~~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 Proverbs 16:3: “Commit to the Lord whatever you do, and your plans will succeed.”

Let us pray. Almighty God, thank You for giving us wisdom and strength to carry out the work You have for us to do. Whatever the duty, give these women and men the power and the integrity to discern the right path to success in all they do for the people of this State. We commit all these things to You, O Lord. Look in favor upon our Nation, President, State, Governor, Speaker, and all who serve in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. WILLIAMS moved that when the House adjourns, it adjourn in memory of Melvin Simon of Darlington, which was agreed to.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4447 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO CONGRATULATE MRS. MARY LEE ELMORE ON THE OCCASION OF HER NINETIETH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

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. 4448 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-37-50 SO AS TO AUTHORIZE ELECTRIC COOPERATIVES AND MUNICIPAL ELECTRIC SYSTEMS TO IMPLEMENT FINANCING SYSTEMS FOR ENERGY EFFICIENCY IMPROVEMENTS, TO GIVE THEM THE AUTHORITY TO FINANCE THE PURCHASE PRICE AND INSTALLATION COST OF ENERGY CONSERVATION MEASURES, TO PROVIDE FOR THE RECOVERY OF THIS FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY CONSERVATION MEASURES, TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THESE MEASURES, TO PROVIDE FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION MEASURES IN RENTAL PROPERTIES, AND TO PROVIDE A MECHANISM FOR RECOVERY OF THE COSTS OF THESE MEASURES INSTALLED IN RENTAL PROPERTIES; AND TO AMEND SECTION 8-21-310, AS AMENDED, RELATING TO THE SCHEDULE OF FEES AND COSTS TO BE COLLECTED IN EACH COUNTY BY A CLERK OF COURT, REGISTER OF DEEDS, OR COUNTY TREASURER, SO AS TO ALLOW A FEE BE CHARGED FOR FILING A NOTICE OF A METER CONSERVATION CHARGE.

Referred to Committee on Labor, Commerce and Industry

H. 4449 -- Rep. Ballentine: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3478 SO AS TO ALLOW A REFUNDABLE STATE INDIVIDUAL INCOME TAX CREDIT FOR UP TO TWO THOUSAND DOLLARS OF EXPENSES INCURRED BY THE TAXPAYER FOR TUTORING AN ELIGIBLE STUDENT AND TO DEFINE "TAXPAYER", "ELIGIBLE STUDENT", AND "TUTORING EXPENSES".

Referred to Committee on Ways and Means

H. 4450 -- Reps. Rutherford and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 14-25-210 AND 22-3-1020 SO AS TO PROVIDE THAT MUNICIPAL COURT JUDGES AND MAGISTRATES, RESPECTIVELY, ARE RESPONSIBLE FOR THE DOCKET IN THEIR COURTS.

Referred to Committee on Judiciary

H. 4451 -- Reps. D. C. Moss, Knight, Anderson, Anthony, Bannister, Bedingfield, Bingham, Branham, Delleney, Duncan, Gambrell, Hamilton, Harrell, Harrison, Hearn, Littlejohn, Loftis, Millwood, V. S. Moss, Nanney, Norman, Pinson, Rice, Simrill, G. R. Smith, J. R. Smith and Vick: A BILL TO AMEND SECTION 61-6-4160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL SALE OF ALCOHOLIC LIQUORS ON SUNDAYS AND ELECTION DAYS, SO AS TO INCLUDE CHRISTMAS DAY AND THANKSGIVING DAY IN THE PURVIEW OF THE STATUTE.

Referred to Committee on Judiciary

H. 4452 -- Rep. D. C. Moss: A BILL TO AMEND SECTION 56-3-2150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER PUBLIC OFFICIALS, SO AS TO PROVIDE THAT A CORONER MAY BE ISSUED TWO SPECIAL LICENSE PLATES.

Referred to Committee on Education and Public Works

H. 4453 -- Reps. Gilliard, Whipper, Jefferson, Mack, Miller and Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "PHYSICIAN TRANSPARENCY ACT" BY ADDING ARTICLE 3, TO CHAPTER 47, TITLE 40 SO AS TO REQUIRE PHYSICIANS SEEKING LICENSURE TO SUBMIT INFORMATION PERTAINING TO, AMONG OTHER THINGS, PRIOR LICENSES HELD, DISCIPLINARY ACTION TAKEN AGAINST THE PHYSICIAN, ANY AGREEMENT TO TEMPORARILY CEASE OR RESTRICT THE PHYSICIAN'S PRACTICE OF MEDICINE, ACTIONS AFFECTING CLINICAL PRIVILEGES, CRIMINAL CONVICTIONS, AND FINAL JUDGMENTS OR SETTLEMENTS RESULTING FROM A MALPRACTICE ACTION; TO REQUIRE THE BOARD OF MEDICAL EXAMINERS TO MAKE THIS INFORMATION AND TYPES OF COMPLAINTS FILED AGAINST A PHYSICIAN AVAILABLE TO THE PUBLIC ON THE BOARD'S WEBSITE; TO PROVIDE THAT FAILURE TO PROVIDE THIS INFORMATION OR PROVIDING FALSE INFORMATION IS CONSIDERED MISCONDUCT AND THE BOARD MAY NOT ISSUE, RENEW, OR REINSTATE THE LICENSE OF THE PHYSICIAN; TO PROVIDE THAT ALL HEARINGS BEFORE THE BOARD REGARDING COMPLAINTS AGAINST PHYSICIANS MUST BE OPEN TO THE PUBLIC, THAT HEARING SCHEDULES MUST BE POSTED ON THE BOARD'S WEBSITE, THAT A COMPLAINANT HAS THE RIGHT TO MAKE A PUBLIC STATEMENT IN A HEARING BEFORE THE BOARD, AND THAT THE BOARD SHALL INFORM A COMPLAINANT OF THESE RIGHTS.

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

H. 4457 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 3 TO TITLE 30 SO AS TO ENACT THE "PERSONAL EMAIL PRIVACY PROTECTION ACT" TO SAFEGUARD THE PERSONAL EMAILS OF CERTAIN PERSONS ASSOCIATED WITH PUBLIC BODIES, TO PROVIDE THAT PERSONAL EMAILS ARE NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE A PENALTY FOR THE UNLAWFUL DISCLOSURE OF THESE PERSONAL EMAILS, AND TO PROVIDE AN EXCEPTION.

Referred to Committee on Judiciary

H. 4458 -- Rep. Bowers: A BILL TO ESTABLISH THE SOUTH CAROLINA COMMISSION FOR THE REVIEW OF THE JUDICIAL AND CRIMINAL JUSTICE SYSTEMS AND RELEVANT LAWS; PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE COMMISSION; PROVIDE FOR THE STAFFING OF THE COMMISSION, AND PROVIDE FOR THE TERMINATION OF THE COMMISSION NOT LATER THAN FEBRUARY 1, 2011.

Referred to Committee on Judiciary

H. 4459 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-640 SO AS TO CREATE THE OFFENSE OF ASSAULT WHILE ON PROBATION, PAROLE, OR UNDER BOND AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 4460 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-624 SO AS TO CREATE THE OFFENSE OF COMMITTING A DRIVE-BY SHOOTING AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 4461 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-25 SO AS TO REQUIRE, BEGINNING WITH THE REAPPORTIONMENT OF THE HOUSE OF REPRESENTATIVES AFTER THE DECENNIAL CENSUS OF 2010, THE HOUSE OF REPRESENTATIVES TO REAPPORTION ITSELF SO THAT A HOUSE DISTRICT MUST BE WHOLLY CONTAINED WITHIN A COUNTY IF THE COUNTY HAS SUFFICIENT POPULATION, AND TO REQUIRE ALL DISTRICTS TO BE WHOLLY CONTAINED WITHIN EACH REGIONAL COUNCIL OF GOVERNMENT.

Referred to Committee on Judiciary

H. 4462 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-227 SO AS TO PROVIDE THAT THE ASSESSMENT RATIO ON A RESIDENCE WHICH AN OWNER MAINTAINS FOR A PARENT WHO OCCUPIES IT AS THEIR PRINCIPAL RESIDENCE SHALL BE FOUR PERCENT UNDER CERTAIN CONDITIONS.

