~~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 35:3-4: “Strengthen the weak hands, and make firm the feeble knees. Say to those who are of a fearful heart, ‘Be strong, do not fear’!”

Let us pray. Lord God, most holy, hear the prayers of Your people. Strengthen them and give them courage to face the needs of the people of this State. Make them strong and fearless in the duties and responsibilities placed before them. Shower Your blessings upon them. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who serve these Halls of Government. Protect our defenders of freedom as they protect us. Heal the wounds of our brave warriors, those seen and those hidden. 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. SABB moved that when the House adjourns, it adjourn in memory of Willie (Lee) Johnson of Williamsburg County, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

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

S. 51 -- Senators McConnell and Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE OVERPASS IN NORTH CHARLESTON IDENTIFIED AS THE "SEVEN MILE VIADUCT" THE "P. H. LIVINGSTON OVERPASS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS OVERPASS THAT CONTAIN THE WORDS "P. H. LIVINGSTON OVERPASS".

Ordered for consideration tomorrow.

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

S. 574 -- Senator Courson: A CONCURRENT RESOLUTION TO DECLARE MARCH 2011 AS "HOME SCHOOL RECOGNITION MONTH" IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOME SCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL-BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

Ordered for consideration tomorrow.

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

H. 3764 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF UNIVERSAL DRIVE AND SUMTER HIGHWAY AND AT THE INTERSECTION OF UNIVERSAL DRIVE AND BURDELL DRIVE, BOTH IN RICHLAND COUNTY, THAT CONTAIN THE WORDS "IN MEMORY OF MARY L. SHIVERS".

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3012 -- Reps. Horne, H. B. Brown and Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE "LICENSURE OF IN-HOME CARE PROVIDER ACT" SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN-HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN-HOME CAREGIVERS EMPLOYED BY IN-HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT'S RESPONSIBILITIES PURSUANT TO THIS CHAPTER; AND TO AMEND SECTION 44-7-2910, AS AMENDED, RELATING TO CRIMINAL RECORD CHECKS FOR CAREGIVERS, SO AS TO INCLUDE IN-HOME CARE PROVIDERS.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3170 -- Rep. Gilliard: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY VETERAN HOMELESSNESS, UNEMPLOYMENT, JOB PLACEMENT, INCIDENCE OF POST-TRAUMATIC STRESS DISORDER, ACCESS TO BASIC HUMAN SERVICES, AND OTHER ISSUES AFFECTING SOUTH CAROLINA VETERANS AND TO PROVIDE FOR RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, COMMITTEE MEMBERSHIP AND DUTIES, THE FILLING OF VACANCIES, COMMITTEE MEETINGS, AND STAFFING.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 3496 -- Reps. Brady, Butler Garrick, Spires, Erickson and Long: A BILL TO AMEND SECTION 44-29-135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS, SO AS TO DELETE THE PROVISION REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND SCHOOL NURSE IF A MINOR IS ATTENDING A SCHOOL IN THE DISTRICT AND HAS ACQUIRED IMMUNODEFICIENCY SYNDROME OR IS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; AND BY ADDING SECTION 59-10-220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 3038 -- Rep. Umphlett: A BILL TO AMEND SECTION 44-34-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A TATTOO FACILITY ENGAGING IN ANOTHER RETAIL BUSINESS, SO AS TO PROVIDE A TATTOO FACILITY MAY PROVIDE THE RETAIL SALE OF MERCHANDISE WITH IMAGES AND LANGUAGE PROMOTING THE ART AND CULTURE OF TATTOOING.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 3378 -- Rep. Crawford: A BILL TO AMEND ARTICLE 3, CHAPTER 31, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF TUBERCULOSIS PATIENTS, SO AS TO PROVIDE FOR AN EMERGENCY ORDER ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR AN ORDER ISSUED BY THE PROBATE COURT FOR THE DETENTION, EXAMINATION, ISOLATION, AND TREATMENT OF A PERSON WITH TUBERCULOSIS WHO POSES A RISK TO THE PUBLIC; TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH AN EMERGENCY ORDER MAY BE ISSUED AND THE SCOPE OF AN EMERGENCY ORDER; TO PROVIDE REVIEW AND APPEAL PROCEDURES FOR AN EMERGENCY ORDER; TO AUTHORIZE THE COURT TO WAIVE NOTICE REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES; TO PROHIBIT STAYING A COMMITMENT ORDER PENDING APPEAL; TO PROVIDE THAT INVOLUNTARY EXAMINATION OF A PERSON WITH SUSPECTED TUBERCULOSIS IS NOT COMPULSORY TREATMENT; AND TO DELETE PROVISIONS PERTAINING TO THE ESTABLISHMENT OF TUBERCULOSIS FACILITIES AT THE STATE PARK HEALTH CENTER AND THAT THE ENFORCEMENT OF THIS ARTICLE IS CONTINGENT UPON THE AVAILABILITY OF FACILITIES FOR HOSPITALIZATION.

