~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Zechariah 13:4B: “They will call on my name, and I will answer them. I will say, ‘They are my people’ and they will say, ‘The Lord is our God.’ ”

Let us pray. God of glory, we give You thanks and praise for the inheritance you’ve prepared for us. Bless these Representatives, that they use the gifts You have given them to promote the welfare of Your people in this State. Guide these women and men in their duties and responsibilities this week and keep them in Your care. Bless our Nation, President, State, Governor, Speaker, staff, and all who support them. Protect our defenders of freedom, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. 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 Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. TALLON moved that when the House adjourns, it adjourn in memory of Ronald H. Littlefield, Jr., of Spartanburg, which was agreed to.

**INVITATIONS**

On motion of Rep. BARFIELD, with unanimous consent, the following were taken up for immediate consideration and accepted:

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Department of Commerce, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, April 17, 2012, from 4:00 p.m. to 6:00 p.m. on the State House Grounds.

Sincerely,

Amy E. Love

Marketing & Communications Manager

South Carolina Department of Commerce

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the Citadel Alumni Association, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, April 17, 2012, from 6:00 p.m. to 8:00 p.m. in the Americraft - Cantey Building at the State Fairgrounds.

Sincerely,

Sara Roth

Assistant Director

The Citadel Alumni Association

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Governor’s School for Science and Mathematics, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, April 18, 2012, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Kim Bowman, CEO

SC Governor’s School for Science & Mathematics

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Hospitality Association, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, April 18, 2012, from 12:00 p.m. to 2:00 p.m. on the State House Grounds.

Sincerely,

Douglas O’Flaherty

Director of Operations

South Carolina Hospitality Association

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the Affordable Housing Coalition of South Carolina, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, April 18, 2012, from 6:00 p.m. to 8:00 p.m. at the Columbia Convention Center.

Sincerely,

Alisa G. Mosley, Executive Director

Affordable Housing Coalition of South Carolina

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Academy of Physician Assistants, the Members and staff of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, April 19, 2012, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Tim Stuart, PA-C, President

South Carolina Academy of Physician Assistants

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Association of Municipal Power Systems, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, April 24, 2012, from 6:00 p.m. to 8:00 p.m. at the Clarion Downtown Hotel.

Sincerely,

Miriam O. Hair, Executive Director

South Carolina Association of Municipal Power Systems

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the University of South Carolina, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, April 24, 2012, from 6:00 p.m. to 8:00 p.m. at the USC Horseshoe.

Sincerely,

Harris Pastides, President

University of South Carolina

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the Piedmont Municipal Power Agency, the Members and staff of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, April 25, 2012, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Coleman F. Smoak, Jr., General Manager

Piedmont Municipal Power Agency

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Chapter of the American Society of Landscape Architects, the Members of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, April 25, 2012, from 12:00 p.m. to 2:00 p.m. in Room 112 of the Blatt Building.

Sincerely,

Duane F. Christopher

South Carolina Chapter of the American Society of Landscape Architects

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of the South Carolina Area Association of Air Medical Services, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, April 25, 2012, from 6:00 p.m. to 8:00 p.m. at Tom’s Quarters, 100 Whitehouse Road, Columbia, SC 29209.

Sincerely,

Steve Lanford

March 23, 2012

The Honorable Liston D. Barfield

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Barfield:

On behalf of Alpha Kappa Alpha Sorority, Inc., the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, April 26, 2012, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Devetta Williams Hughes, State Coordinator

South Carolina AKA Connection

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 4272

Agency: Board of Nursing

Statutory Authority: 1976 Code Sections 40-1-70 and 40‑33‑10(E) & (I)

Fees and APRNs

Received by Speaker of the House of Representatives February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

**REPORTS OF STANDING COMMITTEES**

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

S. 1227 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 10-1-35 SO AS TO PROHIBIT CAMPING, SLEEPING, OR USE OF THE STATE HOUSE GROUNDS AND ALL BUILDINGS LOCATED ON THE GROUNDS FOR LIVING ACCOMMODATIONS PURPOSES.

Ordered for consideration tomorrow.

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

S. 1356 -- Senators Campbell, L. Martin, Knotts, Grooms and Ford: A CONCURRENT RESOLUTION TO URGE MEMBERS OF THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION REAUTHORIZING THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR AN ADDITIONAL FOUR YEARS; FAILURE TO DO SO WOULD CREATE AN ADVERSE IMPACT ON THE FUTURE ECONOMIC GROWTH OF SOUTH CAROLINA AND THE UNITED STATES OF AMERICA.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5076 -- Reps. Harrison and J. E. Smith: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE DREHER HIGH SCHOOL GIRLS BASKETBALL TEAM FOR A HIGHLY SUCCESSFUL SEASON AND TO COMMEND ITS OUTSTANDING PLAYERS AND COACHES FOR CAPTURING THE 2012 CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5077 -- Reps. Harrison and J. E. Smith: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE DREHER HIGH SCHOOL GIRLS BASKETBALL 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 2012 CLASS AAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Dreher High School girls basketball 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 2012 Class AAA State Championship title.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1355 -- Senator Courson: A CONCURRENT RESOLUTION TO CONGRATULATE TRINITY EPISCOPAL CATHEDRAL OF COLUMBIA ON THE OCCASION OF THE CHURCH'S BICENTENNIAL CELEBRATION DURING 2012, AND TO EXTEND THE APPRECIATION OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR THE CHURCH'S SIGNIFICANT ROLE IN SHAPING THE LIVES OF SO MANY CITIZENS OF THIS GREAT STATE.