Referred to Committee on Ways and Means

H. 4463 -- Rep. Bowers: A BILL TO AMEND SECTION 12-37-3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WHEN ASSESSABLE TRANSFERS OF INTEREST OCCUR FOR PURPOSES OF APPRAISING REAL PROPERTY FOR IMPOSITION OF THE PROPERTY TAX, SO AS TO PROVIDE THAT AN ASSESSABLE TRANSFER OF INTEREST DOES NOT INCLUDE ANY TRANSFER WHEN THE BENEFICIAL OWNERSHIP OF THE PROPERTY HAS NOT CHANGED.

Referred to Committee on Ways and Means

H. 4464 -- Rep. Bowers: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY FOR AD VALOREM TAX PURPOSES AND THE ASSESSMENT RATIOS APPLICABLE TO SUCH PROPERTY, SO AS TO PROVIDE THAT MULTIUNIT RESIDENTIAL REAL PROPERTY CONTAINING FOUR UNITS OR LESS WHICH EACH UNIT OCCUPANT OCCUPIES AS HIS PRINCIPAL RESIDENCE ON A RENTAL OR OWNERSHIP BASIS MUST BE TAXED ON AN ASSESSMENT EQUAL TO FOUR PERCENT OF THE FAIR MARKET VALUE OF THE PROPERTY AND TO PROVIDE FOR THIS REDUCED RATIO BY MEANS OF A PROPERTY TAX EXEMPTION.

Referred to Committee on Ways and Means

H. 4465 -- Rep. Bowers: A BILL TO AMEND SECTION 12-36-2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS, SO AS TO DELETE THE EXEMPTION ALLOWED IN THE EXCHANGE OF ACCOMMODATIONS IN THE CASE OF TIME SHARE UNITS.

Referred to Committee on Ways and Means

H. 4466 -- Rep. Bowers: A BILL TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNANCE, SO AS TO DELETE THE "AT WILL" EMPLOYMENT STATUS OF AGENCY DEPUTY DIRECTORS APPOINTED BY THE AGENCY DIRECTOR; AND TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EMPLOYEES AND CATEGORIES OF EMPLOYEES EXEMPTED FROM COVERAGE BY THE STATE EMPLOYEE GRIEVANCE PROCEDURE ACT, SO AS TO DELETE THE EXEMPTION FOR STATE AGENCY DEPUTY DIRECTORS.

Referred to Committee on Labor, Commerce and Industry

H. 4467 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-7-65 SO AS TO PROVIDE THAT ALL MUNICIPAL AD VALOREM PROPERTY TAXES WHICH WOULD OTHERWISE BE IMPOSED ON NEW IMPROVEMENTS TO REAL PROPERTY LOCATED IN A PRESERVATION DISTRICT ESTABLISHED BY A MUNICIPALITY OF THIS STATE WITHIN ITS CORPORATE LIMITS ARE ABATED FOR A PERIOD OF FIVE CALENDAR YEARS BEGINNING WITH THE FIRST DAY OF JANUARY AFTER THE ESTABLISHMENT OF THE DISTRICT, AND TO PROVIDE THAT A MUNICIPALITY WITHIN ITS GENERAL AUTHORITY IS PERMITTED BY ORDINANCE TO ESTABLISH SUCH DISTRICTS IN THE MANNER AND UNDER THE TERMS AND CONDITIONS IT CONSIDERS APPROPRIATE.

Referred to Committee on Ways and Means

H. 4468 -- Rep. Thompson: A JOINT RESOLUTION TO CREATE THE "SOUTH CAROLINA STUDY COMMITTEE STUDY COMMITTEE" FOR THE PURPOSE OF EVALUATING THE STATE'S PAST AND FUTURE USES OF STUDY COMMITTEES FOR ASSESSING AND DEVELOPING STATE POLICIES AND RELATED LEGISLATION, AND TO PROVIDE FOR ITS MEMBERSHIP, POWERS, AND DUTIES.

Referred to Committee on Judiciary

H. 4469 -- Reps. T. R. Young, Ballentine and Huggins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-23-1245 SO AS TO REQUIRE A CLASS C TAXI CERTIFICATE HOLDER IN CERTAIN COUNTIES TO MAINTAIN A PHYSICAL OFFICE LOCATION AND FILE PROOF OF COMPLIANCE; TO AMEND SECTION 58-23-60, AS AMENDED, RELATING TO THE EXEMPTION OF CERTAIN ACTIVITIES NOT SUBJECT TO TAXI REGULATIONS, SO AS TO DELETE CERTAIN EXEMPTIONS; AND TO AMEND SECTION 58-23-330, AS AMENDED, RELATING TO GROUNDS FOR ISSUANCE OR DENIAL OF A CERTIFICATE TO OPERATE AS A MOTOR VEHICLE COMMON CARRIER, SO AS TO PUT THE BURDEN OF PROOF ON AN APPLICANT SEEKING A CLASS C TAXI CERTIFICATE THAT THE PUBLIC CONVENIENCE AND NECESSITY IS NOT BEING SERVED BY EXISTING CERTIFICATE HOLDERS.

Referred to Committee on Labor, Commerce and Industry

H. 4470 -- Reps. M. A. Pitts and Duncan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-1-55 SO AS TO ENACT THE "SOCIAL SECURITY NUMBER PROTECTION ACT" TO PROVIDE THAT A PERSON IS NOT REQUIRED TO PROVIDE HIS SOCIAL SECURITY NUMBER ON A FORM REQUIRED BY THE STATE OF SOUTH CAROLINA, AND TO PROVIDE EXCEPTIONS.

Referred to Committee on Judiciary

H. 4471 -- Rep. Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 51-3-75 SO AS TO PROVIDE THAT BASED ON A REVIEW OF BUSINESS AND PERSONAL USE OF A PARTICULAR STATE PARK OR FACILITY BY THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, AND THE LABOR AND INSURANCE REQUIREMENTS IT SUSTAINS AT THAT FACILITY, IT MAY ALTER THE MANAGEMENT PLAN FOR THAT PARK OR FACILITY BY PERMITTING THE RELETTING OF CAMPSITES, CAMPING FACILITIES, OR OTHER AMENITIES BEFORE THE RENTAL TERM OF THE ORIGINAL RENTER HAS EXPIRED IF VACATED BY THE ORIGINAL RENTER BEFORE THE END OF THE STATED TERM, AND TO PROVIDE THE DEPARTMENT ALSO MAY WAIVE THE CHARGES FOR ITS REUSE AND FOR THE USE OF THESE AND OTHER AMENITIES.

Referred to Committee on Ways and Means

S. 1034 -- Senator Leatherman: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH THE TAXATION REALIGNMENT COMMISSION MUST PREPARE AND DELIVER ITS REPORT AND RECOMMENDATION UNTIL NOVEMBER 15, 2010.

Referred to Committee on Ways and Means

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4454 -- Reps. Gilliard and Mack: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION RENAME THE PORTION OF UNITED STATES HIGHWAY 17 IN THE CITY OF CHARLESTON FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 TO ITS INTERSECTION WITH SPRING STREET WHICH IS CURRENTLY DESIGNATED AS "CROSSTOWN" TO THE "SEPTIMA P. CLARK PARKWAY", AND REPLACE ALL SIGNAGE ALONG THIS PORTION OF HIGHWAY THAT CONTAINS THE WORD "CROSSTOWN" WITH THE WORDS "SEPTIMA P. CLARK PARKWAY".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4455 -- Reps. M. A. Pitts and Duncan: A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO WITHDRAW THE UNITED STATES FROM THE SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA AND ANY OTHER ACTIVITY THAT SEEKS TO CREATE A NORTH AMERICAN UNION, AND REQUESTING THE CONGRESSIONAL DELEGATION OF EACH STATE INCLUDING SOUTH CAROLINA TO WORK TO WITHDRAW THE UNITED STATES FROM THE SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA AND ANY OTHER ACTIVITY THAT SEEKS TO CREATE A NORTH AMERICAN UNION.

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

**HOUSE RESOLUTION**

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

H. 4456 -- Rep. Forrester: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR TO THE STUDENTS AND SCHOOL OFFICIALS OF THE SOUTH CAROLINA SCHOOL FOR THE DEAF AND THE BLIND, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING THEM FOR A DEMONSTRATION OF THEIR UNIQUE ACCOMPLISHMENTS.

The Resolution was adopted.

