~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Isaiah 41:28b “The Lord is the everlasting God, the creator of the ends of the earth. He will not grow tired or weary, and his understanding no one can fathom.”

Let us pray. All powerful God, as You have created everything for us, direct these Representatives to nurture and care for Your creation here. Sustain them in their committee work and in the sessions. Send Your spirit as counselor to encourage them in this, the people’s business. For this is Your kingdom on earth. Bless our Nation, President, State, Governor, Speaker, and all who serve in this place and around the country. Protect our defenders of freedom at home and abroad as they protect us. Hear our prayer, O Lord. 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. HUGGINS moved that when the House adjourns, it adjourn in memory of Nathaniel "Nathan" Ross Phillips of Lexington, which was agreed to.

**COMMUNICATION**

The following was received:

State of South Carolina

Office of the Governor

Columbia, S.C., February, 16, 2010

Mr. Speaker and Members of the House of Representatives:

I am transmitting herewith a reappointment for confirmation. This reappointment is made with the advice and consent of the General Assembly and is, therefore, submitted for your consideration.

Local Appointment

Charleston County Master-in Equity

Term Commencing: December 24, 201

Term Expiring: December 24, 2016

Seat: Master-in-Equity

Reappointment

The Honorable Mikell R. Scarborough

100 Broad Street, Suite 266

Charleston, South Carolina 29401

Respectfully,

Mark Sanford

Governor

Received as information.

**INVITATIONS**

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

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina REALTORS, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, March 2, 2010, from 6:00 p.m. to 8:00 p.m. at the Columbia Metropolitan Convention Center.

Sincerely,

Nick Kremydas

CEO

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Centers of Economic Excellence, Health Sciences South Carolina and the South Carolina Research Authority, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, March 2, 2010, from 7:00 p.m. to 9:00 p.m. at the Columbia Hilton Hotel.

Sincerely,

Clare Morris

CEO

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Aviation Association, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, March 3, 2010, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Katie Koon

Administrative Manager

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Public Defender Association, the Members of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, March 3, 2010, from 12:00 p.m. to 2:00 p.m. in Room 112 of the Blatt Building.

Sincerely,

Gary Lemel

Vice President

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the American Legislative Exchange Council (ALEC), the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, March 3, 2010, from 6:00 p.m. to 8:00 p.m. at the Clarion Townhouse Hotel.

Sincerely,

Frank Rogers

State Chair

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Foundation for the South Carolina Governor’s School for Science and Mathematics, the Members of the House of Representatives are invited to a Legislative Reception. The 18th Annual Townes Award Dinner will be held on Wednesday, March 3, 2010, from 7:00 p.m. to 9:00 p.m. at the Marriott Hotel.

Sincerely,

Kim Bowman

Executive Director

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Behavioral Health Services Association, the Members and staff of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, March 4, 2010, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Ashley Smith Hunter

Vice President of Government Affairs

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Jasper County Chamber of Commerce, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, March 10, 2010, from 11:30 a.m. to 2:00 p.m. on the State House Grounds.

Sincerely,

Kendall Malphrus

Executive Director

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Summary Court Judges Association, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, March 10, 2010, from 6:00 p.m. to 8:00 p.m. at Seawell’s Restaurant.

Sincerely,

Judge Donna Williamson

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Mechanical Contractors Association of South Carolina, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Wednesday, March 10, 2010, from 7:00 p.m. to 9:00 p.m. at the Coop located at 1100 Key Road.

Sincerely,

Mona Lisa Flowers

Managing Director

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Florence County Economic Development Partnership, the Members and staff of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, March 23, 2010, from 6:00 p.m. to 8:00 p.m. at the Columbia Museum of Art.

Sincerely,

Jessica Griggs

Communications & Membership Relations Manager

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Youth Challenge Academy Foundation, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Wednesday, March 24, 2010, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Fred R. Sheheen

Chairman

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the South Carolina Apartment Association, the Members and staff of the House of Representatives are invited to a Legislative Luncheon. This event will be held on Wednesday, March 24, 2010, from 12:00 p.m. to 2:00 p.m. in Room 112 of the Blatt Building.

Sincerely,

Ashley Smith Hunter

Vice President of Government Affairs

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Home Builders Association of South Carolina, the Members of the House of Representatives are invited to a Legislative Reception and Dinner. The 40th Annual Bird Supper will be held on Wednesday, March 24, 2010, from 6:00 p.m. to 8:00 p.m. at the Marriott Hotel.

Sincerely,

Mark Nix

Executive Director

February 18, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of the Foundation for the South Carolina Governor’s School for Science and Mathematics, the Members of the House of Representatives are invited to a Legislative Breakfast. This event will be held on Thursday, March 25, 2010, from 8:00 a.m. to 10:00 a.m. in Room 112 of the Blatt Building.

Sincerely,

Kim Bowman

Executive Director

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., February 18, 2010

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at 12:30 p.m. on Thursday, February 18, 2010, for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. ALLISON the invitation was accepted.

**REPORTS OF STANDING COMMITTEES**

Rep. WHITMIRE, from the Oconee Delegation, submitted a favorable report on:

H. 4340 -- Reps. Whitmire and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN OCONEE COUNTY AS THE FALLING WATERS SCENIC BYWAY, AND TO MAKE IT SUBJECT TO THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

Ordered for consideration tomorrow.

Rep. COOPER for the Committee on Ways and Means, submitted a favorable report with amendments.

Reps. COBB-HUNTER, KENNEDY and J. H. NEAL for the minority, submitted an unfavorable report on:

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, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, R. L. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Gilliard, Govan, Hardwick, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hosey, Huggins, Hutto, Jefferson, Kelly, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, 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, Willis, Wylie, A. D. Young, T. R. Young, Mitchell and Lucas: 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.

Ordered for consideration tomorrow.

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

H. 4282 -- Reps. D. C. Smith, Owens, Littlejohn, Harrison, Gilliard and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A TEXT MESSAGING DEVICE OR A HAND-HELD MOBILE TELEPHONE, AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4594 -- Reps. G. R. Smith, Willis, 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, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, 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, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE BRITTANY DELGADO OF GREENVILLE COUNTY, AND TO CONGRATULATE HER FOR CAPTURING THE 2010 WOMEN'S COLLEGIATE WRESTLING ASSOCIATION NATIONAL CHAMPIONSHIP TITLE IN THE 95-KILOGRAM WEIGHT CLASS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1095 -- Senators Cleary, Cromer, Campsen, Land and Davis: A CONCURRENT RESOLUTION TO OPPOSE ANY FISHING AREA CLOSURES OFF THE COAST OF SOUTH CAROLINA ASSOCIATED WITH THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL'S PROPOSED AMENDMENT 17A TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION.

The Concurrent Resolution was ordered referred to the Committee on Agriculture, Natural Resources and Environmental Affairs.

