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

Yeas 100; Nays 9

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Govan | Haley |
| Hardwick | Harrison | Hart |
| Harvin | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Kelly | King | Kirsh |
| Knight | Littlejohn | Long |
| Lowe | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Spires | Stavrinakis | Stewart |
| Stringer | Toole | Umphlett |
| Vick | Viers | Weeks |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--100**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bales | R. L. Brown | Gilliard |
| Hayes | Jennings | Limehouse |
| Mack | Sottile | Whipper |

**Total--9**

So, the amendment was tabled.

Rep. GOVAN proposed the following Amendment No. 17 (Doc Name h:\legwork\house\amend\H-WM\001\3 YR BUDGET PLAN.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Three Year Expenditure Plan) In order to ensure transparency and accountability, the report provided under Section 11-11-350 of the 1976 Code must be submitted to all members of the General Assembly. Each member of the General Assembly must sign that they received a copy of the report. In addition, an electronic version of the report must be published on the Governor’s and General Assembly’s website.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. GOVAN moved to table the amendment, which was agreed to.

Rep. M. A. PITTS proposed the following Amendment No. 22 (Doc Name h:\legwork\house\amend\H-WM\001\89.113 HOLIDAY FURLOUGH.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, paragraph 89.113, by striking lines 14-15, and inserting:

/ *In the current fiscal year agency heads who institute a furlough under Provisos 6.22 and 89.95 or under Sections 8-11-192 or 8-11-193 of the 1976 Code must institute the first five days of that employee furlough to be taken on legal state holidays. Agencies may allocate the reduction in pay over the balance of the fiscal year for* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. M. A. PITTS explained the amendment.

Rep. SKELTON moved to table the amendment.

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

Yeas 86; Nays 21

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| H. B. Brown | Cato | Chalk |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Harrell | Harrison | Harvin |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Limehouse |
| Littlejohn | Long | Lowe |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | Rice |
| Rutherford | Sandifer | Simrill |
| Skelton | J. E. Smith | J. R. Smith |
| Sottile | Spires | Toole |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Wylie | A. D. Young |  |

**Total--86**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Clemmons |
| Daning | Duncan | Haley |
| Knight | Lucas | Millwood |
| Nanney | M. A. Pitts | Scott |
| D. C. Smith | G. M. Smith | G. R. Smith |
| Stewart | Stringer | Umphlett |
| Viers | Willis | T. R. Young |

**Total--21**

So, the amendment was tabled.

**AMENDMENT NO. 22--RECONSIDERED AND DEBATE ADJOURNED**

Rep. COOPER moved to reconsider the vote whereby Amendment No. 22 was tabled, which was agreed to.

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

Rep. JENNINGS proposed the following Amendment No. 146 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\GGS\22548SD 10.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, X90, GENERAL PROVISIONS, page 511, after Paragraph 89.114, at line 25, by adding an appropriately numbered paragraph to read:

/89.\_\_\_\_ *(GP ‑ Bingo Proceeds) Net bingo proceeds, after payment of all taxes and prizes, disbursed for charitable purposes or the purposes for which the sponsoring organization was established, must be applied by the nonprofit organization for charitable purposes in the county where the bingo game is conducted, or distributed by the organization to another charitable organization located in that county and used for its charitable purposes in the county.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. JENNINGS explained the amendment.

**POINT OF ORDER**

Rep. DUNCAN raised the Point of Order that Amendment No. 146 was out of order in that it was not germane to the state appropriations bill in that it related to the disbursement of county revenue, not state revenue.

SPEAKER HARRELL stated that the rule was not limited to state revenues and that Part IB amendments and provisos could affect state, local, federal, or other funds. Therefore, he overruled the Point of Order.

Rep. JENNINGS continued speaking.

The amendment was then adopted by a division vote of 45 to 43.

Rep. HERBKERSMAN proposed the following Amendment No. 178 (Doc Name h:\legwork\house\amend\H-WM\005\HERITAGE FUNDING.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *A public private partnership is established to permit foundations to fund the loan to the heritage golf tournament. The public private partnership is to be reimbursed up to fifty percent of quantifiable tax dollars generated in the municipality as a direct result of the heritage.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HERBKERSMAN moved to table the amendment, which was agreed to.

Rep. COBB‑HUNTER proposed the following Amendment No. 194 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\MS\7773 AHB10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

*/89.\_\_. (GP: Property Taxes)(A)(1)For the current fiscal year, notwithstanding Section 12‑37‑251(E), a local governing body may increase the millage rate imposed for general operating purposes above the rate imposed for such purposes for the preceding tax year only to the extent of the increase in the average of the twelve monthly consumer price indexes for the most recent twelve‑month period consisting of January through December of the preceding calendar year. However, in the year in which a reassessment program is implemented, the rollback millage, as calculated pursuant to Section 12‑37‑251(E), must be used in lieu of the previous year*’*s millage rate*

 *(2) Notwithstanding the limitation upon millage rate increases contained in subsection (1), the millage rate limitation may be suspended and the millage rate may be increased:*

 *(a) in response to a natural, environmental, or other disaster as declared by the Governor;*

 *(b) to offset a prior year*’*s deficit, as required by Section 7, Article X of the South Carolina Constitution;*

 *(c) to raise the revenue necessary to comply with judicial mandates requiring the use of county or municipal funds, personnel, facilities, or equipment;*

 *(d) to meet the minimum required local Education Finance Act inflation factor as projected by the State Budget and Control Board, Division of Research and Statistics, and the per pupil maintenance of effort requirement of Section 59‑21‑1030, if applicable.*

 *(3) The millage rate limitation provided for in subsection (1) of this section may be overridden and the millage rate may be further increased by a positive majority vote of the appropriate governing body. The vote must be taken at a specially‑called meeting held solely for the purpose of taking a vote to increase the millage rate. The governing body must provide public notice of the meeting notifying the public that the governing body is meeting to vote to override the limitation and increase the millage rate. Public comment must be received by the governing body prior to the override vote.*

 *(4) The restriction contained in this section does not affect millage that is levied to pay bonded indebtedness or payments for real property purchased using a lease‑purchase agreement or used to maintain a reserve account. Nothing in this section prohibits the use of energy‑saving performance contracts as provided in Section 48‑52‑670.*

 *(5) Notwithstanding any provision contained herein, this article does not and may not be construed to amend or to repeal the rights of a legislative delegation to set or restrict school district millage, and this article does not and may not be construed to amend or to repeal any caps on school millage provided by current law or statute or limitation on the fiscal autonomy of a school district as currently in existing law.*

 *(6) The positive majority vote of the governing body required by this section does not apply to school districts that have their budgets approved by qualified electors at a town meeting.*

 *(B) Notwithstanding the provisions of Section 11‑11‑150(A)(1) and (2), in calculating estimated state individual and corporate income tax revenues for the current fiscal year, the Board of Economic Advisors shall deduct amounts sufficient to pay the reimbursement required pursuant to:*

 *(1) Section 12‑37‑251 for the residential property tax exemption;*

 *(2) Section 12‑37‑270 for the homestead exemption for persons over age sixty‑five or disabled.*

 *This section is effective for fiscal years beginning after June 30, 2010.*

 *(C) For the current fiscal year, the provisions of Section 12‑37‑220(B)(47)of the 1976 Code are suspended.*

 *(D)(1) Notwithstanding another provision of law and as provided in Section 11‑11‑150 and in this paragraph, there must be credited to the Trust Fund for Tax Relief in a fiscal year an amount sufficient to pay the reimbursement provided by this section. The Comptroller General, from the Trust Fund, annually shall pay to the county treasurer of the county in which the dwelling is situate for the account of each county, school district, or special district therein a sum equal to the amount of taxes that was not collected for such county, school district, or special district by reason of the exemption provided for in Section 12‑37‑250 and also annually shall pay to the governing body of the municipality in which the dwelling is situate a sum equal to the amount of taxes that was not collected for such municipality by reason of the exemption provided for in Section 12‑37‑250. The county treasurer and municipal governing body shall furnish the Comptroller General on or before April first following the tax year, or during an extension authorized by the Comptroller General not to exceed sixty days an accounting or statement as prescribed by the Comptroller General that reflects the amount of county, municipal, school district, or special district taxes that was not collected because of the exemption. Any funds paid by the Comptroller General as the result of an erroneous or improper application must be returned to the Comptroller General for deposit in the general fund of the State.*

 *(E)(1) Notwithstanding another provision of law, the Trust Fund for Tax Relief must contain an amount equal to the revenue necessary to fund a property tax exemption of one hundred thousand dollars based on the fair market value of property classified pursuant to Section 12‑43‑220(c) calculated on the school operating millage imposed for tax year 1995 or the current school operating millage, whichever is lower, excluding taxes levied for bonded indebtedness and payments pursuant to lease purchase agreements for capital construction. The 1995 tax year school operating millage or the current school operating millage, whichever is lower, is the base year millage for purposes of calculating the amount necessary to fund the Trust Fund for Tax Relief in accordance with this section. However, in years in which the values resulting from a countywide reassessment and equalization program are implemented, the base year millage must be adjusted to an equivalent millage rate in the manner that the Department of Revenue shall prescribe. Funds distributed to a taxing district as provided in subsection (B) of this section must be used to provide a uniform property tax exemption for all property in the taxing district which is classified pursuant to Section 12‑43‑220(c), excluding taxes levied for bonded indebtedness and payments pursuant to lease purchase agreements for capital construction.*

 *(2) Notwithstanding the provisions of this subsection, a school district whose operating millage falls below the 1995 school year operating millage may request to receive tax relief based on the 1995 operating millage, or equivalent millage rate, if one of the following conditions are met:*

 *(a) the current operating millage per pupil plus the current debt service millage is equal to or less than the total millage per pupil for 1995;*

 *(b) the operating millage per pupil for the 1995 tax year reduced by the amount by which the total millage per pupil for all purposes in the current year exceeds the total millage per pupil for the 1995 tax year but not below the actual operating millage per pupil for the current year.*

 *The Department of Revenue is responsible for certifying that the conditions are met based on the latest completed fiscal year data of the requesting district.*

 *Any funds received by an eligible school district in excess of its current millage under this subsection may be used by the district to pay bonded indebtedness.*

 *(3) School districts must be reimbursed from revenues credited to the Trust Fund for Tax Relief for a fiscal year, in the manner provided in Section 12‑37‑270, for the revenue lost as a result of the homestead exemption provided in this section. Ninety percent of the reimbursement must be paid in the last quarter of the calendar year on December first. From funds appropriated to the Office of the Comptroller General in the annual general appropriations act, the Comptroller shall make the calculations and distributions required pursuant to this subsection. If amounts received by a school district pursuant to this subsection are insufficient to reimburse fully for the base year operating millage, the local school board, within its authority, shall decide how to make up the shortfall, if necessary. Amounts received by a district in excess of the amount necessary to reimburse the district for the base year operating millage must first be used to reduce any operating millage imposed since the 1995 base year, must next be used for school debt service purposes, and any funds remaining may then be retained by the district.*

 *(4) School districts must be reimbursed on a per capita basis, but a district may not receive as a reimbursement for a fiscal year an amount less than the actual reimbursement amount it received in fiscal year 1998‑99. If amounts credited to the Trust Fund for Tax Relief for a fiscal year pursuant to subsection (1) of this section are insufficient to pay the full amount of the reimbursements provided by this item, then all amounts credited to the trust fund for a fiscal year for this reimbursement in excess of the amount of the reimbursements paid pursuant to this section in fiscal year 1998‑99 must be allocated only to those districts receiving less than the full per capita reimbursement, and this allocation must be on a per capita basis among only those counties receiving some part of this allocation.*

 *(5) Operating millage levied in a county for alternative schools, career and technology centers, and county boards of education whether or not levied countywide or on a school district by school district basis in a county also is considered school operating millage to which the property tax exemption provided by this section applies. County treasurers shall consider these operating millages in determining revenue lost when making disbursements to school districts from trust funds for tax relief funds under this section.*

 *(6) Notwithstanding any other provision of law, property exempted from property taxation in the manner provided in this section is considered taxable property for purposes of bonded indebtedness pursuant to Sections 14 and 15 of Article X of the Constitution of this State, and for purposes of computing the “index of taxpaying ability” pursuant to Section 59‑20‑20(3).*

