~~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 55:1: “Come all you who are thirsty, come to the waters; and you who have no money, come by and eat! Come buy wine and milk without money and without cost. Why spend money on what is not bread and your labor on what does not satisfy?”

Let us pray. Holy God, lead these men and women to heights they thought impossible to achieve. Guide them in making decisions which will satisfy the needs of all Your people. Bless them in their deliberations. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who serve in these Halls of Government. Protect our defenders of freedom as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Hear us, 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. PATRICK moved that when the House adjourns, it adjourn in memory of William "Monroe" Smith of Conway, father of Representative Erickson, which was agreed to.

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committee for consideration:

Document No. 4168

Agency: South Carolina Perpetual Care Cemetery Board

Statutory Authority: 1976 Code Sections 40-8-10 et seq.

Perpetual Care Cemetery Board

Received by Speaker of the House of Representatives

February 1, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 1, 2011

Document No. 4169

Agency: Department of Employment and Workforce

Statutory Authority: 1976 Code Section 41-29-130

Unemployment Insurance Reform (Updates to Article 1)

Received by Speaker of the House of Representatives

February 1, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 1, 2011

Document No. 4171

Agency: Department of Employment and Workforce

Statutory Authority: 1976 Code Sections 41-27-510, 41-29-130, 41-29-270, and 41-31-310

Unemployment Insurance Reform (Updates to Article 3)

Received by Speaker of the House of Representatives

February 1, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 1, 2011

Document No. 4170

Agency: Department of Employment and Workforce

Statutory Authority: 1976 Code Sections 41-29-130 and 41-31-310

Unemployment Insurance Reform (Updates to Article 2)

Received by Speaker of the House of Representatives

February 1, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 1, 2011

**REPORTS OF STANDING COMMITTEES**

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

H. 3373 -- Reps. Sandifer, Bowers, Bales, Anderson and Pinson: A BILL TO AMEND SECTION 38-77-112, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF AN AUTOMOBILE INSURER FROM THE REQUIREMENT TO WRITE AUTOMOBILE INSURANCE COVERAGE FOR AN APPLICANT OR EXISTING POLICYHOLDER, SO AS TO REMOVE CERTAIN EXEMPTIONS FROM THE APPLICABILITY OF THIS SECTION.

Ordered for consideration tomorrow.

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

H. 3332 -- Reps. Sandifer, McLeod, Bowers, Bales, Anderson and Pinson: A BILL TO AMEND SECTION 38-73-736, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN REDUCTIONS IN PREMIUM CHARGES, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS NOT A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS; TO AMEND SECTION 38-73-737, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS.

Ordered for consideration tomorrow.

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

H. 3344 -- Reps. Brady, Erickson, Sandifer, Allison, Dillard, Henderson, Butler Garrick, Munnerlyn, Funderburk, Horne, Long, Nanney, Bowers, Bales, Anderson and Pinson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT" 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.

Ordered for consideration tomorrow.

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

H. 3301 -- Reps. Clemmons, Bowers, Bales, Anderson and Pinson: A BILL TO AMEND SECTION 23-43-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STANDARDS FOR PLACEMENT OF MODULAR HOMES, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A MODULAR HOME USED AS A DISPLAY MODEL MAY BE PLACED FOR ITS FIRST RESIDENTIAL USE.

Ordered for consideration tomorrow.

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

H. 3246 -- Reps. Funderburk, Viers, Agnew and Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-280 SO AS TO PROHIBIT THE IMPORTATION, PRODUCTION, MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC ENERGY DRINKS AND CAFFEINATED MALT BEVERAGES AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

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

H. 3104 -- Rep. Nanney: A BILL TO AMEND SECTION 29-3-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

Ordered for consideration tomorrow.

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

H. 3375 -- Reps. Harrell, Lucas, Cooper, Hardwick, Harrison, Owens, Sandifer, White, Bingham, Atwater, Parker, Crawford, Loftis, Bowen, G. R. Smith, Bedingfield, Toole, Sottile, V. S. Moss, Forrester, Bikas, Huggins, Brady, Allison, Pinson, Frye, Whitmire, Skelton, Nanney, Henderson, Limehouse, Corbin, Barfield, Battle, Clemmons, Cole, Crosby, Daning, Gambrell, Hamilton, Hiott, Hixon, Horne, Lowe, D. C. Moss, Murphy, Norman, Patrick, Simrill, G. M. Smith, J. R. Smith, Spires, Taylor, Willis, Young, Herbkersman, Ballentine, Thayer, Bannister, McCoy, Tallon, Stringer, Long, Hayes, Ott, J. M. Neal, Vick, G. A. Brown, Branham, Anthony, Bowers, Sellers, Quinn and Hearn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011" BY AMENDING ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, SO AS TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTIONS 1-7-750 AND 1-7-760 SO AS TO ENACT THE "PRIVATE ATTORNEY RETENTION SUNSHINE ACT" TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES, AND TO PROVIDE FOR THE SUSPENSION OF THE LIMITATIONS UNDER CERTAIN EXCEPTIONAL CIRCUMSTANCES; TO AMEND SECTION 15-3-670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS BUT MAY BE ADMISSIBLE AS EVIDENCE; TO AMEND SECTION 18-9-130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; AND TO AMEND SECTION 56-5-6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO DELETE THE PROVISION THAT PROVIDED THAT A VIOLATION FOR FAILURE TO WEAR A SEATBELT IS NOT NEGLIGENCE PER SE OR COMPARATIVE NEGLIGENCE AND IS NOT ADMISSIBLE IN A CIVIL ACTION.

Ordered for consideration tomorrow.

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

H. 3221 -- Rep. Nanney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-53-45 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO FILE ELECTRONICALLY ALL DOCUMENTS RELATING TO THE ENFORCED COLLECTION OF TAXES DUE THIS STATE WITH COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS IN THOSE COUNTIES WHICH ACCEPT ELECTRONIC FILINGS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3518 -- Rep. Cooper: A HOUSE RESOLUTION TO PROVIDE THAT THE STAFF SERVING THE MEMBERS OF THE HOUSE OF REPRESENTATIVES IS NOT REQUIRED TO WORK ON GOOD FRIDAY, APRIL 22, 2011.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3519 -- Reps. Barfield, Bingham, Huggins, Forrester, Brannon, Hardwick, Stringer, Taylor, Lucas, Hearn, Atwater, Viers, Crawford, Harrell, Clemmons, Corbin, Crosby, Loftis, Lowe, D. C. Moss, Sandifer, J. R. Smith, White and Young: A CONCURRENT RESOLUTION TO APPLY TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR THE SOLE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 3520 -- Rep. Delleney: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE LEWISVILLE HIGH SCHOOL BASEBALL TEAM OF CHESTER COUNTY FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM MEMBERS, COACHES, AND SCHOOL OFFICIALS FOR WINNING THE 2010 CLASS A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3521 -- Rep. Delleney: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE LEWISVILLE HIGH SCHOOL BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM FOR AN OUTSTANDING SEASON AND FOR GARNERING 2010 CLASS A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3522 -- Rep. Hart: A HOUSE RESOLUTION TO AMEND RULE 10 OF THE RULES OF THE HOUSE OF REPRESENTATIVES BY ADDING RULE 10.12 SO AS TO PROVIDE THAT FOR EVERY LEGISLATIVE DAY THE HOUSE OF REPRESENTATIVES DOES NOT ADDRESS CERTAIN ISSUES, THE MEMBERS OF THE HOUSE OF REPRESENTATIVES SHALL FORFEIT ONE DAY OF SUBSISTENCE ALLOWANCE.

The Resolution was ordered referred to the Committee on Rules.

**HOUSE RESOLUTION**

The following was introduced:

H. 3523 -- Rep. Hart: A HOUSE RESOLUTION TO AMEND RULES 8.5, 8.6, AND 8.11, RULES OF THE HOUSE OF REPRESENTATIVES, RELATING TO THE CONSIDERATION OF MOTIONS, WHEN THE PREVIOUS QUESTION MAY BE INVOKED AND VOTE REQUIREMENTS OF CERTAIN MOTIONS, SO AS TO INCREASE FROM A MAJORITY TO THREE-FOURTHS THE VOTE REQUIREMENT TO INVOKE THE PREVIOUS QUESTION.

The Resolution was ordered referred to the Committee on Rules.

**HOUSE RESOLUTION**

The following was introduced:

H. 3524 -- Reps. Agnew and Gambrell: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE ABBEVILLE HIGH SCHOOL FOOTBALL TEAM, AND TO CONGRATULATE THE TEAM MEMBERS, COACHES, AND SCHOOL OFFICIALS FOR A STELLAR SEASON AND FOR CAPTURING THE UPPER STATE CHAMPIONSHIP AND THE 2010 CLASS A DIVISION I STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3525 -- Reps. Agnew and Gambrell: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE ABBEVILLE HIGH SCHOOL FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE UPPER STATE CHAMPIONSHIP AND THE 2010 CLASS A DIVISION I STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3526 -- Reps. Hart, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO MEMORIALIZE THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) TO CHOOSE COLUMBIA AS A HOST CITY FOR AN NCAA BASKETBALL TOURNAMENT REGIONAL GAME OR THE FINAL FOUR.

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

**INTRODUCTION OF BILLS**

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

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V. S. Moss, Cobb-Hunter, Herbkersman and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-970 SO AS TO PROVIDE THAT IT UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET-BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 3528 -- Reps. Stavrinakis, Ballentine and H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-85 SO AS TO PROVIDE FOR A ZERO BASE BUDGET PROCESS BEGINNING WITH FISCAL YEAR 2012-2013.

Referred to Committee on Ways and Means

H. 3529 -- Rep. Sellers: A BILL TO AMEND SECTION 59-10-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SNACKS SOLD FOR STUDENT CONSUMPTION IN SCHOOLS, SO AS TO PROVIDE FOR FAT, CALORIE, AND SUGAR CONTENT STANDARDS THAT SNACK FOOD AND BEVERAGES MUST MEET IN ORDER TO BE SOLD IN SCHOOLS, DEFINE THE TERM "REGULAR SCHOOL DAY", AND TO ALLOW A SCHOOL DISTRICT TO SET STRICTER STANDARDS; BY ADDING SECTION 59-10-345 SO AS TO PROVIDE NUTRITIONAL REQUIREMENTS THAT ELEMENTARY, MIDDLE, AND HIGH SCHOOLS MUST FOLLOW FOR FULL MEALS FOR STUDENT CONSUMPTION AND TO REGULATE PORTION SIZE FOR A LA CARTE ITEM SALES; TO AMEND SECTION 59-10-380, RELATING TO FOOD OR BEVERAGE ITEMS SOLD AS A FUNDRAISER, SO AS TO SPECIFICALLY EXCLUDE FUNDRAISERS FROM THE NUTRITIONAL REQUIREMENTS; AND BY ADDING SECTION 59-10-390 SO AS TO PROVIDE THAT REVISIONS TO THIS CHAPTER MUST CORRESPOND WITH GUIDELINES ESTABLISHED BY THE ALLIANCE FOR A HEALTHIER GENERATION.