**INTRODUCTION OF BILLS**

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

H. 4595 -- Rep. Harrison: A BILL TO AMEND SECTION 8-21-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MOTION FEES IN THE COURT OF COMMON PLEAS AND FAMILY COURT, SO AS TO INCREASE THE MOTION FEE FROM TWENTY-FIVE DOLLARS TO SEVENTY-FIVE DOLLARS; TO AMEND SECTION 14-1-204, AS AMENDED, RELATING TO FILING FEES FOR COMPLAINTS OR PETITIONS IN CIVIL ACTIONS, SO AS TO CREATE A SECOND ADDITIONAL FEE OF ONE HUNDRED FIFTY DOLLARS TO BE ALLOCATED TO THE JUDICIAL DEPARTMENT; AND TO AMEND SECTION 22-3-340, RELATING TO ASSESSMENTS ON FILINGS IN MAGISTRATES COURT, SO AS TO INCREASE THE FILING FEE ON SUMMONS AND COMPLAINT FILINGS AND ALL OTHER CIVIL FILINGS IN MAGISTRATES COURT.

Referred to Committee on Ways and Means

H. 4596 -- Rep. Barfield: A BILL TO AMEND SECTION 1-30-25, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF COMMERCE, SO AS TO CREATE WITHIN THE DEPARTMENT A BUREAU OF LABOR TO BE HEADED BY A SECRETARY OF LABOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY WHO SHALL REPORT DIRECTLY TO THE GOVERNOR, TO PROVIDE THAT THE BUREAU OF LABOR MUST BE RESPONSIBLE FOR ADMINISTERING ALL JOB CREATION, LOCATION AND DEVELOPMENT ACTIVITIES FOR WORKERS IN THIS STATE; TO AMEND SECTION 1-30-65, RELATING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO TRANSFER ITS DIVISION OF LABOR TO THE NEW BUREAU OF LABOR ESTABLISHED ABOVE EFFECTIVE JULY 1, 2010; TO TRANSFER JOB CREATION, LOCATION AND DEVELOPMENT RESPONSIBILITIES OF THE EMPLOYMENT SECURITY COMMISSION AND THE DEPARTMENT OF COMMERCE TO THE BUREAU OF LABOR, AND TO PROVIDE FOR

TRANSITION PROVISIONS IN REGARD TO THESE TRANSFERS OF RESPONSIBILITY.

Referred to Committee on Judiciary

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| 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. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | M. A. Pitts |
| Rutherford | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Weeks |
| Whipper | White | 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, February 18.

|  |  |
| --- | --- |
| William Bowers | Lewis E. Pinson |
| William R. "Bill" Whitmire | Joseph Neal |
| Boyd Brown | Ted Vick |
| Thad Viers | Jackie Hayes |

**Total Present--117**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GOVAN a leave of absence for the day due to a meeting with the S.C. Solicitor's Association.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. M. SMITH a leave of absence for the day due to attending a Department of Justice symposium in Washington, D.C.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. J. E. SMITH a leave of absence for the day due to a meeting on indigent defense in Washington, D.C.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Robert E. Livingston of Newberry was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Reps. HOSEY, GOVAN, OTT, COBB-HUNTER, CLYBURN and SELLERS presented to the House the South Carolina State University Football Team, the 2009 Mid-Eastern Athletic Conference Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. LONG presented to the House the Nation Ford High School Marching Band, the 2009 Class 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-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3192 |
| Date: | ADD: |
| 02/18/10 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4093 |
| Date: | ADD: |
| 02/18/10 | GUNN and BOWERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4069 |
| Date: | ADD: |
| 02/18/10 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4343 |
| Date: | ADD: |
| 02/18/10 | NEILSON and BALES |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4448 |
| Date: | ADD: |
| 02/18/10 | DILLARD, OTT and JEFFERSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4451 |
| Date: | ADD: |
| 02/18/10 | OWENS |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4451 |
| Date: | REMOVE: |
| 02/18/10 | HEARN and LITTLEJOHN |

**SENT TO THE SENATE**

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

H. 4250 -- Reps. Erickson, Hodges and Littlejohn: A BILL TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

H. 3429 -- Rep. Umphlett: A BILL TO AMEND SECTION 44-34-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A TATTOO FACILITY ENGAGING IN ANOTHER RETAIL BUSINESS, SO AS TO PROVIDE A TATTOO FACILITY MAY PROVIDE THE RETAIL SALE OF MERCHANDISE WITH IMAGES AND LANGUAGE PROMOTING THE ART AND CULTURE OF TATTOOING.

H. 3735 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2009", BY ADDING SECTION 44-43-730 SO AS TO PROVIDE THAT IF A PERSON DIES IN A HOSPITAL, THE HOSPITAL SHALL OFFER IN WRITING TO THE PATIENT'S FAMILY THE RIGHT OF HAVING AN AUTOPSY PERFORMED; AND TO AMEND SECTION 17-5-530, RELATING TO CIRCUMSTANCES REQUIRING THE CORONER OR MEDICAL EXAMINER TO BE NOTIFIED OF CERTAIN DEATHS, SO AS TO REQUIRE SUCH NOTIFICATION WHEN A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY FOUR HOURS OF ENTERING A HEALTH CARE FACILITY OR OF HAVING AN INVASIVE SURGICAL PROCEDURE PERFORMED.

**ORDERED TO THIRD READING**

The following Bill was taken up, read the second time, and ordered to a third reading:

H. 4244 -- Rep. Limehouse: A BILL TO AMEND SECTION 59-130-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL TRUSTEE TO BE APPOINTED BY THE COLLEGE OF CHARLESTON ALUMNI ASSOCIATION BOARD OF DIRECTORS, TO SET HIS TERM, AND TO PROVIDE CRITERIA FOR HIS SELECTION.

**H. 4244--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SOTTILE, with unanimous consent, it was ordered that H. 4244 be read the third time tomorrow.

**H. 4198--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4198 -- Reps. Erickson, Brady, Cobb-Hunter, Horne, Allison, Hutto, Herbkersman, G. M. Smith, Bales, Harrison, Gunn, Long, T. R. Young, Toole and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-57-115 SO AS TO PROVIDE THAT IT IS UNFAIR DISCRIMINATION FOR AN INSURER TO DENY, REFUSE TO ISSUE OR RENEW, CANCEL, RESTRICT OR EXCLUDE COVERAGE, DENY A CLAIM OR LIMIT PAYMENTS, OR ADD A PREMIUM DIFFERENTIAL TO A POLICY OR CERTIFICATE OF COVERAGE ON THE BASIS THAT AN APPLICANT OR INSURED HAS BEEN OR IS PERCEIVED TO HAVE BEEN ABUSED OR MAY BE A SUBJECT OF ABUSE AND TO PROVIDE PENALTIES, INCLUDING FINES UP TO TWO HUNDRED THOUSAND DOLLARS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11931AC10), which was adopted:

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

/SECTION 1. This Act may be cited as the “Unfair Discrimination Against Subjects of Abuse in Insurance Act”.

