~~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 Jeremiah 29:11: “For surely I know the plans I have for you, says the Lord, plans for your welfare and not for harm, to give you a future with hope.”

Let us pray. Almighty God, the giver of every good gift, we thank You for Your love and care You so wonderfully give. Give these Representatives the gifts that they may discern the best way to accomplish the tasks before them. Bless them as they continue the agenda. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who support them in their duties. 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 yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. BARFIELD moved that when the House adjourns, it adjourn in memory of Woody Crosby of Conway, which was agreed to.

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 4181

Agency: Department of Health and Environmental Control

Statutory Authority: 1976 Code Sections 44-7-110, et seq.

Certification of Need for Health Facilities and Services

Received by Speaker of the House of Representatives June 1, 2011

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration May 7, 2012

Revised: May 11, 2012

**H. 3241--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., March 22, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 3241:

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, Erickson, Norman, Barfield and Loftis: 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.

and asks for a Committee of Conference and has appointed Senators Matthews, Hayes and Fair to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. J. M. NEAL, OWENS and PATRICK to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**REPORTS OF STANDING COMMITTEES**

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

H. 5063 -- Reps. Sandifer and Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-41-45 SO AS TO CIVIL PENALTIES FOR CERTAIN VIOLATIONS OF CHAPTER 41, TITLE 41; TO AMEND SECTION 41-41-10, RELATING TO FALSE STATEMENTS MADE TO INCREASE UNEMPLOYMENT BENEFITS, SO AS TO CHANGE PENALTIES FOR A VIOLATION; AND TO AMEND SECTION 41-41-30, RELATING TO FALSE STATEMENTS MADE BY AN EMPLOYER TO PREVENT OR REDUCE AN UNEMPLOYMENT BENEFIT, SO AS CHANGE THE PENALTIES FOR A VIOLATION.

Ordered for consideration tomorrow.

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

H. 4054 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-36 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON LAKE KEOWEE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE A PENALTY.

Ordered for consideration tomorrow.

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

H. 4200 -- Reps. Hardwick, Cooper, Clemmons, Frye, Ott, Funderburk, H. B. Brown, Battle, Agnew, McCoy, McEachern, Atwater, Williams, Spires, J. H. Neal, Gilliard, Sabb, Toole, Butler Garrick, Govan, Hiott, Stringer, Ballentine, Murphy, Knight, G. A. Brown, Chumley, Corbin, Crosby, Daning, Dillard, Hixon, Lowe, V. S. Moss, Neilson, Ryan, Willis and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-3-25 SO AS TO REQUIRE THE DEPARTMENT OF AGRICULTURE TO CREATE AND MAINTAIN A PROGRAM TO ENCOURAGE SCHOOLS TO SERVE LOCALLY GROWN, MINIMALLY PROCESSED FARM FOODS.

Ordered for consideration tomorrow.

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

H. 4703 -- Reps. Pitts, Herbkersman, Parker, Hardwick, White, Erickson, Henderson, Limehouse, Sandifer, G. R. Smith, Spires and Tribble: A CONCURRENT RESOLUTION TO OPPOSE AND REFUSE TO RECOGNIZE OR ENFORCE THE COASTAL AND MARINE SPATIAL PLANS CREATED IN SOUTH CAROLINA PURSUANT TO THE AUTHORITY OF THE NATIONAL OCEAN COUNCIL.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 4705 -- Reps. Brady, Butler Garrick, Long, Funderburk, Thayer, Henderson and Pope: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-60 SO AS TO REQUIRE HOSPITALS TO PROVIDE PARENTS OF NEWBORNS, PRIOR TO DISCHARGE, EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE AND TO REQUIRE THIS INFORMATION TO INCLUDE THE CENTER FOR DISEASE CONTROL'S RECOMMENDATION THAT PARENTS RECEIVE THE TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINE DURING POST PARTUM TO PROTECT NEWBORNS FROM THE TRANSMISSION OF PERTUSSIS; AND TO PROVIDE THAT HOSPITALS ARE NOT REQUIRED TO PROVIDE OR PAY FOR A VACCINATION AGAINST PERTUSSIS.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 4687 -- Reps. King, Parks, Butler Garrick, J. E. Smith and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-63-74 SO AS TO REQUIRE DEATH CERTIFICATES TO BE ELECTRONICALLY TRANSMITTED AMONG ALL PARTIES REQUIRED TO COMPLETE THE DEATH CERTIFICATE; TO REQUIRE ELECTRONIC FILING OF THE DEATH CERTIFICATE WITH THE BUREAU OF VITAL STATISTICS, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO PROVIDE THAT REQUIRED SIGNATURES MUST BE PROVIDED ELECTRONICALLY; AND TO DEFINE "ELECTRONIC SIGNATURE".

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

S. 1213 -- Senators Alexander, L. Martin, Scott, Knotts, Peeler, Cromer, Setzler, Leventis, Hayes, Nicholson, Ryberg and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 2 SO AS TO ESTABLISH THE STATE OF SOUTH CAROLINA MEDAL OF VALOR TO RECOGNIZE SOUTH CAROLINIANS, OR INDIVIDUALS WITH CERTAIN TIES TO SOUTH CAROLINA, WHO WERE KILLED IN ACTION WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA; TO PROVIDE FOR THE SOUTH CAROLINA MEDAL OF VALOR

ROLL; AND TO ESTABLISH THE SOUTH CAROLINA MEDAL OF VALOR AWARD CRITERIA.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

S. 872 -- Senators Knotts, Rose, Reese, O'Dell, Verdin, Rankin, Bryant, Malloy, McConnell, Scott, Grooms, Fair, Campbell, Elliott, Setzler, McGill, Davis, Williams, Pinckney, Cromer, Hayes, Land, Jackson, Lourie, Nicholson, Matthews, L. Martin, Alexander and Ford: A BILL TO AMEND SECTION 25-1-590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RETIREMENT OF MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD, SO AS TO EXTEND THE RETIREMENT HONORARY PROMOTION PROVISIONS TO HONORABLY DISCHARGED SERVICE-MEMBERS WHO ARE REMOVED FROM THE NATIONAL GUARD DUE TO MEDICAL CONDITIONS, AND TO PROVIDE THAT THE EXPANDED HONORARY PROMOTION ELIGIBILITY DESCRIBED ABOVE IS TO BE APPLIED RETROACTIVELY.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5085 -- Reps. Whipper, Mack, Gilliard, Harrell, R. L. Brown, Crosby, Horne, Limehouse, McCoy, Merrill, Murphy, Ryan, Sottile and Stavrinakis: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE NORTH CHARLESTON HIGH SCHOOL VARSITY BOYS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE 2012 CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5086 -- Reps. Whipper, Mack, Gilliard, Harrell, R. L. Brown, Crosby, Horne, Limehouse, McCoy, Merrill, Murphy, Ryan, Sottile and Stavrinakis: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE NORTH CHARLESTON HIGH SCHOOL VARSITY BOYS BASKETBALL TEAM WITH THE TEAM COACHES AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2012 SOUTH CAROLINA CLASS AA 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 North Charleston High School varsity boys basketball team with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2012 South Carolina Class AA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5090 -- Reps. Funderburk, 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, 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 HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE VIDA MILLER OF GEORGETOWN COUNTY FOR HER MANY YEARS OF DEDICATED LEGISLATIVE AND COMMUNITY SERVICE TO THE PEOPLE OF SOUTH CAROLINA AND TO WISH HER FULFILLMENT AND SUCCESS IN ALL HER FUTURE ENDEAVORS.

Whereas, it is with great pleasure that the members of the South Carolina House of Representatives honor individuals who freely give of their time and resources for the good of others; and

Whereas, the Honorable Vida Miller of Georgetown County, businesswoman and former member of the South Carolina House of Representatives, has contributed valuable public and community service to the citizens of the Palmetto State and is thereby worthy of praise; and

Whereas, Vida Miller was elected to the South Carolina House of Representatives in 1996 and served District 108, Charleston and Georgetown counties, with distinction for fourteen years. Prior to her years in the General Assembly, she served on the Georgetown County Board of Education for seven years; and

Whereas, as a Lowcountry businesswoman, she has owned and operated the Gray Man Gallery in Pawleys Island for thirty‑one years and in that time has become well known for her community service. She is a member of a host of local boards and commissions, currently including Waccamaw Regional Council of Governments (vice chairman), Tidelands Community Hospice, McClellanville Arts Council, and the Rice Museum; and

Whereas, also known for her commitment to public education, she received the South Carolina School Boards Association Legislator of the Year Award for two consecutive years. Among her numerous other honors for public and community service are the Georgetown Business and Professional Woman of the Year Award, South Carolina School Administrators Legislative Award, *Coastal Business Magazine* 30 Most Powerful Women Award (two consecutive years), and Sierra Club and Coastal Conservation Voters Legislator of the Year Award; and

Whereas, as an elected official, she was a fierce fighter for her constituents and for conservation of our state’s natural resources. Vida continues to assist her community and is actively involved with causes that are dear to her; and

Whereas, in recognition of her legislative and community service to this great State, Vida Miller will be honored by the South Carolina Women’s Legislative Caucus at its Jean Laney Harris Luncheon on March 28, 2012, as well as by the Southeastern Institute for Women in Politics in April 2012; and

Whereas, the members of the House of Representatives recognize that the success of the State of South Carolina, the strength of its communities, and the vitality of American society as a whole depend, in great measure, upon the dedication of individuals like Vida Miller, who use their talents and resources to serve others. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the Honorable Vida Miller of Georgetown County for her many years of dedicated legislative and community service to the people of South Carolina and wish her fulfillment and success in all her future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable Vida Miller.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5083 -- Rep. D. C. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SOUTH CAROLINA HIGHWAY PATROL SENIOR TROOPER ANTHONY B. FOX OF FLORENCE COUNTY, UPON BEING NAMED THE 2012 TROOP FIVE TROOPER OF THE YEAR, AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

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

**INTRODUCTION OF BILLS**

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

H. 5084 -- Rep. Pitts: A BILL TO AMEND SECTION 16-23-465, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING A PISTOL OR FIREARM ONTO THE PREMISES OF CERTAIN BUSINESSES THAT SELL ALCOHOLIC BEVERAGES, SO AS TO DELETE THE REFERENCE TO PENALTIES ASSOCIATED WITH THE OFFENSES OF ROBBERY AND ATTEMPTED ROBBERY WHILE ARMED WITH A DEADLY WEAPON AND THE UNLAWFUL CARRYING OF CERTAIN CONCEALED DEADLY WEAPONS, TO DELETE THE PROVISION THAT REVOKES THE CONCEALED WEAPONS PERMIT OF A PERSON WHO VIOLATES THIS SECTION, TO REDUCE THE PENALTY FOR A VIOLATION OF THIS PROVISION, TO PROVIDE THAT THE PENALTIES IN THIS SECTION ARE IN ADDITION TO THOSE ASSOCIATED WITH THE OFFENSES OF ENTERING A PREMISES AFTER BEING WARNED NOT TO OR FAILING TO LEAVE A PREMISES AFTER BEING ASKED TO LEAVE, AND THE UNLAWFUL CARRYING OF A CONCEALED WEAPON ONTO A PREMISES BY A PERSON WHO HAS BEEN ISSUED A CONCEALED WEAPONS PERMIT, AND TO REVISE THE CIRCUMSTANCE IN WHICH THIS SECTION APPLIES.

Referred to Committee on Judiciary

H. 5087 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR MEDICAL PROFESSIONALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4244, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 5088 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN PSYCHOLOGY, RELATING TO CONTINUING EDUCATION CREDITS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4251, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 5089 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4271, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

S. 45 -- Senators McConnell, Campsen and Ford: A BILL TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17-15-55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT'S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT'S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, IF THE STATE'S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT, OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY-EIGHT HOURS.

Referred to Committee on Judiciary

S. 1268 -- Senators Peeler, Shoopman and Ford: A JOINT RESOLUTION TO PROVIDE THAT IN 2013 AND 2014, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN THE MANUFACTURER'S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SEVEN HUNDRED TWO DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

Referred to Committee on Education and Public Works

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brantley |
| G. A. Brown | R. L. Brown | Chumley |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | Knight |
| Limehouse | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | 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, March 28.

|  |  |
| --- | --- |
| William G. Herbkersman | James Merrill |
| Dwight Loftis | Douglas "Doug" Brannon |
| Joseph Neal | Boyd Brown |
| William Bowers | Mia Butler Garrick |
| Todd Rutherford | Alan D. Clemmons |
| Bakari Sellers | Chris Hart |
| Peter McCoy, Jr. |  |

**Total Present--118**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. DILLARD a leave of absence for the day due to business reasons.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**STATEMENT OF ATTENDANCE**

Rep. EDGE signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, March 27.

**DOCTOR OF THE DAY**

Announcement was made that Dr. John Burrell of Anderson was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. G. R. SMITH presented to the House the Hillcrest High School "Rams" Varsity Wrestling Team, the 2012 State AAAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. MURPHY presented to the House the Pinewood Preparatory School "Lady Panthers" Girls Varsity Basketball Team, the 2011-2012 South Carolina Independent School Association Class AAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED**

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. 3757 |
| Date: | ADD: |
| 03/28/12 | PATRICK and J. R. SMITH |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4092 |
| Date: | ADD: |
| 03/28/12 | WHIPPER and R. L. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4761 |
| Date: | ADD: |
| 03/28/12 | LOFTIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5079 |
| Date: | ADD: |
| 03/28/12 | AGNEW |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5025 |
| Date: | ADD: |
| 03/28/12 | R. L. BROWN and WHIPPER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5029 |
| Date: | ADD: |
| 03/28/12 | TOOLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4641 |
| Date: | ADD: |
| 03/28/12 | WHIPPER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4739 |
| Date: | ADD: |
| 03/28/12 | WHIPPER and R. L. BROWN |

**H. 4550--DEBATE ADJOURNED**

Rep. BALES moved to adjourn debate upon the following Bill until Sunday, April 15, 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.

**S. 1337--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The yeas and nays were taken resulting as follows:

 Yeas 80; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Brady | Branham |
| Brantley | G. A. Brown | Clyburn |
| Cobb-Hunter | Cole | Crawford |
| Crosby | Daning | Delleney |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hardwick | Harrell | Harrison |
| Henderson | Herbkersman | Hixon |
| Hodges | Hosey | Howard |
| Jefferson | Johnson | Loftis |
| Lowe | Lucas | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Tribble | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--80**

 Those who voted in the negative are:

**Total--0**

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

**SENT TO THE SENATE**

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

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.

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.

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.

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.

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.

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.