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, January 28.

|  |  |
| --- | --- |
| B.W. Bannister | Chris Hart |
| James E. Stewart | Ted Vick |
| Jackson "Seth" Whipper | Todd Rutherford |

**Total Present--117**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. NANNEY a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MITCHELL a leave of absence for the day due to a speaking engagement.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HALEY a leave of absence for the day due to a speaking engagement.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. JENNINGS a leave of absence for the day due to his father's illness.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HAMILTON a leave of absence for the day due to illness.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Lance Scott of Charleston was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. DUNCAN presented to the House the Clinton High School Varsity Football Team, the 2009 AAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3614 |
| Date: | ADD: |
| 01/28/10 | T. R. YOUNG and SCOTT |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3800 |
| Date: | ADD: |
| 01/28/10 | J. E. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3881 |
| Date: | ADD: |
| 01/28/10 | KNIGHT |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3924 |
| Date: | ADD: |
| 01/28/10 | HARRELL |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4269 |
| Date: | ADD: |
| 01/28/10 | CHALK, CLYBURN, CRAWFORD, HOSEY, BATTLE, PINSON, OTT, LUCAS, STAVRINAKIS, KNIGHT, HAYES and D. C. MOSS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4280 |
| Date: | ADD: |
| 01/28/10 | WILLIAMS, KENNEDY, LOWE, STAVRINAKIS, KNIGHT, CRAWFORD, DANING, BOWEN, THOMPSON, G. A. BROWN, KING, LUCAS, HERBKERSMAN, WYLIE, STEWART, BRANHAM, OTT, HAYES, BATTLE, MILLER, HARVIN, H. B. BROWN, HOSEY, CHALK, MCEACHERN, HODGES, GUNN, J. H. NEAL, COBB-HUNTER and JEFFERSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4351 |
| Date: | ADD: |
| 01/28/10 | DILLARD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4352 |
| Date: | ADD: |
| 01/28/10 | DILLARD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4402 |
| Date: | ADD: |
| 01/28/10 | T. R. YOUNG |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4329 |
| Date: | REMOVE: |
| 01/28/10 | SELLERS and KNIGHT |

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SPEAKER IN CHAIR**

**S. 963--RECONSIDERED**

Rep. BINGHAM moved to reconsider the vote whereby the following Bill was read the third time and enrolled, which was agreed to:

S. 963 -- Senators Knotts, Cromer, Courson and Setzler: A BILL TO AMEND SECTION 7-7-380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF LEXINGTON COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

**SENT TO THE SENATE**

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

H. 4416 -- Reps. Loftis, Hamilton, G. R. Smith, Dillard, Bannister, Bedingfield, Wylie, Nanney, Rice, Cato, Stringer and Allen: A BILL TO EXPAND THE AUTHORITY OF THE RENEWABLE WATER RESOURCES OF GREENVILLE COUNTY, ORIGINALLY CREATED AS THE GREATER GREENVILLE SEWER DISTRICT PURSUANT TO THE PROVISIONS OF ACT 362 OF 1925, TO USE THE BY-PRODUCTS OF WASTE TREATMENT FACILITIES FOR ALTERNATE ENERGY PRODUCTION.

H. 4415 -- Rep. Harrison: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUME 22 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2010.

**H. 4431--POINT OF ORDER**

The following Bill was taken up:

H. 4431 -- Rep. H. B. Brown: A BILL TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REQUIRE THE FINANCE COMMITTEE ESTABLISHED BY THIS ACT TO PREPARE THE DISTRICT BUDGET AND TO SUBMIT IT FOR BOARD REVIEW, TO REQUIRE THE BOARD TO SUBMIT THE BUDGET TO THE FAIRFIELD COUNTY COUNCIL FOR APPROVAL, TO AUTHORIZE THE FAIRFIELD COUNTY COUNCIL TO NOTIFY THE COUNTY AUDITOR OF THE AMOUNT OF THE LEVY NEEDED TO OPERATE SCHOOLS IN THE DISTRICT, TO CREATE A FINANCE COMMITTEE TO OVERSEE THE FINANCIAL OPERATIONS OF THE DISTRICT AND TO PROVIDE ITS MEMBERSHIP, DUTIES, AND GOALS, TO PROVIDE FOR THE HIRING OF A FINANCE DIRECTOR FOR THE DISTRICT AND TO PROVIDE HIS RESPONSIBILITIES AND DUTIES, TO PROVIDE FOR THE ABOLITION OF THE FINANCE COMMITTEE AND THE POSITION OF FINANCE DIRECTOR UPON CERTAIN CONDITIONS, AND TO DEFINE THE DUTIES OF BOTH THE BOARD AND THE DISTRICT SUPERINTENDENT.

**POINT OF ORDER**

Rep. HOWARD made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 4432--POINT OF ORDER**

The following Bill was taken up:

H. 4432 -- Rep. H. B. Brown: A BILL TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES, TO REVISE COMPENSATION OF BOARD MEMBERS, TO PROVIDE FOR THE FILLING OF VACANCIES, TO PROVIDE FOR THE ABOLITION OF CERTAIN BOARD SEATS UPON CERTAIN CONDITIONS, AND TO REQUIRE THE SCHOOL DISTRICT BOARD AND SUPERINTENDENT TO COOPERATE WITH NEWLY APPROVED BOARD MEMBERS.

**POINT OF ORDER**

Rep. HOWARD made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**H. 3736--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3736 -- Reps. Rice, Cato, Hiott, Owens and Wylie: A BILL TO AMEND SECTION 41-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED DEDUCTIONS OF LABOR ORGANIZATION MEMBERSHIP DUES FROM WAGES, SO AS TO REVISE THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEDUCTIONS MAY BE MADE AND FOR CERTAIN PROHIBITED DEDUCTIONS.

Reps. GILLIARD, MACK, R. L. BROWN, VICK, HOSEY, J. E. SMITH, SANDIFER, HUGGINS, J. H. NEAL, HART and SKELTON requested debate on the Bill.

**S. 362--POINT OF ORDER**

The following Bill was taken up:

S. 362 -- Senator Alexander: A BILL TO AMEND SECTION 42-11-30 OF THE 1976 CODE, RELATING TO FIREFIGHTERS COVERED UNDER WORKERS' COMPENSATION LAW AND THE PRESUMPTION REGARDING IMPAIRMENT OR INJURY FROM HEART DISEASE AND/OR RESPIRATORY DISEASE, TO PROVIDE THAT THE IMPAIRMENT OR INJURY IS CONSIDERED TO HAVE ARISEN OUT OF AND IN THE COURSE OF EMPLOYMENT IF THEY HAVE SUCCESSFULLY PASSED A PHYSICAL EXAM WITHIN THE LAST TEN YEARS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3856DW10):

Amend the bill, as and if amended, Section 42‑11‑30(A), page 2, line 2, by striking / prior to any alleged injury/ and inserting / before any alleged injury /.

When amended subsection (A) reads:

/ (A) Notwithstanding the provisions of this chapter, for purposes of the South Carolina Workers’ Compensation Law, any impairment or injury to the health of a firefighter caused by heart disease or respiratory disease resulting in total or partial disability or death is presumed to have arisen out of and in the course of employment, unless the contrary is shown by competent evidence, if the firefighter is at the time of such impairment or injury a bona fide member of a municipal, county, state, port authority, or fire control district fire department in this State. In order to be entitled to the presumption provided for in this section, any person becoming a member of a fire department after May 29, 1968, must be under the age of thirty‑seven years and must have successfully passed a physical examination by a competent physician upon entering into such service or within two years of the enactment of this legislation, a written report of which must have been made and filed before any alleged injury with the fire department, which examination failed to reveal any evidence of such condition or conditions, and the condition or conditions developed while actively engaged in fighting a fire or within twenty‑four hours from the date of last service in the activity. /

Amend further, Section 42‑11‑30(B), SECTION 1, beginning on page 2 and line 37, by striking item (2) in its entirety and inserting:

/ (2) If a law enforcement agency cannot produce the report described in subitem (B)(1), the law enforcement officer may submit a written report of a physical examination conducted within two years of the effective date of this section, which includes a risk factor assessment for coronary artery disease conducted by a competent physician who also shall counsel on risk factor reduction and consider current medical literature on evaluation and prevention of coronary artery disease in conducting the risk factor. /

