~~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 Proverbs 16:3: “Commit your work to the Lord, and your plans will be established.”

Let us pray. Lord, go with us today. Guide these Representatives through the obstructions and intricacies of their daily duties and responsibilities. Bless them with the certainty of Your caring in time confusion; with hope in time of despair; with trust in time of doubt; with love in time of anguish. We pray for all who have been selected to serve in this place; our leaders and our staff. 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. COBB-HUNTER moved that when the House adjourns, it adjourn in memory of Sylvia Rogers Grier Clark Person of Gifford, Florida, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of Representative Vick in the death of his father-in-law James Gainey.

**REPORTS OF STANDING COMMITTEES**

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

H. 4111 -- Rep. Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PROPOSED ANYOR OVERPASS THAT WILL CROSS UNITED STATES HIGHWAY 501 IN THE TOWN OF AYNOR THE "JULIUS H. 'DUKE' GOODSON OVERPASS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS OVERPASS THAT CONTAIN THE WORDS "JULIUS H. 'DUKE' GOODSON OVERPASS".

Ordered for consideration tomorrow.

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

H. 4099 -- Reps. Harrell, R. L. Brown, Crosby, Gilliard, Horne, Mack, McCoy, Murphy, Ryan, Sottile, Stavrinakis and Whipper: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 526 AND UNITED STATES HIGHWAY 17 NORTH IN CHARLESTON COUNTY "REPRESENTATIVE H. B. 'CHIP' LIMEHOUSE III INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "REPRESENTATIVE H. B. 'CHIP' LIMEHOUSE III INTERCHANGE".

Ordered for consideration tomorrow.

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

H. 4124 -- Rep. V. S. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON EL BETHEL ROAD THAT CROSSES THICKETTY CREEK IN CHEROKEE COUNTY "COLONEL JAMES STEEN MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "COLONEL JAMES STEEN MEMORIAL BRIDGE".

Ordered for consideration tomorrow.

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

S. 505 -- Senator L. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON MIRACLE HILL ROAD THAT CROSSES OVER OOLENOY RIVER IN PICKENS COUNTY "FRANK 'SLIM' KOTCHER BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "FRANK 'SLIM' KOTCHER BRIDGE".

Ordered for consideration tomorrow.

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

S. 735 -- Senator Reese: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 221 IN THE CITY OF CHESNEE FROM ITS INTERSECTION WITH MANNING STREET TO ITS INTERSECTION WITH GREENWOOD STREET "MAYOR CLIFF EDWARDS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "MAYOR CLIFF EDWARDS HIGHWAY".

Ordered for consideration tomorrow.

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

S. 768 -- Senator Cleary: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE TO BE CONSTRUCTED TO CROSS THE INTRACOASTAL WATERWAY ALONG SOUTH CAROLINA HIGHWAY 31 IN HORRY COUNTY THE "COLONEL HOWARD DARST BARNARD III BRIDGE", AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS "COLONEL HOWARD DARST BARNARD III BRIDGE".

Ordered for consideration tomorrow.

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

S. 506 -- Senators Bryant and O'Dell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 27 ALONG INTERSTATE HIGHWAY 85 IN ANDERSON COUNTY "LANCE CORPORAL JONATHAN SHEA NASH INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "LANCE CORPORAL JONATHAN SHEA NASH INTERCHANGE".

Ordered for consideration tomorrow.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4146 -- Reps. Pinson, Parks and Pitts: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON WEST CAMBRIDGE STREET IN THE CITY OF GREENWOOD "CARL JULIEN BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "CARL JULIEN BRIDGE".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4150 -- Rep. White: A CONCURRENT RESOLUTION TO ENCOURAGE PRIVATE INSURERS, THAT COVER INFLUENZA VACCINATIONS, TO COVER THE COST AND ADMINISTRATION OF THE VACCINE WHEN IT IS ADMINISTERED IN SCHOOL SETTINGS, AND OTHER RELATED SETTINGS, IN ORDER TO MAKE THIS VACCINE MORE READILY AVAILABLE TO CHILDREN, A HIGH RISK POPULATION FOR CONTRACTING AND TRANSMITTING INFLUENZA, AND TO ENCOURAGE THE PUBLIC HEALTH COMMUNITY AND VACCINE STAKEHOLDERS TO PROMOTE SCHOOL LOCATED VACCINATION PROGRAMS AND HELP EDUCATE PRIVATE INSURERS ABOUT THE PUBLIC HEALTH BENEFITS OF THESE ALTERNATIVE VACCINATION LOCATIONS.

The Concurrent Resolution was ordered referred to the Committee on Medical, Military, Public and Municipal Affairs.

**INTRODUCTION OF BILLS**

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

H. 4147 -- Rep. Nanney: A BILL TO AMEND SECTION 56-15-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF DEALER AND WHOLESALER MOTOR VEHICLE LICENSES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE TEMPORARY DEALER'S LICENSES FOR THE EXHIBITION AND SALE OF "COLLECTOR CARS" AND TO PROVIDE A DEFINITION OF THE TERM "COLLECTOR CARS".

Referred to Committee on Education and Public Works

H. 4148 -- Reps. Limehouse, Murphy and Horne: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 44-7-272, 44-7-274, 44-7-276, and 44-7-278 SO AS TO ESTABLISH PROVISIONS FOR RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN AND ADOLESCENTS THAT PROHIBIT LICENSURE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OF A FACILITY UNLESS IT IS AT LEAST ONE THOUSAND FEET FROM A SCHOOL, CHILDCARE FACILITY, PARK, PUBLIC SWIMMING POOL, AND MASS TRANSPORTATION STOPS, THAT PROHIBIT THE ADMISSION OF OUT-OF-STATE CLIENTS THAT ARE OR WOULD BE REQUIRED TO REGISTER FOR THE SEX OFFENDER REGISTRY AND TO PROVIDE THAT A FACILITY IN VIOLATION OF THIS PROVISION IS SUBJECT TO SANCTIONS, THAT REQUIRE THE DEPARTMENT TO DEVELOP LEVELS OF FACILITY LICENSURE, AND LEVELS OF LICENSURE FOR PROGRAMS WITHIN A FACILITY, BASED UPON CLIENT DISORDERS AND BEHAVIOR AND SUPERVISION, SAFETY, AND SECURITY FACTORS WITHIN EACH FACILITY OR PROGRAM LEVEL, AND THAT REQUIRE THESE FACILITIES TO NOTIFY LAW ENFORCEMENT UPON A CLIENT LEAVING THE FACILITY WITHOUT PERMISSION AND TO MAINTAIN RECORDS OF THESE MATTERS, WHICH ARE SUBJECT TO INSPECTION BY THE DEPARTMENT.

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

H. 4149 -- Reps. Hodges and R. L. Brown: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

Without Reference

H. 4151 -- Rep. Funderburk: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT 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, AND TO GRADUALLY INCREASE THE EXEMPTION TO FORTY-TWO AND 75/100 PERCENT; TO AMEND SECTION 6-1-320, AS AMENDED, RELATING TO MILLAGE CAPS, SO AS TO ALLOW AN INCREASE ABOVE THE CAP FOR MILLS ALLOWED BUT NOT PREVIOUSLY IMPOSED, FOR THE THREE PROPERTY TAX YEARS PRECEDING THE YEAR TO WHICH THE CURRENT LIMIT APPLIES; BY ADDING SECTION 12-36-2121 SO AS TO DECREASE CERTAIN SALES TAX EXEMPTIONS TO NINETY-EIGHT PERCENT OF THE GROSS PROCEEDS OF SALES, AND TO GRADUALLY DECREASE THE EXEMPTION AMOUNT TO NINETY PERCENT OF THE GROSS PROCEEDS OF SALES; AND BY ADDING SECTION 11-11-158 SO AS TO CREATE THE MANUFACTURING PROPERTY TAX RELIEF FUND AND TO PROVIDE THE PROCESS BY WHICH THE FUND IS FUNDED AND THE PROCESS BY WHICH THE FUNDS ARE DISBURSED TO LOCAL GOVERNMENTS.