Referred to Committee on Education and Public Works

H. 3530 -- Rep. Vick: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF CHESTERFIELD COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Rep. VICK, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 3531 -- Reps. White and Herbkersman: A BILL TO AMEND SECTION 56-3-9910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF GOLD STAR FAMILY SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO ALLOW THE LICENSE PLATE APPLICANT TO CHOOSE THE LETTERS OR NUMBERS, OR BOTH THAT APPEAR ON THE LICENSE PLATE.

Referred to Committee on Education and Public Works

H. 3532 -- Rep. Crawford: A BILL TO AMEND SECTION 1-30-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF EDUCATION, SO AS TO TRANSFER TO AND THEREBY DEVOLVE UPON THE DEPARTMENT OF EDUCATION THE POWERS AND DUTIES OF THE SOUTH CAROLINA SCHOOL FOR THE DEAF AND BLIND, THE JOHN DE LA HOWE SCHOOL, AND THE WIL LOU GRAY OPPORTUNITY SCHOOL; TO AMEND CHAPTER 47, TITLE 59, RELATING TO THE GOVERNANCE, ORGANIZATION, AND OPERATION OF THE SOUTH CAROLINA SCHOOL FOR THE DEAF AND BLIND, SO AS TO PROVIDE THAT THE SCHOOL IS UNDER THE ADMINISTRATION AND SUPERVISION OF THE DEPARTMENT OF EDUCATION, TO PROVIDE THAT ITS BOARD OF COMMISSIONERS IS AN ADVISORY BOARD TO THE SCHOOL, AND TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT; TO AMEND CHAPTER 49, TITLE 59, RELATING TO THE GOVERNANCE, ORGANIZATION, AND OPERATION OF THE JOHN DE LA HOWE SCHOOL, SO AS TO PROVIDE THAT THE SCHOOL IS UNDER THE ADMINISTRATION AND SUPERVISION OF THE DEPARTMENT OF EDUCATION, TO PROVIDE THAT ITS BOARD OF TRUSTEES IS AN ADVISORY BOARD TO THE SCHOOL AND TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT; AND TO AMEND CHAPTER 51, TITLE 59, RELATING TO THE GOVERNANCE, ORGANIZATION, AND OPERATION OF THE WIL LOU GRAY OPPORTUNITY SCHOOL, SO AS TO PROVIDE THAT THE SCHOOL IS UNDER THE ADMINISTRATION AND SUPERVISION OF THE DEPARTMENT OF EDUCATION, TO PROVIDE THAT ITS BOARD OF TRUSTEES IS AN ADVISORY BOARD TO THE SCHOOL AND TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT.

Referred to Committee on Education and Public Works

H. 3533 -- Rep. Crawford: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011, BY THE STUDENTS OF FLORENCE COUNTY SCHOOL DISTRICT ONE WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Rep. CRAWFORD, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 3534 -- Rep. Crawford: A BILL TO AMEND SECTION 1-13-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE SOUTH CAROLINA HUMAN AFFAIRS LAW, SO AS TO PROVIDE THAT THE STATE HUMAN AFFAIRS COMMISSION IS THE DIVISION OF HUMAN AFFAIRS IN THE OFFICE OF THE SECRETARY OF STATE; TO AMEND SECTION 1-13-40, RELATING TO THE CREATION OF THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION, SO AS TO RECONSTITUTE THIS COMMISSION AS A DIVISION UNDER THE ADMINISTRATION OF THE OFFICE OF THE SECRETARY OF STATE AS THE DIVISION OF HUMAN AFFAIRS, THEREBY DEVOLVING THE POWERS AND DUTIES OF THE COMMISSION UPON THE DIVISION OF CONSUMER AFFAIRS, OFFICE OF THE SECRETARY OF STATE, AND TO PROVIDE THAT THE STATE HUMAN AFFAIRS COMMISSION IS AN ADVISORY BOARD TO THE DIVISION OF HUMAN AFFAIRS; TO AMEND SECTIONS 1-13-50, 1-13-60, 1-13-70, 1-13-80, 1-13-90, AS AMENDED, AND 1-13-110, ALL RELATING TO THE GOVERNANCE, ORGANIZATION, AND OPERATION OF THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION, SO AS TO CONFORM THESE SECTIONS TO THE PROVISIONS OF THIS ACT; TO AMEND CHAPTER 31, TITLE 1, RELATING TO THE CREATION, GOVERNANCE, AND OPERATION OF THE STATE COMMISSION FOR MINORITY AFFAIRS, SO AS TO RECONSTITUTE THIS COMMISSION AS A DIVISION UNDER THE ADMINISTRATION OF THE OFFICE OF THE SECRETARY OF STATE AS THE DIVISION OF MINORITY AFFAIRS, THEREBY DEVOLVING THE POWERS AND DUTIES OF THE COMMISSION UPON THE DIVISION OF MINORITY AFFAIRS, OFFICE OF THE SECRETARY OF STATE, TO PROVIDE THAT THE STATE COMMISSION IS AN ADVISORY BOARD TO THE DIVISION FOR MINORITY AFFAIRS, AND TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR" AS USED IN THE SOUTH CAROLINA CONSUMER PROTECTION CODE-ADMINISTRATION, SO AS TO PROVIDE THAT THE ADMINISTRATOR OF THE CONSUMER PROTECTION CODE MUST BE EMPLOYED BY, AND UNDER THE ADMINISTRATION AND SUPERVISION OF, THE SECRETARY OF STATE RATHER THAN BY THE COMMISSION ON CONSUMER AFFAIRS; TO AMEND SECTIONS 37-6-104, 37-6-117, 37-6-203, AS AMENDED, 37-6-403, AND 37-6-405, ALL RELATING TO CERTAIN DUTIES OF THE ADMINISTRATOR, SO AS TO PROVIDE THAT WHEN THE ADMINISTRATOR PERFORMS THESE DUTIES, IT MUST BE WITH THE APPROVAL OF THE SECRETARY OF STATE; TO AMEND PART 5, CHAPTER 6, TITLE 37, RELATING TO THE DEPARTMENT OF CONSUMER AFFAIRS, SO AS TO RECONSTITUTE THE DEPARTMENT AS A DIVISION UNDER THE ADMINISTRATION OF THE OFFICE OF THE SECRETARY OF STATE AS THE DIVISION OF CONSUMER AFFAIRS, THEREBY DEVOLVING THE POWERS AND DUTIES OF THE DEPARTMENT UPON THE DIVISION OF CONSUMER AFFAIRS, OFFICE OF THE SECRETARY OF STATE, AND TO PROVIDE THAT THE COMMISSION ON HUMAN AFFAIRS IS AN ADVISORY BOARD TO THE DIVISION OF CONSUMER AFFAIRS, AND TO CONFORM THIS PART TO THE PROVISIONS OF THIS ACT; AND TO AMEND SECTIONS 37-6-601, 37-6-602, 37-6-603, AND 37-6-604, ALL AS AMENDED, ALL RELATING TO THE CREATION OF THE DIVISION OF CONSUMER ADVOCACY IN THE DEPARTMENT OF CONSUMER AFFAIRS, SO AS TO RECONSTITUTE THE DIVISION OF CONSUMER ADVOCACY AS THE OFFICE OF CONSUMER ADVOCACY WITHIN THE DIVISION OF CONSUMER AFFAIRS, THEREBY DEVOLVING THE POWERS AND DUTIES OF THE DIVISION OF CONSUMER ADVOCACY UPON THE OFFICE OF CONSUMER ADVOCACY, DIVISION OF CONSUMER AFFAIRS, OFFICE OF THE SECRETARY OF STATE AND TO CONFORM THESE SECTIONS WITH THE PROVISIONS OF THIS ACT.

Referred to Committee on Judiciary

H. 3535 -- Reps. Hart and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-1-70 SO AS TO PROVIDE A MANDATORY MINIMUM GRACE PERIOD OF TWENTY DAYS FOR A MORTGAGE PAYMENT, TO DEFINE THE TERM GRACE PERIOD, AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A SIMPLE INTEREST OR OTHER MORTGAGE IN WHICH INTEREST ACCRUES DAILY.

Referred to Committee on Labor, Commerce and Industry

H. 3536 -- Reps. Hart and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-1-60 SO AS TO PROVIDE NOTWITHSTANDING ANOTHER PROVISION OF LAW OR CONTRACT, WHEN A MORTGAGEE MAKES A PAYMENT ON A LOAN SECURED BY A MORTGAGE, THE MORTGAGOR SHALL APPLY AT LEAST THIRTY PERCENT OF THE PAYMENT RECEIVED TOWARD THE PRINCIPAL BALANCE OF THE LOAN SECURED BY THE MORTGAGE, AND TO PROVIDE A PENALTY.

Referred to Committee on Labor, Commerce and Industry

H. 3537 -- Rep. Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-263 SO AS TO REQUIRE A NURSING HOME TO CARRY A MINIMUM OF A ONE HUNDRED THOUSAND DOLLARS LIABILITY INSURANCE POLICY.

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

H. 3538 -- Rep. Hart: A JOINT RESOLUTION TO PROVIDE FOR A SIX-MONTH MORATORIUM ON THE FORECLOSURE OF, AND ON THE ACCRUAL OF INTEREST ON, CERTAIN MORTGAGES SECURED BY RESIDENTIAL REAL ESTATE LOCATED IN SOUTH CAROLINA.

Referred to Committee on Judiciary

H. 3539 -- Rep. Hart: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 6, ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO PROPERTY TAX AND THE METHOD OF VALUATION OF REAL PROPERTY AND THE LIMITS ON INCREASES IN THE VALUE OF REAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO REQUIRE THE GENERAL ASSEMBLY TO PROVIDE BY LAW A DEFINITION OF "FAIR MARKET VALUE" FOR REAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX, TO ELIMINATE THE FIFTEEN PERCENT LIMIT ON INCREASES IN THE VALUE OF REAL PROPERTY OVER FIVE YEARS AND TO ELIMINATE AN ASSESSABLE TRANSFER OF INTEREST AS AN EVENT WHICH MAY CHANGE THE VALUE OF THE REAL PROPERTY.

Referred to Committee on Ways and Means

H. 3540 -- Rep. Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3760 SO AS TO ALLOW A STATE TAX CREDIT FOR EMPLOYERS HIRING AN UNEMPLOYED INDIVIDUAL RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS, TO PROVIDE THE AMOUNT OF THE CREDIT, THOSE TAXES AGAINST WHICH THE CREDIT IS ALLOWED, AND THE ELIGIBILITY REQUIREMENTS FOR CREDITABLE EMPLOYEES, TO PROVIDE FOR THE ADMINISTRATION OF THE CREDIT, AND TO PROVIDE THAT THE CREDIT IS ALLOWED FOR ELIGIBLE INDIVIDUALS HIRED AFTER JUNE 30, 2011, AND BEFORE JULY 1, 2012, AND EXTENDS FOR FIFTY MONTHS FOR EACH CREDITABLE EMPLOYEE.

