~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 p.m.

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

Our thought for today is from Micah 6:8: “He had told you, O mortal, what is good and what does the Lord require of you but to do justice, and love kindness, and to walk humbly with your God.”

Let us pray. Wise and all knowing God, help these Representatives accomplish what You asked…to do justice, be merciful, be kind to their fellow members, and do the work required of them, so the people of this State may know the compassion and steadfastness of their work in this place. Bless them in their work and in their planning for the future. Look in favor on our Nation, her leaders, our State, Governor, Speaker, staff, and all who labor in these Halls of Government. Protect our defenders of freedom as they protect us. Heal the wounds of our brave warriors, those seen and those unseen. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. BARFIELD moved that when the House adjourns, it adjourn in memory of Paul "Mutt" Richardson of Aynor, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the safety of Representative James E. Smith and other armed forces who will be in Saudi Arabia for three weeks.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., Thursday, February 17

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 517:

S. 517 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, FEBRUARY 23, 2011, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, COASTAL CAROLINA UNIVERSITY, SOUTH CAROLINA STATE UNIVERSITY, WIL LOU GRAY OPPORTUNITY SCHOOL, AND WINTHROP UNIVERSITY TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE IN 2011, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 3698 -- Reps. G. R. Smith, Bannister, Bedingfield and Henderson: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DRU CRAFT OF GREENVILLE COUNTY AND TO CONGRATULATE HER FOR BEING NAMED 2010 SOUTH CAROLINA STATE AAAA CHEERLEADER OF THE YEAR.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3714 -- Reps. Gilliard, Stavrinakis, McCoy, Clyburn, Anderson, Daning, McEachern, Crosby, Limehouse, Sottile, R. L. Brown, Clemmons, Dillard, Herbkersman, Hosey, Mack, Patrick and Whipper: A CONCURRENT RESOLUTION TO COMMEMORATE THE UNION OF THE CHARLESTON AIR FORCE BASE AND NAVAL WEAPONS STATION CHARLESTON, RENAMED JOINT BASE CHARLESTON, AND TO COMMEND JOINT BASE CHARLESTON FOR ITS OVERALL IMPORTANCE TO THE STATE AND OUR NATIONAL SECURITY, AND TO COMMEND THE DEDICATED MEN AND WOMEN THERE SERVING THE STATE OF SOUTH CAROLINA AND THE UNITED STATES OF AMERICA.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 571 -- Senator Knotts: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE SECOND ANNUAL SOUTH CAROLINA EMERGENCY MEDICAL MEMORIAL BIKE RIDE FOR HONORING THOSE WHO HAVE GIVEN OF THEMSELVES WHILE RENDERING AID TO THE CITIZENS OF THE GREAT STATE OF SOUTH CAROLINA.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 585 -- Senator Elliott: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE MARY ELLEN GREENE OF HORRY COUNTY FOR TWELVE YEARS OF DEDICATED SERVICE TO THE HORRY COUNTY SCHOOL BOARD AND FOR HER SERVICE TO THE SOUTH CAROLINA SCHOOL BOARD ASSOCIATION.

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

**INTRODUCTION OF BILLS**

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

H. 3699 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "TRANSPARENCY IN LAWSUITS PROTECTION ACT" BY ADDING SECTION 15-1-20 SO AS TO PROHIBIT PRIVATE RIGHTS OF ACTION ARISING FROM ANY ACT UNLESS THE RIGHT IS EXPRESSLY PROVIDED IN THE ACT AND TO PROVIDE EXCEPTIONS.

Referred to Committee on Judiciary

H. 3703 -- Reps. Edge, Merrill, Quinn and Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-219 SO AS TO REQUIRE THAT IN DETERMINING FAIR MARKET VALUE FOR PROPERTY TAX PURPOSES, THE APPRAISER MUST INCLUDE COMPULSORY SALES AND TO DEFINE COMPULSORY SALES; AND BY ADDING SECTION 12-60-2565 SO AS TO REQUIRE THE ASSESSOR, BOARD, OR JUDGE TO INCLUDE COMPULSORY SALES WHEN CONSIDERING A PROPERTY TAX APPEAL.

Referred to Committee on Ways and Means

H. 3704 -- Rep. Hosey: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10 AND 11, 2011, BY THE STUDENTS OF BARNWELL COUNTY SCHOOL DISTRICT FORTY-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.

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

H. 3705 -- Rep. Hosey: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10 AND 11, 2011, BY THE STUDENTS OF BARNWELL COUNTY SCHOOL DISTRICT TWENTY-NINE 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. HOSEY, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 3706 -- Rep. Hosey: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10 AND 11, 2011, BY THE STUDENTS OF BARNWELL COUNTY SCHOOL DISTRICT NINETEEN 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. HOSEY, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 3707 -- Reps. Howard, Brantley, Jefferson and Williams: A BILL TO AMEND SECTION 16-15-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR PROSTITUTION OFFENSES, SO AS TO INCREASE THE PENALTY FOR THIRD OFFENSE VIOLATIONS OF CERTAIN PROSTITUTION SOLICITATION OFFENSES TO THE FELONY LEVEL.