**H. 4774--RECOMMITTED**

The following Joint Resolution was taken up:

H. 4774 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ADULT EDUCATION PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4199, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. OWENS moved to recommit the Joint Resolution to the Committee on Education and Public Works, which was agreed to.

**H. 4269--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Tuesday, April 17, 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.

**H. 3665--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The Judiciary Committee proposed the following Amendment No. 1 to H. 3665 (COUNCIL\SWB\5226CM12), which was adopted:

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

/ SECTION 1. Section 23‑31‑180 of the 1976 Code is repealed.

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

Renumber sections to conform.

Amend title to conform.

Rep. QUINN explained the amendment.

The amendment was then adopted.

Rep. PITTS proposed the following Amendment No. 2 to H. 3665 (COUNCIL\SWB\5247CM12), which was adopted:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. Section 16‑23‑465 of the 1976 Code, as last amended by Act 274 of 2002, is further amended to read:

 “Section 16‑23‑465. In addition to the penalties provided for by Sections ~~16‑11‑330 and 16‑23‑460 and by Article 1 of Chapter 23 of Title 16,~~ 16‑11‑620 and 23‑31220 a person ~~convicted of carrying a pistol or firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises~~ is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than ~~three~~ two years, or both, when the person:

 (1) carries a firearm into any business which sells alcoholic liquor, beer, or wine for consumption on the premises and which at the time of the offense was clearly and conspicuously posted in accordance with Section 23‑31‑220;

 (2) carries a firearm in any business which sells alcoholic liquor, beer, or wine for consumption on the premises and refuses to leave or to remove the firearm from the premises when asked to do so by a person legally in control of the premises; or

 (3) consumes alcohol while carrying a firearm in any business which sells alcoholic liquor, beer, or wine for consumption on the premises.

 ~~In addition to the penalties described above, a person who violates this section while carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, must have his concealed weapon permit revoked.~~”/

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

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

Yeas 83; Nays 7

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brantley | G. A. Brown | Chumley |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Crawford | Delleney |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Johnson | Knight |
| Loftis | Long | Lucas |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Neilson | Norman |
| Ott | Owens | Parker |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sandifer | Simrill | Skelton |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Weeks | White |
| Whitmire | Young |  |

**Total--83**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Gilliard | Jefferson |
| Mack | Pinson | Sabb |
| Southard |  |  |

**Total--7**

So, the amendment was adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 82; Nays 3

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brantley | G. A. Brown | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Johnson | Knight |
| Long | Lucas | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. H. Neal |
| Neilson | Norman | Owens |
| Parker | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| White | Whitmire | Williams |
| Young |  |  |

**Total--82**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Gilliard | Sabb |

**Total--3**

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

RECORD FOR VOTING

 At the time of the vote on H. 3665, I was temporarily out of the Chamber at a meeting. If I had been present, I would have voted in favor of Amendment No. 1, presented by Rep. Quinn, and Amendment No. 2, by Rep. M. A. Pitts, as well as voting in favor of the Bill.

 Rep. Phillip Lowe

RECORDS FOR VOTING

 At the time of the vote on H. 3665, we were temporarily out of the Chamber on constituent business. If we had been present, we would have voted in favor of the Bill.

 Rep. Garry R. Smith

 Rep. Mark Willis

**H. 4888--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4888 -- Reps. Thayer, Owens, Daning, Brannon, Erickson, Whitmire, Atwater, R. L. Brown, Gambrell, J. M. Neal, Putnam and Willis: A BILL TO AMEND SECTION 38-73-470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITION OF THE UNINSURED MOTORIST FUND, SO AS TO PROVIDE THAT THE PORTION THAT WAS FORMERLY PAID TO THE DEPARTMENT OF PUBLIC SAFETY MUST BE PAID TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-1-286, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE OR PERMIT TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE PORTION OF THE FEE TO OBTAIN A TEMPORARY ALCOHOL LICENSE THAT WAS FORMERLY RETAINED BY THE DEPARTMENT OF PUBLIC SAFETY MUST BE DISTRIBUTED TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-3-3910, RELATING TO THE ISSUANCE OF "SHAG" SPECIAL LICENSE PLATES, SO AS TO REVISE THE BIENNIAL PERIOD IN WHICH THE LICENSE PLATE MUST BE ISSUED OR REVALIDATED; TO AMEND SECTION 56-3-5200, RELATING TO "SOUTH CAROLINA: FIRST IN GOLF" SPECIAL LICENSE PLATES, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE WHEN A DRIVER REFUSES TO SUBMIT TO TESTS TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-10-552, RELATING TO THE UNINSURED ENFORCEMENT FUND, SO AS TO PROVIDE THAT THIS FUND WHICH WAS FORMERLY DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY MUST NOW BE DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES AND USED BY THE DEPARTMENT OF MOTOR VEHICLES AND THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 56-15-420, RELATING TO THE PROMULGATION OF CERTAIN REGULATIONS BY THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO PROVIDE THAT THESE REGULATIONS NOW WILL BE PROMULGATED BY THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-19-420, AS AMENDED, RELATING TO CERTAIN FEES FOR SERVICES OFFERED BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REVISE THE DISTRIBUTION OF THESE FEES; AND TO REPEAL ARTICLE 60, CHAPTER 3, TITLE 56 RELATING TO THE ISSUANCE OF "SHRINERS" SPECIAL LICENSE PLATES.

The Education & Public Works Committee proposed the following Amendment No. 1 to H. 4888 (COUNCIL\GGS\22349ZW12), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 8 on pages 4 and 5 in its entirety.

Amend the bill further, SECTION 11, page 6, by deleting SECTION 11 in its entirety and inserting:

/ SECTION 11. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. THAYER explained the amendment.

The amendment was then adopted.

Rep. THAYER explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 96; Nays 1

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Delleney |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Neilson | Norman | Owens |
| Parker | Parks | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |

**Total--96**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Young |  |  |

**Total--1**

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

RECORD FOR VOTING

 I voted against H. 4888, because the version of the Bill that I saw on the computer has a Section 8, which is being amended to take money from the Highway Patrol at the Dept. of Public Safety and give it to the DMV.  During the vote, no staff could tell me whether that Section was removed as part of any amendment.  Without an adequate explanation, I voted against the Bill, since it appeared to me that Section 8 was in the version before the House.  If Section 8 was deleted,  I would support this Bill.

 Rep. Tom Young, Jr.

**LEAVE OF ABSENCE**

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

**S. 833--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 833 -- Senators Jackson, Courson, Lourie, Knotts, Anderson, Sheheen, Scott, Hayes, Ford, Nicholson, Leventis, Rose, Malloy and Setzler: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO PROVIDE THAT ACTIVE DUTY MILITARY PERSONNEL MAY BE CHARGED LESS THAN THE UNDERGRADUATE TUITION RATE FOR SOUTH CAROLINA RESIDENTS FOR CERTAIN COURSES.

Rep. BRANHAM explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 103; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | Knight | 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 |
| Pitts | Pope | Putnam |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| White | Whitmire | Willis |
| Young |  |  |

**Total--103**

 Those who voted in the negative are:

**Total--0**

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

**H. 4761--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4761 -- Reps. Hiott, D. C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J. R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V. S. Moss, Pitts, Putnam, Taylor, White and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-225 SO AS TO DEFINE THE TERM "FARM TRUCK"; BY ADDING SECTION 56-5-363 SO AS TO PROVIDE THAT CERTAIN COMMERCIAL MOTOR VEHICLES AND FARM TRUCKS ARE EXEMPT FROM CERTAIN FEDERAL MOTOR CARRIER SAFETY LAWS AND REGULATIONS; TO AMEND SECTION 56-3-670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO REVISE THE WEIGHT REQUIREMENTS FOR FARM TRUCKS THAT MAY BE USED FOR DOMESTIC PURPOSES AND GENERAL TRANSPORTATION BUT MAY NOT BE USED TO TRANSPORT PERSONS OR PROPERTY FOR HIRE; TO AMEND SECTION 56-5-4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS; AND TO AMEND SECTION 56-5-4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN "FARM TRUCKS" ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.

The Education and Public Works Committee proposed the following Amendment No. 1 to H. 4761 (COUNCIL\SWB\5213CM12), which was adopted:

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

/ SECTION 1. Subarticle I, Article 3, Chapter 5, Title 56 of the 1976 Code is amended by adding:

 “Section 56‑5‑225. Farm truck is defined as a truck having a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), and gross combination weight rating (GCWR) less than 26,001 lbs, used exclusively by the owner for agricultural, horticultural, dairying, livestock, and poultry operations and includes transporting farm processed horticultural products, including soil amendments and mulches owned by the truck’s owner or another person, including first market. However, farm trucks with an empty weight of less than twenty‑six thousand and one pounds may be used for ordinary domestic purposes and general transportation, but must not be used to transport persons or property for hire. No part of this definition may be interpreted to exempt any commercial motor vehicle less than 26,001 lbs GVW/GVWR/GCW/GCWR from all or part of state laws or regulations applicable to intrastate commerce if the vehicle:

 (1) transports hazardous materials requiring a placard; or

 (2) is designed or used to transport sixteen or more people, including the driver.”

SECTION 2. Subarticle I, Article 3, Chapter 5, Title 56 of the 1976 Code is amended by adding:

 “Section 56‑5‑363. (A) Except as provided in subsection (C), a commercial motor vehicle (CMV) operating in intrastate commerce is exempt from all state laws or regulations applicable to intrastate commerce, provided that the gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), and gross combination weight rating (GCWR) are less than 26,001 lbs.

 (B) A CMV driver operating a ‘farm truck’ as specified in Section 56‑5‑225 in intrastate commerce that is less than or equal to the GVW, GVWR, GCW and GCWR set forth in subsection (A) who does not meet the physical qualifications standards contained in 49 C. F. R. 391.41 may continue to be qualified to operate a CMV in intrastate commerce if the following conditions are met:

 (1) the driver was qualified under existing State law or regulation at the time the state adopted physical qualification standards compatible with federal standards in 49 C. F. R. 391.41;

 (2) the otherwise non‑qualifying medical or physical conditions has not worsened substantially; and

 (3) no other non‑qualifying medical or physical condition has developed.

 (C) A CMV is not exempt from Federal Motor Carrier Safety laws or regulations applicable to intrastate commerce, regardless of weigh, if the vehicle is:

 (1) designed or used to transport sixteen or more passengers, including the driver; or

 (2) used in the transportation of hazardous materials and is required to be placarded pursuant to 49 C. F. R. part 172, subpart F.”

SECTION 3. Section 56‑3‑670(A) of the 1976 Code, as last amended by Act 398 of 2006, is further amended to read:

 “(A) For the purpose of this section, farm truck is defined as a truck, having a gross vehicle weight (GVW), gross vehicle weight (GVWR), gross combination weight (GCW), and gross combination weight rating (GWR) less than 26,001 lbs, used exclusively by the owner for agricultural, horticultural, dairying, livestock, and poultry operations and includes transporting farm processed horticultural products, including soil amendments and mulches owned by the truck’s owner or another person, including first market. However, farm trucks with an empty weight of less than seven thousand five hundred pounds may be used for ordinary domestic purposes and general transportation but must not be used to transport persons or property for hire. No part of this definition may be interpreted to exempt any commercial motor vehicle less than 26,001 lbs GVW/GVWR/GVW/GCWR from all or part of state laws or regulations applicable to intrastate commerce if the vehicle:

 (1) transports hazardous materials requiring a placard; or

 (2) is designed or used to transport sixteen or more people, including the driver.”

SECTION 4. Section 56‑5‑4010 of the 1976 Code is amended to read:

 “Section 56‑5‑4010. (A) It ~~shall be~~ is unlawful for ~~any~~ a person to drive or move or for the owner to cause or knowingly to permit to be driven or moved on ~~any~~ a highway ~~any~~ a vehicle of a size or weight exceeding the limitations stated in this article or otherwise in violation of this article. The maximum size and weight of vehicles herein specified ~~shall be~~ is lawful throughout the State, and local authorities shall have no power or authority to alter ~~such~~ these limitations except as express authority may be granted in this article. Provided, that municipalities and their franchisees may operate combinations of vehicles of not more than four units and not more than sixty‑five feet in length on city streets within their corporate limits and the operation of ~~such~~ these combinations of units ~~shall be~~ is limited to speeds not in excess of twenty miles ~~per~~ an hour, and ~~such~~ these combination units ~~shall~~ must be equipped with brakes meeting braking requirements of Section 56‑5‑4860 and the rear vehicle ~~shall~~ must be equipped with at least one stoplight.

 (B) The Transport Police Division of the Department of Public Safety has exclusive authority in this State for enforcement of the commercial motor vehicle carrier laws, which include Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and size and weight laws and regulations.”

SECTION 5. Section 56‑5‑4150 of the 1976 Code is amended to read:

 “Section 56‑5‑4150. (A) The Department of Motor Vehicles upon registering a vehicle, under the laws of this State, which is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may require information and may make investigation or tests necessary to enable it to determine whether the vehicle may be operated safely upon the highways in accordance with all the provisions of this chapter. The department may register the vehicle for a load capacity which, added to the empty or unloaded weight of the vehicle, will result in a permissible gross weight not exceeding the limitations set forth in this chapter. It is unlawful for a person to operate a vehicle or combination of vehicles with a load capacity in excess of that for which it is registered by the department or in excess of the limitations set forth in this chapter. A person making application for a ‘farm truck’ license shall declare in the form prescribed by the department the true unloaded or empty weight of the vehicle and shall stencil or mark in a conspicuous place on the left side of the vehicle the true unloaded or empty weight if the unloaded or empty weight is over five thousand pounds. A ‘farm truck’ operating solely in intrastate commerce and otherwise specified in Section 56‑5‑225 is not required to have the name of the registered owner, lessor, or lessee stenciled or otherwise marked on the vehicle.

 (B) A private motor truck or truck tractor of more than twenty‑six thousand pounds gross weight and a for‑hire motor truck or truck tractor must have the name of the registered owner or lessor on the side clearly distinguishable at a distance of fifty feet. These provisions do not apply to two‑axle straight trucks hauling raw farm and forestry products. ~~A~~ Except as provided in subsection (A) concerning certain ‘farm trucks’, a truck operating pursuant to the federal motor carrier safety regulations ~~may~~ must operate with the owner’s, lessor’s, or lessee’s name as required.”

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

The amendment was then adopted.