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

**INTRODUCTION OF BILLS**

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

H. 5078 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-9-100 SO AS TO IMPOSE NOTICE REQUIREMENTS ON A CHIROPRACTOR WHO CLOSES OR OTHERWISE DEPARTS FROM A CHIROPRACTIC PRACTICE; TO AMEND SECTION 40-9-10, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO MODIFY THE DEFINITION OF THE TERM "ANALYSIS"; TO AMEND SECTION 40-9-20, AS AMENDED, RELATING TO LICENSURE REQUIREMENTS, SO AS TO EXEMPT CERTAIN STUDENTS AND MODIFY THE LIMITED APPLICATION OF THE SECTION CONCERNING CHIROPRACTIC SCHOOLS NOT ACCREDITED IN A CERTAIN MANNER; TO AMEND SECTION 40-9-25, RELATING TO REQUIREMENTS FOR EXEMPTING CERTAIN CHIROPRACTIC STUDENTS ALLOWED TO PRACTICE IN A LIMITED MANNER FROM LICENSURE, SO AS TO REQUIRE THE CHIROPRACTIC SCHOOL IN WHICH THE STUDENT IS ENROLLED TO PROVIDE CERTAIN NOTICE; TO AMEND SECTION 40-9-30, RELATING TO THE BOARD OF CHIROPRACTIC EXAMINERS, SO AS TO REDUCE THE MEMBERSHIP OF THE BOARD FROM EIGHT MEMBERS TO SEVEN MEMBERS; TO AMEND SECTION 40-9-31, RELATING TO OPTIONS AVAILABLE TO THE BOARD WHEN RESOLVING A PENDING COMPLAINT, SO AS TO PROVIDE THE BOARD MAY ISSUE A PUBLIC REPRIMAND, PRIVATE REPRIMAND, PUBLIC LETTER OF CAUTION, OR PRIVATE LETTER OF CAUTION; TO AMEND SECTION 40-9-36, RELATING TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO DELETE AN OBSOLETE REFERENCE; TO AMEND SECTION 40-9-37, RELATING TO THE CONDUCT OF AN ADVISORY ELECTION FOR THE APPOINTMENT OF A MEMBER OF THE BOARD, SO AS TO DELETE THE REQUIREMENT THAT A BALLOT BE SENT BY CERTIFIED MAIL AND TO PROVIDE THE BALLOT MUST CONTAIN THE NAME OF EACH LICENSEE INTERESTED IN THE APPOINTMENT; TO AMEND SECTION 40-9-50, RELATING TO FILING CREDENTIALS AND A RELATED FEE, SO AS TO PROVIDE THE DEPARTMENT SHALL ESTABLISH THE FEE BY REGULATION; TO AMEND SECTION 40-9-60, RELATING TO THE ETHICS AND JURISPRUDENCE EXAMINATION REQUIREMENT OF CERTAIN APPLICANTS FOR LICENSURE, SO AS TO REQUIRE EACH APPLICANT TO TAKE AND PASS AN ETHICS AND JURISPRUDENCE EXAMINATION THAT MUST BE APPROVED BY THE BOARD; TO AMEND SECTION 40-9-70, RELATING TO RECIPROCAL LICENSE REGISTRATION FEES, SO AS TO REPLACE REFERENCES TO "RECIPROCAL" WITH "ENDORSEMENT", TO REQUIRE THE APPLICANT TO TAKE AND PASS THE ETHICS AND JURISPRUDENCE EXAMINATION IN ADDITION TO EXISTING REQUIREMENTS, AMONG OTHER THINGS; TO AMEND SECTION 40-9-80, RELATING TO LICENSE RENEWAL, SO AS TO CHANGE THE ANNUAL RENEWAL TO A BIENNIAL RENEWAL OCCURRING IN EACH EVEN-NUMBERED YEAR, TO CHANGE THE RENEWAL DEADLINE MONTH FROM JULY TO OCTOBER, TO PROVIDE RELATED FEES BE DEFINED IN REGULATION, AND TO ADD PROVISIONS CONCERNING AN INACTIVE LICENSEE SEEKING RENEWAL; AND TO AMEND SECTION 40-9-85, RELATING TO LICENSURE UNDER SPECIAL CIRCUMSTANCES, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 5079 -- Rep. Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 12-62-25 AND 12-62-95 SO AS TO PROVIDE ELIGIBILITY CRITERIA FOR DETERMINING ELIGIBILITY FOR THE INCENTIVES PROVIDED PURSUANT TO THE SOUTH CAROLINA MOTION PICTURE INCENTIVE ACT (ACT) AND TO PROVIDE FOR STATE INCOME TAX WITHHOLDING FOR PAYMENTS TO A "LOAN OUT COMPANY" WITH RESPECT TO THE INDIVIDUAL PAID THROUGH SUCH A COMPANY; TO AMEND SECTION 12-62-20, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE ACT, SO AS TO REVISE EXISTING DEFINITIONS AND ADD A NEW DEFINITION; TO AMEND SECTION 12-62-50, AS AMENDED, RELATING TO THE PAYROLL REBATE ALLOWED BY THE ACT, SO AS TO INCREASE THE MAXIMUM REBATE ALLOWED FROM FIFTEEN PERCENT TO TWENTY PERCENT OF PAYROLL WITH AN ADDITIONAL REBATE OF UP TO FIVE PERCENT FOR THE PORTION OF PAYROLL PAID TO SOUTH CAROLINA RESIDENTS AND REVISE THE REQUIREMENTS FOR APPLYING FOR AND RECEIVING THIS REBATE; TO AMEND SECTION 12-62-60, AS AMENDED, RELATING TO THE SOURCE OF FUNDING FOR THE INCENTIVES AND THE VENDOR REBATE ALLOWED BY THE ACT, SO AS TO INCREASE THE MAXIMUM VENDOR REBATE FROM FIFTEEN PERCENT TO THIRTY PERCENT OF EXPENDITURES, CLARIFY THE APPLICATION OF THE VENDOR REBATE, AND PROVIDE SPECIFIC USES TO WHICH A PORTION OF THE FUNDING SOURCE OF THE ACT MAY BE USED; TO AMEND SECTION 12-62-70, AS AMENDED, RELATING TO THE LIMITED USE OF GOVERNMENTAL PROPERTY FOR LOCATIONS WITHOUT CHARGE, SO AS TO PROVIDE THAT THIS FREE USE APPLIES ONLY FOR A MOTION PICTURE APPROVED PURSUANT TO THE ACT; TO AMEND SECTION 12-62-90, AS AMENDED, RELATING TO THE REQUIRED CREDIT ROLL FOR MOTION PICTURES RECEIVING INCENTIVES PURSUANT TO THE ACT, SO AS TO REVISE THE CREDIT ROLL; AND TO REPEAL SECTION 12-62-55 RELATING TO THE ASSIGNMENT OF REBATE PAYMENTS.