Referred to Committee on Judiciary

H. 3708 -- Rep. Bingham: A BILL TO AMEND SECTION 23-3-540, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTRONIC MONITORING REQUIREMENTS FOR CERTAIN SEX OFFENDERS, SO AS TO BROADEN THE OFFENSES FOR WHICH A PERSON MAY BE ORDERED TO BE ELECTRONICALLY MONITORED TO INCLUDE ALL PERSONS REQUIRED TO REGISTER AS A SEX OFFENDER.

Referred to Committee on Judiciary

H. 3709 -- Rep. Cooper: A BILL TO AMEND SECTION 1-30-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, SO AS TO TRANSFER THE SOUTH CAROLINA MUSEUM COMMISSION, THE SOUTH CAROLINA STATE MUSEUM AND THE SOUTH CAROLINA ARTS COMMISSION AND THEIR POWERS AND DUTIES TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM; TO AMEND ARTICLE 1, CHAPTER 13, TITLE 60, RELATING TO THE SOUTH CAROLINA MUSEUM COMMISSION, SO AS TO PROVIDE THAT THE COMMISSION IS UNDER THE ADMINISTRATION AND SUPERVISION OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND THAT THE SOUTH CAROLINA STATE MUSEUM IS A STATE PARK IN THE STATE PARK SYSTEM; TO AMEND CHAPTER 15, TITLE 60, RELATING TO THE SOUTH CAROLINA ARTS COMMISSION, SO AS TO PROVIDE THAT THE COMMISSION IS UNDER THE ADMINISTRATION AND SUPERVISION OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM; AND TO PROVIDE TRANSITION PROVISIONS.

Referred to Committee on Ways and Means

H. 3710 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-1-77 SO AS TO PROVIDE A BOARD OR COMMISSION THAT REGULATES THE LICENSURE OF A PROFESSION OR OCCUPATION UNDER TITLE 40 MAY ISSUE A TEMPORARY LICENSE FOR A PROFESSION OR OCCUPATION IT REGULATES TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE REQUIREMENTS FOR OBTAINING THIS LICENSE, AND TO PROVIDE TIME LIMITS ON THE VALIDITY OF THIS LICENSE.

Referred to Committee on Labor, Commerce and Industry

H. 3711 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-61-210 SO AS TO PROVIDE THAT AN ENTITY THAT CONTRACTS WITH AN AUTOMOBILE CLUB LICENSED UNDER THE MOTOR CLUB SERVICES ACT FOR THE PROVISIONS OF EMERGENCY ROAD SERVICE AND TOWING SERVICE TO THE ENTITY'S CUSTOMERS IS EXEMPT FROM ALL REQUIREMENTS OF THE MOTOR CLUB SERVICES ACT.

Referred to Committee on Labor, Commerce and Industry

H. 3712 -- Reps. Clemmons, Hayes and Anthony: A BILL TO AMEND SECTION 1-11-720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO EXTEND THIS ELIGIBILITY TO MEMBERS OF SCHOOL DISTRICT BOARDS AND CERTAIN OTHERS, AND TO PROVIDE THAT THE SCHOOL BOARD SHALL NOT PAY OR PROVIDE REIMBURSEMENT OF A PREMIUM ASSOCIATED WITH THE PARTICIPATION TO A PERSON UNDER THIS SECTION IN THE STATE HEALTH PLAN.

Referred to Committee on Ways and Means

H. 3713 -- Rep. Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-3135 SO AS TO PROVIDE THAT WHEN A PARCEL OF REAL PROPERTY AND IMPROVEMENTS THEREON PREVIOUSLY SUBJECT TO PROPERTY TAX UNDERGOES AN ASSESSABLE TRANSFER OF INTEREST AND THE VALUE OF THE PARCEL AS DETERMINED AT THE TIME OF THE ASSESSABLE TRANSFER OF INTEREST IS GREATER THAN THE VALUE OF THE PARCEL USED IN THE PROPERTY TAX ASSESSMENT ON THE PARCEL FOR THE MOST RECENTLY COMPLETED PROPERTY TAX YEAR, THERE IS ALLOWED AN EXEMPTION OF AN AMOUNT OF THE FAIR MARKET VALUE OF THE PARCEL SUFFICIENT TO ELIMINATE ANY INCREASE IN THE VALUE OF THE PARCEL; TO AMEND SECTION 12-37-3140, AS AMENDED, RELATING TO DETERMINING FAIR MARKET VALUE, SO AS TO MAKE A CONFORMING CHANGE; AND TO AMEND SECTION 12-60-30, AS AMENDED, RELATING TO DEFINITIONS IN THE REVENUE PROCEDURES ACT, SO AS TO CLARIFY THE DEFINITION OF PROPERTY TAX ASSESSMENT.