SECTION 2. Chapter 57, Title 38 of the 1976 Code is amended by adding:

“Section 38‑57‑115. (A) As used in this section:

(1) ‘Abuse’ means the occurrence of one or more of the following acts by a current or former family member, household member, intimate partner, or caretaker:

(a) attempting to cause or intentionally, knowingly, or recklessly causing another person bodily injury, physical harm, severe emotional distress, or psychological trauma;

(b) committing or attempting to commit criminal sexual conduct or spousal sexual battery, as provided for in Article 7, Chapter 3, Title 16, or committing or attempting to commit any other sexual assault or battery on another person;

(c) knowingly engaging in a course of conduct or repeatedly committing acts, including, but not limited to, following the person, without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;

(d) subjecting another person to false imprisonment; or

(e) attempting to cause or intentionally, knowingly, or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) ‘Abuse‑related medical condition’ means a medical condition sustained by a subject of abuse which arises in whole or in part out of an act or pattern of abuse.

(3) ‘Abuse status’ means the fact or perception that a person is, has been, or may be a subject of abuse, irrespective of whether the person has sustained abuse‑related medical conditions.

(4) ‘Applicant or covered person’ means an insured, individual enrollee, covered dependent, eligible employee, dependent of an eligible employee, or applicant for a policy or certificate of coverage.

(5) ‘Insurance entity or insurance professional’ means a corporation, agency, partnership, association, voluntary organization, individual, or any other entity, organization, or aggregation of individuals engaged in the business of insurance. This term includes an insurer, health maintenance organization, insurance producer, agency, broker, adjuster, third party administrator, and any other individual or entity engaged in the business of insurance. This term also includes the state health plan.

(6) ‘Person’ means an individual, including a minor child.

(7) ‘State health plan’ means the employee and retiree insurance program provided for in Article 5, Chapter 11, Title 1.

(8) ‘Subject of abuse’ means a person against whom an act of abuse has been directed who has current or prior injuries, illness, or disorders that resulted from abuse or who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse or protection, including court‑ordered protection, or shelter from abuse.

(B) The purpose of this section is to prohibit unfair discrimination by insurance entities and insurance professionals on the basis of abuse status; however, nothing in this section may be construed to create or imply a private cause of action for a violation of this section.

(C) This section applies to:

(1) an insurance company, health maintenance organization, and any other insurance entity that is licensed to engage in the business of insurance in this State and that is subject to state insurance regulation;

(2) insurance professionals; and

(3) the state health plan.

(D) An insurance entity or insurance professional may not engage in an unfairly discriminatory act or practice against a subject of abuse. It is a prohibited act of unfair discrimination for an insurance entity or insurance professional to:

(1) deny, refuse to issue, renew or reissue, or cancel or otherwise terminate, restrict, or exclude coverage, or add a premium differential to any policy or certificate of coverage on the basis of the applicant’s or covered person’s abuse status;

(2) impose any preexisting condition exclusion on the basis of the applicant’s or covered person’s abuse status;

(3) use the applicant’s or covered person’s abuse status in the underwriting of a policy; or

(4)(a) terminate group coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse, or the abuser’s coverage has terminated voluntarily or involuntarily;

(b) The continuation coverage required by subsection (4)(a) must be satisfied by coverage required under state continuation of coverage, as provided in Section 38‑71‑770, or COBRA continuation of coverage, as provided in 29 U.S.C. 1161 et seq., whichever is applicable, provided to a subject of abuse and is not intended to be in addition to such continuation of coverage requirements;

(5) exclude or limit coverage for losses or deny a claim incurred by a covered person on the basis of the covered person’s abuse status;

(6) exclude, limit, or deny benefits on a life insurance policy on the basis of an applicant or covered person’s abuse status except as otherwise permitted or required by the laws of this State relating to acts of abuse committed by a life insurance beneficiary;

(7) in the case of property and casualty insurance:

(a)(i) exclude or limit payment for a covered loss or deny a covered claim incurred as a result of abuse by a person other than a coinsured;

(ii) fail to pay losses arising out of abuse to an innocent first party claimant to the extent of the claimant’s legal interest in the covered property if the loss is caused by the intentional act of a coinsured or use other exclusions or limitations on coverage which the director determines to unreasonably restrict the ability of subjects of abuse to be indemnified for such losses; or

(iii) use abuse‑related claims history in the underwriting of a policy;

(b)(i) this item does not require payment in excess of the loss or policy limits;

(ii) nothing in this item may be construed to prohibit an insurance entity or insurance professional from applying reasonable standards of proof to claims under this item; and

(iii) nothing in this item may be construed to prohibit an insurance entity or insurance professional from recovering any payment required by this item from the insured whose act of abuse caused the claim;

(8) directly or indirectly request information relating to acts of abuse or an applicant’s or covered person’s abuse status or make use of that information, however obtained, except:

(a) for the limited purposes of complying with legal obligations;

(b) when verifying a person’s claim to be a subject of abuse or to have sustained an abuse‑related medical condition or incurred an abuse‑related claim; or

(c) when cooperating with a subject of abuse in seeking protection from abuse or facilitating the treatment of an abuse‑related medical condition;

(9) consider the applicant’s or covered person’s abuse status in determining the premium rates to be charged for a policy or certificate of coverage;

(10) use other exclusions or limitations on coverage which the director determines to be an unreasonably or unfairly discriminatory act or practice against a subject of abuse.

(E)(1) Nothing in this section may be construed to prohibit an insurance entity or insurance professional from asking about a medical condition or from using medical information to underwrite or to carry out its rights and duties under the policy, even if the medical information is related to a medical condition that the insurance entity or insurance professional knows or has reason to know is abuse related, to the extent otherwise permitted under law.

(2)(a) Nothing in this section may be construed to prohibit a property and casualty insurance entity or insurance professional from investigating or inquiring about a property and casualty claim, even if the claim is abuse‑related, or from using information thereby obtained in evaluating and carrying out its rights and duties under the policy to the extent otherwise permitted under law.

(b) This section does not prohibit a property and casualty insurer from denying a property claim when the damage or loss is the result of intentional conduct by a named insured who commits an act of abuse, except that the property and casualty insurer shall make payment on such a claim to an innocent coinsured subject of abuse to the extent of the innocent coinsured’s interest in the property and within the limits of coverage when the damage or loss was proximately related to and in furtherance of abuse. A property and casualty insurer paying such a claim must be subrogated to the rights of the innocent coinsured subject of abuse to recover for any damages paid by the insurance.

(3)(a) Nothing in this section may be construed to prohibit a life insurance entity or insurance professional from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy; and if:

(i) the applicant or prospective owner of the policy lacks an insurable interest in the prospective insured;

(ii) the applicant or prospective owner of the policy is known, on the basis of medical, police, or court records, to have committed an act of abuse against the prospective insured; or

(iii) the insured or prospective insured is a subject of abuse, and that person, or a person who has assumed the care of that person if a minor or incapacitated, has objected to the issuance of the policy on the ground that the policy would be issued to or for the direct or indirect benefit of the abuser.