 *(7) Rollback millage is calculated by dividing the prior year property tax revenues by the adjusted total assessed value applicable in the year the values derived from a countywide equalization and reassessment program are implemented. This amount of assessed value must be adjusted by deducting assessments added for property or improvements not previously taxed, for new construction, and for renovation of existing structures.*

 *(8) The exemption allowed by this section is conditional on full funding of the Education Finance Act and on an appropriation by the General Assembly each year reimbursing school districts an amount equal to the Economic Research Section of the Budget and Control Board estimate of total school tax revenue loss resulting from the exemption in the next fiscal year.*

 *(F) Section 3, Part II, of Act 388 of 2006, subsection B, codified as Section 11‑11‑157 of the 1976 Code is suspended for the current fiscal year.*

 *(G)(1) Article 7, Chapter 10, Title 4 of the 1976 Code is suspended for the current fiscal year.*

 *(2) Sections 11‑11‑155 and 11‑11‑156 of the 1976 Code are suspended for the current fiscal year.*

 *(3) Article 11, Chapter 36, Title 12 of the 1976 Code is suspended for the current fiscal year.*

 *(H) (1) Notwithstanding another provision of law, additions*’ *or* ‘*improvements*’ *mean an increase in the value of an existing parcel of real property because of:*

 *(a) new construction;*

 *(b) reconstruction;*

 *(c) major additions to the boundaries of the property or a structure on the property;*

 *(d) remodeling; or*

 *(e) renovation and rehabilitation, including installation.*

*Additions or improvements do not include minor construction or ongoing maintenance and repair of existing structures. The repair or reconstruction of a structure damaged or destroyed by a disaster, to include, but not limited to, construction defects, defective materials, fire, wind, hail, flood, and acts of God, is not an addition or improvement to the extent that the structure as repaired or reconstructed is similar in size, utility, and function of the structure damaged or destroyed, and the rebuilding or reconstruction is begun within eight years after determination of the damage or destruction. Construction of facilities in a home that make the home handicap accessible is not an addition or improvement if the utility and function of the structure remains unchanged. The installation of a fire sprinkler system in a commercial or residential structure when the installation is not required by law, regulation, or code is not an addition or improvement if the utility and function of the structure remains unchanged.*

 *(2) Adjustments*’ *mean changes in fair market value and property tax value resulting from periodic countywide appraisal and equalization programs conducted pursuant to Section 12‑43‑217.*

 *(3) Appraisal*’ *or* ‘*appraised*’ *means the process provided by law for the property tax assessor to determine the fair market value of real property and additions and improvements to real property.*

 *(4) Assessable transfer of interest*’ *means a transfer of an existing interest in real property that triggers a stepup. For purposes of this definition, an existing interest in real property includes life estate interests.*

 *(5)* ‘*Commonly controlled*’ *means persons having relationships as described in Section 267(b) of the Internal Revenue Code as defined in Section 12‑6‑40(A).*

 *(6) Conveyance*’ *means the date of the transfer of an assessable transfer of interest in real property. Failure to record legal instruments evidencing a transfer of interest gives rise to no inference as to whether or not an assessable transfer of interest has occurred.*

 *(7) Fair market value*’ *means the fair market value of real property and improvements to real property determined by appraisals of the property tax assessor based on initial appraisals and periodic reappraisals conducted pursuant to Section 12‑43‑217.*

 *(8) Property tax assessor*’ *means the county assessor, an assessor appointed to handle multiple county assessments pursuant to an intergovernmental agreement, or the Department of Revenue, as applicable.*

 *(9) Property tax value*’ *means the value determined pursuant to subsection (7) of this section when the application of the limit imposed pursuant to Section 12‑37‑3140(B) results in an amount less than fair market value. For all purposes of property tax, property tax value is deemed fair market value when it is less than fair market value.*

 *(10) ‘Stepup’ means the substitution of fair market value for property tax value triggered when a parcel of real property undergoes an assessable transfer of interest.*

 *(I))(1) For the current fiscal year, the value of real property is its fair market value applicable for the later of:*

 *(a) the base year, as defined in subsection (4) of this section;*

 *(b) December thirty‑first of the year in which an assessable transfer of interest triggers a stepup;*

 *(c) as determined on appeal; or*

 *(d) as it may be adjusted in a countywide reassessment program conducted pursuant to Section 12‑43‑217, with any increase limited to property tax value.*

 *(2) To the fair market value and property tax value of real property determined at the time provided in item (1) of this subsection, there must be added the fair market value of subsequent improvements and additions to the property.*

 *(3) An increase in the fair market value of real property attributable to the periodic countywide appraisal and equalization program implemented pursuant to Section 12‑43‑217 is limited to fifteen percent within a five‑year period to the otherwise applicable fair market value. This limit must be calculated separately on land and improvements. However, this limit does not apply to the fair market value of additions or improvements to real property in the year those additions or improvements are first subject to property tax, nor the year a stepup is implemented.*

 *(4) For purposes of determining a* ‘*base year*’ *fair market value pursuant to this section, the fair market value of real property is its appraised value applicable for property tax year 2007.*

 *(5) Real property valued by the unit valuation concept is excluded from the limits provided pursuant to subsection (3) of this section.*

 *(6) Value attributable to additions and improvements, and stepups are first subject to property tax in the following tax year except as provided pursuant to Section 12‑37‑670(B).*

 *(J) Notwithstanding another provison of law for the current fiscal year, an assessable transfer of interest triggers a stepup in value of a parcel of real property effective as provided in Section 12‑37‑3140(E). An assessable transfer of interest in real property includes, but is not limited to, the following transactions or circumstances.*

 *(K) Notwithstanding the provisions of Section 12‑60‑30(19), ‘Property tax assessment*’ *means any valuation or determination of property value for annual property tax purposes arrived at by multiplying the lower of fair market value, property tax value, as defined pursuant to Section 12‑37‑3130(9), or special use value of the property by the appropriate assessment ratio for the taxable property*’*s classification.*

 *(L) Notwithstanding the provisions of Section 12‑60‑2510(A)(1)(b) for the current fiscal year, property tax value is as defined pursuant to Section 12‑37‑3130(9).*

 *(M) If an amendment to Article X, Section 6 of the constitution of this State is ratified during the 118th session of the General Assembly that (1) eliminates the fifteen percent over five years constitutional ‘cap’ on increases in the fair market value of real property for purposes of imposition of the property tax; and (2) eliminates an ‘assessable transfer of interest’ as an event which may change the value of real property for purposes of imposition of the property tax, then Article 25, Chapter 37, Title 12 of the 1976 Code, the South Carolina Real Property Valuation Reform Act, is repealed for property tax years beginning after the year of ratification. Effective for the property tax years beginning after this repeal, the value of real property for purposes of the property tax is the fair market value of the property, as that term was defined pursuant to the former provisions of Section 12‑37‑3130(7) of the 1976 Code, as that had been most recently determined pursuant to the former provisions of Article 25, Chapter 37, Title 12 of the 1976 Code. Thereafter, the value of real property for purposes of imposition of the property tax is its fair market value determined in the manner provided by law. If the provisions of this subsection take effect, then effective for the property tax year beginning after the ratification date described in this section:*

 *(1) the last undesignated paragraph of Section 12‑43‑220 is suspended for the current fiscal year;*

 *(2) notwithstanding the provisions of Section 12‑60‑30(19) ‘property tax assessment*’ *means any valuation or determination of property value for annual property tax purposes arrived at by multiplying the or special use value of the property by the appropriate assessment ratio for the taxable property*’*s classification;*

 *(3) the provisions of Section 12‑60‑2510(A)(1)(b) are suspended for the current fiscal year.*

 *(N) Except where otherwise stated, this paragraph takes effect upon approval of this act by the Governor.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COBB-HUNTER explained the amendment.

Rep. COBB-HUNTER moved to table the amendment, which was agreed to.

Rep. EDGE proposed the following Amendment No. 231 (Doc Name h:\legwork\house\amend\H-WM\001\89 hlth care restruct study com2.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, after line 24, by adding an appropriately numbered paragraph to read:

/ *(GP: Healthcare Agencies Restructuring Study Committee) From the funds appropriated to the Senate and the House of Representatives, a Joint Study Committee on Healthcare Agencies Restructuring is established to determine the feasibility of restructuring and consolidating South Carolina’s healthcare agencies. The joint study committee shall be composed of the Chairman of the Senate Finance Committee, or his designee, the Chairman of the House of Representatives Ways and Means Committee, or his designee, the Chairman of the Senate Finance Health and Human Services Subcommittee or his designee, the Chairman of the House Ways and Means Health, Human Services and Medicaid Subcommittee, or his designee, two members appointed by the President Pro Tempore of the Senate, and two members appointed by the Speaker of the House. The study committee may solicit input from healthcare agency directors, and from other sources as deemed necessary. Expenses associated with conducting the study shall be paid from the respective budgets of the Senate and House of Representatives. Recommendations for legislative changes shall be reported to the General Assembly by January 15, 2011. Upon submission of the findings, the joint study committee shall be dissolved.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

Rep. M. A. PITTS proposed the following Amendment No. 22 (Doc Name h:\legwork\house\amend\H-WM\001\89.113 HOLIDAY FURLOUGH.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 511, paragraph 89.113, by striking lines 14-15, and inserting:

/ *In the current fiscal year agency heads who institute a furlough under Provisos 6.22 and 89.95 or under Sections 8-11-192 or 8-11-193 of the 1976 Code may institute the first five days of that employee furlough to be taken on legal state holidays. Agencies may allocate the reduction in pay over the balance of the fiscal year for* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

Rep. COOPER spoke in favor of the amendment.

The amendment was then adopted.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. BALLENTINE spoke against the Section.

The question then recurred to the adoption of Part IB, Section 89.

The yeas and nays were taken resulting as follows:

 Yeas 56; Nays 56

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Brady | H. B. Brown |
| Chalk | Cole | Cooper |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hardwick | Harrell |
| Harrison | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Kirsh | Knight | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Owens | Parker |
| Pinson | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Toole | Umphlett |
| Viers | White | Whitmire |
| Wylie | A. D. Young |  |

**Total--56**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Ballentine | Bedingfield |
| Bowers | Branham | G. A. Brown |
| R. L. Brown | Cato | Clemmons |
| Clyburn | Cobb-Hunter | Dillard |
| Duncan | Funderburk | Gilliard |
| Govan | Haley | Hamilton |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | King |
| Mack | McLeod | Miller |
| Millwood | Mitchell | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parks |
| Rice | Rutherford | Scott |
| Sellers | J. E. Smith | Stavrinakis |
| Stewart | Stringer | Vick |
| Weeks | Whipper | Williams |
| Willis | T. R. Young |  |

**Total--56**

So, Section 89 was rejected.

**SECTION 90--AMENDED AND ADOPTED**

Reps. LOFTIS and COOPER proposed the following Amendment No. 226 (Doc Name h:\legwork\house\amend\H-WM\007\CATE TEXTBOOKS.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 520, paragraph 90.16, line 23, by striking /2,841,716/ and inserting /*2,179,716*/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 521, paragraph 90.16, after line 4, by inserting an appropriately numbered item to read:

/ *H63 - Department of Education Career and Technology Education (CATE) Textbooks and Resource Materials $662,000*/

Renumber sections to conform.

Amend totals and titles to conform.

The amendment was then adopted.

Rep. VICK moved that the House recede until 8:00 p.m.

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

Yeas 30; Nays 72

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | Brantley | G. A. Brown |
| Cobb-Hunter | Dillard | Funderburk |
| Govan | Harvin | Hayes |
| Hosey | Jefferson | Jennings |
| Knight | McEachern | McLeod |
| Neilson | Ott | Rutherford |
| Sellers | G. M. Smith | J. E. Smith |
| Vick | Weeks | Williams |

**Total--30**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bowen | Brady |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Haley | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Hutto | Kelly |
| King | Kirsh | Limehouse |
| Littlejohn | Long | Lowe |
| Mack | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Owens | Parker |
| Pinson | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | T. R. Young |

**Total--72**

So, the House refused to recede.

Rep. MILLWOOD proposed the following Amendment No. 60 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\GGS\22547 SD10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, paragraph 90.14, line 6, by striking the paragraph in its entirety.

Renumber sections to conform.

Amend totals and titles to conform.

Rep. MILLWOOD explained the amendment.

Rep. VICK moved to table the amendment.