Referred to Committee on Ways and Means

H. 5080 -- Reps. Mack and Sandifer: A BILL TO AMEND SECTION 34-13-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TOTAL LIABILITIES OF ANY ONE BORROWER TO A BANK, SO AS TO DEFINE "TOTAL LIABILITIES" WHICH SHALL INCLUDE "DERIVATIVE TRANSACTIONS" AND TO ALSO DEFINE "DERIVATIVE TRANSACTIONS" FOR THIS PURPOSE; AND TO AMEND SECTION 34-13-70, RELATING TO THE MAXIMUM AMOUNT OF LOANS BY A STATE BANK TO A BORROWER, SO AS TO DEFINE "LOAN" WHICH SHALL INCLUDE "DERIVATIVE TRANSACTIONS", AND TO ALSO DEFINE "DERIVATIVE TRANSACTIONS" FOR THIS PURPOSE.

Referred to Committee on Labor, Commerce and Industry

H. 5081 -- Reps. Harrell, Bingham, Lowe, Allison, Tallon, Horne, Patrick, Daning, Long, Brady, Bedingfield, J. R. Smith, G. R. Smith, Murphy, Crosby, Putnam, Parker, Brannon, Hardwick, Bannister, Clemmons, Hamilton, Harrison, Henderson, Hixon, D. C. Moss, Owens, Pinson, Pitts, Sandifer, Simrill, Taylor, Toole, Tribble, White and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA FIRST IN THE SOUTH PRESIDENTIAL PRIMARY PRESERVATION AND PROTECTION ACT" BY ADDING SECTION 7-11-22 SO AS TO REQUIRE A PRESIDENTIAL PRIMARY ELECTION IN THIS STATE MUST BE HELD BEFORE THAT OF ANOTHER SOUTHERN STATE, SUBJECT TO THE DISCRETION OF THE CHAIRMAN OF THE PARTY HOLDING THE ELECTION, TO DEFINE THE TERM "SOUTHERN STATE", AND TO STATE THE PURPOSE OF THE STATUTE IS TO PRESERVE AND PROTECT THE TRADITION OF THE SOUTH CAROLINA "FIRST IN THE SOUTH" PRESIDENTIAL PRIMARY ELECTION.

Referred to Committee on Judiciary

H. 5082 -- Rep. White: A BILL TO AMEND SECTION 40-53-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MINIMUM REQUIREMENTS FOR POLYGRAPH MACHINES, SO AS TO PROVIDE A POLYGRAPH MACHINE MUST RECORD THE VOICE OF THE SUBJECT BEING TESTED IN A FORM SUITABLE FOR VOICE STRESS ANALYSIS AS AN ALTERNATIVE TO THE EXISTING REQUIREMENTS.

