~~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 Psalm 26:3: “For your steadfast love is before my eyes, and I walk in faithfulness to you.”

Let us pray. Almighty God, because of Your faithfulness to us, let these Representatives be faithful to You and to the people whom they serve. Guide them to accomplish Your plans, that all may be served. For those who are our leaders, nourish them with Your spirit to perform their duties and responsibilities. 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. SABB moved that when the House adjourns, it adjourn in memory of Henry Capers of Salters, which was agreed to.

**ACTING SPEAKER YOUNG IN CHAIR**

**HOUSE RESOLUTION**

The following was introduced:

H. 4130 -- Reps. Pinson, Parks, Pitts, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, 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, Patrick, 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 HOUSE RESOLUTION TO CONGRATULATE SELF REGIONAL HEALTHCARE IN GREENWOOD ON THE DEDICATION OF ITS NEW CANCER CENTER AND TO THANK SELF FOR ITS YEARS OF INVALUABLE SERVICE TO THE COMMUNITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4131 -- Reps. Clemmons, 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, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, 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 HOUSE RESOLUTION TO HONOR AND RECOGNIZE COUNTRY MUSIC LEGEND DOLLY PARTON FOR HER CONTRIBUTIONS TO THE MUSIC INDUSTRY, TO THE ECONOMIC HEALTH OF THE PALMETTO STATE, AND TO CHARITABLE CAUSES WORLDWIDE, AND WELCOME HER BACK TO SOUTH CAROLINA FOR THE GRAND OPENING OF PIRATES VOYAGE IN MYRTLE BEACH ON JUNE 3, 2011.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 837 -- Senator Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF STATION 22 1/2 AND JASPER BOULEVARD ON SULLIVAN'S ISLAND IN CHARLESTON COUNTY "DR. GEORGE G. DURST, SR. INTERSECTION" AND PLACE APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "DR. GEORGE G. DURST, SR. INTERSECTION".

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

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chumley | Clyburn | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Johnson | King |
| Knight | Limehouse | Long |
| Lucas | Mack | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pitts | Pope |
| Quinn | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, April 27.

|  |  |
| --- | --- |
| Paul Agnew | Karl Allen |
| Mia Butler Garrick | Alan D. Clemmons |
| Gilda Cobb-Hunter | Chandra Dillard |
| Dwight Loftis | Peter McCoy, Jr. |
| Elizabeth Munnerlyn | Joseph Neal |
| Lewis E. Pinson | David Weeks |
| Jackson "Seth" Whipper | Chip Huggins |
| Kevin Ryan | Harold Mitchell |
| Phillip Lowe | Eric Bikas |
| James Harrison | Chris Hart |
| Todd Rutherford | Thad Viers |

**Total Present--122**

**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. MERRILL a leave of absence for the day due to a prior commitment.

**STATEMENT OF ATTENDANCE**

Rep. QUINN signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, April 26.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Lori Carnsew of Liberty 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-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3617 |
| Date: | ADD: |
| 04/27/11 | WHIPPER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3762 |
| Date: | ADD: |
| 04/27/11 | CLEMMONS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3164 |
| Date: | ADD: |
| 04/27/11 | CLEMMONS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3346 |
| Date: | ADD: |
| 04/27/11 | VICK |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3713 |
| Date: | REMOVE: |
| 04/27/11 | KNIGHT |

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SENT TO THE SENATE**

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

H. 3663 -- Reps. Cooper, Harrell, Ott, Bingham, Allison, Owens, Anthony, Bales and McLeod: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2011 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2011 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END-OF-COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

H. 3657 -- Reps. Cooper and Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-45-17 SO AS TO PROVIDE MINIMUM CONTINUING EDUCATION COURSE REQUIREMENTS FOR COUNTY TAX COLLECTORS AND PROVIDE EXCEPTIONS; BY ADDING SECTION 12-59-85 SO AS TO ALLOW A COUNTY FORFEITED LAND COMMISSION TO REFUSE TO ACCEPT TITLE TO PROPERTY WHEN REFUSAL IS IN THE PUBLIC INTEREST; AND TO AMEND SECTIONS 12-51-50, AS AMENDED, AND 12-51-70, RELATING TO DELINQUENT TAX SALES, SO AS TO PROVIDE FOR THE SALES DATE AND TO INCREASE FROM THREE HUNDRED TO ONE THOUSAND DOLLARS THE DAMAGES FOR WHICH A DEFAULTING BIDDER IS LIABLE.

H. 3865 -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Ballentine, D. C. Moss, Mitchell, J. H. Neal, Hodges, G. M. Smith, Pinson, Herbkersman, Hiott, R. L. Brown, Whipper, Forrester, Toole, Hayes, Butler Garrick, Chumley, J. E. Smith, Atwater, Huggins, Clemmons, Pitts, Edge, Dillard, Ryan, Vick, J. R. Smith, Knight, Long, Crosby, Hixon, Murphy, Stringer, Owens, Bikas, Viers, Ott and Weeks: A BILL TO AMEND ARTICLE 1, CHAPTER 1, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GENERAL FISH AND GAME PROVISIONS, BY ADDING SECTION 50-1-160 SO AS TO PERMIT THE DEPARTMENT TO RELEASE A SEIZED VEHICLE, BOAT, MOTOR, OR FISHING DEVICE UNDER CERTAIN CONDITIONS; TO AMEND ARTICLE 3, CHAPTER 13, TITLE 50, RELATING TO USE OF SEINES, TRAPS, AND LIKE DEVICES, SO AS TO REVISE AND FURTHER PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEVICES MAY BE USED AND TO PROVIDE PENALTIES FOR VIOLATIONS; BY ADDING ARTICLE 5 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN UNLAWFUL FRESHWATER ACTIONS AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 6, CHAPTER 13, TITLE 50, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO FURTHER PROVIDE FOR THE USE OF NONGAME FISHING DEVICES AND THE TAKING OF NONGAME FISH IN THE FRESHWATERS OF THIS STATE, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS AND FOR SPECIFIED EXCEPTIONS TO THESE PROVISIONS; TO AMEND ARTICLE 11, CHAPTER 13, TITLE 50, RELATING TO THE SALE AND TRAFFIC IN FISH, SO AS TO REVISE CERTAIN PROVISIONS IN THE ARTICLE PERTAINING TO PROHIBITED PRACTICES IN REGARD TO THE SALE OR TRAFFICKING IN FISH AND ADD OTHER PROVISIONS WITH PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES AND PROPAGATION, SO AS TO REVISE AND FURTHER PROVIDE FOR ACTIONS THE DEPARTMENT MAY TAKE IN REGARD TO FISH HATCHERIES, SANCTUARIES, AND THE PROPAGATION OF FISH AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 50, RELATING TO THE HORRY COUNTY FISH AND GAME COMMISSION, SO AS TO DELETE THE PROVISIONS OF THE ARTICLE AND INSTEAD PROVIDE FOR THE PERMITTED USE OF NONGAME DEVICES ON THE LITTLE PEE DEE RIVER FOR A PERIOD OF THREE YEARS; AND TO REPEAL SECTIONS 50-13-1450 RELATING TO PRIMA FACIE EVIDENCE OF USING EXPLOSIVES TO TAKE FISH; 50-13-385 RELATING TO MINIMUM SIZE FOR LARGE MOUTH BASS IN LAKE WYLIE; 50-13-390 RELATING TO DAILY LIMIT ON ARKANSAS BLUE CATFISH; AND 50-13-400 RELATING TO LAKE MURRAY CRAPPIE CREEL AND SIZE LIMITS.

H. 3772 -- Reps. Hardwick, Vick and Hixon: A BILL TO AMEND CHAPTER 26, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF AGRICULTURAL LIMING MATERIALS, SO AS TO PROVIDE FOR REGULATION OF LANDPLASTER, TO REVISE CERTAIN REPORTING REQUIREMENTS, AND TO REVISE THE PROVISIONS RELATING TO THE PAYMENT OF ASSESSMENTS LEVIED BY THE STATE CROP PEST COMMISSION.

H. 3744 -- Reps. Erickson and Sandifer: A BILL TO AMEND SECTION 40-65-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROVISIONS CONCERNING SOIL CLASSIFIERS, SO AS TO REVISE THE EXEMPTIONS.

H. 3730 -- Reps. Munnerlyn, Sabb, Vick, Hayes, Tribble and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-450 SO AS TO PROVIDE THAT A COMMERCIAL FUR LICENSE, IN ADDITION TO A STATE HUNTING LICENSE IS REQUIRED OF ALL PERSONS WHO SELL OR TAKE FURBEARING ANIMALS BY ANY MEANS, EXCEPT A PROCESSOR, MANUFACTURER, OR RETAILER, AND TO PROVIDE THAT A PERSON UNDER THE AGE OF SIXTEEN MAY PURCHASE A COMMERCIAL FUR LICENSE WITHOUT HAVING TO PURCHASE A STATE HUNTING LICENSE AFTER COMPLETING THE TRAPPERS EDUCATION COURSE; TO AMEND SECTION 50-11-40, RELATING TO THE UNLAWFUL USE OF RECORDED SOUNDS OR AMPLIFIED IMITATIONS OF CALLS OR SOUNDS BY A PERSON TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS, SO AS TO DELETE THE PROVISION THAT MAKES IT UNLAWFUL TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE HUNTING AND TAKING OF COYOTES; TO AMEND SECTION 50-11-1080, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES DECLARING OPEN SEASON ON COYOTES, SO AS TO PROVIDE THAT THERE IS NO CLOSED SEASON FOR HUNTING OR TAKING COYOTES WITH WEAPONS; TO AMEND SECTION 50-11-2400, RELATING TO DEFINITIONS OF CERTAIN TERMS THAT PERTAIN TO THE TRAPPING OF FURBEARING ANIMALS, SO AS TO REVISE THE DEFINITION OF THE TERMS "FURBEARING ANIMAL" AND "COMMERCIAL PURPOSES", AND TO PROVIDE DEFINITIONS FOR THE TERMS "OWNER" AND "AGENT"; TO AMEND SECTION 50-11-2430, RELATING TO REQUIRING A FUR TRAPPER TO CARRY PROOF THAT HE IS THE OWNER OF THE PROPERTY ON WHICH HE SETS HIS TRAPS, OR HAS PERMISSION FROM THE OWNER OF THE PROPERTY UPON WHICH HIS TRAPS ARE SET, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50-11-2440, RELATING TO REQUIRING A TRAPPER TO VISIT HIS TRAPS DAILY, SO AS TO MODIFY THE FREQUENCY THAT A TRAPPER MUST VISIT HIS TRAPS; TO AMEND SECTION 50-11-2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE BY THE OWNERS OF TRAPS, SO AS TO ALLOW A TRAP OWNER'S DESIGNEE TO REMOVE WILDLIFE FROM HIS TRAPS, AND TO PROVIDE THAT A DESIGNEE MUST POSSESS WRITTEN PERMISSION FROM THE TRAP'S OWNER TO ACT ON HIS BEHALF AND MUST MEET ALL COMMERCIAL FUR LICENSING REQUIREMENTS OR BE LISTED ON A VALID DEPREDATION PERMIT; TO AMEND SECTION 50-11-2460, RELATING TO CERTAIN TRAPS THAT ARE ALLOWED FOR TRAPPING, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT RESTRICTS THE TYPES OF TRAPS THAT ARE ALLOWED TO THOSE THAT ARE IN ACCORDANCE WITH APPROVED COMMERCIAL FUR LICENSES, TO ALLOW FOR THE USE OF LIVE TRAPS TO CAPTURE CERTAIN FERAL ANIMALS, TO REVISE THE SIZE OF FOOT-HOLD TRAPS THAT ARE ALLOWABLE, TO PROVIDE THAT SMALL SNAP, BOX, AND OTHER TRAPS ARE ALLOWED FOR TRAPPING; TO AMEND SECTION 50-11-2475, RELATING TO THE ISSUANCE OF A FUR PROCESSOR'S LICENSE, SO AS TO REVISE THE COST OF THE LICENSE, TO REQUIRE A TAXIDERMIST TO KEEP A DAILY REGISTER OF THE NAME AND ADDRESS OF EACH PERSON FROM WHOM A FURBEARING ANIMAL IS RECEIVED ALONG WITH OTHER INFORMATION ABOUT THE ANIMAL, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTIONS 50-11-1060, 50-11-1070, AND 50-11-2420 RELATING TO THE ISSUANCE OF A COMMERCIAL FUR LICENSE, THE ISSUANCE OF A PERMIT TO POISON PREDATORY ANIMALS, AND THE KILLING OF BOBCATS.

H. 3470 -- Reps. Pitts, Knight, Loftis and Toole: A BILL TO AMEND SECTION 44-53-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST USING, SELLING, OR MANUFACTURING CLEANING AGENTS CONTAINING PHOSPHATES, SO AS TO INCLUDE HOUSEHOLD DISHWASHING DETERGENTS IN THIS PROHIBITION; TO FURTHER SPECIFY CRITERIA FOR AND TYPES OF CLEANING AGENTS EXEMPT FROM THIS PROHIBITION; TO PROVIDE A CRIMINAL OFFENSE FOR SECOND AND SUBSEQUENT VIOLATIONS; TO AUTHORIZE THE SALE OF PROHIBITED CLEANING AGENTS THAT ARE IN A RETAILER'S INVENTORY ON JULY 1, 2011; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO REPORT ON THE AVAILABILITY, EFFECTIVENESS, AND COST OF NONPHOSPHATE COMMERCIAL DISHWASHING DETERGENT.

H. 3873 -- Rep. Vick: A BILL TO AMEND SECTION 50-5-1507, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ZONES, SEASONS, TIMES, CATCH AND SIZE LIMITS, METHODS, AND EQUIPMENT FOR TAKING HERRING, SO AS TO REVISE THE SEASONS, TIMES, AND SIZE AND TAKE LIMITS FOR HERRING, AND THE METHODS AND EQUIPMENT WHICH APPLY AND TO PROVIDE FOR THE AREAS IN WHICH CERTAIN OF THESE PROVISIONS APPLY.

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.

H. 3986 -- Reps. Hayes and Bingham: A JOINT RESOLUTION TO ALLOW A SCHOOL DISTRICT THAT HAS RECEIVED FUNDS PURSUANT TO SECTION 59-21-430 THAT ARE SET TO LAPSE ON OR BEFORE JUNE 30, 2011, TO RETAIN THOSE FUNDS AND USE THEM FOR THE SAME PURPOSES UNTIL JUNE 30, 2012.

H. 3163 -- Reps. Tallon, Cole, Allison, G. R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND SECTION 56-5-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM "MOTOR VEHICLE" SO AS TO INCLUDE "MOPEDS" IN THE TERM'S DEFINITION.

H. 4097 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4157, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 4084 -- Reps. Tallon, Bannister, Brannon, Cole, Dillard, Forrester, Mitchell and G. R. Smith: A BILL TO AMEND ARTICLE 3, CHAPTER 11, TITLE 55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GREENVILLE-SPARTANBURG AIRPORT DISTRICT AND COMMISSION, BY ADDING SECTION 55-11-240 SO AS TO PROVIDE THAT A BUSINESS ESTABLISHMENT LOCATED WITHIN A BUILDING ON THE GROUNDS OF THE GREENVILLE-SPARTANBURG INTERNATIONAL AIRPORT WHERE THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IS PERMITTED ON ITS LICENSED PREMISES MAY APPLY FOR AND RECEIVE A TEMPORARY PERMIT AUTHORIZED BY SECTION 61-6-2010 TO ALLOW THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK FOR A PERIOD NOT TO EXCEED TWENTY-FOUR HOURS ON ITS LICENSED PREMISES IF ANY COUNTY WITHIN THE TERRITORY OF THE GREENVILLE-SPARTANBURG AIRPORT DISTRICT OR ANY MUNICIPALITY LOCATED WITHIN THE TERRITORY OF THE DISTRICT HAS APPROVED, BY REFERENDUM, THE ISSUANCE OF THESE TEMPORARY PERMITS.