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

Yeas 106; Nays 12

 Those who voted in the affirmative are:

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

**Total--106**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Battle | Bedingfield | Bingham |
| Cato | Cooper | Duncan |
| Haley | Kirsh | Millwood |
| Nanney | Scott | Viers |

**Total--12**

So, the amendment was tabled.

RECORD FOR VOTING

 I was temporarily out of the Chamber when the roll call vote on Amendment No. 60 was requested. Upon entering the Chamber, I mistakenly voted “yea” on the motion to table the amendment. I meant to vote “nay” on the motion to table because I am opposed to any increase in the cigarette tax.

 Rep. Phillip Lowe

Reps. OTT, COBB-HUNTER, J.H. NEAL, MCLEOD, MITCHELL, KNIGHT and GUNN proposed the following Amendment No. 168 (Doc Name h:\legwork\house\amend\H-WM\004\CIG TAX AMENDMENT - ADD 20 CENTS.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, paragraph 90.14, line 7, by striking /*1.50*/ and inserting */2.50*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. OTT explained the amendment.

Rep. COOPER moved to table the amendment.

**SPEAKER IN CHAIR**

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

Yeas 67; Nays 48

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Huggins |
| Kelly | Kirsh | Littlejohn |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--67**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Anthony | Bales | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Harvin | Hayes | Hiott |
| Hodges | Horne | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Knight |
| Limehouse | McEachern | McLeod |
| Miller | Mitchell | J. H. Neal |
| J. M. Neal | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Whitmire | Williams |

**Total--48**

So, the amendment was tabled.

**SECTION 89--RECONSIDERED AND ADOPTED**

Rep. CLEMMONS moved to reconsider the vote whereby Section 89 was rejected.

**PARLIAMENTARY INQUIRY**

Rep. COBB-HUNTER inquired as to the outcome of a tied vote in the House.

SPEAKER HARRELL stated that if the House be equally divided, the question shall be decided in the negative according to House Rule 1.6.

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

Yeas 69; Nays 48

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | H. B. Brown |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Kelly | Kirsh |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Miller | D. C. Moss | V. S. Moss |
| Nanney | Owens | Parker |
| Pinson | M. A. Pitts | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--69**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Cato | Clyburn | Cobb-Hunter |
| Dillard | Duncan | Funderburk |
| Gilliard | Govan | Haley |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| Jennings | King | Knight |
| McEachern | McLeod | Millwood |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parks | Rice | Rutherford |
| Sellers | J. E. Smith | Vick |
| Weeks | Whipper | Williams |

**Total--48**

So, Section 89 was reconsidered.

The question then recurred to the adoption of Section 89.

The yeas and nays were taken resulting as follows:

 Yeas 68; Nays 50

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| H. B. Brown | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Hutto | Jennings |
| Kelly | Kirsh | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Nanney | Owens |
| Parker | Pinson | M. A. Pitts |
| Sandifer | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young |  |

**Total--68**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Bowers | Brantley |
| G. A. Brown | R. L. Brown | Cato |
| Clyburn | Cobb-Hunter | Dillard |
| Duncan | Funderburk | Gilliard |
| Govan | Haley | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | King |
| Knight | Mack | McEachern |
| McLeod | Miller | Millwood |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parks | Rice | Rutherford |
| Scott | Sellers | J. E. Smith |
| Vick | Weeks | Whipper |
| Williams | T. R. Young |  |

**Total--50**

Section 89, as amended, was adopted.

Reps. OTT, COBB-HUNTER, J. H. NEAL, MCLEOD, MITCHELL, KNIGHT and GUNN proposed the following Amendment No. 169 (Doc Name h:\legwork\house\amend\H-WM\004\CIG TAX SCHOOL BASED MEDICAID SERVICES.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, paragraph 90.14, line 7, by striking /1.50/ and inserting /2.50/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 519, paragraph 90.14, lines 22-32, by striking /Subsection “F” in it's entirety/ and inserting:

/ *(F) THERE IS CREATED IN THE STATE TREASURY THE HEALTH CARE TRUST FUND (FUND), WHICH IS SEPARATE AND DISTINCT FROM THE GENERAL FUND OF THE STATE AND ALL OTHER FUNDS. EARNINGS ON THIS FUND MUST BE CREDITED TO THE FUND, AND ANY BALANCE IN THE FUND AT THE END OF THE PRIOR FISCAL YEAR MUST BE CARRIED FORWARD INTO THE CURRENT FISCAL YEAR. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL EXPEND THE MONIES IN THIS FUND AS MATCHING FUNDS FOR ALLOWABLE MEDICAID EXPENDITURES, INCLUDING ALL ALLOWABLE SCHOOL-BASED MEDICAID SERVICES.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COBB-HUNTER explained the amendment.

Rep. WHITE moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 66; Nays 47

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Erickson |
| Forrester | Frye | Gambrell |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Horne | Huggins |
| Kelly | Kirsh | Littlejohn |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--66**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | King |
| Knight | Limehouse | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--47**

So, the amendment was tabled.

Rep. LIMEHOUSE proposed the following Amendment No. 199 (Doc Name h:\legwork\house\amend\H-WM\004\limehouse - 40 cents.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, paragraph 90.14, line 7, by striking /*1.50*/ and inserting */2.00*/.

Renumber sections to conform.

Amend totals and titles to conform.

Rep. LIMEHOUSE explained the amendment.

Rep. WHITE moved to table the amendment.

The amendment was then tabled by a division vote of 57 to 43.

Rep. HERBKERSMAN proposed the following Amendment No. 191 (Doc Name h:\legwork\house\amend\H-WM\006\WADDELL MARICULTURE CENTER.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 520, paragraph 90.16, line 18, by striking /*$1,000,000*/ and inserting /*$50,000*/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 521, paragraph 90.16, after line 4, by adding an appropriately numbered item to read:

/ *( ) P24 - Department of Natural Resources Waddell Mariculture Center $950,000.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HERBKERSMAN explained the amendment.

Rep. COOPER moved to table the amendment, which was agreed to.

Reps. WHITE AND LIMEHOUSE proposed the following Amendment No. 57 (Doc Name h:\legwork\house\amend\H-WM\001\90.14 CIG SURTAX SUBFUND.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, paragraph 90.14, lines 23-24, by striking / *In addition, the Fund balance in Subfund 3762 must be transferred to the newly created Fund.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

Rep. OTT proposed the following Amendment No. 167 to (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\MS\7770AHB 10.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, paragraph 90.14(F), lines 29 and 30, by amending the penultimate sentence to read:

 /*At any time, the balance of the Fund must be an amount equal to one and one-half percent of the total appropriations authorization for the Medicaid program the current fiscal year; however, this one and one-half percent balance will be used to offset midyear budget reductions to the Medicaid program. /*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. OTT explained the amendment.

The amendment was then adopted.

Rep. COBB-HUNTER proposed the following Amendment No. 4 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\BBM\ 9642AC10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, by striking paragraph 90.14 and inserting:

 / 90.14 (SR: Health Care User Fee) (A) Effective for the current fiscal year, there is imposed a health care user fee on cigarettes subject to the license tax imposed on cigarettes pursuant to Section 12‑21‑620(1) of the 1976 Code, in an amount equal to five cents on each cigarette.

 (B) For purposes of this paragraph and the license tax on cigarettes, ‘cigarette’ means:

 (1) any roll for smoking containing tobacco wrapped in paper or in any substance other than a tobacco leaf; or

 (2) any roll for smoking containing tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in (1) above.

 (C) For all purposes of reporting, payment, collection, and enforcement, the user fee imposed by this paragraph is deemed to be imposed pursuant to Section 12‑21‑620(1) of the 1976 Code except that no criminal penalty may be imposed for violations specific to the user fee. However, the Department of Revenue may impose a civil penalty not to exceed two hundred dollars for each violation.

 (D) Notwithstanding another provision of law providing for the crediting of license tax revenues, the revenue of the user fee imposed pursuant to this paragraph must be deposited in the Health Care Trust Fund to be administered by the Department of Health and Human Services pursuant to subparagraph (E).

 (E) There is created in the State Treasury the Health Care Trust Fund (Fund), which is separate and distinct from the general fund of the State and all other funds. Earnings on this fund must be credited to the fund, and any balance in the Fund at the end of the prior fiscal year must be carried forward into the current fiscal year. The Department of Health and Human Services shall expend the monies in this fund as matching funds for allowable Medicaid expenditures, including all allowable school‑based Medicaid services./

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COBB-HUNTER explained the amendment.

Rep. COBB-HUNTER spoke in favor of the amendment.

Rep. MACK spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 67; Nays 34

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Brady | H. B. Brown | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Kirsh | Limehouse |
| Long | Lowe | Lucas |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Neilson | Norman |
| Ott | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | D. C. Smith |
| G. R. Smith | J. R. Smith | Spires |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--67**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bowers |
| Brantley | G. A. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Crawford |
| Dillard | Funderburk | Gilliard |
| Hart | Hayes | Hosey |
| Hutto | Jefferson | Jennings |
| King | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--34**

So, the amendment was tabled.

Rep. JEFFERSON proposed the following Amendment No. 11 (Doc Name h:\legwork\house\amend\H-WM\001\90 CIG TAX 40 CENTS INCREASE .DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, paragraph 90.14, lines 6-32, by striking the paragraph in its entirety and by inserting:

/ 90.14 (SR: Cigarette Surtax) (A) Effective for the current fiscal year, there is imposed a surtax on cigarettes subject to the license tax imposed on cigarettes pursuant to Section 12‑21‑620(1) of the 1976 Code, in an amount equal to 2.0 cents on each cigarette.

 (B) For purposes of this provision and the license tax on cigarettes, ‘cigarette’ means:

 (1) any roll for smoking containing tobacco wrapped in paper or in any substance other than a tobacco leaf; or

 (2) any roll for smoking containing tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in (1) above.

 (C) For all purposes of reporting, payment, collection, and enforcement, the surtax imposed by this provision is deemed to be imposed pursuant to Section 12‑21‑620(1) of the 1976 Code except that no criminal penalty may be imposed for violations specific to the surtax. However, the Department of Revenue may impose a civil penalty not to exceed two hundred dollars for each violation.

 (D) Notwithstanding another provision of law providing for the crediting of license tax revenues, the revenue of the surtax imposed pursuant to this paragraph must be utilized in the following manner: 75% of the funds realized shall be used to fund the South Carolina Medicaid Program and 25% shall be used to fund the Education Finance Act. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. JEFFERSON explained the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. WHITE moved to table the amendment.

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

Yeas 57; Nays 27

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Cato | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Gambrell | Hardwick | Harrell |
| Harrison | Hearn | Hiott |
| Horne | Huggins | Kelly |
| Littlejohn | Long | Lowe |
| Lucas | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Rice | Scott | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Thompson | Toole | Umphlett |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--57**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Bowers | Brantley | G. A. Brown |
| H. B. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Hayes |
| Hosey | Hutto | Jefferson |
| Jennings | Mack | McEachern |
| McLeod | Mitchell | J. E. Smith |
| Vick | Whipper | Williams |

**Total--27**

So, the amendment was tabled.

Rep. GUNN proposed the following Amendment No. 91 (Doc Name h:\legwork\house\amend\H-WM\004\GUNN CIG TAX$1. DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, by striking paragraph 90.14 and inserting:

 / 90.14 (SR: Cigarette Surtax) (A) Effective for the current fiscal year, there is imposed a surtax on cigarettes subject to the license tax imposed on cigarettes pursuant to Section 12‑21‑620(1) of the 1976 Code, in an amount equal to 5 cents on each cigarette.

 (B) For purposes of this provision and the license tax on cigarettes, ‘cigarette’ means:

 (1) any roll for smoking containing tobacco wrapped in paper or in any substance other than a tobacco leaf; or

 (2) any roll for smoking containing tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in (1) above.

 (C) For all purposes of reporting, payment, collection, and enforcement, the surtax imposed by this provision is deemed to be imposed pursuant to Section 12‑21‑620(1) of the 1976 Code except that no criminal penalty may be imposed for violations specific to the surtax. However, the Department of Revenue may impose a civil penalty not to exceed two hundred dollars for each violation.

 (D) Notwithstanding another provision of law providing for the crediting of license tax revenues, the revenue of the surtax imposed pursuant to this paragraph must be used in the following manner:

 (1) The first $120,000,000 shall be used to fund the South Carolina Medicaid Program.