Rep. HIOTT proposed the following Amendment No. 2 to H. 4761 (COUNCIL\DKA\4048HTC12), which was adopted:

Amend the bill, as and if amended, in Section 56‑5‑225, as contained in SECTION 1, page 4761‑1, by striking, beginning on line 33: /having a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), and gross combination weight rating (GCWR) less than 26,001 lbs, /

Amend the bill further, by striking Section 56‑5‑363, as contained in SECTION 2, page 4761‑2, and inserting:

/ SECTION 2. Subarticle 1, Article 3, Chapter 5, title 56 of the 1976 Code is amended by adding:

 “Section 56-5-363. (A) Except as otherwise provided by law or through regulations promulgated by the Department of Public Safety, a commercial motor vehicle (CMV) and its driver operating in intrastate commerce with a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), and gross combination weight rating (GCWR) exceeding 26,000 pounds must meet the requirements of the Federal Motor Carrier Safety Regulations, as enforced exclusively by the State Transport Police Division of the Department of Public Safety.

 (B) CMVs operating below 26,001 pounds are exempt from the regulations cited in subsection (A).

 (C) A CMV or its driver is not exempt from the regulations cited in subsection (A) regardless of weight, if the vehicle is:

 (1) designed or used to transport sixteen or more passengers, including the driver; or

 (2) used in the transportation of hazardous materials and is required to be placarded pursuant to 49 C. F. R. part 172, subpart F.” /

Amend the bill further, as and if amended, in Section 56‑3‑670(A), as contained in SECTION 3, page 4761‑2, by striking beginning on line 43 and continuing on lines 1 and 2 of page 4761‑3:

,having a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), and gross combination weight rating (GCWR) less than 26,001 lbs, /.

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

The amendment was then adopted.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of the Bill.

**RECURRENCE TO THE MORNING HOUR**

Rep. TOOLE moved that the House recur to the morning hour, which was agreed to.

**REPORT OF STANDING COMMITTEE**

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

H. 5025 -- Reps. Govan, Cobb-Hunter, King, Limehouse, J. H. Neal, Ott, R. L. Brown and Whipper: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT AND THREE ALUMNI MEMBERS, AND TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, INCLUDING A PROVISION THAT THE TERMS OF ALL PRESENTLY ELECTED MEMBERS OF THE BOARD SHALL EXPIRE ON JUNE 30, 2012, AT WHICH TIME THEIR SUCCESSORS ELECTED AS PROVIDED BY THIS SECTION SHALL TAKE OFFICE.

Ordered for consideration tomorrow.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5091 -- Reps. G. R. Smith, Allen, Bannister, Bedingfield, Bikas, Corbin, Dillard, Hamilton, Henderson, Loftis, Nanney, Stringer and Willis: A CONCURRENT RESOLUTION TO RECOGNIZE HABITAT FOR HUMANITY OF GREENVILLE COUNTY ON THE CONSTRUCTION OF ITS THREE HUNDREDTH HOME, AND TO HONOR THE ORGANIZATION FOR CONTINUING TO FOSTER STRONGER FAMILIES AND NEIGHBORHOODS IN GREENVILLE COUNTY.

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

**INTRODUCTION OF BILL**

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

H. 5092 -- Rep. Quinn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-95-25 SO AS TO SPECIFY THAT SMOKING IS PERMITTED IN CIGAR BARS AND TO DEFINE CIGAR BAR.

Referred to Committee on Judiciary

**H. 4761--AMENDED AND INTERRUPTED DEBATE**

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

H. 4761 -- Reps. Hiott, D. C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J. R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V. S. Moss, Pitts, Putnam, Taylor, White and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-225 SO AS TO DEFINE THE TERM "FARM TRUCK"; BY ADDING SECTION 56-5-363 SO AS TO PROVIDE THAT CERTAIN COMMERCIAL MOTOR VEHICLES AND FARM TRUCKS ARE EXEMPT FROM CERTAIN FEDERAL MOTOR CARRIER SAFETY LAWS AND REGULATIONS; TO AMEND SECTION 56-3-670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO REVISE THE WEIGHT REQUIREMENTS FOR FARM TRUCKS THAT MAY BE USED FOR DOMESTIC PURPOSES AND GENERAL TRANSPORTATION BUT MAY NOT BE USED TO TRANSPORT PERSONS OR PROPERTY FOR HIRE; TO AMEND SECTION 56-5-4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS; AND TO AMEND SECTION 56-5-4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN "FARM TRUCKS" ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.

Reps. OTT and TOOLE proposed the following Amendment No. 3 to H. 4761 (COUNCIL\DKA\4049HTC12), which was adopted:

Amend the bill, as and if amended, by adding a penultimate new section appropriately numbered to read:

/ SECTION \_\_. From the effective date of this act through June 30, 2013, a fine may not be imposed on owners or drivers of farm trucks as defined in Section 56‑5‑225 of the 1976 Code for violations of:

 (1) the physical qualification standards in 49 C.F.R. 391.41, including a requirement to obtain a special medical card or certification; or

 (2) the requirement to obtain a South Carolina Department of Transportation Intrastate number. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

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

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

Reps. TOOLE and OTT proposed the following Amendment No. 4 to H. 4761 (COUNCIL\DKA\4051HTC12):

Amend the bill, as and if amended, Section 56‑5‑363, as contained in SECTION 2, page [4761‑2], by adding a new subsection at the end appropriately lettered to read:

/ ( ) Notwithstanding any other provision of law, a fine in excess of fifty dollars may not be imposed for any intrastate violation first established by law or regulation after April 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

Rep. ERICKSON moved that the House recede until 2:00 p.m., which was agreed to.

Further proceedings were interrupted by the House receding, the pending question being consideration of Amendment No. 4.

**THE HOUSE RESUMES**

At 2:00 p.m. the House resumed, ACTING SPEAKER PINSON in the Chair.

RECORD FOR VOTING

 I did not vote this morning on legislation, due to my attendance at the groundbreaking ceremony of Continental Tire in Sumter.

 Rep. G. Murrell Smith

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**RECURRENCE TO THE MORNING HOUR**

Rep. HIOTT moved that the House recur to the morning hour, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

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

H. 3209 -- Reps. Cobb-Hunter, Long and Brady: A BILL TO AMEND SECTION 20-4-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE THAT THE COURT MAY PROHIBIT HARM OR HARASSMENT TO A PET ANIMAL OWNED, POSSESSED, KEPT, OR HELD BY THE PETITIONER AND TO PROVIDE THAT IN ORDERING TEMPORARY POSSESSION OF PERSONAL PROPERTY, THE COURT MAY ORDER THE TEMPORARY POSSESSION OF PET ANIMALS.

Ordered for consideration tomorrow.

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

H. 4738 -- Reps. Govan and Hearn: A BILL TO AMEND SECTION 20-3-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY IN DIVORCE AND SEPARATE MAINTENANCE AND SUPPORT ACTIONS, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON "COHABITATION", RATHER THAN ON "CONTINUED COHABITATION" OF THE SUPPORTED SPOUSE; TO DEFINE "COHABITATION" AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; TO AMEND SECTION 20-3-150, AS AMENDED, RELATING TO ALLOCATING ALIMONY TO THE SUPPORTED SPOUSE AND CHILD SUPPORT TO THE CHILDREN SUCH THAT ONLY ALIMONY IS TERMINATED UPON REMARRIAGE OR CONTINUED COHABITATION OF THE SUPPORTED SPOUSE, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON "COHABITATION", RATHER THAN ON "CONTINUED COHABITATION" OF THE SUPPORTED SPOUSE; TO DEFINE "COHABITATION" AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; AND TO AMEND SECTION 20-3-170, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY, SO AS TO PROVIDE THAT UPON THE MOTION OF A PARTY TO A JUDGMENT OF DIVORCE, THE COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE RETIREMENT OF THE SUPPORTING SPOUSE CONSTITUTES A CHANGE OF CIRCUMSTANCES FOR THE PURPOSE OF ALIMONY PAYMENTS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER IN MAKING THIS DETERMINATION.

Ordered for consideration tomorrow.

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

H. 4717 -- Reps. Brannon and Allison: A BILL TO AMEND SECTION 63-7-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXPEDITED PLACEMENT OF A CHILD WITH A RELATIVE OF THE FIRST OR SECOND DEGREE WHEN A CHILD REMAINS IN THE LEGAL CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES FOLLOWING THE PROBABLE CAUSE HEARING, SO AS TO PROVIDE THAT IF THE COURT FINDS THAT CONTINUING THE CHILD IN THE HOME WOULD BE CONTRARY TO THE WELFARE OF THE CHILD, THE COURT MAY ORDER PLACEMENT WITH A RELATIVE OF THE FIRST OR SECOND DEGREE, WHICH INCLUDES A GRANDPARENT; TO PROVIDE THAT THE COURT SHALL CONSIDER CERTAIN CHARACTERISTICS OF THE RELATIVE AND HOW THESE WOULD IMPACT THE CHILD; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A RELATIVE OF THE FIRST OR SECOND DEGREE, THE RELATIVE MUST BE NAMED AS A PARTY FOR THE DURATION OF THE CASE.

Ordered for consideration tomorrow.

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

H. 4945 -- Reps. Funderburk, Harrison, Brantley, McLeod, Butler Garrick, Munnerlyn, Taylor, J. H. Neal, Dillard, Bannister, G. R. Smith, Bowers, Cobb-Hunter, Delleney, Hixon, Long, Pope and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-5-185 SO AS TO AUTHORIZE A PERSON TO REGISTER TO VOTE ELECTRONICALLY ON THE INTERNET WEBSITE OF THE STATE ELECTION COMMISSION, TO PROVIDE A PROCEDURE FOR THIS TYPE OF REGISTRATION AND AUTHORIZE THE STATE ELECTION COMMISSION TO PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ACT.

Ordered for consideration tomorrow.

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

H. 4128 -- Reps. Pitts, Atwater, Toole, Chumley, Delleney, Hosey, D. C. Moss, G. R. Smith, Williams, Willis, Huggins, Bingham, Quinn and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 1, TITLE 1 SO AS TO PROVIDE THAT GOLD OR SILVER COIN, OR BOTH SHALL BE LEGAL TENDER IN THIS STATE FOR PAYMENT OF CERTAIN DEBTS; AND BY ADDING ARTICLE 26 TO CHAPTER 1, TITLE 1 SO AS TO ESTABLISH A JOINT COMMITTEE FOR THE ADOPTION OF AN ALTERNATE FORM OF CURRENCY.

Ordered for consideration tomorrow.

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

H. 3757 -- Reps. Hardwick, Hearn, Mitchell, Long, Erickson, Brady, Butler Garrick, Funderburk, Munnerlyn, Knight, Dillard, Cobb-Hunter, Parks, Huggins, Allison, Tallon, Brannon, Atwater, Whipper, Patrick and J. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 3, TITLE 16 SO AS TO DEFINE NECESSARY TERMS, PROVIDE FOR CERTAIN HUMAN TRAFFICKING OFFENSES AND PROVIDE PENALTIES, TO PROVIDE FOR CRIMINAL LIABILITY OF BUSINESS ENTITIES, TO PROVIDE RESTITUTION FOR VICTIMS OF HUMAN TRAFFICKING OFFENSES, TO ESTABLISH AN INTERAGENCY TASK FORCE TO DEVELOP AND IMPLEMENT A PLAN FOR THE PREVENTION OF TRAFFICKING IN PERSONS, TO REQUIRE THE COLLECTION AND DISSEMINATION OF DATA RELATED TO HUMAN TRAFFICKING BY THE STATE LAW ENFORCEMENT DIVISION (SLED), TO REQUIRE MANDATORY LAW ENFORCEMENT TRAINING ON HUMAN TRAFFICKING OFFENSES, TO PROVIDE FOR THE CREATION OF PUBLIC AWARENESS PROGRAMS REGARDING HUMAN TRAFFICKING IN THE STATE, TO ALLOW CIVIL ACTIONS BY VICTIMS OF HUMAN TRAFFICKING, TO PROVIDE THAT CERTAIN STANDARDS OF WORKING CONDITIONS APPLY WITHOUT REGARD TO IMMIGRATION STATUS, TO PROVIDE CERTAIN PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING PURSUANT TO THE VICTIMS' BILL OF RIGHTS AND OTHER RELEVANT STATUTORY PROVISIONS, TO REQUIRE THE STATE TO DEVELOP PLANS FOR HOUSING AND COUNSELING, AMONG OTHER THINGS, OF VICTIMS OF HUMAN TRAFFICKING WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THE ACT, TO PROVIDE FOR CERTAIN RIGHTS OF MINOR VICTIMS OF HUMAN TRAFFICKING, TO ESTABLISH HUMAN TRAFFICKING VICTIM-CASEWORKER PRIVILEGE, AND TO CREATE THE OFFENSE OF MALICIOUSLY OR WITH CRIMINAL NEGLIGENCE PUBLISHING, DISSEMINATING, OR OTHERWISE DISCLOSING THE LOCATION OF A HUMAN TRAFFICKING VICTIM, A TRAFFICKING SHELTER, OR A DOMESTIC VIOLENCE SHELTER AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 16-3-930 RELATING TO TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES.

Ordered for consideration tomorrow.

