~~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 Deuteronomy 14:2: “For you are a people holy to the Lord your God; it is you the Lord has chosen out of all the peoples on earth to be his people, his treasured possession.”

Let us pray. Lord God, as Your chosen people continue to do the work of the people, lead these Representatives and staff in their service to this State. Abide with them and comfort them in times of need. Bless them with good hearts and minds, to help them do Your will. Bless 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 hidden. Hear our prayer, O Lord. 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. CLYBURN moved that when the House adjourns, it adjourn in memory of Mrs. Betty Wilson of Aiken, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 1, 2011

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 694:

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

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 1, 2011

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 241:

S. 241 -- Senators Rose and Leventis: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA DYSLEXIA TASK FORCE, TO PROVIDE FOR THE COMPOSITION OF THE TASK FORCE, AND TO PROVIDE THAT THE TASK FORCE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**H. 3295--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 1, 2011

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to H. 3295:

H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61-6-1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNERS ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

Very respectfully,

President

On motion of Rep. HERBKERSMAN, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. TALLON, HERBKERSMAN and MERRILL to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**HOUSE RESOLUTION**

The following was introduced:

H. 4334 -- Reps. Parks, 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, 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, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR LEROY MARTIN FOR HIS YEARS OF DEVOTED SERVICE TO THE CITIZENS OF THE CITY OF MCCORMICK AS CHIEF OF POLICE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4335 -- Reps. Anderson, Agnew, Alexander, Allen, Allison, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, 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, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND DR. MICHAEL CAFARO FOR HIS OUTSTANDING LEADERSHIP AS PRINCIPAL OF GEORGETOWN HIGH SCHOOL; TO THANK HIM FOR HIS DEDICATION TO THE SCHOOL'S STUDENTS, FACULTY, AND STAFF; AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4338 -- Reps. Long, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, 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, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO CONGRATULATE DEL WEBB LIBRARY'S TEEN VIDEO CREW OF INDIAN LAND HIGH SCHOOL UPON BEING NAMED FIRST RUNNER-UP IN THE AMERICAN LIBRARY ASSOCIATION'S "WHY I NEED MY LIBRARY" VIDEO COMPETITION.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4339 -- Reps. Clemmons, Sellers, Hardwick, D. C. Moss, Bedingfield, G. R. Smith, Hosey, Henderson, McCoy, Sottile, Norman, Delleney, Pope, Hiott, Skelton, Parker, Pinson, J. M. Neal, Willis, Pitts, Atwater, Quinn, Bingham, Allison, Crawford, Lowe, Loftis, Forrester, Chumley, Patrick, Long, Neilson, Brannon, Daning, Crosby, Anderson, G. A. Brown, Limehouse, J. R. Smith, Bales and Thayer: A HOUSE RESOLUTION TO COMMEND THE NATION OF ISRAEL FOR

ITS RELATIONS WITH THE UNITED STATES OF AMERICA AND WITH THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4340 -- Reps. Norman, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, 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, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR WORLD WAR II VETERAN FREDERICK "FRED" SLEEMAN OF YORK COUNTY, AND TO EXPRESS THE APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS SERVICE TO HIS COUNTRY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4336 -- Rep. Anderson: A CONCURRENT RESOLUTION TO REQUEST THE MEMBERS OF SOUTH CAROLINA'S CONGRESSIONAL DELEGATION TO USE THEIR BEST EFFORTS TO HAVE INCLUDED IN THE 2012 FEDERAL BUDGET ADEQUATE FUNDING FOR THE U.S. ARMY CORPS OF ENGINEERS TO CONDUCT MAINTENANCE DREDGING OF THE PORT OF GEORGETOWN; AND TO ALSO REQUEST OUR STATE'S CONGRESSIONAL DELEGATION TO HAVE INCLUDED IN THE 2012 FEDERAL BUDGET FUNDING FOR THE U. S. ARMY CORPS OF ENGINEERS TO CONDUCT A FEASIBILITY STUDY REGARDING THE DEEPENING OF CHARLESTON HARBOR TO AT LEAST FIFTY FEET SO THAT IT CAN ACCOMMODATE LARGER CONTAINER SHIPS EXPECTED TO CALL AT THE PORT WHEN THE EXPANSION OF THE PANAMA CANAL OPENS IN 2014.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 734 -- Senator Pinckney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE "EUNICE HOLMAN DOE HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "EUNICE HOLMAN DOE 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. 950 -- Senator Cromer: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND BARBARA M. PALMER UPON THE OCCASION OF HER RETIREMENT FROM THE SALUDA COUNTY SCHOOL DISTRICT AFTER MANY YEARS OF DEDICATED AND EXEMPLARY SERVICE TO THE SOUTH CAROLINA PUBLIC SCHOOL SYSTEM, AND TO WISH HER THE BEST IN ALL HER FUTURE ENDEAVORS.