Referred to Committee on Ways and Means

S. 494 -- Senators Cleary, Bryant, Cromer and Ford: A BILL TO AMEND SECTION 40-15-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 15 OF TITLE 40 REGULATING DENTISTS AND DENTAL HYGIENISTS, SO AS TO FURTHER SPECIFY THE SCOPE OF ACTIVITIES OF INTERNS AND RESIDENTS WHO ARE EXEMPT FROM LICENSURE; AND TO AMEND SECTION 40-15-360, RELATING TO THE AUTHORIZATION OF PHARMACISTS TO FILL PRESCRIPTIONS FOR DENTISTS, SO AS TO EXTEND THIS AUTHORIZATION TO INTERNS AND RESIDENTS UNDER CERTAIN CONDITIONS.

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

S. 693 -- Senators Bryant and Bright: A BILL TO AMEND SECTION 23-9-70 OF THE 1976 CODE, RELATING TO ORDER AND APPEALS FROM A STATE FIRE MARSHAL, TO INCREASE THE AMOUNT OF TIME THAT AN OCCUPANT OR OWNER MAY APPEAL THE DECISION OF A DEPUTY OR RESIDENT FIRE MARSHAL FROM TWENTY-FOUR HOURS TO FOURTEEN DAYS, AND TO PROVIDE THAT THE STATE FIRE MARSHAL'S DECISION MUST BE FILED WITHIN TEN DAYS OF RECEIVING THE NOTICE OF APPEAL.

Referred to Committee on Labor, Commerce and Industry

S. 741 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | 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. M. Neal | Norman | Owens |
| Parker | Parks | Patrick |
| Pitts | Pope | 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 | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, April 28.

|  |  |
| --- | --- |
| Paul Agnew | Ted Vick |
| Thad Viers | Chris Hart |
| Harry Ott | Lewis E. Pinson |
| Wendell Gilliard | Elizabeth Munnerlyn |
| Jackie Hayes | Bruce W. Bannister |
| Todd Rutherford | Terry Alexander |
| Boyd Brown | Joseph Neal |
| Jerry Govan | Eric Bikas |
| Denny Neilson | David Weeks |

**Total Present--119**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MERRILL a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GOVAN a temporary leave of absence.

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Chris Yeakel of Columbia was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Reps. TRIBBLE and PITTS presented to the House Bell Street Middle School, the South Carolina Science Olympiad Champions, their coaches, and other school officials.

**SPECIAL PRESENTATION**

Reps. TRIBBLE and PITTS presented to the House Clinton High School Olympiad Team, the 2011 South Carolina Science Olympiad Champions, their coaches, and other school officials.

**SPECIAL PRESENTATION**

Rep. OWENS and the Education Committee members presented to the House the 2011 District Teachers of the Year.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3148 |
| Date: | ADD: |
| 04/28/11 | LOFTIS and CORBIN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4139 |
| Date: | ADD: |
| 04/28/11 | VIERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3688 |
| Date: | ADD: |
| 04/28/11 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3895 |
| Date: | ADD: |
| 04/28/11 | KING |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4145 |
| Date: | ADD: |
| 04/28/11 | BUTLER GARRICK, VIERS and KNIGHT |

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. M. SMITH a leave of absence for the remainder of the day due to business reasons.

**H. 4094--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

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.

The yeas and nays were taken resulting as follows:

Yeas 10; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | R. L. Brown | Crosby |
| Harrell | Howard | Limehouse |
| McCoy | Sottile | Stavrinakis |
| Whipper |  |  |

**Total--10**

Those who voted in the negative are:

**Total--0**

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

**H. 4094--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. STAVRINAKIS, with unanimous consent, it was ordered that H. 4094 be read the third time tomorrow.

**H. 4143--POINT OF ORDER**

The following Bill was taken up:

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.

**POINT OF ORDER**

Rep. STAVRINAKIS 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.

**SENT TO THE SENATE**

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

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 -- 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.

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.

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.

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.

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. 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.

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.

**S. 586--DEBATE ADJOURNED**

Rep. G. R. SMITH moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

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.

**S. 109--DEBATE ADJOURNED**

Rep. HOWARD moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

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.

**S. 232--DEBATE ADJOURNED**

Rep. HOWARD moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

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.

**S. 445--DEBATE ADJOURNED**

Rep. HOWARD moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

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.

**S. 590--DEBATE ADJOURNED**

Rep. HOWARD moved to adjourn debate upon the following Joint Resolution until Tuesday, May 3, which was adopted:

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.

**H. 4125--ORDERED TO THIRD READING**

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.

Rep. HART explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hearn | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Patrick | Pitts |
| Quinn | Rutherford | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Viers | White | Whitmire |
| Williams | Willis | Young |

**Total--99**

Those who voted in the negative are:

**Total--0**

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

**H. 4125--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HART, with unanimous consent, it was ordered that H. 4125 be read the third time tomorrow.

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

The following Bill was taken up:

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, Dillard and Vick: 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.

Rep. SKELTON moved to adjourn debate on the Bill until Tuesday, May 3.

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

Rep. LOFTIS explained the Bill.

Rep. SKELTON spoke against the Bill.

Reps. HARRISON, BALES, DANING, TALLON and MURPHY requested debate on the Bill.

**S. 358--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

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--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

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.

Rep. ERICKSON proposed the following Amendment No. 2 (COUNCIL\AGM\19051AB11), which was adopted:

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

/ SECTION 1. (A) Notwithstanding any other provision of law, beginning on the effective date of this section, no state agency, department, or entity by regulation 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 joint resolution on a recorded roll call vote. 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.

(B) The provisions of this section do not apply to:

(1) any regulation pending approval by the General Assembly which contain fees, fines, or both that have been previously authorized by statute;

(2) any fees or charges made by public institutions of higher learning as defined in Section 59‑103‑5;

(3) charges, fees, or fines related to marine terminal operations, facilities, and services, or to charges, fees, or fines which are governed by marine terminal operator tariffs or contracts;

(4) the South Carolina Public Service Authority;

(5) federally mandated programs that require federally mandated fee, fine, or penalty schedules;

(6) the Department of Parks, Recreation and Tourism; and

(7) any fees set pursuant to the Atlantic Interstate Low‑Level Radioactive Waste Compact Implementation Act.

(C) The provisions of this section expire on July 1, 2012, unless reauthorized by the General Assembly by law.

SECTION 2. This joint resolution takes effect upon approval by the Governor and only applies prospectively. /

Renumber sections to conform.

Amend title to conform.

Rep. ERICKSON explained the amendment.

The amendment was then adopted.

Rep. MCLEOD proposed the following Amendment No. 3 (COUNCIL\MS\7369AC11), which was tabled:

Amend the joint resolution, as and if amended, by deleting Section 1(A), beginning on page 1, line 37 through page 2, line 9, and inserting:

/ (A) Notwithstanding any other provision of law, beginning on the effective date of this section, no state agency, department, or entity by regulation or otherwise may administratively increase or implement a fee for performing a service or function without the specific approval of the increased or new fee by the General Assembly by concurrent resolution on a recorded roll call vote. General approval by the General Assembly by joint resolution of a regulation of a state agency or department pursuant to the Administrative Procedures Act wherein a fee 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. /

Renumber sections to conform.

Amend title to conform.

Rep. MCLEOD explained the amendment.

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

The question then recurred to the passage of the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | King | Knight |
| Limehouse | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Rutherford | Sandifer | Sellers |
| Simrill | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--101**

Those who voted in the negative are:

**Total--0**

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

**H. 3051--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. ERICKSON, with unanimous consent, it was ordered that H. 3051 be read the third time tomorrow.

**S. 312--POINT OF ORDER**

The following Bill was taken up:

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.

**POINT OF ORDER**

Rep. HERBKERSMAN 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. 523--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. BRANHAM explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 90; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | H. B. Brown |
| R. L. Brown | Chumley | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrison | Hart |
| Hayes | Hearn | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Johnson | King | Knight |
| Long | Lucas | McCoy |
| McEachern | McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Sabb | Sandifer | Simrill |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Taylor | Thayer | Toole |
| Tribble | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--90**

Those who voted in the negative are:

**Total--0**

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 S. 523. If I had been present, I would have voted in favor of the Bill.

Rep. Chip Limehouse

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 523. If I had been present, I would have voted in favor of the Bill.

Rep. William Clyburn

**S. 523--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. BRANHAM, with unanimous consent, it was ordered that S. 523 be read the third time tomorrow.

**H. 4061--DEBATE ADJOURNED**

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

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--POINT OF ORDER**

The following Joint Resolution was taken up:

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.