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

H. 4943 -- Reps. Lowe, Crawford, Erickson, Patrick, Brannon, Ott, Bowers, G. A. Brown, Clemmons, Cole, Frye, Merrill, Pitts, Spires, Tallon, White, Knight and G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-715 SO AS TO PROVIDE FOR THE HUNTING OF COYOTES, ARMADILLOS, AND FERAL HOGS ON PRIVATE PROPERTY DURING NIGHTTIME HOURS.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 4626 -- Rep. White: A BILL TO AMEND SECTION 11-11-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, ESTABLISHING THE SMOKING PREVENTION AND CESSATION TRUST FUND AND THE SOUTH CAROLINA MEDICAID FUND TO RECEIVE REVENUES OF THE TWO AND ONE-HALF CENT SURTAX IMPOSED ON THE SALE OF EACH CIGARETTE, SO AS ESTABLISH THE BREAST CANCER AND COLORECTAL CANCER SCREENING AND TREATMENT TRUST FUND TO WHICH MUST BE DEPOSITED ANNUALLY TWO AND ONE-HALF MILLION DOLLARS IN CIGARETTE SURTAX REVENUES WHICH MUST BE USED BY THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR THE SOLE PURPOSE OF ESTABLISHING A STATEWIDE BREAST CANCER AND COLORECTRAL CANCER SCREENING AND TREATMENT PROGRAM; AND TO AMEND SECTION 12-21-625, RELATING TO THE IMPOSITION OF THE CIGARETTE SURTAX AND THE USE OF THE REVENUES OF THE TAX, SO AS TO PROVIDE THAT TWO AND ONE-HALF MILLION DOLLARS ANNUALLY OF THE SURTAX REVENUE MUST BE CREDITED TO THE BREAST CANCER AND COLORECTAL CANCER SCREENING AND TREATMENT TRUST FUND AND TO REDUCE FROM FIVE MILLION DOLLARS TO TWO AND ONE-HALF MILLION DOLLARS ANNUALLY THE SURTAX REVENUE THAT MUST BE CREDITED TO THE SMOKING PREVENTION AND CESSATION TRUST FUND.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4640 -- Reps. Anthony, Bingham, Ott, Harrell and White: A BILL TO AMEND SECTION 11-35-1524, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESIDENT VENDOR PREFERENCES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO REVISE THE RESIDENT VENDOR PREFERENCES AND THE MANNER AND PROCEDURES UNDER WHICH THEY ARE COMPUTED.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 4802 -- Reps. J. E. Smith, Quinn, Munnerlyn, Williams, Jefferson, Johnson, McEachern, Brannon, Dillard, McLeod, Stavrinakis, Sellers, Sabb, Brady, Ott, Vick, H. B. Brown, Branham, Bingham, Bowers, Cobb-Hunter, Erickson, Harrison, Hart, Hayes, Herbkersman, Merrill, J. H. Neal, Pitts, G. M. Smith and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE "SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT" WHICH PROVIDES THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING MAY AT HIS OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

S. 6 -- Senators Leatherman, McGill, Rose, McConnell, Campsen, Fair, Setzler, Alexander and Rankin: A BILL TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, TO PROVIDE THAT MONIES IN THE CAPITAL RESERVE FUND, IN ANY YEAR THE GENERAL RESERVE FUND DOES NOT HAVE THE REQUIRED PERCENTAGE OF GENERAL FUND REVENUE, FIRST MUST BE USED TO FULLY REPLENISH THE APPLICABLE PERCENTAGE AMOUNT IN THE GENERAL RESERVE FUND BEFORE BEING USED FOR OTHER AUTHORIZED PURPOSES WHICH DO NOT INCLUDE OFFSETTING MIDYEAR BUDGET REDUCTIONS.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 4957 -- Reps. Allison, White, Parker and Forrester: A JOINT RESOLUTION TO PROVIDE THAT IN 2013 AND 2014, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN THE MANUFACTURER'S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SEVEN HUNDRED TWO DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4997 -- Reps. Stringer, Bingham, Harrell, Norman, Clemmons, Quinn, Ballentine, Spires, Brannon, McCoy, Ryan, Patrick, Bedingfield, Parker, Taylor, Brady, Murphy, Bowen, Hearn, Nanney, Sottile, Loftis, Lowe, J. R. Smith, Allison, Atwater, Bannister, Chumley, Crosby, Daning, Delleney, Erickson, Hamilton, Hardwick, Henderson, Herbkersman, Hixon, Horne, Limehouse, Long, Merrill, D. C. Moss, V. S. Moss, Owens, Pinson, Pope, Sandifer, Simrill, G. M. Smith, G. R. Smith, Tallon, Willis, Young and Forrester: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-511 SO AS TO ELIMINATE THE FOUR, FIVE, AND SIX PERCENT INCOME BRACKETS AND INSTEAD TAX THOSE INCOMES AT THREE PERCENT.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4996 -- Reps. Stringer, Bingham, Harrell, White, McCoy, Norman, Clemmons, Quinn, Ballentine, Ryan, Brannon, Bedingfield, Spires, Thayer, Parker, Taylor, Daning, Hearn, J. R. Smith, Patrick, Murphy, Bowen, Lowe, Nanney, Hiott, Sottile, Loftis, Allison, Atwater, Bannister, Chumley, Crosby, Delleney, Erickson, Hamilton, Hardwick, Henderson, Herbkersman, Hixon, Horne, Limehouse, Long, Merrill, D. C. Moss, V. S. Moss, Owens, Pinson, Pope, Sandifer, Simrill, G. M. Smith, G. R. Smith, Tallon, Willis, Young and Forrester: A BILL TO AMEND SECTION 12-6-545, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR PASS-THROUGH TRADE AND BUSINESS INCOME, SO AS TO REDUCE THE TAX RATE FROM FIVE PERCENT TO THREE PERCENT.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5093 -- Reps. Whipper, Agnew, R. L. Brown, Limehouse and Ryan: A HOUSE RESOLUTION TO AMEND RULE 6.1.a. OF THE RULES OF THE HOUSE OF REPRESENTATIVES, RELATING TO THE DESIGNATED LEGISLATIVE SESSION DAYS OF THE HOUSE OF REPRESENTATIVES, SO AS TO REVISE THE DAYS THAT THE HOUSE OF REPRESENTATIVES SHALL MEET IN LEGISLATIVE SESSION.

The Resolution was ordered referred to the Committee on Rules.

**HOUSE RESOLUTION**

The following was introduced:

H. 5094 -- Reps. Sellers, 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. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, 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 HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE BAMBERG-EHRHARDT HIGH SCHOOL VARSITY WRESTLING TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE 2012 CLASS A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5095 -- Rep. Sellers: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE BAMBERG-EHRHARDT HIGH SCHOOL VARSITY WRESTLING TEAM WITH THE TEAM COACHES AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2012 SOUTH CAROLINA CLASS A 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 Bamberg‑Ehrhardt High School varsity wrestling team with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2012 South Carolina Class A State Championship title.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5096 -- Rep. Barfield: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF HIS HOLINESS POPE SHENOUDA III OF ALEXANDRIA, EGYPT, AND TO EXTEND THE DEEPEST SYMPATHY TO THE COPTIC ORTHODOX CHURCH OF ALEXANDRIA.

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

**INTRODUCTION OF BILLS**

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

H. 5097 -- Rep. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "LAW ABIDING CITIZENS PROTECTION ACT OF 2012", BY ADDING SECTION 16-23-510 SO AS TO PROVIDE A LIST OF LOCATIONS WHERE CERTAIN PERSONS ARE PROHIBITED FROM CARRYING A HANDGUN; TO AMEND SECTION 16-23-20, AS AMENDED, RELATING TO THE UNLAWFUL CARRYING OF HANDGUNS, SO AS TO REVISE THE CIRCUMSTANCES THAT CONSTITUTE THE UNLAWFUL CARRYING OF A HANDGUN; TO AMEND SECTION 16-23-420, AS AMENDED, RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH A PERSON CAN CARRY A FIREARM ON SCHOOL PROPERTY; TO AMEND SECTION 16-23-430, AS AMENDED, RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTY, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH A PERSON MAY CARRY A WEAPON ON SCHOOL PROPERTY; TO AMEND SECTION 16-23-460, AS AMENDED, RELATING TO THE UNLAWFUL CARRYING OF A DEADLY WEAPON, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH IT IS UNLAWFUL TO CARRY A DEADLY WEAPON; TO AMEND SECTION 16-23-465, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING A PISTOL OR FIREARM ONTO THE PREMISES OF CERTAIN BUSINESSES THAT SELL ALCOHOLIC BEVERAGES, SO AS TO DELETE THE REFERENCE TO PENALTIES ASSOCIATED WITH THE OFFENSES OF ROBBERY AND ATTEMPTED ROBBERY WHILE ARMED WITH A DEADLY WEAPON AND THE UNLAWFUL CARRYING OF CERTAIN CONCEALED DEADLY WEAPONS, TO DELETE THE PROVISION THAT REVOKES THE CONCEALED WEAPONS PERMIT OF A PERSON WHO VIOLATES THIS SECTION, TO REDUCE THE PENALTY FOR A VIOLATION OF THIS PROVISION, TO PROVIDE THAT THE PENALTIES IN THIS SECTION ARE IN ADDITION TO THOSE ASSOCIATED WITH THE OFFENSES OF ENTERING A PREMISES AFTER BEING WARNED NOT TO OR FAILING TO LEAVE A PREMISES AFTER BEING ASKED TO LEAVE, AND THE UNLAWFUL CARRYING OF A CONCEALED WEAPON ONTO A PREMISES BY A PERSON WHO HAS BEEN ISSUED A CONCEALED WEAPONS PERMIT, AND TO REVISE THE CIRCUMSTANCE IN WHICH THIS SECTION APPLIES; TO AMEND SECTION 23-31-10, RELATING TO THE PURCHASE OF A RIFLE OR SHOTGUN IN A CONTIGUOUS STATE, SO AS TO DELETE THE TERM "CONTIGUOUS STATE" AND REPLACE IT WITH THE TERM "ANOTHER STATE"; TO AMEND SECTION 23-31-215, AS AMENDED, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO DELETE THE PROVISION THAT REQUIRES A PERMIT HOLDER TO HAVE HIS IDENTIFICATION CARD IN HIS POSSESSION WHENEVER HE CARRIES A CONCEALABLE WEAPON AND INFORM A LAW ENFORCEMENT OFFICER THAT HE IS A PERMIT HOLDER UNDER CERTAIN CIRCUMSTANCES, TO REVISE THE LOCATIONS UPON WHICH IT IS LAWFUL TO CARRY A CONCEALABLE WEAPON WITH AND WITHOUT A PERMIT, AND TO REVISE THE CIRCUMSTANCES UPON WHICH A VALID OUT-OF-STATE PERMIT TO CARRY A CONCEALABLE WEAPON MUST BE HONORED; TO AMEND SECTIONS 23-31-220 AND 23-31-225, RELATING TO THE CARRYING OF CONCEALABLE WEAPONS UPON THE PREMISES OF A BUSINESS OR A RESIDENCE, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH IT IS LAWFUL TO CARRY A CONCEALABLE WEAPON ON THESE PREMISES; AND TO REPEAL SECTION 23-31-180 RELATING TO PROHIBITIONS AGAINST THE HOLDING, STORING, HANDLING, AND SELLING OF A HANDGUN WHICH HAS A DIE-CAST METAL ALLOY FRAME OR RECEIVER THAT MELTS AT LESS THAN EIGHT HUNDRED DEGREES FAHRENHEIT.

Referred to Committee on Judiciary

H. 5098 -- Reps. Hixon, Clyburn, Harrison, J. R. Smith, Taylor and Young: A BILL TO AMEND SECTION 61-6-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS FOR THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IN A COUNTY OR MUNICIPALITY UPON A FAVORABLE REFERENDUM VOTE, SO AS TO FURTHER PROVIDE FOR THOSE ELECTIONS WHICH CONSTITUTE GENERAL ELECTIONS FOR PURPOSES OF THE REFERENDUMS REQUIRED UNDER THIS SECTION.

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

H. 5099 -- Reps. D. C. Moss, Bedingfield, Gambrell, Loftis, Nanney, Henderson, Frye, Putnam, Erickson, Southard, Brannon, Quinn, Lowe, Parker, Crawford, Huggins, Spires, Allison, Agnew, Anthony, Bales, Ballentine, Bannister, Battle, Chumley, Clemmons, Corbin, Delleney, Forrester, Hamilton, Harrell, Harrison, Hayes, Hixon, Limehouse, Long, Lucas, Merrill, V. S. Moss, Munnerlyn, J. M. Neal, Norman, Pinson, Pitts, Simrill, J. R. Smith, Sottile, Thayer, Toole, White and Willis: A BILL TO AMEND SECTION 10-11-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRESPASSING, DAMAGING, OR DEFACING CERTAIN STATE PROPERTY, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE THAT IT IS ILLEGAL TO PARTIALLY OR FULLY COVER, OR OTHERWISE OBSCURE FROM VIEW, ANY STATUE, MONUMENT, OR BUILDING ON THE STATE HOUSE OR GOVERNOR'S MANSION GROUNDS.

Rep. D. C. MOSS asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. SELLERS objected.

Referred to Committee on Judiciary

H. 5100 -- Reps. Toole and Sandifer: A BILL TO AMEND CHAPTER 20, TITLE 39, CODE OF LAWS OF SOUTH CAROLINA 1976, RELATING TO SELF-SERVICE STORAGE FACILITIES, SO AS TO DEFINE 'ELECTRONIC MAIL', TO PROVIDE THAT WHEN RENT OR OTHER CHARGES ARE FIVE OR MORE DAYS PAST DUE THE OWNER MAY DENY THE OCCUPANT ACCESS TO THE PERSONAL PROPERTY AND THE OCCUPANT IS CONSIDERED IN DEFAULT, TO PROVIDE THAT WHEN RENT OR OTHER CHARGES ARE FOURTEEN OR MORE DAYS PAST DUE THE OCCUPANT MUST BE NOTIFIED, AND TO PROVIDE THE PROCESS BY WHICH A DEFAULTING OCCUPANT'S PERSONAL PROPERTY MAY BE DESTROYED OR SOLD.

Referred to Committee on Judiciary

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. H. B. BROWN a temporary leave of absence.

**H. 4761--REQUESTS FOR DEBATE**

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

H. 4761 -- Reps. Hiott, D. C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J. R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V. S. Moss, Pitts, Putnam, Taylor, White and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-225 SO AS TO DEFINE THE TERM "FARM TRUCK"; BY ADDING SECTION 56-5-363 SO AS TO PROVIDE THAT CERTAIN COMMERCIAL MOTOR VEHICLES AND FARM TRUCKS ARE EXEMPT FROM CERTAIN FEDERAL MOTOR CARRIER SAFETY LAWS AND REGULATIONS; TO AMEND SECTION 56-3-670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO REVISE THE WEIGHT REQUIREMENTS FOR FARM TRUCKS THAT MAY BE USED FOR DOMESTIC PURPOSES AND GENERAL TRANSPORTATION BUT MAY NOT BE USED TO TRANSPORT PERSONS OR PROPERTY FOR HIRE; TO AMEND SECTION 56-5-4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS; AND TO AMEND SECTION 56-5-4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN "FARM TRUCKS" ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.

Reps. TOOLE and OTT proposed the following Amendment No. 4 to H. 4761 (COUNCIL\DKA\4051HTC12), which was rejected:

Amend the bill, as and if amended, Section 56‑5‑363, as contained in SECTION 2, page [4761‑2], by adding a new subsection at the end appropriately lettered to read:

/ ( ) Notwithstanding any other provision of law, a fine in excess of fifty dollars may not be imposed for any intrastate violation first established by law or regulation after April 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE spoke in favor of the amendment.

Rep. CORBIN spoke in favor of the amendment.

Rep. DANING spoke against the amendment.

Rep. DANING moved to table the amendment.

