~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Psalm 125:1: “Those who trust in the Lord are like Mount Zion, which cannot be moved, but abides forever. As the mountains surround Jerusalem, so the Lord surrounds his people from this time forth and for evermore.”

Let us pray. Holy God, surround these Representatives with wisdom, courage, strength, and integrity. Guide them in making the decisions which will be good for this State. May they put their trust in You, that You will care for all of the people. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who support these leaders. 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. HERBKERSMAN moved that when the House adjourns, it adjourn in memory of William Graham Bullock of Bluffton, which was agreed to.

**COMMUNICATION**

The following was received:

May 3, 2011

Mr. Charles F. Reid, Clerk

South Carolina House of Representatives

P. O. Box 11867

Columbia, SC 29211

Dear Mr. Reid:

Please allow this letter to serve as notice of the officers that were elected during a meeting of the Ways and Means Committee this morning. These officers will assume their duties at noon on June 29, 2011, as a result of my resignation.

Chairman – Representative W. Brian White

First Vice-Chairman – Rep. Harry B. “Chip” Limehouse, III

Second Vice-Chairman – Representative Michael A. Pitts

Third Vice-Chairman – Representative J. Roland Smith

Secretary-Treasurer – Representative Denny Woodall Neilson

If you require additional information, please do not hesitate to contact me.

Sincerely,

Daniel T. Cooper

Received as information.

**REPORT OF STANDING COMMITTEE**

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

S. 431 -- Senators McConnell, Rankin, Setzler, Campbell, Shoopman, Reese, Bright, Alexander, S. Martin, Fair, Cromer, Bryant, Elliott, O'Dell, Campsen, Ford, Rose, Lourie, Cleary, Verdin, McGill, Williams, Nicholson, Knotts, Land and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-61-70 SO AS TO PROVIDE THAT A LIABILITY INSURANCE POLICY ISSUED BY AN INSURER AND COVERING A CONSTRUCTION PROFESSIONAL IN THIS STATE MUST BE BROADLY CONSTRUED IN FAVOR OF COVERAGE, AND TO PROVIDE THAT WORK OF A CONSTRUCTION PROFESSIONAL RESULTING IN PROPERTY DAMAGE IN CERTAIN CIRCUMSTANCES CONSTITUTES AN OCCURRENCE AS COMMONLY DEFINED IN LIABILITY INSURANCE AND IS NOT THE INTENDED OR EXPECTED CONSEQUENCE OF THE WORK OF THE CONSTRUCTION PROFESSIONAL.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4177 -- Reps. Norman, Simrill, Pope, Long, Delleney and D. C. Moss: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE FORT MILL HIGH SCHOOL BOYS LACROSSE TEAM FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR CAPTURING THE 2011 CLASS AAAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4178 -- Reps. Norman, Simrill, Pope, Long, Delleney and D. C. Moss: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE FORT MILL HIGH SCHOOL BOYS LACROSSE TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM FOR GARNERING THE 2011 CLASS AAAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Fort Mill High School boys lacrosse team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them for garnering the 2011 Class AAAA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4181 -- Reps. Huggins, Atwater, Ballentine, Bingham, Frye, McLeod, Ott, Quinn, Spires and Toole: A HOUSE RESOLUTION TO THANK FRANCES P. "MICKEY" LINDLER OF LEXINGTON COUNTY FOR HER EXTENSIVE SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4176 -- Reps. Harrell, 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, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO CONDEMN THE COMPLAINT FILED BY THE ACTING GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD ASSERTING THAT THE BOEING COMPANY'S SELECTION OF NORTH CHARLESTON FOR ITS NEWEST FINAL ASSEMBLY AND DELIVERY PRODUCTION FACILITY FOR THE 787 DREAMLINER AIRPLANE VIOLATED THE NATIONAL LABOR RELATIONS ACT, AND TO URGE THAT THE COMPLAINT BE DISMISSED BY THE BOARD AS AN UNWARRANTED INTRUSION INTO A BUSINESS DECISION OF THE BOEING COMPANY AND THE ECONOMIC DEVELOPMENT ACTIVITIES OF THE STATE OF SOUTH CAROLINA, AND BECAUSE OF ITS ADVERSE IMPACT ON THE