**ORDERED ENROLLED FOR RATIFICATION**

The following Joint Resolution was read the third time, passed and, having received three readings in both Houses, it was ordered that it be enrolled for ratification:

S. 686 -- Education Committee: A JOINT RESOLUTION TO CLARIFY THE SCIENCE COURSE REQUIREMENT FOR RECEIVING A SOUTH CAROLINA HIGH SCHOOL DIPLOMA.

**SPEAKER IN CHAIR**

**SPECIAL PRESENTATION**

Rep. SANDIFER presented to the House Miss South Carolina 2010, Desiree Leigh Puglia of Greenville County, Miss South Carolina Teen 2010, Caroline Grace Blanton of Horry County, and the 2011 Miss South Carolina contestants.

**SPECIAL PRESENTATION**

Rep. HAMILTON presented to the House the Wade Hampton High School "Generals", the 2011 Class AAA Varsity Basketball Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Reps. BEDINGFIELD, BANNISTER and HUGGINS presented to the House the Mauldin High School "Lady Mavericks" Girls Varsity Tennis Team, the 2011 State AAAA Tennis Champions, their coach and other school officials.

**H. 3650--DEBATE ADJOURNED**

Rep. SIMRILL moved to adjourn debate upon the following Bill, which was adopted:

H. 3650 -- Reps. Cooper and Ott: A BILL TO AMEND SECTION 12-37-2725, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE AND THE PRORATED PROPERTY TAX REFUND DUE ON THAT CANCELLATION, SO AS TO ALLOW THE APPROPRIATE RECEIPT ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES TO SUBSTITUTE FOR THE ACTUAL LICENSE PLATE AND CERTIFICATE; TO AMEND SECTION 12-39-220, RELATING TO THE DISCOVERY OF UNTAXED PROPERTY FOR PURPOSES OF PROPERTY TAXES, SO AS TO PROVIDE THE DUTIES OF THE ASSESSOR WITH RESPECT TO THIS PROPERTY; AND TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO THE TIME LIMITS APPLICABLE FOR ASSESSING DELINQUENT TAXES, SO AS TO MAKE A CONFORMING AMENDMENT.

**H. 3762--DEBATE ADJOURNED**

Rep. STAVRINAKIS moved to adjourn debate upon the following Bill, which was adopted:

H. 3762 -- Reps. Cooper, White, Bowen, Gambrell, Thayer, Sandifer, D. C. Moss, McLeod and Viers: A BILL TO AMEND SECTION 41-31-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNEMPLOYMENT INSURANCE TRUST FUND, SO AS TO PROVIDE THAT IN A YEAR IN WHICH THE FUND IS IN DEBT STATUS, THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, AMONGST OTHER ESTIMATES, MUST ESTIMATE THE AMOUNT OF INCOME NECESSARY TO REPAY ALL OUTSTANDING FEDERAL LOANS WITHIN EIGHT YEARS.

**H. 3897--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3897 -- Reps. Stringer and Ballentine: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ENVIRONMENTAL PROTECTION FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4132, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. STRINGER explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 4

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brannon | Brantley | Clemmons |
| Clyburn | Cobb-Hunter | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hardwick | Harrell | Hart |
| Henderson | Hixon | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | Mitchell | D. C. Moss |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bowers | R. L. Brown | Gilliard |
| Hodges |  |  |

**Total--4**

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

**H. 3226--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3226 -- Reps. Bedingfield, Stringer, G. R. Smith, Simrill, Harrison, Allison, G. M. Smith, Bingham, Viers, Ballentine, Harrell, Young, Herbkersman, Hixon, Taylor, Barfield, Loftis, Corbin, Clemmons, Hearn, Owens, Bowen, Norman, Erickson, Pinson and Patrick: A BILL TO ENACT THE "SOUTH CAROLINA REGULATORY REFORM ACT"; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-23-122 SO AS TO PROVIDE THE GENERAL ASSEMBLY OR A COMMITTEE OF THE GENERAL ASSEMBLY MAY NOT AMEND OR OTHERWISE CHANGE AN AMENDMENT UNDER GENERAL ASSEMBLY REVIEW, AND ONLY THE AGENCY THAT SUBMITTED THE REGULATION FOR REVIEW MAY AMEND OR OTHERWISE CHANGE THE LANGUAGE OF A REGULATION IT SUBMITS FOR GENERAL ASSEMBLY REVIEW; TO AMEND SECTION 1-23-120, AS AMENDED, RELATING TO THE APPROVAL OF PROPOSED REGULATIONS, SO AS TO DELETE THE PROVISION OF AN AUTOMATIC APPROVAL AND TO INSTEAD PROVIDE AN AUTOMATIC VOTE IN THE HOUSE AND SENATE; AND TO AMEND SECTION 1-23-125, AS AMENDED, RELATING TO CERTAIN NOTICE REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES.

Rep. BEDINGFIELD explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Corbin | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Henderson |
| Hiott | Hixon | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parks | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sabb | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| Vick | Viers | Weeks |
| White | Whitmire | Williams |
| Young |  |  |

**Total--97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Whipper |  |  |

**Total--1**

So, the Bill 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. 3226. If I had been present, I would have voted in favor of the Bill.

Rep. Steve Parker

**H. 4089--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4089 -- Reps. Edge, Alexander, Barfield, Hearn and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-9-83 SO AS TO AUTHORIZE HOSPITAL PUBLIC SERVICE DISTRICTS TO ENTER INTO AGREEMENTS WITH NONPROFIT ENTITIES AND TO TRANSFER ASSETS AND LIABILITIES TO SUCH NONPROFIT ENTITIES AND PROVIDE CONDITIONS AND REQUIREMENTS FOR THESE AGREEMENTS AND TRANSFERS.

Reps. CLEMMONS, EDGE and VIERS proposed the following Amendment No. 1 (LEGWORK\HOUSE\10206HTC11KRL):

Amend the bill, as and if amended, in Section 4‑9‑83, as contained in SECTION 1, page 2, by inserting a new paragraph after line 2 to read:

/ Before giving final approval to any such transaction, the governing body of the hospital public service district shall make available for public review and comment a copy of the definitive document and a summary of the document, and shall provide public notice of this availability by publication in a newspaper of general circulation within the boundaries of the hospital public service district at least once a week for four consecutive weeks. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

**POINT OF ORDER**

Rep. OTT raised the Point of Order that the Bill before the membership was a Local Bill, not a Statewide Bill, and should not be on the Statewide Calendar.

SPEAKER HARRELL overruled the Point of Order and stated that the Bill before the membership was a Statewide Bill that amended the Code of Laws, and was originally referred to the Judiciary Committee, and was subsequently recalled by the membership and referred to the Horry County Legislative Delegation. He overruled the Point of Order.

Rep. VIERS spoke in favor of the amendment.

Rep. EDGE spoke in favor of the amendment.

Reps. G. R. SMITH, BEDINGFIELD, STRINGER, DILLARD, NORMAN, BANNISTER, HAMILTON, LOWE, HOSEY and LONG requested debate on the Bill.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**H. 3864--REQUESTS FOR DEBATE WITHDRAWN**

Reps. FORRESTER, OTT, HOSEY, MCEACHERN, COBB-HUNTER, J. H. NEAL and SABB withdrew their requests for debate on the following Bill:

H. 3864 -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Herbkersman, Hiott, Hodges, G. M. Smith, Pinson, Ballentine, D. C. Moss, Mitchell, J. H. Neal, R. L. Brown, Whipper, Toole, Forrester, Butler Garrick, Hayes, Chumley, J. E. Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J. R. Smith, Knight, Long, Huggins, Ott and Weeks: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FISHING GENERALLY, SO AS TO REVISE THE PROVISIONS OF THE ARTICLE TO GOVERN CERTAIN FISHING ACTIVITIES IN THE FRESHWATERS OF THIS STATE AND TO PROVIDE PENALTIES FOR SPECIFIC VIOLATIONS; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN REGULATION OF AND THE PROTECTION FOR FRESHWATER GAME FISH; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES, BY ADDING SECTION 50-13-1995 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PERMIT THE FEDERAL GOVERNMENT TO CONDUCT FISH AND SCIENTIFIC INVESTIGATIONS IN THE WATERS OF THIS STATE IN CONNECTION WITH HATCHERY OPERATIONS OR MANAGEMENT OF THOSE SPECIES UNDER FEDERAL JURISDICTION; AND TO REPEAL SECTIONS 50-13-610 RELATING TO LAWFUL TAKING OF FISH IN GAME ZONE NO. 1; 50-13-620 RELATING TO PENALTIES APPLICABLE TO FISHING VIOLATIONS IN GAME ZONE NO. 1; 50-13-680 RELATING TO PERMITS REQUIRED FOR TAKING FISH IN CERTAIN PONDS IN MARLBORO COUNTY; 50-13-690 RELATING TO THE USE OF NETS OR OTHER DEVICES TO TAKE NONGAME FISH FROM PRIVATE PONDS IN CHESTERFIELD COUNTY; 50-13-730 RELATING TO THE USE OF NETS TO TAKE NONGAME FISH IN THE FRESHWATERS OF THIS STATE; AND 50-13-2010 RELATING TO THE SHELLEY LAKE FISH SANCTUARY IN MARION COUNTY.

**H. 3617--REQUESTS FOR DEBATE WITHDRAWN**

Reps. FORRESTER and WHIPPER withdrew their requests for debate on H. 3617; however, other objections remained on the Bill.

**S. 312--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:

S. 312 -- Senators Davis, McConnell, Peeler, Bright, Massey, Shoopman, S. Martin, Ryberg, Verdin, Rose, Knotts and Campsen: A BILL TO AMEND SECTION 2-65-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE SOUTH CAROLINA FEDERAL AND OTHER FUNDS OVERSIGHT ACT, SO AS TO REVISE THE DEFINITION OF "MATCHING FUNDS" TO INCLUDE BOTH GENERAL FUND MONIES AND OTHER FUND MONIES TO BE USED TO MEET FEDERAL MATCH REQUIREMENTS; TO AMEND SECTION 2-65-20, RELATING TO THE APPROPRIATION OF ANTICIPATED FEDERAL FUNDS AND OTHER FUNDS BY THE GENERAL ASSEMBLY IN APPROPRIATIONS ACTS, SO AS TO REQUIRE STATE AGENCIES RECEIVING FEDERAL FUNDS TO PROVIDE IN BUDGET SUBMISSIONS FOR THE PROPOSED BUDGET DETAILS OF CONDITIONS IMPOSED ON THE STATE APPLICABLE TO FEDERAL FUNDS INCLUDED IN THE AGENCY'S BUDGET SUBMISSION, REQUIRE THE RECOMMENDED BUDGET SPECIFICALLY TO ACCEPT IN DETAIL THOSE CONDITIONS WHEN FEDERAL FUNDS ARE INCLUDED IN THE PROPOSED BUDGET, AND TO CONFORM THE SECTION TO REFLECT THE PROVISION OF LAW ASSIGNING TO THE GOVERNOR THE DUTY OF PRODUCING A PROPOSED BUDGET TO THE GENERAL ASSEMBLY; AND TO AMEND SECTION 2-65-30, RELATING TO EXPENDITURE BY A STATE AGENCY OF UNANTICIPATED FEDERAL FUNDS AND PRIVATE GRANT FUNDS NOT APPROPRIATED IN APPROPRIATIONS ACTS, SO AS TO REQUIRE THE AGENCY'S SUBMISSION OF AN EXPENDITURE PROPOSAL FOR THE ANTICIPATED FUNDS TO THE STATE BUDGET AND CONTROL BOARD TO INCLUDE THE CONDITIONS IMPOSED ON THE STATE'S RECEIPT AND EXPENDITURE OF THE FEDERAL FUNDS AND, IN AUTHORIZING THE RECEIPT AND EXPENDITURE, THE BOARD'S ACCEPTANCE OF THE CONDITIONS.

**S. 523--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

S. 523 -- Senators Leatherman and McGill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 23, TITLE 4 SO AS TO ALLOW JOINT COUNTY FIRE DISTRICTS TO UTILIZE THE PROCEDURES CONTAINED IN ARTICLE 5, CHAPTER 11, TITLE 6 TO ISSUE GENERAL OBLIGATION BONDS.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall H. 3688 from the Committee on Ways and Means.

Rep. ATWATER objected.

**OBJECTION TO RECALL**

Rep. D. C. MOSS asked unanimous consent to recall H. 3385 from the Committee on Judiciary.

Rep. SKELTON objected.

**H. 4061--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. BANNISTER, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 4061 -- Rep. Harrison: A BILL TO AMEND SECTION 62-2-612, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROBATE PROCEEDINGS TO DETERMINE A DECEDENT'S INTENT REGARDING THE APPLICATION OF CERTAIN FEDERAL TAX FORMULAS, SO AS TO IMPOSE CERTAIN TIME LIMITS ON THE AVAILABILITY OF THESE PROCEEDINGS.

**S. 793--RECALLED FROM COMMITTEE ON MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

On motion of Rep. COOPER, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Medical, Military, Public and Municipal Affairs:

S. 793 -- Senators Alexander and Bryant: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2011-2012 TO TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW AND TO SET CERTAIN NURSING HOME STAFFING STANDARDS IN ORDER TO MEET APPROPRIATIONS.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall S. 211 from the Committee on Ways and Means.

Rep. G. M. SMITH objected.

**H. 3895--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. BANNISTER, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 3895 -- Reps. Tallon, Bannister, Brantley, Allison, Parker, Chumley, Knight, Brannon, Hearn, Allen, Sellers, Bowen, Corbin, Patrick, Cole, Dillard, Erickson, Forrester, Henderson, Herbkersman, McCoy, Mitchell, V. S. Moss, Pinson, Rutherford, Sabb, G. R. Smith, Thayer, Tribble and Willis: A BILL TO AMEND SECTION 17-15-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEARANCE BONDS, SO AS TO PROVIDE THAT AN APPEARANCE BOND IS VALID FOR A CERTAIN TIME PERIOD IN CIRCUIT AND MAGISTRATES OR MUNICIPAL COURTS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PROCEDURE TO RELIEVE THE SURETY OF LIABILITY WHEN THE TIME PERIOD HAS RUN.

**H. 3660--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. OTT, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 3660 -- Reps. Ott, Bales, McLeod, Brantley, Battle, Whipper, G. A. Brown, Parker, Anderson, J. M. Neal, Hodges, Bowers, Hosey, Alexander, Branham, Funderburk, Harrison, King, Dillard and Butler Garrick: A BILL TO AMEND SECTION 16-11-523, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OBTAINING NONFERROUS METALS UNLAWFULLY, SO AS TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 16-17-680, AS AMENDED, RELATING TO THE PURCHASE OF NONFERROUS METALS, PROCEDURES AND REQUIREMENTS FOR PURCHASE OF NONFERROUS METALS, AND EXCEPTIONS, SO AS TO PROVIDE ADDITIONAL RESTRICTIONS RELATED TO THE SALE OF COPPER; TO AMEND SECTION 16-17-685, RELATING TO THE UNLAWFUL TRANSPORTATION OF NONFERROUS METALS, SO AS TO INCREASE THE PENALTIES FOR CERTAIN VIOLATIONS OF THIS PROVISION; AND BY ADDING CHAPTER 40 TO TITLE 40 SO AS TO REQUIRE SECONDARY METALS RECYCLERS TO REGISTER WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AND TO PROVIDE REGISTRATION AND RENEWAL REQUIREMENTS.

**H. 4108--RECALLED FROM COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

On motion of Rep. ALLEN, with unanimous consent, the following Bill was ordered recalled from the Committee on Labor, Commerce and Industry:

H. 4108 -- Rep. Allen: A BILL TO AMEND SECTIONS 5-31-2510, 6-11-2510, 33-49-1410, 58-5-1110, 58-27-2510, AND 58-31-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN PROCEDURES GOVERNING THE TERMINATION OF ELECTRIC AND NATURAL GAS SERVICE UNDER CERTAIN CIRCUMSTANCES FURNISHED BY A MUNICIPALITY, SPECIAL PURPOSE DISTRICT OR PUBLIC SERVICE DISTRICT, ELECTRIC COOPERATIVE, PUBLIC UTILITY, PUBLIC SERVICE AUTHORITY, OR ELECTRIC UTILITY, SO AS TO CHANGE THE DEFINITION OF "SPECIAL NEEDS ACCOUNT CUSTOMER" TO INCLUDE CUSTOMERS WHO SUFFER FROM ALZHEIMER'S DISEASE OR DEMENTIA.