**POINT OF ORDER**

Rep. COOPER 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. 3895--ORDERED TO THIRD READING**

The following Bill was taken up:

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, Willis and King: 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.

Rep. BANNISTER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 1

Those who voted in the affirmative are:

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

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Stavrinakis |  |  |

**Total--1**

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

**H. 3895--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. KING, with unanimous consent, it was ordered that H. 3895 be read the third time tomorrow.

**H. 3660--POINT OF ORDER**

The following Bill was taken up:

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.

Rep. BANNISTER proposed the following Amendment No. 1 (COUNCIL\SWB\6177CM11):

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

/ SECTION 1. Section 16‑11‑523(C) of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“(C) A person who violates the provisions of this section is guilty of a:

(1) ~~misdemeanor under the jurisdiction of magistrates or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is two thousand dollars or less;~~

~~(2)~~ felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is ~~more~~ less than ~~two~~ five thousand dollars ~~but less than ten thousand dollars~~; or

~~(3)~~(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is ~~ten~~ five thousand dollars or more.”

SECTION 2. Section 16‑17‑680 of the 1976 Code, as last amended by Act 26 of 2009, is further amended to read:

“Section 16‑17‑680. (A)(1) It is unlawful to purchase nonferrous metals in any amount from a person who is not a holder of a retail license or an authorized wholesaler unless the purchaser is a secondary metals recycler and obtains ~~and can verify~~ the name ~~and~~ address, and permit to sell of the seller. A secondary metals recycler shall maintain a record containing the date of purchase, name and address of the seller, a photocopy of the seller’s identification, the license plate number of the seller’s motor vehicle, the seller’s photograph, weight or length, and size or other description of the nonferrous metals purchased, amount paid for it, and a signed statement from the seller stating that he is the rightful owner or is entitled to sell the nonferrous metals being sold. All nonferrous metals that are purchased by and are in the possession of a secondary metals recycler and all records required to be kept by this section must be maintained and kept open for inspection by law enforcement officials or local and state governmental agencies during regular business hours. The records must be maintained for two years from the date of purchase.

(2) A person may not sell copper to another person or entity without first receiving a permit issued by a sheriff pursuant to Section 16‑17‑685. A permit is valid for the calendar year in which it was issued. The sheriff shall keep a record of all permits issued containing the date of issue, name and address of the permit holder, a photocopy of the permit holder’s identification, the license plate number of the permit holder’s motor vehicle, and the permit holder’s photograph.

(B) A secondary metals recycler may only purchase nonferrous metals for cash consideration from a fixed location.

(C) A secondary metals recycler must display in a prominent location in his place of business, a sign, twenty inches by thirty inches that states ‘NO COPPER MAY BE PURCHASED BY THIS OR ANY OTHER SECONDARY METAL RECYCLER FROM ANY PERSON UNLESS THE PERSON PRESENTS THE PERMIT TO SELL NONFERROUS METALS PURSUANT TO SECTION 16‑17‑680 OF THE SOUTH CAROLINA CODE OF LAWS.’

(D) (1) ~~Whenever~~ When a law enforcement officer has reasonable cause to believe that any item of nonferrous metal in the possession of a secondary metals recycler has been stolen, the law enforcement officer may issue a hold notice to the secondary metals recycler. The hold notice must be in writing, be delivered to the secondary metals recycler, specifically identify those items of nonferrous metal that are believed to have been stolen and that are subject to the notice, and inform the secondary metals recycler of the information contained in this subsection. Upon receipt of the notice, the secondary metals recycler must not process or remove the items of nonferrous metal identified in the notice, or any portion thereof, from the secondary metal recycler’s place of business for fifteen calendar days after receipt of the notice unless released prior to the fifteen‑day period by the law enforcement officer.

(2) No later than the expiration of the fifteen‑day period, a law enforcement officer may issue a second hold notice to the secondary metals recycler, which shall be an extended hold notice. The extended hold notice must be in writing, be delivered to the secondary metals recycler, specifically identify those items of nonferrous metal that are believed to have been stolen and that are subject to the extended hold notice, and inform the secondary metals recycler of the information contained in this subsection. Upon receipt of the extended hold notice, the secondary metals recycler must not process or remove the items of nonferrous metal identified in the notice, or any portion thereof, from the secondary metals recycler’s place of business for thirty calendar days after receipt of the extended hold notice unless released prior to the thirty‑day period by the law enforcement officer.

(3) At the expiration of the hold period or, if extended, at the expiration of the extended hold period, the hold is automatically released and the secondary metals recycler may dispose of the nonferrous metals unless other disposition has been ordered by a court of competent jurisdiction.

~~(D)~~(E) A person who violates the provisions of this section ~~is guilty of a~~:

(1) ~~misdemeanor and, upon conviction,~~ for a first offense must be fined not ~~more~~ less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days ~~for a first offense. This offense is triable in magistrates court~~; and

(2) ~~misdemeanor and, upon conviction,~~ for a second or subsequent offense must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than ~~one year~~ thirty days, or both, ~~for a second offense;~~ .

~~(3)~~ ~~misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both, for a third or subsequent offense. For an offense to be considered a third or subsequent offense, only those offenses which occurred within a period of ten years, including and immediately preceding the date of the last offense shall constitute a prior offense within the meaning of this section.~~

(F) A person who purchases copper from a seller that does not have a permit under section 16‑17‑680(A)(2) in order to resell the copper under his own permit is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

~~(E)~~(G) For purposes of this section, the only identification acceptable is a:

(1) valid South Carolina driver’s license;

(2) South Carolina identification card issued by the Department of Motor Vehicles;

(3) valid driver’s license from another state that contains the licensee’s picture on the face of the license; or

(4) valid military identification card.

~~(F)~~(H) For purposes of this section:

(1) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper~~, catalytic converters, and stainless steel beer kegs or containers~~ and does not include the delineated list of certain metals prohibited by the provisions of Section 16‑17‑681.

(2) ‘Secondary metals recycler’ means any person who is engaged in the business of paying compensation for nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

(3) ‘Fixed location’ means any site occupied by a secondary metals recycler as the owner of the site or as a lessee of the site under a lease or other rental agreement providing for occupation of the site by a secondary metals recycler for a total duration of not less than three hundred and sixty‑four days.

~~(G)~~(I) The provisions of this section do not apply to the purchase or sale of aluminum cans.

~~(H)~~(J) This section preempts local ordinances and regulations governing the purchase or sale of nonferrous metals in any amount, except to the extent that such ordinances pertain to zoning or business license fees. This section shall not preempt the ability of a political subdivision of the State to enact ordinances or regulations pertaining to zoning or business license fees. Political subdivisions of the State may not enact ordinances or regulations more restrictive than those contained in this section.”

SECTION 3. Section 16‑17‑685(A) and (B) of the 1976 Code, as added by Act 26 of 2009, is amended to read:

“(A) For purposes of this section:

(1) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, catalytic converters, and stainless steel beer kegs or containers.

(2) ‘Transportation permit number’ means a number provided by a sheriff’s office by telephone, fax, or email to a person who requests a permit number for the transportation of nonferrous metals. In order to receive a transportation permit number, a person must provide the person’s name, address, and telephone number to ~~the~~ a sheriff’s office ~~of the county in which the person resides~~. The sheriff’s office must record the person’s information along with the transportation permit number. The transportation permit number is valid for no more than forty‑eight hours from the time the number is issued, and the sheriff’s office must inform the person of this restriction at the time the number is issued.

(3) ‘Vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals’ includes, but is not limited to, vehicles used by gas, electric, communications, water, plumbing, electrical, and climate conditioning service providers, and their employees, agents, and contractors, in the course of providing these services.

(B) It is unlawful for a person to transport or have in the person’s possession on the highways of this State nonferrous metals of an aggregate weight of more than ~~twenty‑five~~ ten pounds in a vehicle other than a vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals, unless the person:

(1) has in the person’s possession a bill of sale signed by:

(a) a holder of a retail license for a business engaged in the sale of nonferrous metals or a mixture of nonferrous metals;

(b) an authorized wholesaler engaged in the sale of nonferrous metals or a mixture of nonferrous metals; or

(c) a registered dealer of scrap metals; or

(2) can present, either orally or in writing, a valid transportation permit number provided by ~~the~~ a sheriff ~~of the county in which the person resides~~.”