Referred to Committee on Ways and Means

S. 277 -- Senators Peeler, Campsen, Rose, Ryberg, McConnell, Bright, Knotts, O'Dell, S. Martin and Alexander: A BILL TO RATIFY AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF SUFFRAGE, BY ADDING SECTION 12 TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT

 FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

Referred to Committee on Judiciary

S. 345 -- Senators Setzler, McGill, Land, Reese, Elliott, Williams, Nicholson, Lourie, Coleman, Sheheen, Matthews, Leventis, Alexander, Pinckney, Malloy, O'Dell, S. Martin, Peeler and L. Martin: A JOINT RESOLUTION TO PROVIDE THAT THE GOVERNING BODY OF ANY SCHOOL DISTRICT OF THIS STATE MAY WAIVE UP TO FIVE DAYS SCHOOL DAYS MISSED DUE TO INCLEMENT WEATHER DURING THE 2010-2011 SCHOOL YEAR FROM THE MAKE UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO INCLEMENT WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Referred to Committee on Education and Public Works

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Barfield | Battle | Bedingfield |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | 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 |
| Pope | Quinn | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, February 17.

|  |  |
| --- | --- |
| Michael A. Pitts | Tom Corbin |
| H. B. "Chip" Limehouse | Tommy Stringer |
| Grady Brown | Boyd Brown |
| Ted Vick | Jerry Govan |
| Bruce W. BannisterChris Hart | Todd RutherfordPatsy Knight |

**Total Present--119**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. J. E. SMITH a leave of absence due to military service.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. FUNDERBURK a leave of absence due to medical reasons.

**DOCTOR OF THE DAY**

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

**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. 3066 |
| Date: | ADD: |
| 02/17/11 | WILLIS, MCLEOD and WEEKS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3070 |
| Date: | ADD: |
| 02/17/11 | WILLIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3080 |
| Date: | ADD: |
| 02/17/11 | LUCAS, POPE, MCCOY, TALLON, ATWATER, HIXON, BIKAS, TAYLOR, MURPHY, THAYER, HENDERSON, BRANNON, PATRICK, CHUMLEY, CROSBY, RYAN, D. C. MOSS, NORMAN, BUTLER GARRICK and SIMRILL |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3152 |
| Date: | ADD: |
| 02/17/11 | WILLIS and WEEKS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3292 |
| Date: | ADD: |
| 02/17/11 | G. M. SMITH and WEEKS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3091 |
| Date: | ADD: |
| 02/17/11 | LUCAS, POPE, HORNE, MCCOY, TALLON, ATWATER, MUNNERLYN, BIKAS, MURPHY, THAYER, HENDERSON, BRANNON, CHUMLEY, CROSBY, RYAN, D. C. MOSS, SIMRILL, BUTLER GARRICK and NORMAN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3346 |
| Date: | ADD: |
| 02/17/11 | STAVRINAKIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3349 |
| Date: | ADD: |
| 02/17/11 | WEEKS and G. M. SMITH |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3392 |
| Date: | ADD: |
| 02/17/11 | WEEKS and G. M. SMITH |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3410 |
| Date: | ADD: |
| 02/17/11 | HIXON and HUGGINS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3449 |
| Date: | ADD: |
| 02/17/11 | CLEMMONS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3498 |
| Date: | ADD: |
| 02/17/11 | CLEMMONS and LOFTIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3508 |
| Date: | ADD: |
| 02/17/11 | BOWEN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3467 |
| Date: | ADD: |
| 02/17/11 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3617 |
| Date: | ADD: |
| 02/17/11 | MCLEOD |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3508 |
| Date: | REMOVE: |
| 02/17/11 | JEFFERSON |

**SENT TO THE SENATE**

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

H. 3673 -- Reps. Tribble, Pitts and Willis: 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-SIX 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. 3684 -- Reps. Rutherford and Bales: A BILL TO AMEND SECTION 7-27-405, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RICHLAND COUNTY ELECTION COMMISSION AND RICHLAND COUNTY BOARD OF REGISTRATION, SO AS TO PROVIDE THAT COUNTY EMPLOYMENT DOES NOT PRECLUDE A MEMBER'S SERVICE ON THE BOARD.

**S. 430--DEBATE ADJOURNED**

Rep. HIOTT moved to adjourn debate upon the following Joint Resolution until Thursday, February 24, which was adopted:

S. 430 -- Senators L. Martin and Alexander: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS ATTENDING DANIEL HIGH SCHOOL IN THE PICKENS COUNTY SCHOOL DISTRICT ON AUGUST 18, 2010, DUE TO A WATER MAIN BREAK, IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

**ORDERED TO THIRD READING**

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

H. 3696 -- Rep. Delleney: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF CHESTER 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. 3696--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. DELLENEY, with unanimous consent, it was ordered that H. 3696 be read the third time tomorrow.