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

**POINT OF ORDER**

Rep. STAVRINAKIS made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**S. 454--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 454 -- Senators Peeler and Ford: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19784AB10), which was adopted:

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

/ SECTION 1. Chapter 56, Title 40 of the 1976 Code is amended to read:

“CHAPTER 56

State Board of Pyrotechnic ~~Regulations~~ Safety

~~Section 40‑56‑10.~~ ~~There is created the State Board of Pyrotechnic Safety to be composed of six members appointed by the Governor. One of the appointees must be a fireman, one must be a pyrotechnics retailer, one must be a law enforcement representative, and three must be members of the public who shall not possess any pecuniary interest in any entity engaged in a business directly involving the sale of pyrotechnics. The board shall elect from its members a chairman, vice‑chairman, and such other officers as it may consider necessary to serve for terms of one year and until their successors are elected and qualify. Terms of office for members are for two years and until their successors are appointed and qualify. Vacancies must be filled in the manner of original appointment for the unexpired term. The board shall meet at least annually and not more than once per month. All meetings must be scheduled at the call of the chairman. All members shall receive mileage, per diem, and subsistence as provided by law for members of boards, committees, and commissions for days on which they are transacting official business, to be paid from the general fund of the state. The Director of the Department of Labor, Licensing, and Regulation, pursuant to Section 40‑73‑15, shall employ such personnel as necessary to carry out the duties of the board.~~

~~Section 40‑56‑20.~~ ~~It shall be the duty and responsibility of the board created in Section 40‑56‑10 to promulgate regulations relating to the sale of pyrotechnics in this State including the storage and fire safety of such products. The board shall also recommend to the General Assembly legislation it deems necessary for the safety and control of the sale of pyrotechnics.~~

Section 40‑56‑1. It is the policy of this State and the purpose of this chapter to promote the safety of the public and the environment by effective regulation of pyrotechnics. Public safety requires people who handle pyrotechnics to have demonstrated their qualifications, that they adhere to reliable safety standards, and that sites where pyrotechnics are manufactured, stored, and sold adhere to reliable safety standards. It is neither the policy of this State nor the purpose of this chapter to place undue restrictions upon entry into the business of handling pyrotechnics.

Section 40‑56‑5. Unless otherwise provided for in this chapter, Chapter 1, Title 40 applies to the Board of Pyrotechnic Safety and licensees regulated under this chapter. The provisions of this chapter control if a conflict between this chapter and Chapter 1 exists.

Section 40‑56‑10. (A) The State Board of Pyrotechnic Safety is composed of seven members appointed by the Governor. One of the appointees must be employed by a local fire authority, one must be a pyrotechnics wholesaler, one must be a law enforcement representative, one must be a fireworks retailer, and three must be members of the public who do not possess any pecuniary interest in any entity engaged in a business directly involving the sale of pyrotechnics. A seat on the board that remains vacant for sixty days must be filled through an appointment by majority vote of the Chairman of the House Labor, Commerce and Industry Committee, the Senate Labor, Commerce and Industry Committee, and the State Fire Marshall.

(B) The terms of office for members are forfour years and until their successors are appointed andqualified. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

(C) The board shall meet at least annually and not more than once a month. All meetings must be scheduled at the call of the chairman. The board shall elect from its members a chairman, vice chairman, and other officers as it considers necessary, and these officers shall serve for terms of one year and until their successors are elected and qualified. A member shall receive mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions for days on which he is transacting official business, to be paid from the general fund of the State.

(D) The Department’s Office of State Fire Marshal shall provide administrative support as required by the board to perform its prescribed functions. The State Fire Marshal is an official consultant and is authorized to attend all meetings.

Section 40‑56‑20. As used in this chapter:

(1) ‘APA’ means the American Pyrotechnics Association.

(2) ‘Board’ means the State Board of Pyrotechnic Safety.

(3) ‘Consumer fireworks’ means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16, Code of Federal Regulations, parts 1500 and 1507 and APA Standard 87‑1. Some small devices designed to produce audible effects are consumer fireworks, including, but not limited to, whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336, and UN0337 by the U.S. Department of Transportation at 49 C.F.R. 172.101. This term does not include fused setpieces containing components which together exceed 50 mg of salute powder. Consumer fireworks are further defined as those classified by the U.S. Department of Transportation hazard classification 1.4G. These fireworks were formerly known as ‘Class C Fireworks’.

(4) ‘CPSC’ means The U.S. Consumer Product Safety Commission.

(5) ‘Department’ means the Department of Labor, Licensing and Regulation.

(6) ‘Display fireworks’ means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as ‘consumer fireworks’. Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by the U.S. Department of Transportation at 49 C.F.R. 172.101. This term also includes fused setpieces containing components which together exceed 50 mg of salute powder. Display fireworks are further defined as those classified by the U.S. Department of Transportation as hazard classification 1.3G. These fireworks were formerly known as ‘Class B Fireworks’.

(7) ‘DOT’ means the U.S. Department of Transportation.

(8) ‘Fireworks’ means a composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of ‘consumer fireworks’ or ‘display fireworks’ as defined by this section.

(9) ‘Licensee’ means a person, firm, or entity that has been issued a license by the board under the provisions of this chapter to manufacture, sell, or store fireworks.

(10) ‘NFPA’ means the National Fire Protection Association.

(11) ‘Pyrotechnics’ means a composition or device designed to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation.

(12) ‘Small bottle rocket’ is a consumer firework with a motor less than one‑half inch in diameter and three inches in length, a stabilizing stick less than fifteen inches in length, and a total pyrotechnic composition not exceeding twenty grams in weight.

Section 40‑56‑30. It is unlawful for a person to engage in the manufacturing, storage, or sale of pyrotechnics unless in compliance with this chapter.

Section 40‑56‑35. (A) Except as otherwise provided for in this section, a person, firm, or entity that manufactures, sells, or stores fireworks shall obtain a license issued by the board pursuant to this chapter. General license requirements are as follows:

(1) An application for licensure must be submitted on forms prescribed by the board accompanied by applicable fees.

(2) A license is required for each physical address or site at which fireworks are manufactured, sold, or stored.

(3) A copy of the appropriate license issued by the South Carolina Department of Revenue for retail sales of fireworks must accompany each application for a retail fireworks sales license.

(4) Initial license applications and applications for license renewal may be approved only after an authorized agent of the board inspects the buildings and facilities where fireworks are to be manufactured, sold, or stored for compliance with the current codes and standards.

(5) A license and permit only may be issued for one calendar year.

(6) A license must be prominently displayed at the licensee’s place of business approved for the manufacture, sale, or storage of fireworks.

(7) A license issued by the board is not transferable.

(8) The board shall set fees for licenses and other incurred administrative costs.

(B) A license is not required for the:

(1) manufacture, sale, storage, transportation, handling, or a combination of these, including, but not limited to, railroad torpedoes, automotive, aeronautical, and marine flares and smoke signals;

(2) transportation, storage, handling, or use of fireworks, or a combination of these, by the Armed Forces of the United States;

(3) transportation, handling, or use of fireworks, or a combination of these, by the State Fire Marshal, his employees, or a commissioned law enforcement officer acting within his official capacity; or

(4) fireworks deregulated by the U.S. Department of Transportation.

Section 40‑56‑50. The Department of Labor, Licensing and Regulation shall provide all administrative, fiscal, investigative, inspection, clerical, secretarial, and license renewal operations and activities of the board pursuant to Chapter 1.

Section 40‑56‑70. (A) It is the duty and responsibility of the boardto promulgate, pursuant to the Administrative Procedures Act, regulations relating topyrotechnics in this State, including the manufacture, sales, storage, and fire safety of these products. These regulations must be adjusted using the procedures in Chapter 34, Title 1.

(B) The board may conduct hearings on alleged violations by licensees of this chapter or regulations promulgated pursuant to this chapter and may discipline these licensees.

(C) The board also shall recommend to the General Assembly legislation it considers necessary for the safety and control of the sale of pyrotechnics.

Section 40‑56‑80. (A) The Department of Labor, Licensing and Regulation shall investigate complaints and violations of this chapter as provided for in Chapter 1.

(B) During reasonable business hours, the department or its authorized agent may enter the premises or vehicle of a person engaged in the manufacture, sale, or storage of pyrotechnics to inspect, investigate, or examine the property or installation it considers necessary. When an emergency exists, as declared by the department, the inspector may enter the premises of a person and take necessary action for public safety including, but not limited to, the evacuation of the area where the emergency exists.