**H. 4127--RECALLED AND REFERRED TO COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

On motion of Rep. HARRISON, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary and was referred to the Committee on Labor, Commerce and Industry:

H. 4127 -- Rep. Sandifer: A BILL TO AMEND SECTION 41-15-520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES FOR AN EMPLOYEE CHARGING CERTAIN UNLAWFUL DISCHARGE OR DISCRIMINATION RELATED TO HIS INVOLVEMENT IN COMPLAINTS OR PROCEEDINGS CONCERNING HEALTH AND OCCUPATIONAL SAFETY LAW, SO AS TO PROVIDE WHEN A PRIVATE SECTOR EMPLOYEE MAKES THESE ALLEGATIONS TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, THE DEPARTMENT IMMEDIATELY SHALL FORWARD THE COMPLAINT TO THE UNITED STATES DEPARTMENT OF LABOR WHISTLEBLOWER PROGRAM, AND TO PROVIDE CIVIL REMEDIES FOR A VIOLATION.

**H. 3586--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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.

Rep. HARDWICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

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

**Total--103**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**H. 3784--SENATE AMENDMENTS CONCURRED IN**

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

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.

Rep. GILLIARD explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Brady | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clyburn | Cobb-Hunter | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pope |
| Quinn | Ryan | Sabb |
| Sellers | Simrill | Skelton |
| G. M. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| White | Whitmire | Willis |
| Young |  |  |

**Total--103**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Viers |  |  |

**Total--1**

The Senate Amendments were concurred in and a message was ordered sent to the Senate accordingly.

**H. 3441--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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

Rep. HUGGINS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | 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 |
| Delleney | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pope | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Thayer | Toole | Weeks |
| White | Willis | Young |

**Total--105**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**MOTION PERIOD**

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

**H. 3658--INTERRUPTED DEBATE**

The following Bill was taken up:

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, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, J. R. Smith, Toole, Willis and Horne: 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.

Rep. CLEMMONS spoke in favor of the Bill.

Rep. COBB-HUNTER spoke against the Bill.

Rep. MACK moved that the House recede until 2:30 p.m., which was agreed to.

Further proceedings were interrupted by the House receding, the pending question being consideration of the Bill.

**THE HOUSE RESUMES**

At 2:30 p.m. the House resumed, Acting SPEAKER JOHNSON in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 3658--DEBATE ADJOURNED**

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

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, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, J. R. Smith, Toole, Willis and Horne: 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.

Rep. MACK spoke against the Bill.

Rep. CLEMMONS moved to adjourn debate on the Bill, which was agreed to.

**H. 3994--RECOMMITTED**

The following Bill was taken up:

H. 3994 -- Reps. Stavrinakis, McCoy, Gilliard, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-245 SO AS TO PROVIDE THAT PUBLIC SWIMMING POOLS OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE ONE LIFEGUARD FOR EVERY FORTY SWIMMERS AND IF THERE ARE MORE THAN FORTY SWIMMERS, THERE MUST BE ONE LIFEGUARD FOR EVERY TWENTY SWIMMERS, WITH MORE TO BE ADDED IF NEEDED.

Rep. STAVRINAKIS moved to recommit the Bill to the Committee on Medical, Military, Public and Municipal Affairs, which was agreed to.

**H. 3342--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3342 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OR DENIAL OF ISSUANCE OF A DRIVER'S LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM "ADMINISTRATIVE HEARING" AND REPLACE IT WITH THE TERM "CONTESTED CASE HEARING", TO PROVIDE THAT A CONTESTED CASE HEARING MUST BE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS PURSUANT TO ITS RULES OF PROCEDURE, AND TO DELETE THE TERM "DIVISION OF MOTOR VEHICLE HEARINGS" AND REPLACE IT WITH THE TERM "OFFICE OF MOTOR VEHICLE HEARINGS"; TO AMEND SECTION 56-5-2942, AS AMENDED, RELATING TO VEHICLE IMMOBILIZATION AFTER A CONVICTION FOR DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT OF MOTOR VEHICLES MAY RELEASE AN IMMOBILIZED VEHICLE REGISTERED TO A PERSON WHO HAS NOT BEEN CONVICTED OF DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER UNLAWFUL SUBSTANCE; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE OR PERMIT FOR HIS REFUSAL TO SUBMIT TO A TEST TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM "ADMINISTRATIVE HEARING" AND REPLACE IT WITH THE TERM "CONTESTED CASE HEARING", TO PROVIDE THAT ADMINISTRATIVE HEARINGS ARE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS AND NOT THE DEPARTMENT OF MOTOR VEHICLES, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES IS RESPONSIBLE FOR SENDING A HEARING OFFICER'S DECISION TO A PERSON WHO IS ELIGIBLE TO RECEIVE A RESTRICTED LICENSE PURSUANT TO THIS SECTION; AND TO AMEND SECTION 56-5-2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS, SO AS TO INCREASE THE FEE, TO DELETE THE TERM "ADMINISTRATIVE LAW COURT" AND REPLACE IT WITH THE TERM "OFFICE OF MOTOR VEHICLE HEARINGS", AND REVISE THE PROCEDURE FOR DISTRIBUTING FUNDS GENERATED FROM THE COLLECTION OF THESE FEES.

Reps. BANNISTER and RUTHERFORD proposed the following Amendment No. 1 (LEGWORK\HOUSE\3606SD11KRL), which was adopted:

Amend the bill, as and if amended, Section 56‑1‑286(O), as contained in SECTION 1, page 7, after line 40, by inserting a new paragraph to read:

/ The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. Failure on the part of the Department of Motor Vehicles or the arresting officer to appear at the contested case hearing shall result in rescission of the suspension of the person’s license, permit, or nonresident’s operating privilege by hearing officer regardless of whether the person requesting the contested case hearing or his attorney appears at the contested case hearing. /

Amend further, Section 56‑5‑2951(F), as contained in SECTION 3, page 11, after line 26, by inserting a new paragraph to read:

/ The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. Failure on the part of the Department of Motor Vehicles or the arresting officer to appear at the contested case hearing shall result in rescission of the suspension of the person’s license, permit, or nonresident’s operating privilege by hearing officer regardless of whether the person requesting the contested case hearing or his attorney appears at the contested case hearing. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

Rep. HARRISON explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 64; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Bannister | Barfield |
| Battle | Bowen | Bowers |
| Brady | Brannon | G. A. Brown |
| H. B. Brown | Clemmons | Cole |
| Cooper | Corbin | Daning |
| Delleney | Edge | Erickson |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | McCoy |
| McEachern | McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Neilson | Norman | Owens |
| Patrick | Pitts | Pope |
| Sandifer | Sellers | Skelton |
| G. R. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Tribble | Vick |
| Weeks | White | Willis |
| Young |  |  |

**Total--64**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Atwater | Ballentine |
| Bedingfield | Bikas | Bingham |
| Brantley | R. L. Brown | Chumley |
| Cobb-Hunter | Crosby | Forrester |
| Frye | Gilliard | Govan |
| Hiott | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | Lucas |
| Mack | Mitchell | J. H. Neal |
| Ott | Parker | Pinson |
| Quinn | Ryan | Sabb |
| Simrill | G. M. Smith | J. R. Smith |
| Taylor | Toole | Whipper |
| Whitmire | Williams |  |

**Total--44**

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

RECORD FOR VOTING

My voter card malfunctioned as I was attempting to vote on H. 3342. I wish the record to reflect that I voted against H. 3342.

Rep. Wendy Nanney

**H. 3788--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Bill, which was adopted:

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".

**H. 3488--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3488 -- Reps. Bingham, Harrell and Toole: A BILL TO AMEND ACT 99 OF 2007, RELATING TO THE ADDITION OF A SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND THE PHASE IN OF THAT EXEMPTION, SO AS TO DELETE THE PHASE IN REQUIREMENTS; AND TO AMEND SECTIONS 12-36-90, 12-36-910, 12-36-1310, AND 12-36-2120, ALL AS AMENDED, RELATING TO THE IMPOSITION OF AND EXEMPTIONS FROM THE SALES AND USE TAX, SO AS TO PROVIDE FURTHER FOR THOSE INSTANCES WHERE SALES AND USE TAX APPLIES IN CONNECTION WITH WARRANTIES AND SERVICE MAINTENANCE CONTRACTS SOLD IN CONNECTION WITH THE SALE OF TANGIBLE PERSONAL PROPERTY.

Rep. BINGHAM proposed the following Amendment No. 1 (COUNCIL\BBM\10188HTC11), which was rejected:

Amend the bill, as and if amended, by inserting a penultimate SECTION approximately numbered to read:

/ SECTION \_\_. Article 25, Chapter 36, Title 12 of the 1976 Code is amended by adding:

“Section 12‑36‑2691. (A) Notwithstanding another provision of this chapter, owning or utilizing a distribution facility within South Carolina is not considered in determining whether the person has a physical presence in South Carolina sufficient to establish nexus with South Carolina for sales and use tax purposes.

(B)(1) For purposes of this section, ‘distribution facility’ means an establishment where only shipments of tangible personal property are processed for delivery to customers and no retail sales are made. The definition of ‘distribution facility’ provided in Section 12‑6‑3360(M)(8) for purposes of the targeted jobs tax credit and its provisions allowing limited retail sales at such a facility specifically do not apply with respect to a ‘distribution facility’ as defined for purposes of this section.

(C) This section only applies to a taxpayer that:

(1) places a distribution facility in service after December 31, 2010, and before July 1, 2012;

(2) makes, or causes to be made through a third party, a capital investment of at least ninety million dollars after December 31, 2010, and before July 1, 2012;

(3) creates at least one thousand two hundred forty‑nine full‑time jobs which include a comprehensive health plan for those employees, after December 31, 2010, and before January 1, 2013. For purposes of this item, ‘full‑time’ and ‘new job’ have the same meaning as provided in Section 12‑6‑3360; and

(4) after meeting the requirements of item (3), maintains at least one thousand jobs until January 1, 2016.

(D) This section no longer applies on the earlier of:

(1) January 1, 2016;

(2) when the company fails to meet the requirements provided in subsection (C) of this section; or

(3) the effective date of a law enacted by the United States Congress that allows a state to require that its sales tax be collected and remitted even if the taxpayer does not have substantial nexus with that state.” /

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

**POINT OF ORDER**

Rep. KING raised the Point of Order that under Rule 9.3 that Amendment No. 1 was out of order in that it was not germane to the Bill.

Rep. BINGHAM spoke against the Point of Order.

SPEAKER HARRELL stated that the Bill dealt with sales and use tax exemptions and that the amendment proposed another sales and use tax exemption. Therefore, he overruled the Point of Order.

Rep. BINGHAM continued speaking.

Rep. OTT spoke in favor of the amendment.

Rep. SIMRILL spoke against the amendment.

Rep. SKELTON spoke in favor of the amendment.

**LEAVE OF ABSENCE**

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

Rep. SKELTON continued speaking.

Rep. RUTHERFORD spoke in favor of the amendment.

Rep. J. H. NEAL spoke in favor of the amendment.

Rep. J. H. NEAL spoke in favor of the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. COOPER spoke in favor of the amendment.

Rep. VIERS spoke against the amendment.

Rep. NORMAN spoke against the amendment.

Rep. CRAWFORD spoke against the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 47; Nays 71

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Battle | Bingham |
| Brady | Branham | Brannon |
| Brantley | H. B. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Forrester |
| Frye | Gambrell | Harrell |
| Harrison | Hart | Hayes |
| Huggins | Knight | Loftis |
| Mack | McLeod | Mitchell |
| V. S. Moss | J. H. Neal | Neilson |
| Ott | Patrick | Quinn |
| Rutherford | Sabb | Sellers |
| Skelton | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Toole |  |

**Total--47**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Barfield |
| Bedingfield | Bikas | Bowen |
| Bowers | R. L. Brown | Chumley |
| Clemmons | Corbin | Crawford |
| Crosby | Delleney | Dillard |
| Edge | Erickson | Funderburk |
| Gilliard | Govan | Hamilton |
| Hardwick | Hearn | Henderson |
| Hiott | Hixon | Horne |
| Hosey | Howard | Jefferson |
| Johnson | King | Limehouse |
| Long | Lowe | Lucas |
| McCoy | McEachern | D. C. Moss |
| Munnerlyn | Murphy | Nanney |
| J. M. Neal | Norman | Owens |
| Parker | Parks | Pinson |
| Pitts | Pope | Ryan |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | J. R. Smith | Taylor |
| Thayer | Tribble | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--71**

So, the amendment was rejected.

STATEMENT FOR THE JOURNAL

With our State’s unemployment figures hovering around 10% and because our State’s previous Commerce Secretary and others negotiated for “safe harbor” passage in this proposal, I feel it critical to support the proposed “Amazon Amendment” at this time. No one can dispute that our citizens and our State’s economy desperately need jobs. Most would also agree that we cannot have other businesses in the country and world question the abilities of those negotiating on South Carolina’s behalf. In my opinion, failing to deliver on this proposal would be detrimental to the mission of the Commerce Department going forward. This process obviously was not handled the way I, or many others, would have preferred. I have shared this opinion and concern with Commerce and other officials. It is my hope that going forward, the way our State negotiates with existing and new businesses will change, so that unfortunate situations like this, can be avoided.

Rep. Nathan Ballentine

STATEMENT FOR THE JOURNAL

I support the Amazon Amendment because we need jobs and if we fail to deliver on the negotiations made on South Carolina’s behalf, I feel it would be harmful to future economic development. I certainly do not agree with the way this was handled and hope that we can learn from this experience in future negotiations.

Rep. Chip Huggins.

STATEMENT FOR THE JOURNAL

My reason for voting for the Amazon Amendment to H. 3488:

The Executive Branch of the previous administration has handed the current General Assembly a commitment, made to Amazon, to extend the “tax incentives” that were previously offered to certain other warehouse companies, such as QVC. This allowed citizens to be responsible for reporting sales tax rather than Amazon collect it.

Those lobbying against the legislation have been less than transparent as to the real issue. While local county government offered Amazon certain incentives, the issue for the State centers around whether or not Amazon would get a four and half year wavier in collecting sales tax from South Carolina citizens. This waiver was contingent on Amazon fulfilling its commitments and obligations. Currently, as stated, it is up to the citizen to report and remit sales tax on internet purchases within the State.

Keeping one’s word is important. To not keep this commitment risks negatively affecting South Carolina’s reputation in honoring future commitments when pursuing economic development that South Carolina desperately needs. The amendment was, however, defeated and I support the decision of the majority.

Rep. Dwight Loftis

**SPEAKER IN CHAIR**

Rep. FUNDERBURK proposed the following Amendment No. 5 (COUNCIL\BBM\10192HTC11), which was tabled:

Amend the bill, as and if amended, beginning on page 1, by striking SECTION 1 and inserting:

/ SECTION 1. Section 1B of Act 99 of 2007 is amended to read:

“B. (A) Notwithstanding the sales and use rates imposed pursuant to Chapter 36, Title 12 of the 1976 Code, the rate of tax imposed pursuant to that chapter on the gross proceeds of sales of items described in subsection A of this section is five and one‑half percent for such sales from July 1, 2007.

(B) Notwithstanding the sales and use rates imposed pursuant to Chapter 36, Title 12 of the 1976 Code, the rate of tax imposed pursuant to that chapter on the gross proceeds of sales of items described in subsection A of this section is three and one‑half percent for such sales from July 1, 2011.

(C) Notwithstanding the sales and use rates imposed pursuant to Chapter 36, Title 12 of the 1976 Code, the rate of tax imposed pursuant to that chapter on the gross proceeds of sales of items described in subsection A of this section is one and three‑quarters percent for such sales from July 1, 2012.

