~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

 Our thought for today is from Isaiah 27:3: “I, the Lord, am its keeper; I guard it night and day, so that no one can harm it.”

 Let us pray. Gracious God, fill us with the confidence that You are always with us. Help us find peace in You. As wisdom comes from Your heart, grant these Representatives the desire and the ability to accomplish the many tasks set before them. Guide them by Your spirit. May Your blessings be upon our Nation, President, State, Governor, Speaker, staff, and all who serve in these Halls of Government. Protect our defenders of freedom as they protect us. Heal the wounds of our brave warriors, those seen and those hidden. 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. HOSEY moved that when the House adjourns, it adjourn in memory of Deacon Washington Ray, Sr., of Williston, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

Rep. OWENS for the Committee on Education and Public Works, submitted a favorable report with amendments.

Rep. BRANNON for the minority, submitted an unfavorable report on:

H. 3241 -- Reps. Owens, Stringer, G. R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D. C. Moss, Sandifer, Harrell and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59-40-130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

Ordered for consideration tomorrow.

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

H. 3393 -- Rep. Sandifer: A BILL TO AMEND SECTION 32-8-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION, SO AS TO FURTHER PROVIDE FOR THOSE PERSONS WHO IN ORDER OF PRIORITY MAY AUTHORIZE CREMATION.

Ordered for consideration tomorrow.

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

H. 3508 -- Reps. Gambrell, Sandifer, Harrell, Erickson, Limehouse, Weeks, H. B. Brown, Agnew, Allison, Anthony, Bales, Bannister, Bedingfield, Bingham, Brady, Brannon, G. A. Brown, Cole, Crosby, Forrester, Hardwick, Harrison, Hayes, Hiott, Hixon, Horne, Jefferson, Lowe, Lucas, McCoy, D. C. Moss, Owens, Parker, Pinson, Pitts, Skelton, J. E. Smith, J. R. Smith, Sottile, Tallon, Vick, White, Taylor, Hamilton, Battle, Allen, Dillard, Alexander, Cooper and Mack: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO RETITLE ARTICLE 23, CHAPTER 9,
TITLE 58, RELATING TO GOVERNMENT-OWNED TELECOMMUNICATIONS SERVICE PROVIDERS AS "GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDERS"; BY ADDING SECTION 58-9-2660 SO AS TO PROVIDE A GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDER MAY PETITION THE PUBLIC SERVICE COMMISSION TO DESIGNATE ONE OR MORE AREAS AS AN “UNSERVED AREA”, TO SPECIFY THE PROCEDURE FOR MAKING AND PROTESTING THIS PETITION, TO PROVIDE FOR A HEARING OF A PROTEST TO A PETITION, TO PROVIDE FOR THE APPLICATION OF CERTAIN PROVISIONS OF LAW TO AN UNSERVED AREA, AND TO PROVIDE A PROCESS FOR PETITIONING FOR A DETERMINATION THAT AN AREA HAS CEASED TO BE AN UNSERVED AREA; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING TELEPHONE COMPANIES, SO AS TO MODIFY THE DEFINITION OF "BROADBAND SERVICE"; TO AMEND SECTION 58-9-2600, RELATING TO THE PURPOSE OF ARTICLE 23, CHAPTER 9, TITLE 58, SO AS TO MAKE CONFORMING CHANGES AND CLARIFY THE SCOPE OF THE ARTICLE; TO AMEND SECTION 58-9-2610, RELATING TO
DEFINITIONS CONCERNING GOVERNMENT-OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 58-9-2620, AS AMENDED, RELATING TO DUTIES, RESTRICTIONS, RATE COMPUTATIONS, AND ACCOUNTING REQUIREMENTS OF A GOVERNMENT-OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES, TO GIVE THE OFFICE OF REGULATORY STAFF JURISDICTION TO INVESTIGATE THE COMPLIANCE OF A GOVERNMENT-OWNED COMMUNICATIONS PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, TO PROVIDE THE COMMISSION MAY ENFORCE THE COMPLIANCE OF A GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, AND TO CLARIFY THAT THIS SECTION DOES NOT EXPAND OR LIMIT THE JURISDICTION OF THE COMMISSION OR OFFICE OF REGULATORY STAFF WITH RESPECT TO ANY SERVICE PROVIDER OTHER THAN A GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDER; TO AMEND SECTION 58-9-2630, RELATING TO CERTAIN TAX COLLECTIONS AND PAYMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 58-9-2650, AS AMENDED, RELATING TO LIABILITY INSURANCE RATES FOR COMMUNICATIONS OPERATIONS, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

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

H. 3276 -- Reps. White, Owens and Bikas: A BILL TO RATIFY AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE'S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE'S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE; TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PROMOTING SOUND WILDLIFE CONSERVATION AND MANAGEMENT AS PRESCRIBED BY THE GENERAL ASSEMBLY; AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING

STATE LAWS OR REGULATIONS, OR THE STATE'S SOVEREIGNTY OVER ITS NATURAL RESOURCES.

Ordered for consideration tomorrow.