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. 4337 -- Rep. Edge: A BILL TO AMEND SECTION 12-36-920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE ACCOMMODATIONS TAX SHALL APPLY SOLELY TO AMOUNTS RECEIVED BY THE OPERATOR OF HOTEL, INN, TOURIST COURT, TOURIST CAMP, MOTEL, CAMPGROUND, RESIDENCE, OR ANY PLACE IN WHICH ROOMS, LODGINGS, OR SLEEPING ACCOMMODATIONS ARE FURNISHED TO TRANSIENTS FOR A CONSIDERATION.

Referred to Committee on Ways and Means

H. 4341 -- Reps. Murphy, Crosby, Hardwick, Sottile, Ryan, Chumley, Horne, Hearn, Anderson, Clemmons, Daning, Hixon, Jefferson, J. R. Smith and Stringer: A BILL TO AMEND SECTION 48-39-50, THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IN REGARD TO COASTAL ZONE MANAGEMENT AND REGULATION, SO AS TO PROVIDE CERTAIN INSTANCES AND ACTIVITIES WHERE THE DEPARTMENT SHALL HAVE NO REGULATORY AUTHORITY.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, June 2.

|  |  |
| --- | --- |
| Wendy Nanney | Terry Alexander |
| Jerry Govan | Denny Neilson |
| Mia Butler Garrick | Richard "Rick" Quinn |
| Harold Mitchell | Patsy Knight |
| Dan Hamilton | H. B. "Chip" Limehouse |
| James Harrison |  |

**Total Present--120**

**LEAVE OF ABSENCE**

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

**STATEMENT OF ATTENDANCE**

Rep. J. H. NEAL signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Wednesday, June 1.

**DOCTORS OF THE DAY**

Announcement was made that Dr. Patricia Witherspoon and Dr. Trinidad Osselyn of Columbia were the Doctors of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4339 |
| Date: | ADD: |
| 06/02/11 | HARDWICK, D. C. MOSS, BEDINGFIELD, G. R. SMITH, HOSEY, HENDERSON, MCCOY, SOTTILE, NORMAN, DELLENEY, POPE, HIOTT, SKELTON, PARKER, PINSON, J. M. NEAL, WILLIS, PITTS, ATWATER, QUINN, BINGHAM, ALLISON, CRAWFORD, LOWE, LOFTIS, FORRESTER, CHUMLEY, PATRICK, LONG, NEILSON, BRANNON, DANING, CROSBY, ANDERSON, G. A. BROWN, LIMEHOUSE, J. R. SMITH, BALES and THAYER |

**H. 3660--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

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\AGM\19201BH11), which was tabled:

Amend the bill, as and if amended, by deleting in its entirety Section 16-17-680(D)(2), as contained in SECTION 2, page 6, lines 1-5, and inserting:

/ (2) A secondary metals recycler may purchase nonferrous metals only for cash consideration from a fixed location./

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Rep. BANNISTER spoke in favor of the amendment.

