~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Psalm 5:1-2: “Give ear to my words, O Lord; give heed to my sighing. Listen to the sound of my cry, my King and my God, for to you I pray.”

Let us pray. Lord of heaven and earth, fill us with trusting patience, sufficient for every circumstance. Reveal Yourself to us in this place and time. Equip us with the necessary courage and integrity to accomplish Your will for this State. Bless our Nation, State, and our leaders. Protect our defenders of freedom, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

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

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5330 -- Rep. Harrison: A CONCURRENT RESOLUTION TO CONGRATULATE AND COMMEND COLONEL W. THOMAS "TOMMY" McQUEENEY OF CHARLESTON FOR HIS DISTINGUISHED SERVICE ON THE CITADEL BOARD OF VISITORS AS HIS SERVICE ON THE BOARD COMES TO A CLOSE IN 2012.

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. 5331 -- Rep. Atwater: A BILL TO AMEND SECTION 7-7-380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

S. 1092 -- Senators Jackson, Courson, Lourie and Scott: 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.

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

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Cobb-Hunter | Cole |
| Corbin | Crosby | Daning |
| Delleney | Dillard | 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 | Loftis | Long |
| Lowe | Lucas | McCoy |
| 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 | Rutherford |
| Ryan | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, May 29.

|  |  |
| --- | --- |
| Paul Agnew | H. B. "Chip" Limehouse |
| David Mack | James Merrill |
| Bakari Sellers | Leon Stavrinakis |
| Ted Vick | Joseph Neal |
| Laurie Funderburk | J. Seth Whipper |

**Total Present--117**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. STRINGER a leave of absence for the day due to a family commitment.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**CO-SPONSOR 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-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4015 |
| Date: | ADD: |
| 05/29/12 | TOOLE |

**H. 5329--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Bill until Wednesday, May 30, which was adopted:

H. 5329 -- Rep. Herbkersman: A BILL TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL ALLOW THE CITY OF BLUFFTON TO TEMPORARILY CLOSE THE PORTION OF SOUTH CAROLINA HIGHWAY 46 WITHIN ITS CITY LIMITS AND REROUTE MOTOR VEHICLE TRAFFIC ON DAYS IN WHICH THE CITY EXPERIENCES HIGH PEDESTRIAN TRAFFIC.

**S. 1107--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Thursday, May 31, which was adopted:

S. 1107 -- Senators Leventis, Hayes, Rose and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-1-77 SO AS TO PROVIDE A BOARD OR COMMISSION THAT REGULATES THE LICENSURE OF A PROFESSION OR OCCUPATION UNDER TITLE 40 MAY ISSUE A TEMPORARY LICENSE FOR A PROFESSION OR OCCUPATION IT REGULATES TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE REQUIREMENTS FOR OBTAINING THIS LICENSE, AND TO PROVIDE TIME LIMITS ON THE VALIDITY OF THIS LICENSE.

**S. 1127--DEBATE ADJOURNED**

Rep. DELLENEY moved to adjourn debate upon the following Bill until Wednesday, May 30, which was adopted:

S. 1127 -- Senator Peeler: A BILL TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO THE CREATION OF THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING AUTHORITY, SO AS TO ELIMINATE THE SPECIFIC NUMBER OF BOARD MEMBERS THAT MUST BE APPOINTED TO GOVERN A DEPARTMENT; TO AMEND SECTIONS 40-9-30 AND 40-9-37, BOTH RELATING TO MEMBERSHIP ON THE BOARD OF CHIROPRACTIC EXAMINERS, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40-15-20, RELATING TO MEMBERSHIP ON THE STATE BOARD OF DENTISTRY, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND BY ADDING AN ADDITIONAL LAY MEMBER; TO AMEND SECTION 40-33-10, RELATING TO MEMBERSHIP ON AND DUTIES OF THE STATE BOARD OF NURSING, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO DELETE THE PROVISION AUTHORIZING THE BOARD TO ESTABLISH A FEE SCHEDULE IN REGULATIONS; TO AMEND SECTION 40-43-40, RELATING TO MEMBERSHIP ON THE STATE BOARD OF PHARMACY, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40-45-10, RELATING TO MEMBERSHIP ON THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND BY ADDING AN ADDITIONAL MEMBER FROM THE GENERAL PUBLIC; TO AMEND SECTION 40-47-10, RELATING TO MEMBERSHIP ON AND DUTIES OF THE STATE BOARD OF MEDICAL EXAMINERS, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO DELETE THE PROVISION AUTHORIZING THE BOARD TO ESTABLISH AN INITIAL FEE SCHEDULE IN REGULATIONS; TO AMEND SECTION 40-47-11, RELATING TO MEMBERSHIP ON THE MEDICAL DISCIPLINARY COMMISSION, SO AS TO DECREASE COMMISSION PHYSICIAN MEMBERSHIP FROM THIRTY-SIX TO THIRTY-FIVE BY CONTINUING TO APPOINT FIVE PHYSICIAN COMMISSIONERS FROM EACH CONGRESSIONAL DISTRICT, BY ELIMINATING THE SIX AT-LARGE PHYSICIAN COMMISSIONERS, AND BY DECREASING LAY COMMISSION MEMBERSHIP FROM TWELVE TO SEVEN BY APPOINTING ONE, RATHER THAN TWO, LAY COMMISSIONERS FROM EACH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40-75-10, RELATING TO MEMBERSHIP ON THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALIST, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 44-1-20, RELATING TO MEMBERSHIP ON THE BOARD OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 44-9-30 AND SECTIONS 44-20-210 AND 44-20-225, BOTH AS AMENDED, RELATING, RESPECTIVELY, TO MEMBERSHIP ON THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, MEMBERSHIP ON THE SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS, AND MEMBERSHIP ON CONSUMER ADVISORY BOARDS TO THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO MAINTAIN THE SEVEN MEMBER MENTAL HEALTH COMMISSION, THE SEVEN MEMBER COMMISSION ON DISABILITIES AND SPECIAL NEEDS, AND THE SEVEN MEMBER CONSUMER ADVISORY BOARDS BY PROVIDING THAT ONE MEMBER MUST BE APPOINTED FROM EACH CONGRESSIONAL DISTRICT AND BY ELIMINATING THE ONE STATE AT LARGE MEMBER FROM EACH COMMISSION AND FROM EACH BOARD; BY ADDING SECTION 1-1-1320 SO AS TO PROVIDE FOR THE CONTINUATION OF THE TERM OF A PERSON WHO REPRESENTS A CONGRESSIONAL DISTRICT ON A BOARD, COMMISSION, OR COMMITTEE WHOSE RESIDENCY IS TRANSFERRED TO ANOTHER CONGRESSIONAL DISTRICT BY A CHANGE IN THE COMPOSITION OF THE DISTRICT; TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL MEMBER TO REPRESENT THE CONGRESSIONAL DISTRICT FOR WHICH THE TRANSFERRED MEMBER WOULD HAVE SERVED IF THAT DISTRICT IS UNSERVED BY A RESIDENT MEMBER; AND TO PROVIDE FOR THE EXPIRATION OF TERMS AND VACANCIES OCCURRING IN THE AFFECTED DISTRICTS; AND TO DELETE OBSOLETE LANGUAGE AND MAKE CHANGES NECESSARY TO CONFORM TO THE PROVISIONS OF THIS ACT.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**S. 1229--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1229 -- Senators O'Dell and Ford: A BILL TO AMEND SECTION 38-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSES REQUIRED FOR ADJUSTERS, SO AS TO ADD EXEMPTIONS FROM LICENSURE; AND TO AMEND SECTION 38-47-20, RELATING TO RECIPROCAL AGREEMENTS FOR LICENSING NONRESIDENT ADJUSTERS, SO AS TO PROVIDE WHERE A NONRECIPROCAL AGREEMENT EXISTS BETWEEN THIS STATE AND ANOTHER STATE, AN APPLICANT FOR A NONRESIDENT ADJUSTER'S LICENSE WHO HOLDS A LICENSE IN ANOTHER STATE MAY RESIDE IN THE UNITED STATES OR CANADA WITHOUT LOSING THE BENEFITS OF THE RECIPROCAL AGREEMENT IF HE COMPLIES WITH OTHER APPLICABLE LICENSURE REQUIREMENTS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to S. 1229 (COUNCIL\AGM\ 19614AB12), which was adopted:

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

/ SECTION 1. Section 38‑47‑10 of the 1976 Code is amended to read:

 “Section 38‑47‑10. (A) ~~Every~~ An individual commonly called an adjuster, adjusting losses for an insurer licensed to do business in this State, must be licensed by the director or his designee. These individuals shall apply for a license on a form prescribed by the director or his designee. The director or his designee shall satisfy himself that each applicant for an adjuster’s license is an individual of good moral character, has sufficient knowledge of the insurance business and his duties as an adjuster, has not violated the insurance laws of the State, and is a fit and proper individual for the position. No license may be issued to a nonresident adjuster who resides in a state refusing to license South Carolina adjusters.

 (B) The following individuals are exempt from licensure as an adjuster:

 (1) ~~Agents~~ A producer licensed under Chapter 43 ~~are~~ is not required to comply with this section.

 (2) An individual who, for portable electronics insurance, collects claim information from, or furnishes claim information to, insureds or claimants and who conducts data entry, including entering data into an automated claims adjudication system, provided that no more than twenty‑five such persons are under the supervision of a licensed adjuster or a licensed producer who is otherwise exempt from licensure pursuant to paragraph (1).

 (C) For purposes of this section, ‘automated claims adjudication system’ means a preprogrammed computer system designed for the collection, data entry, calculation, and final resolution of portable electronics insurance claims that:

 (1) only may be used by a licensed adjuster, licensed producer, or supervised individuals operating pursuant to this paragraph;

 (2) must comply with all claims payment requirements of the insurance code; and

 (3) must be certified as compliant with this section by a licensed independent adjuster who is an officer of the entity or an affiliate of the entity that employs an individual operating pursuant to this section.

 (D) If the insured’s claim is denied and the insured contests the denial, an individual licensed under this section or under Chapter 43 must review the denial with the insured.”

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

Renumber sections to conform.

Amend title to conform.

Rep. BRADY 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 105; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | 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 | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--105**

 Those who voted in the negative are:

**Total--0**

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

**S. 1269--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1269 -- Senators Peeler and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE THE RIGHTS OF A PHARMACY WHEN UNDERGOING AN AUDIT CONDUCTED BY A MANAGED CARE COMPANY, INSURANCE COMPANY, THIRD-PARTY PAYER, OR AN ENTITY RESPONSIBLE FOR PAYMENT OF CLAIMS FOR HEALTH CARE SERVICES; TO REQUIRE THE AUDITING ENTITY TO ESTABLISH AN APPEALS PROCESS; AND TO PROVIDE FOR THE RECOUPMENT OF FUNDS UNDER CERTAIN CIRCUMSTANCES.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to S. 1269 (COUNCIL\AGM\ 19588AB12), which was adopted:

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

/ SECTION 1. Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Article 18

Pharmacy Audit Rights

Section 38‑71‑1810. (A) For the purposes of this article:

 (1) ‘Insurer’ means an entity that provides health insurance coverage in this State as defined in Section 38‑71‑670(7) and Section 38‑71‑840(16).

 (2) ‘Responsible party’ means the entity responsible for payment of claims for health care services other than:

 (a) the individual to whom the health care services were rendered; or

 (b) that individual’s guardian or legal representative.

 (3) ‘Audit’ means an evaluation, investigation, or review of claims paid to a pharmacy that takes place at the pharmacy location and does not include review of claims or claims payments that an insurer conducts as a normal course of business.

 (4) ‘Abuse’ means any practice that:

 (a)(i) is inconsistent with sound fiscal or business practices; or

 (ii) fails to meet professionally recognized standards for pharmacy services; and

 (b) directly or indirectly causes financial loss to a responsible party.

 (B) If a managed care organization, insurer, third‑party payor, or any entity that represents a responsible party conducts an audit of the records of a pharmacy, then, with respect to this audit, the pharmacy has a right to:

 (1) have at least fourteen days’ advance notice of the initial audit for each audit cycle with no audit to be initiated or scheduled during the first five days of any month without the express consent of the pharmacy, which shall cooperate with the auditor to establish an alternate date if the audit would fall within the excluded days;

 (2) have an audit that involves clinical judgment be conducted with a pharmacist who is licensed and employed by or working under contract with the auditing entity;

 (3) not have clerical or record‑keeping errors, including typographical errors, scrivener’s errors and computer errors, on a required document or record considered fraudulent in the absence of any other evidence; however, the provisions of this item do not prohibit recoupment of fraudulent payments;

 (4) have, if required under the terms of the contract with the auditing entity, the auditing entity to provide the pharmacy, upon request, all records related to the audit in an electronic format or contained in digital media;

 (5) have the properly documented records of a hospital or of a person authorized to prescribe controlled substances for the purpose of providing medical or pharmaceutical care for their patients transmitted by any means of communication approved by the auditing entity in order to validate a pharmacy record with respect to a prescription or refill for a controlled substance or narcotic drug pursuant to federal and state regulations;

 (6) have a projection of an overpayment or underpayment based on either the number of patients served with a similar diagnosis or the number of similar prescription orders or refills for similar drugs; however, the provisions of this item do not prohibit recoupments of actual overpayments unless the projection for overpayment or underpayment is part of a settlement by the pharmacy;

 (7) be free of recoupments based on either of the following subitems unless defined within the billing, submission, or audit requirements set forth in the pharmacy provider manual not inconsistent with current State Board of Pharmacy Regulations, except for cases of Food and Drug Administration regulation or drug manufacturer safety programs in accordance with federal or state regulations:

 (a) documentation requirements in addition to, or exceeding requirements for, creating or maintaining documentation prescribed by the State Board of Pharmacy;

 (b) a requirement that a pharmacy or pharmacist perform a professional duty in addition to, or exceeding, professional duties prescribed by the State Board of Pharmacy unless otherwise agreed to by contract with the auditing entity;

 (8) be subject, so long as a claim is made within the contractual claim submission time period, to recoupment only following the correction of a claim and to have recoupment limited to amounts paid in excess of amounts payable under the corrected claim unless a prescription error occurs. For purposes of this subsection, a prescription error includes, but is not limited to, wrong drug, wrong strength, wrong dose, or wrong patient;

 (9) be subject to reversals of approval, except for Medicare claims, for drug, prescriber, or patient eligibility upon adjudication of a claim only in cases in which the pharmacy obtained the adjudication by fraud or misrepresentation of claim elements;

 (10) be audited under the same standards and parameters as other similarly situated pharmacies audited by the same entity;

 (11) have at least thirty days following receipt of the preliminary audit report to produce documentation to address any discrepancy found during an audit;

 (12) have the period covered by an audit limited to twenty‑four months from the date a claim was submitted to, or adjudicated by, a managed care organization, an insurer, a third‑party payor, or an entity that represents responsible parties, unless a longer period is permitted by or under federal law;

 (13) have the preliminary audit report delivered to the pharmacy within one hundred twenty days after conclusion of the audit;

 (14) have a final audit report delivered to the pharmacy within ninety days after the end of the appeals period; and

 (15) not have the accounting practice of extrapolation used in calculating recoupments or penalties for audits, unless otherwise required by federal requirements or federal plans.

 (C) Notwithstanding Section 38‑71‑1840, the auditing entity shall provide the pharmacy, if requested, a masked list that provides a prescription number range the auditing entity is seeking to audit.

 Section 38‑71‑1820.(A) Each entity that conducts an audit of a pharmacy shall establish an appeals process under which a pharmacy may appeal an unfavorable preliminary audit report to the entity.

 (B) If, following the appeal, the entity finds that an unfavorable audit report or any portion of the unfavorable audit report is unsubstantiated, the entity shall dismiss the unsubstantiated portion of the audit report without any further proceedings.

 (C) Each entity conducting an audit shall provide a copy, if required under the terms of the contract with the responsible party, of the audit findings to the plan sponsor after completion of any appeals process.

 Section 38‑71‑1830.(A) Recoupments of any funds disputed on the basis of an audit must occur only after final internal disposition of the audit, including the appeals process as provided for in Section 38‑71‑1820, unless fraud or misrepresentation is reasonably suspected.

 (B) Recoupment on an audit must be refunded to the responsible party as contractually agreed upon by the parties involved in the audit.

 (C) The entity conducting the audit may charge or assess the responsible party, directly or indirectly, based on amounts recouped if both of the following conditions are met:

 (1) the responsible party or payor and the entity conducting the audit have entered into a contract that explicitly states the percentage charge or assessment to the responsible party; and

 (2) a commission or other payment to an agent or employee of the entity conducting the audit is not based, directly or indirectly, on amounts recouped.

 Section 38‑71‑1840. The provisions of this article do not apply to an audit, review, or investigation:

 (1) that involves alleged insurance fraud or abuse, Medicare fraud or abuse, or other fraud or misrepresentation; or

 (2) conducted by or on the behalf of the Department of Health and Human Services in the performance of its duties in administering Medicaid under Titles XIX and XXI of the Social Security Act.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every 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 hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect January 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Rep. BRADY 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 108; Nays 0

 Those who voted in the affirmative are:

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

**Total--108**

 Those who voted in the negative are:

**Total--0**

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

**H. 5285--DEBATE ADJOURNED**

Rep. KING moved to adjourn debate upon the following Joint Resolution until Wednesday, May 30, which was adopted:

H. 5285 -- Reps. King, Gilliard, Anderson, Cobb-Hunter, Rutherford, Williams and Jefferson: A JOINT RESOLUTION TO PROVIDE THAT INDIVIDUALS PROHIBITED FROM APPEARING ON THE JUNE 2012 PRIMARY BALLOT AS THE RESULT OF THEIR FAILURE TO FILE A STATEMENT OF ECONOMIC INTERESTS ARE ENTITLED TO A FULL REFUND OF THEIR FILING FEE FROM THE ENTITY THAT COLLECTED THE FEE.

**S. 512--DEBATE ADJOURNED**

Rep. HARDWICK moved to adjourn debate upon the following Bill until Wednesday, May 30, which was adopted:

S. 512 -- Senator Grooms: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING THE PROTECTION OF GAME, BY ADDING SECTION 50-11-36 TO PROHIBIT HUNTING MIGRATORY WATERFOWL ON LAKE MOULTRIE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE PENALTIES.

**S. 1029--DEBATE ADJOURNED**

Rep. HARDWICK moved to adjourn debate upon the following Bill until Wednesday, May 30, which was adopted:

S. 1029 -- Senator L. Martin: A BILL TO AMEND SECTION 50-1-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GEOGRAPHIC BOUNDARIES OF CERTAIN BODIES OF WATER, SO AS TO GIVE A NUMERICAL DESIGNATION TO EACH BODY OF WATER ENUMERATED IN THE SECTION AND TO MAKE OTHER TECHNICAL CHANGES TO THE SECTION.

**S. 1033--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1033 -- Senators Verdin and Elliott: A BILL TO REPEAL CHAPTER 43, TITLE 46 OF THE 1976 CODE, RELATING TO THE MIGRANT FARM WORKERS COMMISSION; AND TO AMEND SECTION 1-31-40, RELATING TO THE POWERS AND DUTIES OF THE STATE COMMISSION FOR MINORITY AFFAIRS, TO VEST THE STATE COMMISSION FOR MINORITY AFFAIRS WITH THE POWERS AND DUTIES OF THE FORMER MIGRANT FARM WORKERS COMMISSION.

Rep. HARDWICK explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 102; Nays 0

 Those who voted in the affirmative are:

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

**Total--102**

 Those who voted in the negative are:

**Total--0**

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

**S. 1059--DEBATE ADJOURNED**

Rep. HARDWICK moved to adjourn debate upon the following Bill until Wednesday, May 30, which was adopted:

S. 1059 -- Senators Cromer and Elliott: A BILL TO AMEND SECTION 48-4-30 OF THE 1976 CODE, RELATING TO THE COMPOSITION OF THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, TO INCREASE THE NUMBER OF BOARD MEMBERS TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT, AND TO DESIGNATE THE AT-LARGE BOARD MEMBER AS CHAIRMAN.