FUTURE ECONOMIC GROWTH OF THE UNITED STATES OF AMERICA.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4179 -- Reps. Weeks, G. M. Smith, G. A. Brown, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. MARC C. DAVID, ASSOCIATE PROFESSOR OF ENGLISH AND CHAIRMAN OF THE DIVISION OF RELIGION AND HUMANITIES AT MORRIS COLLEGE, AND TO CONGRATULATE HIM UPON RECEIVING THE SOUTH CAROLINA COUNCIL OF INDEPENDENT COLLEGES AND UNIVERSITIES EXCELLENCE IN TEACHING AWARD.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 806 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BLUFF ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH DRY BRANCH ROAD TO ITS INTERSECTION WITH SIMS ROAD "DEACON THOMAS MYERS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "DEACON THOMAS MYERS MEMORIAL HIGHWAY".

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 821 -- Senators Cleary and McGill: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 17 BUSINESS FROM ITS INTERSECTION WITH OCEAN HIGHWAY IN GEORGETOWN COUNTY TO ITS INTERSECTION WITH THE GEORGETOWN/HORRY COUNTY LINE "MICKEY SPILLANE WATERFRONT 17 HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "MICKEY SPILLANE WATERFRONT 17 HIGHWAY".

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 858 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RESPECTFULLY REQUEST AND URGE CONGRESS TO ENACT SUCH LEGISLATION AS NECESSARY TO CREATE THE CAMDEN BATTLEFIELD AND HISTORIC CAMDEN REVOLUTIONARY WAR SITE AS A UNIT OR UNITS OF THE NATIONAL PARK SYSTEM FOR THE ENJOYMENT, EDUCATION, AND INSPIRATION OF THIS AND FUTURE GENERATIONS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 871 -- Senator Anderson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 25 FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 291 TO ITS INTERSECTION WITH LENHART ROAD IN GREENVILLE COUNTY "DR. S. C. CURETON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "DR. S. C. CURETON MEMORIAL HIGHWAY".

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 873 -- Senators McConnell, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO CONDEMN THE COMPLAINT FILED BY THE ACTING GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD ASSERTING THAT THE BOEING COMPANY'S SELECTION OF NORTH CHARLESTON FOR ITS NEWEST FINAL ASSEMBLY AND DELIVERY PRODUCTION FACILITY FOR THE 787 DREAMLINER AIRPLANE VIOLATED THE NATIONAL LABOR RELATIONS ACT, AND TO URGE THAT THE COMPLAINT BE DISMISSED BY THE BOARD AS AN UNWARRANTED INTRUSION INTO A BUSINESS DECISION OF THE BOEING COMPANY AND THE ECONOMIC DEVELOPMENT ACTIVITIES OF THE STATE OF SOUTH CAROLINA, AND BECAUSE OF ITS ADVERSE IMPACT ON THE FUTURE ECONOMIC GROWTH OF THE UNITED STATES OF AMERICA.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 874 -- Senators Malloy, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT NASCAR RACING IS AN INTEGRAL AND VITAL PART OF THE STATE OF SOUTH CAROLINA AND ITS ECONOMY, TO RECOGNIZE THE DARLINGTON RACEWAY AS ONE OF OUR STATE'S MOST TREASURED ATTRACTIONS AND NASCAR RACING AS A SIGNIFICANT PART OF SOUTH CAROLINA'S RICH HISTORY, AND TO NAME THE WEEK OF MAY 2-8 2011, AS "DARLINGTON RACEWAY WEEK, A WEEK TOO TOUGH TO TAME."