**H. 3413--POINT OF ORDER**

The following Bill was taken up:

H. 3413 -- Reps. Sandifer and Brady: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 140 TO TITLE 44 SO AS TO ESTABLISH THE SOUTH CAROLINA HEALTH INFORMATION EXCHANGE (SCHIEX), TO ESTABLISH THE SOUTH CAROLINA HEALTH INFORMATION EXCHANGE COUNCIL AS THE GOVERNING BODY OF SCHIEX TO OVERSEE AND GOVERN THE EXCHANGE OF HEALTH-RELATED INFORMATION THROUGH SCHIEX, TO PROVIDE FOR THE COUNCIL'S POWERS AND DUTIES, AND TO FURTHER PROVIDE FOR THE ELECTRONIC MOVEMENT OF HEALTH-RELATED INFORMATION THROUGH SCHIEX; AND TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCEDURES, SO AS TO INCLUDE THE EXECUTIVE DIRECTOR OF SCHIEX IN THESE EXEMPTIONS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3584--POINT OF ORDER**

The following Bill was taken up:

H. 3584 -- Reps. Sandifer and Gambrell: A BILL TO AMEND SECTION 58-37-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FINANCING AGREEMENTS FOR THE INSTALLATION OF CERTAIN ENERGY-EFFICIENCY AND CONSERVATION IMPROVEMENTS, SO AS TO CORRECT AN ERRONEOUS CROSS-REFERENCE, AND TO PROVIDE WHERE AN ELECTRICITY OR NATURAL GAS PROVIDER CONTRACTS WITH A THIRD PARTY TO PERFORM CERTAIN FUNCTIONS, THE LIABILITY OF THE THIRD PARTY IS LIMITED IN A SPECIFIC MANNER.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3066--POINT OF ORDER**

The following Bill was taken up:

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

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3178--POINT OF ORDER**

The following Bill was taken up:

H. 3178 -- Reps. Pitts, Limehouse, Hixon and Long: A BILL TO AMEND SECTION 61-4-550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE, SO AS TO REMOVE SPECIFIC REFERENCES TO NONPROFIT ORGANIZATIONS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3152--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 3152 -- Reps. Young, Daning, Harrison, Allison, G. R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G. M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis and Weeks: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3070--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 3070 -- Reps. Young, Harrison, G. R. Smith, H. B. Brown, Taylor, Hamilton, Murphy, G. M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne and Willis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3417--POINT OF ORDER**

The following Bill was taken up:

H. 3417 -- Rep. Funderburk: A BILL TO AMEND SECTION 6-11-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY TO ESTABLISH SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICTS, SO AS TO INCLUDE THE PROVISION OF EMERGENCY MEDICAL AND RESCUE RESPONSE SERVICES AS AN AUTHORIZED PURPOSE FOR WHICH A SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT MAY BE ESTABLISHED.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3392--POINT OF ORDER**

The following Bill was taken up:

H. 3392 -- Reps. Clemmons, Sellers, Allen, G. M. Smith and Weeks: A BILL TO AMEND SECTION 7-13-35, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED NOTICE FOR GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE POSTED TIME AT WHICH ABSENTEE BALLOTS MAY BEGIN TO BE EXAMINED FROM 2:00 P.M. TO 9:00 A.M. AND TO REQUIRE NOTIFICATION OF THE DATE THE MAKE-UP ELECTION WILL BE HELD IN THE EVENT OF INCLEMENT WEATHER OR OTHER EMERGENCY; TO AMEND SECTION 7-13-40, AS AMENDED, RELATING TO THE DATE BY WHICH THE PARTY CHAIRMAN, VICE CHAIRMAN, OR SECRETARY MUST PROVIDE WRITTEN CERTIFICATION OF THE CANDIDATES' NAMES TO THE STATE ELECTION COMMISSION, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7-13-190, AS AMENDED, RELATING TO SPECIAL ELECTIONS, SO AS TO PROVIDE THAT IF THE GOVERNOR DECLARES A STATE OF EMERGENCY COVERING AN ENTIRE JURISDICTION HOLDING AN ELECTION, THE ELECTION MUST BE POSTPONED AND HELD ON THE NEXT TUESDAY; AND TO AMEND SECTION 7-13-350, AS AMENDED, RELATING TO THE CERTIFICATION OF CANDIDATES, SO AS TO CHANGE THE DATE BY WHICH CANDIDATES FOR PRESIDENT AND VICE PRESIDENT MUST BE CERTIFIED TO THE STATE ELECTION COMMISSION FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN SEPTEMBER.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3349--POINT OF ORDER**

The following Bill was taken up:

H. 3349 -- Reps. Clemmons, Sellers, Allen, G. M. Smith and Weeks: A BILL TO AMEND SECTION 7-5-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS FOR REGISTRATION TO VOTE, SO AS TO AUTHORIZE A UNITED STATES CITIZEN OUTSIDE THE UNITED STATES UNDER CERTAIN CONDITIONS TO BE ELIGIBLE TO REGISTER AND VOTE WHERE HIS PARENT IS A QUALIFIED ELECTOR; AND TO AMEND SECTION 7-15-110, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO AUTHORIZE A PERSON TO VOTE BY ABSENTEE BALLOT IF HE OR A PARENT LAST RESIDED IN THIS STATE IMMEDIATELY BEFORE HIS OR HIS PARENT'S DEPARTURE FROM THE UNITED STATES.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 345--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. WHITMIRE, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Education and Public Works:

S. 345 -- Senators Setzler, McGill, Land, Reese, Elliott, Williams, Nicholson, Lourie, Coleman, Sheheen, Matthews, Leventis, Alexander, Pinckney, Malloy, O'Dell, S. Martin, Peeler and L. Martin: A JOINT RESOLUTION TO PROVIDE THAT THE GOVERNING BODY OF ANY SCHOOL DISTRICT OF THIS STATE MAY WAIVE UP TO FIVE DAYS SCHOOL DAYS MISSED DUE TO INCLEMENT WEATHER DURING THE 2010-2011 SCHOOL YEAR FROM THE MAKE UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO INCLEMENT WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

**OBJECTION TO RECALL**

Rep. DELLENEY asked unanimous consent to recall H. 3406 from the Committee on Ways and Means.

Rep. OTT objected.

**MOTION PERIOD**

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

**H. 3241--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Bill until Wednesday, February 23, which was adopted:

H. 3241 -- Reps. Owens, Stringer, G. R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D. C. Moss, Sandifer, Harrell, Erickson, Norman and Barfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59-40-130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

**H. 3508--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3508 -- Reps. Gambrell, Sandifer, Harrell, Erickson, Limehouse, Weeks, H. B. Brown, Agnew, Allison, Anthony, Bales, Bannister, Bedingfield, Bingham, Brady, Brannon, G. A. Brown, Cole, Crosby, Forrester, Hardwick, Harrison, Hayes, Hiott, Hixon, Horne, Lowe, Lucas, McCoy, D. C. Moss, Owens, Parker, Pinson, Pitts, Skelton, J. E. Smith, J. R. Smith, Sottile, Tallon, Vick, White, Taylor, Hamilton, Battle, Allen, Dillard, Alexander, Cooper, Mack and Bowen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO RETITLE ARTICLE 23, CHAPTER 9,
TITLE 58, RELATING TO GOVERNMENT-OWNED TELECOMMUNICATIONS SERVICE PROVIDERS AS "GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDERS"; BY ADDING SECTION 58-9-2660 SO AS TO PROVIDE A GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDER MAY PETITION THE PUBLIC SERVICE COMMISSION TO DESIGNATE ONE OR MORE AREAS AS AN “UNSERVED AREA”, TO SPECIFY THE PROCEDURE FOR MAKING AND PROTESTING THIS PETITION, TO PROVIDE FOR A HEARING OF A PROTEST TO A PETITION, TO PROVIDE FOR THE APPLICATION OF CERTAIN PROVISIONS OF LAW TO AN UNSERVED AREA, AND TO PROVIDE A PROCESS FOR PETITIONING FOR A DETERMINATION THAT AN AREA HAS CEASED TO BE AN UNSERVED AREA; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING TELEPHONE COMPANIES, SO AS TO MODIFY THE DEFINITION OF "BROADBAND SERVICE"; TO AMEND SECTION 58-9-2600, RELATING TO THE PURPOSE OF ARTICLE 23, CHAPTER 9, TITLE 58, SO AS TO MAKE CONFORMING CHANGES AND CLARIFY THE SCOPE OF THE ARTICLE; TO AMEND SECTION 58-9-2610, RELATING TO
DEFINITIONS CONCERNING GOVERNMENT-OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 58-9-2620, AS AMENDED, RELATING TO DUTIES, RESTRICTIONS, RATE COMPUTATIONS, AND ACCOUNTING REQUIREMENTS OF A GOVERNMENT-OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES, TO GIVE THE OFFICE OF REGULATORY STAFF JURISDICTION TO INVESTIGATE THE COMPLIANCE OF A GOVERNMENT-OWNED COMMUNICATIONS PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, TO PROVIDE THE COMMISSION MAY ENFORCE THE COMPLIANCE OF A GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, AND TO CLARIFY THAT THIS SECTION DOES NOT EXPAND OR LIMIT THE JURISDICTION OF THE COMMISSION OR OFFICE OF REGULATORY STAFF WITH RESPECT TO ANY SERVICE PROVIDER OTHER THAN A GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDER; TO AMEND SECTION 58-9-2630, RELATING TO CERTAIN TAX COLLECTIONS AND PAYMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 58-9-2650, AS AMENDED, RELATING TO LIABILITY INSURANCE RATES FOR COMMUNICATIONS OPERATIONS, SO AS TO MAKE CONFORMING CHANGES.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\18579AB11), which was adopted:

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

/ SECTION 1. Article 23, Chapter 9, Title 58 of the 1976 Code is retitled “Government‑Owned Communications Service Providers”.