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3113 -- Reps. Clemmons and Viers: A BILL TO AMEND SECTION 50-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO REVISE THE OPEN SEASON DATES FOR GAME ZONE 4.

Ordered for consideration tomorrow.

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

H. 3658 -- Reps. Clemmons, Harrell, Loftis, Herbkersman, Merrill, Corbin, Norman, D. C. Moss, Quinn, Bowen, Forrester, McCoy, Lucas, Bedingfield, Hamilton, Bingham, Hardwick, Owens, Bikas, Parker, Cooper, Erickson, Frye, V. S. Moss, Long, G. R. Smith, Atwater, Huggins, Murphy, Hearn, Whitmire, Brannon, Chumley, Tallon, Taylor, Limehouse, Patrick, Crosby, Thayer, Sottile, Crawford, Viers, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, J. R. Smith, Toole and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA EMPLOYER FREE SPEECH ACT" BY ADDING SECTION 41-7-110 SO AS TO PROVIDE THAT AN EMPLOYER IN THIS STATE IS NOT REQUIRED TO POST, PHYSICALLY, ELECTRONICALLY, OR OTHERWISE, NOTICES INFORMING EMPLOYEES OF THEIR RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT, COURT DECISIONS IMPLEMENTING THOSE RIGHTS, OR INFORMATION PERTAINING TO THE ENFORCEMENT OF THOSE RIGHTS, AND TO PROVIDE DEFINITIONS.

Ordered for consideration tomorrow.

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

H. 3438 -- Reps. G. M. Smith and Weeks: A BILL TO AMEND SECTION 29-15-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIENS FOR REPAIR OR STORAGE, SO AS TO EXCLUDE FROM THESE LIENS THE CONTENTS OF A TOWED, STORED, OR REPAIRED MOTOR VEHICLE, TRAILER, MOBILE HOME, WATERCRAFT, OR OTHER ITEM OR OBJECT SUBJECT TO TOWING, STORAGE, OR REPAIR.

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

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

H. 3267 -- Reps. Sellers and G. M. Smith: A BILL TO AMEND CHAPTER 21, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND OPERATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES AND AUTHORITY STATUTORILY EXERCISED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO THE DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION, PAROLE AND PARDON SERVICES.

Ordered for consideration tomorrow.