Referred to Committee on Judiciary

S. 300 -- Senators Fair, Hutto, Jackson, Knotts, Rankin and Ford: A BILL TO AMEND SECTION 63-19-1440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO AUTHORIZE THE DEPARTMENT OF JUVENILE JUSTICE TO ALLOW A JUVENILE WHO IS TEMPORARILY COMMITTED TO ITS CUSTODY, AFTER BEING ADJUDICATED FOR A STATUS OFFENSE, MISDEMEANOR OFFENSE, OR A PROBATION VIOLATION OR CONTEMPT, TO UNDERGO A COMMUNITY EVALUATION WITH CERTAIN SAFEGUARDS AND EXCEPTIONS.

Referred to Committee on Judiciary

S. 1054 -- Senators Rose and Ford: A BILL TO AMEND SECTION 63-7-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO EXPAND THE DELINEATED LIST OF PERSONS REQUIRED TO REPORT TO INCLUDE SCHOOL EMPLOYEES, COACHES, CAMP COUNSELORS, ANIMAL CONTROL OFFICERS, FIREFIGHTERS, AND OTHER PERSONS WHOSE DUTIES REQUIRE DIRECT CONTACT OR SUPERVISION OF CHILDREN, TO PROVIDE ANY PERSON MUST REPORT SUSPECTED SEXUAL OR PHYSICAL ABUSE OF A CHILD, TO PROVIDE THAT BOARD MEMBERS, CHIEF EXECUTIVE OFFICERS, DIRECTORS AND OTHER HEADS OF ORGANIZATIONS, ADMINISTRATORS, AND SUPERVISORS ARE REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT BY A STAFF MEMBER, TO PROVIDE FOR REPORTING TO THE COUNTY DEPARTMENT OF SOCIAL SERVICES UNDER CERTAIN CIRCUMSTANCES AND TO LAW ENFORCEMENT, AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO ESTABLISH, OPERATE, AND PUBLICIZE A TWENTY-FOUR HOUR, STATEWIDE, TOLL-FREE TELEPHONE NUMBER FOR THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT; AND TO AMEND SECTION 63-7-410, RELATING TO THE PENALTIES FOR FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO PROVIDE THAT A PERSON MAY NOT BE ADJUDICATED DELINQUENT FOR FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT.

Referred to Committee on Judiciary

S. 1299 -- Senators Cleary, McGill and Ford: A BILL TO AMEND SECTION 54-15-20 OF THE 1976 CODE, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA COMMISSIONERS OF PILOTAGE FOR THE UPPER COASTAL AREA, TO INCREASE THE NUMBER OF MEMBERS ON THE COMMISSION FROM SIX TO EIGHT.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1316 -- Senator L. Martin: A BILL TO AMEND SECTION 7-7-450, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN PICKENS COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

Referred to Pickens Delegation

S. 1337 -- Senator Leatherman: A BILL TO AMEND ACT 239 OF 1981, AS AMENDED, RELATING TO FLORENCE COUNTY SCHOOL DISTRICT NO. 1, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE FLORENCE COUNTY SCHOOL DISTRICT NO. 1 MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

S. 1352 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO DEFINITIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4237, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Medical, Military, Public and Municipal Affairs

**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 | Brannon | Brantley |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | 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 |
| Putnam | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**STATEMENT OF ATTENDANCE**

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

|  |  |
| --- | --- |
| Richard "Rick" Quinn | Jackson "Seth" Whipper |
| Mia Butler Garrick | Leon Stavrinakis |
| Peter McCoy, Jr.  Paul Agnew | Grady Brown |

**Total Present--116**

**DOCTOR OF THE DAY**

Announcement was made that Dr. Preston Wendell of Charleston 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-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3110 |
| Date: | ADD: |
| 03/27/12 | BANNISTER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3664 |
| Date: | ADD: |
| 03/27/12 | HIXON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3665 |
| Date: | ADD: |
| 03/27/12 | HIXON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4739 |
| Date: | ADD: |
| 03/27/12 | GILLIARD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5025 |
| Date: | ADD: |
| 03/27/12 | COBB-HUNTER, KING, LIMEHOUSE, J. H. NEAL and OTT |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4740 |
| Date: | REMOVE: |
| 03/27/12 | HORNE and DANING |

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 4550--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Wednesday, March 28, which was adopted:

H. 4550 -- Reps. Rutherford, Bales, Ballentine, Brady, Butler Garrick, Harrison, Hart, Howard, McEachern, J. H. Neal and J. E. Smith: A BILL TO ABOLISH THE RICHLAND COUNTY BOARD OF ASSESSMENT CONTROL AND DEVOLVE ALL OF ITS DUTIES, POWERS, AND FUNCTIONS UPON THE RICHLAND COUNTY COUNCIL AND TO REPEAL SECTION 1 OF ACT 952 OF 1958.

**H. 4269--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Wednesday, March 28, which was adopted:

H. 4269 -- Rep. Sandifer: A BILL TO AMEND SECTION 37-3-202, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADDITIONAL CHARGES ASSOCIATED WITH CONSUMER LOANS, SO AS TO INCLUDE A CHARGE FOR THE ACTUAL COST INCURRED BY A LICENSEE FOR PROCESSING AN AUTOMATED CLEARING HOUSE PAYMENT AND A CHARGE FOR THE ACTUAL COST INCURRED BY A LICENSEE FOR PAYMENTS MADE BY CONSUMERS VIA CREDIT OR DEBIT CARDS.