(b) In the case of an act of abuse committed by a life insurance beneficiary, nothing in this section may be construed to prohibit an insurance entity or insurance professional from excluding, limiting, or denying benefits to the beneficiary on a life insurance policy as otherwise permitted or required by law.

(F) Nothing in this section prohibits an insurance entity or insurance professional from setting rates in accordance with relevant actuarial data except that no insurance entity or insurance professional may set rates based in whole or in part on the applicant’s or covered person’s abuse status.

(G) Notwithstanding any other provisions of this title or any other applicable law or regulation, a single instance of unfair discrimination is a violation of this section.

(H) An insurance entity or insurance professional who violates this section is subject to the penalties as provided in Section 38‑2‑10. If the director or his designee finds that an insurance entity or insurance professional is participating in a pattern of unfair discrimination, the director or his designee may impose a fine of up to two hundred thousand dollars. The director or his designee at any time may examine an insurance entity or insurance professional to enforce this section. The expense of examination must be paid by the insurance entity or insurance professional. If an insurance entity or insurance professional determines that the fees assessed are unreasonable in relation to the examination performed, the insurer or insurance entity may appeal the assessments to the Administrative Law Court. Examination fees must be retained by the department and are considered ‘other’ funds.

(I) Insurance entities and insurance professionals shall develop and adhere to written policies specifying procedures to be followed by employees and by insurance professionals they contract with~~,~~ for the purpose of protecting the safety and privacy of a subject of abuse and shall otherwise implement the provisions of this section when taking an application, investigating a claim, pursuing subrogation, or taking any other action relating to a policy, certificate, or claim involving a subject of abuse. Insurance entities shall distribute their written policies to employees and contracted insurance professionals. An insurance entity or insurance professional shall provide these policies and procedures upon request to the director or his designee. Information received pursuant to this subsection is strictly confidential.

(J) An insurance entity or insurance professional may not be held civilly or criminally liable for the death of or injury to an applicant or covered person resulting from any action taken in a good faith effort to comply with the requirements of this section. However, this subsection does not prevent an action by the director to investigate or enforce a violation of this section or to assert any other claims authorized by law.

(K) The Department of Insurance may promulgate regulations necessary for implementation of this section.”

SECTION 3. 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 4. Nothing in this act requires an insurance entity or insurance professional to conduct a comprehensive search of its contract files existing on the effective date of this act solely to determine which applicants or covered persons are subjects of abuse, as defined in Section 38-57-115 of the 1976 Code, as added by Section 2 of this act.

SECTION 5. Subsection (I) of Section 38-57-115 of the 1976 Code, as added by SECTION 2 of this act, takes effect January 1, 2011. The remaining provisions of this act take effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. BRADY explained the amendment.

The amendment was then adopted.

Rep. BRADY explained the Bill.

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

**H. 4198--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. ERICKSON, with unanimous consent, it was ordered that H. 4198 be read the third time tomorrow.

**H. 4448--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 4448 -- Reps. Sandifer, Agnew, Duncan, M. A. Pitts, Neilson, Brady, Gunn, Lowe, Funderburk, Hardwick, Mitchell, Hearn, Pinson, Bales, Clemmons, Toole, D. C. Moss, Ballentine, Willis, Huggins, Long, Simrill, H. B. Brown, Kirsh, Forrester, Rice, Anderson, D. C. Smith, Nanney, Vick, Stewart, T. R. Young, Bowers, Allen, V. S. Moss, Whitmire, Littlejohn, G. R. Smith, Hayes, Cobb-Hunter, J. R. Smith, Brantley, Gambrell, King, Viers, Bannister, Dillard, Ott and Jefferson: 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.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3887DW10), which was adopted:

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

/Whereas, there are various factors putting upward pressure on the price of electricity and natural gas, and those factors are likely to increase in the foreseeable future; and

Whereas, improvement of residential energy efficiency and conservation can protect South Carolina electricity and natural gas consumers from these price increases; and

Whereas, the implementation of energy efficiency and conservation measures in South Carolina residences will benefit not only the residents of the homes in which such measures are installed, but will benefit all residents of South Carolina by reducing the need for new and expensive sources of electricity generation; and

Whereas, the cost of energy efficiency and conservation measures and the availability of financing for those costs is now, and has been, a major impediment to the widespread adoption of energy efficiency and conservation measures; and

Whereas, South Carolina electricity providers and natural gas providers are in a position to assist their customers with the installation and financing of energy efficiency and conservation measures, provided that appropriate procedures are followed providing for the installation of such measures and the recovery of the cost of such measures; and

Whereas, in order to make energy efficiency and conservation measures available to rental properties, it is appropriate to require the landlords who will benefit from the measures and who voluntarily agree to participate to give notice to tenants who will be living in the rental units in which the energy efficiency and conservation measures are installed. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 37, Title 58 of the 1976 Code is amended by adding:

“Section 58‑37‑50. (A) As used in this section:

(1) ‘Electricity provider’ means an electric cooperative, an investor‑owned electric utility, the South Carolina Public Service Authority, or a municipality or municipal board or commission of public works that owns and operates an electric utility system.

(2) ‘Natural gas provider’ means an investor owned natural gas utility or publicly owned natural gas provider.

(3) ‘Meter conservation charge’ means the charge placed on a customer’s bill by which electricity providers and natural gas providers recover the costs, including financing costs, of energy efficiency and conservation measures.

(4) ‘Notice of meter conservation charge’ means the written notice by which subsequent purchasers or tenants are given notice that they are required to pay a meter conservation charge.

(5) ‘Customer’ means a homeowner or tenant receiving electricity as a retail customer only.

(B) Electricity providers and natural gas providers may enter into written agreements with customers and landlords of customers for the financing of the purchase price and installation cost of energy efficiency and conservation measures. These agreements may provide that these costs must be recovered by a meter conservation charge to the customer’s electricity or natural gas account, provided that the electricity provider or natural gas provider complies with the provisions of this section. A failure to pay the meter conservation charge may be treated by the electricity provider or natural gas provider as a failure to pay the electricity or natural gas bill, and the electricity provider or natural gas provider may disconnect electricity or natural gas service for nonpayment of the meter conservation charge, provided the electricity or natural gas provider complies with the applicable provisions of Article 25, Chapter 31, Title 5; Article 17, Chapter 11, Title 6; Article 17, Chapter 49, Title 33; Article 11, Chapter 5, Title 58; Article 21, Chapter 27, Title 58; and any applicable rules, regulations, or ordinances relating to disconnections.

(C) An agreement permitted by subsection (B) plainly must state the interest rate to be charged to finance the costs of the energy efficiency and conservation measures. The interest rate must be a fixed rate over the term of the agreement and it must not exceed four percent above the stated yield for one‑year treasury bills as published by the Federal Reserve at the time the agreement is entered.

(D) An electricity provider or natural gas provider may recover the costs, including financing costs, of these measures from its members or customers directly benefiting from the installation of the energy efficiency and conservation measures. This recovery must be through a meter conservation charge to the account of the member or customer and must be shown by a separate line item on the account.