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

H. 3287 -- Reps. Hardwick and Hodges: A BILL TO AMEND SECTION 50-21-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ABANDONMENT OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO PROVIDE THAT AN ABANDONED WATERCRAFT MAY BE REMOVED AND DISPOSED OF BY ANY GOVERNMENT AGENCY THAT HAS JURISDICTION OVER THE AREA WHERE THE ABANDONED WATERCRAFT IS LOCATED, AND TO PROVIDE THAT A WATERCRAFT ABANDONED FOR AT LEAST NINETY DAYS MAY BE CLAIMED BY ANY PERSON OR ENTITY AS ABANDONED PROPERTY.

Ordered for consideration tomorrow.

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

H. 3372 -- Reps. Hixon, D. C. Moss, Ott, Frye, J. R. Smith, Brannon, Thayer, Murphy, McCoy, Corbin, Pinson, Crosby, Atwater, G. R. Smith, Chumley, Butler Garrick, Clemmons, Clyburn, Govan, Hardwick, Hearn, V. S. Moss, Munnerlyn, Pope, Pitts, Ryan, Tallon, Taylor, Vick and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 14 TO CHAPTER 3, TITLE 47 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO REMOVE OR DESTROY AN ELECTRONIC COLLAR OR OTHER ELECTRONIC DEVICE PLACED ON A DOG BY ITS OWNER TO MAINTAIN CONTROL OF THE DOG.

Ordered for consideration tomorrow.

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

H. 3374 -- Reps. Hixon, D. C. Moss, Frye, Ott, J. R. Smith, Atwater, Tallon, Brannon, Thayer, McCoy, Corbin, Crosby, Murphy, V. S. Moss, Pinson, G. R. Smith, Chumley, Butler Garrick, Clemmons, Clyburn, Govan, Hardwick, Munnerlyn, Pitts, Pope, Ryan, Taylor, Young, Vick and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 50 SO AS TO ENACT THE "INTERSTATE WILDLIFE VIOLATOR COMPACT", TO PROVIDE THAT THE GOVERNOR SHALL EXECUTE THE COMPACT WITH OTHER COMPACT STATES, AND TO PROVIDE THAT THE CHAIRMAN OF THE BOARD OF THE DEPARTMENT OF NATURAL RESOURCES SHALL APPOINT THE COMPACT ADMINISTRATOR FOR THIS STATE.

Ordered for consideration tomorrow.

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

H. 3397 -- Reps. Lowe and Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-674 SO AS TO DESIGNATE THE SOUTH CAROLINA PECAN FESTIVAL IN FLORENCE COUNTY AS THE OFFICIAL STATE PECAN FESTIVAL.

Ordered for consideration tomorrow.

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

H. 3382 -- Reps. R. L. Brown, Bowers and Hodges: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 95 FROM ITS INTERSECTION WITH THE COLLETON/HAMPTON COUNTY LINE TO ITS INTERSECTION WITH THE COLLETON/DORCHESTER COUNTY LINE "TUSKEGEE AIRMEN MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS

PORTION OF HIGHWAY THAT CONTAIN THE WORDS "TUSKEGEE AIRMEN MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

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

H. 3526 -- Reps. Hart, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO MEMORIALIZE THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) TO CHOOSE COLUMBIA AS A HOST CITY FOR AN NCAA BASKETBALL TOURNAMENT REGIONAL GAME OR THE FINAL FOUR.

Ordered for consideration tomorrow.

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

H. 3556 -- Rep. Allen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE AND BRIDGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 385 AND NEW HARRISON BRIDGE ROAD IN GREENVILLE COUNTY IN HONOR OF DR. ROBERT E. DENNIS, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERCHANGE AND BRIDGE LOCATED AT THIS INTERSECTION THAT CONTAIN THE WORDS "DR. ROBERT E. DENNIS INTERCHANGE" AND "DR. ROBERT E. DENNIS BRIDGE".

Ordered for consideration tomorrow.

**INTRODUCTION OF BILLS**

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

H. 3631 -- Rep. Harrison: A BILL TO AMEND SECTION 48-34-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO FURTHER SPECIFY SUPERVISION REQUIREMENTS FOR A PRESCRIBED FIRE MANAGER AND TO REFERENCE SPECIFIC REGULATORY AND STATUTORY PROVISIONS APPLICABLE TO CONDUCTING A PRESCRIBED FIRE; AND TO AMEND SECTION 48-34-50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT A PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE IS NOT LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN.