 (2) The next $50,000,000 shall be used to fund the disabilities and special needs program.

 (3) The remainder of the revenue shall be placed in the “Healthcare Annualization and Maintenance of Effort Fund” located within the State Treasurer’s Office/.

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HART explained the amendment.

Rep. WHITE moved to table the amendment.

The amendment was then tabled by a division vote of 45 to 13.

Rep. GOVAN proposed the following Amendment No. 97 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\GGS\22556SD 10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, by adding a new paragraph immediately after paragraph 90.14 to be appropriately numbered to read:

/*90.\_\_\_\_(SR: Additional Cigarette Surtax) In addition to the provisions of Paragraph 90.14, an additional surtax on cigarettes subject to the license tax on cigarettes pursuant to Section 12-21-620(1) of the 1976 Code in an amount equal to five cents on each cigarette is imposed for fiscal year 2010-2011. This surtax shall be collected in the same manner the surtax in Paragraph 90.14 is collected*.

 *The State Treasurer shall distribute twenty-five percent of the additional revenue realized for calendar year 2010 from this surtax to the State Children’s Health Insurance Program (S-CHIP) to include in the program those clients whose income is not more than two hundred percent above the proverty level as determined by applicable guidelines, and the remaining seventy-five percent shall be distributed to programs established by the General Assembly by law to provide health insurance coverage to individuals without health insurance, individuals who cannot meet COBRA premiums if unemployed, or individuals who if employed cannot pay their existing health insurance premiums./*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. GOVAN explained the amendment.

Rep. GOVAN moved to table the amendment, which was agreed to.

Reps. STAVRINAKIS and CRAWFORD proposed the following Amendment No. 172 (Doc Name H:\LEGWORK\HOUSE\AMEND\ COUNCIL\AGM\9944AHB10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 519, by striking Paragraph 90.14 and inserting:

/ *90.14 (SR: Cigarette Surtax; Income Tax Rates and Brackets) (A) Effective for the current fiscal year, there is imposed a surtax on cigarettes subject to the license tax imposed on cigarettes pursuant to Section 12-21-620(1) of the 1976 Code, in an amount equal to five cents a cigarette.*

 *(B) For the calendar year 2010, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Section 12‑6‑510 computed at the following rates with the income brackets indexed in accordance with Section 12‑6‑520:*

 *OVER BUT NOT OVER*

*$ 0 $ 2,740 0% Times the amount*

 *2,740 5,480 3% Times the amount less $82*

 *5,480 8,220 4% Times the amount less $137*

 *8,220 10,960 5% Times the amount less $220*

 *10,960 13,700 6% Times the amount less $329*

 *13,700 or more 6.9% Times the amount less $466.*

 *(C) On December 15, 2010, the Department of Revenue shall cumulatively adjust the brackets in Section 12‑6‑510 of the 1976 Code in the same manner that brackets are adjusted in Internal Revenue Code Section (1)(f) but the rounding amount provided in (1)(f)(6) is deemed to be ten dollars. The brackets, as adjusted, apply in lieu of those provided in Section 12‑6‑510 for the 2011 calendar year.*

 *(D) The revenue derived from the surtax on cigarettes imposed pursuant to subsection (A) in priority order must be used as follows:*

 *(1) Forty-five percent must be deposited in the Medicaid Reserve Fund established in subsection (H) of this paragraph.*

 *(2) The remaining revenue must next be used to reimburse the general fund of this State for the revenue lost as a result of the lowering of individal income tax rates as provided in subsection (B).*

 *(3) Revenue remaining must next be used to reimburse the general fund of this State for the revenue lost as a result of the full indexation of income tax brackets as provided in subsection (C).*

 *(4) Revenue next remaining must be first used to cover shortages in the EIA in the manner the General Assembly shall determine by law and thereafter to fully fund the Education Finance Act.*

 *(5) Any remaining funds must be deposited to the general fund of this State.*

 *(E) For all purposes of reporting, payment, collection, and enforcement, the surtax imposed by this paragraph is deemed to be imposed pursuant to Section 12-21-620(1) of the 1976 Code.*

 *(F) For purposes of this paragraph and the license tax on cigarettes, ‘cigarette’ means:*

 *(1) any roll for smoking containing tobacco wrapped in paper or in any substance other than a tobacco leaf; or*

 *(2) any roll for smoking containing tobacco, wrapped in any substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in (1) above.*

 *(G) Each year, the revenue of five hundredths of a cent of the surtax on each cigarette shall be remitted to the Department of Agriculture to cause the marketing and branding of South Carolina agricultural crops or produce as being grown in South Carolina when offered for sale in retail establishments and to assist in relief from natural disasters affecting state-grown crops.*

 *(H) There is created in the State Treasury the Medicaid Reserve Fund (Fund), which is separate and distinct from the general fund of the State and all other funds. Recouped refunds and identified program overpayments must be credited to the Fund. In addition, the Fund balance in Subfund 3762 must be transferred to the newly created Fund. Any balance in the Fund at the end of the prior fiscal year must be carried forward into the current fiscal year. The Department of Health and Human Services shall also deposit any prior year program refunds or overpayments, excluding pharmacy rebates, into the Fund. The department may use the Fund to offset operating deficits or audit disallowances from the Medicaid program. After aggregate disbursements from the Fund in a fiscal year equal five hundred thousand dollars, all additional disbursements in that year must be approved by the State Budget and Control Board. At any time, the balance of the Fund must be an amount equal to one and one-half percent of the total appropriations authorization for the Medicaid program the current fiscal year. Revenue in excess of that balance must first be credited to the General Reserve Fund to the extent the General Reserve Fund needs replenishing, and after the General Reserve Fund is fully replenished, to the general fund of the State./*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. STAVRINAKIS explained the amendment.

Rep. STAVRINAKIS spoke in favor of the amendment.

Rep. CRAWFORD spoke in favor of the amendment.

Rep. CRAWFORD spoke in favor of the amendment.

Rep. A. D. YOUNG moved to table the amendment.

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

Yeas 68; Nays 42

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Cato |
| Clemmons | Cole | Cooper |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Hiott |
| Howard | Kelly | Kirsh |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Thompson | Toole | Umphlett |
| Vick | White | Willis |
| Wylie | A. D. Young |  |

**Total--68**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Brantley | G. A. Brown | R. L. Brown |
| Chalk | Cobb-Hunter | Crawford |
| Daning | Dillard | Funderburk |
| Gilliard | Govan | Harvin |
| Herbkersman | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | King |
| Knight | Limehouse | Mack |
| McEachern | McLeod | Miller |
| Mitchell | Parks | G. M. Smith |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams | T. R. Young |

**Total--42**

So, the amendment was tabled.

Reps. VICK and LUCAS proposed the following Amendment No. 176 (Doc Name h:\legwork\house\amend\H-WM\009\EXCESS REVENUE OVER DOR ENCHANCED ENFORCEMENT.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 521, paragraph 90.16, line 5, by inserting at the beginning of the line:

/ *Once sufficient revenue has been collected to fully fund the above items the first $1,000,000 of excess revenue shall be transferred to the Forestry Commission for expenses associated with firefighting activities. The next $1,000,000 shall be transferred to the National Guard.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. LUCAS explained the amendment.

The amendment was then adopted.

Rep. SIMRILL proposed the following Amendment No. 235 (Doc Name h:\legwork\house\amend\H-WM\001\90.16 REDUCE TRANSITION .DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 520, paragraph 90.16, line 18, by striking /*$1,000,000*/ and inserting /*$250,000*/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 520, paragraph 90.16, line 19, by striking /*$250,000*/ and inserting /*$100,000*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. SIMRILL explained the amendment.

Rep. WHITE moved to table the amendment.

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

Yeas 35; Nays 74

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Anthony |
| Bannister | Battle | Bingham |
| Brantley | G. A. Brown | R. L. Brown |
| Cooper | Dillard | Hardwick |
| Harrell | Harvin | Hayes |
| Herbkersman | Hosey | Howard |
| Limehouse | Mack | Mitchell |
| V. S. Moss | J. H. Neal | Owens |
| Parks | M. A. Pitts | Sellers |
| Skelton | J. E. Smith | J. R. Smith |
| Sottile | Weeks | Whipper |
| White | Williams |  |

**Total--35**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Bales |
| Ballentine | Barfield | Bedingfield |
| Bowen | Bowers | Brady |
| Branham | H. B. Brown | Cato |
| Chalk | Clemmons | Cole |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Haley |
| Hamilton | Harrison | Hearn |
| Hiott | Hodges | Horne |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Littlejohn |
| Long | Lowe | Lucas |
| McEachern | McLeod | Merrill |
| Miller | Millwood | D. C. Moss |
| Nanney | J. M. Neal | Norman |
| Parker | Pinson | Rice |
| Sandifer | Scott | Simrill |
| D. C. Smith | G. M. Smith | G. R. Smith |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Whitmire | Willis |
| Wylie | T. R. Young |  |

**Total--74**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment, which was agreed to.

Reps. HALEY and BALLENTINE proposed the following Amendment No. 81 (Doc Name h:\legwork\house\amend\H-WM\006\DRIVE TRAIN TEST FACILITY.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 521, paragraph 90.17, line 24, by striking /H12 - Clemson University for the Drive Train Test Facility Facility/ and inserting /*J16 -Department of Disabilities and Special Needs for Operating Expenses*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. BALLENTINE explained the amendment.

Rep. COOPER spoke against the amendment.

Rep. EDGE spoke against the amendment.

Rep. KNIGHT spoke against the amendment.

Rep. BALLENTINE spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 108; Nays 4

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| 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 | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--108**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Haley | Norman |
| Thompson |  |  |

**Total--4**

So, the amendment was tabled.

Rep. COOPER proposed the following Amendment No. 23 (Doc Name h:\house\amend\H-WM\001\90.17 CORRECTION.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 521, paragraph 90.17, line 32, by striking /*90.cs*/ and inserting /*90.14*/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 521, paragraph 90.17, after line 32, by inserting:

/ *For Fiscal Year 2010-11, the license plate replacement interval is suspended until the funds transferred to other agencies within this provision are repaid to the department pursuant to Part IV of this act or by any other source of funds, or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Reps. EDGE, COOPER, HORNE, A. D. YOUNG and CLYBURN proposed the following Amendment No. 25 (Doc Name h:\legwork\house\amend\H-WM\001\90.18 ddsn.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 522, paragraph 90.18, line 3, by striking /*$143,315,492*/ and inserting /*$104,030,001*/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 522, paragraph 90.18, line 11, by striking /*$12,500,000*/ and inserting /*$51,785,491*/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 522, paragraph 90.18, after line 16, by inserting:

/ *The Department of Disabilities and Special Needs shall transfer to the Department of Health and Human Services, unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage from 7/1/10 to 12/31/10. In addition, the Department of Disabilities and Special Needs shall utlize $1,250,000 of the $51,785,491 for Early Intervention for 3-5 year olds.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. EDGE explained the amendment.

The amendment was then adopted.

Reps. COOPER, J. R. SMITH, CLYBURN, T. R. YOUNG, D. C. SMITH, SPIRES and STEWART proposed the following Amendment No. 236 (Doc Name h:\legwork\house\amend\H-WM\001\barnwell escrow 3.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 520, paragraph 90.15, after line 6, by inserting:

/ *From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, there shall remain $4,300,000 in the account to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed pursuant to this provision shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. The Budget and Control Board may authorize the expenditure of funds, not to exceed $700,000, from the the escrow account for any actions taken by the Attorney General’s Office and expenses associated with such actions relating to the Nuclear Waste Policy Act of 1982. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. WHITE proposed the following Amendment No. 239 (Doc Name h:\legwork\house\amend\H-WM\001\90.16 BCB 900K.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 521, paragraph 90.16, line 2, opposite “*operating expenses*” by striking /*$1,297,855*/ and inserting /*$2,197,855*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

Rep. KING moved to table the amendment.