SECTION 4. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 40

Secondary Metals Recyclers

Section 40‑40‑10. A person who is a secondary metals recycler must obtain a valid purchase permit provided by the sheriff of the county in which each of the secondary metals recycler’s fixed sites are located in accordance with this chapter.

Section 40‑40‑20. For purposes of this chapter:

(1) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, catalytic converters, and stainless steel beer kegs or containers.

(2) ‘Secondary metals recycler’ means a person who is engaged in the business of paying compensation for nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

Section 40‑40‑30. (A) A secondary metals recycler must obtain a valid purchase permit provided by a sheriff and must renew the purchase permit every two years. Each biennial purchase permit costs two hundred dollars paid to and retained by the sheriff’s department providing the permit.

(B) To be eligible to obtain and renew the purchase permit under this section, a secondary metals recycler:

(1) must have an address of a fixed site which must be occupied by the secondary metals recycler as the owner of the site or as a lessee of the site under a lease or other rental agreement providing for occupation of the site by the secondary metals recycler for a total duration of not less than three hundred and sixty four days, and this site must be the only site at which the secondary metals recycler purchases nonferrous metals; and

(2) must declare, on a form provided by the issuing sheriff’s department, that as an applicant for the permit, he is informed of and will comply with the purchase, recordkeeping, and hold notice requirements of Section 16‑17‑680.”

SECTION 5. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 6. This act takes effect one hundred twenty days after its approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

**POINT OF ORDER**

Rep. ALLISON 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. 4108--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. ALLEN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hart | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| 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 |
| Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Quinn | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Taylor |
| Thayer | Toole | Tribble |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--101**

Those who voted in the negative are:

**Total--0**

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. 4108. If I had been present, I would have voted in favor of the Bill.

Rep. William Clyburn

**H. 4108--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. ALLEN, with unanimous consent, it was ordered that H. 4108 be read the third time tomorrow.

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

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

Reps. PITTS and WHITE withdrew their requests for debate on the following 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.

**H. 3194--REQUESTS FOR DEBATE WITHDRAWN**

Reps. G. R. SMITH, BEDINGFIELD, NANNEY, STRINGER, SKELTON, HIOTT and LOFTIS withdrew their requests for debate on the following Bill:

H. 3194 -- Reps. Pope, Tallon, Hixon, D. C. Moss, G. R. Smith, Simrill, Viers and Atwater: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS ALLOWED FROM SOUTH CAROLINA TAXABLE INCOME OF AN INDIVIDUAL FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO ALLOW A MAXIMUM THREE THOUSAND DOLLAR A YEAR DEDUCTION FOR VOLUNTEER STATE CONSTABLES DESIGNATED BY THE STATE LAW ENFORCEMENT DIVISION AS STATE CONSTABLES AND TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR THIS DEDUCTION.

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

Reps. TALLON, MURPHY, DANING, HARRISON and BALES 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, Dillard and Vick: 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.

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

Rep. PATRICK withdrew his request for debate on the following 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. HART asked unanimous consent to recall H. 3538 from the Committee on Judiciary.

Rep. NORMAN objected.

**H. 3250--RECALLED AND REFERRED TO COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. TOOLE, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary and was referred to the Committee on Education and Public Works:

H. 3250 -- Reps. Toole, Viers, Taylor, G. R. Smith, Long, Patrick and Ballentine: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-5-40 SO AS TO PROVIDE THAT VETERAN'S DAY MUST BE RECOGNIZED AS A HOLIDAY FOR ALL LOCAL SCHOOL DISTRICTS AND PUBLIC COLLEGES AND UNIVERSITIES OF THE STATE.

**H. 4119--RECALLED FROM COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

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

H. 4119 -- Rep. G. A. Brown: A BILL TO AMEND SECTION 39-5-38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DECEPTIVE OR MISLEADING ADVERTISEMENT OF A LIVE MUSICAL PERFORMANCE, SO AS TO DEFINE A SOUND RECORDING, AND TO PROVIDE CERTAIN EXEMPTIONS, REMEDIES, AND A FINE.

**OBJECTION TO RECALL**

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

Rep. KING objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3535 from the Committee on Labor, Commerce and Industry.

Rep. V. S. MOSS objected.

**OBJECTION TO RECALL**

Rep. HAMILTON asked unanimous consent to recall H. 3490 from the Committee on Judiciary.

Rep. COBB-HUNTER objected.

**H. 3562--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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

Rep. HARDWICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 78; Nays 22

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clyburn | Cobb-Hunter |
| Cooper | Corbin | Crawford |
| Crosby | Dillard | Erickson |
| Funderburk | Gambrell | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Mack | McEachern | McLeod |
| V. S. Moss | Munnerlyn | Murphy |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Pinson |
| Pitts | Pope | Rutherford |
| Sabb | Sandifer | Skelton |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Weeks | Whipper |
| Whitmire | Williams | Young |

**Total--78**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Bikas | Brannon |
| Clemmons | Delleney | Forrester |
| Loftis | Long | Lowe |
| Lucas | D. C. Moss | Nanney |
| Owens | Patrick | Simrill |
| G. R. Smith | Stringer | Thayer |
| Toole | Viers | White |
| Willis |  |  |

**Total--22**

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.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business and when I rushed back inside to vote on H. 3562, I inadvertently pressed the “yea” button at the moment the vote closed, so I was unable to correct my vote. I am not in favor of “Chandler’s Law” and would have voted against the Bill, although my no vote would not have changed the outcome.

Rep. Tom Corbin

**SENT TO THE SENATE**

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

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.

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.

**MOTION PERIOD**

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

**H. 3720--ORDERED TO THIRD READING**

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. COOPER spoke in favor of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | 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 | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | J. H. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Rutherford | Sabb |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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

**H. 3720--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. COOPER, with unanimous consent, it was ordered that H. 3720 be read the third time tomorrow.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4152 -- Reps. McCoy, 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, 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 THE FOUNDER AND CHIEF EXECUTIVE OFFICER OF PEOPLEMATTER, NATE DAPORE, OF CHARLESTON COUNTY, AND TO CONGRATULATE HIM UPON BEING SELECTED AS THE 2011 "TOP UP-AND-COMING ENTREPRENEUR" BY THE SOUTHEAST CHAPTER OF TIE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4155 -- 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 RECOGNIZE AND HONOR SANDRA AULL ANDERSON, OWNER AND BROKER-IN-CHARGE OF A-Z REALTY IN GREENWOOD, AND TO CONGRATULATE HER FOR

RECEIVING THE 2011 MINORITY SMALL BUSINESS CHAMPION AWARD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4156 -- Reps. McLeod, 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, 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 AUTHORIZE THE SOUTH CAROLINA SILVER HAIRED LEGISLATURE TO USE THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES ON TUESDAY THROUGH THURSDAY, SEPTEMBER 13 THROUGH SEPTEMBER 15, 2011, PROVIDED THE HOUSE IS NOT IN SESSION, AND TO PROVIDE FOR THE USE OF THE HOUSE CHAMBER ON ALTERNATE DATES AND TIMES AS MAY BE SELECTED BY THE SPEAKER.

Be it resolved by the House of Representatives:

That the South Carolina Silver Haired Legislature is authorized to use the chamber of the South Carolina House of Representatives on Tuesday through Thursday, September 13 through September 15, 2011, provided the House of Representatives is not in session on that date. If the House of Representatives is in statewide session, the House chamber may not be used on those dates but may be used by the South Carolina Silver Haired Legislature on alternate dates and times as may be selected by the Speaker.

Be it further resolved that the use of the chamber of the South Carolina House of Representatives by the South Carolina Silver Haired Legislature must be in accordance with the policies and Rules of the South Carolina House of Representatives.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4153 -- Reps. Atwater, Quinn, Spires, Huggins, Patrick, Frye, Ballentine, Bedingfield, Bingham, Crosby, Daning, Harrison, Herbkersman, Owens, Sandifer, Taylor, Toole and Willis: A BILL TO AMEND SECTION 56-16-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF MOTORCYCLE DEALER AND WHOLESALER LICENSES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE FOR THE ISSUANCE OF A TEMPORARY DEALER'S LICENSE THAT ALLOWS A HOLDER TO SELL MOTORCYCLES AND THEIR RELATED PRODUCTS AT FAIRS, RECREATIONAL OR SPORTS SHOWS, VACATION SHOWS, AND OTHER SIMILAR EVENTS OR SHOWS.