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

H. 3667 -- Rep. Bannister: A BILL TO AMEND SECTION 16-3-655, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL SEXUAL CONDUCT WITH A MINOR OFFENSES, SO AS TO PROVIDE FOR CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE WHEN THE ACTOR IS OVER THE AGE OF FOURTEEN AND COMMITS CERTAIN ACTS WITH A CHILD UNDER THE AGE OF SIXTEEN, TO PROVIDE AN EXCEPTION FOR CERTAIN CONSENSUAL CONDUCT, AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 16-15-140 RELATING TO COMMITTING OR ATTEMPTING TO COMMIT A LEWD ACT UPON A CHILD UNDER THE AGE OF SIXTEEN.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3780 -- Rep. Rutherford: A HOUSE RESOLUTION TO URGE APPROPRIATE STATE AGENCIES, AS WELL AS PRIVATE ORGANIZATIONS, TO DEVELOP AND IMPLEMENT POLICIES AND PROGRAMS TO HELP REDUCE OVERWEIGHT AND OBESITY AMONG SOUTH CAROLINA'S YOUTH.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 3781 -- Reps. Hixon, J. R. Smith, Taylor and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. GARY C. REDDING, SENIOR PASTOR OF FIRST BAPTIST CHURCH OF NORTH AUGUSTA, UPON THE OCCASION OF HIS RETIREMENT, AND TO COMMEND HIM FOR TWENTY-TWO YEARS OF SELFLESS SERVICE TO HIS CONGREGATION, HIS COMMUNITY, AND HIS GOD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3782 -- Reps. Horne, Murphy, Crawford, Viers, Harrison, Battle, Vick, Delleney and Pinson: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR COLONEL EDWARD B. CARTER OF DORCHESTER COUNTY, UPON BEING NAMED ALUMNUS OF THE YEAR BY THE CITADEL ALUMNI ASSOCIATION IN HONOR OF HIS EXTRAORDINARY EFFORTS IN SUCCESSFULLY RECOVERING AN HISTORIC ARTIFACT OF SIGNIFICANCE TO CITADEL HISTORY AND IN HONOR OF HIS MANY OTHER CONTRIBUTIONS AND SERVICE TO THE CITADEL.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3783 -- Reps. Henderson, Hamilton, Bannister, Stringer, Loftis, Allen, Corbin, Bikas, Bedingfield, Dillard, Nanney and G. R. Smith: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THOMAS DILLARD AND DILLARD-JONES BUILDERS, INC., OF GREENVILLE COUNTY, AND TO CONGRATULATE THEM FOR BEING NAMED THE 2011 SOUTHERN LIVING CUSTOM BUILDER OF THE YEAR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3807 -- Rep. Brantley: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF DEACON ROBERT L. GRAVES OF ALLENDALE COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3784 -- Reps. Gilliard and King: A CONCURRENT RESOLUTION TO REQUEST PRESIDENT BARACK H. OBAMA TO INCLUDE IN HIS 2012 FEDERAL BUDGET FUNDING FOR THE U. S. ARMY CORPS OF ENGINEERS TO CONDUCT A FEASIBILITY STUDY REGARDING THE DEEPENING OF CHARLESTON HARBOR TO AT LEAST FIFTY FEET SO THAT IT CAN ACCOMMODATE LARGER CONTAINER SHIPS EXPECTED TO CALL AT THE PORT WHEN THE EXPANSION OF THE PANAMA CANAL OPENS IN 2014.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3785 -- Reps. Huggins, 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, 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 EXPRESS THE PROFOUND SORROW OF THE HOUSE OF REPRESENTATIVES UPON THE DEATH OF COLUMBIA BUSINESS AND CIVIC LEADER AND FORMER RICHLAND COUNTY PLANNING COMMISSIONER THOMAS NETTLES BAGNAL ON FEBRUARY 22, 2011, AND TO CONVEY THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 634 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND M. ANDREW "ANDY" JAMES, FORMER KERSHAW COUNTY EDUCATOR AND SCHOOL BOARD MEMBER, FOR HIS THIRTY-FOUR YEARS OF OUTSTANDING PUBLIC SERVICE TO THE PEOPLE 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. 635 -- Senators L. Martin and Alexander: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE DR. DAVID SPITTAL UPON HIS RETIREMENT AS PRESIDENT OF SOUTHERN WESLEYAN UNIVERSITY AND TO WISH HIM ALL THE BEST IN HIS FUTURE ENDEAVORS.

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. 639 -- Senators Lourie, Courson, Scott and Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE HEATHWOOD HALL EPISCOPAL SCHOOL BASKETBALL TEAM FOR A SUCCESSFUL SEASON, AND TO CONGRATULATE THE PLAYERS AND THEIR COACHES FOR CAPTURING THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION STATE CHAMPIONSHIP TITLE.

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. 640 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR THE SACRIFICE MADE BY LANCE CORPORAL KYLE CARPENTER OF THE UNITED STATES MARINE CORPS, SERIOUSLY WOUNDED WHILE SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO THIS COURAGEOUS SERVICEMAN THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION.

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. 3786 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF ARCHIVES AND HISTORY, RELATING TO REHABILITATION OF DESIGNATED HISTORIC BUILDINGS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4135, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 3787 -- Reps. Owens, Bowen, Bikas, Henderson, Norman, Simrill and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-4-27 SO AS TO REQUIRE COUNTIES AND MUNICIPALITIES TO MAKE EXPENDITURES PURSUANT TO CHAPTER 4, TITLE 6, AND TO VEST JURISDICTION TO HEAR CERTAIN LEGAL CHALLENGES WITH THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 6-4-10, AS AMENDED, RELATING TO THE ALLOCATION, MANAGEMENT, AND USE OF THE SPECIAL FUND FOR TOURISM, SO AS TO DELETE THE SOUTH CAROLINA ACCOMMODATIONS TAX OVERSIGHT COMMITTEE APPROVAL REQUIREMENT FOR GRANTING CERTAIN TIME EXTENSIONS; TO AMEND SECTION 6-4-25, RELATING TO ANNUAL REPORTS TO THE SOUTH CAROLINA ACCOMMODATIONS TAX OVERSIGHT COMMITTEE, SO AS TO DELETE THE REQUIREMENT THAT MUNICIPALITIES AND COUNTIES SUBMIT ANNUAL REPORTING REQUIREMENTS; AND TO REPEAL SECTION 6-4-35 RELATING TO THE TOURISM EXPENDITURE REVIEW COMMITTEE.