(D) Effective January 1, 2013, the sales tax exemption on the gross proceeds of sales of items described in subsection A is fully implemented and no sales and use tax may be imposed on the items described in subsection A.”

B. Section 1 of Act 99 of 2007 is amended by deleting subsection C which reads:

“C. Beginning with the February 15, 2008, forecast by the Board of Economic Advisors of annual general fund revenue growth for the upcoming fiscal year, and annually thereafter, if the forecast of that growth equals at least five percent of the most recent estimate by the board of general fund revenues for the current fiscal year, then the applicable state sales and use tax rate imposed on items described in subsection A of this section is reduced, effective the following July first, by one and one‑half percent in the first year and by one percent every year thereafter. That reduced rate applies until a subsequent reduction takes effect. If the February fifteenth forecast meets the requirement for a rate reduction, the board promptly shall certify this result in writing to the Department of Revenue. On the July first that the rate attains zero, the provisions of subsections B and C of this section no longer apply.” /

Renumber sections to conform.

Amend title to conform.

Rep. FUNDERBURK explained the amendment.

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

Rep. WHITE proposed the following Amendment No. 6 (COUNCIL\BBM\10210HTC11), which was ruled out of order:

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

/ SECTION \_\_. A. Chapter 54, Title 12 is amended by adding:

“Section 12‑54‑165. If a discount is allowed by law for the timely filing of a tax return and payment of the taxes due on the return with the department and the return and payment are received by the department after the date required to receive the discount, the taxpayer may apply to the department in writing for the discount to be allowed if the late filing and payment were caused by circumstances beyond the taxpayer’s control. For good cause shown in the application, the department may allow the discount.”

B. Notwithstanding any other effective date provided in this act, this section takes effect upon approval of this act by the Governor and applies for returns due to be filed for taxable periods beginning after July 31, 2010. /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

**POINT OF ORDER**

Rep. NORMAN raised the Point of Order that under Rule 9.3 that Amendment No. 6 was out of order in that it was not germane to the Bill.

SPEAKER HARRELL sustained the Point of Order.

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 84; Nays 30

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anthony | Atwater | Ballentine |
| Bannister | Barfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | H. B. Brown | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Govan |
| Hardwick | Harrell | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pitts | Pope |
| Ryan | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Weeks | Whipper |
| White | Whitmire | Young |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Bedingfield |
| R. L. Brown | Butler Garrick | Chumley |
| Dillard | Funderburk | Gilliard |
| Hart | Hodges | Hosey |
| Jefferson | Johnson | Knight |
| Mack | McEachern | Munnerlyn |
| Nanney | Pinson | Quinn |
| Rutherford | Sellers | Taylor |
| Thayer | Tribble | Vick |
| Viers | Williams | Willis |

**Total--30**

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

STATEMENT FOR THE JOURNAL

I recused myself from voting on H. 3488, since I am involved in the Durable Medical Equipment Industry.

Rep. Murrell Smith

**H. 3488--MOTION TO RECONSIDER TABLED**

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

H. 3488 -- Reps. Bingham, Harrell and Toole: A BILL TO AMEND ACT 99 OF 2007, RELATING TO THE ADDITION OF A SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND THE PHASE IN OF THAT EXEMPTION, SO AS TO DELETE THE PHASE IN REQUIREMENTS; AND TO AMEND SECTIONS 12-36-90, 12-36-910, 12-36-1310, AND 12-36-2120, ALL AS AMENDED, RELATING TO THE IMPOSITION OF AND EXEMPTIONS FROM THE SALES AND USE TAX, SO AS TO PROVIDE FURTHER FOR THOSE INSTANCES WHERE SALES AND USE TAX APPLIES IN CONNECTION WITH WARRANTIES AND SERVICE MAINTENANCE CONTRACTS SOLD IN CONNECTION WITH THE SALE OF TANGIBLE PERSONAL PROPERTY.

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

**RECURRENCE TO THE MORNING HOUR**

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

**REPORT OF STANDING COMMITTEE**

Rep. STAVRINAKIS, from the Charleston Delegation, submitted a favorable report on:

H. 4094 -- Rep. Stavrinakis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DISTRICT OF CHARLESTON COUNTY FOR FISCAL YEARS 2010-2011 THROUGH 2012-2013 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUED FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS AND TO REQUIRE THAT ANY BOND FUNDS USED FOR SCHOOL OPERATING PURPOSES MUST BE RESTORED TO THE APPROPRIATE BOND PROCEEDS ACCOUNTS WITHIN TWELVE MONTHS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4132 -- Reps. Crawford, 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, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, 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 HOUSE RESOLUTION TO RECOGNIZE AND HONOR COACH BILLY ANDREWS OF WEST FLORENCE HIGH SCHOOL FOR HIS OUTSTANDING CAREER AS BOTH COACH AND EDUCATOR, AND TO CONGRATULATE HIM ON REACHING THE MILESTONE OF HIS 500TH CAREER SOCCER WIN.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4133 -- Reps. Frye, 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, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, 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 HOUSE RESOLUTION TO CELEBRATE THE TWENTY-FIFTH ANNIVERSARY OF THE SOUTH CAROLINA POULTRY FESTIVAL HELD IN BATESBURG-LEESVILLE, AND TO HONOR ALL THOSE PLANNING AND PARTICIPATING IN THE 2011 FESTIVAL ON MAY 12-14.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4134 -- Reps. Limehouse, Bingham, Chumley, Delleney, Knight, Ryan, Sandifer, G. M. Smith, J. R. Smith, Sottile and Stringer: A HOUSE RESOLUTION TO AMEND RULE 10 OF THE RULES OF THE HOUSE OF REPRESENTATIVES BY ADDING RULE 10.12 SO AS TO PROVIDE THAT IF CONFEDERATE MEMORIAL DAY FALLS ON A REGULARLY SCHEDULED SESSION DAY, THE HOUSE OF REPRESENTATIVES WILL OBSERVE THE STATE HOLIDAY AND NOT MEET ON THIS DAY.

The Resolution was ordered referred to the Committee on Rules.

**HOUSE RESOLUTION**

The following was introduced:

H. 4135 -- Reps. Huggins, Ballentine, Quinn, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, 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, Johnson, 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, 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 HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE 2011 SKILLSUSA WINNERS OF SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES FOR THEIR OUTSTANDING PERFORMANCE AT THE STATE SKILLSUSA AND LEADERSHIP CONFERENCE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4136 -- Reps. Huggins, Ballentine, Quinn, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, 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, Johnson, 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, 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 HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE CHAPTER BUSINESS/PARLIAMENTARY PROCEDURE TEAM OF SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES, THE TEAM ADVISORS, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM FOR GARNERING THE 2011 SKILLSUSA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the chapter business/parliamentary procedure team of School District Five of Lexington and Richland Counties, the team advisors, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them for garnering the 2011 SkillsUSA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4138 -- Rep. Knight: A HOUSE RESOLUTION TO CONGRATULATE LAURA KNIGHT SCHIPMANN OF DORCHESTER COUNTY ON THE OCCASION OF HER FIFTIETH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF GOOD HEALTH AND HAPPINESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4137 -- Reps. Gilliard, Brantley, Jefferson, Anderson, R. L. Brown, Clyburn, Hosey, Mack and Whipper: A CONCURRENT RESOLUTION TO REQUEST THE MEDICAL UNIVERSITY OF SOUTH CAROLINA TO RENAME THE ASHLEY RIVER TOWER HOSPITAL THE "MCCLENNAN BANKS TOWER HOSPITAL" IN HONOR OF DR. ALONZO CLIFTON MCCLENNAN AND ANNA DECOSTA BANKS, RN, WHO WERE INSTRUMENTAL IN ESTABLISHING AND PROVIDING NURSING TRAINING AND A DIGNIFIED, QUALITY HOSPITAL FOR TREATMENT OF AFRICAN-AMERICAN PATIENTS AND FOR PRACTICE BY AFRICAN-AMERICAN PHYSICIANS IN CHARLESTON IN THE EARLY NINETEEN HUNDREDS.

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

**INTRODUCTION OF BILLS**

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

H. 4139 -- Reps. Limehouse, Sottile, Gilliard, McCoy, Clyburn, Hosey and Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-190 SO AS TO ESTABLISH THE "STATE DAY OF PRAYER" AS THE FIRST THURSDAY IN MAY OF EACH YEAR.

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

H. 4140 -- Reps. Lucas, Neilson and Williams: A BILL TO DESIGNATE SECTION 5 OF ACT 313 OF 2008, RELATING TO A TEN-YEAR FIFTY PERCENT EXEMPTION FROM THE ADMISSIONS LICENSE TAX TO A QUALIFYING MOTORSPORTS ENTERTAINMENT COMPLEX, AS SECTION 12-21-2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND TO AMEND THE NEWLY DESIGNATED SECTION TO PROVIDE THAT THE EXEMPTION IS INSTEAD ONE HUNDRED PERCENT OF ADMISSIONS TAX TO SUCH A MOTORSPORT ENTERTAINMENT COMPLEX FOR FIVE YEARS.

Referred to Committee on Ways and Means

H. 4141 -- Rep. Corbin: A BILL TO AMEND SECTION 50-11-520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WILD TURKEY HUNTING SEASON SO AS TO PROVIDE THAT THE WILD TURKEY HUNTING SEASON FOR GAME ZONES 1 AND 2 IS MARCH 15 THROUGH MAY 1 INCLUSIVE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4142 -- Rep. McLeod: A BILL TO AMEND SECTION 1-11-730, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETIREE ELIGIBILITY FOR PARTICIPATION IN THE STATE HEALTH AND DENTAL PLANS AND THE RESPONSIBILITY FOR PAYMENT OF PREMIUMS FOR RETIREES ELIGIBLE TO PARTICIPATE IN THESE PLANS, SO AS TO PROVIDE THAT THE ELIGIBILITY OF A STATE OR PUBLIC SCHOOL DISTRICT EMPLOYEE WHO RETIRES ON DISABILITY TO PARTICIPATE IN THE PLANS WHILE RETIRED OR TO PARTICIPATE IN THE PLANS WHILE RETIRED WITH A PORTION OF THE PREMIUM PAID BY THE SOUTH CAROLINA RETIREE HEALTH INSURANCE TRUST FUND, MUST BE DETERMINED WITHOUT REGARD TO THE REQUIREMENT THAT THE RETIREE'S LAST FIVE YEARS OF QUALIFYING EMPLOYMENT WAS CONSECUTIVE.

Referred to Committee on Ways and Means

S. 262 -- Senators Sheheen, Rose, Scott, Ford and Malloy: A BILL TO AMEND SECTION 1-30-10 OF THE 1976 CODE, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, TO MAKE TECHNICAL CORRECTIONS AND TO REQUIRE CERTAIN REPORTS FROM THE VARIOUS DEPARTMENTS; TO AMEND SECTION 8-27-10, RELATING TO THE DEFINITION OF REPORT FOR THE PURPOSES OF THE EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION, BY PROVIDING THAT A REPORT MAY BE A WRITTEN OR ORAL ALLEGATION OR TESTIMONY TO A LEGISLATIVE COMMITTEE; TO AMEND CHAPTER 27 OF TITLE 8, RELATING TO EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION, BY ADDING SECTION 8-27-60 TO PROVIDE THAT A SUMMARY OF THE PROVISIONS CONTAINED IN CHAPTER 27 ARE POSTED ON THE INTERNET WEBSITE OF EACH PUBLIC BODY SUBJECT TO THE PROVISIONS OF THAT CHAPTER; AND BY ADDING CHAPTER 2 TO TITLE 2, RELATING TO LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS, TO PROVIDE THAT THE STANDING COMMITTEES OF THE GENERAL ASSEMBLY HAVE A DUTY TO REVIEW AND STUDY THE OPERATIONS OF THE STATE AGENCIES WITHIN THE COMMITTEE'S JURISDICTION, TO ESTABLISH COMMITTEE OVERSIGHT JURISDICTION, TO PROVIDE FOR THE PROCESS BY WHICH A COMMITTEE MAY INITIATE AN OVERSIGHT STUDY OR INVESTIGATION, TO PROVIDE FOR THE MANNER IN WHICH AN INVESTIGATING COMMITTEE MAY ACQUIRE EVIDENCE OR INFORMATION RELATED TO THE STUDY OR INVESTIGATION, TO PROVIDE FOR PROGRAM EVALUATION REPORTS, THE MANNER IN WHICH THEY ARE REQUESTED, AND THE CONTENTS OF THE REPORTS, TO PROVIDE THAT ALL TESTIMONY GIVEN TO AN INVESTIGATING COMMITTEE MUST BE GIVEN UNDER OATH, TO PROVIDE THAT WITNESSES TESTIFYING IN FRONT OF AN INVESTIGATING COMMITTEE MAY BE REPRESENTED BY COUNSEL, AND TO PROVIDE THAT WITNESSES ARE GIVEN THE BENEFIT OF ANY PRIVILEGE WHICH HE COULD HAVE CLAIMED IN COURT AS A PARTY TO A CIVIL ACTION.

Referred to Committee on Judiciary

S. 687 -- Senators Scott, Knotts and Ford: A BILL TO AMEND SECTION 43-7-460, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECOVERY OF FUNDS FROM ESTATES OF PERSONS WHO RECEIVED MEDICAID, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMENDED SECTION 44-7-130, AS AMENDED, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO SUBSTITUTE, IN RELEVANT DEFINITIONS, "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO HEALTH FACILITY LICENSURE REQUIREMENTS, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "MENTALLY RETARDED"; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL REGARDING HEALTH CARE FACILITIES, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED" TO AMEND SECTION 44-7-320, AS AMENDED, RELATING TO THE DENIAL, REVOCATION, OR SUSPENSION OF A HEALTH FACILITY LICENSE, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44-23-10, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY" AND THE TERM "MENTALLY RETARDED" TO "PERSON WITH INTELLECTUAL DISABILITY"; TO PROVIDE THAT THE TERMS "INTELLECTUAL DISABILITY" AND "PERSON WITH INTELLECTUAL DISABILITY" HAVE REPLACED AND HAVE THE SAME MEANINGS AS THE FORMER TERMS "MENTAL RETARDATION" AND "MENTALLY RETARDED"; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM "INTELLECTUAL DISABILITY" FOR "MENTAL RETARDATION" AND THE TERM "PERSON WITH INTELLECTUAL DISABILITY" FOR "MENTALLY RETARDED" IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED.

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

S. 823 -- Senators Knotts, Ford, Williams, Setzler, Campbell, O'Dell, Bryant, Rankin, Cleary, McConnell, McGill, Land, Campsen and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-681 SO AS TO DESIGNATE COLLARD GREENS AS THE OFFICIAL STATE VEGETABLE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 824 -- Senators Land, Leatherman, Setzler, Nicholson, Hutto, Jackson and Ford: A JOINT RESOLUTION TO DESIGNATE THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY AS THE AUTHORIZED AGENCY TO IMPLEMENT THE STATE SMALL BUSINESS CREDIT INITIATIVE WITHIN AND ON BEHALF OF THE STATE OF SOUTH CAROLINA; TO AUTHORIZE THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY TO EXECUTE AND DELIVER THE REQUISITE APPLICATION AND THE STATE SMALL BUSINESS CREDIT INITIATIVE ALLOCATION AGREEMENT FOR PARTICIPATING STATES, AND ALL OTHER RELATED AGREEMENTS, DOCUMENTS, CERTIFICATES, AND UNDERTAKINGS, ON BEHALF OF THE STATE OF SOUTH CAROLINA; AND TO AUTHORIZE THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY TO CONTRACT WITH THE BUSINESS DEVELOPMENT CORPORATION OF SOUTH CAROLINA TO ADMINISTER THE PROGRAMS PERMITTED UNDER AND SUPPORTED BY THE STATE SMALL BUSINESS CREDIT INITIATIVE.