Referred to Committee on Ways and Means

H. 3541 -- Rep. Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-15-150 SO AS TO PROVIDE THAT A MANUFACTURER OF A NEW MOTOR VEHICLE THAT IS SOLD OR LEASED IN THIS STATE WHICH IS EQUIPPED WITH AN EVENT DATA RECORDER OR A SENSING AND DIAGNOSTIC MODULE SHALL DISCLOSE THIS INFORMATION IN THE MOTOR VEHICLE'S OWNER'S MANUAL AND ON ITS WINDOW STICKER, TO PROVIDE THAT A COMPANY THAT RENTS A MOTOR VEHICLE THAT IS EQUIPPED WITH THIS DEVICE MUST DISCLOSE ITS EXISTENCE IN THE COMPANY'S RENTAL AGREEMENT, TO PROVIDE A DEFINITION FOR THE TERM "RECORDING DEVICE", TO RESTRICT THE USE OF CERTAIN DATA OBTAINED BY A RECORDING DEVICE, AND TO PROVIDE THAT IF A VEHICLE IS EQUIPPED WITH A RECORDING DEVICE THAT IS CAPABLE OF RECORDING OR TRANSMITTING CERTAIN INFORMATION AND THAT CAPABILITY IS PART OF A SUBSCRIPTION SERVICE, THE FACT THAT THE INFORMATION MAY BE RECORDED OR TRANSMITTED MUST BE DISCLOSED IN THE SUBSCRIPTION SERVICE AGREEMENT.

Referred to Committee on Labor, Commerce and Industry

H. 3542 -- Rep. Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-55 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE A MOTOR VEHICLE WHILE USING A CELLULAR TELEPHONE, PAGER, PERSONAL DIGITAL ASSISTANT DEVICE, OR ANOTHER WIRELESS COMMUNICATIONS DEVICE THAT IS NOT EQUIPPED WITH A HANDS-FREE MECHANISM, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION.

Referred to Committee on Judiciary

H. 3543 -- Rep. Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-15-175 SO AS TO PROVIDE THAT A JUDGE MAY NOT ISSUE A BENCH WARRANT FOR FAILURE TO APPEAR UNLESS THE SOLICITOR FILES AN AFFIDAVIT WITH THE COURT TO CONFIRM THAT WRITTEN NOTICE OF HIS INTENT TO SEEK A BENCH WARRANT FOR FAILURE TO APPEAR HAS BEEN GIVEN TO THE DEFENDANT, HIS ATTORNEY, AND THE BOND SURETY COMPANY AND TO REQUIRE THE COURT TO HOLD A RULE TO SHOW CAUSE HEARING BEFORE ISSUING THE BENCH WARRANT.

Referred to Committee on Judiciary

H. 3544 -- Rep. Hart: A BILL TO AMEND SECTION 17-15-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FORFEITURE OF BOND AND RECOGNIZANCE PROCEEDINGS, SO AS TO PROVIDE THAT THE STATE IS ENTITLED TO ESTREAT THE BOND OR RECOGNIZANCE ONE HUNDRED EIGHTY DAYS AFTER THE PERSON'S FAILURE TO APPEAR IN COURT AS REQUIRED BY LAW.

Referred to Committee on Judiciary

H. 3545 -- Rep. Hart: A BILL TO AMEND SECTION 61-4-580, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITED ACTS REGARDING THE SALE OF BEER AND WINE, SO AS TO PROHIBIT THE PLACEMENT OF PORTABLE CONTAINERS OR COOLERS CONTAINING BEER OR WINE NEAR DOORS USED FOR INGRESS OR EGRESS FROM A LICENSED ESTABLISHMENT.

Referred to Committee on Judiciary

H. 3546 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT"; TO AMEND SECTION 7-15-400, RELATING TO APPLICATIONS AND ISSUANCE OF WRITE-IN ABSENTEE BALLOTS, SO AS TO ALLOW A VOTER TO MAKE A STATEMENT ON A FEDERAL WRITE-IN ABSENTEE BALLOT THAT HE IS UNABLE TO VOTE BY REGULAR ABSENTEE BALLOT OR IN PERSON DUE TO THE REQUIREMENTS OF MILITARY SERVICE, LIVING IN AN ISOLATED AREA, OR AN EXTREMELY REMOTE AREA OF THE WORLD, AND TO ADD THAT A QUALIFIED ABSENTEE ELECTOR MAY ALTERNATIVELY SUBMIT A FEDERAL WRITE-IN ABSENTEE BALLOT FOR ANY FEDERAL, STATE, OR LOCAL OFFICE OR BALLOT INITIATIVE; TO AMEND SECTION 7-15-405, RELATING TO VOTER ELIGIBILITY AND ABSENTEE INSTANT RUNOFF BALLOTS, SO AS TO SUBSTITUTE THE WORD, "SENT" FOR "MAILED"; BY ADDING SECTION 7-15-406 SO AS TO REQUIRE ALL ABSENTEE BALLOTS MUST BE MAILED TO THE ELECTOR AT LEAST FORTY-FIVE DAYS PRIOR TO AN ELECTION; TO AMEND SECTION 7-15-460, AS AMENDED, RELATING TO ABSENTEE BALLOTS AS PROVIDED BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO MAKE THE PROVISIONS APPLICABLE TO FEDERAL, STATE, AND LOCAL OFFICES, AND TO REQUIRE THAT AN ELECTRONIC FREE ACCESS BALLOT TRACKING SYSTEM IS AVAILABLE TO ELECTORS; TO AMEND SECTION 7-15-220, RELATING TO THE SIGNING AND WITNESSING OF THE OATH BY THE ABSENTEE BALLOT APPLICANT, SO AS TO PROVIDE AN EXCEPTION FOR WITNESS REQUIREMENTS FOR VOTERS QUALIFIED UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT; AND TO AMEND SECTION 7-15-380, AS AMENDED, RELATING TO THE OATH OF ABSENTEE BALLOT APPLICANTS, SO AS TO EXEMPT QUALIFIED UNIFORMED AND OVERSEAS ABSENTEE VOTERS.

Referred to Committee on Judiciary

H. 3547 -- Reps. Simrill, Ballentine, Norman, Owens and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13-1-1095 SO AS TO PROVIDE THAT THE SOUTH CAROLINA AERONAUTICS COMMISSION SHALL POST ITS FLIGHT LOGS ON ITS WEBSITE IN REAL TIME.

Referred to Committee on Ways and Means

H. 3548 -- Rep. Hart: A BILL TO AMEND SECTION 6-1-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMIT ON ANNUAL PROPERTY TAX MILLAGE INCREASES IMPOSED BY POLITICAL SUBDIVISIONS, SO AS TO RESTORE THE FORMER METHOD OF OVERRIDING THE ANNUAL CAP BY A POSITIVE MAJORITY OF THE APPROPRIATE GOVERNING BODY AND DELETING THE SUPER MAJORITY REQUIREMENT FOR OVERRIDING THE CAP FOR SPECIFIC CIRCUMSTANCES; TO AMEND SECTION 11-11-150, AS AMENDED, RELATING TO THE TRUST FUND FOR TAX RELIEF, SO AS TO RESTORE FUNDING FOR THE RESIDENTIAL PROPERTY TAX EXEMPTION AND FULL FUNDING FOR THE SCHOOL OPERATING MILLAGE PORTION OF THE REIMBURSEMENT PAID LOCAL GOVERNMENTS FOR THE HOMESTEAD PROPERTY TAX EXEMPTION FOR THE ELDERLY OR DISABLED; TO AMEND SECTION 12-37-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO DELETE THE EXEMPTION REIMBURSED FROM THE HOMESTEAD EXEMPTION FUND FROM ALL SCHOOL OPERATING MILLAGE ALLOWED ALL OWNER-OCCUPIED RESIDENTIAL PROPERTY; TO AMEND SECTION 12-37-251, AS AMENDED, RELATING TO THE CALCULATION OF "ROLLBACK TAX MILLAGE" APPLICABLE FOR REASSESSMENT YEARS, SO AS TO RESTORE THE FORMER EXEMPTION ALLOWED FROM A PORTION OF SCHOOL OPERATING MILLAGE FOR ALL OWNER-OCCUPIED RESIDENTIAL PROPERTY; TO AMEND SECTION 12-37-270, AS AMENDED, AND ACT 388 OF 2006, RELATING TO THE REIMBURSEMENTS PAID LOCAL GOVERNMENTS FOR PROPERTY TAX NOT COLLECTED AS A RESULT OF THE HOMESTEAD EXEMPTION FOR THE ELDERLY OR DISABLED AND, AMONG OTHER THINGS, THE APPLICATION OF PROPERTY TAX CREDITS IN COUNTIES WHERE THE USE OF LOCAL OPTION SALES TAX REVENUES GIVE RISE TO A CREDIT AGAINST SCHOOL OPERATING PROPERTY TAX MILLAGE, SO AS TO MAKE CONFORMING AMENDMENTS; TO REPEAL ARTICLE 7 OF CHAPTER 10, TITLE 4 RELATING TO THE LOCAL OPTION SALES AND USE TAX FOR LOCAL PROPERTY TAX CREDITS; TO REPEAL SECTIONS 11-11-155 AND 11-11-156 RELATING TO THE HOMESTEAD EXEMPTION TRUST FUND; TO REPEAL ARTICLE 11 OF CHAPTER 36, TITLE 12 RELATING TO THE STATEWIDE ADDITIONAL ONE PERCENT SALES AND USE TAX THE REVENUES OF WHICH REIMBURSE SCHOOL DISTRICTS FOR THE HOMESTEAD EXEMPTION FROM ALL PROPERTY TAX MILLAGE IMPOSED FOR SCHOOL OPERATIONS; TO AMEND SECTIONS 12-37-3130, 12-37-3140, AND 12-37-3150, ALL AS AMENDED, RELATING TO DEFINITIONS, VALUATION, AND ASSESSABLE TRANSFERS OF INTEREST, FOR PURPOSES OF THE "SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT", SO AS TO ELIMINATE THE "POINT OF SALE" VALUATION OF REAL PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX AND RETURN TO THE FORMER VALUATION SYSTEM IN WHICH REAL PROPERTY AND IMPROVEMENTS TO REAL PROPERTY ARE APPRAISED BY THE ASSESSOR AND PERIODICALLY ADJUSTED IN COUNTYWIDE REAPPRAISALS, TO PROVIDE THAT WHEN THE FIFTEEN PERCENT CAP OVER FIVE YEARS ON INCREASES IN FAIR MARKET VALUE OF REAL PROPERTY RESULTS IN A VALUE THAT IS LOWER THAN THE FAIR MARKET VALUE OF THE PROPERTY AS DETERMINED BY THE ASSESSOR THAT THE LOWER VALUE BECOMES THE PROPERTY TAX VALUE OF THE REAL PROPERTY AND IS DEEMED ITS FAIR MARKET VALUE FOR PURPOSES OF IMPOSITION OF PROPERTY TAX, TO PROVIDE THAT AN ASSESSABLE TRANSFER OF INTEREST IS A TRANSFER OF OWNERSHIP OR OTHER INSTANCE CAUSING A "STEPUP" IN THE PROPERTY TAX VALUE OF REAL PROPERTY TO ITS FAIR MARKET VALUE AS DETERMINED BY THE ASSESSOR, TO REQUIRE THE CAP ON INCREASES IN VALUE TO BE APPLIED SEPARATELY TO REAL PROPERTY AND THE IMPROVEMENTS THEREON, AND TO PROVIDE WHEN THE STEPUP VALUE FIRST APPLIES; TO AMEND SECTION 12-60-30, AS AMENDED, RELATING TO THE DEFINITION OF "PROPERTY TAX ASSESSMENT" FOR PURPOSES OF THE SOUTH CAROLINA REVENUE PROCEDURES ACT, SO AS TO REQUIRE THE NOTICES TO INCLUDE PROPERTY TAX VALUE AND PROVIDE THAT THE APPLICABLE ASSESSMENT RATIO APPLIES TO THE LOWER OF FAIR MARKET VALUE, PROPERTY TAX VALUE, OR SPECIAL USE VALUE; TO AMEND SECTION 12-60-2510, AS AMENDED, RELATING TO THE FORM OF ASSESSMENT NOTICES ISSUED BY THE COUNTY ASSESSOR, SO AS TO PROVIDE THAT THESE NOTICES MUST CONTAIN THE PROPERTY TAX VALUE OF REAL PROPERTY AND IMPROVEMENTS IN ADDITION TO FAIR MARKET VALUE AND SPECIAL USE VALUE; TO REPEAL ARTICLE 25, CHAPTER 37, TITLE 12 RELATING TO THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS AND SECTIONS 12-60-30 AND 12-60-2510, BOTH AS AMENDED, RELATING TO TAX PROCEDURES, ALL SO AS TO MAKE CONFORMING AMENDMENTS, AND MAKE THESE REPEALS AND AMENDMENTS CONTINGENT UPON RATIFICATION OF AN AMENDMENT TO SECTION 6, ARTICLE X OF THE CONSTITUTION OF THIS STATE ELIMINATING THE FIFTEEN PERCENT CAP OVER FIVE YEARS IN INCREASES IN THE VALUE OF REAL PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX AND ELIMINATING AN ASSESSABLE TRANSFER OF INTEREST AS AN EVENT THAT MAY RESULT IN A CHANGE IN THE VALUE OF REAL PROPERTY FOR PURPOSES OF THE IMPOSITION OF THE PROPERTY TAX.