(C) A fire chief and his inspector, a sheriff and his deputy, a chief of police and his officer, and an agent of SLED may inspect a building, facility, or vehicle where fireworks may be manufactured, stored, or sold and a records of manufacturing, storage, sales, and purchases that must be maintained.

(D) An official named in this section who has the authority to inspect may confiscate illegal fireworks being manufactured, offered for sale, stored, or possessed.

(E) The board may compel the attendance of witnesses to testify in relation to a matter within its jurisdiction.

Section 40‑56‑100. In addition to other remedies provided for in this chapter, the board pursuant to Chapter 1 may issue a cease and desist order or may petition the Administrative Law Court for a temporary restraining order or other equitable relief to enjoin a violation of this chapter or a regulation promulgated pursuant to this chapter.

Section 40‑56‑115. The board has jurisdiction over the actions of licensees and former licensees as provided for in Chapter 1.

Section 40‑56‑120. (A) Upon a determination by the board that grounds for discipline exist, the board may:

(1) issue a public reprimand;

(2) impose a civil penalty not to exceed two thousand five hundred dollars;

(3) place a licensee on probation or restrict or suspend a license for a definite or indefinite time period and prescribe conditions to be met during this period including, but not limited to, satisfactory completion of additional education, or a supervisory period; or

(4) revoke the license.

(B) The board may take disciplinary action against a person for:

(1) the grounds stated in Chapter 1; or

(2) a condition found as a result of an inspection, examination, or investigation provided for in Section 40‑56‑80 that is hazardous to public safety.

Section 40‑56‑130. The board may deny licensure to an applicant based on the same grounds for which the board may take disciplinary action against a licensee.

Section 40‑56‑140. A license only may be denied based on an applicant’s prior criminal record as provided in Chapter 1.

Section 40‑56‑150. A licensee under investigation for a violation of this chapter or a regulation promulgated pursuant to this chapter may voluntarily surrender the license pursuant to Chapter 1.

Section 40‑56‑160. A person aggrieved by a final action of the board may seek review of the decision pursuant Chapter 1.

Section 40‑56‑170. A person found in violation of this chapter or a regulation promulgated pursuant this chapter may be required to pay costs associated with the investigation and prosecution of the case pursuant to Chapter 1.

Section 40‑56‑180. A costs or fine imposed pursuant to this chapter must be paid in accordance with, and are subject to, the collection and enforcement provisions of Chapter 1.

Section 40‑56‑190. An investigation or proceeding conducted under a provision of this chapter is confidential and related communications are privileged as provided for in Chapter 1.

Section 40‑56‑200. (A) A person required by this chapter to obtain a license to do business in this State and who has not obtained a license, who operates while his license is suspended or revoked, or who violates a provision of this chapter or a regulation promulgated pursuant to this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars and not more than two thousand dollars or imprisoned for not less than ninety days and not more than one year.

(B) This chapter does not repeal, amend, or otherwise affect fire codes and regulations adopted by the State Fire Marshal.

Section 40‑56‑210. In addition to initiating a criminal proceeding for a violation of this chapter, the board may seek civil penalties and injunctive relief as provided for in Chapter 1.

Section 40‑56‑220. (A) A facility for the manufacture, sale, or storage of fireworks must comply with regulations established by the board.

(B) Consumer fireworks must comply with standards set by the U.S. Department of Transportation and the CPSC for consumer fireworks. The board may request fireworks be tested by a CPSC certified testing group to see that these standards are met.

(C) The retail sale and use of a small bottle rocket is legal in this State.

(D) Fireworks may not be sold to a person under the age of sixteen.

Section 40‑56‑230. (A) An application for a retail fireworks sales license must be accompanied by evidence that the applicant holds a policy that:

(1) provides public liability insurance coverage for retail sales activities at the location for the permitted sale period;

(2) is issued by an insurance company authorized to do business in this State; and

(3) provides coverage in the following minimum amounts:

(a) one million dollars for injuries or damage to any one person in one accident or occurrence;

(b) one million dollars for injuries to two or more persons in any accident or occurrence; and

(c) one million dollars combined single‑limit coverage for any one accident or occurrence.

(B) A policy, except those policies issued for fewer than ninety days’ use for seasonal permits, by its original term or an endorsement, must obligate the insurer to not cancel, suspend, or nonrenew the policy without thirty days’ written notice of the proposed cancellation, suspension, or nonrenewal being given to the board. The insured immediately shall give notice to the board if liability insurance is canceled, suspended, or nonrenewed.

Section 40‑56‑240. (A) A person may not store display fireworks in this State unless he has obtained a wholesale license from the board.

(B) Only a licensed wholesaler may sell or provide fireworks for displays.

(C) A building or structure used to store display fireworks must meet regulations established by the board.

(D) These license holders also must comply with U.S. Bureau of Alcohol, Tobacco, and Firearms regulations.

Section 40‑56‑250. (A) If as a result of an inspection the board or its designee finds a condition that is hazardous to public safety or violates this chapter or a regulation promulgated pursuant to this chapter, the board shall issue a written order to remove or correct the condition. The board may issue administrative citations and assess administrative penalties against a licensee who fails to comply with the terms of this order.

(B) An administrative penalty authorized under this section is separate from and in addition to another civil or criminal remedy.

(C) An administrative penalty assessed pursuant to this section may not exceed two thousand five hundred dollars for a violation.

(D) An entity or individual assessed an administrative penalty by citation under this section may appeal the citation to the Board of Pyrotechnic Safety within fifteen days of receipt of the citation. The appeal must be filed in writing. If an appeal is filed, the board shall schedule a hearing during which it shall make a determination in the matter. If no appeal is timely filed, the citation is considered a final order and the administrative penalty must be paid within thirty days of receipt of the citation.

Section 40‑56‑260. An owner, manager, or operator of a location regulated by this chapter shall report to the board within twenty‑four hours of a fire or explosion of which the person has knowledge, with as complete detail as possible, together with evidence as he has obtained after investigation of the fire or explosion. A report filed pursuant to this section is confidential and for the use of the board only pending investigation completion.

Section 40‑56‑270. If a provision of this chapter or the application of a provision to a person or circumstance is held invalid, this invalidity does not affect other provisions or applications of this chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

The amendment was then adopted.

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

**S. 454--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SANDIFER, with unanimous consent, it was ordered that S. 454 be read the third time tomorrow.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. D. C. SMITH a leave of absence for the remainder of the day.

**H. 4147--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 4147 -- Reps. Limehouse, Sottile and H.B. Brown: A JOINT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE NEED TO REGULATE THE SALE OF POTENTIALLY HIGHLY FLAMMABLE FURNITURE IN THIS STATE, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 20, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Rep. MACK explained the Joint Resolution.

**POINT OF ORDER**

Rep. BEDINGFIELD made the Point of Order that the Joint Resolution was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**S. 705--RECALLED FROM THE SUMTER DELEGATION**

On motion of Rep. G. M. SMITH, with unanimous consent, the following Bill was ordered recalled from the Sumter Delegation:

S. 705 -- Senators Leventis and Land: A BILL TO AMEND SECTION 7-7-501, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SUMTER COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SUMTER COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3492 from the Committee on Labor, Commerce and Industry.

Rep. SANDIFER objected.

**H. 4174--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. COOPER, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

H. 4174 -- Reps. Harvin, Bales, Harrison, G. M. Smith and Wylie: A BILL TO AMEND SECTION 12-37-3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING WHEN A PARCEL OF REAL PROPERTY MUST BE APPRAISED AS A RESULT OF AN ASSESSABLE TRANSFER OF INTEREST, SO AS TO PROVIDE THAT A CONVEYANCE TO A TRUST DOES NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN THE REAL PROPERTY IF THE SETTLOR OR SETTLOR'S SPOUSE CONVEYS THE PROPERTY TO A TRUST THE BENEFICIARIES OF WHICH ARE A CHILD OR CHILDREN OF THE SETTLOR OR THE SETTLOR'S SPOUSE AND TO PROVIDE THAT A CONVEYANCE BY DISTRIBUTION UNDER A WILL OR BY INTESTATE SUCCESSION DOES NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN THE REAL PROPERTY IF THE DISTRIBUTEE IS A CHILD OR CHILDREN OF A DECEDENT AND THE DECEDENT DID NOT HAVE A SPOUSE AT THE DECEDENT'S DATE OF DEATH.