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

**H. 3650--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3650 -- Reps. Cooper and Ott: A BILL TO AMEND SECTION 12-37-2725, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE AND THE PRORATED PROPERTY TAX REFUND DUE ON THAT CANCELLATION, SO AS TO ALLOW THE APPROPRIATE RECEIPT ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES TO SUBSTITUTE FOR THE ACTUAL LICENSE PLATE AND CERTIFICATE; TO AMEND SECTION 12-39-220, RELATING TO THE DISCOVERY OF UNTAXED PROPERTY FOR PURPOSES OF PROPERTY TAXES, SO AS TO PROVIDE THE DUTIES OF THE ASSESSOR WITH RESPECT TO THIS PROPERTY; AND TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO THE TIME LIMITS APPLICABLE FOR ASSESSING DELINQUENT TAXES, SO AS TO MAKE A CONFORMING AMENDMENT.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\BBM\10137HTC11), which was adopted:

Amend the bill, as and if amended, by striking Section 12‑37‑2725, as contained in SECTION 1, beginning on page 1, and inserting:

/ Section 12‑37‑2725. When the title to a licensed vehicle is transferred, or the owner of the vehicle becomes a legal resident of another state and registers the vehicle in the new state of residence, the license plate and registration certificate may be returned for cancellation. The license plate and registration certificate must be delivered to the ~~auditor of the county of the vehicle’s registration and tax payment. A request for cancellation must be made in writing to the auditor upon forms approved by the Department of Motor Vehicles~~ Department of Motor Vehicles. Upon receipt of the license plate and registration, the department shall cancel that license plate and registration certificate, and may not reissue them without proof of payment of taxes. The department shall issue a receipt form 5051 to the transferor, showing the date the license plate and registration were turned in to the department. To receive a refund of property taxes paid on the vehicle, the transferor shall provide the form 5051 receipt to the county auditor of the county to which the vehicle taxes were paid. The auditor, upon receipt of the ~~license plate, registration certificate, and the request for cancellation~~ form 5051 receipt, written request for refund, and documentation proving that the vehicle was sold or the owner moved out of state, shall order and the treasurer shall issue a ~~credit or~~ refund of property taxes paid by the transferor on the vehicle. The amount of the refund ~~or credit~~ is that proportion of the tax paid that is equal to that proportion of the complete months remaining in ~~that~~ the vehicle tax year for which the vehicle was registered, calculated from the date the license plate was canceled, as shown on the form 5051 receipt. ~~The auditor, within five days thereafter, shall deliver the license plate, registration certificate, and the written request for cancellation to the Department of Motor Vehicles. Upon receipt, the Department of Motor Vehicles shall cancel the license plate and registration certificate and may not reissue the same.~~ /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Reps. WHITE and SIMRILL proposed the following Amendment No. 2 (COUNCIL\DKA\3625SD11), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 2 and 3 in their entirety.

Renumber sections to conform.

Amend title to conform.

Rep. SIMRILL explained the amendment.

The amendment was then adopted.

Rep. SIMRILL explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | 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 |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| Pitts | Pope | Rutherford |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--112**

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. 3650. If I had been present, I would have voted in favor of the Bill.

Rep. Thad Viers

**H. 3762--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill, which was adopted:

H. 3762 -- Reps. Cooper, White, Bowen, Gambrell, Thayer, Sandifer, D. C. Moss, McLeod, Viers and Clemmons: A BILL TO AMEND SECTION 41-31-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNEMPLOYMENT INSURANCE TRUST FUND, SO AS TO PROVIDE THAT IN A YEAR IN WHICH THE FUND IS IN DEBT STATUS, THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, AMONGST OTHER ESTIMATES, MUST ESTIMATE THE AMOUNT OF INCOME NECESSARY TO REPAY ALL OUTSTANDING FEDERAL LOANS WITHIN EIGHT YEARS.

**S. 586--POINT OF ORDER**

The following Bill was taken up:

S. 586 -- Senators Hayes, O'Dell, Verdin, Shoopman, Nicholson, Elliott, L. Martin, Coleman, Ford, Cromer, Alexander and Knotts: 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 JOINT AGENCIES ESTABLISHED PURSUANT TO CHAPTER 23, TITLE 6.

**POINT OF ORDER**

Rep. CLEMMONS 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. 3750--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3750 -- Reps. Viers and Vick: A BILL TO AMEND SECTION 17-5-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A CORONER'S DUTIES WHEN A PERSON DIES, INCLUDING WHERE AN AUTOPSY MUST BE PERFORMED IF A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY-FOUR HOURS OF ENTERING THE FACILITY OR WITHIN TWENTY-FOUR HOURS OF UNDERGOING AN INVASIVE SURGICAL PROCEDURE, SO AS TO PROVIDE THAT UNLESS THE CORONER CERTIFIES THAT THERE IS NO REASONABLE ALTERNATIVE, THE AUTOPSY MUST NOT BE PERFORMED AT THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED OR BY A PHYSICIAN WHO TREATED THE PATIENT OR WHO WAS EMPLOYED BY THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED.

Rep. SPIRES explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Brannon | Brantley |
| 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 | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--112**

Those who voted in the negative are:

**Total--0**

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

**S. 109--POINT OF ORDER**

The following Bill was taken up:

S. 109 -- Senator Verdin: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 137, TO ENACT THE "REFLEX SYMPATHETIC DYSTROPHY SYNDROME EDUCATION ACT", TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH AN EDUCATIONAL PROGRAM CONCERNING THE SYNDROME, TO PROVIDE FOR THE CONTENTS OF A PUBLIC AWARENESS PROGRAM, TO REQUIRE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WORK WITH HEALTH CARE PROVIDERS AND OTHER PROFESSIONALS CONCERNING THE SYNDROME, TO ALLOW FOR PRIVATE FUNDING OF THE PROGRAM, AND TO DEFINE NECESSARY TERMS.

**POINT OF ORDER**

Rep. HART 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. 232--POINT OF ORDER**

The following Bill was taken up:

S. 232 -- Senators Cleary and Ford: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH CARE FACILITY ACT, SO AS TO REVISE THE DEFINITION OF HEALTH CARE FACILITY.

**POINT OF ORDER**

Rep. HART 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. 445--POINT OF ORDER**

The following Bill was taken up:

S. 445 -- Senators Hutto, Fair, Jackson and Ford: 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.

**POINT OF ORDER**

Rep. HART 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. 590--POINT OF ORDER**

The following Joint Resolution was taken up:

S. 590 -- Senators McGill and Ford: A JOINT RESOLUTION TO EXEMPT THE ESTABLISHMENT OF A GEROPSYCHIATRIC DISTINCT PART UNIT FOR PROSPECTIVE PAYMENT SYSTEM EXCLUSION OF UP TO TEN BEDS FROM THE REQUIREMENT OF OBTAINING A CERTIFICATE OF NEED.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 295--RECOMMITTED**

The following Joint Resolution was taken up:

S. 295 -- Senators Hutto, Fair, Jackson, Rankin and Ford: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA SUMMER CAMP STUDY COMMITTEE TO STUDY THE SUMMER CAMPS IN THE STATE AND MAKE RECOMMENDATIONS TO THE LEGISLATURE RELATED TO LICENSING AND REGULATION OF SUMMER CAMPS, PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTMENT FOR THE MEMBERSHIP, PROVIDE FOR THE DUTIES OF THE STUDY COMMITTEE, PROVIDE FOR THE STAFFING OF THE STUDY COMMITTEE, AND TO DISSOLVE THE STUDY COMMITTEE AFTER A REPORT OF ITS FINDINGS IS PROVIDED TO THE LEGISLATURE AND THE GOVERNOR.

Rep. HOWARD moved to recommit the Joint Resolution to the Committee on Medical, Military, Public and Municipal Affairs, which was agreed to.

**H. 4125--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 4125 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO MINIMUM STANDARDS FOR LICENSING CHIROPRACTIC FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4180, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**POINT OF ORDER**

Rep. HOWARD 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. 3864--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3864 -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Herbkersman, Hiott, Hodges, G. M. Smith, Pinson, Ballentine, D. C. Moss, Mitchell, J. H. Neal, R. L. Brown, Whipper, Toole, Forrester, Butler Garrick, Hayes, Chumley, J. E. Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J. R. Smith, Knight, Long, Huggins, Ott and Weeks: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FISHING GENERALLY, SO AS TO REVISE THE PROVISIONS OF THE ARTICLE TO GOVERN CERTAIN FISHING ACTIVITIES IN THE FRESHWATERS OF THIS STATE AND TO PROVIDE PENALTIES FOR SPECIFIC VIOLATIONS; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN REGULATION OF AND THE PROTECTION FOR FRESHWATER GAME FISH; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES, BY ADDING SECTION 50-13-1995 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PERMIT THE FEDERAL GOVERNMENT TO CONDUCT FISH AND SCIENTIFIC INVESTIGATIONS IN THE WATERS OF THIS STATE IN CONNECTION WITH HATCHERY OPERATIONS OR MANAGEMENT OF THOSE SPECIES UNDER FEDERAL JURISDICTION; AND TO REPEAL SECTIONS 50-13-610 RELATING TO LAWFUL TAKING OF FISH IN GAME ZONE NO. 1; 50-13-620 RELATING TO PENALTIES APPLICABLE TO FISHING VIOLATIONS IN GAME ZONE NO. 1; 50-13-680 RELATING TO PERMITS REQUIRED FOR TAKING FISH IN CERTAIN PONDS IN MARLBORO COUNTY; 50-13-690 RELATING TO THE USE OF NETS OR OTHER DEVICES TO TAKE NONGAME FISH FROM PRIVATE PONDS IN CHESTERFIELD COUNTY; 50-13-730 RELATING TO THE USE OF NETS TO TAKE NONGAME FISH IN THE FRESHWATERS OF THIS STATE; AND 50-13-2010 RELATING TO THE SHELLEY LAKE FISH SANCTUARY IN MARION COUNTY.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3597SD11), which was adopted:

Amend the bill, as and if amended, page 15, beginning on line 10, by striking Section 50‑13‑60, as contained in SECTION 1, and inserting:

/ Section 50‑13‑60. (A) It is unlawful for a person to possess more than the legal limit of fish in any one day on or about the freshwaters of this State.

(B) It is unlawful to possess any fish not of legal size.

(C) It is unlawful to possess any game fish without head and tail fin intact and where a length limit is imposed on any species it is unlawful to possess that species without head and tail fin intact.

(D) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for up to thirty days, or both. Each fish illegally possessed is a separate offense. /

Amend the bill further, page 15, beginning on line 23, by striking Section 50‑13‑70, as contained in SECTION 1, and inserting:

/ Section 50‑13‑70. Except as otherwise provided, there is no closed season for taking fish, however, when because of natural or other conditions fish are vulnerable to predation or are in distress and in the professional judgment of the department need temporary protection or in order to protect the public safety, the department may declare a closed season for taking any species until the condition has abated but the closed season may not be longer than ninety days. The department shall give notice of the closure by the most expeditious means. It is unlawful to take or possess the affected species during the closed season. /

Amend the bill further, page 16, beginning on line 8, by striking Section 50‑13‑210, as contained in SECTION 2, and inserting:

/ Section 50‑13‑210. (A) Except as otherwise provided, the daily possession limit for game fish is an aggregate of forty of which:

(1) not more than five may be largemouth, redeye (coosae), or smallmouth bass or their hybrids or any combination;

(2) not more than fifteen may be spotted bass;

(3) not more than ten may be hybrid bass or striped bass or a combination;

(4) not more than ten may be white bass;

(5) not more than eight may be walleye or sauger or a combination;

(6) not more than five may be trout, except on Lake Jocassee not more than three trout may be taken;

(7) not more than twenty may be crappie;

(8) not more than fifteen may be redbreast; and

(9) not more than thirty may be other freshwater game fish species not listed in this section.

(B) On Lakes Hartwell, Keowee, Russell, (including the Lake Hartwell tail water), Thurmond, Tugaloo, Yonah, the Chattooga and Savannah Rivers and Stevens Creek Reservoir the daily possession limit for black bass is an aggregate of ten. /

Amend further, page 20, beginning on line 27, by striking SECTION 5, and inserting:

/ SECTION 5. Upon approval by the Governor, this act takes effect July 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

Rep. VICK proposed the following Amendment No. 2 (COUNCIL\AGM\19050AB11), which was adopted:

Amend the bill, as and if amended, Section 50‑13‑60(A), as contained in SECTION 1, page 15, line 11, by deleting / or about /

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

Those who voted in the affirmative are:

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

**Total--110**

Those who voted in the negative are:

**Total--0**

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

**H. 3617--REQUESTS FOR DEBATE WITHDRAWN**

Reps. ALLISON, PARKER, LONG, ATWATER, BIKAS, CROSBY and QUINN withdrew their requests for debate on H. 3617; however, other requests for debate remained on the Bill.

**H. 4089--REQUESTS FOR DEBATE WITHDRAWN, AMENDED AND ORDERED TO THIRD READING**

Upon the withdrawal of requests for debate by Reps. G. R. SMITH, BANNISTER, BEDINGFIELD, DILLARD, HAMILTON, STRINGER, LONG and LOWE, the following Bill was taken up:

H. 4089 -- Reps. Edge, Alexander, Barfield, Hearn and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-9-83 SO AS TO AUTHORIZE HOSPITAL PUBLIC SERVICE DISTRICTS TO ENTER INTO AGREEMENTS WITH NONPROFIT ENTITIES AND TO TRANSFER ASSETS AND LIABILITIES TO SUCH NONPROFIT ENTITIES AND PROVIDE CONDITIONS AND REQUIREMENTS FOR THESE AGREEMENTS AND TRANSFERS.

Reps. CLEMMONS, EDGE and VIERS proposed the following Amendment No. 1 (LEGWORK\HOUSE\\10206HTC11KRL):

Amend the bill, as and if amended, in Section 4‑9‑83, as contained in SECTION 1, page 2, by inserting a new paragraph after line 2 to read:

/ Before giving final approval to any such transaction, the governing body of the hospital public service district shall make available for public review and comment a copy of the definitive document and a summary of the document, and shall provide public notice of this availability by publication in a newspaper of general circulation within the boundaries of the hospital public service district at least once a week for four consecutive weeks. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS moved to adjourn debate on the amendment, which was agreed to.

Rep. CLEMMONS proposed the following Amendment No. 2 (COUNCIL\SWB\6178AC11), which was adopted:

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

/ SECTION 1. Article 1, Chapter 9, Title 4 of the 1976 Code is amended by adding:

“Section 4‑9‑83. Notwithstanding the provisions of Section 4‑9‑82, a hospital public service district, upon approval of its governing body, is authorized to enter into agreements with one or more entities for the delivery of health care services within the boundaries of the hospital public service district and to transfer so much of the hospital public service district’s assets and liabilities as the governing body determines to any such entity if:

(1) the entity agrees to use the transferred assets to continue to provide health care services within the boundaries of the hospital public service district in a manner consistent with the obligations and responsibilities of the transferring hospital public service district;

(2) the transferring hospital public service district continues in existence; and

(3) to the extent that certain assets of the hospital public service district are not transferred to the entity, the nontransferred assets remain under the control of the governing body of the hospital public service district.

Before giving final approval to any such transaction, the governing body of the hospital public service district shall make available for public review and comment a copy of the definitive document and a summary of the document, and shall provide public notice of this availability by publication in a newspaper of general circulation within the boundaries of the hospital public service district at least once a week for four consecutive weeks.”

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

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

Reps. CLEMMONS, EDGE and VIERS proposed the following Amendment No. 1 (LEGWORK\HOUSE\10206HTC11KRL), which was tabled:

Amend the bill, as and if amended, in Section 4‑9‑83, as contained in SECTION 1, page 2, by inserting a new paragraph after line 2 to read:

/ Before giving final approval to any such transaction, the governing body of the hospital public service district shall make available for public review and comment a copy of the definitive document and a summary of the document, and shall provide public notice of this availability by publication in a newspaper of general circulation within the boundaries of the hospital public service district at least once a week for four consecutive weeks. /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

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

**LEAVE OF ABSENCE**

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

STATEMENT FOR THE JOURNAL

I requested a temporary leave of absence to care for my children, so that my wife could attend a previously scheduled neighborhood meeting.