Referred to Committee on Labor, Commerce and Industry

H. 4154 -- Reps. Barfield, Herbkersman, J. R. Smith, Hardwick, Viers, Pinson, Hixon, Lowe, D. C. Moss, V. S. Moss and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-19-130 SO AS TO ADOPT "THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE", AND FOR OTHER PURPOSES; AND TO REPEAL SECTIONS 7-19-70, 7-19-80, 7-19-90, 7-19-100, AND 7-19-120, ALL RELATING TO PRESIDENTIAL ELECTORS.

Referred to Committee on Judiciary

S. 694 -- Senator Bryant: A BILL TO AMEND SECTION 41-15-520 OF THE 1976 CODE, RELATING TO REMEDIES FOR EMPLOYEES CHARGING DISCRIMINATION, TO PROVIDE FOR REFERRAL TO THE UNITED STATES DEPARTMENT OF LABOR ALLEGATIONS MADE BY A PRIVATE SECTOR EMPLOYEE OF A VIOLATION OF SECTION 41-15-510 AND TO PROVIDE FOR CIVIL REMEDIES.

Referred to Committee on Judiciary

S. 841 -- Education 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.

Referred to Committee on Education and Public Works

S. 842 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM FOR ASSISTING, DEVELOPING, AND EVALUATING PRINCIPAL PERFORMANCE (PADEPP), DESIGNATED AS REGULATION DOCUMENT NUMBER 4156, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Education and Public Works

S. 843 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR CERTIFICATION AT THE ADVANCED LEVEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4158, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Education and Public Works

S. 844 -- Senators Land, Grooms, Campbell, Matthews, Leventis and McGill: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL LEASEHOLD INTERESTS IN REAL PROPERTY OWNED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY.

Referred to Committee on Ways and Means

S. 848 -- Senators Scott, Land, Setzler, Leventis, Matthews, McGill, Reese, Elliott, Ford, Jackson, Hutto, Anderson, Pinckney, Malloy, Sheheen, Lourie, Williams, Coleman, Nicholson and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES; TO AMEND SECTION 7-3-20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; AND TO AMEND SECTION 7-15-320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD.

Referred to Committee on Judiciary

**H. 4061--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. HARRISON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | 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 | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Tribble | Viers |
| Weeks | White | Whitmire |
| Williams | Young |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

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. 4061. If I had been present, I would have voted in favor of the Bill.

Rep. Eric Bikas

**H. 4061--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HARRISON, with unanimous consent, it was ordered that H. 4061 be read the third time tomorrow.

**H. 4139--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4139 -- Reps. Limehouse, Sottile, Gilliard, McCoy, Clyburn, Hosey, Stavrinakis and Viers: 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.

Rep. SOTTILE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | 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 | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Rutherford |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thayer |
| Toole | Tribble | Viers |
| Weeks | White | Whitmire |
| Williams | Young |  |

**Total--107**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

As I cast my electronic vote in favor of H. 4139, my voter card malfunctioned and the vote was closed before I realized my vote had not registered. I wish the record to reflect that I voted in favor of the Bill.

Rep. Bill Taylor

**H. 4139--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SOTTILE, with unanimous consent, it was ordered that H. 4139 be read the third time tomorrow.

**LEAVE OF ABSENCE**

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

**S. 824--POINT OF ORDER**

The following Joint Resolution was taken up:

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.

**POINT OF ORDER**

Rep. COOPER 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. 3688--POINT OF ORDER**

The following Bill was taken up:

H. 3688 -- Reps. J. E. Smith, Whipper, Limehouse and McLeod: 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.

Rep. J. E. SMITH explained the Bill.

**POINT OF ORDER**

Rep. ATWATER 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. 3191--POINT OF ORDER**

The following Bill was taken up:

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.

**POINT OF ORDER**

Rep. SANDIFER 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. 211--POINT OF ORDER**

The following Bill was taken up:

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.

**POINT OF ORDER**

Rep. COOPER 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. 4145--POINT OF ORDER**

The following Bill was taken up:

H. 4145 -- Reps. Long, Harrell, Butler Garrick, Viers and Knight: 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.

Rep. LONG explained the Bill.

**POINT OF ORDER**

Rep. J. H. NEAL 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. 3083--REQUESTS FOR DEBATE**

The following Bill was taken up:

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.

Rep. PITTS proposed the following Amendment No. 1 (COUNCIL\DKA\3601SD11):

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

/ SECTION 1. Section 7 of Act 200 of 2002 is amended to read:

“SECTION 7. Chapter 59, Title 48 of the 1976 Code and Sections 2 through 6 of this act are repealed effective July 1, ~~2013~~ 2023, unless reenacted or otherwise extended by the General Assembly. However, the South Carolina Conservation Bank established by this act may continue to operate as if Chapter 59, Title ~~49~~ 48 of the 1976 Code was not repealed until the South Carolina Conservation Bank Trust Fund is exhausted or July 1, ~~2016~~ 2026, whichever first occurs. Any balance in that trust fund on July 1, ~~2016~~ 2026, reverts to the general fund of the State. Repeal does not affect any rights, obligations, liabilities, or debts due the South Carolina Conservation Bank. For these purposes, after the bank’s termination, the State Budget and Control Board is the bank’s successor, except that, after the bank’s termination, the board’s voting rights provided in the former provisions of Section 48‑59‑80(F), (G), (H), and (I) of the 1976 Code are devolved upon the Department of Natural Resources Board, and any contribution to the trust fund required pursuant to the former provisions of Section 48‑59‑80(H) of the 1976 Code must be made to the Heritage Trust Program.”

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

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

Reps. STRINGER, HENDERSON, CORBIN, LOFTIS, WEEKS, OWENS, BIKAS and FRYE requested debate on the Bill.

**H. 3194--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3194 -- Reps. Pope, Tallon, Hixon, D. C. Moss, G. R. Smith, Simrill, Viers and Atwater: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS ALLOWED FROM SOUTH CAROLINA TAXABLE INCOME OF AN INDIVIDUAL FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO ALLOW A MAXIMUM THREE THOUSAND DOLLAR A YEAR DEDUCTION FOR VOLUNTEER STATE CONSTABLES DESIGNATED BY THE STATE LAW ENFORCEMENT DIVISION AS STATE CONSTABLES AND TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR THIS DEDUCTION.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\AGM\18992BH11), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 12‑6‑1140(10)(c)(v), as contained in SECTION 1.B., and inserting:

/ “(v) In the case of a volunteer state constable and in lieu of minimum points determining eligibility, this deduction is allowed only if the volunteer state constable completes a minimum logged service time of two hundred forty hours per year and has been designated by the State Law Enforcement Division as a state constable before the taxable year for which the deduction is first claimed and if the volunteer state constable is current with the required SLED approved annual training for constables for the most recently completed fiscal year as evidenced by a copy of the documentation provided SLED of this annual training filed with the volunteer state constable’s state income tax return.” /

Renumber sections to conform.

Amend title to conform.

Rep. POPE explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | 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 |
| Erickson | Forrester | Frye |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Rutherford | Sabb |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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

STATEMENT FOR THE JOURNAL

I am a constable. While debating H. 3194, I recused myself from voting due to the appearance of a potential conflict of interest.

Rep. Bill Hixon

**H. 3194--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. TALLON, with unanimous consent, it was ordered that H. 3194 be read the third time tomorrow.

**H. 3346--ORDERED TO THIRD READING**

The following Bill was taken up:

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, Dillard and Vick: 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.

Rep. J. E. SMITH spoke in favor of the Bill.

Rep. SKELTON spoke against the Bill.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 10

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Bikas | Bingham |
| Bowen | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| 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 | Murphy |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Rutherford | Sabb |
| Sandifer | Simrill | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Toole | Weeks | Whipper |
| White | Whitmire | Williams |
| Young |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Chumley | Frye |
| Funderburk | Nanney | Skelton |
| G. R. Smith | Taylor | Tribble |
| Viers |  |  |

**Total--10**

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

**H. 3346--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. LOFTIS, with unanimous consent, it was ordered that H. 3346 be read the third time tomorrow.