Referred to Committee on Ways and Means

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

Referred to Committee on Ways and Means

H. 3789 -- Reps. McLeod, Brantley, Chumley, J. H. Neal, Jefferson, Neilson, Alexander, Gilliard, Bales, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Hixon, Hodges, Hosey, Mack, Weeks and Whipper: A BILL TO AMEND SECTION 17-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF A LAW ENFORCEMENT OFFICER IN PURSUIT OF AN OFFENDER, SO AS TO INCREASE THE LIMIT WHERE THE TOWN OR CITY'S JURISDICTION CEASES FROM THREE MILES TO FIVE MILES OF THE CORPORATE LIMITS.

Referred to Committee on Judiciary

H. 3790 -- Rep. Sellers: A BILL TO CREATE THE BAMBERG COUNTY WATER AND SEWER AUTHORITY; TO PROVIDE FOR ITS DUTIES, RESPONSIBILITIES, AND POWERS; AND TO PROVIDE FOR THE APPOINTMENT AND TERMS OF THE AUTHORITY'S MEMBERS.

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

H. 3791 -- Reps. Pitts, Spires, Frye, Atwater, Brady, Butler Garrick, Merrill, Bannister, Chumley, Edge, Viers and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-19-35 SO AS TO PROHIBIT A PERSON CONVICTED OF A FELONY DRUG OFFENSE OR A CRIME THAT REQUIRES THE PERSON TO REGISTER ON THE SEX OFFENDER REGISTRY FROM BEING ELECTED OR APPOINTED TO SERVE ON A SCHOOL DISTRICT BOARD OF TRUSTEES.

Referred to Committee on Judiciary

H. 3792 -- Rep. Rutherford: A BILL TO AMEND SECTION 50-21-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONDITIONS UPON WHICH A PERSON MAY OPERATE A VESSEL DISPLAYING, REFLECTING, OR FLASHING A BLUE LIGHT, SO AS TO REVISE THE CIRCUMSTANCES IN WHICH A PERSON MAY OPERATE A VESSEL WHILE DISPLAYING A BLUE LIGHT, AND TO REVISE THE PENALTY PROVISION.

Referred to Committee on Judiciary

H. 3793 -- Reps. Thayer, Whitmire, H. B. Brown, G. R. Smith, Gambrell, Bowen, Hardwick, Clemmons, Mitchell, Parks, Atwater, Butler Garrick, Pinson, Corbin, Norman, Viers, Erickson, Hearn, Murphy, Allison, McCoy, Stavrinakis, Govan, Agnew, Hosey, Hiott, Patrick, Chumley, Brannon, Battle, Brady, R. L. Brown, Clyburn, Cobb-Hunter, Cole, Daning, Delleney, Funderburk, Hamilton, Harrison, Hayes, Henderson, Horne, Lucas, D. C. Moss, V. S. Moss, Nanney, J. M. Neal, Owens, Pitts, Pope, Ryan, Sabb, Sandifer, Simrill, J. R. Smith, Stringer, Tallon, Taylor, White and Cooper: A BILL TO AMEND SECTION 44-53-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATERIALS, COMPOUNDS, MIXTURES, AND PREPARATIONS CLASSIFIED AS SCHEDULE I CONTROLLED SUBSTANCES, INCLUDING HALLUCINOGENICS, SO AS TO ADD METHYLONE, MDPV, MEPHEDRONE, METHOXYMETHCATHINONE, AND FLUROROMETHCATHINONE, COMMONLY REFERRED TO AS "BATH SALTS", TO THE LIST OF SCHEDULE I DRUGS.

Referred to Committee on Judiciary

H. 3794 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-227 SO AS TO PROVIDE THAT THE ASSESSMENT RATIO ON A RESIDENCE WHICH AN OWNER MAINTAINS FOR A PARENT WHO OCCUPIES IT AS THEIR PRINCIPAL RESIDENCE SHALL BE FOUR PERCENT UNDER CERTAIN CONDITIONS.

Referred to Committee on Ways and Means

H. 3795 -- Rep. Bowers: A BILL TO AMEND SECTION 6-1-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MILLAGE RATE INCREASE LIMITATION, SO AS TO PROVIDE THAT ANY FEE IMPOSED AFTER JULY 1, 2011, OR ANY INCREASE IN FEE, SHALL APPLY TO THE MILLAGE LIMITATION; AND TO AMEND SECTION 6-1-330, AS AMENDED, RELATING TO LOCAL FEE IMPOSITIONS, SO AS TO PROVIDE THAT ANY FEE AUTHORIZED BY REFERENDUM AFTER JULY 1, 2011, ALSO MUST BE APPROVED BY REFERENDUM.