(E) An electricity provider or natural gas provider shall assume no liability for the installation, operation, or maintenance of energy efficiency and conservation measures when these measures are performed by a third party, and shall not provide any warranty as to the merchantability of the measures or the fitness for a particular purpose of these measures, and no action must be maintained against a electricity provider or natural gas provider relating to the failure of these measures. Nothing in this section may be construed to limit any rights or remedies of utility customers and landlords of utility customers against other parties to a transaction involving the purchase and installation of energy conservation measures.

(F) Before entering into a contract contemplated by this section, the electricity provider or natural gas provider shall cause to be performed an energy audit on the residence considered for the energy efficiency measures. The energy audit must be conducted by an energy auditor certified by the Building Performance Institute or similar organization. The audit must provide an estimate of the costs of the proposed measures and the expected energy savings associated with those measures. A contract entered following completion of an energy audit must specify the measures to be completed and the contractor responsible for completion of these measures. Upon completion of the work, it must be inspected by an energy auditor certified by the Building Performance Institute or similar organization. Any work which is determined not to have been done properly must be remedied by the responsible contractor. Until the work has been remedied, funds due to the contractor must be held in escrow by the electricity provider or natural gas provider.

(G) An electricity provider or natural gas provider that enters into an arrangement as provided in this section may recover the costs, including financing costs, of energy efficiency and conservation measures from subsequent purchasers of the residence in which the measures are installed, provided the electricity provider or natural gas provider gives record notice that the residence is subject to this arrangement. Notice must be given, at the expense of the filer, by filing a notice of meter conservation charge with the appropriate office for the county in which the residence is located, pursuant to Section 30‑5‑10. The notice of meter conservation charge does not constitute a lien on the property, but is intended to give a purchaser of the residence notice that the residence is subject to a meter conservation charge. Notice is deemed to have been given if a search of the property records of the county discloses the existence of the charge and informs a prospective purchaser how to ascertain the amount of the charge and the length of time it is expected to remain in effect.

(H) An electricity provider or natural gas provider may enter into arrangements for the installation of energy efficiency and conservation measures and the recovery of the costs, including financing costs, of these measures with respect to rental properties by filing a notice of meter conservation charge as provided in subsection (G) and by complying with the provisions of this subsection:

(1) The energy audit required by subsection (F) above must be conducted and the results provided to both the landlord and tenant living in the rental property at the time the arrangement is entered.

(2) If both the landlord and tenant agrees, the electricity provider or natural gas provider may recover the cost of the energy efficiency and conservation measures, including financing cost, through a meter conservation charge to the tenant’s electricity or natural gas account.

(3) With respect to a subsequent tenant occupying a rental unit benefiting from the installation of energy efficiency and conservation measures, the electricity provider or natural gas provider may continue to recover the cost, including financing cost, of these measures through a meter conservation charge to the electricity or natural gas account of a subsequent tenant. With respect to a subsequent tenant, the landlord is required to give a written notice of meter conservation charge in the same manner as required by Section 27‑40‑420. If the landlord fails to give the subsequent tenant the required notice of meter conservation charge, the tenant may deduct from his rent the amount of the meter conservation charge paid to the electricity provider or natural gas provider.

(I) Arrangements entered pursuant to the provisions of this section are exempt from the provisions of the South Carolina Consumer Protection Code, Chapter 2, Title 37.

(J) An electricity provider or natural gas provider may contract with third parties to perform functions permitted under this section, including the financing of the costs of energy efficiency and conservation measures. A third party shall comply with all applicable provisions of this section.

(K) The provisions of this section apply only to energy efficiency and conservation measures for a residence already occupied at the time these measures are taken. The procedures allowed by this section may not be used with respect to a new residence or a residence under construction. The provisions of this section may not be used to implement energy efficiency or conservation measures that result in the replacement of natural gas appliances or equipment with electric appliances or equipment or that result in the replacement of electric appliances or equipment with natural gas appliances or equipment unless the customer who seeks to install the energy efficiency or conservation measure is being provided electric and natural gas service by the same provider.

(L) Electricity providers and natural gas providers may offer other types of optional financing agreements, otherwise available by law and instead of the option established in this section, to their customers for the types of energy efficiency and conservation measures described in this section.”

SECTION 2. Section 8‑21‑310 of the 1976 Code, as last amended by Act 329 of 2002, is further amended by adding a new item at the end to read:

“(23) for filing a notice of meter conservation charge as permitted by Section 58‑37‑50, ten dollars.”

SECTION 3. 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.

Rep. SANDIFER explained the Bill.

Rep. WHITE moved to adjourn debate on the Bill until Tuesday, February 23, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., February 17, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has requested and has granted free conference powers and appointed Senators Fair, Anderson and Shoopman of the Committee of Free Conference on the part of the Senate on H. 4087:

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., February 17, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on H. 4087:

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

Very respectfully,

President

Received as information.

**H. 4087--FREE CONFERENCE POWERS GRANTED**

Rep. BEDINGFIELD moved that the Committee of Conference on the following Bill be resolved into a Committee of Free Conference and briefly explained the Conference Committee's reasons for this request:

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

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

Yeas 99; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Edge | Forrester |
| Funderburk | Gambrell | Gilliard |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parks | Pinson |
| M. A. Pitts | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | T. R. Young |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen |  |  |

**Total--1**

So, the motion to resolve the Committee of Conference into a Committee of Free Conference was agreed to.

RECORD FOR VOTING

I meant to vote “yea” on H. 4087, however I inadvertently pressed the “nay” button on my vote machine and was recorded in the negative.

Rep. Karl Allen

The Committee of Conference was thereby resolved into a Committee of Free Conference. The SPEAKER appointed Reps. LOFTIS, BEDINGFIELD and ALLEN to the Committee of Free Conference and a message was ordered sent to the Senate accordingly.

**H. 4087--FREE CONFERENCE REPORT ADOPTED**

**FREE CONFERENCE REPORT**

H. 4087

The General Assembly, Columbia, S.C., February 1, 2010

The COMMITTEE OF CONFERENCE, to whom was referred (House Doc. No. H:\LEGWORK\HOUSE\AMEND\COUNCIL\AGM\ 19819BH10.DOCX):

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Act 743 of 1962, as last amended by Act 599 of 1992, is further amended by adding:

“Section 1A. (A) There is created the Greenville Technical College Area Commission which is a body politic and corporate and the governing body of Greenville Technical College. The commission consists of twelve members, three of whom shall serve as non‑voting members:

(1) the Superintendent of Greenville County School District, who shall serve ex‑officio;

(2) the Director of Workforce Development, who shall serve ex‑officio; and

(3) a representative of the University Center of Greenville selected upon the recommendation of the Chairman of the Greenville County Legislative Delegation.