Rep. Nathan Ballentine

**H. 3164--REQUESTS FOR DEBATE WITHDRAWN AND REQUESTS FOR DEBATE**

Upon the withdrawal of requests for debate by Reps. YOUNG, OWENS, J. R. SMITH, BIKAS, BEDINGFIELD, MCCOY, HIXON, TAYLOR, WEEKS, PATRICK and BRANNON, the following Bill was taken up:

H. 3164 -- Reps. Young, G. R. Smith, Taylor, Forrester, Patrick, Bowers, Brannon and Clemmons: A BILL TO AMEND SECTION 56-1-176, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SCHOOL ATTENDANCE CONDITIONS ASSOCIATED WITH THE ISSUANCE OF CONDITIONAL AND SPECIAL RESTRICTED DRIVER'S LICENSES, SO AS TO PROVIDE THAT THESE AND ADDITIONAL CONDITIONS SHALL APPLY TO THE ISSUANCE OR REINSTATEMENT OF A BEGINNER'S PERMIT, CONDITIONAL DRIVER'S LICENSE, SPECIAL RESTRICTED DRIVER'S LICENSE, AND A REGULAR DRIVER'S LICENSE ISSUED TO A PERSON LESS THAN EIGHTEEN YEARS OF AGE; BY ADDING SECTION 56-1-177 SO AS TO PROVIDE THAT A MINOR'S PRIVILEGE TO DRIVE MUST BE SUSPENDED UNDER CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 56-1-46 SO AS TO PROVIDE A PENALTY FOR A PERSON WHO DRIVES A MOTOR VEHICLE WHEN HIS LICENSE TO DRIVE HAS BEEN SUSPENDED, CANCELLED, REVOKED, OR DENIED PURSUANT TO CERTAIN PROVISIONS.

Reps. YOUNG, GOVAN, MITCHELL, R. L. BROWN, BEDINGFIELD and J. M. NEAL proposed the following Amendment No. 1 (COUNCIL\SWB\6173CM11):

Amend the bill, as and if amended, Section 56‑1‑176(B), as contained in SECTION 1, by inserting after the period on line 26, page 1:

/ By applying for a license, the parent, or guardian, or both, consents to the release of attendance information to the department. The department shall include the consent language on its application form. /

Amend the bill further, Section 56‑1‑176(C), as contained in SECTION 1, page 2, by deleting Section 56‑1‑176(C), and inserting:

/ (C) Within twenty‑eight days of learning that an enrolled student who is at least fifteen but less than eighteen years of age has accumulated ten or more total unlawful absences, been expelled, or dropped out of school as provided for in Section 56‑1‑177, the board of trustees of the school district or its designee, the governing body of a private school, or an official of a home school association shall notify the Department of Motor Vehicles. This notification must be by an electronic method as determined by the Department of Motor Vehicles and the Department of Education. Nothing in this subsection should be construed to change the way or the frequency with which home school students or parents of home school students report a home school student’s attendance in an academic year. /

Amend the bill further, Section 56‑1‑177(2), as contained in SECTION 2, page 4, by deleting Section 56‑1‑177(2) and inserting:

/ (2) accumulated ten or more unlawful absences in the current academic year or ten or more unlawful absences in the previous academic semester. /

Amend the bill further, as and if amended, by deleting on page 3, starting at line 3 through line 30, subsection (E) in its entirety and inserting:

/ (E) Upon receipt of notice of suspension of the minor’s license and driving privileges, the minor student’s parent or guardian or in a case where the parent or guardian is unavailable an advocate for the student may appeal the decision. The notice must provide that a person aggrieved by the department’s determination may file a request for a contested case hearing with the Office of Motor Vehicle Hearings in accordance with its rules of procedure. The Office of Motor Vehicle Hearings has exclusive jurisdiction to conduct these hearings. In such appeal, the student’s parent or guardian has the burden of demonstrating with clear and convincing evidence the need for a waiver as provided in this section. A waiver of the requirements of this section may be granted by the Office of Motor Vehicle Hearings if the student has a personal or family hardship that requires that the student have a driver’s license. For purposes of this section, a personal or family hardship means:

(1) a medical condition of the student or a member of his immediate family that requires that he maintain a driver’s license to receive or transport an immediate family member or the student for treatment; or

(2) employment requiring the student to maintain a driver’s license to support himself or his immediate family. Additionally, a waiver must be granted if the student is seventeen years old, and it can be shown by clear and convincing evidence that the student has joined a branch of the United States Armed Forces, active or reserve.

The filing of an appeal does not stay the suspension until a final decision is issued on appeal. The Office of Motor Vehicle Hearings shall notify the appropriate school district, governing body of a private school, or official of a home school association when an appeal decision results in the granting of a waiver of the provisions of Section 56‑1‑177. An appeal from the determination of the Office of Motor Vehicle Hearings must be to the Administrative Law Court. /

Amend the bill further, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 59‑1‑396 of the 1976 Code, as added by Act 273 of 2010, is amended by adding a subsection at the end to read:

“(E) The provisions of this section do not apply to a person whose license is suspended pursuant to Section 56‑1‑176.” /

Amend the bill further, as and if amended, by deleting SECTION 6 in its entirety and inserting:

/ SECTION 6. This act takes effect on August 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Rep. YOUNG explained the amendment.

Reps. CORBIN, WEEKS, LUCAS, NANNEY, HENDERSON, ANTHONY, KNIGHT, STAVRINAKIS, ALEXANDER, ANDERSON, HOSEY, SKELTON, KING, SABB, JOHNSON, J. H. NEAL, PARKS and MCEACHERN requested debate on the Bill.

**H. 3617--REQUESTS FOR DEBATE WITHDRAWN, AMENDED AND ORDERED TO THIRD READING**

Upon the withdrawal of requests for debate by Reps. TAYLOR, BEDINGFIELD, JEFFERSON and BRANNON, the following Bill was taken up:

H. 3617 -- Reps. Pitts, R. L. Brown, Allen, Bales, Brady, Knight, Ballentine, McLeod, Willis, Toole, Sellers and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-1-95 SO AS TO PROVIDE THAT A SEWAGE SYSTEM, OR ITS TREATMENT WORKS, THAT HAS HAD THREE OR MORE SEWAGE SPILLS IN A TWELVE-MONTH PERIOD MUST COMPLETE A COMPREHENSIVE REVIEW OF THEIR OPERATIONS; TO PROVIDE FOR THE COMPREHENSIVE REVIEW; TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ACTION PLAN TO ADDRESS ISSUES RAISED IN THE COMPREHENSIVE REVIEW; TO PROVIDE SPENDING PRIORITIES FOR WASTEWATER UTILITIES THAT LACK FUNDS FOR IMPLEMENTING AN ACTION PLAN; TO PROVIDE THAT WASTEWATER UTILITIES THAT DEVELOP AN ACTION PLAN HAVE PRIORITY FOR STATE FUNDS OR STATE-DIRECTED FEDERAL FUNDS; AND TO PROVIDE THAT REPETITIVE SPILLS MUST BE FORWARDED TO AND RECORDED BY THE SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11587AC11), which was adopted:

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

/SECTION 1. Chapter 1, Title 48 of the 1976 Code is amended by adding:

“Section 48‑1‑95. (A) As used in this section:

(1) ‘Action plan’ or ‘plan’ means a schedule for implementing and completing repairs, upgrades, and improvements needed to minimize future repetitive significant spills of untreated or partially treated domestic sewage.

(2) ‘Capacity, Management, Operation, and Maintenance or ‘CMOM’ plan’ means a comprehensive, dynamic framework for wastewater utilities to identify and incorporate widely accepted wastewater industry practices to:

(a) better manage, operate, and maintain collection systems;

(b) investigate capacity constrained areas of the collection system; and

(c) respond to sanitary sewer overflow events.

(3) ‘Comprehensive review’ or ‘review’ means a complete technical assessment of the components and operation of a sewage system or its treatment works that are contributing to, or may be contributing to, repetitive significant spills of untreated or partially treated domestic sewage.

(4) ‘Department’ means the Department of Health and Environmental Control.

(5) ‘Significant spill’ means a net discharge from a wastewater utility of at least five thousand gallons of untreated or partially treated domestic sewage that could cause a serious adverse impact on the environment or public health. ‘Significant spill’ does not include spills caused by a natural disaster, direct act of a third party, or other act of God.

(6) ‘Wastewater utility’ or ‘utility’ means the operator or owner of a sewage collection system or its treatment works providing sewer service to the public. ‘Wastewater utility’ does not include manufacturers, electric utilities, agricultural operations, and wastewater treatment systems located on property owned by the federal government.

(B) Utilities must notify the department of any significant spill orally within twenty-four hours and by written submission within five days.

(C) Upon receiving notice of a significant spill from a wastewater utility, the department must determine whether the responsible wastewater utility has had more than two significant spills per one hundred miles of its sewage collection system, in the aggregate and excluding private service laterals, during the twelve‑month period up to and including the date of the significant spill.

(D)(1) If the wastewater utility has had more than two significant spills per one hundred miles of its aggregate collection system miles during a twelve-month period, the department shall issue an order directing the utility to complete a comprehensive review of the sewage system and treatment works facility identified pursuant to subsection (C), or if the wastewater utility has a department approved Capacity, Management, Operations, and Maintenance plan in place directing the utility to update this plan, the order must include, but is not limited to:

(a) the submission of the findings of the comprehensive review or CMOM update;

(b) the required implementation of any plans to minimize the recurrence of such significant spills.

(2) The comprehensive review or update to an approved CMOM, pursuant to subsection (D)(1), must be performed by a licensed South Carolina professional engineer.

(3) Unless the department’s order is being appealed, the comprehensive review or CMOM update must be initiated by the wastewater utility’s owner within two months of receiving an order from the department or, in the case of an appeal, within two months from the date the order becomes final and nonappealable.

(E) The department shall require that all wastewater utilities provide public notice of any significant spill of five thousand gallons or more within twenty-four hours of the discovery. Where the responsible wastewater utility does not provide this notice, in addition to any enforcement response, the department shall provide public notice of the significant spill.

(F) Nothing in this section contravenes the department’s ability to undertake enforcement action under the Pollution Control Act, Chapter 1, Title 48, or any other state or federal law.”

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

Renumber sections to conform.

Amend title to conform.

Rep. AGNEW explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

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

**Total--108**

Those who voted in the negative are:

**Total--0**

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

**H. 3051--REQUESTS FOR DEBATE WITHDRAWN**

Reps. BIKAS, SKELTON, PATRICK, PARKER, HERBKERSMAN, OTT, BOWERS, ALLISON, BRANTLEY and CLYBURN withdrew their requests for debate on H. 3051; however, other requests for debate remained on the Bill.

**H. 3346--REQUESTS FOR DEBATE WITHDRAWN**

Reps. HENDERSON, WHITE, HIXON, NANNEY, G. R. SMITH, BEDINGFIELD, HAMILTON, BANNISTER, STRINGER, MCCOY, LONG, RYAN and J. R. SMITH withdrew their requests for debate on the following Bill:

H. 3346 -- Reps. Loftis, Limehouse, Corbin, Ballentine, Atwater, Mitchell, Quinn, Alexander, Bannister, Horne, Norman, J. E. Smith, Henderson, Brady, Erickson, Herbkersman, McCoy, Sottile, Allen, Stavrinakis, Williams, Jefferson, Sellers, Pinson, Huggins, Bales, Hardwick and Dillard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3586 SO AS TO ALLOW A STATE TAX CREDIT FOR THE INSTALLATION OF SOLAR ENERGY EQUIPMENT IN AN AMOUNT EQUAL TO THIRTY-FIVE PERCENT OF THE AMOUNTS FOR SPECIFIC INSTALLATIONS AND FOR SPECIFIC PURPOSES, TO DEFINE SOLAR ENERGY EQUIPMENT, TO PROVIDE FOR THE TIMING OF CREDITS AND THE CARRY FORWARD OF UNUSED CREDITS, TO PROVIDE THOSE TAXES AGAINST WHICH THIS CREDIT IS ALLOWED, AND TO PROHIBIT DOUBLE CREDITS.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**H. 3688--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

H. 3688 -- Reps. J. E. Smith, Whipper and Limehouse: A BILL TO AMEND CHAPTER 65, TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO MAKE THE PROVISIONS OF THIS CHAPTER ALSO APPLICABLE TO ABANDONED GOVERNMENTAL PROPERTIES.

**H. 3191--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

H. 3191 -- Rep. Huggins: A BILL TO AMEND SECTION 41-43-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS OF THE JOBS-ECONOMIC DEVELOPMENT AUTHORITY, SO AS TO FURTHER PROVIDE FOR THE POWER OF THE AUTHORITY TO USE PROGRAM FUNDS TO PURCHASE INSURANCE, THE BENEFITS OF WHICH MUST BE USED TO FUND, DIRECTLY OR INDIRECTLY, PROJECTS OR ACTIVITIES WHICH CREATE JOBS OR PROVIDE OTHER SIGNIFICANT PUBLIC BENEFITS; TO AMEND SECTION 41-43-110, AS AMENDED, RELATING TO THE ISSUANCE OF BONDS BY THE AUTHORITY, SO AS TO SPECIFY THAT THE AUTHORITY MAY ISSUE BONDS TO FINANCE THE ACQUISITION BY CONSTRUCTION OR PURCHASE OF TANGIBLE OR INTANGIBLE ASSETS; TO AMEND SECTION 41-43-140, RELATING TO THE CREATION OF AN INSURANCE FUND BY THE AUTHORITY AS SECURITY FOR BOND HOLDERS, SO AS TO FURTHER PROVIDE FOR THE CREATION OF THE INSURANCE FUND AND THE USE OF FUNDS THEREIN; TO AMEND SECTION 41-43-150, RELATING TO PERSONS AND PROJECTS ELIGIBLE FOR ASSISTANCE FROM THE AUTHORITY, SO AS TO FURTHER PROVIDE FOR PERSONS AND PROJECTS ELIGIBLE FOR ASSISTANCE AND THE CRITERIA THEREFORE; AND TO AMEND SECTION 41-43-160, AS AMENDED, RELATING TO LOAN PROGRAMS OF THE AUTHORITY, SO AS TO PROVIDE THE USE WHICH CAN BE MADE OF PROCEEDS OF LOANS MADE UNDER THIS SECTION.

**OBJECTION TO RECALL**

Rep. DANING asked unanimous consent to recall H. 3236 from the Committee on Education and Public Works.

Rep. J. H. NEAL objected.

**S. 211--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

S. 211 -- Senators Matthews, Land, Leatherman, Leventis, Hutto, Williams, Ford and McGill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE "I-95 CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

**H. 3111--OBJECTION TO WITHDRAWAL OF REQUEST FOR DEBATE**

Rep. YOUNG requested unanimous consent to withdraw his request for debate to H. 3111.

Rep. COBB-HUNTER objected

**OBJECTION TO RECALL**

Rep. HERBKERSMAN asked unanimous consent to recall H. 3407 from the Committee on Ways and Means.

Rep. COBB-HUNTER objected.

**H. 3658--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill, which was adopted:

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, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, J. R. Smith, Toole, Willis and Horne: 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.

**H. 3788--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Bill until Thursday, April 28, which was adopted:

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".

Rep. QUINN moved that the House do now adjourn.

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

Yeas 35; Nays 68

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bowers | Branham |
| Brantley | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Frye |
| Funderburk | Gilliard | Hayes |
| Herbkersman | Hosey | Huggins |
| Jefferson | Johnson | King |
| Mack | McLeod | Mitchell |
| Munnerlyn | J. H. Neal | Ott |
| Quinn | Sabb | Spires |
| Toole | Tribble | Viers |
| Weeks | Williams |  |

**Total--35**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Barfield |
| Bedingfield | Bikas | Bowen |
| Brady | Brannon | H. B. Brown |
| Chumley | Clemmons | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Hiott | Hixon |
| Horne | Knight | Limehouse |
| Loftis | Long | Lowe |
| McCoy | McEachern | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| J. M. Neal | Neilson | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | White | Whitmire |
| Willis | Young |  |

**Total--68**

So, the House refused to adjourn.