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

**INTRODUCTION OF BILLS**

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

H. 4175 -- Reps. Daning, Owens and Crosby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 22 TO TITLE 56 SO AS TO PROVIDE THAT SHARE THE ROAD DRIVER TRAINING MUST BE INCLUDED IN ALL PUBLIC AND PRIVATE DRIVING EDUCATION/TRAINING COURSES, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL INCORPORATE ADDITIONAL COMPREHENSIVE SAFETY EDUCATIONAL MATERIAL RELATIVE TO SHARING THE ROAD WITH COMMERCIAL MOTOR VEHICLES IN THE DRIVER SAFETY MANUAL AND OTHER MEDIUM, TO PROVIDE THAT A HOLDER OF A COMMERCIAL DRIVER'S LICENSE WHO HAS BEEN CONVICTED OF CERTAIN MOVING VIOLATIONS MUST COMPLETE AN ONLINE REMEDIAL TRAINING COURSE, TO PROVIDE THAT A PERSON UNDER THE AGE OF TWENTY-FIVE WHO HAS BEEN CONVICTED OF CERTAIN MOVING VIOLATIONS WHICH CONTRIBUTED TO A COLLISION INVOLVING CERTAIN COMMERCIAL MOTOR VEHICLES MUST COMPLETE AN ONLINE REMEDIAL TRAINING COURSE, TO PROVIDE THAT MOTOR CARRIERS THAT ARE COVERED BY THE FEDERAL MOTOR CARRIER SAFETY ACT NEW ENTRANT PROGRAM MUST COMPLETE A DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF MOTOR VEHICLES APPROVED TRAINING COURSE, AND TO PROVIDE THAT THESE COURSES MUST BE OFFERED THROUGH A SOUTH CAROLINA-BASED NONPROFIT ORGANIZATION WHICH HAS EXPERTISE IN COMMERCIAL MOTOR VEHICLE SAFETY.

Referred to Committee on Education and Public Works

H. 4180 -- Reps. Cobb-Hunter, Clyburn, Jefferson and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-270 SO AS TO PROVIDE CERTAIN DEFINITIONS, TO PROVIDE FOR THE APPLICABILITY OF THE SECTION, AND TO LIMIT CERTAIN PRESCRIPTION DRUG COST-SHARING OBLIGATIONS OF A HEALTH INSURANCE PLAN.

Referred to Committee on Labor, Commerce and Industry

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | 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 | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| Whipper | Whitmire | Williams |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, May 4.

|  |  |
| --- | --- |
| Kenny Bingham | Boyd Brown |
| Jerry Govan | Jenny A. Horne |
| Joe McEachern | Todd Rutherford |
| Bakari Sellers | Brian White |
| Jackie Hayes | Tracy Edge |

**Total Present--117**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. J. R. SMITH a leave of absence for the day due to a death in the family.

**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. HODGES a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. JOHNSON a leave of absence for the day due to a family funeral.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CLEMMONS a leave of absence due to a prior commitment.

STATEMENT FOR THE JOURNAL

I respectfully request leave for the legislative days of May 4th and May 5th of 2011. On those days I will be leading a delegation of members of the National I-73 Corridor Association, which I have the honor to chair, to an association sponsored I-73 event in the nation’s capital, in preparation for the impending congressional debate over the Federal Highway Reauthorization Bill.

Rep. Alan Clemmons

**STATEMENT OF ATTENDANCE**

Reps. VICK and J. E. SMITH signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, May 3.

**DOCTOR OF THE DAY**

Announcement was made that Dr. T. Edwin Evans of Seneca was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Reps. KNIGHT, HORNE, MURPHY and HARRELL presented to the House the Dorchester Academy "Raiders" Varsity Football Team, the 2010 South Carolina Independent School Association Class A Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. MERRILL presented to the House the Hanahan High School Wrestling Team, the 2011 Class AA Champions, their coaches and other school officials.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**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-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3191 |
| Date: | ADD: |
| 05/04/11 | WHIPPER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3266 |
| Date: | ADD: |
| 05/04/11 | WHIPPER and R. L. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4099 |
| Date: | ADD: |
| 05/04/11 | JEFFERSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4082 |
| Date: | ADD: |
| 05/04/11 | HIOTT |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3660 |
| Date: | ADD: |
| 05/04/11 | JEFFERSON |

**SPEAKER IN CHAIR**

**SENT TO THE SENATE**

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

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.

**H. 4149--DEBATE ADJOURNED**

Rep. R. L. BROWN moved to adjourn debate upon the following Bill until Wednesday, May 11, which was adopted:

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.

**RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill was taken up, read the third time, and ordered returned to the Senate with amendments:

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.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 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.