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

Yeas 76; Nays 37

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Bales | Ballentine |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Cato | Clemmons | Clyburn |
| Cole | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Frye | Gambrell | Gilliard |
| Govan | Haley | Hamilton |
| Harrison | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| King | Kirsh | Knight |
| Long | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | D. C. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | Rice |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | Stavrinakis |
| Stewart | Thompson | Toole |
| Vick | Weeks | Whipper |
| Whitmire | Williams | Willis |
| T. R. Young |  |  |

**Total--76**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bannister |
| Barfield | Battle | H. B. Brown |
| Chalk | Cobb-Hunter | Cooper |
| Edge | Erickson | Forrester |
| Funderburk | Hardwick | Harrell |
| Hayes | Herbkersman | Howard |
| Jennings | Kelly | Limehouse |
| Littlejohn | Lowe | Mitchell |
| V. S. Moss | J. H. Neal | Parker |
| Pinson | M. A. Pitts | J. R. Smith |
| Sottile | Spires | Stringer |
| Umphlett | White | Wylie |
| A. D. Young |  |  |

**Total--37**

So, the amendment was tabled.

Rep. GILLIARD proposed the following Amendment No. 1 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\BBM\9626HTC 10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 522, by adding an appropriately numbered paragraph to read:

/ *90.\_\_ (Cigarette Surtax) (A) Effective July 1, 2010, there is imposed a surtax on cigarettes subject to the license tax imposed pursuant to Section 12‑21‑620(1) of the 1976 Code and the surtax imposed pursuant to paragraph 90.14 of this Part in an amount equal to 15.45 cents on each cigarette. This surtax is in addition to the license tax imposed pursuant to Section 12‑21‑620(1) of the 1976 Code and the surtax imposed pursuant to paragraph 90.14 of this Part and it must be imposed, reported, paid, collected, and enforced in the same manner as the tobacco license tax and the above referenced surtax except that in lieu of any criminal penalty for violations, the Department of Revenue may impose a civil penalty in an amount not to exceed two hundred dollars for each separate violation.*

 *(B) Except as provided in subparagraph (C), the proceeds of this surtax must be deposited into the Medicaid Expansion Fund and used for allowable school‑based Medicaid services and for all allowable programs administered by the Department of Disabilities and Special Needs for its clients eligible for Medicaid paid services. The Department of Health and Human Services shall provide the matching funds for the Medicaid services described in this subparagraph.*

 *(C) An amount of the proceeds of the surtax imposed pursuant to this paragraph sufficient to maintain the general fund appropriations in Part IA of this act to the Department of Disabilities and Special Needs for the current fiscal year at the amount so appropriated in the prior fiscal year, without regard to any midyear reductions, plus an inflation adjustment equal to the increase in the medical care component of the Consumer Price Index for the most recently completed calendar year, is appropriated to the Department of Disabilities and Special Needs.* /

Renumber sections to conform.

Amend totals and titles to conform

Rep. GILLIARD explained the amendment.

Rep. GILLIARD spoke in favor of the amendment.

Rep. GILLIARD moved to table the amendment, which was agreed to.

Reps. COOPER, OTT and COBB-HUNTER proposed the following Amendment No. 241 (Doc Name h:\legwork\house\amend \H-WM\001\90.16 900k school buses.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 521, paragraph 90.16, after line 4, by adding an appropriately numbered item to read:

/ *( ) H63 - Department of Education Transportation $900,000* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. COBB-HUNTER proposed the following Amendment No. 3 (Doc Name h:\legwork\house\amend\H-WM\005\TAX MORATOR-IUM .DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 522, after line 16, by adding an appropriately numbered paragraph to read:

/*90.\_\_\_\_.(Suspension of Tax Credits) The income tax credits, other credits, or tax moratoriums authorized by the following provisions of law are suspended effective July 1, 2010, for new investments or new transactions occurring on or after this date until further authorization by the General Assembly by act or joint resolution. Nothing herein prevents the carry forward of income tax credits or other credits first earned prior to July 1, 2010. These provisions of law are:*

 *(1) Section 12‑6‑3750 (Tax credit for processing donated deer);*

 *(2) Section 12‑6‑3670 (Tax credit for excess premiums paid for property and casualty insurance);*

 *(3) Section 12‑6‑3665 (Tax credit for sales taxes paid on purchase of personal property to retrofit residence);*

 *(4) Section 12‑6‑3660 (Tax credit for costs of retrofitting residence to be more hurricane resistant);*

 *(5) Section 12‑6‑3631 (Biodiesel expenditures tax credit);*

 *(6) Section 12‑6‑3630 (tax credit for hydrogen research contributions);*

 *(7) Section 12‑6‑3622 (fire sprinkler system tax credits);*

 *(8) Section 12‑6‑3620 (tax credit for purchase and installation of equipment to produce energy from biomass resources);*

 *(9) Section 12‑6‑3610 (Tax credit for property used for distribution or dispensing renewable fuel);*

 *(10) Section 12‑6‑3600 (Tax credit for ethanol and biodiesel facilities);*

 *(11) Section 12‑6‑3589 (Tax credit for effluent toxicity testing);*

 *(12) Section 12‑6‑3587 (Tax credit for purchase and installation of solar energy systems);*

 *(13) Section 12‑6‑3585 (Industry partnership fund tax credit);*

 *(14) Section 12‑6‑3525 (Tax credit for vehicle or scrap recyclers);*

 *(15) Section 12‑6‑3477 (Tax credit for apprentices);*

 *(16) Section 12‑6‑3381 (Premarital preparation course tax credit);*

 *(17) Section 12‑6‑3377 (Hybrid, Fuel cell, alternative fuel tax credit);*

 *(18) Section 12‑6‑3376 (Tax credit for plug‑in hybrid vehicles);*

 *(19) Section 12-6-3367 (Moratorium on corporate income taxes for certain companies investing and creating jobs);*

 *(20) Section 12‑6‑3362 (Small business jobs tax credit);*

 *(21) Section 12-14-80 (Investment tax credit for manufacturing and productive equipment;*

 *(22) Section 12-65-30 (Tax credits for textile revitalization); and*

 *(23) Section 48-52-870 (Tax credit for energy efficiency). /*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COBB-HUNTER explained the amendment.

Rep. COBB-HUNTER spoke in favor of the amendment.

Rep. MCLEOD spoke in favor of the amendment.

Rep. J. H. NEAL spoke in favor of the amendment.

Rep. J. H. NEAL spoke in favor of the amendment.

Rep. G. R. SMITH spoke against the amendment.

Rep. CRAWFORD spoke against the amendment.

Rep. KING spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 81; Nays 33

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| H. B. Brown | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Kelly | Kirsh |
| Knight | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Ott | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Vick | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--81**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Gilliard | Govan |
| Harvin | Hodges | Hosey |
| Howard | Jefferson | Jennings |
| King | Mack | McEachern |
| McLeod | Mitchell | J. H. Neal |
| Parks | Rutherford | Sellers |
| Weeks | Whipper | Williams |

**Total--33**

So, the amendment was tabled.

Reps. VICK and MITCHELL proposed the following Amendment No. 76 (Doc Name H:\LEGWORK\HOUSE\AMEND\ COUNCIL\BBM\9650HTC10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 522, by adding an appropriately numbered paragraph to read:

/ *90.\_\_ (SR: Sales Tax, Statewide Property Tax Millage, Homestead Exemption - Appropriations) (A) The state one percent sales, use, and casual excise tax imposed pursuant to Section 12‑36‑1110 of the 1976 Code, is suspended for the current fiscal year.*

 *(B) For property tax year 2010, and to that extent not already exempt pursuant to Section 12‑37‑250 of the 1976 Code, the homestead exemption from property tax millage imposed for school operations allowed pursuant to Section 12‑37‑220(B)(47)(a) of the 1976 Code is limited to the first two hundred fifty thousand dollars of fair market value of the homestead.*

 *(C) For property tax year 2010 there is imposed a statewide millage of two hundred thirty‑three mills on all taxable property except as provided in this subparagraph. There is exempt from the statewide millage imposed by this paragraph all taxable property except fair market value in excess of two hundred fifty thousand dollars of fair market value of all residential property classified as owner‑occupied residential property pursuant to Section 12‑43‑220(C) of the 1976 Code. For all purposes of payment, collection, and enforcement, the statewide millage is deemed millage imposed for county operations except that all revenue of the statewide millage must be remitted by the county treasurer to the State Treasurer on a schedule and in the manner prescribed by the State Treasurer. The State Treasurer shall deposit all revenue of the statewide millage to the credit of the Homestead Exemption Fund established pursuant to Section 11‑11‑155 from which it must be distributed in the manner provided by law for the revenues of the Homestead Exemption Fund.*

 *(D) From $126,000,000 in additional revenues available in the general fund of the State made available by additional funding in the Homestead Exemption Fund provided pursuant to subparagraph (C) of this paragraph, there is appropriated for the current fiscal year:*

 *(1) State Department of Education EFA Funding*

 *$104,000,000*

 (2) Department of Disabilities and Special Needs ‑ funding restoration 16,000,000

 (3) Forestry Commission Funding restoration 2,000,000

 (4) Adjutant General’s Office Funding 4,000,000/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. VICK explained the amendment.

Rep. VICK spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 72; Nays 42

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Kelly | Kirsh |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | White | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--72**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Jefferson | Jennings |
| King | Knight | Mack |
| McEachern | McLeod | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Vick |
| Weeks | Whipper | Williams |

**Total--42**

So, the amendment was tabled.

Rep. WHIPPER proposed the following Amendment No. 108 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\BBM\9653AB 10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 522, by adding an appropriately numbered paragraph to read:

/ *90.\_\_ (SR: Cigarette Tax Increase and Expenditure of Revenue for Programs) (A)(1) For the fiscal year, is established the Small Business Health Insurance Premium Assistance Program within the Department of Health and Human Services. The purpose of this program is to provide health insurance premium assistance to small businesses for all employees and employee spouses who are at or under two hundred percent of the federal poverty level.*

 *(2) To be eligible to participate in this program, a small business owner must:*

 *(a) employ seventy‑five or fewer employees;*

 *(b) provide health insurance to all employees who are employed the requisite number of hours pursuant to the health insurance policy of the small business and agree to maintain this insurance for the next twelve months;*

 *(c) contribute twenty‑five percent of the premium cost for those employees eligible for the premium assistance program; and*

 *(d) contribute a minimum of twenty‑five percent of the premiums for those employees not eligible for the premium assistance program.*

 *(3) An employee who qualifies to participate in this program shall contribute, on a sliding fee basis determined by income, as established by the department in regulation, up to fifteen percent of the premium cost.*

 *(4) The department shall apply to the Centers for Medicaid and Medicare Services for a waiver to carry out the provisions of this section.*

 *(5) Funding for this program must be provided from those funds deposited in the Medicaid Match Fund.*

 *(6) The department shall place appropriate caps on the number of employees that may enroll in the Small Business Health Insurance Premium Program so that no more funds are expended for this program than are available in the Medicaid Matching Fund after funds are expended for the expansion of Medicaid funding pursuant to subparagraph 7 immediately following this subparagraph.*

 *(7) The South Carolina Department of Health and Human Services shall expand coverage under the state Medicaid program to children eighteen years of age and under whose family incomes do not exceed two hundred percent of the federal poverty level.*

 *(B)(1) There is created in the State Treasury the Medicaid Match Fund that is separate and distinct from the general fund of the State and all other funds. Revenue collected pursuant to the cigarette tax imposed in this proviso must be credited to the Medicaid Match Fund and used by the Department of Health and Human Services as the state match for federal Medicaid funding for the Health Insurance Premium Assistance Program, the expansion of Medicaid coverage, the expansion of cancer screening and treatment programs that target low‑income citizens and community health centers, and Second Chance Program provided in this proviso.*

 *(2) Monies in the fund are supplementary and may not be used to replace recurring monies appropriated from the general fund of the State or from other funds for the support of the Medicaid program. This fund is exempt from reductions imposed by law as a result of general fund shortfalls. Earnings on fund revenues must be credited to the fund and used for the same purposes.*

 *(C)(1) In addition to the license tax imposed pursuant to Section 12‑21‑620(1) for the current fiscal year, there is imposed on all cigarettes made of tobacco or any substitute for tobacco an additional license tax equal to 4.65 cents on each cigarette.*

 *(2) The additional license tax imposed pursuant to subparagraph (1) must be reported, paid, collected, and enforced in the same manner as the license tax imposed pursuant to Section 12‑21‑620(1) of the 1976 Code.*

 *(3) Of monies collected pursuant to this paragraph:*

 *(a) 22.5 million dollars must be credited to the South Carolina Department of Health and Environmental Control to fund a statewide tobacco prevention program to include components articulated by the Centers for Disease Control* ‘*Best Practices in Tobacco Control and Prevention*’ *minimum funding guidelines;*