**RECURRENCE TO THE MORNING HOUR**

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

**INTRODUCTION OF BILLS**

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

H. 4143 -- Reps. Gilliard, R. L. Brown, Mack and Whipper: A BILL TO AMEND ACT 1235 OF 1970, AS AMENDED, RELATING TO THE CHARLESTON COUNTY AIRPORT DISTRICT AND ITS GOVERNING BOARD, SO AS TO ADD TWO MEMBERS OF THE CHARLESTON COUNTY LEGISLATIVE DELEGATION, EX OFFICIO, TO THE GOVERNING BOARD OF THE DISTRICT; TO PROVIDE THAT CERTAIN MEMBERS OF THE AUTHORITY MAY SERVE AS ITS CHAIRMAN, AND TO PROVIDE THAT MEMBERS WHO ARE APPOINTED BY THE LEGISLATIVE DELEGATION OR COUNTY COUNCIL SHALL SERVE ONE FOUR-YEAR TERM.

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

H. 4144 -- Reps. Brannon, Herbkersman, Pinson, Williams, Forrester, Parker, Allison, Patrick, Cole and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-3-665 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL DISPLAY PERMANENTLY ON THE GROUNDS OF THE STATE'S WELCOME CENTERS THE NATIONAL LEAGUE OF POW/MIA FAMILIES' POW/MIA FLAG AND A MEMORIAL PLAQUE THAT HONORS MILITARY PERSONNEL THAT ARE PRISONERS OF WAR OR MISSING IN ACTION.

Referred to Committee on Education and Public Works

H. 4145 -- Reps. Long and Harrell: A BILL TO AMEND SECTION 2-1-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADJOURNMENT OF THE GENERAL ASSEMBLY, SO AS TO CHANGE THE DATE FOR THE MANDATORY ADJOURNMENT OF THE GENERAL ASSEMBLY FROM THE FIRST THURSDAY IN JUNE TO THE LAST THURSDAY IN MAY PRECEDING THE NATIONAL MEMORIAL DAY HOLIDAY.

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

**H. 3762--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3762 -- Reps. Cooper, White, Bowen, Gambrell, Thayer, Sandifer, D. C. Moss, McLeod, Viers and Clemmons: A BILL TO AMEND SECTION 41-31-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNEMPLOYMENT INSURANCE TRUST FUND, SO AS TO PROVIDE THAT IN A YEAR IN WHICH THE FUND IS IN DEBT STATUS, THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, AMONGST OTHER ESTIMATES, MUST ESTIMATE THE AMOUNT OF INCOME NECESSARY TO REPAY ALL OUTSTANDING FEDERAL LOANS WITHIN EIGHT YEARS.

Reps. BINGHAM, COOPER, WHITE, COBB-HUNTER and OTT proposed the following Amendment No. 1 (COUNCIL\DKA\3635SD11), which was adopted:

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

/SECTION 1. Section 41‑31‑45(B) of the 1976 Code, as added by Act 234 of 2010, is amended to read:

“(B) For each calendar year during which the state Unemployment Insurance Trust Fund is in debt status, the department must estimate the amount of income necessary to pay benefits for that year, the amount of income necessary to avoid automatic FUTA credit reductions, and an amount of income necessary to repay all outstanding federal loans within ~~five~~ eight years. Additional estimates of interest costs shall be determined concurrently.

(1) Estimates of the revenue needed to pay benefits will be based on Congressional Budget Office projections for the subsequent calendar year’s total unemployment rate. This total unemployment rate will be adjusted for South Carolina based on the historic relationship between the unemployment rate in South Carolina and the national unemployment rate calculated from 1980 to present.

(2) The historic relationship, calculated from 1980 to present, between the total unemployment rate and the insured unemployment rate in South Carolina will be used to adjust the projected total unemployment rate to the rate of insured unemployment.

(3) Estimates of forecasted benefits will be based upon the prior three year average of the annual number of weeks compensated multiplied by an estimate of the average weekly benefit for the next year.

(4) Estimates of amounts to pay to avoid FUTA credit reductions and amount of repayments on the loan will be projected through consultation with officials at the US Department of Labor.”

SECTION 2. Article 1, Chapter 31, Title 41 of the 1976 Code is amended by adding:

“Section 41‑31‑35. (A) For purposes of unemployment compensation benefit contributions required of employers, if an employer has a positive fund balance for a period of at least one year in its account, it may not be classified in Rate Class 13 or higher. (B) All new employees for purposes of unemployment compensation benefits contributions required of employers must be classified in Rate Class 12.”

SECTION 3. Article 1, Chapter 31, Title 41 of the 1976 Code is amended by adding:

“Section 41‑31‑36. No North American Industry Classification System code 5613 employer base rate may be less than the rate applicable for rate class thirteen until there have been twelve consecutive months of coverage after first becoming liable for contributions under Chapters 27 through 31.

SECTION 4. Notwithstanding any other provision of law, effective with claims filed on or after January 1, 2012:

(a) A seasonal pursuit is one which, because of seasonal conditions making it impracticable or impossible to do otherwise, customarily carries on production operations only within a regularly recurring active period or periods of less than an aggregate of 36 weeks in a calendar year. No pursuit shall be deemed seasonal unless and until so found by the Department: Provided, however, that any successor under to a seasonal pursuit shall be deemed seasonal unless such successor shall within 120 days after the acquisition request cancellation of the determination of status of such seasonal pursuit; provided further that this provision shall not be applicable to pending cases nor retroactive in effect.

(b) Upon application therefore by a pursuit, the Department shall determine or redetermine whether such pursuit is seasonal and, if seasonal, the active period or periods thereof. The Department may, on its own motion, redetermine the active period or periods of a seasonal pursuit. An application for a seasonal determination must be made on forms prescribed by the Department and must be made at least 30 days prior to the beginning date of the period of production operations for which a determination is requested.

(c) Whenever the Department has determined or redetermined a pursuit to be seasonal, such pursuit shall be notified immediately, and such notice shall contain the beginning and ending dates of the pursuit’s active period or periods. Such pursuits shall display notices of its seasonal determination conspicuously on its premises in a sufficient number of places to be available for inspection by its workers. Such notices shall be furnished by the Department.

(d) A seasonal determination shall become effective unless an interested party files an application for review within 10 days after the beginning date of the first period of production operations to which it applies. Such an application for review shall be deemed to be an application for a determination of status.

(e) All wages paid to a seasonal worker during his base period shall be used in determining his weekly benefit amount; provided however, that all weekly benefit amounts so determined shall be rounded to the nearest lower full dollar amount (if not a full dollar amount).

(f) (1) A seasonal worker shall be eligible to receive benefits based on seasonal wages only for a week of unemployment which occurs, or the greater part of which occurs within the active period or periods of the seasonal pursuit or pursuits in which he earned base period wages.

(2) A seasonal worker shall be eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during any active period or periods of the seasonal pursuit in which he has earned base period wages provided he has exhausted benefits based on seasonal wages. Such worker shall also be eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during the inactive period or periods of the seasonal pursuit in which he earned base period wages irrespective as to whether he has exhausted benefits based on seasonal wages.

(3) The maximum amount of benefits which a seasonal worker shall be eligible to receive based on seasonal wages shall be an amount, adjusted to the nearest multiple of one dollar ($1.00), determined by multiplying the maximum benefits payable in his benefit year, as provided in Section 41‑35‑50, by the percentage obtained by dividing the seasonal wages in his base period by all of his base period wages.

(4) The maximum amount of benefits which a seasonal worker shall be eligible to receive based on nonseasonal wages shall be an amount, adjusted to the nearest multiple of one dollar ($1.00), determined by multiplying the maximum benefits payable in his benefit year, as provided in 41‑35‑50, by the percentage obtained by dividing the nonseasonal wages in his base period by all of his base period wages.

(5) In no case shall a seasonal worker be eligible to receive a total amount of benefits in a benefit year in excess of the maximum benefits payable for such benefit year, as provided in 41‑35‑50.

(g) (1) All benefits paid to a seasonal worker based on seasonal wages shall be charged, as prescribed in 41‑31‑20, against the account of his base period employer who paid him such seasonal wages, and for the purpose of this paragraph such seasonal wages shall be deemed to constitute all of his base period wages.

(2) All benefits paid to a seasonal worker based on nonseasonal wages shall be charged, as prescribed in 41‑31‑20, against the account of his base period employer who paid him such nonseasonal wages, and for the purpose of this paragraph such nonseasonal wages shall be deemed to constitute all of his base period wages.

(h) The benefits payable to any otherwise eligible individual shall be calculated in accordance with this section for any benefit year which is established on or after the beginning date of a seasonal determination applying to a pursuit by which such individual was employed during the base period applicable to such benefit year, as if such determination had been effective in such base period.

(i) Nothing in this section shall be construed to limit the right of any individual whose claim for benefits is determined in accordance herewith to appeal from such determination as provided in 41‑35‑660.

(j) As used in this section:

(1) “Pursuit” means an employer or branch of an employer.

(2) “Branch of an employer” means a part of an employer’s activities which is carried on or is capable of being carried on as a separate enterprise.

(3) “Production operations” mean all the activities of a pursuit which are primarily related to the production of its characteristic goods or services.

(4) “Active period or periods” of a seasonal pursuit means the longest regularly recurring period or periods within which production operations of the pursuit are customarily carried on.

(5) “Seasonal wages” mean the wages earned in a seasonal pursuit within its active period or periods. The Department may prescribe by regulation the manner in which seasonal wages shall be reported.

(6) “Seasonal worker” means a worker at least twenty‑five percent (25%) of whose base period wages are seasonal wages.

(7) “Interested party” means any individual affected by a seasonal determination.

(8) “Inactive period or periods” of a seasonal pursuit means that part of a calendar year which is not included in the active period or periods of such pursuit.

(9) “Nonseasonal wages” mean the wages earned in a seasonal pursuit within the inactive period or periods of such pursuit, or wages earned at any time in a nonseasonal pursuit.

(10) “Wages” mean remuneration for employment.

SECTION \_5. This act takes effect upon approval of the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

Rep. OTT spoke upon the amendment.

Rep. BINGHAM spoke in favor of the amendment.

Rep. MCLEOD spoke against the amendment.

Rep. MCLEOD moved to adjourn debate on the Bill until Thursday, April 28.

Rep. COOPER moved to table the motion, which was agreed to.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bannister | Barfield |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | 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 | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Mack | McCoy |
| McEachern | McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--108**

Those who voted in the negative are:

**Total--0**

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

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**S. 358--REQUESTS FOR DEBATE WITHDRAWN**

Reps. SIMRILL, FORRESTER, STAVRINAKIS, VIERS, CHUMLEY, TAYLOR and WHITMIRE withdrew their requests for debate to the following Bill:

S. 358 -- Senator Grooms: A BILL TO AMEND SECTION 56-3-2335 OF THE 1976 CODE, RELATING TO RESEARCH AND DEVELOPMENT LICENSE PLATES, TO PROVIDE THAT RESEARCH AND DEVELOPMENT LICENSE PLATES MAY ALSO BE ISSUED TO VEHICLES OWNED BY THE RESEARCH AND DEVELOPMENT BUSINESS AND BY A FLEET OWNER UNDER CONTRACT WITH THE RESEARCH AND DEVELOPMENT BUSINESS, TO INCREASE THE MAXIMUM NUMBER OF RESEARCH AND DEVELOPMENT LICENSE PLATES THAT MAY BE ISSUED, AND TO PROVIDE FOR OPERATION OF RESEARCH AND DEVELOPMENT LICENSED VEHICLES IN OTHER STATES.

**H. 3051--REQUESTS FOR DEBATE WITHDRAWN**

Reps. JEFFERSON, ERICKSON, FRYE, MACK, WEEKS, HOSEY, KNIGHT, MCEACHERN and KING withdrew their requests for debate to the following Joint Resolution:

H. 3051 -- Reps. Erickson, Harrison, G. R. Smith, Long, Lucas, Norman, Young, Taylor, Owens, Patrick, Daning, Crosby, Brady, Allison, Merrill, Quinn, Toole, Viers, Ballentine, Henderson, Bedingfield and Bingham: A JOINT RESOLUTION TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY BY REGULATION OR OTHERWISE MAY ADMINISTRATIVELY INCREASE OR IMPLEMENT A FEE FOR PERFORMING A SERVICE OR FUNCTION, OR A CIVIL PENALTY OR FINE FOR FAILURE TO COMPLY WITH A REQUIREMENT OR PROVISION OF LAW UNDER ITS JURISDICTION WITHOUT THE SPECIFIC APPROVAL OF THE INCREASED OR NEW FEE, FINE, OR PENALTY BY THE GENERAL ASSEMBLY BY CONCURRENT RESOLUTION ON A RECORDED ROLL CALL VOTE; TO PROVIDE THAT GENERAL APPROVAL BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF A REGULATION OF A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT WHEREIN A FEE, FINE, OR PENALTY INCREASE OR IMPOSITION IS CONTAINED DOES NOT CONSTITUTE APPROVAL UNDER THE REQUIREMENTS OF THIS SECTION, AND IF AN INCREASE OR IMPLEMENTATION IS CONTAINED IN THAT JOINT RESOLUTION, THE INCREASE OR IMPLEMENTATION IS NULL AND VOID; TO PROVIDE CERTAIN EXCEPTIONS; AND TO PROVIDE FOR THE DURATION OF THIS PROVISION.

**H. 3083--REQUESTS FOR DEBATE WITHDRAWN**

Reps. G. R. SMITH, FORRESTER and HENDERSON withdrew their requests for debate on the following Bill; however, other requests or debate remained on the Bill:

H. 3083 -- Reps. Pitts, Daning, Toole, G. M. Smith, Clyburn, Bingham, J. R. Smith, Huggins, Young, Taylor, Long, H. B. Brown, Ryan, Whipper and R. L. Brown: A BILL TO ENACT THE "THE SOUTH CAROLINA CONSERVATION BANK REAUTHORIZATION ACT" BY AMENDING ACT 200 OF 2002, WHICH ENACTED THE "SOUTH CAROLINA CONSERVATION BANK ACT" AND PROVIDED FOR ITS FUNDING, SO AS TO DELETE THE SUNSETTING OF THAT ACT OTHERWISE EFFECTIVE JULY 1, 2013, AND TO MAKE VARIOUS SECTIONS OF THAT ACT PERMANENT LAW BY DESIGNATING SECTIONS 3, 5, 6, 8, 10, AND 11 OF ACT 200 OF 2002, RELATING RESPECTIVELY TO THE PORTION OF THE DEED RECORDING FEE DEDICATED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, THE SUSPENSION OF DEED RECORDING FEE REVENUE IN CERTAIN CIRCUMSTANCES, CONSERVATION EASEMENTS, BIENNIAL REPORTS TO THE GENERAL ASSEMBLY, USE OF CONSERVATION BANK FUNDS FOR BEACH CONSERVATION, AND USE OF CONSERVATION BANK FUNDS TO ACQUIRE LAND FOR STATE PARKS AS SECTIONS 12-24-96, 48-59-65, 27-8-37, 48-59-150, 48-59-160, AND 48-59-170, ALL OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

**OBJECTION TO RECALL**

Rep. HENDERSON asked unanimous consent to recall S. 20 from the Committee on Judiciary.

Rep. SELLERS objected.

**OBJECTION TO RECALL**

Rep. DANING asked unanimous consent to recall H. 3236 from the Committee on Education and Public Works.

Rep. WILLIAMS objected.

**H. 3658--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill until Thursday, April 28, which was adopted:

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, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, J. R. Smith, Toole, Willis and Horne: 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.

**H. 3713--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 3713 -- Reps. Merrill, J. R. Smith, Ryan, Hamilton, G. R. Smith, Bedingfield, Barfield, Sandifer, McCoy, Horne, Stavrinakis, Clemmons, Loftis, Lucas, Herbkersman, Patrick, Erickson, G. M. Smith, Knight, Murphy and Hixon: 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.