**OBJECTION TO RECALL**

Rep. THOMPSON asked unanimous consent to recall H. 4468 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. FORRESTER asked unanimous consent to recall H. 4172 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3669 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**S. 424--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

S. 424 -- Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O'Dell, Bryant and Massey: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

Rep. RICE moved cloture on the entire matter.

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

Yeas 66; Nays 44

Those who voted in the affirmative are:

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

**Total--66**

Those who voted in the negative are:

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

**Total--44**

So, cloture was ordered.

Rep. SELLERS proposed the following Amendment No. 2 (COUNCIL\BBM\9517HTC10), which was tabled:

Amend the concurrent resolution, as and if amended, page 3, by inserting after line 25:

/Whereas, nothing in this resolution may be construed as adversely impacting the rights of South Carolinians guaranteed by the Fourteenth Amendment protecting them from discrimination based on race, religion, or sexual orientation, nor may anything in the resolution be construed as adversely impacting the right of South Carolinians to quality public education and health care;/

Renumber sections to conform.

Amend title to conform.

Rep. SELLERS explained the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 62; Nays 39

Those who voted in the affirmative are:

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

**Total--62**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Bales | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | R. L. Brown | Clyburn |
| Dillard | Funderburk | Gilliard |
| Govan | Gunn | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Jefferson | King |
| Mack | McEachern | McLeod |
| Miller | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Williams |

**Total--39**

So, the amendment was tabled.

Rep. HART proposed the following Amendment No. 3 (COUNCIL\BBM\9518HTC10), which was ruled out of order:

Amend the concurrent resolution, as and if amended, page 6, by inserting after line 12:

/ Be it further resolved that the General Assembly of the State of South Carolina, acting pursuant to its authority allowed to it by the constitutions of this State and by the United States, is urged to focus its legislative efforts on job creation and reducing unemployment in South Carolina and desist from using its scarce resources in sending futile resolutions to the Congress of the United States. /

Renumber sections to conform.

Amend title to conform.

Rep. HART spoke in favor of the amendment.

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

**POINT OF ORDER**

Rep. RICE raised the Point of Order that Amendment No. 3 was of order under House Rule 9.3 in that it was germane to the joint resolution.

SPEAKER HARRELL stated that the amendment dealt with job creation and the reduction of unemployment in South Carolina while the joint resolution dealt with the ninth and tenth amendments of the United States Constitution. Therefore, he sustained the Point of Order and ruled the amendment out of order.

Rep. J. E. SMITH proposed the following Amendment No. 4 (COUNCIL\AGM\19800AB10), which was tabled:

Amend the concurrent resolution, as and if amended, page 4, immediately after line 22, by inserting:

/ Whereas, the First Amendment to the United States provides “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”; and

Whereas, the First Amendment also prohibits Congress from establishing a religion, and pursuant to the First Amendment people are guaranteed to have without Congressional interference the right to the free exercise of religion, the freedom of speech, the freedom of assembly, and the freedom of petition; and

Whereas, fundamental to a democracy’s successful functioning is the freedom of speech, religion, assembly, and petition, as well as a prohibition on the establishment of religion, and thus the protections afforded by the First Amendment to the United States Constitution are of upmost importance to the Citizens of South Carolina and the State of South Carolina; and /

Amend the concurrent resolution further, page 6, immediately after line 13, by inserting:

/ Be it further resolved that the General Assembly of the State of South Carolina, by this resolution, affirms its support of the First Amendment to the United States Constitution. /

Renumber sections to conform.

Amend title to conform.

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

Rep. SELLERS spoke against the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 63; Nays 41

Those who voted in the affirmative are:

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

**Total--63**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | Clyburn |
| Cobb-Hunter | Dillard | Duncan |
| Funderburk | Gilliard | Govan |
| Gunn | Hart | Harvin |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Kennedy |
| King | Knight | Mack |
| McEachern | McLeod | Miller |
| J. H. Neal | J. M. Neal | Neilson |
| J. E. Smith | Stavrinakis | Thompson |
| Vick | Williams |  |

**Total--41**

So, the amendment was tabled.

STATEMENT FOR THE JOURNAL

I believe that the citizens of South Carolina firmly believe in the rights afforded them under the First Amendment of the Constitution. Amendment No. 4 affirms this belief. The Resolution we are debating affirms our rights under the 9th and 10th Amendments. The Resolution also includes an affirmation of our 2nd Amendment rights and I felt, as offered, Amendment No. 4 had a rightful place in the Resolution.

Rep. Jeff Duncan

Rep. J. E. SMITH proposed the following Amendment No. 5 (COUNCIL\AGM\19802AB10), which was tabled:

Amend the concurrent resolution, as and if amended, page 4, immediately after line 22, by inserting:

/ Whereas, the Third Amendment to the United States provides “No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law”; and

Whereas, in prohibiting the government from using private homes as quarters for soldiers during peacetime without the consent of the owners, the Third Amendment affords a basic protection to the sanctity of a person’s home except in exigent wartime circumstances. Thus the protections afforded by the Third Amendment to the United States Constitution are of upmost importance to the Citizens of South Carolina and the State of South Carolina; and /

Amend the concurrent resolution further, page 6, immediately after line 13, by inserting:

/ Be it further resolved that the General Assembly of the State of South Carolina, by this resolution, affirms its support of the Third Amendment to the United States Constitution. /

Renumber sections to conform.

Amend title to conform.

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

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 56; Nays 35

Those who voted in the affirmative are:

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

**Total--56**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Battle | Bowers | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clyburn | Dillard | Gilliard |
| Govan | Gunn | Hart |
| Harvin | Hodges | Hosey |
| Hutto | Jefferson | King |
| Kirsh | Knight | Mack |
| McEachern | McLeod | Miller |
| J. H. Neal | Neilson | Sellers |
| J. E. Smith | Stavrinakis | Thompson |
| Vick | Williams |  |

**Total--35**

So, the amendment was tabled.

Rep. J. E. SMITH proposed the following Amendment No. 6 (COUNCIL\AGM\19803AB10), which was tabled:

Amend the concurrent resolution, as and if amended, page 4, immediately after line 22, by inserting:

/ Whereas, the Fourth Amendment to the United States provides “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized”; and

Whereas, in guarding against searches, arrests, and seizures of property without a specific warrant or a “probable cause” to believe a crime has been committed, the Fourth Amendment affords a basic protection the dignity and privacy of people against inappropriate government intrusion. Thus the protections afforded by the Fourth Amendment to the United States Constitution are of upmost importance to the Citizens of South Carolina and the State of South Carolina; and /

Amend the concurrent resolution further, page 6, immediately after line 13, by inserting:

/ Be it further resolved that the General Assembly of the State of South Carolina, by this resolution, affirms its support of the Fourth Amendment to the United States Constitution. /

Renumber sections to conform.

Amend title to conform.

Rep. KENNEDY spoke in favor of the amendment.

Rep. BEDINGFIELD spoke against the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 55; Nays 28

Those who voted in the affirmative are:

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

**Total--55**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Battle | Bowers |
| Brantley | R. L. Brown | Clyburn |
| Dillard | Govan | Hart |
| Harvin | Hodges | Hosey |
| Hutto | Jefferson | King |
| Kirsh | Mack | McEachern |
| McLeod | Miller | J. H. Neal |
| J. M. Neal | Sellers | J. E. Smith |
| Stavrinakis | Thompson | Weeks |
| Williams |  |  |

**Total--28**

So, the amendment was tabled.

Rep. J. E. SMITH proposed the following Amendment No. 7 (COUNCIL\AGM\19804AB10), which was tabled:

Amend the concurrent resolution, as and if amended, page 4, immediately after line 22, by inserting:

/ Whereas, the Fifth Amendment to the United States provides “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”; and

Whereas, the Fifth Amendment forbids trial for a major crime except after indictment by a grand jury; prohibits double jeopardy except in certain very limited circumstances; forbids punishment without due process of law; and provides that an accused person may not be compelled to testify against himself in a criminal trial; and

Whereas, in addition to protections afforded to those accused of a crime, the Fifth Amendment also prohibits government from taking private property for public use without “just compensation,” the basis of eminent domain in the United States; and

Whereas, between its protection of property rights and the rights of an accused, the protections afforded by the Fifth Amendment to the United States Constitution are of upmost importance to the Citizens of South Carolina and the State of South Carolina; and /

Amend the concurrent resolution further, page 6, immediately after line 13, by inserting:

/ Be it further resolved that the General Assembly of the State of South Carolina, by this resolution, affirms its support of the Fifth Amendment to the United States Constitution. /

Renumber sections to conform.