**S. 1087--DEBATE ADJOURNED**

Rep. HARDWICK moved to adjourn debate upon the following Bill until Wednesday, May 30, which was adopted:

S. 1087 -- Senators Jackson, Cromer, Grooms, Ford, Scott, Elliott, Setzler, Land, Pinckney, Anderson, Ryberg, Matthews, Rankin and Verdin: A BILL TO AMEND SECTION 50-9-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' ABILITY TO DESIGNATE "FREE FISHING DAYS" AND SANCTION FISHING EVENTS EXEMPT FROM FISHING LICENSE REQUIREMENTS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT TO DESIGNATE "FREE FISHING DAYS", TO DESIGNATE JULY FOURTH AND MEMORIAL DAY AS DAYS WHEN A RESIDENT IS NOT REQUIRED TO POSSESS A LICENSE OR PERMIT FOR FRESHWATER RECREATIONAL FISHING, TO LIMIT DEPARTMENT-SANCTIONED EVENTS THAT ARE EXEMPT FROM FISHING LICENSE REQUIREMENTS TO FRESHWATER EVENTS, AND TO EXEMPT CERTAIN COMMERCIAL FISHERMEN FROM THE PROVISIONS CONTAINED IN THIS SECTION.

**S. 1299--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 to S. 1299 (COUNCIL\DKA\4140SD12), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 54‑15‑20 of the 1976 Code is amended to read:

 “Section 54‑15‑20. The South Carolina Commissioners of Pilotage for the Upper Coastal Area must be appointed by the Governor, upon the recommendation of a majority of the Legislative Delegation of Georgetown County and shall serve for three years and until their successors are appointed and qualify. Vacancies must be filled in the manner of the original appointment for the unexpired term.

 The South Carolina Commissioners of Pilotage for the Upper Coastal Area shall consist of ~~six~~ eight persons appointed as provided by this chapter, one of whom is the Chairman of the South Carolina State Ports Authority or a board member designated by the chairman, ex officio, one of whom is the President of the International Longshoremen’s Association Local or his designee, ex officio, and one of whom is a pilot licensed for the Port of Georgetown under Section 54‑15‑90, appointed by the Governor upon the recommendation of the licensed pilots. The remaining ~~three~~ five members are appointed by the Governor upon the recommendation of the Georgetown County Legislative Delegation ~~from lists of nominations for the offices submitted to the delegation from the Chamber of Commerce and the Propeller Club of the Port of Georgetown~~. The terms of office of the commissioners are for three years and until their successors are appointed ~~except of the members first appointed, one shall serve for one year, one shall serve for two years, and one shall serve for three years~~. The member representative of the pilots licensed under Section 54‑15‑90 shall serve a three‑year term. In the event of a vacancy, however caused, a successor must be appointed in the manner of the original appointment to fill the unexpired term. The above appointments must be made as each term of the present commissioners expires.” /

Renumber sections to conform.

Amend title to conform.

Rep. HARDWICK 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 102; Nays 0

 Those who voted in the affirmative are:

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

**Total--102**

 Those who voted in the negative are:

**Total--0**

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

**S. 1364--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1364 -- Senator Cromer: A BILL TO AMEND SECTIONS 50-5-1705 AND 50-5-1710, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LAWFUL SIZE AND CATCH LIMITS FOR CERTAIN FISH, SO AS TO PROVIDE LAWFUL SIZE AND CATCH LIMITS FOR SHEEPSHEAD (ARCHOSARGUS PROBATOCEPHALUS).

Rep. VICK explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 65; Nays 39

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Butler Garrick | Cobb-Hunter | Cole |
| Crosby | Daning | Dillard |
| Forrester | Frye | Gambrell |
| Hardwick | Harrell | Hart |
| Hayes | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | Long |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| V. S. Moss | Munnerlyn | Murphy |
| J. M. Neal | Neilson | Parker |
| Parks | Pinson | Pope |
| Skelton | J. E. Smith | J. R. Smith |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Weeks |
| Williams | Young |  |

**Total--65**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bales | Bedingfield |
| Bingham | Bowen | Brannon |
| R. L. Brown | Chumley | Clemmons |
| Corbin | Delleney | Gilliard |
| Hamilton | Hearn | Henderson |
| Huggins | Limehouse | Loftis |
| Lowe | D. C. Moss | Nanney |
| Norman | Ott | Patrick |
| Pitts | Putnam | Quinn |
| Ryan | Sabb | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| Sottile | Thayer | Toole |
| Tribble | Whitmire | Willis |

**Total--39**

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

**S. 788--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 788 -- Senator Verdin: A BILL TO AMEND CHAPTER 21, TITLE 47 OF THE 1976 CODE, RELATING TO THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT, BY AMENDING SECTION 47-21-70 TO PROVIDE ADDITIONAL LIABILITY EXEMPTIONS TO VETERINARIANS AND PEOPLE WHO HOLD A SUPERIOR INTEREST IN THE PROPERTY; BY ADDING SECTION 47-21-90 TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR A PERSON THAT SUFFERS DAMAGES AS A RESULT OF VIOLATIONS OF CHAPTER 21 RELATING TO ANIMAL FACILITY OPERATIONS; AND BY ADDING ARTICLE 5 TO PROVIDE THAT IT IS UNLAWFUL TO TAMPER WITH CROP OPERATIONS, TO INTERFERE WITH THE OPERATIONS OF A CROP OPERATION, TO FRAUDULENTLY GAIN ACCESS TO A CROP OPERATION, AND TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR VIOLATIONS OF THIS ACT RELATED TO CROP OPERATIONS, TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT, TO DEFINE NECESSARY TERMS, AND TO MAKE TECHNICAL CORRECTIONS.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 to S. 788 (COUNCIL\SWB\5338CM12), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 2, on pages 6 and 7, in its entirety and inserting:

/ Chapter 4, Title 47 of the 1976 Code is amended by adding:

“Section 47‑4‑170. Information prepared, owned, used, submitted to, in the possession of, or retained by the commission or the State Veterinarian related to the exercise of its official duties pursuant to this chapter, including, but not limited to, certificates of veterinary inspection, animal medical records, laboratory reports, or other records that may be used to identify a person or private business activities subject to regulation by the commission is confidential and exempt from disclosure pursuant to Chapter 4, Title 30 unless the State Veterinarian determines that disclosure is necessary to implement the programs contained in this chapter or the State Veterinarian determines that disclosure is necessary to prevent the spread of animal disease or to protect the public health. Information prepared, owned, used, submitted to, in the possession of, or retained by the commission or the State Veterinarian related to the exercise of its official duties pursuant to this chapter concerning the receipt and expenditure of public funds and summaries of agency activities are not subject to the exemption from Chapter 4, Title 30 provided in this section.” /

Renumber sections to conform.

Amend title to conform.

Rep. FRYE explained the amendment.

The amendment was then adopted.