Referred to Committee on Ways and Means

H. 3796 -- Rep. Bowers: A JOINT RESOLUTION TO ESTABLISH THE SOUTH CAROLINA COMMISSION FOR THE REVIEW OF THE JUDICIAL AND CRIMINAL JUSTICE SYSTEMS AND RELEVANT LAWS; PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE COMMISSION; PROVIDE FOR THE STAFFING OF THE COMMISSION, AND PROVIDE FOR THE TERMINATION OF THE COMMISSION BY FEBRUARY 1, 2012.

Referred to Committee on Judiciary

H. 3797 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-624 SO AS TO CREATE THE OFFENSE OF COMMITTING A DRIVE-BY SHOOTING AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 3798 -- Rep. Bowers: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, 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 AUTHORIZE A MUNICIPALITY WITH A POPULATION OF LESS THAN FIVE THOUSAND TO EXEMPT FROM MUNICIPAL AD VALOREM TAXATION, FOR NOT MORE THAN FIVE YEARS, IMPROVEMENTS TO COMMERCIAL PROPERTY.

Referred to Committee on Ways and Means

H. 3799 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-25 SO AS TO REQUIRE, BEGINNING WITH THE REAPPORTIONMENT OF THE HOUSE OF REPRESENTATIVES AFTER THE DECENNIAL CENSUS OF 2010, THE HOUSE OF REPRESENTATIVES TO REAPPORTION ITSELF SO THAT A HOUSE DISTRICT MUST BE WHOLLY CONTAINED WITHIN A COUNTY IF THE COUNTY HAS SUFFICIENT POPULATION, AND TO REQUIRE ALL DISTRICTS TO BE WHOLLY CONTAINED WITHIN EACH REGIONAL COUNCIL OF GOVERNMENT.

Referred to Committee on Judiciary

H. 3800 -- Rep. Bowers: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT ANY REAL PROPERTY AND IMPROVEMENTS THEREON WITHIN A ONE MILE RADIUS OF A LEGAL RESIDENCE THAT QUALIFIES FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO SHALL BE CONSIDERED CONTIGUOUS TO THE LEGAL RESIDENCE.

Referred to Committee on Ways and Means

H. 3801 -- Rep. Bowers: A BILL TO AMEND SECTION 12-36-920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX ON ACCOMMODATIONS FOR TRANSIENTS, SO AS TO INCLUDE ACCOMMODATIONS PROVIDED TO OCCUPANTS, OTHER THAN OWNER OCCUPANTS, PURSUANT TO A VACATION TIME SHARING PLAN.

Referred to Committee on Ways and Means

H. 3802 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-7-65 SO AS TO PROVIDE THAT ALL MUNICIPAL AD VALOREM PROPERTY TAXES WHICH WOULD OTHERWISE BE IMPOSED ON NEW IMPROVEMENTS TO REAL PROPERTY LOCATED IN A PRESERVATION DISTRICT ESTABLISHED BY A MUNICIPALITY OF THIS STATE WITHIN ITS CORPORATE LIMITS ARE ABATED FOR A PERIOD OF FIVE CALENDAR YEARS BEGINNING WITH THE FIRST DAY OF JANUARY AFTER THE ESTABLISHMENT OF THE DISTRICT, AND TO PROVIDE THAT A MUNICIPALITY WITHIN ITS GENERAL AUTHORITY IS PERMITTED BY ORDINANCE TO ESTABLISH SUCH DISTRICTS IN THE MANNER AND UNDER THE TERMS AND CONDITIONS IT CONSIDERS APPROPRIATE.

Referred to Committee on Ways and Means

H. 3803 -- Rep. Bowers: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY FOR AD VALOREM TAX PURPOSES AND THE ASSESSMENT RATIOS APPLICABLE TO SUCH PROPERTY, SO AS TO PROVIDE THAT MULTIUNIT RESIDENTIAL REAL PROPERTY CONTAINING FOUR UNITS OR LESS WHICH EACH UNIT OCCUPANT OCCUPIES AS HIS PRINCIPAL RESIDENCE ON A RENTAL OR OWNERSHIP BASIS MUST BE TAXED ON AN ASSESSMENT EQUAL TO FOUR PERCENT OF THE FAIR MARKET VALUE OF THE PROPERTY AND TO PROVIDE FOR THIS REDUCED RATIO BY MEANS OF A PROPERTY TAX EXEMPTION.