Amend title to conform.

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

Rep. BEDINGFIELD spoke against the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 63; Nays 32

Those who voted in the affirmative are:

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

**Total--63**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Battle | Bowers | Brantley |
| R. L. Brown | Dillard | Gilliard |
| Govan | Gunn | Hart |
| Harvin | Hodges | Hosey |
| Hutto | Jefferson | King |
| Knight | Mack | McEachern |
| McLeod | Miller | Neilson |
| Parks | Rutherford | Sellers |
| J. E. Smith | Stavrinakis | Thompson |
| Weeks | Williams |  |

**Total--32**

So, the amendment was tabled.

Rep. THOMPSON moved to adjourn debate on the Concurrent Resolution until Tuesday, February 2, which was agreed to.

**RECURRENCE TO THE MORNING HOUR**

Rep. THOMPSON moved that the House recur to the Morning Hour, which was agreed to.

**INTRODUCTION OF BILLS**

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

H. 4472 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 14 TO CHAPTER 52, TITLE 48 SO AS TO REQUIRE A MUNICIPALITY DEVELOP AN ENERGY INDEPENDENCE ACT TO HELP THE MUNICIPALITY'S RESIDENTS FINANCE MAKING CERTAIN ENERGY EFFICIENCY IMPROVEMENTS TO REAL PROPERTY IN THE MUNICIPALITY.

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

H. 4475 -- Reps. T. R. Young, Sellers, Bedingfield, Norman, J. R. Smith, Stringer, Wylie, Millwood, Gunn, Scott, D. C. Smith, Stewart, Ballentine, H. B. Brown, Hart and Hearn: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

Referred to Committee on Judiciary

H. 4476 -- Reps. Chalk, Harrell, Agnew, Clemmons, Brantley, Hardwick, Gambrell, Allison, Miller, Gilliard, Bingham, J. E. Smith, Vick, G. M. Smith, Battle, Daning, Delleney, Duncan, Harrison, Hearn, Herbkersman, Horne, McLeod, Sottile, Umphlett and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 27 TO TITLE 1 SO AS TO CREATE THE SOUTH CAROLINA COMMISSION ON STATE AND FEDERAL RELATIONS; AND TO AMEND SECTION 1-5-40, RELATING TO THE DUTY OF THE SECRETARY OF STATE TO MONITOR BOARDS AND COMMISSIONS, SO AS TO ADD THE COMMISSION.

Referred to Committee on Judiciary

H. 4477 -- Reps. Vick, J. E. Smith, Clyburn, Hosey, Allen, Anderson, Bowen, Brady, H. B. Brown, R. L. Brown, Dillard and Gunn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-1-110 SO AS TO REQUIRE RESTAURANTS TO PROVIDE THE TOTAL NUMBER OF CALORIES DERIVED FROM ANY SOURCE ON EACH MENU ITEM POSTED ON MENU BOARDS, MENUS, AND FOOD ITEM TAGS, TO PROVIDE SPECIFICATIONS FOR HOW TO COUNT CALORIES OF MENU ITEMS, AND TO DEFINE CERTAIN TERMS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4478 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D. C. Moss, Horne, Skelton, V. S. Moss, Bannister, Whitmire, Toole, J. R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Battle, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, R. L. Brown, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Funderburk, Gambrell, Gilliard, Govan, Gunn, Hardwick, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hosey, Howard, Huggins, Hutto, Jefferson, Kelly, Kennedy, King, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J. H. Neal, J. M. Neal, Norman, Ott, Parker, Parks, Pinson, M. A. Pitts, Rice, Scott, Sellers, Simrill, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Williams, Willis, Wylie, A. D. Young and T. R. Young: A BILL TO ENACT THE "SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010" INCLUDING PROVISIONS TO AMEND SECTION 2-75-30, AS AMENDED, RELATING TO RESEARCH CENTERS OF EXCELLENCE MATCHING ENDOWMENTS, SO AS TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 2-75-50, AS AMENDED, RELATING TO APPLICATION REQUIREMENTS FOR AN AWARD FROM THE CENTERS OF EXCELLENCE MATCHING ENDOWMENT, SO AS TO CLARIFY WHAT THE CONTENTS OF AN APPLICATION TO THE REVIEW BOARD MUST CONTAIN; TO AMEND SECTION 4-12-30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-67, AS AMENDED, RELATING TO INDUSTRIAL DEVELOPMENT PROJECTS REQUIRING A FEE IN LIEU OF PROPERTY TAXES AGREEMENT, SO AS TO ADD CERTAIN DEFINITIONS, TO FURTHER PROVIDE FOR THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED NUCLEAR PLANT FACILITY, TO PROVIDE FOR THE TIMELINE WHEN THE SPONSOR MUST ENTER INTO AN INITIAL LEASE AGREEMENT WITH THE COUNTY IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY, AND THE TIMELINES WHEN THE SPONSOR MUST MEET MINIMUM INVESTMENT REQUIREMENTS IN THE CASE OF A QUALIFIED NUCLEAR PLANT FACILITY AND PLACE THE PROJECT INTO SERVICE, AND TO DELETE A PROVISION REQUIRING THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-68, AS AMENDED, RELATING TO SPECIAL SOURCE REVENUE BONDS WHICH MAY BE ISSUED BASED ON THE RECEIPT OF CERTAIN REVENUES, SO AS TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR THE ALLOCATION, REALLOCATION, AND ISSUANCE OF FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 4-29-10, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO INDUSTRIAL DEVELOPMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF "PROJECT" TO INCLUDE RECOVERY ZONE PROPERTY AS DEFINED BY FEDERAL LAW; TO AMEND SECTION 12-6-530, RELATING TO THE CORPORATE INCOME TAX, SO AS TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN-YEAR PERIOD IN INTERVALS OF ONE-HALF PERCENT PER YEAR; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO JOB TAX CREDITS, SO AS TO REVISE THE DESIGNATION TERMINOLOGY FOR COUNTIES COMING WITHIN SPECIFIC CLASSIFICATIONS, TO FURTHER PROVIDE FOR THE CRITERIA FOR DETERMINING HOW COUNTIES FALL WITHIN CERTAIN TIERS, AND TO REVISE SPECIFIC TERMS OR DEFINITIONS USED FOR PURPOSES OF THIS SECTION; TO AMEND SECTION 12-6-3375, AS AMENDED, RELATING TO TAX CREDITS FOR PORT CARGO VOLUME INCREASES, SO AS TO REVISE THE MANNER IN WHICH TAX CREDIT ALLOCATIONS ARE DETERMINED AND THE AMOUNT OF THE CREDITS WHICH MAY BE ALLOCATED TO A QUALIFYING TAXPAYER; TO AMEND SECTION 12-10-30, AS AMENDED, RELATING TO DEFINITIONS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THE DEFINITIONS OF "EMPLOYEE" AND "PROJECT"; TO AMEND SECTION 12-10-50, AS AMENDED, RELATING TO QUALIFICATIONS FOR BENEFITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THESE QUALIFICATIONS AND TO FURTHER PROVIDE FOR WHAT A BUSINESS MUST DO TO MEET THESE QUALIFICATIONS; TO AMEND SECTION 12-10-60, AS AMENDED, RELATING TO REVITALIZATION AGREEMENTS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO FURTHER PROVIDE FOR THE TERMS, CONDITIONS, AND APPLICATION OF THESE REVITALIZATION AGREEMENTS, PROVIDE FOR WHEN SUCH AN AGREEMENT MUST BE EXECUTED, AND PERMIT THE ASSIGNMENT OF ENTERPRISE PROGRAM BENEFITS UNDER CERTAIN CONDITIONS; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO EXPAND ELIGIBLE EXPENDITURES WHICH QUALIFY FOR THE CREDIT, TO CAP THE AMOUNT OF THE CREDITS PER JOB PER YEAR, TO REVISE CERTAIN TERMINOLOGY TO CONFORM TO EARLIER CHANGES HEREIN, TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN THESE CREDITS MAY BE CLAIMED AND THE MANNER OF THE DETERMINATION OF CERTAIN FACTORS NECESSARY TO QUALIFY FOR THE CREDITS, AND TO PROVIDE FOR THE SUSPENSION OF THE CREDITS UNDER CERTAIN CONDITIONS AND FOR WHEN THE CREDITS MAY BE CLAIMED; TO AMEND SECTION 12-10-85, AS AMENDED, RELATING TO THE PURPOSE AND USE OF STATE RURAL INFRASTRUCTURE FUNDS, SO AS TO REVISE THE PURPOSES FOR WHICH THESE FUNDS MAY BE USED AND THEIR AVAILABILITY; TO AMEND SECTION 12-14-20, RELATING TO THE PURPOSES OF THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THESE PURPOSES; TO AMEND SECTION 12-14-60, AS AMENDED, RELATING TO INVESTMENT TAX CREDITS UNDER THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THE AMOUNT OF THE CREDITS, THE QUALIFYING CRITERIA FOR THE CREDITS, AND FOR THE APPLICABILITY OF CERTAIN PROVISIONS TO THESE CREDITS; TO AMEND SECTION 12-15-10, RELATING TO THE CITATION OF THE SOUTH CAROLINA LIFE SCIENCES ACT, SO AS TO CHANGE THE CITATION; TO AMEND SECTION 12-15-20, RELATING TO DEFINITIONS UNDER THE RENAMED LIFE SCIENCES AND RENEWABLE ENERGY MANUFACTURING ACT, SO AS TO DEFINE THE TERM "RENEWABLE ENERGY MANUFACTURING FACILITY"; TO AMEND SECTION 12-15-30, RELATING TO QUALIFICATIONS OF CERTAIN EXPENSES UNDER THE ENTERPRISE ZONE ACT, PROCEDURES FOR WAIVERS, AND THE DURATION OF THESE PROVISIONS, SO AS TO EXPAND THE TYPES OF FACILITIES THAT QUALIFY AND THE DURATION OF THESE PROVISIONS; TO AMEND SECTION 12-15-40, RELATING TO INCOME TAX ALLOCATION AND APPORTIONMENT AGREEMENTS BETWEEN THE DEPARTMENT OF REVENUE AND TAXPAYERS ESTABLISHING A LIFE SCIENCES FACILITY, SO AS TO EXPAND THE TYPES OF FACILITIES TO WHICH THIS PROVISION APPLIES; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO CREDITS AGAINST ITS CORPORATE LICENSE TAX LIABILITY FOR A COMPANY WHO PAYS CASH FOR INFRASTRUCTURE FOR AN ELIGIBLE PROJECT, SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY FOR THE CREDIT UNDER CERTAIN CIRCUMSTANCES OR THE CONTINUATION OF THE CREDIT; TO AMEND SECTION 12-28-2910, AS AMENDED, RELATING TO THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO AUTHORIZE THE COUNCIL TO EXPEND CERTAIN FUNDS FOR SPECIFIED PURPOSES UNDER SPECIFIED CONDITIONS; TO AMEND SECTION 12-37-930, RELATING TO VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES AND DEPRECIATION ALLOWANCES FOR MANUFACTURERS, MACHINERY, AND EQUIPMENT, SO AS TO INCLUDE MACHINERY AND EQUIPMENT OF A RENEWABLE ENERGY MANUFACTURING FACILITY WITHIN THE DEPRECIATION ALLOWANCES ALLOWED FOR MACHINERY AND EQUIPMENT OF A LIFE SCIENCES FACILITY, AND TO DEFINE WHAT IS A QUALIFYING FACILITY; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSIFICATION OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES, SO AS TO PROVIDE THAT REAL PROPERTY OWNED BY OR LEASED TO A MANUFACTURER AND USED PRIMARILY RATHER THAN EXCLUSIVELY FOR WAREHOUSING AND WHOLESALE DISTRIBUTION IS NOT CONSIDERED USED BY THE MANUFACTURER IN THE CONDUCT OF ITS BUSINESS FOR PROPERTY TAX CLASSIFICATION PURPOSES; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 12-44-40, AS AMENDED, RELATING TO THE REQUIRED FEE AGREEMENT BETWEEN THE SPONSOR AND THE COUNTY UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO PROVIDE THE TIME WITHIN WHICH A SPONSOR HAS TO ENTER INTO A FEE AGREEMENT IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY; TO AMEND SECTION 12-44-50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FEE AGREEMENT UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 12-44-130, AS AMENDED, RELATING TO MINIMUM INVESTMENTS TO QUALIFY FOR A FEE AND OTHER REQUIREMENTS, SO AS TO CORRECT A REFERENCE; AND TO REPEAL SECTION 12-6-3450 RELATING TO AN INCOME TAX CREDIT FOR PERSONS TERMINATED FROM EMPLOYMENT AS A RESULT OF THE CLOSING OR REALIGNMENT OF A FEDERAL MILITARY INSTALLATION, SECTION 12-10-88 RELATING TO REDEVELOPMENT FEES IN REGARD TO CLOSED OR REALIGNED MILITARY INSTALLATIONS, SECTIONS 12-14-30, 12-14-40, 12-14-50, AND 12-14-70 RELATING TO ECONOMIC IMPACT ZONES AND ALLOWABLE DEDUCTIONS AGAINST SOUTH CAROLINA TAXABLE INCOME IN REGARD TO THESE ECONOMIC IMPACT ZONES.