Rep. FRYE explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 107; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Daning | Delleney | Dillard |
| 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 | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | 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 |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | Whitmire | Williams |
| Willis | Young |  |

**Total--107**

 Those who voted in the negative are:

**Total--0**

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

**S. 1231--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

S. 1231 -- Senator Gregory: A BILL TO AMEND SECTION 50-1-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VARIOUS CLASSIFICATIONS OF BIRDS, GAME ANIMALS, AND FISH, SO AS TO CLASSIFY COBIA RACHYCENTRON CANADUM AS A SALTWATER GAME FISH.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 to S. 1231 (COUNCIL\SWB\5339CM12), which was adopted:

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

/ SECTION \_\_. Section 50‑5‑1506 of the 1976 Code is amended to read:

 “Section 50‑5‑1506. In addition to other provisions of law, the following provisions govern seasons, times, methods, equipment, size limits, and take limits in commercial fishing for shad in the waters of this State specified below:

 (a) ~~Winyah Bay system~~ ~~including Black River, Sampit River,~~ Great Pee Dee River, Little Pee Dee River, Lynches River, Waccamaw River from ~~its northern ocean outlet at Little River~~ Big Bull Creek to Winyah Bay, Winyah Bay, and all tributaries and distributaries thereto as follows:

 (i) Pee Dee River and tributaries above U.S. Highway 701~~, Waccamaw River with tributaries above entrance of Big Bull Creek, and Black River above County Road 179~~:

 (1) Season: ~~February 1~~ January 15 through April ~~30~~ 15;

 (2) Times: noon Monday through noon Saturday;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (ii) Remainder of Winyah Bay system including all of Big Bull Creek and ~~Sampit River~~ Waccamaw River with tributaries below the entrance of Big Bull Creek:

 (1) Season: ~~February 1~~ January 15 through April ~~15~~ 1;

 (2) Times: Monday noon to Saturday noon, local time;

 (3) Methods and equipment: No restriction provided drift nets of not more than nine hundred feet in length are allowed in Waccamaw River between Butler Island and U.S. Highway 17 during lawful times;

 (4) Size and take limits: No limits.

 (b) Santee River below Wilson Dam including the Rediversion Canal below St. Stephen Dam, North Santee River and Bay, South Santee River, and all tributaries and distributaries thereto as follows:

 (i) Rediversion Canal from St. Stephen Dam seaward to the seaward terminus of the northern dike of the Rediversion Canal:

 Season: No open season;

 (ii) Rediversion Canal from the seaward terminus of the northern dike of the Rediversion Canal seaward to Santee River:

 (1) Season: ~~February 1~~ January 15 through April ~~30~~ 15;

 (2) Times: 7:00 a.m. to 7:00 p.m. local time, Tuesday and Thursday;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (iii) Wilson Dam seaward to U.S. Highway 52 bridge:

 Season: No open season.

 (iv) U.S. Highway 52 bridge seaward to S.C. Highway 41 bridge:

 (1) Season: ~~February 1~~ January 15 through April ~~30~~ 15;

 (2) Times: 7:00 a.m. to 7:00 p.m. local time, Tuesday and Thursday;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (v) S.C. Highway 41 bridge seaward:

 (1) Season: ~~February 1~~ January 15 through March ~~31~~ 15;

 (2) Times: Monday noon to Saturday noon, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (c) ~~Charleston Harbor System including~~ Wando River and Cooper River seaward to the U.S. Highway 17 bridges, Charleston Harbor, Ashley River, and all tributaries and distributaries thereto as follows:

 (i) Tailrace Canal from Wadboo Creek to the Jefferies Power Plant:

 Season: No open season.

 (ii) Cooper River from Wadboo Creek to U.S. Highway 17:

 Season: No open season.

 (iii) Ashley River seaward to its confluence with Popper Dam Creek:

 (1) Season: ~~February 1 through March 31~~ No open season;

 (2) ~~Times: Wednesday noon to Saturday noon, local time;~~ Reserved

 (3) ~~Methods and equipment: No restrictions;~~ Reserved

 (4) ~~Size and take limits: None.~~ Reserved

 (iv) Remainder of the Charleston Harbor system:

 (1) Season: ~~February 1 through March 31~~ No open season;

 (2) ~~Times: Wednesday noon to Saturday noon, local time;~~ Reserved

 (3) ~~Methods and equipment: Drift gill nets only;~~ Reserved

 (4) ~~Size and take limits: No limits.~~ Reserved

 (d) ~~Edisto River basin including~~ Edisto River Estuary, Edisto River, North and South Branches (Forks) of the Edisto River, and all tributaries and distributaries thereto as follows:

 (i) Above U.S. Highway 15 bridge:

 (1) Season: ~~January 15~~ February 1 through ~~April 15~~ March 30;

 (2) Times: Tuesday noon to Saturday noon, local time;

 (3) Methods and equipment: Any lawful method and equipment~~; provided, however, shad gill nets having a mesh size no smaller than four and one‑half inches and no larger than five and one‑half inches may be used until April 15, 2002, and shad gill nets having a mesh size no smaller than five inches and no larger than five and one‑half inches may be used thereafter~~;

 (4) Size and take limits: No limits.

 (ii) Seaward of U. S. Highway 15 bridge and above U. S. Highway 17 bridge:

 (1) Season: ~~January 15~~ February 1 through ~~April 15~~ March 30;

 (2) Times: Tuesday noon to Saturday noon, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (iii) Seaward of U.S. Highway 17 bridge:

 (1) Season: ~~January~~ February 1 through March ~~31~~ 30;

 (2) Times: Wednesday noon to Friday midnight, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (e) Ashepoo River and all tributaries and distributaries thereto as follows:

 (1) Season: ~~February 1 through March 31~~ No open season;

 (2) ~~Times: Friday noon to Saturday noon, local time;~~ Reserved

 (3) ~~Methods and equipment: Any lawful method and equipment;~~ Reserved

 (4) ~~Size and take limits: No limits.~~ Reserved

 (f) Combahee River and all tributaries and distributaries thereto as follows:

 (i) Tributaries and distributaries, except main stems of Salkehatchie Rivers: Season: No open season.

 (ii) Main river including main stems of Salkehatchie Rivers:

 (1) Season: ~~January 15~~ February 1 through March ~~31~~ 15;

 (2) Times: For anchored nets, Tuesday noon to Friday noon, local time; for driftnets, Monday noon to Saturday noon, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (g) Coosawhatchie River and all tributaries and distributaries thereto as follows:

 Season: No open season.

 (h) South Carolina portions of Savannah River and all tributaries and distributaries thereto as follows:

 (i) Main river ~~above U.S. Interstate Highway 95 bridge~~ belowU. S. Highway 301 and above U. S. Interstate Highway 95:

 (1) Season: January 1 through April 15;

 (2) Times: 7:00 a.m. Wednesday to 7:00 p.m. Saturday, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (ii) Tributaries and distributaries above U.S. Interstate Highway 95 bridge:

 Season: No open season.

 (iii) Seaward of U.S. Interstate Highway 95 bridge.