**H. 3266--REQUESTS FOR DEBATE WITHDRAWN**

Reps. DANING, WHITMIRE, JEFFERSON, SABB, CROSBY, BRANTLEY, HOSEY, WEEKS, R. L. BROWN and BRANNON withdrew their requests for debate on the following Bill:

H. 3266 -- Reps. Owens and Hiott: A BILL TO AMEND SECTION 57-5-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL COMPOSITION OF THE STATE HIGHWAY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS IN THE STATE HIGHWAY SYSTEM MUST BE BUILT ACCORDING TO STATE STANDARDS AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY USE CERTAIN FUNDS TO MAINTAIN THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57-5-70, RELATING TO ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ADD COUNTY AND MUNICIPAL ROADS TO THE STATE HIGHWAY SYSTEM WHEN NECESSARY FOR THE INTERCONNECTIVITY OF THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57-5-80, RELATING TO THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO REVISE THE PROCEDURE FOR THE REMOVAL OF ROADS FROM THE STATE HIGHWAY SYSTEM WHEN A GOVERNMENTAL AGENCY AGREES TO ACCEPT THE ROAD INTO ITS OWN HIGHWAY SYSTEM; AND TO REPEAL SECTION 57-5-90 RELATING TO BELT LINES AND SPURS.

**H. 3059--REQUESTS FOR DEBATE WITHDRAWN**

Reps. KNIGHT, BALES and CROSBY withdrew their requests for debate on the following Bill; however, other requests for debate remained on the Bill:

H. 3059 -- Reps. Merrill and Stavrinakis: A BILL TO AMEND SECTION 12-6-3376, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INCOME TAX CREDIT FOR PLUG-IN HYBRID VEHICLES, SO AS TO REVISE THE DEFINITION OF "PLUG-IN HYBRID VEHICLE", TO RAISE THE AGGREGATE AMOUNT OF THE CREDIT AVAILABLE EACH FISCAL YEAR AND DELETE ITS EXPIRATION DATE, AND TO PROVIDE THAT THE CREDIT MUST BE ALLOCATED TO ELIGIBLE CLAIMANTS DURING A FISCAL YEAR ON A FIRST-COME, FIRST-SERVE BASIS.

**OBJECTION TO RECALL**

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

Rep. WEEKS objected.

**MOTION PERIOD**

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

**H. 3658--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill until Tuesday, May 3, 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 Tuesday, May 3, 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. 3713--DEBATE ADJOURNED**

Rep. COBB-HUNTER moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

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, Hixon, Pinson, Viers and Henderson: 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.

**H. 3934--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 3934 -- Reps. Bingham, Lowe, Atwater, Huggins, Bales, Pinson, Toole, Barfield, Clemmons, Norman, Owens, Lucas, Delleney, Loftis, Corbin, Simrill, Hixon, Taylor, D. C. Moss, J. R. Smith, Limehouse, Sottile, Bikas, Hiott, Parker, Allison, Long, Erickson, Patrick, Herbkersman, Merrill, Cole, Sellers, Ott, Hardwick, Hearn, Tallon, Stringer, Ryan, White, Pope, Henderson, Nanney, Sandifer, V. S. Moss, Horne, Neilson, Edge, Crawford, Viers, Quinn, Tribble, Willis, Parks, King, Ballentine, Bannister, Butler Garrick, J. E. Smith, Brannon, Bowen and Mitchell: A BILL TO AMEND SECTION 12-43-224, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSESSMENT OF UNDEVELOPED ACREAGE SUBDIVIDED INTO LOTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, AND TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATE COMES AFTER MAY FIRST, BUT BEFORE JUNE FIRST, THE OWNER SHALL RECEIVE THE DISCOUNTED RATE BUT THE DISCOUNT SHALL BE REDUCED; AND TO AMEND SECTION 12-43-225, AS AMENDED, RELATING TO MULTIPLE LOT DISCOUNTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATES COMES AT A CERTAIN TIME AFTER MAY FIRST, THE ASSESSOR STILL SHALL GRANT THE DISCOUNT IF ALL OTHER REQUIREMENTS ARE MET, TO PROVIDE THAT APPLICATION FOR THE DISCOUNTED RATE ONLY MUST BE MADE IN THE FIRST YEAR, AND TO TOLL TIME LIMITATIONS FOR CERTAIN PROPERTY.

Rep. COBB-HUNTER moved to adjourn debate on the Bill until Tuesday, May 3, which was not agreed to by a division vote of 28 to 33.

**POINT OF PARLIAMENTARY INQUIRY**

Rep COBB-HUNTER made a Parliamentary Inquiry pursuant to S.C. Code Section 4-9-55(B). Rep. COBB-HUNTER asked whether H. 3934 reduced counties’ revenue raising authority and would therefore require approval of two-thirds of the members present and voting for passage.

The SPEAKER took the parliamentary inquiry under advisement and stated that he would respond to the inquiry at the appropriate time.

The Ways and Means Committee proposed the following Amendment No. 1 (LEGWORK\HOUSE\10138HTC11KRL), which was adopted:

Amend the bill, as and if amended, beginning on page 1, by striking SECTION 1 in its entirety.

Renumber sections to conform.

Amend title to conform.

Rep. BARFIELD explained the amendment.

The amendment was then adopted.

Rep. BARFIELD moved to adjourn debate on the Bill until Tuesday, May 3, which was agreed to.

**H. 3456--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3456 -- Reps. White, G. M. Smith, Pitts, Battle and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-240 SO AS TO CREATE THE OTHER FUNDS OVERSIGHT COMMITTEE TO REVIEW AND EXAMINE THE SOURCE OF OTHER FUNDS IN THIS STATE AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY, TO PROVIDE FOR ITS MEMBERSHIP, TO PROVIDE THAT ALL AGENCIES MUST COOPERATE WITH THE COMMITTEE, AND TO REQUIRE THE STATE BUDGET OFFICE TO NOTIFY THE COMMITTEE OF ANY REQUEST FOR AN INCREASE IN INTERIM BUDGET AUTHORIZATION.

Rep. HERBKERSMAN proposed the following Amendment No. 1 (COUNCIL\GGS\22087BH11), which was adopted:

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

/ SECTION 1. Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11‑11‑240. (A) There is created the Federal and Other Funds Oversight Committee, a joint committee of the Senate and the House of Representatives. The committee shall consist of twelve members as follows: the Chairman of the Senate Finance Committee, or his designee; three members of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; the Chairman of the House of Representatives Ways and Means Committee, or his designee; three members of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; the Senate Majority Leader, or his designee; the Senate Minority Leader, or his designee; the House Majority Leader, or his designee; and the House Minority Leader, or his designee.

(B) The committee shall review and examine the source of federal and other funds in this State and recommend to the General Assembly the appropriate policy for the receipt, appropriation, expenditure, and reporting of federal and other funds. In making its determination, the committee shall solicit and receive testimony from state agencies, departments, boards, or commissions regarding the status of the receipt of federal and other funds, the conditions of receipt, the expenditure of federal and other funds, and any relevant statistic or measurement. The committee shall make recommendations to the General Assembly regarding any necessary action. Any action recommended by the committee must be agreed upon by a majority of members representing the House of Representatives and a majority of members representing the Senate.

(C) Each state agency, department, board, or commission shall cooperate with the committee and provide any information the committee determines is necessary.

(D) The Office of State Budget must notify the committee of any request for an increase in interim budget authorization resulting from federal and other funds collections that is made by any state agency, department, board, or commission. The committee shall review each request and recommend appropriate action. Any action recommended by the committee must be agreed upon by a majority of members representing the House of Representatives and a majority of members representing the Senate.

(E) Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law for members of boards, commissions, and committees while on official business.

(F) For purposes of the section, ‘federal and other funds’ means any revenues received by an agency which are not general funds appropriated by the General Assembly in an appropriations act.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 9

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Bikas | Bingham |
| Bowen | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrison | Hart | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Hosey |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Murphy |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pope | Quinn |
| Sabb | Sandifer | Simrill |
| J. E. Smith | Sottile | Spires |
| Stringer | Tallon | Taylor |
| Toole | Tribble | Weeks |
| Whipper | White | Whitmire |
| Williams | Young |  |

**Total--92**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Knight | McCoy |
| Nanney | Rutherford | Skelton |
| G. R. Smith | Stavrinakis | Viers |

**Total--9**

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

**H. 3456--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HERBKERSMAN, with unanimous consent, it was ordered that H. 3456 be read the third time tomorrow.