Referred to Committee on Judiciary

H. 3633 -- Reps. Loftis, Brantley, Clyburn, McLeod, Neilson, Bales, Knight, Munnerlyn, J. H. Neal, Spires, Erickson, Gambrell, Howard, King, Agnew, Hosey, Gilliard, Limehouse, Whipper, R. L. Brown, Funderburk, Herbkersman, Hixon, Hodges, Jefferson, Long, Lucas, Williams and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 14 TO TITLE 46 SO AS TO ENACT THE "SOUTH CAROLINA AGRIBUSINESS ECONOMIC DEVELOPMENT AUTHORITY ACT OF 2011", TO CREATE THIS AUTHORITY WITHIN THE DEPARTMENT OF AGRICULTURE TO HELP ALLEVIATE THE SHORTAGE OF CAPITAL AND CREDIT AVAILABLE FOR INVESTMENT IN AGRIBUSINESS; TO PROVIDE FOR THE AUTHORITY'S MEMBERS, OFFICERS, AND EMPLOYEES; TO PROVIDE FOR THE AUTHORITY'S POWERS INCLUDING, AMONG OTHER THINGS, THE AUTHORITY TO MAKE AGRIBUSINESS LOANS, TO ISSUE BONDS IN ORDER TO MAKE AND PURCHASE AGRIBUSINESS LOANS, AND TO INSURE AND REINSURE AGRIBUSINESS LOANS; TO PROVIDE THAT THE AUTHORITY IS EXEMPT FROM PROPERTY TAX; AND TO FURTHER PROVIDE THE DUTIES AND OBLIGATIONS OF THE AUTHORITY AND PROCEDURES UNDER WHICH THE AUTHORITY SHALL CARRY OUT ITS POWERS, DUTIES, AND OBLIGATIONS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3638 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-59-22 SO AS TO PROVIDE IT IS AN IMPROPER CLAIM PRACTICE FOR AN AUTOMOBILE INSURANCE POLICY TO REQUIRE A CLAIMANT TO USE A PARTICULAR REPAIR SERVICE FOR AN ESTIMATE OR REPAIR OF A COVERED CLAIM, ENGAGE IN CERTAIN INTIMIDATING OR THREATENING CONDUCT TOWARD A CLAIMANT, OR UNILATERALLY AND ARBITRARILY DISREGARD A REPAIR PROCEDURE OR REPAIR COST IDENTIFIED BY AN ESTIMATING SYSTEM TO WHICH THE INSURER AND AN AUTOMOBILE REPAIR FACILITY HAVE AGREED TO USE TO DETERMINE THE COST OF A PARTICULAR REPAIR.

Referred to Committee on Labor, Commerce and Industry

H. 3639 -- Rep. Vick: A BILL TO AMEND SECTION 23-31-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPONS PERMITS, SO AS TO DELETE THE PROVISION THAT PROHIBITS A PERMIT HOLDER FROM CARRYING A CONCEALED WEAPON INTO CERTAIN PLACES, AND TO DELETE AN OBSOLETE REFERENCE; AND TO REPEAL SECTIONS 23-31-220, 23-31-225, AND 23-31-235, RELATING TO A PUBLIC OR PRIVATE EMPLOYER OR PROPERTY OWNER PROHIBITING A CONCEALED WEAPONS PERMIT HOLDER FROM CARRYING A CONCEALABLE WEAPON UPON THE PREMISES OR A BUSINESS OR WORK PLACE OR WHILE USING CERTAIN MACHINERY, VEHICLES, OR EQUIPMENT, OR INTO A RESIDENCE OR DWELLING AND RELATING TO CERTAIN SIGNS THAT MUST BE POSTED THAT INFORM THE

PUBLIC THAT CONCEALABLE WEAPONS ARE NOT ALLOWED TO BE CARRIED ONTO CERTAIN PREMISES.

Referred to Committee on Judiciary

H. 3640 -- Reps. Tallon, D. C. Moss, Patrick, Allison, Parker, Thayer, Hardwick, Norman, Atwater, Quinn, Cole, Forrester, Hixon, Murphy, Pinson and Simrill: A BILL TO AMEND SECTION 47-3-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIABILITY OF THE OWNER OR A PERSON HAVING A DOG IN HIS CARE WHEN THE DOG ATTACKS A PERSON, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO CERTAIN TRAINED POLICE DOGS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3641 -- Reps. G. R. Smith, Clemmons, Hamilton, Stringer, Corbin, Clyburn, Erickson, Frye, Hiott, Owens, Quinn, Parker, McCoy, Atwater, Ryan, Hearn, Thayer, Allison, Bannister, Battle, R. L. Brown, Daning, Delleney, Edge, Forrester, Hayes, Henderson, Hixon, Hosey, Long, V. S. Moss, Murphy, Nanney, Pinson, Simrill, Skelton, J. R. Smith, Toole and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-35 SO AS TO DIRECT THE OFFICE OF STATE BUDGET OF THE STATE BUDGET AND CONTROL BOARD TO IMPLEMENT THE ZERO-BASE BUDGET PROCESS IN THE MANNER PROVIDED BY THE REPORT ON ZERO-BASED BUDGETING SUBMITTED BY THE OFFICE OF THE STATE TREASURER, TO PROVIDE THAT THE NEW BUDGET PROCESS MAY BE PHASED IN OVER TWO FISCAL YEARS BEGINNING WITH APPROPRIATIONS FOR FISCAL YEAR 2012-2013 AND MUST BE FULLY IMPLEMENTED FOR THE BUDGET PROCESS FOR APPROPRIATIONS BEGINNING JULY 1, 2014, TO ESTABLISH THE SOUTH CAROLINA ZERO-BASE BUDGET PROCESS ADVISORY COMMITTEE TO ASSIST THE OFFICE OF STATE BUDGET IN DEVISING, IMPLEMENTING, AND ADMINISTERING THE ZERO-BASE BUDGET PROCESS AND PROVIDE FOR ITS MEMBERSHIP AND DUTIES; AND TO AMEND SECTIONS 2-7-60, 2-7-62, AS AMENDED, 2-7-68, AND 2-7-78, ALL RELATING TO ANNUAL GENERAL APPROPRIATIONS BILLS AND ACTS, SO AS TO PROVIDE FOR A BIENNIAL STATE BUDGET, AND TO DIRECT THE CODE COMMISSIONER TO UPDATE APPROPRIATELY REFERENCES TO THE ANNUAL GENERAL APPROPRIATIONS BILL AND ACT.