The Ways and Means Committee proposed the following Amendment No. 1 (LEGWORK\HOUSE\10139HTC11KRL), which was adopted:

Amend the bill, as and if amended, page 3, by striking SECTION 4 and inserting:

/ SECTION 4. This act takes effect upon approval by the Governor and applies to real property transfers after December 31, 2010. Property tax assessors shall conform the values of parcels of real property which underwent an assessable transfer of interest in 2011 before the effective date of this act, to the fair market value of these parcels as that value may have been adjusted to reflect the provisions of Section 12‑37‑3135 of the 1976 Code, as added by this act. /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. OTT proposed the following Amendment No. 2 (COUNCIL\BBM\10193HTC11), which was tabled:

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

/ SECTION 1. Article 25, Chapter 37, Title 12 of the 1976 Code is amended by adding:

“Section 12‑37‑3135. (A) This section may be cited as the ‘Real Property Tax Credit Act’.

(B) As used in this section, ‘eligible real property’ means a parcel of real property and improvements thereon if at the time of the most recent assessable transfer of interest (ATI) of that parcel, the property’s fair market value as determined at the time of the assessable transfer of interest exceeds its fair market value as carried on the books of the property tax assessor immediately before the property tax year in which the higher ATI value first applies. Eligible real property does not include:

(1) any parcel of real property which in the hands of the current owner, receives the special four percent assessment ratio allowed owner‑occupied residential property pursuant to Section 12‑43‑220(c); or

(2) any parcel of real property which undergoes an ATI in a year in which a property tax assessment, as defined in Section 12‑60‑30(19) has been issued for that parcel pursuant to a countywide equalization and assessment program conducted pursuant to Section 12‑43‑217 before the date of the ATI.

(C) There is allowed as a credit against the income tax imposed pursuant to Chapter 6 of this title, bank tax imposed pursuant to Chapter 11 of Title 12, the building and loan association tax imposed pursuant to Chapter 13 of this title, license fees imposed pursuant to Chapter 20 of this title, and insurance premium taxes imposed pursuant to Section 38-7-20, or any combination of them, an amount equal to the increase in property tax, if any, on a parcel of eligible real property owned by the taxpayer for the property tax year in which the taxpayer first pays property tax based on the value determined at the time of an assessable transfer of interest in which the taxpayer first acquired interest in the property over the prior year’s property tax on the parcel, adjusted to eliminate any increase resulting from a millage increase and any increase attributable to improvements to the property not taxed to the previous owner. If the amount of the credit for a year exceeds the taxpayer’s total liability for the taxes against which the credit applies for that year, then the excess credit must be refunded to the taxpayer. The credit is allowed through the property tax year ending before the year of implementation of the fair market values determined in the next countywide equalization and reassessment program conducted pursuant to Section 12‑43‑217. For purposes of this credit, ‘next countywide equalization and reassessment program’ means the program resulting in implementation of the value determined in a property tax assessment issued pursuant to that program after the most recent ATI of that parcel. No credit is allowed for any year that the fair market value of the parcel as carried on the books of the assessor for the year for which property tax was paid is less than such value as determined at the time of the last assessable transfer of interest.”

SECTION 2. This act takes effect upon approval by the Governor and applies for assessable transfers of interest occurring after 2010. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

Rep. CLEMMONS spoke against the amendment.

Rep. HAMILTON moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 64; Nays 47

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Brady |
| Chumley | Clemmons | Cole |
| Cooper | Corbin | Crawford |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Parker | Patrick | Pope |
| Quinn | Ryan | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Viers | White | Willis |
| Young |  |  |

**Total--64**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bowers |
| Branham | Brannon | Brantley |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Crosby | Dillard |
| Funderburk | Gilliard | Govan |
| Hodges | Hosey | Huggins |
| Jefferson | Johnson | King |
| Knight | Mack | McEachern |
| McLeod | Mitchell | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Pinson |
| Pitts | Sabb | Sellers |
| Skelton | J. E. Smith | Tribble |
| Vick | Weeks | Whipper |
| Whitmire | Williams |  |

**Total--47**

So, the amendment was tabled.

Rep. SKELTON spoke against the Bill.

Rep. QUINN moved that the House do now adjourn.

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

Yeas 41; Nays 69

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bannister | Bedingfield | Bikas |
| Bingham | Chumley | Clemmons |
| Cole | Cooper | Corbin |
| Delleney | Erickson | Forrester |
| Gambrell | Hamilton | Hardwick |
| Hearn | Hixon | Horne |
| Huggins | Limehouse | Lucas |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Quinn | Ryan |
| Simrill | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Taylor | Thayer |
| Toole | Tribble | Viers |
| White | Young |  |

**Total--41**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Barfield | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Crawford | Crosby | Daning |
| Dillard | Edge | Frye |
| Funderburk | Gilliard | Govan |
| Harrison | Hayes | Henderson |
| Hiott | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Loftis | Long |
| Lowe | Mack | McCoy |
| McEachern | McLeod | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Sabb | Sandifer | Sellers |
| Skelton | J. E. Smith | Tallon |
| Vick | Weeks | Whipper |
| Whitmire | Williams | Willis |

**Total--69**

So, the House refused to adjourn.

Rep. CLEMMONS moved to adjourn debate on the Bill.

Rep. WEEKS moved to table the motion.

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

Yeas 44; Nays 70

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bowers |
| Branham | Brantley | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Dillard | Frye | Funderburk |
| Gilliard | Govan | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | Johnson | King |
| Mack | McEachern | McLeod |
| Mitchell | Munnerlyn | J. H. Neal |
| J. M. Neal | Ott | Parks |
| Pitts | Sabb | Sellers |
| Skelton | J. E. Smith | Tribble |
| Vick | Weeks | Whipper |
| Williams | Willis |  |

**Total--44**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Brady |
| Brannon | H. B. Brown | Chumley |
| Clemmons | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Owens | Parker |
| Patrick | Pinson | Pope |
| Quinn | Ryan | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Viers | White | Whitmire |
| Young |  |  |

**Total--70**

So, the House refused to table the motion to adjourn debate.

The question then recurred to the motion to adjourn debate on the Bill, which was agreed to.

Rep. HARRISON moved that the House do now adjourn.

**POINT OF ORDER**

Rep. LOWE raised the Point of Order that fifteen minutes had not elapsed since a similar motion was made, which point was sustained by the SPEAKER.

**H. 3720--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3720 -- Reps. Cooper, Henderson and Patrick: A BILL TO AMEND SECTION 12-6-3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE JOBS TAX CREDIT, SO AS TO REVISE THE REQUIREMENTS OF A QUALIFYING SERVICE-RELATED FACILITY AND A TECHNOLOGY INTENSIVE FACILITY; BY ADDING SECTION 12-6-3411 SO AS TO PROVIDE THAT A CORPORATION ESTABLISHING A NATIONAL CORPORATE HEADQUARTERS OR EXPANDING OR ADDING TO AN EXISTING NATIONAL CORPORATE HEADQUARTERS IN THIS STATE, WHICH IN CONNECTION THEREWITH ADDS AT LEAST FIFTY NEW FULL-TIME JOBS SHALL BE EXEMPT FROM PAYING STATE CORPORATE INCOME TAXES FOR A PERIOD OF TEN YEARS; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO TAX CREDITS FOR PROVIDING INFRASTRUCTURE, SO AS TO INCREASE THE MAXIMUM AGGREGATE CREDIT TO FOUR HUNDRED THOUSAND DOLLARS ANNUALLY; TO AMEND SECTIONS 4-12-30, 4-29-67, AND 12-44-90, ALL AS AMENDED, RELATING TO FEE IN LIEU OF TAXES, SO AS TO PROVIDE THAT A COUNTY AUDITOR OR COUNTY ASSESSOR MAY REQUEST AND OBTAIN ANY FINANCIAL BOOKS AND RECORDS FROM A SPONSOR THAT SUPPORT THE SPONSOR'S TAX FORM OR RETURN TO VERIFY THE CALCULATIONS OF THE FEE IN LIEU OF TAXES TAX FORM OR RETURN; AND TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT COMPUTERS, COMPUTER EQUIPMENT, COMPUTER HARDWARE AND SOFTWARE PURCHASES FOR A DATACENTER AND ELECTRICITY USED BY A DATACENTER.

Rep. FUNDERBURK proposed the following Amendment No. 2 (COUNCIL\NBD\11628AC11), which was ruled out of order:

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

/A. Section 12‑37‑220(B) of the 1976 Code, as last amended by Act 279 of 2010, is further amended by adding an appropriately numbered item at the end to read:

“( )(a) Effective for property tax year 2012, seven and one‑half percent of the fair market value of all real and personal property owned by or leased to manufacturers and used by the manufacturer in the conduct of the business.

(b) Effective for property tax year 2013, fifteen percent of the fair market value of all real and personal property owned by or leased to manufacturers and used by the manufacturer in the conduct of the business.

(c) Effective for property tax year 2014, twenty‑two and one‑half percent of the fair market value of all real and personal property owned by or leased to manufacturers and used by the manufacturer in the conduct of the business.

(d) Effective for property tax year 2015, thirty percent of the fair market value of all real and personal property owned by or leased to manufacturers and used by the manufacturer in the conduct of the business.

(e) Effective for property tax year 2016, thirty‑seven and one‑half percent of the fair market value of all real and personal property owned by or leased to manufacturers and used by the manufacturer in the conduct of the business.

(f) Effective for property tax year 2017 and thereafter, forty‑two and 75/100 percent of the fair market value of all real and personal property owned by or leased to manufacturers and used by the manufacturer in the conduct of the business.”

B. Section 6‑1‑320(A) of the 1976 Code, as last amended by Act 116 of 2007, is further amended to read:

“(A)(1) Notwithstanding Section 12‑37‑251(E), a local governing body may increase the millage rate imposed for general operating purposes above the rate imposed for such purposes for the preceding tax year only to the extent of the increase in the average of the twelve monthly consumer price indices for the most recent twelve‑month period consisting of January through December of the preceding calendar year, plus, beginning in 2007, the percentage increase in the previous year in the population of the entity as determined by the Office of Research and Statistics of the State Budget and Control Board. If the average of the twelve monthly consumer price indices experiences a negative percentage, the average is deemed to be zero. If an entity experiences a reduction in population, the percentage change in population is deemed to be zero. However, in the year in which a reassessment program is implemented, the rollback millage, as calculated pursuant to Section 12‑37‑251(E), must be used in lieu of the previous year’s millage rate.

(2) There may be added to the operating millage increase allowed pursuant to item (1) of this subsection any such increase, allowed but not previously imposed, for the three property tax years preceding the year to which the current limit applies.”

C. Chapter 36, Title 12 of the 1976 is amended by adding:

“Section 12‑36‑2121. (A) By January 1, 2012, the Office of Economic Research, Budget and Control Board, must estimate the amount of decreased property tax revenue in property tax year 2017 resulting from the property tax exemption on manufacturing property added by this act. The estimate must be submitted to Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. By July 1, 2012, the General Assembly, shall enact a law that eliminates or reduces some or all of the state sales tax exemptions provided in Section 12‑36‑2120, sufficient to generate additional sales tax revenue in an amount not less than the estimate required by this subsection.

(B) If the General Assembly does not enact a law that meets the requirements of subsection (A), then, unless otherwise prohibited by law:

(1) Effective July 1, 2012, and except for subsections (1), (36), and (60), the exemptions provided in Section 12‑36‑2120 only apply to ninety‑eight percent of the gross proceeds of sales.

(2) Effective July 1, 2013, and except for subsections (1), (36), and (60), the exemptions provided in Section 12‑36‑2120 only apply to ninety‑six percent of the gross proceeds of sales.

(3) Effective July 1, 2014, and except for subsections (1), (36), and (60), the exemptions provided in Section 12‑36‑2120 only apply to ninety‑four percent of the gross proceeds of sales.

(4) Effective July 1, 2015, and except for subsections (1), (36), and (60), the exemptions provided in Section 12‑36‑2120 only apply to ninety‑two percent of the gross proceeds of sales.

(5) Effective July 1, 2016, and except for subsections (1), (36), and (60), the exemptions provided in Section 12‑36‑2120 only apply to ninety percent of the gross proceeds of sales.

(C) This section only applies to the state sales tax imposed pursuant to Sections 12‑36‑910 and 12‑36‑1110.”

D. Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11‑11‑158. (A)(1) There is created a fund separate and distinct from the state general fund known as the ‘Manufacturing Property Tax Relief Fund’. The Board of Economic Advisors shall account for the Manufacturing Property Tax Relief Fund revenue separately from general fund revenues.

(2) By February fifteenth of each year, beginning in fiscal year 2011‑2012, the Board of Economic Advisors shall make an estimate of the amount of sales tax revenue collected pursuant to Section 12‑36‑2121. This estimate shall be transmitted to the State Treasurer, Comptroller General, and the Chairmen of the House Ways and Means Committee and the Senate Finance Committee. No portion of these revenues may be credited to the Education Improvement Act (EIA) Fund.

(B) By February fifteenth of each year, beginning in fiscal year 2011‑2012, the Office of Economic Research, State Budget and Control Board, must estimate the amount of property tax exemptions resulting from the property tax exemption on manufacturing property added by this act.

(C)(1) The Department of Revenue annually shall credit the Manufacturing Property Tax Relief Fund with the amount of the estimate required pursuant to subsection (A)(2). The department must credit the fund with ninety percent of the estimate by January first. The balance must be credited by June thirtieth. The balance due is subject to revisions to the estimate of the Board of Economic Advisors.

(2) By April first of the following property tax year, each county treasurer shall request a refund for the amount of manufacturing property tax that would have been collected by the county treasurer in the previous property tax year but for the property tax exemption on manufacturing property added by this act. If the monies in the fund are insufficient to fully fund each request, the State Treasurer shall reduce each payment proportionately. A county treasurer must distribute the funds to each taxing authority within the county based on the percentage of the property taxes levied by the taxing authority in the previous property tax year compared to the property taxes levied by all taxing authorities within the county in the previous property tax year. (D)(1) In any year, if monies remain in the fund after fully reimbursing all counties pursuant to item (2), the excess monies must be distributed to each county treasurer to provide a credit against property tax liability for all taxpayers. Each county shall receive a proportionate amount of the excess based on the percentage of the county’s total assessed property tax value in the state.

(2) Upon receipt of the excess funds, the monies shall be distributed to the county and the municipalities in the county area as follows:

(a) sixty‑seven percent to the county;

(b) thirty‑three percent to the municipalities in the county area so that each municipality receives an amount equal to what its percentage of population bears to the total population in all the municipalities in the county area.

All the monies must be used to provide a credit against the property tax liability of taxpayers in the county and municipality. The amount of the credit shall be determined in the same manner as Section 4‑10‑40.” /

Renumber sections to conform.

Amend title to conform.

Rep. FUNDERBURK explained the amendment.

**POINT OF ORDER**

Rep. COOPER raised the Point of Order that under Rule 9.3, Amendment No. 2 was out of order in that it was not germane to the Bill.

REP. FUNDERBURK spoke against the Point of Order.

SPEAKER HARRELL stated that the Amendment was not germane to the Bill. He stated that the Bill related to jobs and the creation of tax credits to promote job creation. He stated further, that the Amendment referred to unrelated tax issues and he sustained the Point of Order.

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

Further proceedings were interrupted by adjournment, the pending question being consideration of the Bill.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

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

H. 4034 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BUNKER HILL ROAD IN THE TOWN OF LITTLE ROCK FROM ITS INTERSECTION WITH WEST MAIN STREET TO ITS INTERSECTION WITH HARLLEES BRIDGE ROAD "MAXIE ROWELL ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "MAXIE ROWELL ROAD".

**ADJOURNMENT**

At 7:44 p.m. the House, in accordance with the motion of Rep. SABB, adjourned in memory of Henry Capers of Salters, to meet at 10:00 a.m. tomorrow.

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