The remaining members are voting members, must be selected by the Greenville County Legislative Delegation, and include:

(1) a member selected upon the recommendation of the Chairman of the Greenville County Council, who may not be a current council member;

(2) a member selected upon the recommendation of the Chairman of the Greenville County Legislative Delegation;

(3) one member selected from either House District 17 or House District 18;

(4) one member selected from either House District 20 or House District 22;

(5) one member selected from either House District 23 or House District 25;

(6) one member selected from either House District 19 or House District 26;

(7) one member selected from either House District 21 or House District 24;

(8) one member selected from either House District 27 or House District 28; and

(9) one member selected at large.

A member of the area commission shall serve for a term of four years, except that the member selected upon the recommendation of the Chairman of the Greenville County Council and the members selected upon the recommendation of the Chairman of the Greenville County Legislative Delegation shall serve for a term of two years. Present members of the commission shall serve until their terms end, with their respective successors appointed by the legislative delegation according to the above method. The delegation shall designate one of the present members from House District 19 to serve at large.

(B) The commission shall:

(1) establish the basic qualifications for and appoint a president for the term and under the conditions as it may fix, the commission having full powers of appointment and dismissal to the fullest extent permitted by law and applicable regulations;

(2) provide for the employment of personnel pursuant to Section 59‑53‑20;

(3) purchase land required for college sites and rights‑of‑way which are necessary for the proper operation of the college;

(4) apply the standards and requirements for admission and graduation of students and other standards established by the State Board for Technical and Comprehensive Education;

(5) receive and accept private donations, gifts, bequests, and the like to apply them or invest any of them and apply the proceeds for the purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of law and the regulations of the State Board for Technical and Comprehensive Education;

(6) require the execution of studies and take steps as are necessary to ensure that the functions of the college are always those which are most helpful and feasible in light of the resources available to the school;

(7) designate members or other agents or representatives to represent the college before the Greenville County Council, the State Board for Technical and Comprehensive Education, and other agencies concerned with the serving of financial support for the needs of the college for operation expenses and capital outlay;

(8) adopt and recommend current expense and capital outlay budgets;

(9) perform acts and do other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of reasonable rules, regulations, and bylaws for the government and operation of the college under law and for the discipline of students;

(10) perform functions required as necessary for the proper governance of the college with regard to policy, personnel, and fiduciary matters.”

SECTION 2. Sections 2 and 3 of Act 743 of 1962 are deleted.

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

Amend title to conform.

Senator Michael L. Fair Rep. Dwight A. Loftis

Senator Ralph Anderson Rep. Eric Michael Bedingfield

Senator Phillip W. Shoopman Rep. Karl B. Allen

On Part of the Senate. On Part of the House.

Rep. BEDINGFIELD explained the Free Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Bales | Ballentine |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brantley | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clyburn | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harvin |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rutherford | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie |  |  |

**Total--100**

Those who voted in the negative are:

**Total--0**

The Free Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3340 from the Committee on Education and Public Works.

Rep. WHITMIRE objected.

**S. 454--DEBATE ADJOURNED**

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

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.

Rep. SANDIFER moved to adjourn debate upon the Senate Amendments until Wednesday, February 24, which was agreed to.

**H. 3418--DEBATE ADJOURNED**

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

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56-1-3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7-13-25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7-15-470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7-1-25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7-5-230 TO REFERENCE REVISIONS TO SECTION 7-1-25.

Rep. OTT moved to adjourn debate upon the Senate Amendments until Tuesday, February 23, which was agreed to.

**H. 3395--DEBATE ADJOURNED**

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

H. 3395 -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A. D. Young, Edge, Bedingfield, J. R. Smith, G. R. Smith, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A BILL TO AMEND SECTION 11-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE OF REPLENISHMENT OF THAT AMOUNT.

Rep. COOPER moved to adjourn debate upon the Senate Amendments until Tuesday, February 23, which was agreed to.

**H. 3396--DEBATE ADJOURNED**

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

H. 3396 -- Reps. Harrell, Thompson, Scott, Cooper, Erickson, Bingham, A. D. Young, Edge, J. R. Smith, G. R. Smith, Bedingfield, Whitmire, Hiott, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND.

Rep. COOPER moved to adjourn debate upon the Senate Amendments until Tuesday, February 23, which was agreed to.

**SENT TO THE SENATE**

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

H. 3442 -- Reps. Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E. H. Pitts, G. M. Smith, Daning, Haley, Huggins, Cato, Ballentine, D. C. Smith, J. R. Smith, Rice, T. R. Young, Horne, Wylie, Bedingfield, Clemmons, Bales, Lucas, Neilson, Long, J. M. Neal and M. A. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-29-300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS' TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41-29-310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41-29-10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41-29-20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41-29-30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41-27-10, 41-27-30, 41-27-150, 41-27-160, 41-27-190, 41-27-210, AS AMENDED, 41-27-230, 41-27-235, AS AMENDED, 41-27-260, AS AMENDED, 41-27-360, 41-27-370, AS AMENDED, 41-27-380, 41-27-390, 41-27-510, 41-27-550, 41-27-560, 41-27-570, 41-27-580, 41-27-600, 41-27-610, 41-27-620, 41-27-630, 41-27-670, 41-29-40, 41-29-50, 41-29-60, 41-29-70, 41-29-80, 41-29-90, 41-29-100, 41-29-110, 41-29-120, AS AMENDED, 41-29-130, 41-29-140, 41-29-150, 41-29-170, AS AMENDED, 41-29-180, 41-29-190, 41-29-200, 41-29-210, 41-29-220, 41-29-230, 41-29-240, 41-29-250, 41-29-270, 41-29-280, 41-29-290, 41-33-10, 41-33-20, 41-33-30, 41-33-40, 41-33-45, 41-33-80, AS AMENDED, 41-33-90, 41-33-100, 41-33-110, 41-33-120, 41-33-130, 41-33-170, 41-33-180, 41-33-190, 41-33-200, 41-33-210, 41-33-430, 41-33-460, 41-33-470, 41-33-610, 41-33-710, 41-35-10, 41-35-30, 41-35-100, 41-35-110, AS AMENDED, 41-35-115, AS AMENDED, 41-35-120, AS AMENDED, 41-35-125, 41-35-126, 41-35-130, AS AMENDED, 41-35-140, 41-35-330, 41-35-340, 41-35-410, 41-35-420, AS AMENDED, 41-35-450, 41-35-610, 41-35-630, 41-35-640, AS AMENDED, 41-35-670, 41-35-680, AS AMENDED, 41-35-690, 41-35-700, 41-35-710, AS AMENDED, 41-35-720, 41-35-730, 41-35-740, 41-35-750, AS AMENDED, 41-37-20, 41-37-30, 41-39-30, 41-39-40, 41-41-20, AS AMENDED, 41-41-40, AS AMENDED, 41-41-50, 41-42-10, 41-42-20, 41-42-30, AND 41-42-40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41-29-260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

STATEMENT FOR THE JOURNAL

Due to a potential conflict of interest, I did not vote on third reading of H. 3442.