**H. 3111--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3111 -- Reps. Young, Sandifer, Hayes and D. C. Moss: A BILL TO AMEND SECTION 38-73-525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT AN INSURER WRITING A WORKERS' COMPENSATION POLICY SHALL FILE CERTAIN INFORMATION ON WHICH IT RELIES TO SUPPORT ITS RATE REQUEST, SO AS TO REQUIRE THE INSURER TO ADOPT THE MOST RECENT LOSS COST WITHIN ONE HUNDRED TWENTY DAYS OF APPROVAL OF THE LOSS COSTS; AND TO AMEND SECTION 38-73-1210, RELATING TO THE REQUIREMENT THAT ITS OBLIGATION TO MAKE CERTAIN FILINGS MAY BE SATISFIED BY MAKING FILINGS AS A MEMBER OF, OR SUBSCRIBER TO, A LICENSED RATING ORGANIZATION THAT MAKES FILINGS, SO AS TO REQUIRE THESE FILINGS BE RULE AND FORM FILINGS AND NOT LOSS COST ADOPTION FILINGS, AND REQUIRE THE INSURER TO FILE FOR CERTAIN APPROVAL IF THE RATING ORGANIZATION TO WHICH IT SUBSCRIBES HAS A RATE INCREASE WITHIN TWELVE MONTHS AFTER THE INSURER BECOMES A MEMBER.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\18995AB11):

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

/ SECTION 1. Section 42‑15‑90 of the 1976 Code is amended to read:

“Section 42‑15‑90. (A) ~~Fees for attorneys and physicians~~ Attorney fees, physician fees, and ~~charges of hospitals~~ hospital charges for services under this title ~~shall be~~ are subject to the approval of the commission~~;~~, but ~~no~~ a physician or hospital ~~shall be entitled to~~ may not collect ~~fees~~ a fee from an employer or insurance carrier until ~~he~~ the physician or hospital has made the reports required by the commission in connection with the case.

(B)(1) ~~Any person who receives any fee or other consideration or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the Commission or such court or who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation shall be guilty of a misdemeanor and, upon conviction thereof, shall, for each offense, be punished by a fine of not more than five hundred dollars or by imprisonment not to exceed one year, or by both such fine and imprisonment.~~ A person may not:

(a) receive a fee, gratuity, or other consideration for a service rendered pursuant to this title unless the fee, gratuity, or other consideration is approved by the commission or a court of competent jurisdiction; or

(b) make it a business to solicit employment for an attorney or himself with respect to a claim or award for compensation under this title.

(2) A violation of this section constitutes a misdemeanor and, upon conviction, each offense is subject to a fine not more than five hundred dollars, imprisonment for not more than one year, or both.

(C)(1) The commission may adopt criteria to establish a new fee schedule or adjust an existing fee schedule based in whole or in part on the requirements of a federally funded program, but if it adopts adjustments to an existing fee schedule, it must adopt these adjustments on an annual basis. The commission shall review a proposed adjustment to increase or reduce these fees by more than ten percent annually to determine whether to:

(a) increase or reduce the proposed adjustment as the commission considers appropriate; or

(b) accept the proposed adjustment.

(2)(a) A decision of the commission to increase or reduce a fee schedule is reviewable by expedited appeal to the Administrative Law Court pursuant to the Administrative Procedures Act.

(b) On appeal, the court may:

(i) accept the increase or decrease;

(ii) impose a lesser increase or decrease;

(iii) revert the fee schedule to as it was immediately prior to the annual adjustment;

(iv) adjust the appropriate conversion factors as necessary; or

(v) make other adjustments the court considers reasonable.

(c) The court shall issue a decision within ninety days after it receives the appeal.

(d) During the pendency of this appeal, the portion of the fee schedule under review must remain the same as it was immediately prior to the proposed changes, but all other portions of the fee schedule or conversion factors are effective and remain unchanged.”

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

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

Rep. SANDIFER moved to adjourn debate on the Bill until Tuesday, May 3, which was agreed to.

**H. 3059--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3059 -- Reps. Merrill and Stavrinakis: A BILL TO AMEND SECTION 12-6-3376, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INCOME TAX CREDIT FOR PLUG-IN HYBRID VEHICLES, SO AS TO REVISE THE DEFINITION OF "PLUG-IN HYBRID VEHICLE", TO RAISE THE AGGREGATE AMOUNT OF THE CREDIT AVAILABLE EACH FISCAL YEAR AND DELETE ITS EXPIRATION DATE, AND TO PROVIDE THAT THE CREDIT MUST BE ALLOCATED TO ELIGIBLE CLAIMANTS DURING A FISCAL YEAR ON A FIRST-COME, FIRST-SERVE BASIS.

Rep. SKELTON moved to adjourn debate on the Bill until Tuesday, May 3, which was agreed to.

**H. 3687--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3687 -- Reps. J. E. Smith, Bingham and Huggins: A BILL TO AMEND SECTION 50-5-2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL EXHIBIT OF A MARINE MAMMAL IN THIS STATE AND PROVIDING PENALTIES FOR VIOLATION, SO AS TO PROHIBIT THE DISPLAY OF A WILD CAUGHT OR CAPTIVE-BRED DOLPHIN OR WHALE AND TO REQUIRE THE MARINE MAMMAL STRANDING NETWORK TO ATTEMPT TO REHABILITATE AND TO RELEASE ANY BEACH-STRANDED WHALE OR DOLPHIN AND TO PROVIDE PENALTIES.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3595SD11), which was adopted:

Amend the bill, as and if amended, page 1, beginning on line 35, by striking subsection (A) of Section 50‑5‑2310, as contained in SECTION 1, and inserting:

/ (A) It is unlawful for a person, which includes a corporation, to display a wild caught or captive‑bred mammal of the order Cetacean (dolphins and whales). /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

The amendment was then adopted.

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

Yeas 97; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Bedingfield |
| Bikas | Bingham | Bowen |
| Branham | Brannon | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Hiott | Hixon |
| Hodges | Hosey | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Lowe |
| Lucas | 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 | Rutherford |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Tribble |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Young |  |  |

**Total--97**

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. 3687--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. J. E. SMITH, with unanimous consent, it was ordered that H. 3687 be read the third time tomorrow.

**H. 3527--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V. S. Moss, Cobb-Hunter, Herbkersman, Willis, Harrell, Pope, D. C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET-BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

Rep. GILLIARD spoke in favor of the Bill.

Rep. RUTHERFORD spoke against the Bill.

Rep. RUTHERFORD moved to recommit the Bill to the Committee on Judiciary.

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

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 92; Nays 6

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Bedingfield |
| Bikas | Bingham | Bowen |
| Branham | Brannon | Brantley |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Hiott | Hixon |
| Hodges | Hosey | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Loftis | Lowe |
| Lucas | McCoy | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Sabb |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stringer |
| Tallon | Taylor | Toole |
| Tribble | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Young |  |

**Total--92**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Frye | Knight |
| J. H. Neal | Rutherford | Spires |

**Total--6**

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

**H. 3527--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. GILLIARD, with unanimous consent, it was ordered that H. 3527 be read the third time tomorrow.

**H. 3028--DEBATE ADJOURNED**

Rep. WHITMIRE moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

H. 3028 -- Reps. Clemmons, Taylor, Clyburn and Long: A BILL TO AMEND SECTION 59-26-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUCTION, ANNUAL, AND CONTINUING CONTRACTS FOR TEACHERS, SO AS TO INCREASE THE INDUCTION CONTRACT PERIOD FROM ONE YEAR TO FIVE YEARS.