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

Yeas 52; Nays 52

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Bannister |
| Bowen | Brady | Brannon |
| R. L. Brown | Butler Garrick | Cobb-Hunter |
| Cole | Crosby | Daning |
| Forrester | Funderburk | Gambrell |
| Harrell | Hart | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Howard |
| Johnson | Long | McCoy |
| Merrill | V. S. Moss | Munnerlyn |
| Murphy | J. H. Neal | J. M. Neal |
| Norman | Owens | Parker |
| Patrick | Pope | Putnam |
| Sabb | Sandifer | Skelton |
| J. E. Smith | Sottile | Southard |
| Stavrinakis | Tallon | Taylor |
| Thayer | White | Whitmire |
| Willis |  |  |

**Total--52**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anthony | Atwater |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Branham | Brantley |
| G. A. Brown | Chumley | Clemmons |
| Clyburn | Corbin | Crawford |
| Delleney | Frye | Gilliard |
| Govan | Hayes | Hearn |
| Hosey | Huggins | Jefferson |
| Loftis | Lowe | Lucas |
| Mack | McEachern | McLeod |
| D. C. Moss | Nanney | Neilson |
| Ott | Pinson | Pitts |
| Quinn | Ryan | Sellers |
| Simrill | G. M. Smith | J. R. Smith |
| Spires | Stringer | Toole |
| Tribble | Weeks | Williams |
| Young |  |  |

**Total--52**

So, the House refused to table the amendment.

Rep. HIOTT spoke against the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 33; Nays 73

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Atwater | Bales |
| Ballentine | Battle | Bedingfield |
| Bingham | Bowers | Chumley |
| Clemmons | Corbin | Crawford |
| Frye | Gilliard | Hamilton |
| Hayes | Huggins | Limehouse |
| Loftis | Long | Lowe |
| McLeod | Nanney | Ott |
| Pinson | Pitts | Quinn |
| Sellers | Spires | Stringer |
| Toole | Tribble | Young |

**Total--33**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Bannister | Barfield | Bowen |
| Brady | Branham | Brannon |
| Brantley | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Cole |
| Crosby | Daning | Edge |
| Forrester | Funderburk | Gambrell |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Jefferson | Johnson |
| Knight | Lucas | Mack |
| McCoy | McEachern | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Patrick | Pope | Putnam |
| Sabb | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Stavrinakis | Tallon | Taylor |
| Thayer | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis |  |  |

**Total--73**

So, the amendment was rejected.

**AMENDMENT NO. 3--RECONSIDERED**

Rep. OTT moved to reconsider the vote whereby Amendment 3 was adopted, which was agreed to.

Reps. LOFTIS, HAMILTON, TOOLE, ATWATER, BALLENTINE, LOWE, CRAWFORD, CHUMLEY, MERRILL, LONG, BALES and PITTS requested debate on the Bill.

**H. 4641--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4641 -- Reps. Daning, Knight, Crosby, Ott, King, Brannon, Southard, Erickson, McEachern, J. E. Smith, Atwater, Spires, Gilliard, Battle, Bowers, R. L. Brown, Chumley, Cobb-Hunter, Harrison, Herbkersman, Hosey, Howard, Long, Lowe, Lucas, Murphy, Pitts, Tallon, Toole and Whipper: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS UNDER CERTAIN CONDITIONS, SO AS TO REVISE THE CRITERIA UNDER WHICH VETERANS WHO ARE HONORABLY DISCHARGED AND THEIR DEPENDENTS MAY RECEIVE IN-STATE TUITION RATES.

The Education and Public Works Committee proposed the following Amendment No. 1 to H. 4641 (COUNCIL\DKA\4024SD12), which was adopted:

Amend the bill, as and if amended, Section 59‑112‑50(B), as contained in SECTION 1, page 2, by striking on line 11 / once they / and inserting:

/ provided that within two years of the date of discharge, they enroll at a state institution and /

When amended subsection (B) reads:

/ (B) In addition to the provisions of subsection (A), a veteran of the Armed Services of the United States who has been honorably discharged, and their dependents, who are not otherwise eligible for in‑state tuition rates, are entitled to receive in‑state tuition rates at state institutions provided that within two years of the date of discharge, they enroll at a state institution and have evidenced an intent to establish domicile in South Carolina. These individuals are eligible for in‑state tuition rates as long as they remain continuously enrolled at a state institution or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution, subject to provisions concerning such transfers as provided for in subsection (A).” /

Renumber sections to conform.

Amend title to conform.

Rep. BRANHAM 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 103; Nays 0

 Those who voted in the affirmative are:

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

**Total--103**

 Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

 I was temporarily out of the Chamber working with Senators on resolving issues involving the triggering of special elections, when the votes on H. 4641 were cast. If I had been present, I would have voted in favor of the Bill.

 Rep. Alan Clemmons

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**S. 1085--RECALLED AND REFERRED TO THE**

**YORK DELEGATION**

On motion of Rep. SIMRILL, with unanimous consent, the following Bill was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs and was referred to the York Delegation:

S. 1085 -- Senator Hayes: A BILL TO AMEND SECTION 48-11-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ORGANIZATION AND FUNCTIONING OF SPECIFIC WATERSHED CONSERVATION DISTRICTS UNDER THE GENERAL LAW PERTAINING TO SUCH DISTRICTS, SO AS TO PROVIDE THAT FOR PURPOSES OF CHAPTER 11, TITLE 48, INCLUDING THE CONDUCT OF ELECTIONS, THE DIGITAL HYDROLOGIC MAP PREPARED BY THE SERVICE CENTER AGENCIES OF THE UNITED STATES DEPARTMENT OF AGRICULTURE OF THE FISHING CREEK WATERSHED DISTRICT IN YORK COUNTY REPRESENTS AND IS DECLARED TO BE THE BOUNDARIES OF THE DISTRICT.

**OBJECTION TO RECALL**

Rep. RUTHERFORD asked unanimous consent to recall H. 4490 from the Committee on Judiciary.

Rep. COLE objected.

**H. 4821--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. HARRISON, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 4821 -- Reps. G. M. Smith, Pitts, Murphy, Horne, Hearn, McCoy, Stavrinakis, Bannister and Harrison: A BILL TO AMEND SECTION 8-21-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COURT FEES AND COSTS, SO AS TO PROVIDE FOR THE FILING OF COURT DOCUMENTS BY ELECTRONIC MEANS FROM AN INTEGRATED ELECTRONIC FILING (E-FILING) SYSTEM AND TO PROVIDE THAT FEES GENERATED FROM E-FILING ARE TO BE USED IN SUPPORT OF COURT TECHNOLOGY.

**H. 3066--DEBATE ADJOURNED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435; 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED; 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Rep. G. R. SMITH moved to adjourn debate upon the Senate Amendments until Thursday, March 29, which was agreed to.

**H. 4654--SENT TO THE SENATE**

The following Bill was taken up:

H. 4654 -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D. C. Moss, V. S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: A BILL TO AMEND SECTION 48-1-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48-1-130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER AND TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 48-1-250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS.

The Bill was read the third time and ordered sent to the Senate.

**S. 1356--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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.

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 4043--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V. S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson, D. C. Moss and Frye: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A "DRUG TEST".

Rep. HARRISON proposed the following Amendment No. 2 to H. 4043 (COUNCIL\AGM\19486AB12):

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

/ SECTION 1. Section 41‑35‑120 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

 “Section 41‑35‑120. An insured worker is ineligible for benefits for:

 (1) Leaving work voluntarily. If the department finds he left voluntarily, without good cause, his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim.

 (2) Discharge for cause connected with the employment. If the department finds that he has been discharged for cause connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing not less than five nor more than the next ~~twenty‑six~~ twenty weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge. A charge of discharge for cause connected with the employment may not be made for failure to meet production requirements unless the failure is occasioned by illful failure or neglect of duty. “Cause connected with the employment” as used in this item requires more than a failure in good performance of the employee as the result of inability or incapacity.

 (3)(a) Discharge for illegal drug use, and is ineligible ~~for~~ from benefits ~~beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim~~ for twenty weeks with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification if the:

 (i) company has communicated a policy prohibiting the illegal use of drugs, the violation of which may result in termination; and

 (ii) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

 (iii) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

 (A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

 (B) the test was performed by a laboratory certified by the ~~National Institute on Drug Abuse~~ United States Department of Health and Human Services (USDHHS)/Substance Abuse Mental Health Services Administration (SAMSHA), the College of American Pathologists or the State Law Enforcement Division; and

 (C) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the ~~National Institute on Drug Abuse~~ USDHHA/SAMSHA;

 (iv) for purposes of this item, ‘unlawfully’ means without a prescription.

 (b) If an insured worker makes an admission pursuant to the employer’s policy, which provides that voluntary admissions made before the employer’s request to the employee to submit to testing may protect an employee from immediate termination, then the admission is inadmissible for purposes of this section as long as the:

 (i) employer has communicated a written policy, which provides protection from immediate termination for employees who voluntarily admit prohibited drug use before the employer’s request to submit to a test; and

 (ii) employee makes the admission specifically pursuant to the employer’s policy.

 (c) Information, interviews, reports, and drug‑test results, written or otherwise, received by an employer through a drug‑testing program may be used or received in evidence in proceedings conducted pursuant to the provisions of this title for the purposes of determining eligibility for unemployment compensation, including administrative or judicial appeal.

 (4) Discharge for gross misconduct, and is ~~ineligible for~~ disqualified from benefits ~~beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim~~ for twenty weeks with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification if he is discharged due to:

 (~~i~~a) illful or reckless employee damage to employer property that results in damage of more than fifty dollars;

 (~~ii~~b) employee consumption of alcohol or being under the influence of alcohol on employer property in violation of a written company policy restricting or prohibiting consumption of alcohol;

 (~~iii~~c) employee theft of items valued at more than fifty dollars;

 (~~iv~~d) failure to comply with applicable state or federal drug and alcohol testing and use regulations including, but not limited to, 49 C.F.R. part 40 and part 382 of the federal motor carrier safety regulations, while on the job or on duty, and regulations applicable for employees performing transportation and other safety sensitive job functions as defined by the federal government;

 (~~v~~e) employee committing ~~criminal~~ assault or battery of another employee or a customer;

 (~~vi~~f) employee committing ~~criminal~~ abuse of patient or child in his professional care;

 (~~vii~~g) employee insubordination, which is defined as illful failure to comply with a lawful, reasonable order of a supervisor directly related to the employee’s employment ~~as described in an applicable written job description~~; or

 (~~viii~~h) employee illful neglect of duty directly related to the employee’s employment ~~as described in an applicable written job description~~.

 (5) Failure to accept work.

 (a) If the department finds ~~he has failed, without good cause~~:

 (i)(A) he has failed, without good cause, either to apply for available suitable work, when so directed by the employment office or the department;

 (B) he has failed, without good cause, to accept available suitable work when offered to him by the employment office or an employer; ~~or~~

 (C) he has failed, without good cause, to return to his customary self‑employment, if any, when so directed by the department, the ineligibility begins with the week the failure occurred and continues until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined in Chapters 27 through 41 of this title and earned wages for services equal to at least eight times the weekly benefit amount of his claim; or

 (D) he has tested positive for drugs after being given a drug test on behalf of the prospective employer as a condition of an offer of employment, or if:

 (1) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

 (2) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

 (a) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel;

 (b) the test was performed by a laboratory certified by the USDHHS/SAMSHA, the College of American Pathologists or the State Law Enforcement Division; and

 (c) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the USDHHS/SAMSHA.

 (ii) For purposes of this item, ‘unlawfully’ means without a prescription.

 (b) In determining whether work is suitable for an individual, the department must consider, based on a standard of reasonableness as it relates to the particular individual concerned, the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

 (c) Notwithstanding another provision of Chapters 27 through 41 of this title, work is not considered suitable and benefits may not be denied under these chapters to an otherwise eligible individual for refusing to accept new work under any of the following conditions:

 (i) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

 (ii) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

 (iii) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

 (d) Notwithstanding another provision of Chapters 27 through 41 of this title, an otherwise eligible individual may not be denied a benefit for a week for failure to apply for, or refusal to accept, suitable work because he is in training with the approval of the department.

 (e) Notwithstanding another provision of this chapter, an otherwise eligible individual may not be denied a benefit for a week because he is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor may the individual be denied benefits by reason of leaving work to enter training, if the work left is not suitable employment, or because of the application to a week in training of provisions in this law or an applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. For purposes of this subitem, ‘suitable employment’ means, with respect to an individual, work of a substantially equal or higher skill level than the individual’s past adversely affected employment, as defined for purposes of the Trade Act of 1974, and wages for the work at not less than eighty percent of the individual’s average weekly wage as determined for the purposes of the Trade Act of 1974.

 (6) Labor dispute. For a week in which the department finds that his total or partial unemployment is directly due to a labor dispute in active progress in the factory, establishment, or other premises at which he was last employed. This paragraph does not apply if it is shown to the satisfaction of the department that he:

 (a) is not participating in, financing, or directly interested in the labor dispute;

 (b) does not belong to a grade or class of workers of which, immediately before he became unemployed by reason of the dispute, there were members employed at the premises at which the dispute exists, any of whom are participating in or directly interested in the dispute. If separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each department for the purpose of this item is considered to be a separate factory, establishment, or other premises.

 (7) Receiving benefits elsewhere. For a week in which, or a part of which, he has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States. If the appropriate agency of the other state or of the United States finally determines that he is not entitled to unemployment benefits, this disqualification does not apply.

 (8) Voluntary retirement. If the department finds that he voluntarily retired from his most recent work with the ineligibility beginning with the effective date of his claim and continuing for the duration of his unemployment and until the individual submits satisfactory evidence of having had new employment and of having earned wages of not less than eight times his weekly benefit amount as defined in Section 41‑35‑40. For the purpose of this section, ‘most recent work’ means the work from which the individual retired regardless of any work subsequent to his retirement in which he earned less than eight times his weekly benefit amount.

 (9) Compliance with drug testing procedure. An employer is not liable for any acts or omissions arising out of disclosure of the test results to the Department, provided the employer complies with the requirements of this section and any applicable law. In order to comply an employer must disclose to the Department when a pre‑employment drug test is offered and refused or failed by a potential employee.”

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

Renumber sections to conform.

Amend title to conform.

Rep. YOUNG spoke in favor of the amendment.

Rep. HART spoke against the amendment.

Rep. HART spoke against the amendment.

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

**SPEAKER IN CHAIR**

**RECURRENCE TO THE MORNING HOUR**

Rep. BINGHAM moved that the House recur to the morning hour.