Referred to Committee on Ways and Means

H. 3549 -- Rep. Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "PERSONAL PROPERTY RECOVERY ACT" BY ADDING CHAPTER 14 TO TITLE 37 TO ESTABLISH THE LICENSURE AND REGULATION OF RECOVERY AGENCIES AND RECOVERY AGENTS BY THE DEPARTMENT OF CONSUMER AFFAIRS BY, AMONG OTHER THINGS, PROVIDING LICENSURE REQUIREMENTS, INCLUDING FEES, SURETY BONDS, AND RECORD KEEPING REQUIREMENTS, GROUNDS FOR DENIAL, REVOCATION, OR SUSPENSION OF A LICENSE, LICENSE RENEWAL PROCEDURES AND REQUIREMENTS, INCLUDING CONTINUING EDUCATION, PERSONAL PROPERTY RECOVERY PROCEDURES, AND CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS.

Referred to Committee on Judiciary

H. 3550 -- Rep. Harrison: A BILL TO AMEND SECTION 44-61-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF CERTAIN PATIENT AND EMERGENCY MEDICAL TECHNICIAN INFORMATION, SO AS TO INCLUDE IN THE EXCEPTION FOR INVESTIGATION OR PROSECUTION OF CRIMINAL ACTIVITY THAT INFORMATION MAY BE RELEASED TO SHERIFFS AND CHIEFS OF POLICE.

Referred to Committee on Judiciary

H. 3551 -- Rep. Harrison: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUMES 4A AND 14 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2011.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 3552 -- Reps. King, J. H. Neal, Brantley, Butler Garrick, Cobb-Hunter, Govan, Sellers, McEachern, Sabb, Anderson, Gilliard, Howard, Jefferson, Whipper, H. B. Brown, Clyburn, Dillard, Hart, Mack, Parks and Rutherford: A HOUSE RESOLUTION TO COMMEMORATE THE FIFTIETH ANNIVERSARY OF THE CIVIL-RIGHTS SIT-IN AT MCCRORY'S IN ROCK HILL THAT TOOK PLACE ON JANUARY 31, 1961, AND TO HONOR THE "FRIENDSHIP NINE", WHO CHOSE IMPRISONMENT OVER A FINE AS THE PRICE OF PROTEST AT THAT EVENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3553 -- Reps. Pinson, Parks and Pitts: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE WORK OF ROGER STEVENSON, M.D., UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-SEVEN YEARS AS DIRECTOR OF THE GREENWOOD GENETIC CENTER.

The Resolution was adopted.

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Dillard | Edge |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| King | Knight | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Patrick |
| Pinson | Pope | Rutherford |
| Ryan | Sabb | Sellers |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Umphlett | Weeks |
| Whipper | White | Whitmire |
| Young |  |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, February 2.

|  |  |
| --- | --- |
| Paul Agnew | Nathan Ballentine |
| Boyd Brown | H. B. "Chip" Limehouse |
| Wendy Nanney | Joseph Neal |
| Denny Neilson | Anne Parks |
| W. E. "Bill" Sandifer | Gary Simrill |
| Ted Vick | Robert Williams |
| David Tribble, Jr. | Harold Mitchell |
| Thad Viers | Terry Alexander |
| Greg Delleney | Richard “Rick” Quinn |
| Mark Willis | Chris Hart |
| Leon Howard |  |

**Total Present--121**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ERICKSON a leave of absence due to a death in the family.

**STATEMENT OF ATTENDANCE**

Rep. LIMEHOUSE and VIERS signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, February 1.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Gary Culbertson of Sumter was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Reps. HUGGINS, BALLENTINE and MCLEOD presented to the House the Chapin High School Competitive Cheer Team, the 2010 Class AAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Reps. CLYBURN, YOUNG and TAYLOR presented to the House the Aiken High School Lady Hornets Varsity Volleyball Team, the 2010 Class AAAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3002 |
| Date: | ADD: |
| 02/02/11 | BINGHAM and COBB-HUNTER | |
|  |  | |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3057 |
| Date: | ADD: |
| 02/02/11 | HENDERSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3074 |
| Date: | ADD: |
| 02/02/11 | CLEMMONS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3095 |
| Date: | ADD: |
| 02/02/11 | GOVAN and BALES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3196 |
| Date: | ADD: |
| 02/02/11 | BUTLER GARRICK |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3228 |
| Date: | ADD: |
| 02/02/11 | CLEMMONS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3292 |
| Date: | ADD: |
| 02/02/11 | QUINN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3301 |
| Date: | ADD: |
| 02/02/11 | BOWERS, BALES, ANDERSON and PINSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3332 |
| Date: | ADD: |
| 02/02/11 | BOWERS, BALES, ANDERSON and PINSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3344 |
| Date: | ADD: |
| 02/02/11 | BOWERS, BALES, ANDERSON and PINSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3349 |
| Date: | ADD: |
| 02/02/11 | ALLEN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3368 |
| Date: | ADD: |
| 02/02/11 | TAYLOR |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3372 |
| Date: | ADD: |
| 02/02/11 | HODGES |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3373 |
| Date: | ADD: |
| 02/02/11 | BOWERS, BALES, ANDERSON and PINSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3375 |
| Date: | ADD: |
| 02/02/11 | QUINN and HEARN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3392 |
| Date: | ADD: |
| 02/02/11 | ALLEN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3467 |
| Date: | ADD: |
| 02/02/11 | SELLERS, VICK and ALLEN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3506 |
| Date: | ADD: |
| 02/02/11 | ALLISON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3508 |
| Date: | ADD: |
| 02/02/11 | COOPER and MACK |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3509 |
| Date: | REMOVE: |
| 02/02/11 | HIOTT and PINSON |

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SENT TO THE SENATE**

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

H. 3471 -- Reps. Pope and D. C. Moss: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 11, 12, AND 13, 2011, BY THE STUDENTS OF YORK COUNTY SCHOOL DISTRICT TWO WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3475 -- Reps. Pinson, Parks and Pitts: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011, BY THE STUDENTS OF GREENWOOD COUNTY SCHOOL DISTRICTS FIFTY AND FIFTY-TWO WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3476 -- Reps. Pinson, Parks and Pitts: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF GREENWOOD COUNTY SCHOOL DISTRICT FIFTY-ONE WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3494 -- Reps. Willis, Pitts and Tribble: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF LAURENS COUNTY SCHOOL DISTRICT FIFTY-FIVE WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61-6-1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNER'S ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

H. 3351 -- Reps. Cobb-Hunter, Weeks and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-75 SO AS TO DECLARE JANUARY SEVENTEENTH OF EACH YEAR AS "EARTHA KITT DAY" IN SOUTH CAROLINA IN HONOR OF THE LATE EARTHA MAE KITT, NATIONALLY AND INTERNATIONALLY KNOWN ACTRESS, SINGER, AND NATIVE SOUTH CAROLINIAN.

H. 3122 -- Rep. J. M. Neal: A BILL TO AMEND SECTION 56-3-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF SPECIAL PERMITS TO MOVE VEHICLES DURING AN EMERGENCY, SO AS TO DELETE THE TERM "MOVE" AND REPLACE IT WITH THE TERM "OPERATE", TO DELETE THE PROVISION THAT RESTRICTS THE ISSUANCE OF THE PERMITS TO EMERGENCY SITUATIONS, TO REMOVE THE RESTRICTION PLACED ON THE NUMBER OF PERMITS THAT MAY BE ISSUED FOR A VEHICLE, AND TO REVISE THE INFORMATION THAT MUST BE SPECIFIED ON THE PERMIT.

H. 3185 -- Reps. Harrell, Cooper, Owens, Harrison, Hardwick, Sandifer, Bingham, Atwater, Bowen, Daning, Hamilton, Hiott, Parker, Bannister, J. R. Smith, Tallon, Limehouse, Brady, Willis, Taylor, Young, Spires, Thayer, Long, Pitts, D. C. Moss, Patrick, Edge, Hixon, Norman, Chumley, Huggins, Frye, Pope, Brannon, Umphlett, Delleney, Allison, Bedingfield, Loftis, Crosby, McCoy, Horne, Clemmons, Skelton, Quinn, White, G. R. Smith, Toole, Ballentine, G. M. Smith, Barfield, Sottile, Erickson, Hearn, Murphy, Pinson, Ryan, Stringer, Lucas, Bikas, Gambrell, Corbin, Simrill, Forrester, Henderson, Viers, Weeks, Whitmire, Vick, McLeod, McEachern and Knight: A BILL TO ENACT THE "SOUTH CAROLINA HIGHER EDUCATION TRANSPARENCY ACT OF 2011" INCLUDING THE PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-355 SO AS TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, TO PROVIDE EXCEPTIONS AND OTHER REQUIREMENTS FOR IMPLEMENTATION, TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO ITS OFFICERS AND EMPLOYEES FOR OFFICIAL USE, AND TO PROVIDE THAT IF THE COMPTROLLER GENERAL'S OFFICE POSTS THE SAME CREDIT CARD INFORMATION ON ITS WEBSITE, THE INSTITUTION MAY PROVIDE INFORMATION ON HOW TO ACCESS ITS CREDIT CARD INFORMATION ON THE COMPTROLLER GENERAL'S WEBSITE IN LIEU OF COMPLYING WITH THE ABOVE REQUIREMENTS.