**H. 3035--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3035 -- Reps. Erickson, Daning, Clyburn, Long, Lucas, Norman, Owens, Patrick, Herbkersman, Crosby, Brady, Allison, Merrill, Bowen, Pinson, Whipper and R. L. Brown: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BEGINNING AND LENGTH OF SCHOOL TERM AND SCHOOL MAKE-UP DAYS, SO AS TO ALLOW A LOCAL SCHOOL DISTRICT TO ESTABLISH ITS CALENDAR BASED ON A STATUTORY TERM OF ONE HUNDRED EIGHTY DAYS OF INSTRUCTION OR THE EQUIVALENT NUMBER OF INSTRUCTIONAL HOURS.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19022BH11), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 59‑1‑425(A), as contained in SECTION 1, pages 1‑2, and inserting:

/ “(A) ~~Each~~ A local school district board of trustees of the State ~~shall have~~ has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term ~~is one hundred ninety days annually and shall consist~~ consists of a minimum of one hundred eighty days of instruction ~~covering at least nine calendar months. However, beginning with the 2007‑2008 school year the opening date for students must not be before the third Monday in August, except for schools operating on a year‑round modified school calendar~~ or the equivalent one thousand one hundred seventy instructional hours and ten additional days or the equivalent sixty hours as provided in this section for secondary schools or one thousand eighty hours and ten additional days or the equivalent sixty hours for elementary schools as provided in this section. A local school district may decide how best to structure the instructional day and how many days of instruction comprise the school year, in that the local school district calendar includes instructional days to coincide with official testing dates as set by the South Carolina Department of Education for the administration of the statewide testing program. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among schools in the district. However, beginning with the 2007‑2008 school year, the opening date for students may not be before the third Monday in August, except for schools that operate on a year-round modified school calendar. A local school district shall schedule ten additional days. Three days or the equivalent eighteen hours must be used for collegial professional development based upon the educational standards ~~as required by~~ provided in Section 59‑18‑300. The professional development shall address, at a minimum, academic achievement standards including strengthening teachers’ knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools, and the remaining five days may be used for teacher planning, academic plans, and parent conferences. ~~The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.~~” /

Renumber sections to conform.

Amend title to conform.

Rep. WHITMIRE explained the amendment.

The amendment was then adopted.

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

Yeas 90; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Bikas | Bingham | Bowen |
| Brannon | Brantley | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Henderson | Hiott | Hixon |
| Hosey | Huggins | Jefferson |
| King | Knight | Limehouse |
| Loftis | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Tribble |
| Viers | Weeks | White |
| Whitmire | Williams | Young |

**Total--90**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Johnson | J. H. Neal | Sabb |

**Total--3**

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

**OBJECTION TO MOTION**

Rep. WHITMIRE asked unanimous consent that H. 3035 be read a third time tomorrow.

Rep. J. H. NEAL objected.

**H. 3498--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

H. 3498 -- Reps. Herbkersman, Brannon, McCoy, Young, Taylor, Clemmons, Loftis and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 70 TO CHAPTER 61, TITLE 38, TO DECLARE THAT THE COURTS OF SOUTH CAROLINA SHALL CONSIDER CERTAIN PUBLIC POLICY LIMITATIONS AND INTERPRETATIONS IN LANGUAGE IN PAST, PRESENT, AND FUTURE CONTRACTS ISSUED TO CONSTRUCTION PROFESSIONALS.

**H. 3164--DEBATE ADJOURNED**

Rep. SKELTON moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

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.

**H. 3083--DEBATE ADJOURNED**

Rep. HAMILTON moved to adjourn debate upon the following Bill until Tuesday, May 3, which was adopted:

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.

**RECURRENCE TO THE MORNING HOUR**

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

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to the appropriate committee:

H. 4157 -- Reps. R. L. Brown and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-67-310 SO AS TO PROVIDE THAT THE STATE SUPERINTENDENT OF EDUCATION SHALL CREATE A PILOT PROJECT TO STUDY THE USE OF BIOFUEL AND OTHER ALTERNATIVE FUELS TO POWER THE STATE'S PUBLIC SCHOOL BUSES AND MAKE ANNUAL RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING THE FEASIBILITY OF USING ALTERNATIVE FUELS TO POWER THE STATE'S PUBLIC SCHOOL BUSES.

Referred to Committee on Education and Public Works

**H. 3266--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3266 -- Reps. Owens and Hiott: A BILL TO AMEND SECTION 57-5-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL COMPOSITION OF THE STATE HIGHWAY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS IN THE STATE HIGHWAY SYSTEM MUST BE BUILT ACCORDING TO STATE STANDARDS AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY USE CERTAIN FUNDS TO MAINTAIN THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57-5-70, RELATING TO ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ADD COUNTY AND MUNICIPAL ROADS TO THE STATE HIGHWAY SYSTEM WHEN NECESSARY FOR THE INTERCONNECTIVITY OF THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57-5-80, RELATING TO THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO REVISE THE PROCEDURE FOR THE REMOVAL OF ROADS FROM THE STATE HIGHWAY SYSTEM WHEN A GOVERNMENTAL AGENCY AGREES TO ACCEPT THE ROAD INTO ITS OWN HIGHWAY SYSTEM; AND TO REPEAL SECTION 57-5-90 RELATING TO BELT LINES AND SPURS.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\SWB\6140CM11):

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

/ SECTION 1. Section 57‑5‑10 of the 1976 Code is amended to read:

“Section 57‑5‑10. The state highway system shall consist of a statewide system of connecting highways ~~which~~ that shall be constructed ~~by~~ to the Department of ~~Transportation~~ Transportation’s standards and ~~which~~ that shall be maintained by the department in a safe and serviceable condition as state highways. The Department of Transportation may utilize funding sources including, but not limited to, the State Nonfederal Aid Highway Fund and the State Highway Fund as established by Section 57‑11‑20 in carrying out the provisions of this section. The complete state highway system shall mean the system of state highways as now constituted, consisting of the roads, streets, and highways ~~heretofore~~ designated as state highways or designated for construction or maintenance by the department pursuant to law, together with the roads, streets, and highways ~~heretofore~~ added to the state highway system by the Commission of the Department of Transportation, and ~~such~~ the roads, streets, and highways ~~as may hereafter~~ that may be added to the system pursuant to law. Roads and highways in the state highway system are classified into three classifications:

(1) interstate system of highways;

(2) state highway primary system; and

(3) state highway secondary system.”

SECTION 2. Section 57‑5‑70 of the 1976 Code is amended to read:

“Section 57‑5‑70. The department ~~shall~~ may take over and accept as a part of the state highway secondary system ~~the~~ roads ~~remaining~~ in ~~the various~~ county or municipal road systems ~~which have been maintained by the respective counties, or so much mileage thereof as the availability of funds for construction of secondary state highways in a county may justify; provided, that municipal streets which are extensions of state highways may be added to the state highway secondary system in lieu of an equal mileage of county roads.~~ that the department determines are necessary for the interconnectivity of the state highway system. ~~The roads to be placed in the state highway system hereunder shall be selected by the department.~~ Maintenance jurisdiction by the department of roads added to the state highway secondary system pursuant to the provisions of this section shall not commence until construction to state highway standards ~~shall have started~~ has been completed and an equal amount of secondary system roadway lane mileage has been removed from the state highway system within that county or municipal limit. The roads placed in the State highway system pursuant to this section must be selected by the department with the consent of the county or municipality, and notification to the county’s legislative delegation.”

SECTION 3. Section 57‑5‑80 of the 1976 Code is amended to read:

“Section 57‑5‑80. (A) The department may delete and remove roads from the state highway secondary system: of roads in any county any roads which are of low traffic importance and may, but is not required, to substitute ~~therefor~~ therefore an equal, or less, mileage of other roads ~~of higher traffic importance as determined by traffic surveys and estimates~~. Maintenance responsibility for roads deleted and removed from the state highway secondary system pursuant to the provisions of this section shall transfer from the jurisdiction of the department to the jurisdiction of the county, or municipality, school, governmental agency, nongovernmental entity, or person in which such roads are situated, effective upon notice from the department of official action deleting and removing the roads from the state highway system. A county or municipality shall have first right of refusal to accept roads into their maintenance responsibility when roads are considered for transfer from the secondary highway system to a non‑governmental entity or person. Deletions, removals, or substitutions from the State secondary highway system to counties and municipalities must be made with the consent of the affected county or municipality, and notifications must be made to the county’s legislative delegation.”

SECTION 4. Section 57‑5‑90 of the 1976 Code is repealed.

SECTION 5. If part of Section 57‑5‑70 is held to be invalid, unenforceable, or unconstitutional, then the entire section is invalid, unenforceable, or unconstitutional.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. DANING explained the amendment.

Reps. OTT, COBB-HUNTER, J. H. NEAL, WILLIAMS, DANING, KNIGHT, HOSEY, STAVRINAKIS, J. R. SMITH, KING, SELLERS, JEFFERSON, CLYBURN and WEEKS requested debate on the Bill.

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

**ADJOURNMENT**

At 1:03 p.m. the House, in accordance with the motion of Rep. COBB-HUNTER, adjourned in memory of Sylvia Rogers Grier Clark Person of Gifford, Florida, to meet at 10:00 a.m. tomorrow.

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