 *(b) thirty‑three million dollars must be credited to the Parks and Recreation Development Fund to be distributed among the forty‑six counties in the State for planning and development for new parks and recreation facilities or renovations of existing facilities;*

 *(c) four million dollars must be credited to the Medical University of South Carolina Hollings Cancer Center to fund cancer research programs;*

 *(d) eighteen million dollars must be credited to the South Carolina Department of Health and Human Services to fund cancer prevention, screening, early detection and treatment programs modeled after the Best Chance Network (breast cancer prevention) to expand or establish effective cancer screening programs that target low‑income citizens consistent with the objectives of the South Carolina Comprehensive Cancer Plan 2005‑2010;*

 *(e) fifteen million dollars must be credited to the South Carolina Department of Health and Human Services to fund community health centers;*

 *(f) two million dollars must be credited to the South Carolina Department of Agriculture for programs to market South Carolina grown agricultural products;*

 *(g) three million dollars must be credited to the South Carolina Department of Education to fund eighteen additional Save the Children program sites designed to improve students*’ *reading skills through supplementary in‑school and after‑school programs and other services to children living in high‑poverty, rural areas, working in partnership with local schools;*

 *(h) one hundred thousand dollars must be credited to the South Carolina Department of Health and Human Services to fund the Second Chance Quit Assistance Program to provide expanded options for cessation counseling and treatment to Medicaid enrollees who have unsuccessfully completed three quit attempts under current Medicaid covered cessation programs;*

 *(i) 1.5 million dollars must be credited to the South Carolina Department of Health and Environmental Control to fund Maternal and Child Health programs; and*

 *(j) the remaining funds must be deposited into the Medicaid Match Fund.*

 *(D)(1) For the current fiscal year, there is established the Second Chance Quit Assistance Program within the Department of Health and Human Services. The purpose of this program is to provide additional counseling and expanded smoking cessation services for Medicaid smokers who have unsuccessfully completed three quit attempts under current Medicaid program protocols.*

 *(2) The department shall apply to the Centers for Medicaid and Medicare Services for a waiver to carry out the provisions of this section.*

 *(3) Funding for this program must be provided from funds in the Medicaid Match Fund. However, the department shall place appropriate caps on the number of enrollees that may enroll in the Second Chance Smoker Quit Assistance Program so that no more funds are expended for this program than are available in the Medicaid Match Fund after funds are expended for the expansion of Medicaid funding provided in this proviso.*

 *(4) Smoking cessation counseling services and prescription and nonprescription agents when used to promote smoking cessation, if these agents otherwise meet the definition of* ‘*covered outpatient drug*’ *under the federal Social Security Act, Section 1927 (k), not covered in the first line protocol of treatments must be eligible for inclusion in the Second Chance Program. /*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. WHIPPER explained the amendment.

Rep. WHIPPER spoke in favor of the amendment.

Rep. WHIPPER moved to table the amendment, which was agreed to.

Reps. ANTHONY and HAYES proposed the following Amendment No. 124 (Doc Name H:\LEGWORK\HOUSE\AMEND\ COUNCIL\BBM\9658HTC10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 522, by adding an appropriately numbered paragraph to read:

/90.\_\_ (SR: One Percent Sales Tax ‑ Use of Revenue) (A) There is imposed a sales, use, and casual excise tax for the current fiscal year in an amount equal to one percent on amounts subject to sales, use, and casual excise taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code. For purposes of exemptions and caps, and for purposes of reporting, payment, collection, and enforcement, this additional tax is considered to be imposed pursuant to Chapter 36, Title 12 of the 1976 Code, except that with regard to enforcement, no criminal penalty specific to this one percent tax may be imposed. However, the Department of Revenue may impose a civil penalty for each violation not to exceed two hundred dollars. The Department of Revenue may prescribe amounts that may be added to sales price for this additional tax.

 (B) Notwithstanding any other provisions of law relating to the use of sales tax revenues, the revenue of the tax imposed pursuant to this paragraph must be credited to the general fund of the State.

 (C)(1) One half of the amount credited to the general fund of this State pursuant to this paragraph is appropriated to the State Department of Education for full EFA Funding.

 (2) The balance of the revenue must be used to offset state individual income tax revenue not collected because of a credit against the individual income tax liability of each full year resident individual taxpayer for the 2010 taxable year. The credit must be an amount calculated by the Department of Revenue in consultation with the Office of Research and Statistics of the State Budget and Control Board. The credit allowed is the amount determined by multiplying the fraction that each individual income tax liability reported for 2010 is of the total of such liabilities multiplied by the sales tax revenue set aside pursuant to this item (2)./

Renumber sections to conform.

Amend totals and titles to conform.

Rep. ANTHONY explained the amendment.

Rep. ANTHONY spoke in favor of the amendment.

Rep. GOVAN spoke in favor of the amendment.

Rep. GOVAN spoke in favor of the amendment.

Rep. WHITE moved to table the amendment.

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

Yeas 71; Nays 40

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Gambrell |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Hiott | Horne | Huggins |
| Hutto | Kelly | Kirsh |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Toole | Umphlett |
| Viers | Whipper | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Battle |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Gilliard | Govan |
| Hart | Harvin | Hayes |
| Herbkersman | Hodges | Hosey |
| Howard | Jefferson | Jennings |
| King | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Vick | Weeks |
| Williams |  |  |

**Total--40**

So, the amendment was tabled.

Rep. ANDERSON proposed the following Amendment No. 156 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\ AGM\19934AB10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, by adding an appropriately numbered paragraph to read:

/ *90.17 (SR: Sales Tax on Certain Unprepared Food) (A) For the current fiscal year, Section 12-36-2120(75) of the 1976 Code, relating the sales and use tax exemption on unprepared food that may be purchased with USDA food coupons, is suspended and this tax applies to these foods.*

 *(B) Notwithstanding another provision of law relating to the use of sales tax revenue, any revenue generated by the suspension provided under subparagraph (A) is appropriated equally to the Department of Education and the General Fund.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. ANDERSON explained the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 81; Nays 25

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bales | Ballentine |
| Bannister | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Horne |
| Huggins | Hutto | Kelly |
| Kirsh | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| McLeod | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stewart |
| Stringer | Toole | Umphlett |
| Vick | Viers | Whipper |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--81**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Branham | Brantley |
| H. B. Brown | Cobb-Hunter | Dillard |
| Gilliard | Hart | Harvin |
| Hayes | Hosey | Jefferson |
| Jennings | King | Mack |
| Mitchell | J. H. Neal | Parks |
| Rutherford | Spires | Weeks |
| Williams |  |  |

**Total--25**

So, the amendment was tabled.

Reps. CLEMMONS, BEDINGFIELD and G. R. SMITH proposed the following Amendment No. 240 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\SWB\8016AB10.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 522, by adding an appropriately numbered paragraph to read:

/*90. (SR: Zero Based Budgeting Study) The Office of State Treasurer shall study and make recommendations including suggested procedures and implementation dates regarding the implementation of a zero‑based budgeting process for every state agency, department, instrumentality, entity, or institution. Included in this study shall be a determination and establishment of functional areas for state government within which state agencies, departments and institutions shall operate, and the establishment of suggested performance standards, objectives, and measuring criteria for each agency within its functional area. Institutions of higher education shall also be included in this study. The goal and intent of this study is for better and more efficient analysis and utilization of authorized and appropriated state funds for the benefit of the citizens of this State. The Office of State Treasurer is responsible for this study and recommendations which shall be submitted to the General Assembly at the beginning of its 2011 session. Prior to completion of this study and these recommendations, progress reports must be submitted at the end of each quarter to the chairmen of House Ways and Means and Senate Finance.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

**SPEAKER IN CHAIR**

The question then recurred to the passage of the section.

Section 90, as amended, was adopted.

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote adopting Section 90 of the Appropriation Bill. If I had been present, I would have objected to the adoption of the Section.

 Rep. Harry Cato

Part IB was adopted.

**PART IV**

Reps. G. M. SMITH, J. H. NEAL and CLYBURN proposed the following Amendment No. 175 (Doc Name h:\legwork\house\amend\H-WM\001\pt 4 gms jhn bc.docx), which was adopted:

Amend the bill, as and if amended, Part IV, by amending Amendment No. 50, Doc No. h:\legwork\house\amend\h-wm\001\part 4.docx, page 5, by striking item:

/ 6. Department of Motor Vehicles Vehicle License Plate Replacement $8,000,000 /

Amend the bill further, as and if amended, Part IV, by amending amendment no. 50, page 6, by adding appropriately numbered items after item 14 to read:

/ Prosecution Coordination Commission $1,000,000

 Commission on Indigent Defense $1,000,000

 Department of Probation, Parole & Pardon Services $2,000,000

 Department of Motor Vehicles $4,000,000/

Amend the bill further, as and if amended, Part IV, by amending Amendment No. 175, page 6, after the next to the last line on page 6 by inserting:

/ For Fiscal Year 2010-11, the Department of Motor Vehicles shall suspend the license plate replacement interval. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

Rep. SELLERS proposed the following Amendment No. 112 (Doc Name h:\legwork\house\amend\H-WM\001\pt 4 sde 26m.docx), which was tabled:

Amend the bill, as and if amended, Part IV, by amending Amendment No. 112, Doc No. h:\legwork\house\amend\h-wm\001\part 4.docx, page 5, by adding an appropriately numbered item after item 7 to read:

/Department of Education Education Finance Act $26,412,843/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. SELLERS explained the amendment.

Rep. A. D. YOUNG moved to table the amendment.

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

Yeas 71; Nays 44

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Kirsh | Limehouse |
| Littlejohn | Long | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Harvin |
| Hayes | Hodges | Hosey |
| Hutto | Jefferson | Jennings |
| King | Knight | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--44**

So, the amendment was tabled.

Rep. J. E. SMITH proposed the following Amendment No. 115 (Doc Name h:\legwork\house\amend\H-WM\001\PT 4 SCHOOL LIB MEDIA CTR BKS 1M.DOCX), which was tabled:

Amend the bill, as and if amended, Part IV, by amending Amendment No. 115, Doc No. h:\legwork\house\amend\h-wm\001\part 4.docx, page 5, by adding an appropriately numbered item after item 7 to read:

/Department of Education School Library media

 Center Books $1,000,000/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

Rep. COOPER moved to table the amendment.

The amendment was then tabled by a division vote of 59 to 41.

Rep. EDGE proposed the following Amendment No. 234 (Doc Name h:\legwork\house\amend\H-WM\001\pt 4 rural dentist & vr.docx), which was adopted:

Amend the bill, as and if amended, Part IV, by amending Amendment No. 234, Doc No. h:\legwork\house\amend\h-wm\001\part 4.docx, page 5, by adding appropriately numbered items after item 7 to read:

/ Vocational Rehabilitation Federal Medicaid Match $1,000,000

 Medical University of South Carolina Rural

 Dentist Program $350,000/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. EDGE explained the amendment.

Rep. BALLENTINE moved to table the amendment, which was not agreed to.

The amendment was then adopted.

Reps. J. H. NEAL and EDGE proposed the following Amendment No. 190 (Doc Name h:\legwork\house\amend\H-WM\001\PT 4 AIDS PREVENTION.DOCX), which was adopted:

Amend the bill, as and if amended, Part IV, by amending Amendment No. 190, Doc No. h:\legwork\house\amend\h-wm\001\part 4.docx, page 6, after item “8. Department of Health and Environmental Control $9,000,000” by inserting:

/ The Department of Health and Environmental Control is directed to utilize $1,000,000 of the above funds for Project Faith Aids Prevention./

Renumber sections to conform.

Amend totals and titles to conform.

Rep. EDGE explained the amendment.

The amendment was then adopted.

Rep. COOPER proposed the following Amendment No. 242 to (Doc Name h:\legwork\house\amend\H-WM\001\pt 4 maint of effort.docx), which was adopted:

Amend the bill, as and if amended, Part IV, by amending Amendment No. 242, Doc No. h:\legwork\house\amend\h-wm\001\part 4.docx, page 7 at the end of SECTION 2 by inserting:

/ From this fund the State Treasurer shall disburse to the Department of Health and Human Services sufficient funds to meet the Medicaid Maintenance of Effort requirements./

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

**STATEMENT BY REP. COOPER**

Rep. COOPER gave notice of offering amendments on third reading if necessary, pursuant to Rule 9.2.