Referred to Committee on Ways and Means

H. 3804 -- Rep. Bowers: A BILL TO AMEND SECTION 12-37-3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WHEN ASSESSABLE TRANSFERS OF INTEREST OCCUR FOR PURPOSES OF APPRAISING REAL PROPERTY FOR IMPOSITION OF THE PROPERTY TAX, SO AS TO PROVIDE THAT AN ASSESSABLE TRANSFER OF INTEREST DOES NOT INCLUDE ANY TRANSFER WHEN THE BENEFICIAL OWNERSHIP OF THE PROPERTY HAS NOT CHANGED.

Referred to Committee on Ways and Means

H. 3805 -- Rep. Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-640 SO AS TO CREATE THE OFFENSE OF ASSAULT WHILE ON PROBATION, PAROLE, OR UNDER BOND AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 3806 -- Reps. Toole, Bingham, Quinn, Frye, Huggins, Atwater, Spires, McLeod, Ballentine and Ott: A JOINT RESOLUTION TO PROVIDE A PROPERTY TAX CREDIT FOR PROPERTY TAX YEAR 2011 FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY SITUATED IN LEXINGTON COUNTY SCHOOL DISTRICT NOS. 1 AND 4 AS THE SOLE REMEDY FOR REFUNDING OVERPAYMENTS OF PROPERTY TAX ON SUCH PROPERTY FOR PROPERTY TAX YEARS 2007 AND 2008 AS A RESULT OF THE OPINION OF THE SOUTH CAROLINA SUPREME COURT IN THE CASE OF BERKELEY COUNTY SCHOOL DISTRICT ET AL. V. SOUTH CAROLINA DEPARTMENT OF REVENUE, AND TO PROVIDE FOR THE CALCULATION OF THE CREDIT AND OTHER REFUNDS RESULTING FROM THE CASE, AND TO PROVIDE THOSE ELIGIBLE TO RECEIVE THE CREDIT.

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

H. 3808 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-3-414 SO AS TO PROVIDE THAT A VIOLATION OF FEDERAL LAW AS TO CERTAIN CONSUMER LOAN TRANSACTIONS IS A VIOLATION OF STATE LAW.

Referred to Committee on Judiciary

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | 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 | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | 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 |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Viers | Weeks | Whipper |
| White | Williams | Willis |
| Young |  |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, March 3.

|  |  |
| --- | --- |
| B. W. Bannister | William R. "Bill" Whitmire |
| Terry Alexander | Jerry Govan |
| Joseph Neal | Chris Hart |

**Total Present--118**

**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 for the day due to military service.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. A. BROWN a leave of absence for the remainder of the day.

**DOCTOR OF THE DAY**

Announcement was made that Drs. Patricia Witherspoon and Elizabeth Yardley of Columbia were the Doctors of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. BRADY presented to the House the Hammond School Varsity Football Team, the 2010 South Carolina Independent Schools Association Class AAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3111 |
| Date: | ADD: |
| 03/03/11 | HAYES and D. C. MOSS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3368 |
| Date: | ADD: |
| 03/03/11 | RYAN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3587 |
| Date: | ADD: |
| 03/03/11 | LOFTIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3710 |
| Date: | ADD: |
| 03/03/11 | HAYES, D. C. MOSS and SANDIFER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3711 |
| Date: | ADD: |
| 03/03/11 | HAYES and D. C. MOSS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3793 |
| Date: | ADD: |
| 03/03/11 | COOPER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3760 |
| Date: | ADD: |
| 03/03/11 | YOUNG, BRANNON, PARKER, ALLISON, FORRESTER, COLE, HERBKERSMAN, FRYE, FUNDERBURK, MCLEOD, COBB-HUNTER, ANTHONY, HORNE, COOPER, GOVAN, ALEXANDER, MITCHELL, J. H. NEAL and V. S. MOSS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3717 |
| Date: | ADD: |
| 03/03/11 | LIMEHOUSE | |

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 337 -- Senator Coleman: A BILL TO AMEND ACT 525 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE CHESTER COUNTY COUNCIL AND THE CHESTER COUNTY SCHOOL BOARD OF TRUSTEES, SO AS TO REVISE THE DATE BY WHICH A PERSON SHALL FILE A STATEMENT OF CANDIDACY IN ORDER TO RUN FOR A SEAT ON THE CHESTER COUNTY SCHOOL BOARD OF TRUSTEES.