**S. 232--ORDERED TO THIRD READING**

The following Bill was taken up:

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

Rep. HART explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anthony | Atwater | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowers | Brady | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clyburn | Cobb-Hunter | Cooper |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Limehouse |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sabb |
| Sellers | Simrill | Skelton |
| G. M. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Weeks | Whipper |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--94**

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

Rep. Don C. Bowen

**S. 445--REJECTED**

The following Bill was taken up:

S. 445 -- Senators Hutto, Fair, Jackson and Ford: A BILL TO AMEND SECTION 44-29-135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS, SO AS TO DELETE THE PROVISION REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND SCHOOL NURSE IF A MINOR IS ATTENDING A SCHOOL IN THE DISTRICT AND HAS ACQUIRED IMMUNODEFICIENCY SYNDROME OR IS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; AND BY ADDING SECTION 59-10-220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

Rep. HART explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 35; Nays 49

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anthony |
| Bannister | Bowers | Brantley |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Crawford | Dillard | Erickson |
| Funderburk | Gilliard | Hart |
| Hayes | Hosey | Howard |
| Jefferson | King | Long |
| Mack | McLeod | Mitchell |
| Munnerlyn | J. M. Neal | Neilson |
| Sabb | Sellers | G. M. Smith |
| Spires | Stavrinakis | Vick |
| Whipper | Williams |  |

**Total--35**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bedingfield |
| Bingham | Bowen | Chumley |
| Corbin | Crosby | Daning |
| Delleney | Forrester | Hamilton |
| Hardwick | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Simrill | Skelton | G. R. Smith |
| Sottile | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Whitmire | Willis |
| Young |  |  |

**Total--49**

So, the Bill was rejected.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 445. If I had been present, I would have voted in favor of the Bill.

Rep. Joan Brady

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 445. If I had been present, I would have voted in favor of the Bill.

Rep. Joseph H. Neal

**S. 590--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

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

Rep. HART explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 88; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anthony | Atwater | Ballentine |
| Bannister | Battle | Bowen |
| Bowers | Brady | Brannon |
| Brantley | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cobb-Hunter | Corbin | Delleney |
| Dillard | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hixon | Horne | Hosey |
| Howard | Huggins | Jefferson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| J. H. Neal | J. M. Neal | Neilson |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Rutherford |
| Ryan | Sabb | Sellers |
| Simrill | J. E. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| Whipper | Williams | Willis |
| Young |  |  |

**Total--88**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Norman | G. R. Smith |  |

**Total--2**

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

**S. 312--ORDERED TO THIRD READING**

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.

Rep. HERBKERSMAN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| Chumley | Clyburn | Cobb-Hunter |
| Cooper | Corbin | Crawford |
| Crosby | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Howard | Huggins | Jefferson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Owens | Parks | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Sellers | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whipper |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--100**

Those who voted in the negative are:

**Total--0**

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

**S. 793--REQUESTS FOR DEBATE**

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.

Rep. COOPER explained the Joint Resolution.

Reps. ERICKSON, DANING, CROSBY, HERBKERSMAN, PATRICK, ATWATER, FUNDERBURK, BRANNON, CRAWFORD, THAYER and DILLARD requested debate on the Joint Resolution.

**H. 3660--AMENDED, REQUESTS FOR DEBATE AND ORDERED TO THIRD READING**

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, Butler Garrick and Jefferson: 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), which was adopted:

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.

(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 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 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.

The amendment was then adopted.

Reps. BRANNON, PITTS, DANING and CORBIN requested debate on the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 93; Nays 6

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anthony |
| Ballentine | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cobb-Hunter | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Forrester | Funderburk |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Hart |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Limehouse |
| Long | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Stavrinakis |
| Stringer | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | Whipper | Whitmire |
| Williams | Willis | Young |

**Total--93**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brannon | Erickson | Frye |
| Gilliard | Loftis | Spires |

**Total--6**

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

**STATEMENT FOR THE JOURNAL**

While I support stricter enforcement to impede copper theft and support portions of H. 3660, I object to requiring citizens to obtain a permit, to which a fee will be attached, to sell small amounts of copper. I, therefore, voted in the negative on this Bill.