Further proceedings were interrupted by the House recurring to the morning hour, the pending question being consideration of Amendment No. 2.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 28, 2012

Mr. Speaker and Members of the House:

 The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at 11:30 a.m. on Thursday, March 29, 2012, for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. COBB-HUNTER the invitation was accepted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5101 -- Reps. Limehouse, Sottile, Gilliard, R. L. Brown, Harrell, Mack and Whipper: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 211 ALONG INTERSTATE HIGHWAY 26 IN CHARLESTON COUNTY "CONGRESSMAN THOMAS F. HARTNETT INTERCHANGE" AND TO ERECT APPROPRIATE MARKERS OR SIGNS AT THIS EXIT THAT CONTAIN THE WORDS "CONGRESSMAN THOMAS F. HARTNETT INTERCHANGE".

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

**H. 4092--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Bill until Thursday, March 29, which was adopted:

H. 4092 -- Reps. Limehouse, Sottile, Gilliard, Stavrinakis, McCoy, Whipper and R.L. Brown: A BILL TO AMEND SECTION 44‑95‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACES WHERE SMOKING IS PROHIBITED, SO AS TO PROVIDE THAT SMOKING IS NOT ALLOWED IN BUILDINGS ON CAMPUSES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING WHEN IT IS PROHIBITED BY THE GOVERNING BODY OF THE INSTITUTION AND TO PROVIDE THAT A GOVERNING BODY IS NOT PRECLUDED FROM ESTABLISHING A SMOKE-FREE CAMPUS.

**H. 4739--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Bill until Thursday, March 29, which was adopted:

H. 4739 -- Reps. Henderson, Stavrinakis, Gilliard, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-157 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE AND NUMBER OF PATRONS, A PUBLIC SWIMMING POOL OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT; AND TO EXCLUDE TYPE E FACILITIES FROM THESE REQUIREMENTS.

**H. 5056--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Joint Resolution until Thursday, March 29, which was adopted:

H. 5056 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, RELATING TO REQUIREMENTS OF LICENSURE FOR SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4254, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 5057--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Joint Resolution until Thursday, March 29, which was adopted:

H. 5057 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS, RELATING TO REQUIREMENTS OF LICENSURE FOR LONG TERM HEALTH CARE ADMINISTRATORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4242, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 5058--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Joint Resolution until Thursday, March 29, which was adopted:

H. 5058 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - MASSAGE/BODYWORK THERAPY PANEL, RELATING TO QUALIFICATION FOR LICENSURE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4239, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 5059--DEBATE ADJOURNED**

Rep. BINGHAM moved to adjourn debate upon the following Joint Resolution until Thursday, March 29, which was adopted:

H. 5059 -- Medical, Military, Public and Municipal 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.

**LEAVE OF ABSENCE**

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

**H. 4904--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4904 -- Reps. Bingham, Allison, Anthony and G. R. Smith: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2012 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2012 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS USING SPECIFIED FUNDS APPROPRIATED FOR FISCAL YEAR 2012-2013, OR FOR THESE PURPOSES IN PRIOR YEARS; TO PROVIDE FOR FISCAL YEAR 2012-2013 A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; AND TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT.

Rep. BINGHAM explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

 Yeas 112; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| 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 | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| Neilson | Norman | Ott |
| Parker | Parks | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Rutherford | Ryan |
| Sabb | 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 |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--112**

 Those who voted in the negative are:

**Total--0**

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

**H. 4905--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4905 -- Reps. Bingham, Allison and Anthony: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2012-2013 SCHOOL YEAR BY MAY 15, 2012; TO PROVIDE THAT A CONTINUING-CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; 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.

Rep. BINGHAM explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

 Yeas 106; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | Neilson |
| Norman | Ott | Parker |
| Parks | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Rutherford | Ryan | Sabb |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| 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.

**S. 1301--DEBATE ADJOURNED**

Rep. LOFTIS moved to adjourn debate upon the following Bill until Thursday, March 29, which was adopted:

S. 1301 -- Senators Fair and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-335 SO AS TO PROVIDE THAT TO ENSURE A REPRESENTATIVE GOVERNING BODY ABOVE A SIZE OF THREE, AN ELECTED GOVERNING BODY OF A PUBLIC SERVICE DISTRICT LOCATED WHOLLY IN ONE COUNTY WHICH PROVIDES WATER, SEWER, OR FIRE SERVICE WITHIN ITS SERVICE AREA MAY BE ENLARGED BY ADDITIONAL MEMBERS IN THE MANNER AND UNDER THE PROCEDURES SPECIFIED IN THIS SECTION.

**S. 1227--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. HARRISON explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 85; Nays 22

 Those who voted in the affirmative are:

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

**Total--85**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Gilliard |
| Hart | Hodges | Hosey |
| Howard | Jefferson | Mack |
| McEachern | Parks | Rutherford |
| Sabb | Sellers | Weeks |
| Williams |  |  |

**Total--22**

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

**H. 4761--REQUESTS FOR DEBATE WITHDRAWN, AMENDMENT NO. 3 TABLED, AND ORDERED**

**TO THIRD READING**

Upon the withdrawal of requests for debate by Reps. TOOLE, ATWATER, BALLENTINE, LOWE, CRAWFORD, CHUMLEY, BALES, MERRILL, PITTS, LOFTIS and LONG, the following Bill was taken up:

H. 4761 -- Reps. Hiott, D. C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J. R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V. S. Moss, Pitts, Putnam, Taylor, White and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-225 SO AS TO DEFINE THE TERM "FARM TRUCK"; BY ADDING SECTION 56-5-363 SO AS TO PROVIDE THAT CERTAIN COMMERCIAL MOTOR VEHICLES AND FARM TRUCKS ARE EXEMPT FROM CERTAIN FEDERAL MOTOR CARRIER SAFETY LAWS AND REGULATIONS; TO AMEND SECTION 56-3-670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO REVISE THE WEIGHT REQUIREMENTS FOR FARM TRUCKS THAT MAY BE USED FOR DOMESTIC PURPOSES AND GENERAL TRANSPORTATION BUT MAY NOT BE USED TO TRANSPORT PERSONS OR PROPERTY FOR HIRE; TO AMEND SECTION 56-5-4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS; AND TO AMEND SECTION 56-5-4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN "FARM TRUCKS" ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.

Reps. OTT and TOOLE proposed the following Amendment No. 3 to H. 4761 (COUNCIL\DKA\4049HTC12), which was tabled:

Amend the bill, as and if amended, by adding a penultimate new section appropriately numbered to read:

/ SECTION \_\_. From the effective date of this act through June 30, 2013, a fine may not be imposed on owners or drivers of farm trucks as defined in Section 56‑5‑225 of the 1976 Code for violations of:

 (1) the physical qualification standards in 49 C.F.R. 391.41, including a requirement to obtain a special medical card or certification; or

 (2) the requirement to obtain a South Carolina Department of Transportation Intrastate number. /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 113; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| 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 | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sabb | 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 | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--113**

 Those who voted in the negative are:

**Total--0**

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

**OBJECTION TO RECALL**

Rep. CLEMMONS asked unanimous consent to recall S. 391 from the Committee on Judiciary.

Rep. SELLERS objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3548 from the Committee on Ways and Means.

Rep. WHITE objected.

**MOTION PERIOD**

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

**H. 4043--DEBATE ADJOURNED**

Rep. J. H. NEAL moved to adjourn debate upon the following Bill until Thursday, March 29, which was adopted:

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V. S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson, D. C. Moss and Frye: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A "DRUG TEST".

**H. 4675--DEBATE ADJOURNED**

Rep. HENDERSON moved to adjourn debate upon the following Bill until Thursday, March 29, which was adopted:

H. 4675 -- Reps. Henderson, G. M. Smith, J. R. Smith, Parker, Barfield, Allison, Atwater, Bowen, Corbin, Delleney, Forrester, Hamilton, Lowe, Lucas, Owens, Putnam, Simrill, G. R. Smith, Stringer, Toole, Tribble, Willis, Funderburk, Nanney and Quinn: A BILL TO AMEND SECTION 61-2-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, SO AS TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710; AND TO AMEND SECTION 61-4-580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, SO AS TO CLARIFY THAT THIS ITEM DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710.

**H. 4894--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4894 -- Reps. White, Bedingfield, McCoy, Loftis, Bingham, Herbkersman, Parker, Bowen, Erickson, Taylor, G. M. Smith, Forrester, Frye, G. R. Smith, Merrill, Stringer, Lowe, Nanney, Tribble, Crawford, Ryan, Corbin, Southard, J. R. Smith, Allison, Barfield, Chumley, Clemmons, Cole, Crosby, Delleney, Edge, Hamilton, Hardwick, Harrell, Harrison, Hearn, Henderson, Hixon, Limehouse, Long, Lucas, D. C. Moss, Murphy, Norman, Owens, Pinson, Pitts, Putnam, Quinn, Simrill, Skelton, Sottile, Spires, Tallon, Thayer, Toole, Viers, Young, Atwater, Huggins and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO AUTHORIZE A DEDUCTION FROM STATE OF SOUTH CAROLINA TAXABLE INCOME UP TO SPECIFIED AMOUNTS FOR TUITION PAID BY A PARENT OR LEGAL GUARDIAN FOR THEIR CHILD OR WARD TO ATTEND AN INDEPENDENT SCHOOL OR A PUBLIC SCHOOL OUTSIDE THE CHILD'S OR WARD'S SCHOOL DISTRICT OF RESIDENCE, AND TO ALSO AUTHORIZE A SIMILAR INCOME TAX DEDUCTION UP TO A SPECIFIED AMOUNT TO A PARENT OR LEGAL GUARDIAN FOR HOME SCHOOL EXPENDITURES; AND BY ADDING SECTION 12-6-1146 SO AS TO AUTHORIZE A CREDIT AGAINST A TAXPAYER'S SOUTH CAROLINA INCOME TAX LIABILITY OR CERTAIN OTHER TAX LIABILITY FOR CONTRIBUTIONS MADE TO NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS THAT PROVIDE GRANTS FOR CHILDREN WHO ARE ELIGIBLE FOR THE FEDERAL FREE OR REDUCED SCHOOL LUNCH PROGRAM, WHO ARE "EXCEPTIONAL NEEDS" CHILDREN, OR WHOSE FAMILIES MEET THE REQUIREMENTS FOR FEDERAL MEDICAID BENEFITS TO ATTEND INDEPENDENT SCHOOLS OF THEIR CHOICE, AND TO PROVIDE THE PROCEDURES FOR, AND CONDITIONS AND LIMITATIONS OF THESE TAX CREDITS.

Rep. HART moved to adjourn debate on the Bill.

Rep. WHITE moved to table the motion.

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

Yeas 69; Nays 44

 Those who voted in the affirmative are:

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

**Total--69**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Funderburk | Gilliard |
| Govan | Hart | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | Johnson | Knight |
| Mack | McEachern | McLeod |
| Munnerlyn | J. H. Neal | Neilson |
| Ott | Parks | Pinson |
| Rutherford | Sabb | Sellers |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--44**

So, the motion to adjourn debate was tabled.

The Ways and Means Committee proposed the following Amendment No. 1 to H. 4894 (COUNCIL\DKA\4010SD12), which was adopted:

Amend the bill, as and if amended, Section 12‑6‑1146 of the 1976 Code, as contained in SECTION 2, by striking items (2) and (3) of subsection (K), beginning on line 3, page 8, and inserting:

/ (2)(a) By the first day of August of each year, beginning on August 1, 2012, the Education Oversight Committee, on its website available to the general public, shall provide a list with addresses and telephone numbers of nonprofit scholarship funding organizations in good standing which provide grants under this section, and a list of approved independent schools which accept grants for eligible students under this section and which in its determination are in compliance with the requirements of subsection (C)(1) of this section.

 (b) Student test scores each year, by category, on national achievement or state standardized tests, or both, for all grades tested administered by an eligible school receiving or entitled to receive scholarship grants under this section must be transmitted to the Education Oversight Committee which in turn shall publish this information on its website with the most recent scores by category included.

 (3) Any independent school not determined to be an eligible school under the provisions of this section may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court’s rules of procedure. /

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

/ SECTION \_\_. Public schools may offer the same tests referenced in Section 12‑6‑1146(C)(1)(d) of the 1976 Code as added by SECTION 2 of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. ALLISON explained the amendment.

The amendment was then adopted.

Rep. ANTHONY proposed the following Amendment No. 2 to H. 4894 (COUNCIL\NBD\12249DG12), which was tabled:

Amend the bill, as and if amended, Section 12‑6‑1145, beginning on page 2, by adding an appropriately lettered subsection at the end to read:

/ “( )(1) If a qualifying student for which a deduction is claimed is in grade three through eight, the parent or legal guardian claiming the deduction must submit proof to the Department of Revenue that the student met the grade‑level standard in all five subject areas on the Palmetto Assessment of State Standards test in the year in which the deduction is claimed.

 (2) If a qualifying student for which a deduction is claimed is in any grade other than three through eight, the parent or legal guardian claiming the deduction must submit proof to the Department of Revenue that the student performed satisfactorily on the mandated achievement test given to the students of the same grade in this State.”/

Renumber sections to conform.

Amend title to conform.

Rep. ANTHONY explained the amendment.

Rep. ANTHONY spoke in favor of the amendment.

Rep. ALLISON moved to table the amendment.

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

Yeas 63; Nays 53

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Chumley | Clemmons | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Hixon | Huggins | Limehouse |
| Loftis | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| Murphy | Nanney | Norman |
| Owens | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | White |
| Whitmire | Willis | Young |

**Total--63**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hart | Hayes | Hiott |
| Hodges | Horne | Hosey |
| Howard | Jefferson | Johnson |
| Knight | Long | Mack |
| McEachern | McLeod | V. S. Moss |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parker |
| Parks | Pinson | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Spires | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--53**

So, the amendment was tabled.

Rep. BRANNON proposed the following Amendment No. 3 to H. 4894 (COUNCIL\DKA\4042SD12), which was tabled:

Amend the bill, as and if amended, Section 12‑6‑1146, as contained in SECTION 2, page 8, by adding after line 41 an appropriately lettered subsection to read:

/ ( )(1) An independent school which would meet the requirements of this section to become an ‘eligible school’ as defined in subsection (C)(1) and which gives scholarships to students other than those who are ‘exceptional needs’ students or students who are eligible for the federal free or reduced school lunch program or whose families meet the requirements for federal Medicaid benefits, must nevertheless also accept these type of students and accept scholarships provided in their behalf under the provisions of this section. In this event, the scholarships provided for these students under the provisions of this section shall be as provided in subsection (F)(1) or (2), as applicable.