**LEAVE OF ABSENCE**

The SPEAKER PRO TEMPORE granted Rep. FUNDERBURK a temporary leave of absence.

**H. 4786--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4786 -- Reps. Sandifer and D. C. Moss: A BILL TO AMEND SECTION 41-35-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, SO AS TO EXTEND CERTAIN PROVISIONS OF THIS SECTION TO SERVICES PROVIDED BY AN INSTITUTION FOR AN EDUCATIONAL INSTITUTION WHILE EMPLOYED BY A PRIVATE EMPLOYER HOLDING A CONTRACTUAL RELATIONSHIP WITH THE EDUCATIONAL INSTITUTION.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 4786 (COUNCIL\AGM\ 19482AB12), which was tabled:

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

/ SECTION 1. Chapter 29, Title 41 of the 1976 Code is amended by adding:

“Section 41‑29‑320. (A)(1) The department shall establish within it a Special Investigations Unit that must be primarily responsible for the enforcement of all laws pertaining to unemployment insurance fraud in conjunction with the Attorney General’s Office pursuant to Section 41‑27‑590.

(2) The Special Investigations Unit shall:

(a) assist in the exchange of information concerning unemployment insurance fraud among itself and governmental and local law enforcement officials; and

(b) have the authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses.

(B) A criminal investigator of the department, while performing his duties under item (1), shall have the authority to:

(1) exercise statewide police powers;

(2) carry firearms;

(3) execute and serve search warrants, arrest warrants, subpoenas, and summonses;

(4) seize property; and

(5) make arrests without warrants for offenses committed in their presence.”

SECTION 2. Section 41‑35‑20(3) of the 1976 Code is amended to read:

“(3) The provisions of subsections (1) and (2) apply both to employees of the educational institution concerned or to persons employed by a governmental agency or entity which is established and operated exclusively for the purpose of providing services to one or more educational institutions if these persons perform these services in the educational institution. The provisions of subsections (1) and (2) also apply to services provided by an individual for an educational institution employed by a private employer holding a contractual relationship with the educational institution.”

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

“Section 41‑41‑45. (A) In addition to any criminal liability, any person who is found by a court of competent jurisdiction to have violated Section 41‑41‑10 or Section 41‑41‑30, is subject to a civil penalty for each violation as follows:

(1) a fine of not more than five thousand dollars for a first offense;

(2) a fine of not less than five thousand dollars but not more than ten thousand dollars for a second offense; and

(3) a fine of not less than ten thousand dollars but not more than fifteen thousand dollars for a third and subsequent offense.

(B) A civil penalty imposed pursuant to subsection (A) must be paid to the Director of the Unemployment Insurance Division of the Department of Employment and Workforce and must be shared, as agreed upon in writing, with Director of the Insurance Fraud Division of the Office of Attorney General for use pursuant to subsection (D). A court also may award any related court costs and reasonable attorneys’ fees to these directors.

(C) Nothing in subsections (A) and (B) may be construed to prohibit the Director of the Unemployment Insurance Division of the Department of Employment and Workforce and the person alleged to be guilty of a violation of this article from entering into a written agreement in which the person does not admit or deny the charges but consents to payment of the civil penalty. This written consent agreement may not be used in a subsequent civil or criminal proceeding relating to a violation of this article.

(D) Revenue from the civil penalties imposed pursuant to this section must be used to provide funds for the costs of enforcing and administering the provisions of this article and the Omnibus Insurance Fraud and Reporting Immunity Act.”

SECTION 4. Section 41‑41‑10 of the 1976 Code is amended to read:

“Section 41‑41‑10. (A) Whoever makes a false statement or representation knowing it to be false or who knowingly fails to disclose a material fact to obtain or to increase any benefits or other payment under Chapters 27 through 41 of this title or under an employment security or unemployment compensation law of ~~any other~~ another state, the Federal Government, or of a foreign government, either for himself or for ~~any other~~ another person, ~~shall~~ must be ~~punished by a fine of not less than twenty nor more than one hundred dollars or by imprisonment for not longer than thirty days and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense~~ guilty of a:

(1) misdemeanor, for a first offense, triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65 when the value of the money obtained or sought to be obtained is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both, together with the cost of prosecution;

(2) felony, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than ten thousand dollars. Upon conviction, the person must be fined not less than two thousand or more than ten thousand dollars or imprisoned not more than five years, or both, together with the cost of prosecution;

(3) felony, for a first offense, when the value of the money obtained or sought to be obtained is ten thousand dollars or more. Upon conviction, the person must be fined not less than five thousand dollars nor more than twenty thousand dollars, imprisoned not more than ten years, or both, together with the cost of prosecution; and

(4) felony, for a second or subsequent violation, regardless of the amount of the economic advantage or benefit received. Upon conviction, the person must be fined not less than twenty thousand dollars or more than one hundred thousand dollars or imprisoned not more than ten years, or both.