Rep. Dwight Loftis

**S. 824--ORDERED TO THIRD READING**

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.

Rep. COOPER 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 | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | Butler Garrick |
| Chumley | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Hart | Hayes |
| Hearn | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Howard | Huggins | Jefferson |
| King | Limehouse | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Neilson |
| Norman | Owens | Parker |
| Parks | Patrick | Pinson |
| Pope | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | Whipper | 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. 3688--DEBATE ADJOURNED**

Rep. J. E. SMITH moved to adjourn debate upon the following Bill until Thursday, May 5, which was adopted:

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.

**H. 3191--COMMITTED**

The following Bill was taken up:

H. 3191 -- Reps. Huggins and Whipper: 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.

Rep. HUGGINS moved to commit the Bill to the Committee on Labor, Commerce and Industry, which was agreed to.

**S. 211--REQUESTS FOR DEBATE**

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.

Reps. COBB-HUNTER and G. M. SMITH proposed the following Amendment No. 1 (COUNCIL\SWB\6180AC11):

Amend the bill, as and if amended, by deleting Section 11‑54‑25(A)(6) and (7) on page 3, lines 17‑22, and inserting:

/ (6) the Chairman of the State Board for Technical and Comprehensive Education, or his designee;

(7) the President of Morris College, or his designee; /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

Reps. LOFTIS, G. R. SMITH, HENDERSON, NANNEY, TAYLOR, CORBIN, STRINGER, HIOTT, RYAN, PATRICK, ERICKSON, MERRILL and WILLIS requested debate on the Bill.

**H. 4145--ORDERED TO THIRD READING**

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.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 7

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Atwater | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Hosey | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Neilson | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--95**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Gilliard | Howard | Jefferson |
| King | J. H. Neal | Rutherford |
| Sabb |  |  |

**Total--7**

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

**H. 4119--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. G. A. BROWN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Limehouse | 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 |
| Owens | Parker | Parks |
| Patrick | Pitts | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| 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.

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

**S. 109--DEBATE ADJOURNED ON MOTION**

**TO RECONSIDER**

Rep. WHITE moved to adjourn debate on the motion to reconsider the vote whereby S. 109 was rejected until Thursday, May 5, which was agreed to.

**H. 4150--RECALLED FROM COMMITTEE ON MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

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

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.

**S. 643--RECALLED FROM COMMITTEE ON**

**AGRICULTURE, NATURAL RESOURCES**

**AND ENVIRONMENTAL AFFAIRS**

On motion of Rep. HARDWICK, with unanimous consent, the following Bill was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs:

S. 643 -- Senators Knotts, Reese, Thomas, Ford, Matthews, Williams, Campsen, Cromer, Campbell, O'Dell, Rose and Setzler: 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.

**H. 3142--RECALLED AND REFERRED TO COMMITTEE ON JUDICIARY**

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

H. 3142 -- Rep. Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-160 SO AS TO PROVIDE A PENALTY FOR A PERSON WHO VIOLATES THE PROVISIONS OF THE SAFE SCHOOLS CLIMATE ACT REGARDING HARASSMENT, INTIMIDATION, OR BULLYING.

**OBJECTION TO RECALL**

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

Rep. J. H. NEAL objected.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall S. 844 from the Committee on Ways and Means.

Rep. BALLENTINE objected.

**OBJECTION TO RECALL**

Rep. PITTS asked unanimous consent to recall H. 4070 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. BRANNON objected.

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

Reps. PITTS, BARFIELD, MERRILL, ERICKSON, TRIBBLE, WILLIS and TOOLE, with unanimous consent, requested debate on the H. 3083.

**H. 3287--SENATE AMENDMENTS CONCURRED IN**

**AND BILL ENROLLED**

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

H. 3287 -- Reps. Hardwick and Hodges: A BILL TO AMEND SECTION 50-21-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ABANDONMENT OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO PROVIDE THAT AN ABANDONED WATERCRAFT MAY BE REMOVED AND DISPOSED OF BY ANY GOVERNMENT AGENCY THAT HAS JURISDICTION OVER THE AREA WHERE THE ABANDONED WATERCRAFT IS LOCATED, AND TO PROVIDE THAT A WATERCRAFT ABANDONED FOR AT LEAST NINETY DAYS MAY BE CLAIMED BY ANY PERSON OR ENTITY AS ABANDONED PROPERTY.