Referred to Committee on Ways and Means

**HOUSE RESOLUTION**

The following was introduced:

H. 4473 -- Reps. Owens, Rice, Hiott and Skelton: A HOUSE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE HOUSE CHAMBER AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE BLATT BUILDING ON THURSDAY, NOVEMBER 18, 2010, AND FRIDAY, NOVEMBER 19, 2010, TO CONDUCT THE YOUTH IN GOVERNMENT PROGRAM.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4474 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE WOODROW "WOODY" DRATEN WINDHAM, JR., OF RICHLAND COUNTY, AND TO CONGRATULATE HIM UPON THE OCCASION OF RECEIVING THE SOUTH CAROLINA BROADCASTERS ASSOCIATION'S PRESTIGIOUS MASTERS AWARD.

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

Rep. COOPER 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. 4319 -- Reps. Millwood, Mitchell, Allison, Cole, Forrester, Kelly, Littlejohn and Parker: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 11 IN SPARTANBURG COUNTY FROM ITS INTERSECTION WITH THE WESTERN LIMIT OF THE CITY OF CHESNEE TO PARRIS BRIDGE ROAD "GENERAL STEPHEN M. TWITTY HIGHWAY", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "GENERAL STEPHEN M. TWITTY HIGHWAY.

H. 4423 -- Reps. Harrell, Limehouse, Stavrinakis, R. L. Brown, Gilliard, Horne, Hutto, Mack, Merrill, Miller, Scott, Sottile, Whipper, A. D. Young, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hosey, Howard, Huggins, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, McEachern, McLeod, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. M. Neal, J. H. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. R. Smith, J. E. Smith, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, White, Whitmire, Williams, Willis, Wylie and T. R. Young: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE BETH DANIEL FOR HER EXCEPTIONAL CAREER IN PROFESSIONAL GOLF, AND TO CONGRATULATE HER UPON THE OCCASION OF LEADING THE 2009 UNITED STATES SOLHEIM CUP TEAM TO VICTORY.

H. 4433 -- Reps. Cooper, Clemmons, Cato, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Chalk, Clyburn, Cobb-Hunter, Cole, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR THE BOY SCOUTS OF AMERICA ON ITS ONE HUNDREDTH ANNIVERSARY, TO EXPRESS GRATITUDE TO THE ORGANIZATION'S VOLUNTEERS, WHO DEDICATE COUNTLESS HOURS TO INSPIRING AND PREPARING FUTURE GENERATIONS OF LEADERS, AND TO PROCLAIM FEBRUARY 8, 2010, AS BOY SCOUTS OF AMERICA "ONE HUNDRED YEARS OF SCOUTING" DAY.

**ADJOURNMENT**

At 12:02 p.m. the House, in accordance with the motion of Rep. WILLIAMS, adjourned in memory of Melvin Simon of Darlington, to meet at 10:00 a.m. tomorrow.

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