(B) The determination of the degree of an offense under subsection (A) must be measured by the total value of all money obtained or sought to be obtained by the unlawful conduct.

(C) In addition to the criminal penalties provided in subsection (A), a person convicted pursuant to the provisions of this section must be ordered by the court to make full restitution to the Department of Employment and Workforce for any economic advantage or benefit that he obtained as a result of the unlawful conduct.

(D) For the purposes of subsection (A)(4), a conviction within the previous ten years for a violation of subsection (A) or violation under an employment security or unemployment compensation law of another state, the federal government, or of a foreign government that includes similar elements to the provisions of subsection (A), constitutes a prior offense.”

SECTION 5. Section 41‑41‑30 of the 1976 Code is amended to read:

“Section 41‑41‑30. (A) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any individual entitled thereto or to avoid becoming or remaining subject thereto or to avoid or reduce any contribution or other payment required from any employing unit under Chapters 27 through 41 of this title ~~shall be punished by a fine of not less than twenty nor more than one hundred dollars or by imprisonment for not longer than thirty days, and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense~~ is guilty of a:

(1) misdemeanor, for a first offense, triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65 when the value of the money obtained or sought to be obtained is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both, together with the cost of prosecution;

(2) felony, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than ten thousand dollars. Upon conviction, the person must be fined not less than two thousand or more than ten thousand dollars or imprisoned not more than five years, or both, together with the cost of prosecution;

(3) felony, for a first offense, when the value of the money obtained or sought to be obtained is ten thousand dollars or more. Upon conviction, the person must be fined not less than five thousand dollars nor more than twenty thousand dollars, imprisoned not more than ten years, or both, together with the cost of prosecution; and

(4) felony, for a second or subsequent violation, regardless of the amount of the economic advantage or benefit received. Upon conviction, the person must be fined not less than twenty thousand dollars or more than one hundred thousand dollars or imprisoned not more than ten years, or both.

(B) In addition to the criminal penalties provided in subsection (A), a person convicted pursuant to the provisions of this section must be ordered by the court to make full restitution to the Department of Employment and Workforce for any economic advantage or benefit that he obtained as a result of the unlawful conduct.

(C) For the purposes of subsection (A)(4), a conviction within the previous ten years for a violation of subsection (A) or violation under an employment security or unemployment compensation law of another state, the federal government, or of a foreign government that includes similar elements to the provisions of subsection (A), constitutes a prior offense.”

SECTION 6. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 7. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

Rep. SANDIFER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Brantley |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Gambrell | Gilliard | Govan |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | 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 | Putnam | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--104**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Howard |  |  |

**Total--1**

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

**H. 4494--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4494 -- Reps. Huggins, Long, Pitts, G. R. Smith and Bedingfield: A BILL TO AMEND SECTION 23-31-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASE OF RIFLES OR SHOTGUNS IN CONTIGUOUS STATES, SO AS TO REMOVE THE REQUIREMENT THAT THE PURCHASE BE MADE FROM A CONTIGUOUS STATE.

Rep. PITTS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 1

Those who voted in the affirmative are:

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

**Total--102**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Gilliard |  |  |

**Total--1**

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

**SPEAKER IN CHAIR**

**H. 4939--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4939 -- Reps. Quinn, Weeks and Rutherford: A BILL TO AMEND SECTION 61-6-1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS THE SOLE RESPONSIBILITY OF THE RETAIL DEALER.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4939 (COUNCIL\NBD\12251DG12), which was adopted:

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

/ SECTION \_\_\_. Section 61‑6‑1500 of the 1976 Code is amended to read:

“Section 61‑6‑1500. (A) A retail dealer may not:

(1) sell, barter, exchange, give, or offer for sale, barter, or exchange, or permit the sale, barter, exchange, or gift, of alcoholic liquors without regard to the size of the container:

(a) between the hours of 7:00 p.m. and 9:00 a.m.;

(b) for consumption on the premises;

(c) to a person under twenty‑one years of age;

(d) to an intoxicated person; ~~or~~

(e) to a mentally incompetent person; or

(f) to another dealer, except as provided in Section 61‑6‑950 or between locations owned by the same retail dealer;

(2) permit the drinking of alcoholic liquors in his store or place of business;

(3) sell alcoholic liquors on credit; however, this item does not prohibit payment by electronic transfer of funds if:

(a) the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquors; and

(b) the electronic transfer is initiated by the retailer no later than one business day after delivery; or

(4) redeem proof‑of‑purchase certificates for any promotional item.

However, during restricted hours a retail dealer is permitted to receive, stock, and inventory merchandise, provide for maintenance and repairs, and other necessary, related functions that do not involve the sale of alcoholic liquors.

(B)(1) It is unlawful for a person licensed to sell alcoholic liquors pursuant to the provisions of this section to knowingly and wilfully refill, partially refill, or reuse a bottle of lawfully purchased alcoholic liquor, or otherwise tamper with the contents of the bottle.

(2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both;

(b) for a second or subsequent offense, must be fined one thousand dollars or imprisoned not more than six months, or both.