Rep. HARDWICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Atwater | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | Butler Garrick | Chumley |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Hearn |
| Henderson | Hiott | Hixon |
| Horne | Hosey | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Patrick | Pope | Quinn |
| Ryan | Sabb | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| Whipper | White | Williams |
| Willis | Young |  |

**Total--95**

Those who voted in the negative are:

**Total--0**

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

**H. 4116--SENATE AMENDMENTS CONCURRED IN**

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

H. 4116 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 25, 2011, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2016; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

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

**Total--101**

Those who voted in the negative are:

**Total--0**

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

**SENT TO THE SENATE**

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

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.

**H. 4111--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4111 -- Rep. Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PROPOSED AYNOR 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".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4099--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4099 -- Reps. Harrell, R. L. Brown, Crosby, Gilliard, Horne, Mack, McCoy, Murphy, Ryan, Sottile, Stavrinakis, Whipper and Jefferson: 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".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4124--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 505--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 735--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 768--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 506--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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".

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**H. 3658--DEBATE ADJOURNED**

The following Bill was taken up:

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

Rep. LOFTIS moved to adjourn debate on the Bill until Thursday, May 5, which was agreed to.

**H. 3788--DEBATE ADJOURNED**

The following Bill was taken up:

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

Rep. HERBKERSMAN moved to adjourn debate on the Bill until Wednesday, May 11, which was agreed to.

**H. 3713--DEBATE ADJOURNED**

The following Bill was taken up:

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

Rep. SKELTON moved to adjourn debate on the Bill until Wednesday, May 11, which was agreed to.

**SPEAKER'S RULING ON PARLIAMENTARY**

**INQUIRY ON H. 3934**

**RAISED BY REP. COBB-HUNTER ON APRIL 28, 2011**

The SPEAKER addressed Rep. COBB-HUNTER’s Parliamentary Inquiry, raised on April 28, 2011, concerning the vote required for passage of the legislation. The SPEAKER stated that H. 3934 primarily provided for an expansion of the property tax discount for real estate developers. Specifically, it provided that the discount will now apply to developers owning at least 5 building lots as opposed to 10 lots as provided by current law. In addition, the Bill provided an extension in the discount for qualifying properties. Under current law, the discount only applied for 5 years.

The SPEAKER stated that the key language of §4-9-95(B) is “aggregate”. In order for Section 4-9-55(B) to apply, the Bill must reduce the authority of counties to raise revenue in the “aggregate”. He stated further that H. 3934 did not reduce this authority because counties could use other methods to raise revenues. He stated further that there were several precedents that supported his ruling including rulings from April 28, 2004, June 1, 2005, and February 8, 2006. Therefore, he stated that a simple majority vote was sufficient for passage of the Bill and that the provisions of 4-9-55(B) did not apply.

**H. 3934--ORDERED TO THIRD READING**

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. J. H. NEAL moved to adjourn debate on the Bill until Wednesday, May 11.

Rep. LOWE moved to table the motion.

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

Yeas 83; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brannon | G. A. Brown | H. B. Brown |
| Butler Garrick | Chumley | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Loftis |
| Long | Lowe | Lucas |
| McCoy | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Parker |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sandifer | Sellers | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | White | Whitmire |
| Willis | Young |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Bowers |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Gilliard | Hosey | Howard |
| Jefferson | King | Mack |
| McLeod | J. H. Neal | Parks |
| Sabb | Weeks | Whipper |
| Williams |  |  |

**Total--19**

So, the motion to adjourn debate was tabled.

The question then recurred to the passage of the Bill.

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

Yeas 94; Nays 11

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hixon |
| Horne | Hosey | Howard |
| Huggins | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | Mitchell | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sandifer | Sellers | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whipper |
| White | Whitmire | Willis |
| Young |  |  |

**Total--94**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Bowers | Cobb-Hunter |
| Gilliard | Hart | Jefferson |
| Mack | McLeod | J. H. Neal |
| Sabb | Williams |  |

**Total--11**

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

**H. 3111--AMENDED AND ORDERED TO THIRD READING**

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), which was adopted:

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. SANDIFER explained the amendment.