 (1) Season: January 1 through March 31. Taking or attempting to take shad with anchored nets is prohibited at all times in the Savannah River’s Little Back River, Back River and the north channel of the Savannah River downstream from the New Savannah Cut;

 (2) Times: 7:00 a.m. Tuesday to 7:00 p.m. Friday, local time;

 (3) Methods and equipment: Any lawful method and equipment;

 (4) Size and take limits: No limits.

 (i) Atlantic Ocean territorial sea as follows:

 (1) Season: ~~February 1 through March 31; beginning July 1, 2004,~~ No open season;

 (2) ~~Times: 7:00 a.m. Tuesday to 7:00 p.m. Saturday, local time; beginning July 1, 2004, no open times;~~ Reserved

 ~~(3)~~ ~~Methods and equipment: gill net; may be drift fished only; anchor nets are prohibited; gill nets, stake row nets, or pound nets are prohibited off Winyah Bay within three nautical miles of the midpoint of a line extending from where the north jetty of Winyah Bay intersects North Island running southwesterly to where the south jetty of Winyah Bay intersects Sand Island, including all waters between the jetties; beginning July 1, 2004, no lawful methods or equipment;~~ Reserved

 ~~(4)~~ ~~Size and take limits: No limits. Beginning July 1, 2004, no take allowed.~~ Reserved

 (j) Lake Moultrie, Lake Marion, Diversion Canal, Intake Canal of Rediversion Canal, and all tributaries and distributaries thereto as follows:

 (1) Season: No closed season;

 (2) Times: No restrictions;

 (3) Methods and equipment: Cast net and lift net for bait;

 (4) Size and take limits: Two hundred fifty pounds per boat per day combined catch of herring and shad.” /

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

Rep. VICK explained the Bill.

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

**SPEAKER IN CHAIR**

**H. 4967--DEBATE ADJOURNED**

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

H. 4967 -- Ways and Means Committee: A BILL TO AMEND SECTION 9-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS), SO AS TO PROVIDE FOR "CLASS THREE" MEMBERS OF SCRS WITH "CLASS THREE" MEMBERS MEANING AN EMPLOYEE MEMBER OF SCRS WITH AN EFFECTIVE DATE OF MEMBERSHIP AFTER JUNE 30, 2012; TO AMEND SECTIONS 9-1-10 FURTHER AND 9-1-1550, RELATING TO RETIREMENT BENEFITS UNDER THE SCRS, SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCRS MEMBERS ARE COMPUTED AFTER JUNE 30, 2012, AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCRS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-1-1815 SO AS TO PROVIDE FOR THE MANNER IN WHICH RETIRED SCRS MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-1-1810 RELATING TO INCREASES IN SCRS RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-1-1020, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCRS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF CLASS ONE SCRS MEMBERS TO SIX PERCENT OF EARNABLE COMPENSATION FROM FIVE AND ONE-HALF PERCENT AND THE REQUIRED DEDUCTIONS OF SCRS CLASS TWO AND CLASS THREE MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE-HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013, AND MAKE CONFORMING CHANGES; TO AMEND SECTION 9-1-1080, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCRS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TEN AND SIX-TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; TO AMEND SECTION 9-1-1140, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCRS, SO AS TO PROVIDE THAT THE REQUIRED COST IS THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE SCRS MEMBER'S CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-1-1510, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A SCRS RETIREMENT ALLOWANCE, SO AS TO PROVIDE THAT A SCRS CLASS THREE MEMBER MUST HAVE AT LEAST THIRTY YEARS OF CREDITABLE SERVICE TO BE ELIGIBLE TO RETIRE AT ANY AGE WITHOUT A BENEFIT REDUCTION; TO AMEND SECTION 9-1-1515, AS AMENDED, RELATING TO THE REQUIREMENTS FOR EARLY RETIREMENT IN SCRS, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9-1-1660, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A NOMINEE OF A DECEASED ACTIVE SCRS MEMBER TO RECEIVE A RETIREMENT ALLOWANCE, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9-1-2210, AS AMENDED, RELATING TO THE TEACHER AND EMPLOYEE RETENTION INCENTIVE (TERI) PROGRAM, SO AS TO CLOSE THE PROGRAM FOR SCRS CLASS THREE MEMBERS AND TO CONFORM THE CALCULATION OF RETIREMENT BENEFITS FOR TERI PARTICIPANTS; TO AMEND SECTION 9-9-60, AS AMENDED, RELATING TO RETIREMENT AND RETIREMENT ALLOWANCES FOR MEMBERS OF THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA (GARS), SO AS PROSPECTIVELY TO ELIMINATE PROVISIONS ALLOWING MEMBERS OF THE GENERAL ASSEMBLY WHO MEET CERTAIN AGE OR CREDITED SERVICE REQUIREMENTS OR WITH AGE AND CREDITED SERVICE REQUIREMENTS TO RECEIVE A GARS RETIREMENT BENEFIT WHILE CONTINUING TO SERVE IN THE GENERAL ASSEMBLY; TO AMEND SECTIONS 9-11-10 AND 9-11-60, BOTH AS AMENDED, RELATING TO DEFINITIONS AND ELIGIBILITY FOR RETIREMENT UNDER THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS), SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCPORS MEMBERS RETIRING AFTER JUNE 30, 2012, ARE COMPUTED AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCPORS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE SCPORS MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-11-312 SO AS TO PROVIDE FOR THE MANNER IN WHICH SCPORS RETIRED MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-11-310 RELATING TO COST OF LIVING ADJUSTMENTS UNDER SCPORS BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-11-50, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCPORS, SO AS TO PROVIDE THAT THE REQUIRED COST MUST BE THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE MEMBERS CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-11-210, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCPORS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF SCPORS CLASS TWO MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE-HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013; TO AMEND SECTION 9-11-220, AS AMENDED, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCPORS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TWELVE AND THREE-TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; BY ADDING SECTION 9-16-335 SO AS TO PROVIDE THAT THE ASSUMED ANNUAL RATE OF RETURN ON THE INVESTMENTS OF THE RETIREMENT SYSTEM MUST BE ESTABLISHED BY THE GENERAL ASSEMBLY AND EFFECTIVE JULY 1, 2012, THE ASSUMED ANNUAL RATE OF RETURN ON RETIREMENT SYSTEM INVESTMENTS IS SEVEN AND ONE-HALF PERCENT; AND TO AMEND SECTIONS 9-1-1135, 9-8-185, 9-9-175, AND 9-11-265, RELATING TO INTEREST ON MEMBER'S CONTRIBUTIONS IN SCRS, GARS, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND SCPORS, SO AS TO PROVIDE THAT INTEREST IS NOT PAID ON INACTIVE ACCOUNTS, AND TO DEFINE "INACTIVE ACCOUNT".

Rep. WHITE moved to adjourn debate upon the Senate Amendments until Wednesday, May 30, which was agreed to.