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

Rep. BRANNON proposed the following Amendment No. 2 (COUNCIL\AGM\19204BH11), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 16‑17‑680(D)(2), as contained in SECTION 2, page 6, lines 1‑5, and inserting:

/ (2) A secondary metals recycler ~~may~~ shall purchase ~~nonferrous metals only for cash consideration from a fixed location~~ copper, catalytic converters, and beer kegs by check alone. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

The yeas and nays were taken resulting as follows:

 Yeas 79; Nays 34

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cooper |
| Crawford | Delleney | Dillard |
| Edge | Erickson | Frye |
| Funderburk | Gambrell | Govan |
| Hardwick | Harrell | Hart |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Lowe |
| Mack | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Pinson |
| Quinn | Rutherford | Ryan |
| Sabb | Sellers | Skelton |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Spires | Thayer | Vick |
| Weeks | Whipper | Whitmire |
| Williams |  |  |

**Total--79**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Bedingfield | Cole | Corbin |
| Daning | Forrester | Gilliard |
| Hearn | Henderson | Loftis |
| Long | Lucas | McCoy |
| Nanney | Norman | Owens |
| Parker | Pitts | Pope |
| Simrill | G. R. Smith | Sottile |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Tribble |
| Viers | White | Willis |
| Young |  |  |

**Total--34**

So, the amendment was adopted.

Rep. BANNISTER proposed the following Amendment No. 3 (COUNCIL\AGM\19203BH11), which was tabled:

Amend the bill, as and if amended, by deleting in its entirety Section 16‑17‑680(D)(2), as contained in SECTION 2, page 6, lines 1‑5, and inserting:

/ (2) A secondary metals recycler may purchase nonferrous metals only for cash consideration from a fixed location, but shall purchase by check if the amount exceeds three hundred dollars over a twenty‑four hour period unless the seller is a holder of a retail license, an authorized wholesaler, a contractor licensed pursuant to Article 1, Chapter 11, Title 40, or a gas, electric, communications, water, plumbing, electrical, or climate conditioning service provider./

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

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

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

**S. 920--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 920 -- Senator McGill: A BILL RELATING TO THE FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE BOARD OF TRUSTEES, SO AS TO PROVIDE THAT MEMBERS OF THE BOARD MUST BE ELECTED ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER EACH YEAR; TO PROVIDE THAT THE TERMS OF THE MEMBERS MUST BE THREE YEARS AND SHALL COMMENCE ON THE FIRST DAY OF JANUARY FOLLOWING THE ELECTION; TO PROVIDE FOR A CHANGE IN THE EXPIRATION OF TERMS OF MEMBERS WHOSE TERMS EXPIRE IN 2012 AND 2013; TO PROVIDE FOR THE CONDUCT OF THE ELECTIONS AND THE SETTING OF FILING DATES; TO MODIFY THE PROCEDURE FOR THE APPROVAL OF THE DISTRICT BUDGET AND PROVIDE FOR GREATER PUBLIC PARTICIPATION; AND TO REPEAL ACT 367 OF 2004.

The yeas and nays were taken resulting as follows:

 Yeas 4; Nays 2

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Branham | Jefferson |
| Williams |  |  |

**Total--4**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Crawford | Lowe |  |

**Total--2**

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

**S. 913--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 913 -- Senator Sheheen: A JOINT RESOLUTION TO ESTABLISH THE KERSHAW COUNTY HOUSING AUTHORITY; TO PROVIDE THAT POWERS AND DUTIES OF THE AUTHORITY ARE VESTED IN THE KERSHAW COUNTY HOUSING AUTHORITY COMMISSION AND TO ESTABLISH TERMS FOR THE COMMISSIONERS; TO PROVIDE FOR THE HOUSING AUTHORITY'S FUNCTIONS, RIGHTS, POWERS, DUTIES, AND LIABILITIES; AND TO PROVIDE THAT THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY SHALL REMAIN THE LOCAL HOUSING AGENCY IN KERSHAW COUNTY FOR THE PURPOSE OF ADMINISTERING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING CHOICE VOUCHER PROGRAM.

The yeas and nays were taken resulting as follows:

 Yeas 3; Nays 1

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Butler Garrick | Funderburk |

**Total--3**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Lucas |  |  |

**Total--1**

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

**SENT TO THE SENATE**

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

H. 4295 -- Reps. Bowers and Brantley: A BILL TO AMEND SECTION 7-7-300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HAMPTON COUNTY, SO AS TO DELETE POLLING PLACE LOCATIONS IN THE VOTING PRECINCTS OF HAMPTON COUNTY, TO DESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO AUTHORIZE THE HAMPTON COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION, WITH THE APPROVAL OF A MAJORITY OF THE HAMPTON COUNTY LEGISLATIVE DELEGATION, TO DETERMINE THE POLLING PLACES FOR THE PRECINCTS IN HAMPTON COUNTY.