The amendment was then adopted.

Reps. YOUNG and SANDIFER proposed the following Amendment No. 2 (COUNCIL\AGM\19040AB11), which was adopted:

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

/ SECTION \_\_\_. Section 38‑73‑525 of the 1976 Code, as added by Act 111 of 2007, is amended to read:

“Section 38‑73‑525. (A) Each insurer writing workers’ compensation insurance shall adopt the most recent loss costs within sixty days after approval of these loss costs. This loss costs adoption must become effective no later than one hundred twenty days after the effective date of the approved loss costs. An insurer must notify the department of its adoption of the most recently approved loss costs by filing a notification on a form and in a manner prescribed by the director or his designee. The notification filing required by this subsection does not constitute a rate filing and is not subject to prior approval.

(B)(1) At least ~~thirty~~ sixty days ~~prior to~~ before using a new ~~rates, every~~ multiplier for expenses, assessments, profits, and contingencies, each insurer writing workers’ compensation ~~must~~ shall file its multiplier for expenses, assessments, profit, and contingencies and any information relied upon by the insurer to support the multiplier and any modifications to loss costs. A copy of the filing must be provided simultaneously to the consumer advocate.

(2) ~~The filing~~ Filings submitted pursuant to item (1) must be filed on a form and in the manner prescribed by the director or his designee and must contain, at a minimum, the following information: commission expense; other acquisition expense; general expense; expenses associated with recoveries from the Second Injury Fund; guaranty fund assessments; other assessments; premium taxes; miscellaneous taxes, licenses, or fees; ~~and~~ a provision for profit and contingencies, and the date of approval of the loss costs to which the multiplier is applied, which must be the most recently approved loss costs.

(3) ~~Rate~~ Filings submitted pursuant to item (1) are subject to approval of the director or his designee and must be reviewed by an actuary employed or retained by the department who is a member of the American Academy of Actuaries or an associate or fellow of the Casualty Actuarial Society.

(4)(a) Within the ~~thirty‑day~~ sixty‑dayperiod, if the director or his ~~or her~~ designee believes the information filed is not complete, the director or his ~~or her~~ designee ~~must~~ shall notify the insurer of additional information to be provided. Within fifteen days of receipt of the notification, the insurer ~~must~~ shall provide the requested information or file for a hearing challenging the reasonableness of the director’s or his ~~or her~~ designee’s request. The burden is on the insurer to justify the denial of the additional information.

(b) Unless a hearing ~~has been~~ is requested, upon expiration of the ~~thirty‑day~~ sixty‑day period or the fifteen‑day period, whichever is later, the insurer may use the ~~rates developed using the multiplier of expenses, assessments, profit, and contingencies~~ multiplier for expenses, assessments, profit, and contingencies.” /

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

/ SECTION \_\_\_. Section 38‑73‑1210 of the 1976 Code is amended to read:

“Section 38‑73‑1210. (A)(1) This item applies to property and casualty insurance but does not apply to workers’ compensation insurance. An insurer may satisfy its obligation to make required filings by becoming a member of, or a subscriber to, a licensed rating organization which makes filings and by authorizing the director or his designee to accept the filings on its behalf. However, notwithstanding ~~any other provisions~~ another provision of this article, ~~no~~ a member or subscriber ~~may~~, within twelve months after its membership or subscribership, may not file to adopt ~~any~~ a rate approved for use for the rating organization if the rate is more than the rate in use by the member or subscriber ~~prior to~~ before its membership or subscribership in the rating organization. Further, notwithstanding the provisions of Sections 38‑73‑1300~~,~~ and 38‑73‑1310, ~~and 38‑73‑1320, no~~ a member or subscriber, within twelve months after its membership or subscribership, may not be granted an upward deviation from its rate in use when becoming a member or subscriber. However, if a rate increase for the rating organization is approved within twelve months after an insurer becomes a member or subscriber, the member or subscriber may increase its rates by the same percentage of increase granted the rating organization. Nothing contained in this chapter may be construed ~~as requiring any~~ to require an insurer to become a member of or a subscriber to ~~any~~ a rating organization.