Rep. Laurie Slade Funderburk

H. 3585 -- Reps. T. R. Young, Brantley, Spires, Allison, Bales, Bedingfield, Cole, Crawford, Delleney, Horne, McEachern, Merrill, Parker, Scott, G. R. Smith, Viers, A. D. Young and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-1065 SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "VEHICLE" AND "FALSE OR SECRET COMPARTMENT", TO PROVIDE THAT IT IS UNLAWFUL TO OWN OR OPERATE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT, TO INSTALL A FALSE OR SECRET COMPARTMENT IN A VEHICLE, AND TO SELL OR TRADE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT, AND TO PROVIDE A PENALTY.

H. 3066 -- Reps. Ballentine, Haley, J. R. Smith, Hamilton, Wylie, Simrill, Huggins, E. H. Pitts, Cobb-Hunter, Harrell, G. M. Smith, Gullick, J. E. Smith, Merrill, Phillips, Jennings, Owens, G. R. Smith, Daning, Rice, Knight, Funderburk, Harrison, Crawford, Kirsh, Bedingfield, Allison, Stringer, T. R. Young, Agnew, Gunn, Bingham, Toole, Millwood, Stavrinakis, Miller, Battle, Hutto, Erickson, Clemmons, Horne, Lucas, Bales, Whipper and R. L. Brown: A BILL TO AMEND SECTION 8-13-365, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTRONIC FILING OF CAMPAIGN DISCLOSURES AND REPORTS, SO AS TO MAKE IT APPLICABLE TO COUNTY, SCHOOL BOARD, AND MUNICIPAL ELECTIONS IN ADDITION TO STATEWIDE ELECTIONS; AND TO AMEND SECTION 8-13-1308, AS AMENDED, RELATING TO THE REQUIREMENT TO FILE CERTIFIED CAMPAIGN REPORTS BY CANDIDATES AND COMMITTEES, SO AS TO REQUIRE THAT THEY MUST BE FILED FORTY-EIGHT HOURS AFTER THEIR RECEIPT STARTING AFTER THE FILING OF THE PRE-ELECTION REPORT.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 188 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 44-34-60 AND SECTION 44-34-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AGE RESTRICTIONS ON TATTOOING, SO AS TO PROVIDE THAT PERSONS EIGHTEEN OR OLDER ARE ELIGIBLE TO RECEIVE A TATTOO.

**S. 828--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

S. 828 -- Senators Leventis and Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 76, IN SUMTER COUNTY, FROM THE SUMTER-LEE COUNTY LINE TO ITS INTERSECTION WITH LAFAYETTE STREET THE "MAYOR WILLIE M. JEFFERSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "MAYOR WILLIE M. JEFFERSON HIGHWAY".

Rep. WEEKS moved to adjourn debate on the Resolution until Wednesday, February 24, which was agreed to.

**S. 403--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 403 -- Senators Leatherman and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE AT ASHBY ROAD AND MCIVER ROAD IN THE TOWN OF QUINBY AS "T. ASHBY GREGG, SR. INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "T. ASHBY GREGG, SR. INTERCHANGE".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 624--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 624 -- Senator Setzler: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE NORTH EDISTO RIVER ALONG SOUTH CAROLINA HIGHWAY 302 AT THE AIKEN/LEXINGTON COUNTY LINE "HARSEY'S BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "HARSEY'S BRIDGE".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 762--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 762 -- Senator Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 260 IN CLARENDON COUNTY FROM ITS INTERSECTION WITH THE MANNING CITY LIMITS TO OXWALI CREEK "FRED CHEWNING HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FRED CHEWNING HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1036--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1036 -- Senators Hayes, Coleman and Mulvaney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 121 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 901 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 5 "FRANK BOBO MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FRANK BOBO MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1038--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1038 -- Senator Knotts: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE CLARENCE HILL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, FEBRUARY 23, 2010.

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

Yeas 104; Nays 0

Those who voted in the affirmative are:

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

**Total--104**

Those who voted in the negative are:

**Total--0**

So, the Concurrent Resolution was adopted and sent to the Senate.

**RECURRENCE TO THE MORNING HOUR**

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

**REPORT OF STANDING COMMITTEE**

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

H. 4575 -- Rep. D. C. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 5 IN YORK COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO THE YORK-CHEROKEE COUNTY LINE THE "REPRESENTATIVE ARTHUR LINDSAY BLACK MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "REPRESENTATIVE ARTHUR LINDSAY BLACK MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

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

H. 4597 -- Rep. Miller: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE WACCAMAW HIGH SCHOOL GIRLS TENNIS TEAM, COACH, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM FOR CAPTURING THE 2009 CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4598 -- Rep. Miller: A HOUSE RESOLUTION TO CONGRATULATE AND HONOR THE WACCAMAW HIGH SCHOOL GIRLS TENNIS TEAM FOR CAPTURING THE 2009 CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4599 -- Reps. Daning, Clemmons, D. C. Moss, Sellers, Brantley, Erickson, Hardwick, Kennedy, Whipper, Jefferson, Loftis, Gilliard, McEachern, Pinson, Merrill, Crawford, Umphlett, Harrison, V. S. Moss, Bowen, Gambrell, Lowe, H. B. Brown, Govan, Viers, Sottile, Whitmire, Agnew, Ballentine, Barfield, Bedingfield, Cobb-Hunter, Gunn, Hamilton, Harrell, Harvin, Hearn, Herbkersman, Horne, Hosey, Howard, J. H. Neal, Owens, M. A. Pitts, Sandifer, Scott, D. C. Smith, G. R. Smith, Thompson, Toole, Vick, Willis, Wylie and A. D. Young: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE TUITION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO CONTINUE TO EXTEND IN-STATE TUITION RATES UPON TRANSFER TO AN ELIGIBLE INSTITUTION UPON CERTAIN CONDITIONS, AND TO REQUIRE A TRANSFERRING INSTITUTION TO VERIFY ELIGIBILITY AND THE TRANSFERRING STUDENT TO PROVIDE NECESSARY DOCUMENTATION.

Referred to Committee on Ways and Means

H. 4600 -- Reps. Erickson, D. C. Moss, Pinson, Merrill, Bowen, Wylie, Parks, Frye, Spires, Bedingfield, Long, Duncan, Allison, Cato, Knight, Limehouse, Owens, Horne, Harrison, Sottile, Brady, Ballentine, Chalk, Herbkersman, Littlejohn, V. S. Moss, Nanney, M. A. Pitts, G. R. Smith, Willis and A. D. Young: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BEGINNING AND LENGTH OF SCHOOL TERM AND SCHOOL MAKE-UP DAYS, SO AS TO ALLOW A LOCAL SCHOOL DISTRICT TO ESTABLISH ITS CALENDAR BASED ON A STATUTORY TERM OF ONE HUNDRED EIGHTY DAYS OF INSTRUCTION OR THE EQUIVALENT NUMBER OF INSTRUCTIONAL HOURS, AND TO DELETE THE SCHOOL START DATE REQUIREMENT AND RELATED PROVISIONS.