**H. 3236--DEBATE ADJOURNED**

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

H. 3236 -- Reps. Daning and G. R. Smith: A BILL TO AMEND SECTION 59-65-10 AND SECTION 59-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPULSORY EDUCATION FOR SOUTH CAROLINA SCHOOL CHILDREN AND THE EXCEPTION TO THE REQUIREMENT, RESPECTIVELY, SO AS TO INCLUDE THE SOUTH CAROLINA ASSOCIATION OF CHRISTIAN SCHOOLS AS AN AUTHORIZER OF SCHOOLS THAT CHILDREN MAY ATTEND WITHIN THE COMPULSORY EDUCATION REQUIREMENT.

**H. 3495--DEBATE ADJOURNED**

Rep. ALEXANDER moved to adjourn debate upon the following Joint Resolution, which was adopted:

H. 3495 -- Rep. Alexander: A JOINT RESOLUTION TO CREATE A STUDY COMMITTEE TO STUDY THE FEASIBILITY AND COST EFFECTIVENESS OF CONSOLIDATING SCHOOL DISTRICTS WITHIN THE INDIVIDUAL COUNTIES OF THIS STATE, TO PROVIDE FOR THE DUTIES OF THE COMMITTEE AND FOR ITS MEMBERSHIP, AND TO REQUIRE THE COMMITTEE TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY BY JANUARY 31, 2012, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

**S. 258--DEBATE ADJOURNED**

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

S. 258 -- Senators Sheheen, Campsen, Davis, Rose, Ryberg, McConnell, Massey, Rankin, Setzler, Knotts and Alexander: A BILL TO AMEND SECTION 1-3-240 OF THE 1976 CODE, RELATING TO REMOVAL OF OFFICERS BY THE GOVERNOR, TO PROVIDE THAT THE STATE INSPECTOR GENERAL MAY BE REMOVED BY THE GOVERNOR FOR MALFEASANCE, MISFEASANCE, INCOMPETENCY, ABSENTEEISM, CONFLICTS OF INTEREST, MISCONDUCT, PERSISTENT NEGLECT OF DUTY IN OFFICE, OR INCAPACITY; AND TO AMEND TITLE 1 BY ADDING CHAPTER 6 TO CREATE THE OFFICE OF THE STATE INSPECTOR GENERAL, TO PROVIDE THAT THE STATE INSPECTOR GENERAL IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, TO AUTHORIZE THE STATE INSPECTOR GENERAL TO ADDRESS FRAUD, WASTE, ABUSE, AND WRONGDOING WITHIN THE SOUTH CAROLINA EXECUTIVE GOVERNMENT AGENCIES, AND TO PROVIDE FOR THE POWERS, DUTIES, AND FUNCTIONS OF THE OFFICE.

**H. 4243--DEBATE ADJOURNED**

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

H. 4243 -- Reps. Quinn, Bingham, Toole, Huggins and Atwater: A BILL TO AMEND SECTION 7-27-365, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND ELECTIONS COMMISSION FOR LEXINGTON COUNTY, SO AS TO INCREASE THE COMMISSION'S MEMBERSHIP FROM NINE TO ELEVEN MEMBERS.

**S. 295--DEBATE ADJOURNED**

Rep. QUINN moved to adjourn debate upon the following Joint Resolution, which was adopted:

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

**OBJECTION TO RECALL**

Rep. COBB-HUNTER asked unanimous consent to recall H. 3738 from the Committee on Ways and Means.

Rep. BRANNON objected.

**S. 914--RECALLED AND REFERRED TO COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

On motion of Rep. SANDIFER, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Labor, Commerce and Industry and was referred to the Committee on Agriculture, Natural Resources and Environmental Affairs:

S. 914 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE ENVIRONMENTAL CERTIFICATION BOARD, RELATING TO APPLICATIONS FOR CERTIFICATION; RENEWAL OF LICENSE AND PERMIT, CONTINUING EDUCATION; AND OPERATOR-IN-TRAINING LICENSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4162, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**OBJECTION TO RECALL**

Rep. KING asked unanimous consent to recall H. 3959 from the Committee on Rules.