(2) This item applies to workers’ compensation insurance. An insurer may satisfy its obligation to make required filings by becoming a member of, or a subscriber to, a licensed rating organization that makes filings and by authorizing the director or his designee to accept the filings on its behalf. However, a licensed rating organization may not satisfy the insurer’s obligation to make filings required pursuant to Section 38‑73‑525.

(B) In addition to other activities not prohibited by this chapter, a rating organization may collect, compile, and disseminate to insurers compilations of past and current premiums of insurers.” /

Renumber sections to conform.

Amend title to conform.

Rep. YOUNG explained the amendment.

The amendment was then adopted.

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 102; Nays 1

Those who voted in the affirmative are:

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

**Total--102**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Sellers |  |  |

**Total--1**

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

**S. 445--RECONSIDERED**

Rep. PINSON moved to reconsider the vote whereby the following Bill was rejected, which was agreed to:

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.

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4024 -- Rep. Harrison: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION AT LONGTOWN ROAD AND CLEMSON ROAD IN RICHLAND COUNTY IN MEMORY OF DAVID DUPRE AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "DAVID DUPRE INTERSECTION".

H. 4159 -- Reps. Howard, 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, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO COMMEND THE PRESIDENT OF THE UNITED STATES, BARACK OBAMA, THE UNITED STATES INTELLIGENCE COMMUNITY, THE MEMBERS OF THE UNITED STATES JOINT SPECIAL OPERATIONS COMMAND, AND ESPECIALLY THE SOLDIERS, SAILORS, AIRMEN, AND MARINES WHOSE HEROIC COLLECTIVE EFFORTS FINALLY BROUGHT TO JUSTICE OSAMA BIN LADEN, THE FUGITIVE LEADER OF AL-QAEDA AND MASTERMIND OF THE SEPTEMBER 11, 2001, TERRORIST ATTACKS.

H. 4165 -- Rep. Owens: A CONCURRENT RESOLUTION TO RECOGNIZE THE WEEK OF MAY 1ST THROUGH MAY 7TH AS NATIONAL CHARTER SCHOOL WEEK, AND TO ACKNOWLEDGE THE IMPORTANCE OF EDUCATING THE CHILDREN OF SOUTH CAROLINA IN INNOVATIVE CLASSROOMS AND SCHOOLS.

H. 4170 -- Rep. Barfield: A CONCURRENT RESOLUTION TO COMMEND CONWAY FREEWILL BAPTIST CHURCH FOR ITS ANNUAL PATRIOTIC SERVICE, HELD TO EXTEND APPRECIATION TO THE VETERANS OF OUR ARMED FORCES.

H. 4171 -- Rep. Barfield: A CONCURRENT RESOLUTION TO COMMEND AYNOR UNITED METHODIST CHURCH FOR ITS ANNUAL VETERANS DAY SERVICE, HELD TO EXTEND APPRECIATION TO THE MEN AND WOMEN OF OUR ARMED FORCES.

H. 4172 -- Rep. Barfield: A CONCURRENT RESOLUTION TO COMMEND CONWAY CHURCH OF GOD FOR ITS ANNUAL PATRIOTIC SERVICE, HELD TO EXTEND APPRECIATION TO THE VETERANS OF OUR ARMED FORCES.

H. 4179 -- Reps. Weeks, G. M. Smith, G. A. Brown, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. MARC C. DAVID, ASSOCIATE PROFESSOR OF ENGLISH AND CHAIRMAN OF THE DIVISION OF RELIGION AND HUMANITIES AT MORRIS COLLEGE, AND TO CONGRATULATE HIM UPON RECEIVING THE SOUTH CAROLINA COUNCIL OF INDEPENDENT COLLEGES AND UNIVERSITIES EXCELLENCE IN TEACHING AWARD.

**ADJOURNMENT**

At 12:29 p.m. the House, in accordance with the motion of Rep. HERBKERSMAN, adjourned in memory of William Graham Bullock of Bluffton, to meet at 10:00 a.m. tomorrow.

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