H. 3112 -- Reps. Allison, G. R. Smith and Weeks: A BILL TO AMEND SECTION 56-3-1960, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND USE OF TEMPORARY AND PERMANENT PARKING PLACARDS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ISSUE A SLEEVE WITH A PLACARD TO ALLOW THE HOLDER TO COVER THE PHOTOGRAPH ON THE PLACARD FROM PUBLIC VIEW, AND TO PROVIDE THAT THE PHOTOGRAPH MUST BE SHOWN WHEN IT IS REQUESTED BY A LAW ENFORCEMENT AGENCY OR ITS AGENTS.

**ORDERED TO THIRD READING**

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

H. 3479 -- Rep. H. B. Brown: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF FAIRFIELD COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

**H. 3348--COMMITTED**

The following Joint Resolution was taken up:

H. 3348 -- Reps. Lucas, J. M. Neal, Long, Delleney and McLeod: A JOINT RESOLUTION TO PROHIBIT THE RECEIPT, STORAGE, CONSOLIDATION, TREATMENT, PROCESSING, AND DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE, HAZARDOUS WASTE, INFECTIOUS WASTE, AND SOLID WASTE BY THE STATE OR ANY SUBDIVISION OF THE STATE BEGINNING JULY 1, 2011, AND TO PROVIDE EXCEPTIONS IF THE STATE OR ONE OF ITS POLITICAL SUBDIVISIONS HAS A RECIPROCAL AGREEMENT WITH ANOTHER STATE OR AN OUT-OF-STATE REGION OR ENTITY OR IF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IS A MEMBER OF A COMPACT THAT AUTHORIZES THE RECEIPT, STORAGE, CONSOLIDATION, TREATMENT, PROCESSING, OR DISPOSAL OF ANY SUCH WASTE.

Rep. HARDWICK moved to commit the Joint Resolution to the Committee on Agriculture, Natural Resources and Environmental Affairs, which was agreed to.

**H. 3074--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3074 -- Reps. Barfield, Toole, Viers, Owens, Bikas and Clemmons: A JOINT RESOLUTION TO REQUEST APPROPRIATE ACTION BY THE CONGRESS OF THE UNITED STATES, ON ITS OWN ACTION BY CONSENT OF TWO-THIRDS OF BOTH HOUSES OR ON THE APPLICATION OF THE LEGISLATURES OF TWO-THIRDS OF THE SEVERAL STATES, TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO REQUIRE THAT THE TOTAL OF ALL FEDERAL APPROPRIATIONS MAY NOT EXCEED THE TOTAL OF ALL ESTIMATED FEDERAL REVENUES IN ANY FISCAL YEAR, WITH CERTAIN EXCEPTIONS.

Rep. BARFIELD explained the Joint Resolution.

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

Yeas 71; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bikas | Bingham |
| Bowen | Brady | Branham |
| Brannon | G. A. Brown | H. B. Brown |
| Chumley | Clemmons | Cole |
| Cooper | Crawford | Crosby |
| Daning | Edge | Forrester |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrison | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| D. C. Moss | V. S. Moss | Murphy |
| J. M. Neal | Norman | Owens |
| Parker | Pinson | Pitts |
| Pope | Ryan | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | White |
| Whitmire | Young |  |

**Total--71**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bowers | Brantley |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Gilliard | Govan |
| Hodges | Hosey | Jefferson |
| King | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| Sabb | Weeks |  |

**Total--20**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3074. If I had been present, I would have voted in favor of the Joint Resolution.

Rep. Andy Patrick

**H. 3410--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Bill until Tuesday, February 8, which was adopted:

H. 3410 -- Reps. Owens, Cooper, Harrell, Branham, Limehouse, Atwater, Bikas, Govan, Loftis, Skelton, Taylor, Young, Williams, Daning, Quinn, Brannon, J. M. Neal, Bowen, Patrick, Norman, Whitmire, Willis, Thayer, Erickson, Weeks, Munnerlyn and McEachern: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011"; TO AMEND SECTIONS 2-47-30, 2-47-35, 2-47-40, AND 2-47-50, AS AMENDED, RELATING THE JOINT BOND REVIEW COMMITTEE, SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY STATE AGENCIES AND FOR THE APPROVAL OF THESE PROJECTS; BY ADDING SECTION 2-47-53 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS, TO ALLOW THE COMMITTEE TO REQUEST ASSISTANCE WITH THE REVIEW OF PROJECTS, AND TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS; BY ADDING SECTION 2-47-54 SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO GROUND LEASE AGREEMENTS WITH A PRIVATE ENTITY AND TO PROVIDE REQUIREMENTS FOR THOSE AGREEMENTS; BY ADDING SECTION 59-53-168 SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH A TIERED SYSTEM FOR CATEGORIZING TECHNICAL COLLEGES WITH RESPECT TO FINANCIAL STRENGTH AND OTHER FACTORS BY WHICH TECHNICAL COLLEGES MAY APPLY FOR CERTAIN EFFICIENCY POLICIES GRANTED BY THE BOARD AND TO REQUIRE THE BOARD TO ESTABLISH AN ADVISORY BOARD AND REPORT TO THE GENERAL ASSEMBLY; TO AMEND SECTIONS 59-53-290, 59-53-630, 59-53-740, 59-53-1784, AND 59-53-2430, ALL RELATING TO LEASE AGREEMENTS OF TECHNICAL COLLEGES, SO AS TO PROVIDE FOR THE FAVORABLE REVIEW OF THE AGREEMENT BY THE JOINT BOND REVIEW COMMITTEE AND ITS APPROVAL BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 1-11-65, RELATING TO APPROVAL OF REAL PROPERTY TRANSACTIONS BY THE STATE BUDGET AND CONTROL BOARD AND ACCEPTANCE OF THE TRANSFER OF TANGIBLE PERSONAL PROPERTY BY A STATE ENTITY, SO AS TO EXEMPT CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY THESE INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTIONS 59-147-42 AND 59-147-43 AND TO AMEND SECTION 59-147-30, AS AMENDED, RELATING TO THE PROCEDURES FOR THE ISSUANCE OF REVENUE BONDS UNDER THE HIGHER EDUCATION REVENUE BOND ACT, ALL SO AS TO REVISE THESE PROCEDURES AND THE PURPOSES FOR WHICH THE BONDS MAY BE USED; BY ADDING ARTICLE 7 TO CHAPTER 101, TITLE 59 SO AS TO PROVIDE FOR CERTAIN PROVISIONS APPLICABLE TO BOND ACTS FOR INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 11-35-1210, AS AMENDED, RELATING TO CERTIFICATION OF THE BUDGET AND CONTROL BOARD TO ALLOW GOVERNMENTAL BODIES TO MAKE DIRECT PROCUREMENTS, SO AS TO PROVIDE FOR APPROVAL OF PROCUREMENT AUTHORITY BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 11-35-1550, AS AMENDED, RELATING TO SMALL PURCHASES UNDER THE CONSOLIDATED PROCUREMENT CODE AND BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED SMALL PURCHASES BY PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TO AUTHORIZE THESE INSTITUTIONS TO USE PURCHASING CARDS FOR THESE PURCHASES IN THE AMOUNT AUTHORIZED; TO AMEND SECTION 11-35-3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION, ARCHITECTURAL-ENGINEERING AND LAND SURVEYING SERVICES, SO AS TO RAISE THE PERMITTED AMOUNTS OF THESE CONTRACTS; TO AMEND SECTION 11-35-4810, AS AMENDED, RELATING TO COOPERATIVE PURCHASES OF PUBLIC ENTITIES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO ESTABLISH CERTAIN EXCEPTIONS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING IN REGARD TO NOTICE AND ELIGIBLE VENDORS; TO AMEND SECTION 1-7-170, RELATING TO THE REQUIRED APPROVAL OF THE ATTORNEY GENERAL BEFORE AN AGENCY OR DEPARTMENT OF THIS STATE MAY ENGAGE AN ATTORNEY AT LAW ON A FEE BASIS AND EXCEPTIONS TO THIS REQUIREMENT, SO AS TO ESTABLISH A SPECIAL APPROVAL PROCEDURE FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-101-55 SO AS TO PROVIDE THAT STATE APPROPRIATED FUNDS MAY NOT BE USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO STUDENTS ATTENDING STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59-101-620, RELATING TO LIMITATIONS ON EDUCATIONAL FEE WAIVERS OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO REVISE THESE LIMITATIONS FOR CERTAIN INSTITUTIONS AND TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS TO THE COMMISSION ON HIGHER EDUCATION IN REGARD TO THESE WAIVERS; BY ADDING SECTION 59-112-115 SO AS TO PROVIDE THAT WHEN THE GOVERNING BOARD OF A FOUR-YEAR AND GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE ONLY MAY BE IMPLEMENTED BY THE INSTITUTION AFTER A PUBLICALLY RECORDED ROLL CALL VOTE, AND A MAJORITY VOTE SHALL BE REQUIRED TO IMPLEMENT ANY CHANGE TO THE TUITION OR FEES, AND TO PROVIDE REPORTING REQUIREMENTS; AND TO AMEND SECTION 1-11-55, RELATING TO LEASING OF REAL PROPERTY FOR GOVERNMENTAL BODIES, SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO LEASE AGREEMENTS UP TO ONE HUNDRED THOUSAND DOLLARS ANNUALLY UPON APPROVAL BY THE INSTITUTIONAL BOARDS.

**H. 3441--DEBATE ADJOURNED**

Rep. HUGGINS moved to adjourn debate upon the following Bill until Thursday, February 3, which was adopted:

H. 3441 -- Reps. Huggins, Bingham, Ballentine, McLeod and Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-845 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 126 IN RICHLAND COUNTY AND INTERSTATE HIGHWAYS 20 AND 26 IN BOTH LEXINGTON AND RICHLAND COUNTIES.

**SPEAKER IN CHAIR**

**H. 3286--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3286 -- Rep. Bingham: A BILL TO AMEND SECTION 41-35-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN FEDERALLY FUNDED, SO AS TO CHANGE THE METHOD FOR CALCULATING CERTAIN FUNDING INDICATORS BY BASING THE CALCULATION ON ONE OR MORE THREE-MONTH PERIODS ENDING THE PRECEDING THREE CALENDAR YEARS.

Rep. BINGHAM explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crosby | Daning | Dillard |
| Edge | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pope | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Young |

**Total--105**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Bill 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. 52--RECOMMITTED**

The following Concurrent Resolution was taken up:

S. 52 -- Senators McConnell, Knotts and Nicholson: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 2, 2011, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2011; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2011; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2012, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2018; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT AT LARGE, SEAT 9, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016.

Rep. J. R. SMITH moved to recommit the Concurrent Resolution to the Committee on Invitations and Memorial Resolutions, which was agreed to.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. J. R. SMITH.