Referred to Committee on Ways and Means

H. 3642 -- Reps. Cooper, Bingham, Allison and Harrell: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2010-2011 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2010-2011 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2010-2011; TO REQUIRE A LOCAL SCHOOL DISTRICT TO PAY TEACHERS AND SCHOOL ADMINISTRATORS FOR CHANGES IN THEIR EDUCATION LEVELS; AND TO DEFINE CERTAIN TERMS.

Referred to Committee on Ways and Means

H. 3643 -- Reps. Cooper, Bingham, Allison, Anthony and Harrell: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2011-2012 SCHOOL YEAR BY MAY 15, 2011; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

Referred to Committee on Ways and Means

H. 3644 -- Reps. Hixon, G. R. Smith, J. R. Smith and Clyburn: A BILL TO AMEND SECTION 6-11-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONS FOR NOMINATION FOR SPECIAL PURPOSE DISTRICT CANDIDATES, SO AS TO DECREASE THE REQUIRED PERCENTAGE FROM FIVE PERCENT TO ONE PERCENT OF QUALIFIED VOTER SIGNATURES NECESSARY TO HAVE A PROSPECTIVE CANDIDATE'S NAME PLACED ON THE BALLOT.

Referred to Committee on Judiciary

H. 3645 -- Reps. Pope, D. C. Moss, Simrill, Norman, McCoy, Murphy and King: A BILL TO AMEND SECTION 56-7-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF UNIFORM TRAFFIC TICKETS, SO AS TO PROVIDE THAT A UNIFORM TRAFFIC TICKET MUST BE USED IN AN ARREST FOR A MISDEMEANOR OFFENSE WITHIN THE JURISDICTION OF MAGISTRATES COURT THAT IS COMMITTED IN THE PRESENCE OF A LAW ENFORCEMENT OFFICER.

Referred to Committee on Judiciary

S. 46 -- Senators McConnell and Knotts: A BILL TO AMEND SECTION 50-21-870 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WEARING OF PERSONAL FLOTATION DEVICES ON PERSONAL WATERCRAFT, SO AS TO PROVIDE THAT A PERSON IS NOT REQUIRED TO WEAR A PERSONAL FLOTATION DEVICE IF THE PERSON IS IN POSSESSION OF A PERSONAL WATERCRAFT THAT IS LOCATED IN THREE FEET OF WATER OR LESS, AND IS ANCHORED, AND THE ENGINE IS NOT OPERATING.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 349 -- Senators Cromer and Knotts: A BILL TO AMEND SECTION 50-21-125, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO PROVIDE THAT CERTAIN SWIMMING RESTRICTIONS APPLY ON LAKES AND RESERVOIRS CONSTRUCTED OR DEVELOPED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY.

Referred to Committee on Labor, Commerce and Industry

**HOUSE RESOLUTION**

The following was introduced:

H. 3632 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO CONGRATULATE ELIZABETH MCLAUGHLIN KENNEDY ON THE OCCASION OF HER NINETIETH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HEALTH AND HAPPINESS IN THE YEARS TO COME.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3634 -- Reps. Simrill, Norman, King, Pope, Delleney, Long and D. C. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THIS STATE AND DECLARE FEBRUARY 15, 2011, AS "YORK COUNTY DAY" IN SOUTH CAROLINA.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 3635 -- Rep. Henderson: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR EDWARD QUILTY OF GREENVILLE, WORLD WAR II VETERAN, UPON THE OCCASION OF HIS RECEIVING THE NATIONAL ORDER OF THE LEGION OF HONOR, FRANCE'S HIGHEST AWARD, FOR HIS COURAGEOUS SERVICE TO FRANCE DURING WORLD WAR II.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3636 -- Reps. Ott, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO CELEBRATE THE DECLARATION OF INDEPENDENCE AND THE UNITED STATES CONSTITUTION, WHICH TOGETHER ENUMERATE OUR UNALIENABLE RIGHTS AND LIBERTIES, AND TO PROCLAIM WEDNESDAY, MARCH 16, 2011, AS "LIBERTY DAY" IN SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3637 -- Rep. Hart: A HOUSE RESOLUTION TO AMEND RULE 3.10 OF THE RULES OF THE HOUSE OF REPRESENTATIVES, RELATING TO THE ALLOTMENT OF SEATS IN THE CHAMBER, SO AS TO REVISE THE PROCESS BY WHICH THE ALLOTMENT OF SEATS IN THE CHAMBER IS CONDUCTED.

Rep. HART asked unanimous consent to have the House Resolution placed on the Calendar without reference.

Rep. LOFTIS objected.

The Resolution was ordered referred to the Committee on Rules.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 517 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX TUESDAY, FEBRUARY 22, 2011, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, COASTAL CAROLINA UNIVERSITY, SOUTH CAROLINA STATE UNIVERSITY, WIL LOU GRAY OPPORTUNITY SCHOOL, AND WINTHROP UNIVERSITY TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE IN 2011, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

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

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Umphlett | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, February 9.

|  |  |
| --- | --- |
| Paul Agnew | Terry Alexander |
| Leon Howard | David Mack |
| Walton McLeod | Liston Barfield |
| Dan Hamilton | Chris Hart |
| Jerry Govan | H. Boyd Brown |

**Total Present--122**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BUTLER GARRICK a leave of absence due to family medical reasons.