**H. 4033--DEBATE ADJOURNED**

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

H. 4033 -- Reps. Patrick and Loftis: A BILL TO AMEND SECTION 4-10-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CAPITAL PROJECT SALES TAX ACT, TO PROVIDE THAT THE AUTHORIZED PROJECTS THAT ARE ALLOWED TO BE FUNDED BY A COUNTY CAPITAL PROJECT SALES TAX INCLUDE DREDGING, DEWATERING, CONSTRUCTION OF SPOIL SITES, AND DISPOSAL OF SPOIL MATERIALS; TO AMEND SECTIONS 5-37-40, 5-37-50, AND 5-37-100, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MUNICIPAL IMPROVEMENT ACT, SO AS TO PROVIDE THAT A MUNICIPAL IMPROVEMENT DISTRICT MAY BE CREATED FOR THE SOLE PURPOSE OF THE WIDENING AND DREDGING OF WATERWAYS WITHOUT PRIOR WRITTEN CONSENT OF OWNERS OF OWNER-OCCUPIED RESIDENTIAL PROPERTY AT THE TIME THE IMPROVEMENT DISTRICT IS CREATED.

Rep. MUNNERLYN moved to adjourn debate upon the Senate Amendments until Wednesday, May 30, which was agreed to.

**H. 5051--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 5051 -- Reps. Limehouse, Barfield, Tribble, Sabb, Hosey, Southard, J. H. Neal, Crawford, Parker, Brantley, Neilson, Erickson, Clemmons, Hearn, Hardwick, Loftis, Murphy, Ryan, McCoy, Anderson, Butler Garrick, Whitmire, Williams, Sottile, Alexander, Allen, Bowen, Pinson, Brannon, Johnson, Huggins, Spires, Sellers, Agnew, Anthony, Atwater, Bales, Bannister, Battle, Bedingfield, Bingham, Bowers, Branham, G. A. Brown, H. B. Brown, R. L. Brown, Chumley, Clyburn, Cobb-Hunter, Cole, Corbin, Crosby, Daning, Delleney, Dillard, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Howard, Jefferson, King, Long, Lowe, Lucas, Mack, McEachern, McLeod, D. C. Moss, V. S. Moss, Munnerlyn, J. M. Neal, Norman, Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Stringer, Tallon, Taylor, Toole, Vick, Weeks, Whipper, White and Willis: A BILL TO AMEND SECTION 59-103-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HIGHER EDUCATION MISSION AND GOALS FOR ALL PUBLIC HIGHER EDUCATION INSTITUTIONS IN THIS STATE, SO AS TO INCLUDE IN THE MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES UNIQUE DOCTORAL DEGREE PROGRAMS THAT ARE NOT DUPLICATIVE OF ANY RESEARCH UNIVERSITY DOCTORAL PROGRAMS IN THAT REGION, AND TO DEFINE "THAT REGION".

Reps. BRANHAM, OWENS, and COBB-HUNTER proposed the following Amendment No. 1A to H. 5051 (COUNCIL\MS\ 7819AHB12), which was adopted:

Amend the bill, as and if amended, by striking Section 59‑103‑15(B)(2)(a), as contained in SECTION 1, beginning on line 39, page 1, and inserting:

 / (a) college‑level baccalaureate education and selected master’s degrees which lead to employment or continued education, or both, except for doctoral degrees currently being offered; /

Renumber sections to conform.

Amend title to conform.

Rep. BRANHAM explained the amendment.

The yeas and nays were taken resulting as follows:

 Yeas 105; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Chumley |
| Clemmons | Cobb-Hunter | Cole |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | 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. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whitmire |
| Williams | Willis | Young |

**Total--105**

 Those who voted in the negative are:

**Total--0**

The amendment was then adopted.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

**H. 4763--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32-7-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32-7-100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 1; Nays 105

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Sabb |  |  |

**Total--1**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Hodges |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | McLeod |
| 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 |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whitmire |
| Williams | Willis | Young |

**Total--105**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**H. 5307--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5307 -- Reps. Hosey and Clyburn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 278 IN ALLENDALE COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 TO FEED LOT ROAD "LIEUTENANT WINSTON ROBINSON, JR., HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "LIEUTENANT WINSTON ROBINSON, JR., HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 5308--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5308 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 527 IN LEE COUNTY FROM MOUNT PLEASANT HIGH SCHOOL TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 76 "ISAAC C. JOE HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "ISAAC C. JOE HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1538--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1538 -- Senators Williams and Leatherman: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF NATURAL RESOURCES NAME THE BLACK CREEK BOAT LANDING, ON HIGHWAY 327 IN FLORENCE COUNTY AS "JAMES R. HARWELL LANDING", AND TO INSTALL APPROPRIATE SIGNS CONTAINING "JAMES R. HARWELL LANDING" ON THE PROPERTY.

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**H. 3788--RECOMMITTED**

The following Bill was taken up:

H. 3788 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 12 SO AS TO ENACT THE "HERITAGE GOLF PRESERVATION ACT".

Rep. HERBKERSMAN moved to recommit the Bill to the Committee on Ways and Means, which was agreed to.

**S. 1125--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1125 -- Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms, Peeler and Shoopman: A BILL TO AMEND SECTION 41-35-120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to S. 1125 (COUNCIL\AGM\ 19592AB12):

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

/ SECTION 1. Section 41‑35‑120(2) of the 1976 Code is amended to read:

 “(2)(a) Discharge for ~~cause~~ misconduct connected with the employment. If the department finds that he has been discharged for ~~cause~~ misconduct 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~~ for the next twenty~~‑six~~ 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~~ twenty. ~~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 wilful 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.~~ For the purposes of this item, ‘misconduct’ is limited to conduct evincing such wilfull and wanton disregard of an employer’s interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer’s interest or of the employee’s duties and obligations to his employer. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance.

 (b) If the department finds that he has been discharged for unsatisfactory conduct, ordinary negligence in isolated instances, or good‑faith errors in judgment or discretion 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 nineteen 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.

 (c) Discharge resulting from substandard performance due to inefficiency, inability, or incapacity shall not serve as a basis for disqualification under Sections 41‑35‑120(2)(a) or 41‑35‑120(2)(b).”

SECTION 2. Section 41‑35‑130 is amended by adding a new subsection to read:

 “(M)(1) For the purposes of this subsection, ‘most recent bona fide employer’ means the work or employer from which an individual was discharged regardless of work subsequent to his discharge in which he earned less than eight times his weekly benefit amount.

 (2) A benefit paid to a claimant must not be charged against the account of an employer if the department determines that the claimant’s most recent bona fide employer discharged him for misconduct connected with his employment. This provision is applicable only to an employer subject to the payment of contributions.”