Referred to Committee on Education and Public Works

**RATIFICATION OF ACTS**

At 12:30 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R124, S. 186) -- Senators McConnell and Campsen: AN ACT TO AMEND SECTION 15‑77‑300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALLOWANCE OF ATTORNEY’S FEES IN STATE‑INITIATED ACTIONS, SO AS TO LIMIT ATTORNEY’S FEES TO A REASONABLE TIME EXPENDED AT A REASONABLE RATE AND TO PROVIDE FACTORS THAT MUST BE CONSIDERED IN MAKING THIS DETERMINATION.

(R125, S. 362) -- Senator Alexander: AN ACT TO AMEND SECTION 42‑11‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS COVERED UNDER WORKERS’ COMPENSATION LAW AND THE PRESUMPTION REGARDING IMPAIRMENT OR INJURY FROM HEART DISEASE OR RESPIRATORY DISEASE, OR BOTH, SO AS 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 BY JULY 1, 2012, AND BEFORE AN ALLEGED INJURY, AND TO PROVIDE AN ALTERNATIVE PROCEDURE AND DEADLINE FOR SUBMISSION OF PHYSICAL EXAMINATION REPORTS WHEN A LAW ENFORCEMENT AGENCY CANNOT PRODUCE THE REPORT REQUIRED BY THIS SECTION.

(R126, S. 654) -- Senators Mulvaney and Sheheen: AN ACT TO AMEND SECTION 30‑5‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PERFORMANCE OF THE REGISTER OF DEEDS’ DUTIES BY THE CLERK OF COURT IN CERTAIN COUNTIES, SO AS TO PROVIDE LANCASTER COUNTY HAS A SEPARATE CLERK OF COURT AND REGISTER OF DEEDS; TO AMEND SECTION 30‑5‑12, AS AMENDED, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS IN CERTAIN COUNTIES, SO AS TO PROVIDE THE GOVERNING BODY OF LANCASTER COUNTY SHALL APPOINT THE REGISTER OF DEEDS FOR LANCASTER COUNTY; AND TO REPEAL ACT 454 OF 2000 RELATING TO THE TRANSFER OF THE DUTIES OF THE REGISTER OF DEEDS IN LANCASTER COUNTY TO THE RECORDS MANAGEMENT DIRECTOR OF LANCASTER COUNTY.

(R127, S. 705) -- Senators Leventis and Land: AN ACT 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.

(R128, S. 1022) -- Senators Hayes, Mulvaney and Peeler: AN ACT TO AMEND ACT 959 OF 1954, AS AMENDED, RELATING TO THE CREATION OF THE YORK COUNTY NATURAL GAS AUTHORITY, SO AS TO ALLOW IT TO CONNECT TO ANY SOURCE OF NATURAL GAS AND TO INCREASE ITS POWERS TO ALLOW, AMONG OTHER THINGS, THE PURCHASE AND SALE OF THE TOWN OF BLACKSBURG’S NATURAL GAS SYSTEM.

(R129, H. 3488) -- Reps. J.E. Smith, Hart, Williams, R.L. Brown, Hutto and Weeks: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY CERTAIN ISSUES AFFECTING VETERANS AND PROVIDE FOR RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, COMMITTEE MEMBERSHIP AND DUTIES, THE FILLING OF VACANCIES, COMMITTEE MEETINGS, AND STAFFING.

(R130, H. 3624) -- Reps. A.D. Young, Horne, Knight and Harrell: AN ACT TO PROVIDE THAT EACH MEMBER OF THE DORCHESTER COUNTY TRANSPORTATION COMMITTEE IS ALLOWED AND MUST BE PAID FROM DORCHESTER COUNTY “C” FUND REVENUES SEVENTY‑FIVE DOLLARS FOR EACH MEETING AT WHICH THE MEMBER IS IN ATTENDANCE.

(R131, H. 4055) -- Reps. Hardwick, Hearn, Barfield, Clemmons and Edge: AN ACT TO AMEND SECTION 7‑7‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF HORRY 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.

(R132, H. 4169) -- Rep. Battle: AN ACT TO AMEND ACT 607 OF 1986, AS AMENDED, RELATING TO THE ELECTIONS OF MEMBERS OF THE MARION COUNTY BOARD OF EDUCATION, SO AS TO PROVIDE THAT A PERSON DESIRING TO QUALIFY AS A CANDIDATE SHALL FILE WRITTEN NOTICE OF CANDIDACY AT LEAST SIXTY DAYS BEFORE THE DATE SET FOR THE ELECTION BUT NOT EARLIER THAN NINETY DAYS BEFORE THE ELECTION, TO PROVIDE THAT THE COUNTY COMMISSIONERS OF ELECTION SHALL PUBLISH NOTICES OF THE ELECTION AS PROVIDED IN SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND TO PROVIDE THE NONPARTISAN PLURALITY METHOD AS CODIFIED IN SECTION 5‑15‑61, CODE OF LAWS OF SOUTH CAROLINA, 1976, BE REQUIRED TO DETERMINE THE OUTCOME OF THE ELECTION INSTEAD OF PURSUANT TO ACT 81 OF 1977.

(R133, H. 4310) -- Reps. Clemmons, Edge and Barfield: AN ACT TO AMEND SECTION 4‑10‑970, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USES ALLOWED FOR REVENUES OF THE LOCAL OPTION TOURISM DEVELOPMENT FEE, SO AS TO ALLOW AMOUNTS UP TO TWENTY PERCENT OF THE REVENUE TO BE USED FOR PROPERTY TAX RELIEF FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY AND FOR TOURISM‑RELATED CAPITAL PROJECTS BEGINNING IN THE SECOND RATHER THAN THE THIRD YEAR OF IMPOSITION OF THE FEE, TO REQUIRE THE AMOUNTS USED FOR THESE PURPOSES TO BE RETAINED BY THE MUNICIPALITY WITH AT LEAST TWENTY PERCENT OF THE AMOUNT RETAINED USED AS A CREDIT AGAINST THE PROPERTY TAX LIABILITY OF OWNER‑OCCUPIED RESIDENTIAL PROPERTY AND PROVIDE FOR THE CALCULATION OF THE CREDIT, TO PROVIDE FOR THE USE OF CREDITS IN EXCESS OF THE MUNICIPAL PROPERTY TAX LIABILITY, AND TO PROVIDE REPORTING REQUIREMENTS.

(R134, H. 4406) -- Rep. Funderburk: AN ACT TO AMEND SECTION 7‑7‑340, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN KERSHAW COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

(R135, H. 4431) -- Rep. H.B. Brown: AN ACT 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.

(R136, H. 4432) -- Rep. H.B. Brown: AN ACT 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.

Rep. D. C. SMITH moved that the House do now adjourn, which was agreed to.

**ADJOURNMENT**

At 12:40 p.m. the House, in accordance with the motion of Rep. HUGGINS, adjourned in memory of Nathaniel "Nathan" Ross Phillips of Lexington, to meet at 10:00 a.m. tomorrow.

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