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Leslie Long of Greer 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. 3506 |
| Date: | ADD: |
| 02/09/11 | WHITE and BOWEN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3212 |
| Date: | ADD: |
| 02/09/11 | BARFIELD, CLEMMONS and LOFTIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3144 |
| Date: | ADD: |
| 02/09/11 | BARFIELD, CLEMMONS and LOFTIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3137 |
| Date: | ADD: |
| 02/09/11 | BARFIELD, CLEMMONS and LOFTIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3246 |
| Date: | ADD: |
| 02/09/11 | WILLIS and MURPHY |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3619 |
| Date: | ADD: |
| 02/09/11 | BINGHAM |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3009 |
| Date: | ADD: |
| 02/09/11 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3011 |
| Date: | ADD: |
| 02/09/11 | BIKAS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3044 |
| Date: | ADD: |
| 02/09/11 | HUGGINS, HARRISON, LONG, ALLISON, DANING, FORRESTER, BRANNON, PINSON, TOOLE, QUINN, EDGE, GAMBRELL, BOWEN, CLEMMONS and PARKER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3164 |
| Date: | ADD: |
| 02/09/11 | BOWERS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3235 |
| Date: | ADD: |
| 02/09/11 | J. R. SMITH and BIKAS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3292 |
| Date: | ADD: |
| 02/09/11 | SIMRILL |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3297 |
| Date: | ADD: |
| 02/09/11 | BEDINGFIELD, BOWEN, QUINN, D. C. MOSS, SIMRILL, G. M. SMITH, PARKER, FORRESTER, LUCAS, POPE, DELLENEY, BRANNON, MCCOY, LONG, ERICKSON, ATWATER, MURPHY, YOUNG, SANDIFER, HEARN, J. R. SMITH, HIXON, EDGE, COLE and HARDWICK |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3375 |
| Date: | ADD: |
| 02/09/11 | BALES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3389 |
| Date: | ADD: |
| 02/09/11 | BOWERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3511 |
| Date: | ADD: |
| 02/09/11 | R. L. BROWN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3617 |
| Date: | ADD: |
| 02/09/11 | R. L. BROWN and ALLEN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3507 |
| Date: | REMOVE: |
| 02/09/11 | J. R. SMITH |

**SENT TO THE SENATE**

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

H. 3578 -- Rep. Anthony: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 13 AND 14, 2011, BY THE STUDENTS OF UNION COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3588 -- Rep. Sellers: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10 AND 11, 2011, BY THE STUDENTS OF DENMARK OLAR SCHOOL DISTRICT TWO OF BAMBERG COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3344 -- Reps. Brady, Erickson, Sandifer, Allison, Dillard, Butler Garrick, Munnerlyn, Funderburk, Horne, Long, Nanney, Bowers, Bales, Anderson, Pinson, Weeks and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT" BY ADDING SECTION 38-57-115 SO AS TO PROVIDE THAT IT IS UNFAIR DISCRIMINATION FOR AN INSURER TO DENY, REFUSE TO ISSUE OR RENEW, CANCEL, RESTRICT OR EXCLUDE COVERAGE, DENY A CLAIM OR LIMIT PAYMENTS, OR ADD A PREMIUM DIFFERENTIAL TO A POLICY OR CERTIFICATE OF COVERAGE ON THE BASIS THAT AN APPLICANT OR INSURED HAS BEEN OR IS PERCEIVED TO HAVE BEEN ABUSED OR MAY BE A SUBJECT OF ABUSE AND TO PROVIDE PENALTIES, INCLUDING FINES UP TO TWO HUNDRED THOUSAND DOLLARS.

H. 3301 -- Reps. Clemmons, Bowers, Bales, Anderson, Pinson, R. L. Brown and Erickson: A BILL TO AMEND SECTION 23-43-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STANDARDS FOR PLACEMENT OF MODULAR HOMES, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A MODULAR HOME USED AS A DISPLAY MODEL MAY BE PLACED FOR ITS FIRST RESIDENTIAL USE.

H. 3221 -- Rep. Nanney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-53-45 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO FILE ELECTRONICALLY ALL DOCUMENTS RELATING TO THE ENFORCED COLLECTION OF TAXES DUE THIS STATE WITH COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS IN THOSE COUNTIES WHICH ACCEPT ELECTRONIC FILINGS.

H. 3583 -- Rep. Cooper: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2010.

**ORDERED TO THIRD READING**

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

H. 3618 -- Reps. J. M. Neal and Long: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 11, 12, 13, AND 14, 2011, BY THE STUDENTS OF LANCASTER COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3104 -- Rep. Nanney: A BILL TO AMEND SECTION 29-3-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND

ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

Rep. NANNEY explained the Bill.

H. 3622 -- Reps. J. E. Smith, Pitts and Sottile: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE VETERANS' ISSUES STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM SEPTEMBER 1, 2010, TO JANUARY 31, 2012.

Rep. J. E. SMITH explained the Joint Resolution.