**SENT TO THE SENATE**

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

H. 3621 -- Reps. Bannister, Rutherford, Herbkersman, Weeks, J. E. Smith and Viers: A BILL TO AMEND SECTION 61-6-1035, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SAMPLING OF WINES, SO AS TO PERMIT RETAILERS TO CONDUCT TASTINGS.

H. 3668 -- Rep. Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 56-1-745 RELATING TO THE DRIVER'S LICENSE SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION.

**H. 3478--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3478 -- Reps. Young, D. C. Moss, Gambrell, Agnew, Bowen, H. B. Brown, Clyburn, Spires, Frye, Bingham, Cobb-Hunter, Hardwick, Hayes, Herbkersman, Hixon, Horne, Hosey, Lucas, McEachern, Ott, Quinn, G. R. Smith, J. R. Smith, Taylor, Umphlett and White: A BILL TO AMEND SECTION 39-41-235, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETROLEUM PRODUCTS AND DIESEL FUEL SUITABLE FOR BLENDING, SALE OF UNBLENDED PRODUCTS WITHOUT NECESSARY ADDITIVES, RECORDKEEPING AND REGISTRATION, ENFORCEMENT, WHOLESALER RESPONSIBILITY, LIABILITY, AND NOTICE, SO AS TO PROVIDE THAT THESE REQUIREMENTS APPLY TO EVERY TERMINAL OPERATOR AND EVERY SUPPLIER.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\BBM\10095HTC11), which was adopted:

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

/ SECTION 1. Subsections (A), (B), (C), and (F) of Section 39‑41‑235 of the 1976 Code, as added by Act 147 of 2010, are amended to read:

“(A) Regardless of other products offered, every terminal, as defined in Section 12‑28‑110(56), located within the State, every terminal operator as defined in Section 12‑28‑110(58), must offer for sale all grades of petroleum products that are not already preblended with ethanol and that are suitable for subsequent blending of the product with ethanol. Every supplier as defined in Section 12‑28‑110(53), permissive supplier as defined in Section 12‑28‑110(43), refiner as defined in Section 12‑28‑110(49), or any other person or entity who is involved in the bulk transfer of motor fuel as defined in Section 12‑28‑110(8) are responsible for ensuring that every terminal located in this State and every terminal operator are delivered the products set forth in this section.

(B) Regardless of other products offered, every terminal, as defined in Section 12‑28‑110(56), located within the State, every terminal operator as defined in Section 12‑28‑110(58), must offer for sale all grades of diesel fuel that are not already preblended to produce biodiesel or a biodiesel blend and that are suitable for subsequent blending to produce biodiesel or biodiesel blends. Every supplier as defined in Section 12‑28‑110(53), permissive supplier as defined in Section 12‑28‑110(43), refiner as defined in Section 12‑28‑110(49), or any other person or entity who is involved in the bulk transfer of motor fuel as defined in Section 12‑28‑110(8) are responsible for ensuring that every terminal located in this State and terminal operator in this State are delivered the products set forth in this section.

(C) A terminal or terminal operator shall not offer for sale an unblended product that omits any additive found in a product preblended with ethanol. A terminal or terminal operator shall not offer for sale an unblended product that does not contain a comparable amount of any additive found in a product preblended with ethanol. Every supplier, permissive supplier, refiner, or any other person or entity who is involved in the bulk transfer of motor fuel are responsible for ensuring that every terminal located in this state and every terminal operator are delivered the products set forth in this section.

(F) A violation of this article is deemed an unfair trade practice, and each violation is a separate offense. The Department of Revenue shall investigate and prosecute any violation of this article. A person or entity violating the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars for each violation.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

The amendment was then adopted.

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

**H. 3478--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HIOTT, with unanimous consent, it was ordered that H. 3478 be read the third time tomorrow.

**H. 3586--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3586 -- Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer: A BILL TO AMEND SECTION 48-39-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO DELETE FROM THE EXEMPTIONS CERTAIN PIERS AND ASSOCIATED STRUCTURES, PUBLIC AND PRIVATE, EXISTING ON SEPTEMBER 21, 1989.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11410AC11), which was adopted:

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

/SECTION 1. Section 48-39-290(A)(3) of the 1976 Code is amended to read:

“(3) fishing piers and associated amenities structures which are open to the public. Those fishing piers with their associated structures including, but not limited to, baitshops, restrooms, restaurants, and arcades which existed September 21, 1989, may be rebuilt if they are constructed to the same dimensions and utilized for the same purposes and remain open to the public. In addition, those fishing piers with their associated structures which existed on September 21, 1989, that were privately owned, privately maintained, and not open to the public on this date also may be rebuilt and used for the same purposes if they are constructed to the same dimensions;”

SECTION 2. Section 48-39-290(A)(8)(e)(ii) of the 1976 Code is amended to read:

“(ii) restoration of the adversely affected beach and adjacent real estate through renourishment pursuant to subsection (c).