(3) In addition to the penalties provided in subsection (B), a violation of this section may subject the licensee or permit holder to revocation or suspension of the license or permit by the department. A third or subsequent violation of subsection (A)(1)(f) within three years of the first violation must result in a mandatory suspension of the license or permit for a period of at least thirty days.

(4) The possession of a refilled or reused bottle or other container of alcoholic liquors is prima facie evidence of a violation of this section. A person who violates this provision must, upon conviction, have his license revoked permanently.

(C) A retail dealer must keep a record of all sales of alcoholic liquors sold to establishments licensed for on‑premises consumption. The record must include the name of the purchaser and the date and quantity of the sale by brand and bottle size.

(D) It is unlawful to sell alcoholic liquors except during lawful hours of operation.” /

Renumber sections to conform.

Amend title to conform.

Rep. QUINN explained the amendment.

The amendment was then adopted.

Rep. D. C. MOSS proposed the following Amendment No. 2 to H. 4939 (COUNCIL\NBD\12273DG12), which was ruled out of order:

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

/ SECTION \_\_\_. Section 61‑6‑4160 of the 1976 Code is amended to read:

“Section 61‑6‑4160. It is unlawful to sell alcoholic liquors on Sunday except as authorized by law, ~~on statewide election days,~~ or during periods proclaimed by the Governor in the interest of law and order ~~or public morals and decorum~~. It is unlawful for retail liquor stores to sell liquors on Christmas Day and Thanksgiving Day. Full authority to proclaim these periods is conferred upon the Governor in addition to all his other powers. A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days;

(b) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and

(c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years.” /

Renumber sections to conform.

Amend title to conform.

Rep. D. C. MOSS explained the amendment.

**POINT OF ORDER**

Rep. SELLERS raised the Point of Order that under Rule 9.3 Amendment No. 2 was out of order in that it was not germane to the Bill.

Rep. D. C. MOSS spoke against the Point stating that it dealt with alcohol sales.

SPEAKER HARRELL sustained the Point of Order and ruled Amendment No. 2 was out of order and not germane to the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 75; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bingham | Brady | Branham |
| Brannon | Brantley | R. L. Brown |
| Butler Garrick | Clyburn | Cole |
| Daning | Dillard | Erickson |
| Gambrell | Gilliard | Govan |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Hixon | Horne | Hosey |
| Howard | Huggins | Johnson |
| King | Limehouse | Long |
| Lucas | Mack | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | J. H. Neal |
| Neilson | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Rutherford | Ryan |
| Sabb | Sellers | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Tallon | Taylor | Thayer |
| Tribble | Vick | Weeks |
| Whipper | White | Young |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Barfield | Bedingfield |
| Chumley | Clemmons | Corbin |
| Crosby | Delleney | Forrester |
| Frye | Hamilton | Hiott |
| Knight | Loftis | McEachern |
| Nanney | J. M. Neal | Parker |
| Pinson | Skelton | Southard |
| Stringer | Toole |  |

**Total--23**

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

**H. 3665--DEBATE ADJOURNED**

Rep. PITTS moved to adjourn debate upon the following Bill until Wednesday, March 28, which was adopted:

H. 3665 -- Reps. Cooper, Pitts, Taylor, G. R. Smith, Bedingfield, White and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTIONS 23-31-130, 23-31-150, AND 23-31-180 RELATING TO REQUIRING A RETAIL DEALER TO POSSESS A LICENSE TO SELL OR TRANSFER A PISTOL AND THE ISSUANCE OF THE LICENSE, AND RELATING TO CERTAIN WEAPONS DECLARED TO BE CONTRABAND.

**H. 4915--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4915 -- Reps. McCoy, Harrell and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 19-11-50 RELATING TO THE PROHIBITION AGAINST THE TESTIMONY OF A DEFENDANT BEING USED AGAINST HIM IN ANOTHER CRIMINAL CASE.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brantley | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| 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 | Putnam |
| Quinn | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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

**H. 4919--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4919 -- Reps. McCoy, Harrell and Tallon: A BILL TO AMEND SECTION 16-3-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUNISHMENT AND SENTENCING FOR MURDER, SO AS TO PROVIDE FOR MANDATORY LIFE IMPRISONMENT WHEN THE STATE SEEKS A LIFE SENTENCE FOR A MURDER COMMITTED WITH CERTAIN OTHER DESIGNATED OFFENSES OR UNDER CERTAIN FURTHER DELINEATED CIRCUMSTANCES.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4919 (COUNCIL\MS\7737AHB12), which was adopted:

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

/ SECTION 1. A. Section 16‑3‑20(A) of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“(A)(1) A person who is convicted of or pleads guilty to murder must be punished by death, or by a mandatory minimum term of imprisonment for thirty years to life.

(2) If the State seeks a life sentence pursuant to subsection (F) and a defendant is convicted pursuant to that subsection, the defendant must be sentenced to life imprisonment as defined in this subsection.

(3) If the State seeks the death penalty and a statutory aggravating circumstance is found beyond a reasonable doubt pursuant to subsections (B) and (C), and a recommendation of death is not made, the trial judge must impose a sentence of life imprisonment.