H. 3625 -- Reps. J. R. Smith, Hixon and Taylor: A BILL TO AMEND SECTION 8-13-735, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITION AGAINST A PERSON, WHO AT THE SAME TIME SERVES ON THE GOVERNING BODY OF A STATE OR LOCAL POLITICAL SUBDIVISION BOARD OR COMMISSION AND AS AN EMPLOYEE OF THE SAME BOARD OR COMMISSION OR IN A POSITION WHICH IS SUBJECT TO THE CONTROL OF THE BOARD OR COMMISSION, MAKING OR PARTICIPATING IN A DECISION AFFECTING HIS ECONOMIC INTERESTS, SO AS TO PROHIBIT A PERSON FROM SERVING IN BOTH POSITIONS AT THE SAME TIME.

Rep. J. R. SMITH explained the Bill.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 213 -- Senators McConnell, Campsen and Knotts: A BILL TO DIRECT THE SOUTH CAROLINA CODE COMMISSIONER TO INCLUDE BEGINNING WITH THE 2011 CUMULATIVE SUPPLEMENT TO THE CODE OF LAWS OF SOUTH CAROLINA, 1976, CERTAIN REPORTER'S COMMENTS IN REGARD TO VARIOUS PROVISIONS OF THE SOUTH CAROLINA PROBATE CODE IN TITLE 62, AMENDED BY ACT 244 OF 2010.

**H. 3375--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3375 -- Reps. Harrell, Lucas, Cooper, Hardwick, Harrison, Owens, Sandifer, White, Bingham, Atwater, Parker, Crawford, Loftis, Bowen, G. R. Smith, Bedingfield, Toole, Sottile, V. S. Moss, Forrester, Bikas, Huggins, Brady, Allison, Pinson, Frye, Whitmire, Skelton, Nanney, Henderson, Limehouse, Corbin, Barfield, Battle, Clemmons, Cole, Crosby, Daning, Gambrell, Hamilton, Hiott, Hixon, Horne, Lowe, D. C. Moss, Murphy, Norman, Patrick, Simrill, G. M. Smith, J. R. Smith, Spires, Taylor, Willis, Young, Herbkersman, Ballentine, Thayer, Bannister, McCoy, Tallon, Stringer, Long, Hayes, Ott, J. M. Neal, Vick, G. A. Brown, Branham, Anthony, Bowers, Sellers, Quinn, Hearn, Edge, Anderson, Erickson, Knight, Chumley, Butler Garrick and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011" BY AMENDING ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, SO AS TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTIONS 1-7-750 AND 1-7-760 SO AS TO ENACT THE "PRIVATE ATTORNEY RETENTION SUNSHINE ACT" TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES, AND TO PROVIDE FOR THE SUSPENSION OF THE LIMITATIONS UNDER CERTAIN EXCEPTIONAL CIRCUMSTANCES; TO AMEND SECTION 15-3-670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS BUT MAY BE ADMISSIBLE AS EVIDENCE; TO AMEND SECTION 18-9-130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; AND TO AMEND SECTION 56-5-6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO DELETE THE PROVISION THAT PROVIDED THAT A VIOLATION FOR FAILURE TO WEAR A SEATBELT IS NOT NEGLIGENCE PER SE OR COMPARATIVE NEGLIGENCE AND IS NOT ADMISSIBLE IN A CIVIL ACTION.

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

Yeas 100; Nays 7

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Battle | Bedingfield |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | Chumley | Clemmons |
| Clyburn | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Knight | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Umphlett | Vick | Viers |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--100**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| R. L. Brown | Cobb-Hunter | Munnerlyn |
| J. H. Neal | Rutherford | Sabb |
| Whipper |  |  |

**Total--7**

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

RECORD FOR VOTING

 Had I been present during the vote on H. 3375, I would have voted in favor of the Bill. I regret not being able to cast my vote in favor of H. 3375.

 Rep. W. Brian White

RECORD FOR VOTING

 As a co-sponsor of H. 3375, I would have voted in the affirmative on the recorded vote for second reading today. I voted for it in Judiciary Committee. I missed the vote due to a tire blowout on my way to the State House today.

 Rep. Dan Hamilton

RECORD FOR VOTING

 I was temporarily out of the Chamber on Georgetown County business, meeting with Senators Cleary and McGill, during the vote on H. 3375. If I had been present, I would have voted in favor of the Bill.

 Rep. Carl L. Anderson

RECORD FOR VOTING

 I was temporarily out of the Chamber on emergency constituent business during the vote on H. 3375. If I had been present, I would have voted in favor of the Bill.

 Rep. Bakari Sellers

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on tort reform, H. 3375. As a sponsor of the Bill, I would have voted in favor of the Bill.

 Rep. Richard “Rick” Quinn

**H. 3619--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3619 -- Reps. Huggins, Ballentine, Quinn, McLeod and Bingham: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011, BY THE STUDENTS OF SCHOOL DISTRICT 5 OF LEXINGTON AND RICHLAND COUNTIES WHEN THE SCHOOLS OF THE DISTRICT WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Reps. BINGHAM, TOOLE, QUINN and ATWATER proposed the following Amendment No. 1 (COUNCIL\AGM\18592BH11), which was adopted:

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

/ SECTION \_\_\_. Pursuant to the provisions of Section 59‑1‑425(C) of the 1976 Code, the school days missed on January 10, 11, 12, and 13, 2011, by the students of Lexington County School Districts 1, 3, and 4 when the schools of the district were closed due to snow are exempt from the requirement that full school days missed due to snow, extreme weather, or other disruptions be made up. /

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

/ SECTION \_\_\_. Pursuant to the provisions of Section 59‑1‑425(C) of the 1976 Code, the school days missed on January 10, 11, and 12, 2011, by the students of Lexington County School District 2 when the schools of the district were closed due to snow are exempt from the requirement that full school days missed due to snow, extreme weather, or other disruptions be made up. /

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

The amendment was then adopted.