Rep. WHITE objected.

**H. 3700--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3700 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Rep. COOPER proposed the following Amendment No. 1A (Doc Name h:\legwork\house\amend\H-WM\001\hou2 amendment#2.docx), which was adopted:

Amend the bill, as and if amended, by striking the version of the bill as passed by the Senate and inserting the version of the bill as passed by the House of Representatives which is incorporated by references in this amendment are to the bill as passed by the House of Representatives.

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 5, lines 16-17, opposite /student health and fitness act - nurses/ by increasing the amount in Column 5 by:

 Column 5 Column 6

 2,000,000

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 11, line 30, opposite /student health and fitness/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 2,000,000 2,000,000

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 11, line 27, opposite /education finance act/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 100,687,815 100,687,815

Amend the bill further, as and if amended, Section 11, COASTAL CAROLINA UNIVERSITY, page 39, immediately after line 9, by inserting new lines to read:

 Column 5 Column 6

New Positions:

Professor

 82,000

 (0.75)

Associate Professor

 204,000

 (2.25)

Assistant Professor

 1,126,000

 (15.00)

Law Enforcement Officer

 35,000

 (1.00)

Student Services Program

Coordinator I

 105,000

 (3.00)

Building/Grounds Specialist II

 250,000

 (10.00)

Administrative Specialist II

 58,000

 (2.00)

Trades Specialist IV

 175,000

 (5.00)

Student Services Program

Coordinator

 86,000

 (2.00)

Administrative Assistant

 70,000

 (2.00)

Program Coordinator I

 129,000

 (3.00)

Accountant/Fiscal Analyst

 70,000

 (2.00)

Applications Analyst

 52,000

 (1.00)

Amend the bill further, as and if amended, Section 11, COASTAL CAROLINA UNIVERSITY, page 40, line 14, opposite /employer contributions/ by increasing the amount in Column 5 by:

 Column 5 Column 6

 695,970

Amend the bill, as and if amended, Part IA, Section 29, STATE LIBRARY, page 128, line 32, opposite /other operating expenses/ by increasing the amount in Column 5 by:

 Column 5 Column 6

 74,000

Amend the bill further, as and if amended, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 191, immediately after line 33, by inserting new lines to read:

 Column 5 Column 6

A.2. ILLEGAL IMMIGRATION

Personal Service

 New Positions:

 “Administrative Assistant”

 28,000 28,000

 (1.00) (1.00)

 “Law Enforcement Officers I”

 315,000 315,000

 (10.00) (10.00)

 “Law Enforcement Officer IV”

 63,000 63,000

 (1.00) (1.00)

Other Operating Expenses

 118,525 118,525

Amend the bill further, as and if amended, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 193, line 14, opposite /employer contributions/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 167,128 167,128

Amend the bill further, as and if amended, Section 70B, LEG. DEPT-HOUSE OF REPRESENTATIVES, page 248, line 3, opposite /representatives @ $10,400/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 1,289,600 1,289,600

Amend the bill further, as and if amended, Section 70B, LEG. DEPT-HOUSE OF REPRESENTATIVES, page 248, line 11, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 1,000,000 1,000,000

Amend the bill further, as and if amended, Section 79, ELECTION COMMISSION, page 278, line 20, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 100,000 100,000

Amend the bill further, as and if amended, Section 79, ELECTION COMMISSION, page 279, immediately after line 16, by inserting a new line to read:

 Column 5 Column 6

Voter Identification

 535,000 535,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 282, immediately after line 10, by inserting new lines to read:

 Column 5 Column 6

Special Item:

 SCEIS Budget Module

1,000,000 1,000,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 294, line 24, opposite /other operating expenses/ by decreasing the amount in Column 5 by:

 Column 5 Column 6

 7,102,161

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 294, line 24, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 2,500,000 2,500,000