Rep. COOPER proposed the following Amendment No. 243 (Doc Name h:\legwork\house\amend\H-WM\001\pt 4 schip & gaps.docx), which was adopted:

Amend the bill, as and if amended, Part IV, by amending Amendment No. 50, Doc No. h:\legwork\house\amend\h-wm\001\part 4.docx, page 4, after item “1. Department of Health and Human Services, H. SCHIP Stand Alone (HCK) $3,320,218” by inserting:

/ In the event funding for SCHIP Stand Alone (HCK) is realized in this Part, enrollment into the State Children’s Health Insurance Program shall not be closed to new participants effective 7/1/10 as required by proviso 21.25 in Part IB of this act./

Amend the bill further, as and if amended, Part IV, by amending Amendment No. 243 page 4, after item “1. Department of Health and Human Services, I. GAPS Program $2,915,469” by inserting:

/ In the event funding for the GAPS Program is realized in this Part, the requirements of title 44, Chapter 6-610 through 6-660 shall not be suspended as required by proviso 21.43 in Part IB of this act. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

The question then recurred to the adoption of Part IV.

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

Yeas 104; Nays 12

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Limehouse |
| Littlejohn | Long | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | 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 | Stringer |
| Toole | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--104**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Crawford | Duncan |
| Haley | Knight | Lowe |
| Millwood | Norman | Scott |
| Stewart | Viers | Williams |

**Total--12**

Part IV, as amended, was adopted.

**SECTION 80C--RECONSIDERED, AMENDED AND ADOPTED**

Rep. COOPER moved to reconsider the vote whereby Part IB, Section 80C was adopted.

Rep. COBB-HUNTER moved to table the motion.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 46; Nays 70

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | King |
| Knight | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--46**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

So, the House refused to table the motion to reconsider.

Rep. J. E. SMITH spoke against the motion to reconsider.

Rep. J. E. SMITH spoke against the motion to reconsider.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CHALK a temporary leave of absence for a family medical emergency.

Rep. COBB-HUNTER spoke against the motion to reconsider.

Rep. COBB-HUNTER spoke against the motion to reconsider.

Rep. COOPER moved cloture on the motion to reconsider.

Rep. HART moved to table the motion.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 46; Nays 68

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bowers | Branham | Brantley |
| H. B. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--46**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--68**

So, the House refused to table the motion.

The question then recurred to motion to invoke cloture on the motion to reconsider.

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

Yeas 70; Nays 45

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bowers | Branham | Brantley |
| H. B. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Knight |
| Mack | McEachern | McLeod |
| Miller | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Williams |

**Total--45**

So, cloture was invoked on the motion to reconsider.

Rep. RUTHERFORD spoke against the motion to reconsider.

Rep. HART spoke against the motion to reconsider.

Rep. SELLERS spoke against the motion to reconsider.

Rep. DELLENEY spoke in favor of the motion to reconsider.

Rep. KNIGHT spoke against the motion to reconsider.

Rep. BARFIELD spoke in favor of the motion to reconsider.

Rep. JENNINGS moved to adjourn debate on the motion to reconsider.

Rep. G. R. SMITH moved to table the motion to adjourn debate.

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

Yeas 69; Nays 47

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Toole | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--69**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| King | Knight | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--47**

So, the motion to adjourn debate was tabled.

Rep. ALEXANDER spoke against the motion to reconsider.

Rep. MILLWOOD spoke in favor of the motion to reconsider.

Rep. KING spoke against the motion to reconsider.

Rep. STRINGER spoke in favor of the motion to reconsider.

Rep. WHIPPER spoke against the motion to reconsider.

Rep. G. R. SMITH spoke in favor of the motion to reconsider.

The question then recurred to the motion to reconsider.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 44; Nays 70

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bowers |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Miller | Mitchell |
| Neilson | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--44**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

So, the motion to reconsider was agreed to.

Rep. COOPER moved cloture on the Section.

Rep. COBB-HUNTER moved to table the motion.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 44; Nays 70

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bowers |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Miller | Mitchell |
| Neilson | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--44**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

So, the House refused to table the motion.

The question then recurred to invoking cloture on Section 80C.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 45

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Kirsh | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bowers |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Knight |
| Mack | McEachern | McLeod |
| Miller | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Williams |

**Total--45**

So, cloture was ordered.

Rep. HART moved that the House recede until 6:00 a.m.

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

Yeas 20; Nays 82

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bowers |
| Brantley | Cobb-Hunter | Dillard |
| Gilliard | Hart | Harvin |
| Hodges | Howard | Littlejohn |
| McEachern | McLeod | Ott |
| Rutherford | Sellers | J. E. Smith |
| Vick | Williams |  |

**Total--20**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| H. B. Brown | Cato | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Haley | Hamilton | Hardwick |
| Harrison | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Hosey | Huggins | Hutto |
| Jennings | Kelly | Knight |
| Limehouse | Long | Lowe |
| Lucas | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Toole | Umphlett | Viers |
| Weeks | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--82**

So, the House refused to recede.

Rep. J. E. SMITH proposed the following Amendment No. 238 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\SWB\8015 CM10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C, B&C BD-EMPLOYEE BENEFITS, page 475, by striking lines 27 through 33 and inserting:

 / 80C.1. (BCB/EB: Deferred Compensation) To the extent funds are appropriated, the State shall make contributions to deferred compensation plan accounts on behalf of permanent, full‑time state employees who were employed and earned less than $20,000 per year as of July 1, 2000, in an amount and under the terms and conditions prescribed for such contributions by the State Budget and Control Board, without such employees making contributions to the deferred compensation plan.

 80C.2. (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, ~~incest or where the life of the mother is in jeopardy,~~ and the State Health Plan may not offer coverage for abortion services./

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH spoke in favor of the amendment.

Rep. SELLERS spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 67; Nays 46

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Haley | Hamilton | Harrell |
| Harrison | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Limehouse |
| Littlejohn | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--67**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Harvin | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| King | Kirsh | Knight |
| Long | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--46**

So, the amendment was tabled.

**ROLL CALL**

On the motion on Rep. HODGES, the roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Cato | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total Present--116**

Reps. J. E. SMITH and COBB-HUNTER proposed the following Amendment No. 203 (Doc Name H:\LEGWORK\HOUSE\AMEND\ COUNCIL\NBD\12022AC10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C - F30, B&C BD-EMPLOYEE BENEFITS, page 475, paragraph 80C.2., lines 31-33, by inserting:

/80C.2. (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the life of the mother is in jeopardy, and the State Health Plan may not offer coverage for abortion services.*/*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 65; Nays 48

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Cato | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Haley | Hamilton |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Lowe |
| Lucas | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--65**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gambrell | Gilliard |
| Govan | Hart | Harvin |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| King | Kirsh | Knight |
| Long | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | Neilson | Ott |
| Parks | Rutherford | Sellers |
| Skelton | J. E. Smith | Stavrinakis |
| Weeks | Whipper | Williams |

**Total--48**

So, the amendment was tabled.

Reps. J. E. SMITH and COBB-HUNTER proposed the following Amendment No. 205 (Doc Name H:\LEGWORK\HOUSE\ AMEND\COUNCIL\NBD\12028AC10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C - F30, B&C BD-EMPLOYEE BENEFITS, page 475, paragraph 80C.2., lines 31-33, by inserting:

/80C.2. (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases ~~of rape, incest or~~ where the life of the mother is in jeopardy, and the State Health Plan may not offer coverage for abortion services.*/*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 63; Nays 51

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Cato | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Haley | Hamilton |
| Harrell | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Limehouse | Littlejohn |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Toole | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--63**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrison |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| King | Kirsh | Knight |
| Long | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Weeks | Whipper | Williams |

**Total--51**

So, the amendment was tabled.

Reps. J. E. SMITH and COBB-HUNTER proposed the following Amendment No. 206 (Doc Name H:\LEGWORK\HOUSE\AMEND\ COUNCIL\NBD\12027AC10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C - F30, B&C BD-EMPLOYEE BENEFITS, page 475, paragraph 80C.2., lines 31-33, by inserting:

/80C.2. (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of ~~rape,~~ incest ~~or where the life of the mother is in jeopardy~~, and the State Health Plan may not offer coverage for abortion services.*/*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. JENNINGS spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 65; Nays 49

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Cato | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Haley |
| Hamilton | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Lowe |
| Lucas | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Toole | Umphlett | Viers |
| White | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--65**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hardwick | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Kirsh |
| Knight | Long | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--49**

So, the amendment was tabled.

Rep. DELLENEY and RICE proposed the following Amendment No. 208 (Doc Name H:\LEGWORK\HOUSE\AMEND \COUNCIL\GGS\22576SD10.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 80C, B&C BD-EMPLOYEE BENEFITS, page 475, paragraph 80C.2, line 31, by striking paragraph 80C.2 and inserting:

/80C.2 (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion~~, except in cases of rape, incest or where the life of the mother is in jeopardy,~~ *except in cases where the life of the mother is at risk and the termination of the pregnancy is incidental to the lifesaving intervention,* and the State Health Plan may not offer coverage for abortion services *or services incidental to abortion except as permitted by this paragraph. The physician shall act in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child./*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. DELLENEY spoke in favor of the amendment.

Rep. MACK spoke against the amendment.

Rep. HART moved to table the amendment.

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

Yeas 41; Nays 73

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Barfield | Bowers |
| Brady | Brantley | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gambrell | Gilliard |
| Govan | Hart | Harvin |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| King | Long | Mack |
| McEachern | McLeod | Mitchell |
| J. H. Neal | Ott | Parks |
| Rutherford | Sellers | Skelton |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--41**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Battle | Bedingfield |
| Bingham | Bowen | Branham |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Kirsh | Limehouse |
| Littlejohn | Lowe | Lucas |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--73**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 75; Nays 38

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Battle | Bedingfield |
| Bingham | Bowen | Branham |
| Cato | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Limehouse | Littlejohn | Lowe |
| Lucas | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Vick | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--75**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Barfield | Bowers |
| Brady | Brantley | R. L. Brown |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Harvin | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Long |
| Mack | McEachern | McLeod |
| Mitchell | J. H. Neal | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--38**

So, the amendment was adopted.

Rep. J. E. SMITH proposed the following Amendment No. 220 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\GGS\22573 SD10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C, B&C BD-EMPLOYEE BENEFITS, page 475, by adding at the end of paragraph 80C.2, which begins on line 31, the following:

/ *Notwithstanding the above provisions, if the State Health Insurance Plan declines to provide insurance coverage for an abortion procedure in cases of rape or incest where the mother is covered under the State Health Insurance Plan and is forced to have the child because of a lack of funds to pay for the procedure, then the State Health Insurance Plan must provide health insurance coverage for the child until the child reaches the age of twenty‑one.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. STAVRINAKIS spoke in favor of the amendment.

Rep. J. E. SMITH spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 70; Nays 43

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Harvin | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Miller | Mitchell |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--43**

So, the amendment was tabled.

Rep. J. E. SMITH proposed the following Amendment No. 221 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\GGS\22572 SD10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C, B&C BD‑EMPLOYEE BENEFITS, page 475, by adding at the end of paragraph 80C.2 which begins on line 31,the following:

/ *Notwithstanding the above provisions, if the State Health Insurance Plan declines to provide insurance coverage for an abortion procedure in cases of rape or incest where the mother is covered under the State Health Insurance Plan and is forced to have the child because of a lack of funds to pay for the procedure, then the State of South Carolina is responsible for all food expenses of the child until the child reaches the age of twenty‑one.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COBB-HUNTER spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 70; Nays 45

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | King |
| Kirsh | Knight | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Vick |
| Weeks | Whipper | Williams |

**Total--45**

So, the amendment was tabled.

Rep. J. E. SMITH proposed the following Amendment No. 222 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\GGS\22574 SD10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C, B&C BD-EMPLOYEE BENEFITS, page 475, by adding at the end of paragraph 80C.2, which begins on line 31, the following:

/ *Notwithstanding the above provisions, if the State Health Insurance Plan declines to provide insurance coverage for an abortion procedure in cases of rape or incest where the mother is covered under the State Health Insurance Plan and is forced to have the child because of a lack of funds to pay for the procedure, then the State of South Carolina is required to cover all mental health expenses of the mother for her lifetime.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 70; Nays 41

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Battle | Bowers |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| King | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Vick |
| Weeks | Williams |  |

**Total--41**

So, the amendment was tabled.