 (2) Notwithstanding any other provision of law, if an independent school fails to comply with the provisions of this section, contributions to it otherwise tax deductible for State of South Carolina income tax purposes are not tax deductible for any year in which the school fails to comply with the provisions of this subsection. /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. BEDINGFIELD spoke against the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 67; Nays 48

 Those who voted in the affirmative are:

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

**Total--67**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Daning | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Johnson | Knight | Mack |
| McEachern | McLeod | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parker | Parks |
| Pinson | Rutherford | Sabb |
| Sellers | J. E. Smith | Stavrinakis |
| Weeks | Whipper | Williams |

**Total--48**

So, the amendment was tabled.

Rep. BRANNON proposed the following Amendment No. 10 to H. 4894 (COUNCIL\NBD\12300AC12), which was tabled:

Amend the bill, as and if amended, by deleting Section 12-6-1146(L) and inserting:

/(L)(1) Every nonprofit scholarship funding organization providing grants under this section shall:

 (a) cause an outside auditing firm each year to conduct a comprehensive financial audit of its operations in conformity with generally accepted accounting principles and shall furnish same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue, which must be made available by them on their website for public review;

 (b) create and publish on its web site by‑laws for the organization;

 (c) require all employees to undergo a background investigation by both a state and national criminal history background investigation as a part of the required investigation. Any person required to undergo a background investigation may be required to supply fingerprints, along with other personal identifying information, for submission to the Federal Bureau of Investigation (FBI) through the State Law enforcement Division (SLED). The organization is authorized to use SLED and FBI criminal history records for screening of persons considered for employment. The organization may incur the cost of the screening or may require the applicant to pay for the screening;

 (d) issue a unique student identification number, provided by the South Carolina Department of Education, to each student receiving a scholarship which must be furnished by the student and used for enrollment purposes by the eligible school when enrolling a student;

 (e) provide annually to the Education Oversight Committee a list of students, using the unique student identification number, awarded scholarships, the amount received, and the schools they attend;

 (f) be subject to the South Carolina Freedom of Information Act found at Section 30‑4‑10 et seq;

 (g) develop and maintain a current web site which shall include a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the internet website and made available for public viewing and downloading. The register must include for each expenditure:

 (i) the transaction amount;

 (ii) the name of the payee; and

 (iii) a statement providing a detailed description of the expenditure.

 The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

 The scholarship granting organization must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid. Additionally the web site shall provide a listing of its donors.

 (2) At the conclusion of the third year of granting scholarships and every three years thereafter, the Legislative Audit Council shall conduct a management performance audit of those scholarship funding organizations approved to operate in the State. Upon conclusion of the audit, the report shall be issued to the members of the General Assembly and the Education Oversight Committee which shall post on a prominent location on it.

 (3) Every independent school accepting grants for eligible students under this section shall cause to be conducted a compliance audit by an outside entity or auditing firm examining its compliance with the provisions of this section and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review. /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 69; Nays 48

 Those who voted in the affirmative are:

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

**Total--69**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hiott | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Johnson | Knight |
| Mack | McEachern | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parker | Parks |
| Pinson | Rutherford | Sabb |
| Sellers | J. E. Smith | Stavrinakis |
| Weeks | Whipper | Williams |

**Total--48**

So, the amendment was tabled.

Rep. BRANNON proposed the following Amendment No. 11 to H. 4894 (COUNCIL\NBD\12291AC12), which was tabled:

Amend the bill, as and if amended, by deleting Section 12‑6‑1145(A)(2) on page 2, lines 8‑10, and inserting:

/(2) ‘Home school’ means a home, residence, or location where a parent or legal guardian teaches one or more children as authorized pursuant to Section 59‑65‑40 or 59‑65‑45. /

Amend the bill, further, Section 12‑6‑1145(B)(1) on page 2, lines 23‑34, and inserting:

/(1) Beginning with the 2012‑2013 school year, a parent or legal guardian who teaches one or more qualifying students at home as authorized pursuant to Section 59‑65‑40 or 59‑65‑45 may take a deduction against their State of South Carolina taxable income of up to two thousand dollars per home school student for instruction‑related expenditures. This deduction is limited to a total of two thousand dollars per child per year regardless of the number of taxpayers incurring home school instruction‑related expenses on behalf of that child. The deduction allowed by this subsection is fully deductible for the calendar year in which the home school term begins provided the qualifying student completes the school term for that school year. /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. BRANNON spoke in favor of the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 67; Nays 47

 Those who voted in the affirmative are:

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

**Total--67**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| Knight | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parker | Parks | Pinson |
| Rutherford | Sabb | Sellers |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--47**

So, the amendment was tabled.

Rep. BRANNON proposed the following Amendment No. 12 to H. 4894 (COUNCIL\NBD\12292AC12), which was tabled:

Amend the bill, as and if amended, by deleting Section 12-6-1146(C)(1)(b) on page 4, lines 7-8, and inserting:

/(b) does not discriminate on the basis of race, color, national origin, disabilities, or academic achievement level; /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 66; Nays 49

 Those who voted in the affirmative are:

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

**Total--66**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hiott | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Johnson | Knight |
| Mack | McEachern | McLeod |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parker |
| Parks | Pinson | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--49**

So, the amendment was tabled.

Rep. BRANNON proposed the following Amendment No. 13 to H. 4894 (COUNCIL\NBD\12293AC12), which was tabled:

Amend the bill, as and if amended, by deleting Section 12-6-1146(C)(1)(c) on page 4, line 9, and inserting:

/ (c) is located in this State and has been doing business in the State for the previous twelve months; /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 61; Nays 50

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Chumley |
| Clemmons | Cole | Corbin |
| Crosby | Delleney | Edge |
| Erickson | Forrester | Hamilton |
| Hardwick | Harrell | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | Merrill |
| D. C. Moss | Murphy | Nanney |
| Norman | Owens | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | White | Willis |
| Young |  |  |

**Total--61**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Daning | Funderburk | Govan |
| Hart | Hayes | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Johnson | Knight |
| Mack | McEachern | McLeod |
| V. S. Moss | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parker | Parks | Pinson |
| Rutherford | Sabb | Sellers |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--50**

So, the amendment was tabled.

Rep. BRANNON proposed the following Amendment No. 14 to H. 4894 (COUNCIL\NBD\12294AC12), which was tabled:

Amend the bill, as and if amended, by deleting Section 12-6-1146(C)(1)(f) on page 4, lines 17-20, and inserting:

/ (f) is a member in good standing of, and is currently accredited by, the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools, or the South Carolina Independent Schools Association. /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 62; Nays 49

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Hearn | Henderson |
| Herbkersman | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | Merrill |
| D. C. Moss | Murphy | Nanney |
| Norman | Owens | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | White | Whitmire |
| Willis | Young |  |

**Total--62**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Daning | Funderburk | Gilliard |
| Govan | Hart | Hayes |
| Hiott | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Johnson | Knight | Mack |
| McEachern | McLeod | V. S. Moss |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parker |
| Parks | Pinson | Sabb |
| Sellers | J. E. Smith | Stavrinakis |
| Weeks |  |  |

**Total--49**

So, the amendment was tabled.

Rep. BRANNON proposed the following Amendment No. 15 to H. 4894 (COUNCIL\NBD\12295AC12), which was tabled:

Amend the bill, as and if amended, by deleting Section 12‑6‑1146(C)(2)(e) on page 5, lines 3‑8, and inserting:

/ (e) does not have as a member of its governing board any parent, legal guardian, or member of their immediate family, which means a person’s spouse, parents, children, brothers, sisters, grandparents, grandchildren, and mothers‑in‑law, fathers‑in‑law, brothers‑in‑law, sisters‑in‑law, sons‑in‑law, and daughters‑in‑law, who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member, during the time the individual is a member of the governing board, or for one year preceding this individual’s term on the governing board; and /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 68; Nays 46

 Those who voted in the affirmative are:

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

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Daning |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Johnson | Knight |
| Mack | McEachern | McLeod |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Ott | Parker | Parks |
| Pinson | Sabb | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--46**

So, the amendment was tabled.

Rep. OTT proposed the following Amendment No. 22 to H. 4894 (COUNCIL\19529SD12KRL), which was adopted:

Amend the bill, as and if amended, by striking SECTION 4 on page 9 in its entirety and inserting:

/ SECTION 4. This act takes effect upon approval by the Governor and expires on December 31, 2019, unless reauthorized by the General Assembly by law. The tax deductions authorized by Section 1 and tax credits authorized by Section 2 of this act may be taken to the extent authorized beginning with calendar year 2012. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

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

Yeas 67; Nays 46

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Cole |
| Daning | Edge | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Harrell | Harrison |
| Hart | Hayes | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Limehouse |
| Long | McLeod | V. S. Moss |
| Murphy | J. M. Neal | Ott |
| Parker | Parks | Pinson |
| Quinn | Ryan | Sellers |
| Skelton | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Tribble | Weeks |
| Whipper | Whitmire | Williams |
| Young |  |  |

**Total--67**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Barfield | Bowen |
| Chumley | Clemmons | Corbin |
| Crawford | Crosby | Delleney |
| Erickson | Frye | Hamilton |
| Hardwick | Hearn | Henderson |
| Herbkersman | Howard | Johnson |
| Knight | Loftis | Lowe |
| Lucas | Mack | McCoy |
| McEachern | Merrill | D. C. Moss |
| Munnerlyn | Nanney | J. H. Neal |
| Norman | Owens | Patrick |
| Pitts | Pope | Putnam |
| Sabb | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | Southard |
| Stringer | Thayer | White |
| Willis |  |  |

**Total--46**

So, the amendment was adopted.

**LEAVE OF ABSENCE**

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

Rep. J. E. SMITH proposed the following Amendment No. 23 to H. 4894 (COUNCIL\AGM\19531AB12), which was tabled:

Amend the bill, as and if amended, Section 12-6-1146(C)(1)(d), as contained in SECTION 2, page 4, lines 10-14, by deleting the subitem in its entirety and inserting:

/ (d) has an educational curriculum that includes courses set forth in the state’s diploma requirements and where the scholarship students attending are administered the same assessments as required by the Education Accountability Act in order to determine student progress on the standards approved and adopted by the State. All other students must be administered national achievement tests at progressive grade levels; /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

Rep. WHITE moved to table the amendment.

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

Yeas 64; Nays 47

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Chumley | Clemmons | Cole |
| Corbin | Crawford | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Owens | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| White | Whitmire | Willis |
| Young |  |  |

**Total--64**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Crosby | Daning | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Johnson | Knight | Mack |
| McEachern | McLeod | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parker | Parks |
| Pinson | Sabb | Sellers |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--47**

So, the amendment was tabled.

Rep. ANTHONY proposed the following Amendment No. 25 to H. 4894 (COUNCIL\MS\7749AHB12), which was tabled:

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

/ SECTION \_\_. Beginning with the 2012-2013 school year when deductions pursuant to Section 12-6-1145 and tax credits pursuant to Section 12-6-1146 take effect, public school students are no longer required to take the Palmetto Assessment of State Standards test (PASS). /

Renumber sections to conform.

Amend title to conform.

Rep. ANTHONY explained the amendment.

Rep. WHITE moved to table the amendment.

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

Yeas 56; Nays 55

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Chumley | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Huggins | Limehouse | Long |
| Lowe | Lucas | Merrill |
| D. C. Moss | Murphy | Nanney |
| Owens | Patrick | Pitts |
| Putnam | Quinn | Sellers |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Thayer | Tribble | White |
| Whitmire | Willis |  |

**Total--56**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Jefferson | Johnson |
| Knight | Mack | McEachern |
| McLeod | V. S. Moss | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Parks | Pinson | Pope |
| Ryan | Sabb | Simrill |
| J. E. Smith | Stavrinakis | Taylor |
| Weeks | Whipper | Williams |
| Young |  |  |

**Total--55**

So, the amendment was tabled.

Rep. STAVRINAKIS proposed the following Amendment No. 26 to H. 4894 (COUNCIL\NBD\12305AC12), which was tabled:

Amend the bill, as and if amended, by deleting Section 12-6-1145(B)(1) on page 2, lines 23-34, and inserting:

/ (B)(1) Beginning with the 2012‑2013 school year, a parent or legal guardian who teaches one or more qualifying students at home as authorized pursuant to Section 59‑65‑40, 59‑65‑45, or 59‑65‑47 or a parent or legal guardian of one or more children in public school may take a deduction against their State of South Carolina taxable income of up to two thousand dollars per home school student or per public school student for instruction‑related expenditures. This deduction is limited to a total of two thousand dollars per child per year regardless of the number of taxpayers incurring home school or public school instruction‑related expenses on behalf of that child. The deduction allowed by this subsection is fully deductible for the calendar year in which the home school or public school term begins provided the qualifying student completes the school term for that school year. /

Renumber sections to conform.

Amend title to conform.

Rep. STAVRINAKIS explained the amendment.

Rep. WHITE moved to table the amendment.

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

Yeas 64; Nays 45

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Long | Lowe |
| Lucas | McCoy | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Norman | Owens |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Thayer | Tribble |
| White | Whitmire | Willis |
| Young |  |  |

**Total--64**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Battle | Bowers | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| Johnson | Knight | Mack |
| McEachern | McLeod | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parker | Parks |
| Pinson | Sabb | Sellers |
| J. E. Smith | Stavrinakis | Taylor |
| Weeks | Whipper | Williams |

**Total--45**

So, the amendment was tabled.

Reps. CRAWFORD, LOWE, QUINN, ALLISON and BEDINGFIELD proposed the following Amendment No. 27 to H. 4894 (COUNCIL\MS\7751AHB12), which was adopted:

Amend the bill, as and if amended, by striking SECTION 4 on page 9 in its entirety and inserting:

/ SECTION 4. This act takes effect upon approval by the Governor and shall be reviewed by the General Assembly and the Education Oversight Committee by December 31, 2019. The tax deductions authorized by Section 1 and tax credits authorized by Section 2 of this act may be taken to the extent authorized beginning with calendar year 2012. /

Renumber sections to conform.

Amend title to conform.

Rep. BEDINGFIELD explained the amendment.

The amendment was then adopted.

Rep. PINSON proposed the following Amendment No. 28 to H 4894 (COUNCIL\NBD\12308AC12), which was adopted:

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

/SECTION \_\_. Members of the General Assembly serving at the time of this act’s effective date are not eligible to take the tax deduction provided for in Section 12-6-1145 of the 1976 Code, as added by Section 1 of this act, for four years after this act’s effective date. /

Renumber sections to conform.

Amend title to conform.

Rep. PINSON explained the amendment.

Rep. LOWE moved to table the amendment.