**LEAVE OF ABSENCE**

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

**H. 3095--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3095 -- Reps. Clemmons, Erickson, Stavrinakis, McCoy, Bowen, Sandifer, Whitmire, Hixon, J. R. Smith, Allison, Long, Toole, Weeks, Atwater, Hardwick, Agnew, Govan and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-1-70 SO AS TO PROVIDE CERTAIN DEFINITIONS RELATED TO TRANSFER FEE COVENANTS, TO STATE CERTAIN FINDINGS RELATED TO TRANSFER FEE COVENANTS, TO PROVIDE A TRANSFER FEE COVENANT RECORDED AFTER THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN TO THE EXTENT THAT IT PURPORTS TO SECURE THE PAYMENT OF A TRANSFER FEE, IS NOT BINDING ON OR ENFORCEABLE AGAINST THE AFFECTED REAL PROPERTY OR ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE OF ANY INTEREST IN THE PROPERTY, AND TO PROVIDE THE SECTION DOES NOT IMPLY THAT A TRANSFER FEE COVENANT RECORDED BEFORE THE EFFECTIVE DATE OF THIS SECTION IS VALID OR ENFORCEABLE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\AGM\18435AB11), which was adopted:

Amend the bill, as and if amended, Section 27‑1‑70(A), as contained in SECTION 1, page 3, line 3 by inserting:

/ (e) Any fee, charge, assessment, or other amount payable in connection with a ‘conservation easement’ as defined in Section 27‑8‑80 in the Conservation Easement Act, or a preservation easement as described in Sections 170 (h)(4)(B) and (C) of the Internal Revenue Code of 1986, as amended, whether the conservation easement or preservation easement is donated or purchased, or part donated and part purchased; whether paid contemporaneously with the recording of the conservation easement or the preservation easement or at some future date during its term and existence; and whether paid by the original grantor or any successor or assign in the legal chain of title to the real property subject to the conservation easement or preservation easement. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. CLEMMONS spoke in favor of the amendment.

Rep. NORMAN spoke in favor of the amendment.

Rep. SKELTON spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 110; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hixon |
| Hodges | Horne | Hosey |
| Howard | Jefferson | King |
| Knight | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Rutherford |
| Ryan | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Young |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

So, the amendment was adopted.

Rep. HAMILTON proposed the following Amendment No. 2 (COUNCIL\GGS\22902ZW11):

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

/ SECTION 1. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27-1-70. (A) A transfer fee covenant recorded on or after the date of the enactment of this act must be void and unenforceable unless, at the time the document containing the transfer fee covenant is submitted for recording, a notice described in subsection (b) is contemporaneously submitted for recording in the office of the applicable county recorder.

(B) Notice required under subsection (a) shall:

(1) be titled, in boldface type, ‘Payment of Transfer Fee Required’;

(2) include statements of;

(a) the name or names of the owner or owners of the affected property;

(b) the legal description of the affected property;

(c) the dollar amount or, if applicable, the percentage of sales price constituting the transfer fee required to be paid under the transfer fee covenant;

(d) the method and manner of payment of the transfer fee;

(e) in the case of affected property that is residential property, actual dollar‑cost examples of the amount of the transfer fee for property priced at two hundred fifty thousand dollars, five hundred thousand dollars and seven hundred fifty thousand dollars; and

(f) if applicable, the date on which, or circumstances under which, the transfer fee covenant expires.

(C) A transfer fee covenant that imposes a transfer fee of not more than one percent of the gross sales price for the affected property, effective for a term of not more than ninety-nine years, and which complies with the requirements under subsections (A) and (B) must be presumed to be valid.

(D) No property must be subject to more than one transfer fee covenant.

(E) For purposes of this section, the following definitions shall apply:

(1) The term ‘affected property’ means, with respect to a transfer fee covenant, the real property that is encumbered by the transfer fee covenant.

(2) The term ‘applicable county recorder’ means, with respect to affected property, the recorder of the county in which the affected property is located.

(3) The term ‘transfer fee’ means a fee, charge, or payment imposed by a covenant, restriction, or similar document filed in the applicable county recorder’s office and required to be paid in connection with or as a result of a transfer of title to affected property, but does not include fees, charges, payments, or other obligations that:

(a) are imposed by a court judgment, order, or decree;

(b) are imposed by or payable to the federal, state, or local government;

(c) arise out of a mechanic’s lien;

(d) arise from an option to purchase or for waiver of the right to purchase the affected property;

(e) are payable to a homeowners association, condominium association, or similar entity for the benefit of the owners; and

(f) are imposed by or payable to lenders or purchasers of loans.

(4) The term ‘transfer fee covenant’ means a covenant, restriction, or agreement filed wit the office of the applicable county recorder that:

(a) affects real property; and

(b) obligates a future buyer or seller of the affected real property, other than a person who is a party to the covenant, restriction, or agreement, to pay a transfer fee.” /

Renumber sections to conform.

Amend title to conform.

Rep. HAMILTON explained the amendment.

Further proceedings were interrupted by the Joint Assembly.

**JOINT ASSEMBLY**

At 12:00 noon the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

**ELECTION OF COURT OF APPEALS JUDGES, CIRCUIT COURT JUDGES, AND FAMILY COURT JUDGES**

The Reading Clerk of the House read the following Concurrent Resolution:

H. 3451 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 2, 2011, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2011; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2011; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2012, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2018; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT AT LARGE, SEAT 9, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016.

The President recognized Senator McConnell, Chairman of the Judicial Merit Selection Commission.

**COURT OF APPEALS, SEAT 1**

The President announced that nominations were in order for a Court of Appeals Judge, Seat 1.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidate had been screened and found qualified: the Honorable Paul E. Short, Jr.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Paul E. Short, Jr., was duly elected for the term prescribed by law.

**COURT OF APPEALS, SEAT 2**

The President announced that nominations were in order for a Circuit Court Judge, First Judicial Circuit, Seat 2.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidate had been screened and found qualified: The Honorable H. Bruce Williams.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable H. Bruce Williams was duly elected for the term prescribed by law.

**CIRCUIT COURT JUDGE, FIFTH JUDICIAL CIRCUIT,**

**SEAT 1**

The President announced that nominations were in order for a Circuit Court Judge, Fifth Judicial Circuit, Seat 1.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: The Honorable DeAndrea Gist Benjamin, Robert E. Hood, and John P. Meadors.

Senator McConnell stated that Robert E. Hood and John P. Meadors had withdrawn from the race, and placed the name remaining candidate, The Honorable DeAndrea Gist Benjamin in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable DeAndrea Gist Benjamin was duly elected for the term prescribed by law.

**CIRCUIT COURT JUDGE, THIRTEENTH JUDICIAL CIRCUIT, SEAT 2**

The President announced that nominations were in order for a Circuit Court Judge, Thirteenth Judicial Circuit, Seat 2.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Eric K. Englebardt, Andrew R. Mackenzie, and The Honorable Letitia H. Verdin.

Senator McConnell stated that Andrew R. Mackenzie and Eric K. Englebardt had withdrawn from the race, and placed the name of the remaining candidate, The Honorable Letitia H. Verdin in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Letitia H. Verdin was duly elected for the term prescribed by law.

**CIRCUIT COURT JUDGE, AT-LARGE, SEAT 9**

The President announced that nominations were in order for a Circuit Court Judge, At-Large, Seat 9.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: The Honorable Kellum W. Allen, Daniel Dewitt Hall, and Stephanie Pendarvis McDonald.

Senator McConnell stated that The Honorable Kellum W. Allen and Daniel Dewitt Hall had withdrawn from the race, and placed the name of the remaining candidate, Stephanie Pendarvis McDonald in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Stephanie Pendarvis McDonald was duly elected for the term prescribed by law.

**FAMILY COURT JUDGE, NINTH JUDICIAL CIRCUIT,**

**SEAT 1**

The President announced that nominations were in order for a Family Court Judge, Ninth Judicial Circuit, Seat 1.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Ben F. Mack, Daniel E. Martin, Jr., and The Honorable James A. Turner.

Senator McConnell stated that Ben F. Mack and the Honorable James A. Turner had withdrawn from the race, and placed the name of the remaining candidate, Daniel E. Martin, Jr., in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, Daniel E. Martin, Jr., was duly elected for the term prescribed by law.

**JOINT ASSEMBLY RECEDES**

The purposes of the Joint Assembly having been accomplished, the President announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 12:10 p.m. the House resumed, the SPEAKER in the Chair.

**H. 3095--AMENDED AND ORDERED TO THIRD READING**

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

H. 3095 -- Reps. Clemmons, Erickson, Stavrinakis, McCoy, Bowen, Sandifer, Whitmire, Hixon, J. R. Smith, Allison, Long, Toole, Weeks, Atwater, Hardwick, Agnew, Govan and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-1-70 SO AS TO PROVIDE CERTAIN DEFINITIONS RELATED TO TRANSFER FEE COVENANTS, TO STATE CERTAIN FINDINGS RELATED TO TRANSFER FEE COVENANTS, TO PROVIDE A TRANSFER FEE COVENANT RECORDED AFTER THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN TO THE EXTENT THAT IT PURPORTS TO SECURE THE PAYMENT OF A TRANSFER FEE, IS NOT BINDING ON OR ENFORCEABLE AGAINST THE AFFECTED REAL PROPERTY OR ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE OF ANY INTEREST IN THE PROPERTY, AND TO PROVIDE THE SECTION DOES NOT IMPLY THAT A TRANSFER FEE COVENANT RECORDED BEFORE THE EFFECTIVE DATE OF THIS SECTION IS VALID OR ENFORCEABLE.

Rep. HAMILTON proposed the following Amendment No. 2 (COUNCIL\GGS\22902ZW11), which was tabled:

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

/ SECTION 1. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27-1-70. (A) A transfer fee covenant recorded on or after the date of the enactment of this act must be void and unenforceable unless, at the time the document containing the transfer fee covenant is submitted for recording, a notice described in subsection (b) is contemporaneously submitted for recording in the office of the applicable county recorder.

(B) Notice required under subsection (a) shall:

(1) be titled, in boldface type, ‘Payment of Transfer Fee Required’;

(2) include statements of;

(a) the name or names of the owner or owners of the affected property;

(b) the legal description of the affected property;

(c) the dollar amount or, if applicable, the percentage of sales price constituting the transfer fee required to be paid under the transfer fee covenant;

(d) the method and manner of payment of the transfer fee;

(e) in the case of affected property that is residential property, actual dollar‑cost examples of the amount of the transfer fee for property priced at two hundred fifty thousand dollars, five hundred thousand dollars and seven hundred fifty thousand dollars; and

(f) if applicable, the date on which, or circumstances under which, the transfer fee covenant expires.

(C) A transfer fee covenant that imposes a transfer fee of not more than one percent of the gross sales price for the affected property, effective for a term of not more than ninety-nine years, and which complies with the requirements under subsections (A) and (B) must be presumed to be valid.

(D) No property must be subject to more than one transfer fee covenant.

(E) For purposes of this section, the following definitions shall apply:

(1) The term ‘affected property’ means, with respect to a transfer fee covenant, the real property that is encumbered by the transfer fee covenant.

(2) The term ‘applicable county recorder’ means, with respect to affected property, the recorder of the county in which the affected property is located.

(3) The term ‘transfer fee’ means a fee, charge, or payment imposed by a covenant, restriction, or similar document filed in the applicable county recorder’s office and required to be paid in connection with or as a result of a transfer of title to affected property, but does not include fees, charges, payments, or other obligations that:

(a) are imposed by a court judgment, order, or decree;

(b) are imposed by or payable to the federal, state, or local government;

(c) arise out of a mechanic’s lien;

(d) arise from an option to purchase or for waiver of the right to purchase the affected property;

(e) are payable to a homeowners association, condominium association, or similar entity for the benefit of the owners; and

(f) are imposed by or payable to lenders or purchasers of loans.