SECTION 2. Article 23, Chapter 9, Title 58 of the 1976 Code is amended by adding:

 “Section 58‑9‑2660. (A) A government‑owned communications service provider may petition the commission to designate one or more areas as an unserved area. The petition must identify with specificity each 2000 Census block for which this designation is sought. If an objection is not filed pursuant to subsection (B), the commission must grant the petition and designate each 2000 Census block identified in the petition as an unserved area.

 (B) A provider of broadband service or a resident of an area designated in a petition filed pursuant to subsection (A) may, within thirty days after the commission posts notice of the filing of the petition on its website, file with the commission an objection to this designation on the ground that one or more areas designated in the petition is not an unserved area. The commission must not accept this objection for filing unless it is accompanied by prefiled testimony supporting the objection.

 (C) If an objection is filed pursuant to subsection (B), the commission must:

 (1) give the petitioner an opportunity to submit prefiled testimony responding to the objection;

 (2) hold a hearing on the dispute; and

 (3) rule on the petition within forty‑five days after the objection is filed.

 (D) Upon a commission designation that an area is an unserved area, the provisions of Sections 58‑9‑2620, 58‑9‑2630, and 58‑9‑2650 must not apply to a broadband service provided by the petitioner in that area until the later of:

 (1) thirty-six months after the effective date of this act; or

 (2) twelve months after the commission determines pursuant to subsection (E) that the area is no longer an unserved area.

 (E) A provider of broadband service or a resident of an area designated as an unserved area may petition the commission to determine that the area is no longer an unserved area. After notice and an opportunity for a hearing, the commission must grant the petition if it determines that broadband service is available to more than ten percent of the households in the area from one or more providers that are not a satellite provider or the government‑owned communications service provider that filed the petition resulting in the designation by the commission of the area as an unserved area.”

SECTION 3. Section 59‑9‑10(17) of the 1976 Code, as added by Act 6 of 2003, is amended to read:

 “(17) The term ‘broadband service’ means ~~any~~ a service that is used to deliver video or to provide access to the Internet or content and services similar to that accessible through the Internet, and that consists of the offering of:

 (a) a capability to transmit information at a rate that is generally not less than one hundred ninety kilobits per second in at least one direction; or

 (b) ~~any service that combines computer processing, information storage, and protocol conversion to enable users to access Internet content and services~~ a service that uses one or more of the following to provide this access:

 (i) computer processing;

 (ii) information storage; and

 (iii) protocol conversion.”

SECTION 4. Section 58‑9‑2600 of the 1976 Code, as added by Act 360 of 2002, is amended to read:

 “Section 58‑9‑2600. This article regulates the provision of ~~telecommunications~~ communications service by an agency ~~or~~, entity ~~of the State or~~, instrumentality, or a political subdivision of this State, excluding the State Budget and Control Board, for services provided as of ~~this article’s~~ the effective date of this article.”

SECTION 5. Section 58‑9‑2610 of the 1976 Code, as added amended by Act 360 of 2002, is amended to read:

 “Section 58‑9‑2610. As used in this article:

 (A) (1) ‘Government‑owned ~~telecommunications~~ communications service provider’ means a state or local political subdivision ~~or~~, instrumentality of the State, person, or entity providing ~~telecommunications~~ a communications service to the public for hire over a facility, operation, or system that is directly or indirectly owned by, operated by, or a financial benefit obtained by or derived from, an agency, instrumentality, or entity of the State or ~~any~~ local government. ‘Government‑owned ~~telecommunications~~ communications service provider’ does not include the State Budget and Control Board for services provided as of ~~this article’s~~ the effective date of this article.

 (2) The term ‘government‑owned ~~telecommunications~~ communications service provider’ does not include ~~any~~ a state or local governmental entity, instrumentality, or agency that obtains or derives financial benefit solely from leasing or renting, to ~~any~~ a person or entity, property that is not, in and of itself, a facility used to provide ~~telecommunications~~ a communications service.

 (~~2~~B) ‘Communications service’ means a telecommunications service, a broadband service, or both.

 (C) ‘Telecommunications service’ ~~for the purpose of this section is~~ means a telecommunications service as defined in Section 58‑9‑2200(1).

 (D) ‘Broadband service’ means a broadband service as defined in Section 58‑9‑10(17).

 (~~3~~E) ‘Person’ as defined in Section 58‑9‑10(4) includes a ‘government‑owned ~~telecommunications~~ communications service provider’.

 (~~4~~F) ‘Public’ means the public generally or ~~any~~ a limited portion of the public, including a person or corporation. The term ‘public’ excludes governmental agencies or entities when they receive ~~telecommunications~~ communications service from the State Budget and Control Board pursuant to its statutory authority or other legal requirements.