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

**MOTION PERIOD**

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

**H. 3373--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3373 -- Reps. Sandifer, Bowers, Bales, Anderson and Pinson: A BILL TO AMEND SECTION 38-77-112, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF AN AUTOMOBILE INSURER FROM THE REQUIREMENT TO WRITE AUTOMOBILE INSURANCE COVERAGE FOR AN APPLICANT OR EXISTING POLICYHOLDER, SO AS TO REMOVE CERTAIN EXEMPTIONS FROM THE APPLICABILITY OF THIS SECTION.

Rep. BRADY explained the Bill.

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

Yeas 111; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Umphlett | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--111**

 Those who voted in the negative are:

**Total--0**

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

**H. 3332--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3332 -- Reps. Sandifer, McLeod, Bowers, Bales, Anderson, Pinson and Clemmons: A BILL TO AMEND SECTION 38-73-736, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN REDUCTIONS IN PREMIUM CHARGES, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS NOT A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS; TO AMEND SECTION 38-73-737, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS.

Rep. BRADY spoke in favor of the Bill.

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

Yeas 110; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Tribble | Umphlett |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3332. If I had been present, I would have voted in favor of the Bill.

 Rep. Tommy Pope

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3332. If I had been present, I would have voted in favor of the Bill.

 Rep. Dan Cooper

RECORD FOR VOTING

 My voting equipment malfunctioned during the vote on H. 3332. If I had been able to record a vote, I would have voted ‘yea’ on H. 3332. Rep. Anne Thayer

**H. 3246--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3246 -- Reps. Funderburk, Viers, Agnew, Gambrell, Barfield, Jefferson, Williams, Alexander, Loftis, Willis and Murphy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-280 SO AS TO PROHIBIT THE IMPORTATION, PRODUCTION, MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC ENERGY DRINKS AND CAFFEINATED MALT BEVERAGES AND TO PROVIDE PENALTIES.

The House Judiciary Committee proposed the following Amendment No 1 (COUNCIL\GGS\22901ZW11), which was adopted:

Amend the bill, as and if amended, Section 61‑4‑280(B), as contained in SECTION 1, beginning on line 28, pages 1‑2, by deleting subsection (B) in its entirety and inserting:

/ (B) For purposes of this section, ‘alcoholic energy drink’ and ‘caffeinated malt beverage’ mean a prepackaged alcoholic or malt beverage in which caffeine or other stimulants including, but not limited to, guarana, ginseng, and taurine have been intentionally added as a food additive to the beverage. For purposes of this section, the term ‘food additive’ has the same meaning as defined in Section 201(s) of the Federal Food, Drug, and Cosmetic Act. This section does not apply to alcoholic or malt beverages made with ingredients that contain naturally occurring caffeine, including but not limited to, coffee, cola, tea, cacao, or extracts derived from these foods. /

Amend the bill further, by deleting Section 61‑4‑280(C) in its entirety, as contained in Section 1, page 2, lines 6‑14 and inserting:

/ (C) A person or entity identified in subsection (A) who violates a provision of this section or a rule or regulation promulgated by the department or the division under this section, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both, in the discretion of the court. In addition to the punishment specified in this section, a person must forfeit his permit and is not authorized, for a period of two years after conviction, to engage in a business taxable under the provisions of this chapter. /

Renumber sections to conform.

Amend title to conform.

Rep. VIERS explained the amendment.

Rep. VIERS spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 87; Nays 27

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anthony | Atwater | Bannister |
| Barfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Delleney | Edge |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Hiott | Horne |
| Hosey | Huggins | Jefferson |
| King | Knight | Limehouse |
| Loftis | Long | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | V. S. Moss |
| Munnerlyn | Murphy | J. H. Neal |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pope | Quinn |
| Ryan | Sabb | Sandifer |
| Sellers | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Viers |
| Weeks | Whipper | Whitmire |
| Williams | Willis | Young |

**Total--87**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Bales | Battle |
| Bedingfield | Cooper | Crawford |
| Daning | Erickson | Hamilton |
| Hart | Henderson | Hixon |
| Hodges | Howard | Merrill |
| D. C. Moss | Nanney | Neilson |
| Pitts | Rutherford | Simrill |
| G. M. Smith | G. R. Smith | Stavrinakis |
| Stringer | Umphlett | White |

**Total--27**

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 2 (COUNCIL\GGS\22957ZW11), which was rejected:

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

/ SECTION 1. Article 1, Chapter 4, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑4‑95. (A) As contained in this section, ‘caffeinated or stimulant‑enhanced malt beverage’ means a beverage to which is added caffeine or other stimulants including, but not limited to, guarana, ginseng, and taurine, and contains at least one‑half of one percent alcohol by volume.

 (B) Caffeinated or stimulant‑enhanced malt beverages may be sold only in licensed alcoholic liquor stores. A person who violates this provision must be fined not more than one thousand dollars.”