(4) The term ‘transfer fee covenant’ means a covenant, restriction, or agreement filed with the office of the applicable county recorder that:

(a) affects real property; and

(b) obligates a future buyer or seller of the affected real property, other than a person who is a party to the covenant, restriction, or agreement, to pay a transfer fee.” /

Renumber sections to conform.

Amend title to conform.

Rep. SKELTON spoke against the amendment.

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

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 110; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Jefferson | King |
| Knight | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Young |  |

**Total--110**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Limehouse |  |

**Total--2**

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

**H. 3095--MOTION TO RECONSIDER TABLED**

Rep. CLEMMONS moved to reconsider the vote whereby the following Bill was read second time:

H. 3095 -- Reps. Clemmons, Erickson, Stavrinakis, McCoy, Bowen, Sandifer, Whitmire, Hixon, J. R. Smith, Allison, Long, Toole, Weeks, Atwater, Hardwick, Agnew, Govan and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-1-70 SO AS TO PROVIDE CERTAIN DEFINITIONS RELATED TO TRANSFER FEE COVENANTS, TO STATE CERTAIN FINDINGS RELATED TO TRANSFER FEE COVENANTS, TO PROVIDE A TRANSFER FEE COVENANT RECORDED AFTER THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN TO THE EXTENT THAT IT PURPORTS TO SECURE THE PAYMENT OF A TRANSFER FEE, IS NOT BINDING ON OR ENFORCEABLE AGAINST THE AFFECTED REAL PROPERTY OR ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE OF ANY INTEREST IN THE PROPERTY, AND TO PROVIDE THE SECTION DOES NOT IMPLY THAT A TRANSFER FEE COVENANT RECORDED BEFORE THE EFFECTIVE DATE OF THIS SECTION IS VALID OR ENFORCEABLE.

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

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 3554 -- Reps. G. M. Smith, Weeks, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THOSE WHO HAVE RECEIVED NATIONAL CERTIFICATION FROM THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION AND WORK IN SOUTH CAROLINA PUBLIC SCHOOLS AS SPEECH-LANGUAGE PATHOLOGISTS, AND TO COMMEND THEIR SKILL AND CONTRIBUTIONS TOWARD IMPROVING THE QUALITY OF LIFE FOR THE CHILDREN OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3555 -- Rep. Harrison: A HOUSE RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA CHAPTER OF THE AMERICAN BOARD OF TRIAL ADVOCATES TO USE THE HOUSE CHAMBER ON SEPTEMBER 16, 2011, FOR THE ORGANIZATION'S JAMES OTIS LECTURE, IN ACCORDANCE WITH THE BUILDING POLICY AS ADMINISTERED BY THE CLERK OF THE HOUSE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3556 -- Rep. Allen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE AND BRIDGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 385 AND NEW HARRISON BRIDGE ROAD IN GREENVILLE COUNTY IN HONOR OF DR. ROBERT E. DENNIS, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERCHANGE AND BRIDGE LOCATED AT THIS INTERSECTION THAT CONTAIN THE WORDS "DR. ROBERT E. DENNIS INTERCHANGE" AND "DR. ROBERT E. DENNIS BRIDGE".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3557 -- Reps. G. M. Smith and Weeks: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE THESPIANS OF SUMTER LITTLE THEATRE ON WINNING MULTIPLE TOP HONORS AT THE 2010 SOUTH CAROLINA THEATRE ASSOCIATION CONVENTION.

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

**INTRODUCTION OF BILLS**

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

H. 3558 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-2270 SO AS TO REQUIRE ALL STATE INSTITUTIONS OF HIGHER EDUCATION TO ALLOW STUDENTS TO COMPLETE ASSIGNMENTS OR TAKE MAKE-UP EXAMINATIONS WHEN AN ABSENCE IS CAUSED BY ATTENDING OR PARTICIPATING IN MILITARY SERVICE, DUTY, TRAINING, OR DISASTER RELIEF EFFORTS.

Referred to Committee on Education and Public Works

H. 3559 -- Reps. Young, Brantley, Bales, Parker, McEachern, Murphy, Allison, Bedingfield, Hixon, Horne, G. R. Smith and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-21-55 SO AS TO DEFINE CERTAIN TERMS RELATING TO MOTOR VEHICLES, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY OWN OR OPERATE A VEHICLE THAT HAS A FALSE OR SECRET COMPARTMENT THAT CONTAINS AN ILLEGAL CONTROLLED SUBSTANCE, AN ILLEGAL FIREARM, A PERSON CONCEALED FOR UNLAWFUL PURPOSES, OR OTHER CONTRABAND, AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 3560 -- Reps. Govan, Sellers, Ott and Cobb-Hunter: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 10, 2011, BY THE STUDENTS OF THE ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FIVE WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Rep. GOVAN, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 3561 -- Reps. Govan, Sellers, Ott and Cobb-Hunter: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 12, 2011, BY THE STUDENTS OF THE ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FOUR WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Rep. GOVAN, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 3562 -- Reps. Ott, Hardwick, Brady, Spires, Butler Garrick, Vick, Bales, Jefferson, McEachern, Brannon, Munnerlyn, Knight, Sabb, Gambrell, Anderson, Hiott, Hodges, Dillard, Allen, Battle, Hosey and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT "CHANDLER'S LAW" SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING MINIMUM AGE REQUIREMENTS FOR THE OPERATION OF ALL-TERRAIN VEHICLES, SAFETY COURSE COMPLETION REQUIREMENTS, SAFETY EQUIPMENT REQUIREMENTS, AND PASSENGER RIDING REQUIREMENTS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED IN THIS CHAPTER, TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3563 -- Reps. Crawford, Bedingfield, Brannon, Horne and Lowe: A BILL TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEPARTMENTS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF HEALTH AND WELLNESS AND TO REMOVE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 1-30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TRANSFER THIS DEPARTMENT, ITS POWERS, DUTIES, AND PROGRAMS, TO THE DEPARTMENT OF HEALTH AND WELLNESS, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-35, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO TRANSFER THIS DEPARTMENT, ITS POWERS, DUTIES, AND PROGRAMS, TO THE DEPARTMENT OF HEALTH AND WELLNESS, DIVISION OF DISABILITIES AND SPECIAL NEEDS; TO AMEND SECTION 1-30-50, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO TRANSFER THIS DEPARTMENT, ITS POWERS, DUTIES, AND PROGRAMS, TO THE DEPARTMENT OF HEALTH AND WELLNESS, DIVISION OF HEALTH AND HUMAN SERVICES; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO TRANSFER THIS DEPARTMENT, ITS POWERS, DUTIES, AND PROGRAMS, TO THE DEPARTMENT OF HEALTH AND WELLNESS, DIVISION OF MENTAL HEALTH; BY ADDING SECTION 1-30-72 SO AS TO PLACE THE COMMISSION FOR THE BLIND, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DEPARTMENT OF MENTAL HEALTH, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, AND THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES UNDER THE DEPARTMENT OF HEALTH AND WELLNESS; BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF HEALTH AND WELLNESS COMPRISED OF THE DIVISION FOR THE BLIND, THE DIVISION OF HEALTH AND HUMAN SERVICES, THE DIVISION OF MENTAL HEALTH, THE DIVISION OF DISABILITIES AND SPECIAL NEEDS, AND THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND TO PROVIDE FOR THE DEPARTMENT'S POWERS AND DUTIES, INCLUDING, AMONG OTHER THINGS, DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF HEALTH AND WELLNESS SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF HEALTH AND WELLNESS SERVICES; TO AMEND CHAPTER 25, TITLE 43, RELATING, AMONG OTHER THINGS, TO THE GOVERNANCE, POWERS, DUTIES, AND PROGRAMS, OF THE COMMISSION FOR THE BLIND, SO AS TO PROVIDE THAT THE COMMISSION FOR THE BLIND BECOMES AN ADVISORY BOARD TO THE DIVISION FOR THE BLIND AND TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT; TO AMEND CHAPTER 6, TITLE 44, RELATING TO, AMONG OTHER THINGS, THE GOVERNANCE, POWERS, DUTIES, AND PROGRAMS, OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT; TO AMEND CHAPTERS 9, 13, AND 15 OF TITLE 44, RELATING, AMONG OTHER THINGS, TO THE GOVERNANCE, POWERS, DUTIES, AND PROGRAMS, OF THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE SOUTH CAROLINA MENTAL HEALTH COMMISSION BECOMES AN ADVISORY BOARD TO THE DIVISION OF MENTAL HEALTH AND TO CONFORM THESE CHAPTERS TO THE PROVISIONS OF THIS ACT; TO AMEND CHAPTERS 20 AND 21, TITLE 44, RELATING TO, AMONG OTHER THINGS, THE GOVERNANCE, POWERS, DUTIES, AND PROGRAMS, OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE BOARD OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS BECOMES AN ADVISORY BOARD TO THE DIVISION OF DISABILITIES AND SPECIAL NEEDS AND TO CONFORM THESE CHAPTERS TO THE PROVISIONS OF THIS ACT; TO AMEND CHAPTER 49, TITLE 44, RELATING TO, AMONG OTHER THINGS, THE GOVERNANCE, POWERS, DUTIES, AND PROGRAMS, OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT; TO PROVIDE TRANSFER AND TRANSITION PROVISIONS, AND TO PROVIDE THAT THIS ACT TAKES EFFECT JULY 1, 2011.

Referred to Committee on Judiciary

H. 3564 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 16-17-650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COCKFIGHTING, SO AS TO INCREASE THE PENALTIES FOR THE OFFENSE.

Referred to Committee on Judiciary

H. 3565 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 16-11-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ARMED ROBBERY, SO AS TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE WHO COMMITS ARMED ROBBERY TO RECEIVE A YOUTHFUL OFFENDER SENTENCE NOT BELOW A MINIMUM OF THREE YEARS; AND TO AMEND SECTION 24-19-10, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE YOUTHFUL OFFENDER ACT, SO AS TO REVISE THE DEFINITION OF YOUTHFUL OFFENDER TO INCLUDE PERSONS UNDER THE AGE OF TWENTY-ONE AT THE TIME OF CONVICTION FOR ARMED ROBBERY.

Referred to Committee on Judiciary

H. 3566 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 24-13-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM "NO PAROLE OFFENSE", SO AS TO REVISE THE DEFINITION TO INCLUDE CLASS D, E, AND F FELONIES, CLASS A, B, AND C MISDEMEANORS, AND OFFENSES CLASSIFIED AS EXEMPT WHICH ARE PUNISHABLE BY A MAXIMUM TERM OF IMPRISONMENT OF ONE YEAR OR MORE, TO PROVIDE THAT A PERSON WHO IS FOUND GUILTY OF, OR PLEADS GUILTY OR NOLO CONTENDRE TO, A "NO PAROLE OFFENSE" IS NOT ELIGIBLE FOR EARLY RELEASE FROM INCARCERATION UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE AN EXCEPTION RELATED TO THE YOUTHFUL OFFENDER ACT; AND BY ADDING CHAPTER 29 TO TITLE 14 SO AS TO ENACT THE "MIDDLE COURT PROCESSES ACT", TO REQUIRE THE CREATION AND ADMINISTRATION OF A MIDDLE COURT PROCESS IN EACH JUDICIAL CIRCUIT BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE APPOINTMENT, POWERS, AND DUTIES OF A MIDDLE COURT JUDGE, TO PROVIDE REQUIREMENTS FOR AN OFFENDER TO QUALIFY FOR ADMISSION TO A MIDDLE COURT PROCESS, AND TO REQUIRE FUNDING OF THE MIDDLE COURT PROCESS BY THE GENERAL ASSEMBLY TO THE JUDICIAL DEPARTMENT, THE OFFICE OF THE ATTORNEY GENERAL, AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES.