 (G) ‘Unserved area’ means a 2000 Census block, as designated by the United States Census Bureau, in which at least ninety percent of households have either no access to broadband service or access to broadband service only from a satellite provider. For the purposes of this subsection, ‘household’ has the same meaning as prescribed by the United States Census Bureau.

 (H) ‘Commission’ means the South Carolina Public Service Commission.”

SECTION 6. Section 58‑9‑2620 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

 “Section 58‑9‑2620. Notwithstanding any other provision of law, a government‑owned ~~telecommunications~~ communications service provider ~~shall~~ must:

 (1) be subject to the same local, state, and federal regulatory, statutory, and other legal requirements ~~that~~ to which nongovernment‑owned ~~telecommunications~~ communications service providers are subject ~~to~~, including regulation and other legal requirements by the ~~Public Service~~ commission and the Office of Regulatory Staff;

 (2) not ~~be the recipient of any~~ receive a financial ~~benefits of any type that~~ benefit for which a nongovernment‑owned ~~telecommunications~~ communications service ~~providers are~~ provider is not ~~recipients of~~ a recipient including, but not limited to, tax exemptions and governmental subsidies of any type. Tax exempt capital financing may be used consistent with Sections 58‑9‑2620(4)(a) and 58‑9‑2630(C);

 (3) not be permitted to subsidize the cost of providing ~~telecommunications~~ a communications service with funds from any other ~~nontelecommunications~~ noncommunications service, operation, or other revenue source. If a determination is made that a direct or indirect subsidy has occurred, the government‑owned ~~telecommunications~~ communications service provider immediately ~~shall~~ must increase prices for ~~telecommunications~~ communications service in a manner that ensures that the subsidy ~~shall~~ will not continue, and any amounts used directly or indirectly to subsidize the past operations ~~shall~~ will be reimbursed to the general treasury of the appropriate state or local government;

 (4) impute, in calculating the cost incurred and in the rates to be charged for the provision of ~~telecommunications services~~ a communications service, the following:

 (a) cost of capital component that is the equivalent to the cost of capital available to nongovernment‑owned ~~telecommunications~~ communications service providers in the same state or locality; and

 (b) an amount equal to all taxes, licenses, fees, and other assessments applicable to a nongovernment‑owned ~~telecommunications~~ communications provider including, but not limited to, federal, state, and local taxes, rights‑of‑way franchise consent, or administrative fees, and pole attachment fees;

 (5) keep separate books and separately account for the revenues, expenses, property, and source of investment dollars associated with the provision of ~~telecommunications~~ communications service; and

 (6) be required to prepare and publish an independent annual audit in accordance with generally accepted accounting principles that reflects the full cost of providing the service, including all direct and indirect costs. The indirect costs ~~shall~~ must include, but are not limited to, amounts for rights‑of‑way franchise, consent, or administrative fees, regulatory fees, occupation taxes, pole attachment fees, and ad valorem taxes. The annual accounting must reflect any direct or indirect subsidies received by the government‑owned ~~telecommunications~~ communications provider.

 (7) Notwithstanding any other provision of law, the Office of Regulatory Staff has jurisdiction to investigate and the commission has authority to enforce a government‑owned communications service provider to comply with the provisions of this section.

Records demonstrating compliance with the provisions of this section ~~shall~~ must be filed with the ~~Public Service~~ commission ~~and~~, provided to the Office of Regulatory Staff and ~~be~~ made available for public inspection and copying. ~~The compliance shall be overseen by the Office of Regulatory Staff pursuant to and not inconsistent with its power and jurisdiction set forth by law.~~ Nothing in this article expands or restricts the existing jurisdiction of the commission or the Office of Regulatory Staff regarding a service or provider other than a government‑owned communications service provider.”

SECTION 7. Section 58‑9‑2630 of the 1976 Code, as added by Act 360 of 2002, is amended to read:

 “Section 58‑9‑2630. (A) A government‑owned ~~tele-communications~~ communications service provider shall pay or collect taxes ~~each year~~ annually in a manner equivalent to taxes paid by a nongovernment‑owned ~~telecommunications~~ communications service ~~providers~~ provider through payment of the following:

 (1) all state taxes, including corporate income taxes~~,~~ under Section 12‑6‑530, and utility license taxes under Section 12‑20‑100;

 (2) all local taxes, including local business license taxes, under Section 58‑9‑2230, together with any franchise fees and other local taxes and fees, including impact, user, service, or permit fees, pole rental fees, and rights‑of‑way franchise, consent, or administrative fees; and

 (3) all property taxes on otherwise exempt real and personal property that are directly used in the provision of ~~telecommunication services~~ a communications service.

 (B) A government‑owned ~~telecommunications~~ communications service provider shall ~~be required to~~ compute, collect, and remit taxes in the same manner as a nongovernment‑owned ~~telecommunications~~ communications service provider and ~~shall~~ must be entitled to the same deductions.