An adjacent or downdrift property owner that claims a groin has caused or is causing an adverse impact shall notify the department of such impact. The department shall render an initial determination within sixty (60) days of such notification. Final agency action shall be rendered within twelve months of notification. An aggrieved party may appeal the decision pursuant to the Administrative Procedures Act.

A permit must be obtained from the department for items (2) through (8). However, no permit is required under this chapter for associated amenity structures constructed on fishing piers if local governmental bodies having responsibility for the planning and zoning authorize construction of those amenity structures. Associated amenity structures do not include those employed as overnight accommodations or those consisting of more than two stories above the pier decking.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

The amendment was then adopted.

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

**H. 3586--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HIOTT, with unanimous consent, it was ordered that H. 3586 be read the third time tomorrow.

**H. 3587--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3587 -- Reps. Edge, Viers, Hardwick, Hearn, Clemmons, Barfield, Hayes and Loftis: A BILL TO AMEND SECTION 48-39-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, SO AS TO ADD AN EXEMPTION FOR MAINTENANCE DREDGING BY COUNTIES OR MUNICIPALITIES OF CERTAIN CANALS IF THE DREDGING IS AUTHORIZED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT ALL OTHER DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11412AC11), which was adopted:

Amend the bill, as and if amended, by deleting Section 1 of the bill and inserting:

/Section 1. 48-39-130(D) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) maintenance dredging in existing navigational canal community developments by counties or municipalities of manmade, predominately armored, recreational use canals and essential access canals conveyed to the State or dedicated to the public for that purpose between 1965 and the effective date of this Act if the maintenance dredging is authorized by a permit from the United States Army Corps of Engineers pursuant to the Federal Clean Water Act, as amended, or the Rivers and Harbors Act of 1899. All other department administered certifications for such dredging are deemed waived.”/

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

The amendment was then adopted.

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

**H. 3587--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. EDGE, with unanimous consent, it was ordered that H. 3587 be read the third time tomorrow.

**ORDERED TO THIRD READING**

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

H. 3120 -- Reps. McEachern and H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-845 SO AS TO PROVIDE THAT THE TOWN OF BLYTHEWOOD SHALL CONDUCT VEGETATION MANAGEMENT ALONG A PORTION OF INTERSTATE HIGHWAY 77.

Rep. MCEACHERN explained the Bill.

**H. 3120--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. MCEACHERN, with unanimous consent, it was ordered that H. 3120 be read the third time tomorrow.

**OBJECTION TO RECALL**

Rep. D. C. MOSS asked unanimous consent to recall H. 3732 from the Committee on Education and Public Works.

Rep. CRAWFORD objected.

**H. 3788--RECALLED FROM COMMITTEE ON WAYS AND MEANS**

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

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

**OBJECTION TO RECALL**

Rep. BALLENTINE asked unanimous consent to recall H. 3685 from the Committee on Ways and Means.

Rep. COOPER objected.

**H. 3003--DEBATE ADJOURNED**

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

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V. S. Moss, Norman, Parker, G. M. Smith, G. R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J. R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D. C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7-5-125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56-1-3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7-13-25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7-13-25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7-1-25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7-5-675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7-15-330, 7-15-385, AND 7-5-230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

Rep. CLEMMONS moved to adjourn debate upon the Senate Amendments until Tuesday, March 8, which was agreed to.

**SENT TO THE SENATE**

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

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: 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.

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, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge: 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.

H. 3070 -- Reps. Young, Harrison, G. R. Smith, H. B. Brown, Taylor, Hamilton, Murphy, G. M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Simrill, Pope, Clemmons, Harrell, Bedingfield, Henderson, D. C. Moss, Erickson and Edge: 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.

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3785 -- Reps. Huggins, 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, 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 EXPRESS THE PROFOUND SORROW OF THE HOUSE OF REPRESENTATIVES UPON THE DEATH OF COLUMBIA BUSINESS AND CIVIC LEADER AND FORMER RICHLAND COUNTY PLANNING COMMISSIONER THOMAS NETTLES BAGNAL ON FEBRUARY 22, 2011, AND TO CONVEY THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

**ADJOURNMENT**

At 11:06 a.m. the House, in accordance with the motion of Rep. SABB, adjourned in memory of Willie (Lee) Johnson of Williamsburg County, to meet at 10:00 a.m. tomorrow.

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