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

Yeas 53; Nays 59

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bales | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Chumley | Clemmons |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Gambrell | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Limehouse | Long | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Patrick | Pitts |
| Putnam | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Thayer | Tribble | White |
| Whitmire | Willis |  |

**Total--53**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Ballentine | Battle |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Frye |
| Funderburk | Gilliard | Govan |
| Hamilton | Hart | Hayes |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | Knight | Mack |
| McCoy | McEachern | McLeod |
| Munnerlyn | Murphy | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parker | Parks | Pinson |
| Pope | Quinn | Ryan |
| Sabb | Sellers | Simrill |
| G. M. Smith | J. E. Smith | Stavrinakis |
| Taylor | Weeks | Whipper |
| Williams | Young |  |

**Total--59**

So, the House refused to table the amendment.

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

Rep. STAVRINAKIS proposed the following Amendment No. 4 to H. 4894 (COUNCIL\MS\7743AHB12), which was ruled out of order:

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

/ SECTION \_\_. Article 9, Chapter 6, Title 12 of the 1976 Code is amended by adding:

 “Section 12‑6‑1147. A person who utilizes private providers of emergency fire services is entitled to a deduction against their State of South Carolina taxable income pursuant to the provisions of Section 12‑6‑1145 and to a tax credit pursuant to the provisions of Section 12‑6‑1146 subject to all applicable provisions and limitations therein provided.” /

Renumber sections to conform.

Amend title to conform.

Rep. STAVRINAKIS explained the amendment.

**POINT OF ORDER**

Rep. WHITE raised the Point of Order that under Rule 9.3 Amendment No. 4 was out of order in that it was not germane to the Bill.

SPEAKER HARRELL sustained the Point of Order and ruled Amendment No. 4 out of order and not germane to the Bill.

Rep. SANDIFER proposed the following Amendment No. 24 to H. 4894 (COUNCIL\DKA\4056HTC12), which was tabled:

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

/ SECTION 1. Article 9, Chapter 6, Title 12, of the 1976 Code is amended by adding:

 “Section 12‑6‑1146. (A) The purpose of this section is to:

 (1) provide tax credits for certain contributions to a nonprofit scholarship funding organization;

 (2) expand educational opportunities for children of families that have exceptional needs; and

 (3) enable children in this State to achieve a greater level of excellence in their education.

 (B) In enacting this section, the General Assembly recognizes diversity among children and affirms that every child is unique. The General Assembly also affirms that children learn differently from one another and may benefit from expanded educational opportunities.

 (C) As used in this section:

 (1) ‘Eligible school’ means an independent school including those religious in nature, other than a public or home school, at which the compulsory attendance requirements of Section 59‑65‑10 may be met, that:

 (a) offers a general education to primary or secondary school students;

 (b) does not discriminate on the basis of race, color, or national origin;

 (c) is located in this State;

 (d) has an educational curriculum that includes courses set forth in the state’s diploma requirements and where the students attending are administered national achievement or state standardized tests, or both, at progressive grade levels to determine student progress;

 (e) has school facilities that are subject to applicable federal, state, and local laws; and

 (f) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools or the South Carolina Independent Schools Association.

 (2) ‘Nonprofit scholarship funding organization’ means a charitable organization that:

 (a) is exempt from federal tax under Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the Code;

 (b) allocates, after its first year of operation, at least ninety‑five percent of its annual contributions and revenue received during a particular year to provide grants for tuition, transportation, or textbook expenses (collectively hereinafter referred to as tuition) or any combination thereof to children enrolled in an eligible school meeting the criteria of this section, and incurs administrative expenses annually, after its first year of operation, of not more than five percent of its annual contributions and revenue for a particular year;

 (c) allocates all of its funds used for grants on an annual basis to children who are ‘exceptional needs’ students as defined herein;

 (d) does not provide grants solely for the benefit of one school, and if the Department of Revenue determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this section may be disallowed;

 (e) does not have as a member of its governing board any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this section from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member; and

 (f) does not have as a member of its governing board any person who has been convicted of a felony, or who has declared bankruptcy within the last seven years.

 (3) ‘Person’ means an individual, partnership, corporation, or other similar entity.

 (4) ‘Transportation’ means transportation to and from school only.

 (D) The tax credits allowed by this section may be used in computing any tax imposed by this chapter or in computing insurance premium taxes or bank license fees; provided, that the tax credit may not offset more than sixty percent of the taxpayer’s liability for a particular year.

 (E) A person is entitled to a tax credit under this section for the amount of money the person contributes to a nonprofit scholarship funding organization up to the limits of this section if:

 (1) the contribution is used to provide grants for tuition, transportation, or textbook expenses (tuition) or any combination thereof to children enrolled in eligible schools who qualify for these grants under the provisions of this section; and

 (2) the person does not designate a specific child or school as the beneficiary of the contribution.

 (F) Grants may be awarded by the nonprofit scholarship funding organization in an amount not exceeding ten thousand dollars or seventy‑five percent of the cost of tuition, whichever is less, for students with ‘exceptional needs’ to attend an independent school. An ‘exceptional needs’ child is defined as a child who has significant cognitive, mental, physical, or emotional disabilities and whose parents or legal guardian believe that the services provided by the school district of legal residence do not sufficiently meet the needs of their child. The dollar and percentage amounts of the grants permitted by this item must be increased annually beginning in 2013, in the manner provided in subsection (H).

 (G)(1) If a husband and wife file separate returns for any year, they each may only claim one‑half of the tax credit that would have been allowed for a joint return for the year.

 (2) The person shall apply for a credit under this section on or with the tax return for the period for which the credit is claimed.

 (3) The Department of Revenue shall prescribe the form and manner of proof required to obtain the credit authorized by this section.

 (4) A person may claim a credit under this section for a contribution during a particular period only against the tax owed for the corresponding period.

 (5) Any unused tax credit may be carried forward for a period not exceeding five consecutive years. However, the tax credit is not refundable.

 (H)(1) Beginning with the year 2013, the dollar amount and percentage amount of a scholarship which may be granted under this section must be increased on an annual basis by an inflation factor equal to the percentage increase in the previous year of the Consumer Price Index, Southeast Region, as published by the United States Department of Labor, Bureau of Labor Statistics plus the percentage increase in the previous year in the population of the State as determined by the Office of Research and Statistics of the State Budget and Control Board.

 (2) The department shall publish the increases determined under item (1) each year on its website available to the general public.

 (I) A corporation or entity entitled to a credit under this section may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

 (J) Except as otherwise provided by this section, neither the Department of Education, the Department of Revenue, nor any other state agency may regulate the educational program of an independent school that accepts students receiving scholarship grants pursuant to this section.

 (K)(1) The Education Oversight Committee, as established in Chapter 6, Title 59, is responsible for determining if an eligible school meets the criteria established by subsection (C)(1) of this section, and shall annually publish an approved list of such schools meeting this criteria as provided in item (2) below. For this purpose, it also shall promulgate regulations further enumerating the specifics of this criteria. In performing this function, the Education Oversight Committee shall establish an advisory committee made up of not more than nine members including parents, and representatives of independent schools and independent school associations. The advisory committee shall provide recommendations to the Education Oversight Committee on the content of these regulations and any other matters requested by the Education Oversight Committee.

 (2) By the first day of August of each year, beginning on August 1, 2012, the Education Oversight Committee, on its website available to the general public, shall provide a list with addresses and telephone numbers of nonprofit scholarship funding organizations in good standing which provide grants under this section, and a list of approved independent schools which accept grants for eligible students under this section and which in its determination are in compliance with the requirements of subsection (C)(1) of this section.

 (3) Any independent school not determined to be an eligible school by the Education Oversight Committee under its authority under this section may appeal this determination to the Administrative Law Court within thirty days of this determination.

 (4) The Education Oversight Committee, after consultation with its nine‑member advisory committee, may exempt an independent school having students with exceptional needs who receive scholarship grants pursuant to this section from the curriculum requirements of subsection (C)(1)(d).

 (L)(1) Every nonprofit scholarship funding organization providing grants under this section shall cause an outside auditing firm each year to conduct a comprehensive financial audit of its operations in conformity with generally accepted accounting principles and shall furnish same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review.

 (2) Every independent school accepting grants for eligible students under this section shall cause to be conducted a compliance audit by an outside entity or auditing firm examining its compliance with the provisions of this section and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department of Revenue which must be made available by them on their website for public review.

 (M) On January 1, 2015, and on January first every three years thereafter, the Education Oversight Committee shall report to the Governor and the General Assembly on the effectiveness and success of this section and whether or not the purposes of this section as provided in subsections (A) and (B) hereunder have been accomplished.”

SECTION 3. If a section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, this holding does not affect the constitutionality or the validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words thereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor, and the credits authorized by Section 1 of this act may be taken to the extent authorized beginning with calendar year 2012. /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

Rep. GOVAN spoke against the Bill.

Rep. ANTHONY spoke against the Bill.

Rep. ALLISON spoke in favor of the Bill.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. H. B. BROWN spoke against the Bill.

Rep. JEFFERSON spoke against the Bill.

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

Rep. G. A. BROWN spoke against the Bill.

The question then recurred to the passage of the Bill.

**SPEAKER IN CHAIR**

The yeas and nays were taken resulting as follows:

 Yeas 65; Nays 49

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Hixon | Huggins | Limehouse |
| Long | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Owens | Parker |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | White | Whitmire |
| Willis | Young |  |

**Total--65**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hiott |
| Hodges | Horne | Hosey |
| Howard | Jefferson | Johnson |
| Knight | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Pinson | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--49**

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

RECORD FOR VOTING

 I am in favor of parents having educational choices for their children; however, I voted against H. 4894, because before the General Assembly passes another tax deduction or a tax credit, it should address comprehensive tax reform and school funding reform to fix South Carolina’s archaic and decades old school funding formula.

 Rep. Jenny A. Horne

**H. 4894--MOTION TO RECONSIDER TABLED**

Rep. BEDINGFIELD moved to reconsider the vote whereby the following Bill was given second reading:

H. 4894 -- Reps. White, Bedingfield, McCoy, Loftis, Bingham, Herbkersman, Parker, Bowen, Erickson, Taylor, G. M. Smith, Forrester, Frye, G. R. Smith, Merrill, Stringer, Lowe, Nanney, Tribble, Crawford, Ryan, Corbin, Southard, J. R. Smith, Allison, Barfield, Chumley, Clemmons, Cole, Crosby, Delleney, Edge, Hamilton, Hardwick, Harrell, Harrison, Hearn, Henderson, Hixon, Limehouse, Long, Lucas, D. C. Moss, Murphy, Norman, Owens, Pinson, Pitts, Putnam, Quinn, Simrill, Skelton, Sottile, Spires, Tallon, Thayer, Toole, Viers, Young, Atwater, Huggins and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO AUTHORIZE A DEDUCTION FROM STATE OF SOUTH CAROLINA TAXABLE INCOME UP TO SPECIFIED AMOUNTS FOR TUITION PAID BY A PARENT OR LEGAL GUARDIAN FOR THEIR CHILD OR WARD TO ATTEND AN INDEPENDENT SCHOOL OR A PUBLIC SCHOOL OUTSIDE THE CHILD'S OR WARD'S SCHOOL DISTRICT OF RESIDENCE, AND TO ALSO AUTHORIZE A SIMILAR INCOME TAX DEDUCTION UP TO A SPECIFIED AMOUNT TO A PARENT OR LEGAL GUARDIAN FOR HOME SCHOOL EXPENDITURES; AND BY ADDING SECTION 12-6-1146 SO AS TO AUTHORIZE A CREDIT AGAINST A TAXPAYER'S SOUTH CAROLINA INCOME TAX LIABILITY OR CERTAIN OTHER TAX LIABILITY FOR CONTRIBUTIONS MADE TO NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS THAT PROVIDE GRANTS FOR CHILDREN WHO ARE ELIGIBLE FOR THE FEDERAL FREE OR REDUCED SCHOOL LUNCH PROGRAM, WHO ARE "EXCEPTIONAL NEEDS" CHILDREN, OR WHOSE FAMILIES MEET THE REQUIREMENTS FOR FEDERAL MEDICAID BENEFITS TO ATTEND INDEPENDENT SCHOOLS OF THEIR CHOICE, AND TO PROVIDE THE PROCEDURES FOR, AND CONDITIONS AND LIMITATIONS OF THESE TAX CREDITS.

Rep. BEDINGFIELD moved to table the motion to reconsider, which was agreed to.

Rep. BEDINGFIELD 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. 5041 -- Reps. White, 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. 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, Viers, Weeks, Whipper, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SENATOR DAVID L. THOMAS OF GREENVILLE FOR HIS LEADERSHIP IN FOUNDING PALMETTOPRIDE, THE DEDICATED LABORS OF WHICH HAVE HAD SUCH A REGENERATIVE AND BEAUTIFYING EFFECT ON SOUTH CAROLINA'S ROADWAYS, AND TO CONGRATULATE SENATOR THOMAS AND PALMETTOPRIDE ON THE ORGANIZATION'S TENTH ANNIVERSARY.

H. 5083 -- Rep. D. C. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SOUTH CAROLINA HIGHWAY PATROL SENIOR TROOPER ANTHONY B. FOX OF FLORENCE COUNTY, UPON BEING NAMED THE 2012 TROOP FIVE TROOPER OF THE YEAR, AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

H. 5091 -- Reps. G. R. Smith, Allen, Bannister, Bedingfield, Bikas, Corbin, Dillard, Hamilton, Henderson, Loftis, Nanney, Stringer and Willis: A CONCURRENT RESOLUTION TO RECOGNIZE HABITAT FOR HUMANITY OF GREENVILLE COUNTY ON THE CONSTRUCTION OF ITS THREE HUNDREDTH HOME, AND TO HONOR THE ORGANIZATION FOR CONTINUING TO FOSTER STRONGER FAMILIES AND NEIGHBORHOODS IN GREENVILLE COUNTY.

H. 5096 -- Rep. Barfield: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF HIS HOLINESS POPE SHENOUDA III OF ALEXANDRIA, EGYPT, AND TO EXTEND THE DEEPEST SYMPATHY TO THE COPTIC ORTHODOX CHURCH OF ALEXANDRIA.

H. 3117 -- Rep. King: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF CONSTITUTION BOULEVARD IN THE CITY OF ROCK HILL "DR. MARTIN LUTHER KING, JR. MEMORIAL BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "DR. MARTIN LUTHER KING, JR. MEMORIAL BOULEVARD".

**ADJOURNMENT**

At 7:23 p.m. the House, in accordance with the motion of Rep. BARFIELD, adjourned in memory of Woody Crosby of Conway, to meet at 10:00 a.m. tomorrow.

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