SECTION 3. Section 41‑41‑40 of the 1976 Code is amended by adding a new subsection to read:

 “(D) Upon the determination of fraudulent overpayments by the department, an employer from whose account the overpayment was debited must be credited for the amount of the overpayment regardless of the outcome of the action for recoupment or recovery of the overpayment. This section shall not apply to employers whose accounts are subject to the provisions of Sections 41‑31‑810 and 41‑31‑820.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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

Rep. SANDIFER proposed the following Amendment No. 2 to S. 1125 (COUNCIL\AGM\19616AB12), which was adopted:

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

/ SECTION 1. Section 41‑35‑120(2) of the 1976 Code is amended to read:

 “(2)(a) Discharge for ~~cause~~ misconduct connected with the employment. If the department finds that he has been discharged for ~~cause~~ misconduct 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~~ for the next twenty~~‑six~~ 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~~ twenty. ~~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 wilful 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.~~ For the purposes of this item, ‘misconduct’ is limited to conduct evincing such wilfull and wanton disregard of an employer’s interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer’s interest or of the employee’s duties and obligations to his employer. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance.

 (b) If the department finds that he has been discharged for unsatisfactory conduct, ordinary negligence in isolated instances, or good‑faith errors in judgment or discretion 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 nineteen 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.

 (c) Discharge resulting from substandard performance due to inefficiency, inability, or incapacity shall not serve as a basis for disqualification under Sections 41‑35‑120(2)(a) or 41‑35‑120(2)(b).”

SECTION 2. Section 41‑35‑130 is amended by adding a new subsection to read:

 “(M)(1) For the purposes of this subsection, ‘most recent bona fide employer’ means the work or employer from which an individual was discharged regardless of work subsequent to his discharge in which he earned less than eight times his weekly benefit amount.

 (2) A benefit paid to a claimant must not be charged against the account of an employer if the department determines that the claimant’s most recent bona fide employer discharged him for misconduct connected with his employment. This provision is applicable only to an employer subject to the payment of contributions.”

SECTION 3. Section 41‑41‑40 of the 1976 Code is amended by adding a new subsection to read:

 “(D) Upon the determination of fraudulent overpayments by the department, an employer from whose account the overpayment was debited must be credited for the amount of the overpayment regardless of the outcome of the action for recoupment or recovery of the overpayment. This section shall not apply to employers whose accounts are subject to the provisions of Sections 41‑31‑810 or 41‑31‑620.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to S. 1125 (COUNCIL\AGM\ 19592AB12), which was tabled:

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

/ SECTION 1. Section 41‑35‑120(2) of the 1976 Code is amended to read:

 “(2)(a) Discharge for ~~cause~~ misconduct connected with the employment. If the department finds that he has been discharged for ~~cause~~ misconduct 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~~ for the next twenty~~‑six~~ 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~~ twenty. ~~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 wilful 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.~~ For the purposes of this item, ‘misconduct’ is limited to conduct evincing such wilfull and wanton disregard of an employer’s interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer’s interest or of the employee’s duties and obligations to his employer. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance.

 (b) If the department finds that he has been discharged for unsatisfactory conduct, ordinary negligence in isolated instances, or good‑faith errors in judgment or discretion 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 nineteen 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.

 (c) Discharge resulting from substandard performance due to inefficiency, inability, or incapacity shall not serve as a basis for disqualification under Sections 41‑35‑120(2)(a) or 41‑35‑120(2)(b).”

SECTION 2. Section 41‑35‑130 is amended by adding a new subsection to read:

 “(M)(1) For the purposes of this subsection, ‘most recent bona fide employer’ means the work or employer from which an individual was discharged regardless of work subsequent to his discharge in which he earned less than eight times his weekly benefit amount.

 (2) A benefit paid to a claimant must not be charged against the account of an employer if the department determines that the claimant’s most recent bona fide employer discharged him for misconduct connected with his employment. This provision is applicable only to an employer subject to the payment of contributions.”

SECTION 3. Section 41‑41‑40 of the 1976 Code is amended by adding a new subsection to read:

 “(D) Upon the determination of fraudulent overpayments by the department, an employer from whose account the overpayment was debited must be credited for the amount of the overpayment regardless of the outcome of the action for recoupment or recovery of the overpayment. This section shall not apply to employers whose accounts are subject to the provisions of Sections 41‑31‑810 and 41‑31‑820.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 83; Nays 21

 Those who voted in the affirmative are:

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

**Total--83**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | R. L. Brown | Butler Garrick |
| Cobb-Hunter | Dillard | Gilliard |
| Govan | Hart | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| J. H. Neal | Parks | Rutherford |
| Sabb | J. E. Smith | Williams |

**Total--21**

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

**S. 1392--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1392 -- Senators Campbell and Ford: A BILL TO AMEND SECTION 34-13-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TOTAL LIABILITIES OF ANY ONE BORROWER TO A BANK, SO AS TO DEFINE "TOTAL LIABILITIES" WHICH SHALL INCLUDE "DERIVATIVE TRANSACTIONS" AND TO ALSO DEFINE "DERIVATIVE TRANSACTIONS" FOR THIS PURPOSE; AND TO AMEND SECTION 34-13-70, RELATING TO THE MAXIMUM AMOUNT OF LOANS BY A STATE BANK TO A BORROWER, SO AS TO DEFINE "LOAN" WHICH SHALL INCLUDE "DERIVATIVE TRANSACTIONS", AND TO ALSO DEFINE "DERIVATIVE TRANSACTIONS" FOR THIS PURPOSE.

Rep. MACK explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 107; Nays 0

 Those who voted in the affirmative are:

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

**Total--107**

 Those who voted in the negative are:

**Total--0**

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

**RECURRENCE TO THE MORNING HOUR**

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

**H. 5332--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up for immediate consideration:

H. 5332 -- Rep. Harrell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 7, 2012, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, JUNE 19, 2012, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 21, 2012, FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN MONDAY, NOVEMBER 12, 2012, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

Rep. HARRELL explained the Resolution.

The yeas and nays were taken resulting as follows:

 Yeas 110; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | 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 | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--110**

 Those who voted in the negative are:

**Total--0**

The Concurrent Resolution was adopted and sent to the Senate.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5006 -- Reps. G. A. Brown, Lowe, J. H. Neal, G. M. Smith and Weeks: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 95 AND SOUTH CAROLINA HIGHWAY 341 IN SUMTER COUNTY IN HONOR OF NASCAR RACING LEGEND CALE YARBOROUGH AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "NASCAR RACING LEGEND CALE YARBOROUGH INTERCHANGE".

H. 5330 -- Rep. Harrison: A CONCURRENT RESOLUTION TO CONGRATULATE AND COMMEND COLONEL W. THOMAS "TOMMY" McQUEENEY OF CHARLESTON FOR HIS DISTINGUISHED SERVICE ON THE CITADEL BOARD OF VISITORS AS HIS SERVICE ON THE BOARD COMES TO A CLOSE IN 2012.

**ADJOURNMENT**

At 1:55 p.m. the House in accordance with the motion of Rep. DELLENEY adjourned to meet at 10:00 a.m. tomorrow.

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