 (C) A government‑owned ~~telecommunications~~ communications service provider shall annually remit to the general fund of the government entity owning the ~~telecommunications~~ communications service provider an amount ~~equivalent~~ equal to ~~any and~~ all taxes or fees a private sector ~~telecommunications~~ communications provider ~~would be required to~~ must pay.

 (D) The taxpayer confidentiality provisions contained in Title 12 ~~shall~~ do not apply to the ~~filings~~ filing of a government‑owned ~~telecommunications~~ communications service ~~providers~~ provider. ~~Provided,~~ However, the Department of Revenue shall require an annual report of all ~~telecommunications~~ communications providers. The report ~~shall~~ must require ~~any telecommunications~~ a communications company licensed in this State to report the total gross of retail ~~telecommunications,~~ communications to which the business license tax is applicable~~,~~ pursuant to Section 58‑9‑2220. This information ~~shall~~ must be available to any entity authorized to collect a tax on retail ~~telecommunications~~ communications or ~~their~~ its agent. Information provided to an entity or agent authorized to collect a tax ~~may~~ must not be disclosed or provided ~~in any manner~~ to ~~any other~~ another person. ~~Such~~ This information ~~may~~ only may be used by an entity or agent of an entity authorized to collect a tax for purposes of determining the accuracy of tax returns, filings, and payment of taxes.”

SECTION 8. Section 58‑9‑2650 of the 1976 Code, as added by Act 360 of 2002, is amended to read:

 “Section 58‑9‑2650. The Department of Insurance must determine the South Carolina average market rate for private sector liability insurance for ~~telecommunications~~ communications operations. ~~In order~~ To have government‑owned and nongovernment‑owned ~~telecommunications~~ communications service providers in the same competitive position, to the extent possible, the rate paid for liability insurance for government‑owned ~~telecommunications~~ communications operations must be equal to or greater than the average market rate for private sector liability insurance in South Carolina as determined by the Department of Insurance. To the extent that ~~any~~ government‑owned ~~telecommunications~~ communications service provider pays less than the average market rate for this insurance established by the Department of Insurance, the difference ~~shall~~ must be remitted by the government‑owned ~~telecommunications~~ communications service provider to the general fund of the government owning ~~the telecommunications~~ that communications provider. ~~Provided,~~ However, nothing in this section ~~shall~~ may be construed to mean ~~that~~ a government‑owned ~~telecommunication providers are~~ communications provider is not covered by the South Carolina Tort Claims Act.”

SECTION 9. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. GAMBRELL explained the amendment.

The amendment was then adopted.

Rep. CRAWFORD proposed the following Amendment No. 4 (COUNCIL\AGM\18706AB11), which was tabled:

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

/ SECTION \_\_\_. Article 17, Chapter 9, Title 58 of the 1976 Code is amended by adding:

 “Section 58‑9‑2660. (A) Notwithstanding any other provision of law, the State of South Carolina and all political subdivisions thereof are prohibited from providing a communications service as defined in Section 58‑9‑2610.

 (B) Subsection (A) of this section does not prohibit continued provision of a communications service being provided by the State of South Carolina or a political subdivision thereof on or before July 1, 2014.” /

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

Rep. GAMBRELL spoke against the amendment.

Rep. CRAWFORD spoke in favor of the amendment.

Rep. GAMBRELL moved to table the amendment.

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

Yeas 89; Nays 16

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Delleney | Dillard |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Hart | Hayes |
| Hearn | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | King |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | Pitts | Pope |
| Rutherford | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stringer |
| Taylor | Thayer | Tribble |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--89**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bedingfield | Bikas |
| Brannon | Crawford | Daning |
| Erickson | Henderson | Herbkersman |
| Limehouse | Loftis | Long |
| Lowe | Nanney | Patrick |
| Quinn |  |  |

**Total--16**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

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

Yeas 109; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Branham |
| Brannon | Brantley | H. B. Brown |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| 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 | Pitts | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Viers | Weeks | Whipper |
| White | Williams | Willis |
| Young |  |  |

**Total--109**

 Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3508. If I had been present, I would have voted in favor of the Bill.

 Rep. B. R. Skelton

RECORD FOR VOTING

 I was temporarily out of the Chamber attending an SCDOT Board meeting during the vote on H. 3508. If I had been present, I would have voted in favor of the Bill.

 Rep. Patsy Knight

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3508. If I had been present, I would have voted in favor of the Bill.

 Rep. Gene Pinson

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3508. If I had been present, I would have voted in favor of the Bill.

 Rep. Joan Brady

**H. 3508--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. GAMBRELL, with unanimous consent, it was ordered that H. 3508 be read the third time tomorrow.

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

**ADJOURNMENT**

At 10:59 a.m. the House, in accordance with the motion of Rep. BARFIELD, adjourned in memory of Paul "Mutt" Richardson of Aynor, to meet at 10:00 a.m. tomorrow.

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