For purposes of this section, ‘life’ or ‘life imprisonment’ means until death of the offender without the possibility of parole, and when requested by the State or the defendant, the judge must charge the jury in his instructions that life imprisonment means until the death of the defendant without the possibility of parole. In cases where the defendant is eligible for parole, the judge must charge the applicable parole eligibility statute. No person sentenced to life imprisonment pursuant to this section is eligible for parole, community supervision, or any early release program, nor is the person eligible to receive any work credits, education credits, good conduct credits, or any other credits that would reduce the mandatory life imprisonment required by this section. No person sentenced to a mandatory minimum term of imprisonment for thirty years to life pursuant to this section is eligible for parole or any early release program, nor is the person eligible to receive any work credits, education credits, good conduct credits, or any other credits that would reduce the mandatory minimum term of imprisonment for thirty years to life required by this section. Under no circumstances may a female who is pregnant be executed so long as she is pregnant or for a period of at least nine months after she is no longer pregnant. When the Governor commutes a sentence of death to life imprisonment under the provisions of Section 14, Article IV of the Constitution of South Carolina, 1895, the commutee is not eligible for parole, community supervision, or any early release program, nor is the person eligible to receive any work credits, good conduct credits, education credits, or any other credits that would reduce the mandatory imprisonment required by this subsection.”

B. Section 16‑3‑20 of the 1976 Code, as last amended by Act 289 of 2010, is further amended by adding a new subsection at the end to read:

“(F) Notwithstanding another provision of law, the State may seek a mandatory sentence of life imprisonment pursuant to the provisions of this subsection. The State shall give written notice to the defendant ten days prior to trial of its intention to seek sentencing pursuant to this subsection. If the State seeks a mandatory sentence of life imprisonment pursuant to this subsection, the defendant must be sentenced to life imprisonment if he is convicted and the conviction meets the following criteria, the defendant is convicted of:

(1) murder and also is found guilty of one or more of the following accompanying crimes:

(a) criminal sexual conduct in any degree;

(b) kidnapping;

(c) burglary in any degree; or

(d) robbery while armed with a deadly weapon;

(2) two or more murders by one act or pursuant to one scheme or course of conduct; or

(3) murder and the victim is a child eleven years of age or under.

The provisions of this subsection do not apply if the defendant is less than seventeen years of age.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 79; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Brannon |
| Chumley | Clemmons | Cole |
| Corbin | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| White | Whitmire | Willis |
| Young |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Brantley | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Dillard |
| Gilliard | Govan | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | Mack |
| Munnerlyn | J. H. Neal | Parks |
| Rutherford | Sabb | Weeks |
| Whipper | Williams |  |

**Total--26**

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

**H. 4572--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4572 -- Rep. Rutherford: A BILL TO AMEND SECTION 38-53-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SURETY RELIEVED ON BOND AND SURRENDER OF A DEFENDANT, SO AS TO DELETE LANGUAGE PROVIDING A PROCEDURE THROUGH WHICH A SURETY MAY BE RELIEVED OF LIABILITY FOR A BAIL BOND UPON FILING OF AN AFFIDAVIT STATING CERTAIN INFORMATION WHEN THE DEFENDANT IS INCARCERATED BY THE SURETY OR A LAW ENFORCEMENT AGENCY AS A RESULT OF A BENCH WARRANT.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4572 (COUNCIL\AGM\19512AB12), which was adopted:

Amend the bill, as and if amended, Section 38‑53‑50(C), by deleting the subsection in its entirety and inserting:

/ (C) If the defendant is incarcerated by the surety or a law enforcement agency as a result of a bench warrant, the surety shall file an affidavit with the court stating that the defendant is incarcerated in the appropriate detention facility as a result of the bench warrant as well as the violation of the specific term or terms of the bail bond stated in the bench warrant. Once the affidavit pursuant to the provisions of this subsection has been filed, the surety is relieved of all liability on the bail bond by the court unless otherwise ordered by the circuit court. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Rep. KING moved to adjourn debate on the Bill.

Rep. BANNISTER moved to table the motion, which was agreed to by a division vote of 75 to 19.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brannon | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Gambrell | Govan |
| Hamilton | Hardwick | Harrison |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brantley | Gilliard | Howard |

**Total--3**

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

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5039 -- Reps. J. H. Neal, 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, 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, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO CONGRATULATE HENRY L. AND NEINO W. POLK OF SUMTER COUNTY ON THE OCCASION OF THEIR FIFTIETH WEDDING ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSING AND FULFILLMENT.

H. 5074 -- Reps. Corbin, 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, 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, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, 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, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE BLUE RIDGE MIDDLE SCHOOL BATTLE OF THE BRAINS TEAM ON ITS OUTSTANDING WIN OF THE 2012 BATTLE OF THE BRAINS COMPETITION AND TO WISH ITS MEMBERS ALL THE BEST AS THEY COMPETE AT THE NATIONAL LEVEL IN JUNE.

**ADJOURNMENT**

At 1:34 p.m. the House, in accordance with the motion of Rep. TALLON, adjourned in memory of Ronald H. Littlefield, Jr., of Spartanburg, to meet at 10:00 a.m. tomorrow.

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