Rep. J. E. SMITH proposed the following Amendment No. 223 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\GGS\22575 SD10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C, B&C BD-EMPLOYEE BENEFITS, page 475, by adding at the end of paragraph 80C.2, which begins on line 31, the following:

/ *Notwithstanding the above provisions, if the State Health Insurance Plan declines to provide insurance coverage for an abortion procedure in cases of rape or incest where the mother is covered under the State Health Insurance Plan and is forced to have the child because of a lack of funds to pay for the procedure, then the State of South Carolina is required to cover all mental health expenses of the child until the child reaches the age of twenty-one.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HART spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 70; Nays 40

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Battle | Bowers |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Harvin | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | King |
| Kirsh | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | Neilson | Parks |
| Rutherford | Sellers | J. E. Smith |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--40**

So, the amendment was tabled.

Rep. SELLERS proposed the following Amendment No. 237 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\SWB\8014AB 10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C, B&C BD-EMPLOYEE BENEFITS, page 475, by adding at the end of paragraph 80C.2, line 31, the following:

/*Notwithstanding the above provisions, if the State Health Insurance Plan declines to provide insurance coverage for an abortion procedure in cases of rape or incest where the mother is covered under the State Health Insurance Plan and is forced to have the child because of a lack of funds to pay for the procedure, then the State of South Carolina is responsible for: (1) all fees and other incidental expenses to the child’s education in the public schools of this State from kindergarten through the twelfth grade; and (2) all tuition, fees, and other incidental expenses for an education in a college in this State until the child has received a four year degree or reached the age of twenty-three.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. SELLERS spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 71; Nays 41

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Limehouse | Long |
| Lowe | Lucas | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Harvin | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Mitchell | Neilson |
| Parks | Rutherford | Sellers |
| J. E. Smith | Vick | Weeks |
| Whipper | Williams |  |

**Total--41**

So, the amendment was tabled.

Rep. COBB-HUNTER proposed the following Amendment No. 202 (Doc Name h:\legwork\house\amend\H-WM\005\80.C.2 REIN-STATEMENT OF ORIG LANGUAGE.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C, B&C BD-EMPLOYEE BENEFITS, page 475, paragraph 80C.2, lines 32-33, by reinserting after abortion:

/ except in cases of rape, incest or where the life of the mother is in jeopardy, /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. RUTHERFORD spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 62; Nays 51

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Erickson | Forrester |
| Frye | Haley | Hamilton |
| Harrell | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Limehouse |
| Littlejohn | Lowe | Lucas |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--62**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Hart |
| Harvin | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Kirsh |
| Knight | Long | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sellers | Skelton |
| J. E. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Williams |

**Total--51**

So, the amendment was tabled.

Rep. STAVRINAKIS spoke against the Section.

**RULE 3.9 INVOKED**

Rep. HODGES moved that Rule 3.9 be invoked. The motion was seconded by ten members and the SPEAKER ordered that the absent members be sent for.

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | 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 |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total Present--114**

**RULE 3.9 RESCINDED**

Rep. SIMRILL moved to rescind Rule 3.9.

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

Yeas 91; Nays 19

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| H. B. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Knight | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | McLeod | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--91**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brantley | R. L. Brown | Cobb-Hunter |
| Gilliard | Govan | Hart |
| Hodges | King | Mack |
| McEachern | J. H. Neal | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Vick | Weeks |
| Williams |  |  |

**Total--19**

So, Rule 3.9 was rescinded.

Rep. WHIPPER spoke against the Section.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. JENNINGS spoke against the Section.

Rep. BRANHAM spoke against the Section.

Rep. HART spoke against the Section.

Rep. MACK spoke against the Section.

Rep. VICK moved to continue the Bill.

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

Yeas 41; Nays 70

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bowers | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| King | Knight | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Vick | Weeks |
| Whipper | Williams |  |

**Total--41**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Erickson | Forrester |
| Frye | Gambrell | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Neilson | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

So, the House refused to continue the Bill.

Rep. GILLIARD spoke against the Section.

Rep. OTT spoke against the Section.

Rep. CLYBURN spoke against the Section.

The question then recurred to the adoption of the section.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 68; Nays 45

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--68**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Battle |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | King |
| Knight | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | Neilson | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Williams |

**Total--45**

Section 80C, as amended, was adopted.

**SPEAKER IN CHAIR**

**MOTION ADOPTED**

Rep. COOPER moved to table all pending motions to reconsider, which was agreed to.

The question then recurred to the passage of the Bill.

Rep. COOPER moved cloture on the entire matter.

Rep. HART moved to table the motion.

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

Yeas 40; Nays 68

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bowers |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Hayes |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| King | Mack | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--40**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Knight | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--68**

So, the House refused to table the motion.

The question then recurred to cloture on the entire matter.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 67; Nays 43

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| T. R. Young |  |  |

**Total--67**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bowers |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Knight |
| Mack | McEachern | McLeod |
| Miller | Mitchell | J. H. Neal |
| Ott | Parks | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--43**

So, cloture was ordered.

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

Rep. HOWARD spoke against the Bill.

Rep. J. H. NEAL spoke against the Bill.

Rep. OTT spoke against the Bill.

Rep. WEEKS spoke against the Bill.

Rep. GOVAN spoke against the Bill.

Rep. VICK moved to adjourn debate on the Bill.

Rep. COOPER moved to table the motion.

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

Yeas 72; Nays 38

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Knight | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Wylie | A. D. Young | T. R. Young |

**Total--72**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Bowers | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | King |
| Mack | McEachern | McLeod |
| Mitchell | J. H. Neal | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Vick | Weeks |
| Whipper | Williams |  |

**Total--38**

So, the House tabled to adjourn debate.

Rep. WHIPPER spoke against the Bill.

Rep. JEFFERSON spoke against the Bill.

Rep. FUNDERBURK spoke against the Bill.

Rep. R. L. BROWN spoke against the Bill.

Rep. WILLIAMS spoke against the Bill.

Rep. J. E. SMITH spoke against the Bill.

Rep. WEEKS moved to recommit the Bill to the Committee on Ways and Means.

Rep. COOPER moved to table the motion.

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

Yeas 69; Nays 44

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Toole | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--69**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bowers |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | King | Knight |
| Mack | McEachern | McLeod |
| Miller | Mitchell | J. H. Neal |
| J. M. Neal | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--44**

So, the motion to recommit the Bill was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 64; Nays 52

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hiott | Horne | Kelly |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--64**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Ballentine |
| Battle | Bowers | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Duncan | Funderburk | Gilliard |
| Govan | Haley | Hart |
| Hayes | Hodges | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | King |
| Knight | Mack | McEachern |
| McLeod | Miller | Millwood |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Scott | Sellers |
| J. E. Smith | Stavrinakis | Vick |
| Viers | Weeks | Whipper |
| Williams |  |  |

**Total--52**

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 to give second reading to H. 4657. If I had been present, I would have voted in favor of the Bill.

 Rep. Herb Kirsh

**STATEMENT FOR THE JOURNAL**

 Unfortunately, I have been called away out of state on personal business during this intense budget debate. Since this budget debate began on Monday, March 15, 2010, at 1:00 p.m., I have participated and worked to shape a state budget that would provide full funding for necessary government services that will improve the well-being of our great State. Particularly, I believe that our State should fully fund health care services for poor and disabled children and fully fund public education, specifically K-12. I have offered several budget amendments to provide funding for these necessary services. It was my goal to restore all cuts to health care and education over the last two budget cycles by raising our lowest in the nation cigarette tax or by temporarily freezing the myriad of tax exemptions that have crippled our ability to provide these necessary government services. If either of these two measures were adopted, I would have voted to support a state budget with full funding for health care and education. If these or other similar amendments are not adopted and our budget proposal stays at $5,068,031,567, I would not vote for a budget that enacts significant cuts to public education and health care services for poor children.

 Rep. Anton Gunn

STATEMENT FOR THE JOURNAL

 I have voted in favor of the 2010-2011 Appropriation Bill, but have a strong disagreement about any increase in the tobacco tax. I consistently voted against any increase in taxes.

 Rep. Phillip Lowe

**MOTION ADOPTED**

Rep. COOPER moved that H. 4657, the General Appropriation Bill for Fiscal Year 2010-2011, be set for Special Order on Thursday, March 18, 2010, immediately after roll call, which was agreed to.

**MOTION ADOPTED**

Rep. COOPER moved that when the House adjourns it adjourn to meet at 7:50 a.m., Thursday, March 18, 2010, which was agreed to.

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

**H. 4657 - The General Appropriation Bill**

**STATEMENTS FOR HOUSE JOURNAL**

**ABSTENTION FROM VOTING**

**BASED ON POTENTIAL CONFLICT OF INTEREST**

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 64, 66, 67, 68A, 71, 80, 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Paul Agnew

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or

commission by me or an individual or business with whom I am associated within the past year.

 Rep. Karl B. Allen

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Section 6-0001**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 Rep. Rita Allison

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Bruce Bannister

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 22, 25, 54, 56, 58, 59, 60, 61, 62, 65, 67, 68A, 71, and 81**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Harry F. Cato

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 62 and 65**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Alan Clemmons

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Sections 22, 25, 26, 35 and 53**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 Rep. Gilda Cobb-Hunter

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. J. Derham Cole, Jr.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. F. Greg Delleney

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Section 18A**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 Rep. Mike Forrester

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Section 67**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 Rep. Laurie Slade Funderburk

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA and Part IB, Section 34**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 Rep. Michael Gambrell

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 65, 71, and 81**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. James Harrison

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Christopher R. Hart

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. George M. Hearn

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Jenny A. Horne

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Anne Peterson Hutto

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Douglas Jennings, Jr.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Keith R. Kelly

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Section 72**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 Rep. John King

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 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA and Part II, Sections 17A and 22**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 Rep. David J. Mack III

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 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA and Part IB, Section 1**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 Rep. Denny W. Neilson

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 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Todd Rutherford

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 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 71, 79, 80A, 80B, 80C, 81, and 83**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 A potential conflict may exist under **S.C. Code §8-13-745(C)** because a contract for goods or services may be entered into within the next year with an agency, commission, board, department, or other entity funded through the general appropriation bill by myself, an individual with whom I am associated in partnership with or a business or partnership in which I have a greater than 5% interest.

 Rep. G. Murrell Smith, Jr.

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 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 40, 47, 49, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C (except part IB, § 80C.2) 81, 82 and 83**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. James E. Smith, Jr.

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 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68A, 71, 79, 80A, 80B, 80C, (except Part IB § 80C.2) 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Leon Stavrinakis

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 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IB, Section 86.4**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B).**

 Rep. C. David Umphlett, Jr.

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 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 44, 52, 54, 58, 59, 60, 61, 65, 66, 67, 70B, and 71**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. J. David Weeks

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 In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Part IB, and Part II, Sections 21, 22, 26, 47, 49, 52, 54, 58, 59, 60, 61, 62, 65, 66, 67, 68A, 71, 79, 81, and 82**

 The reason for abstaining on the above referenced legislation is:

 A potential conflict may exist under **S.C. Code §8-13-740(C)** because of representation of a client before a particular agency or commission by me or an individual or business with whom I am associated within the past year.

 Rep. Tom Young, Jr.

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**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4745 -- Reps. Mitchell, 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, 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, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, 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 CONGRATULATE G. DOUGLAS LOWE, HEAD BASKETBALL COACH OF SPARTANBURG HIGH SCHOOL, UPON THE OCCASION OF HIS RETIREMENT ON JUNE 30, 2010, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

H. 4751 -- Reps. Haley and E. H. Pitts: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE LEXINGTON HIGH SCHOOL BOYS CROSS-COUNTRY TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2009 CLASS AAAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL RUNNERS, COACHES, AND STAFF.

H. 4753 -- Reps. J. E. Smith and Harrison: A CONCURRENT RESOLUTION TO CONGRATULATE DR. TED WACHTER, PRINCIPAL OF ROSEWOOD ELEMENTARY SCHOOL IN COLUMBIA, UPON THE OCCASION OF HIS RETIREMENT ON JUNE 30, 2010, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

**ADJOURNMENT**

At 7:38 a.m., March 18, the House, in accordance with the motion of Rep. DUNCAN, adjourned in memory of Tim Mann of Clinton, to meet at 7:50 a.m., March 18.

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