Referred to Committee on Judiciary

H. 3567 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 53-1-150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF CERTAIN COUNTIES FROM PROVISIONS OF LAW REGULATING ACTIVITIES ON SUNDAY, SO AS TO REDUCE THE REQUIRED AMOUNT OF ACCOMMODATIONS TAX REVENUES COLLECTED IN A COUNTY DURING A FISCAL YEAR WHICH EXEMPTS A COUNTY FROM THESE PROVISIONS OF LAW REGULATING ACTIVITIES ON SUNDAY.

Referred to Committee on Judiciary

H. 3568 -- Rep. G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 9-1-5, 9-8-5, 9-9-5, AND 9-20-5 SO AS TO CLOSE THE SOUTH CAROLINA RETIREMENT SYSTEM, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA, AND THE STATE OPTIONAL RETIREMENT PROGRAM TO EMPLOYEES HIRED OR OFFICERS TAKING OFFICE AFTER JUNE 30, 2012, AND TO PROVIDE THAT OFFICERS OR EMPLOYEES HIRED OR TAKING OFFICE AFTER JUNE 30, 2012 MUST BE ENROLLED IN THE SOUTH CAROLINA RETIREMENT INVESTMENT PLAN; BY ADDING CHAPTER 22 TO TITLE 9 SO AS TO ESTABLISH THE SOUTH CAROLINA RETIREMENT INVESTMENT PLAN AS A DEFINED CONTRIBUTION PLAN AND PROVIDE FOR ITS ADMINISTRATION AND OPERATIONS; AND TO REPEAL, EFFECTIVE JULY 1, 2017, CHAPTER 22, TITLE 9 RELATING TO THE STATE OPTIONAL RETIREMENT PROGRAM.

Referred to Committee on Ways and Means

H. 3569 -- Reps. Loftis, Clemmons, Henderson, Murphy, Patrick and G. R. Smith: A BILL TO AMEND SECTION 48-39-150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPROVAL OR DENIAL OF PERMITS FOR ACTIVITY IN OR ALTERATION OF CRITICAL AREAS IN THE COASTAL TIDELANDS OR WETLANDS, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ALLOW A PERMIT APPLICANT TO REVIEW THE DEPARTMENT STAFF'S DRAFT PERMIT OR DECISION IF, AT THE TIME THE APPLICATION WAS FILED, THE APPLICANT REQUESTED TO REVIEW A DRAFT PERMIT OR DECISION AND TO REQUIRE THE DEPARTMENT TO ALLOW THE APPLICANT TO DISCUSS THE DRAFT WITH DEPARTMENT PERSONNEL.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3570 -- Reps. Loftis, Viers, Clemmons, Forrester, Henderson, Hosey, Long, Mitchell, Murphy, Patrick and G. R. Smith: A BILL TO AMEND SECTION 48-39-150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S APPROVAL OR DENIAL OF PERMITS FOR ACTIVITY IN CRITICAL AREAS IN THE COASTAL TIDELANDS AND WETLANDS, SO AS TO PROVIDE THAT IN CONSIDERING THE ECONOMIC BENEFITS OF AN ACTIVITY IN OR ALTERATION OF A CRITICAL AREA AS COMPARED WITH THE BENEFITS OF PRESERVATION OF AN AREA IN ITS UNALTERED STATE, THE ECONOMIC BENEFITS ANALYSIS MUST INCLUDE THE EFFECT THE PROJECT WILL HAVE ON THE ABILITY OF SMALL BUSINESSES TO CREATE AND SUSTAIN JOBS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3571 -- Reps. Loftis, Clemmons, Henderson, Murphy, Patrick and G. R. Smith: A BILL TO AMEND SECTION 48-39-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERMIT APPLICATION TO UTILIZE A CRITICAL AREA WITHIN THE COASTAL TIDELANDS OR WETLANDS, SO AS TO PROVIDE THAT IF THE PERMIT APPLICATION REQUIREMENT TO PROVIDE A PLAT OF THE AREA REQUIRES THE PLAT TO INCLUDE ANY MORE THAN A STANDARD BOUNDARY SURVEY, THE REQUIREMENT MUST BE GOVERNED BY REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3572 -- Reps. R. L. Brown, Skelton, Bowen, Brantley, Patrick, Tallon, Sabb, Anderson, McEachern, Hiott, Hearn, V. S. Moss, Pinson, Allen, J. M. Neal, Battle, Dillard, Funderburk, Hardwick, Harrison, Hodges, Hosey, Limehouse, McLeod, D. C. Moss and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 1-7-180, 43-1-730, AND 44-6-230 SO AS TO PROVIDE THAT IN CASES OF MEDICAID ABUSE OR MEDICAID FRAUD REPORTED ON THE MEDICAID ABUSE OR FRAUD REPORTING HOTLINES RESPECTIVELY ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE OFFICE OF THE ATTORNEY GENERAL, AND FOOD STAMP OR TEMPORARY AID TO NEEDY FAMILIES (TANF) ABUSE OR FRAUD REPORTED TO THE FINANCIAL FRAUD OR ABUSE HOTLINE OPERATED BY THE DEPARTMENT OF SOCIAL SERVICES, WHEN THE CALL RESULTS IN THE RECOVERY OF STATE SOURCE FUNDS AS A RESULT OF THE REPORT, THOSE AGENCIES SHALL ISSUE A MONETARY REWARD TO THE PERSON REPORTING IN AN AMOUNT EQUAL TO TEN PERCENT OF STATE FUNDS RECEIVED, NOT TO EXCEED TEN THOUSAND DOLLARS IN TOTAL WITH RESPECT TO THE REPORT.

Referred to Committee on Ways and Means

H. 3573 -- Rep. Merrill: A BILL TO AMEND SECTION 2-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF LOBBYISTS AND SECTION 2-17-25, RELATING TO THE REGISTRATION OF LOBBYIST'S PRINCIPALS, BOTH SO AS TO INCREASE THE FILING FEE FOR REGISTRATION.

Referred to Committee on Judiciary

H. 3574 -- Reps. Merrill, Quinn, Bingham, Toole, Atwater, G. M. Smith, Frye and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-545 SO AS TO PROVIDE THAT A MEMBER OF A STATE BOARD OR STATE COMMISSION MAY NOT BE EMPLOYED BY THE BOARD OR COMMISSION ON WHICH HE SERVES, OR AN ENTITY GOVERNED BY THAT BOARD OR COMMISSION, DURING THE TERM OF HIS SERVICE OR FOR ONE YEAR AFTER HIS TENURE ON THE BOARD OR COMMISSION ENDS.

Referred to Committee on Ways and Means

H. 3575 -- Rep. Edge: A BILL TO AMEND CHAPTER 68, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, SO AS TO REVISE THE CHAPTER IN ITS ENTIRETY, TO REVISE THE CHAPTER TITLE, TO PROVIDE THE CHAPTER MAY BE CITED AS THE "SOUTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT", TO PROVIDE CERTAIN DEFINITIONS, TO PROVIDE OBLIGATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS FOR LICENSING AND REGULATING PROFESSIONAL EMPLOYER SERVICE ORGANIZATIONS, TO PROVIDE LICENSING REQUIREMENTS AND PROCEDURES FOR A PROFESSIONAL EMPLOYER SERVICE ORGANIZATION, TO PROVIDE REQUIREMENTS FOR A CONTROLLING PERSON OF A PROFESSIONAL EMPLOYER SERVICE, TO PROVIDE CONTINUING EDUCATION REQUIREMENTS, TO IMPOSE CERTAIN LICENSE FEES AND PROVIDE FOR THEIR MANAGEMENT, TO REQUIRE ACCEPTANCE OF ELECTRONIC FILINGS IN CERTAIN CIRCUMSTANCES, TO PROVIDE LIMITS ON THE APPLICABILITY OF THE CHAPTER, TO REQUIRE AND PROVIDE SPECIFICATIONS FOR A PROFESSIONAL EMPLOYER SERVICES AGREEMENT BY WRITTEN CONTRACT BETWEEN THE LICENSEE AND THE CLIENT, TO PROVIDE CERTAIN REQUIREMENTS WITH RESPECT TO WORKERS' COMPENSATION COVERAGE, TO PROVIDE FOR THE CREATION OF PROFESSIONAL EMPLOYER ORGANIZATION GROUPS, TO PERMIT THE DEPARTMENT TO ISSUE RESTRICTED LICENSES IN CERTAIN CIRCUMSTANCES, TO REQUIRE CERTAIN REPORTING AND DISCLOSURE REQUIREMENTS ON A LICENSEE, TO IMPOSE CERTAIN PROVISIONS RELATED TO INCENTIVE OR BUSINESS PREFERENCE PROGRAMS, TO EXPRESS THE RELATIONSHIP BETWEEN THIS CHAPTER AND THE STATE LAW CONCERNING ILLEGAL ALIENS AND PRIVATE EMPLOYMENT, TO PROVIDE THE DEPARTMENT OF INSURANCE SHALL INVESTIGATE INSURANCE CLAIMS FILED WITH IT BY A LICENSEE, TO PROHIBIT CERTAIN CONDUCT RELATED TO THE PROFESSIONAL EMPLOYER SERVICES AND ORGANIZATIONS; AND TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO THE PROHIBITION OF CERTAIN DISCLOSURE OF RECORDS, REPORTS, AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE BY EMPLOYEES AND AGENTS OF THE DEPARTMENT AND OFFICE OF THE STATE AUDITOR, SO AS TO PROVIDE THE SECTION DOES NOT PROHIBIT DISCLOSURE OF CERTAIN INFORMATION RELATED TO PAYROLL WITHHOLDING TAXES OF BUSINESSES TO THE DEPARTMENT OF CONSUMER AFFAIRS.

Referred to Committee on Labor, Commerce and Industry

**HOUSE RESOLUTION**

The following was introduced:

H. 3576 -- Reps. Sandifer, Bales, Toole, Mack, Gambrell, Brady, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Gilliard, Govan, Hamilton, Hardwick, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Young, Bowers, Funderburk and Lucas: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE HOUSE OF REPRESENTATIVES UPON THE DEATH OF CHARLESTON BUSINESS AND CIVIC LEADER AND FORMER STATE HIGHWAY COMMISSIONER ROBERT WILLIAM HARRELL, SR., ON SEPTEMBER 3, 2010, AND TO CONVEY THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 482 -- Senator Anderson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR FRANK "RABBIT" JOHNSON, UPON THE OCCASION OF HIS INDUCTION INTO THE PIEDMONT ATHLETIC ASSOCIATION'S HALL OF FAME.

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

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

**ADJOURNMENT**

At 12:25 p.m. the House, in accordance with the motion of Rep. PATRICK, adjourned in memory of William "Monroe" Smith, father of Representative Erickson, to meet at 10:00 a.m. tomorrow.

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