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

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

Rep. FUNDERBURK spoke against the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 38; Nays 76

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Atwater |
| Ballentine | Bannister | Battle |
| Bedingfield | Bikas | Cole |
| Cooper | Crawford | Crosby |
| Daning | Forrester | Gambrell |
| Hamilton | Hart | Henderson |
| Huggins | Limehouse | Lowe |
| McCoy | Merrill | Nanney |
| Norman | Patrick | Pitts |
| Rutherford | Ryan | Simrill |
| G. M. Smith | G. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Toole | White |  |

**Total--38**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Anthony | Bales | Barfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | H. B. Brown | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| Corbin | Delleney | Dillard |
| Edge | Erickson | Frye |
| Funderburk | Gilliard | Hardwick |
| Harrison | Hayes | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Jefferson |
| King | Knight | Loftis |
| Long | Lucas | Mack |
| McEachern | McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| Pope | Quinn | Sandifer |
| Sellers | Skelton | J. E. Smith |
| J. R. Smith | Tallon | Taylor |
| Thayer | Tribble | Umphlett |
| Vick | Viers | Weeks |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--76**

So, the amendment was rejected.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. HART proposed the following Amendment No. 3 (COUNCIL\MS\7250AHB11), which was tabled:

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

/ SECTION \_\_. Section 61‑4‑580 of the 1976 Code is amended to read:

 “Section 61‑4‑580. (A) ~~No~~ A holder of a permit authorizing the sale of beer or wine or a servant, agent, or employee of the permittee may not knowingly commit any of the following acts upon the licensed premises covered by the holder’s permit:

 (1) sell beer or wine to a person under twenty‑one years of age;

 (2) sell beer or wine to an intoxicated person;

 (3) place individual bottles, cans, or other single‑serving sized receptacles containing beer or wine in a nonpermanent portable container or cooler within ten feet of a door used for ingress or egress from a licensed establishment;

 (4) permit gambling or games of chance except game promotions including contests, games of chance, or sweepstakes in which the elements of chance and prize are present and which comply with the following:

 (a) the game promotion is conducted or offered in connection with the sale, promotion, or advertisement of a consumer product or service, or to enhance the brand or image of a supplier of consumer products or services;

 (b) no purchase payment, entry fee, or proof of purchase is required as a condition of entering the game promotion or receiving a prize; and

 (c) all materials advertising the game promotion clearly disclose that no purchase or payment is necessary to enter and provide details on the free method of participation~~.~~;

 ~~(4)~~(5) permit lewd, immoral, or improper entertainment, conduct, or practices~~. This includes~~ including, but is not limited to, entertainment, conduct, or practices where a person is in a state of undress so as to expose the human male or female genitals, pubic area, or buttocks cavity with less than a full opaque covering;

 ~~(5)~~(6) permit ~~any~~ an act, the commission of which tends to create a public nuisance or which constitutes a crime under the laws of this State; or

 ~~(6)~~(7) sell, offer for sale, or possess any beverage or alcoholic liquors the sale or possession of which is prohibited on the licensed premises under the ~~law~~ laws of this State; or

 ~~(7)~~(8) conduct, operate, organize, promote, advertise, run, or participate in a ‘drinking contest’ or ‘drinking game’. For purposes of this item, ‘drinking contest’ or ‘drinking game’ includes, but is not limited to, a contest, game, event, or other endeavor which encourages or promotes the consumption of beer or wine by participants at extraordinary speed or in increased quantities or in more potent form. ‘Drinking contest’ or ‘drinking game’ does not include a contest, game, event, or endeavor in which beer or wine is not used or consumed by participants as part of the contest, game, event, or endeavor, but instead is used solely as a reward or prize. Selling beer or wine in the regular course of business is not considered a violation of this section.

 (B) A violation of ~~any~~ a provision of this section is a ground for the revocation or suspension of the holder’s permit.” /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

Rep. VIERS moved to table the amendment.

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

Yeas 79; Nays 34

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Battle |
| Bikas | Bowen | Bowers |
| Brady | Branham | Brannon |
| G. A. Brown | Chumley | Cole |
| Cooper | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Hixon |
| Horne | Huggins | Limehouse |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Neilson |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| Vick | Viers | Weeks |
| White | Whitmire | Willis |
| Young |  |  |

**Total--79**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Barfield |
| Bedingfield | Brantley | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| Corbin | Crawford | Dillard |
| Funderburk | Gilliard | Hamilton |
| Hart | Hodges | Hosey |
| Howard | Jefferson | King |
| Knight | Loftis | Long |
| Mack | McEachern | McLeod |
| Mitchell | Nanney | J. M. Neal |
| Parks | Toole | Whipper |
| Williams |  |  |

**Total--34**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

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

Yeas 102; Nays 13

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bikas |
| Bingham | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crosby | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pope | Quinn |
| Ryan | Sandifer | Sellers |
| Simrill | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--102**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Battle | Bedingfield | Crawford |
| Daning | Hamilton | Hart |
| Merrill | Nanney | Pitts |
| Sabb | G. M. Smith | G. R. Smith |
| Stavrinakis |  |  |

**Total--13**

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

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

**ADJOURNMENT**

At 11:56 a.m. the House, in accordance with the motion of Rep. HOSEY, adjourned in memory of Deacon Washington Ray, Sr., of Williston, to meet at 10:00 a.m. tomorrow.

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