Amend the bill further, as and if amended, Section 80C, EMPLOYEE BENEFITS, page 298, line 11, opposite /pensions-ret natl guard/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 3,904,715 3,904,715

Amend the bill further, as and if amended, Section 80C, EMPLOYEE BENEFITS, page 298, lines 25-26, opposite /health insurance – employer contributions/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 4,723,607 4,723,607

Amend the bill further, as and if amended, Section 81, DEPARTMENT OF REVENUE, page 301, line 25, opposite /other personal services/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 100,000 100,000

Amend the bill further, as and if amended, Section 81, DEPARTMENT OF REVENUE, page 301, line 28, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 253,720 253,720

Amend the bill further, as and if amended, Section 81, DEPARTMENT OF REVENUE, page 301, line 34, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 1,900,000 1,900,000

Amend the bill further, as and if amended, Section 81, DEPARTMENT OF REVENUE, page 301, line 37, opposite /other personal services/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 550,000 550,000

Amend the bill further, as and if amended, Section 81, DEPARTMENT OF REVENUE, page 302, line 1, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 1,200,000 1,200,000

Amend the bill further, as and if amended, Section 81, DEPARTMENT OF REVENUE, page 302, line 21, opposite /employer contributions/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 750,000 750,000

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 533, after line 14, by adding an appropriately numbered paragraph to read:

/ *(SR: Nonrecurring Revenue – Increased Enforcement Collections) For Fiscal Year 2011-12, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.*

 *The department may collect revenues from foreign collections within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.*

 *Funding previously received by the department for enforced collections shall be used to fund foreign auditors to conduct foreign audits of multi-national and international corporations. Personnel may include revenue officers and criminal investigators. These employees will focus on collecting outstanding liabilities owed to this state.*

 *During the current fiscal year, in applying the revenue statutes of this State, the department's interpretation of those statutes must be based solely on the plain meaning of the statute's text and the legislative intent giving rise to the enactment of the statutes. Terms contained in the tax statutes of this State may not be given broader meaning beyond the meaning of the statute. At least twice during the fiscal year, the department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding any discovered ambiguity in the meaning of a revenue statute. The first report must be submitted no later than November first and the second report must be submitted no later than May first of the fiscal year.*

 *The funds collected under this provision shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.*

 *When the department determines that quarterly enforced collections have exceeded the schedule provided in this provision, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.*  *The State Treasurer shall disburse funds in the following manner.*

 *Prior to the close of the books on Fiscal Year 2011-12, the funds accumulated in the aforementioned separate and distinct fund shall be transferred to the General Reserve Fund, up to the amount necessary to meet the constitutional five percent requirement.*

 *To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not reach the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:*

 *July to September 2011 $11,250,000*

 *October to December 2011 $22,500,000*

 *January to March 2012 $33,750,000*

 *April to June 2012 $45,000,000*

 *The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities. The Department of Revenue shall provide assistance to the Board of Economic Advisors to assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.*

 *By this provision these funds are deemed to have been received and are available for appropriation.*

 *Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purpose.*/

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 315, paragraph 1.3, lines 21-24, by striking the lines in their entirety and by inserting: / issues. For Fiscal Year ~~2010-11~~ *2011-12* the South Carolina Public Charter School District shall receive and distribute state *EFA* funds to the charter school as determined by *100% of* the current year's base student cost, as funded by the General Assembly~~, plus an additional $700,~~ multiplied by the weighted ~~students~~ *pupils* enrolled in the charter school, which must be subject to adjustment for student attendance ~~and must not be reduced for state budget allocations.~~/

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 342, paragraph 1.89, line 14, after /$1,700 per/ by inserting: /weighted/ and line 15, after /*$3,250 per*/ by inserting: /*weighted*/

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 330, paragraph 1.40, line 1, after /transfer funds/ by inserting: / *allocated specifically for state level maintenance of effort requirements under IDEA,* /

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 349, paragraph 1A.20, line 17, by inserting at the end: /*Of this amount, $750,000 may be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students.*/

Amend the bill further, as and if amended, Section 1A, DEPARTMENT OF EDUCATION-EIA, page 350, paragraph 1A.22, line 18, after /transfer funds/ by inserting: / *allocated specifically for state level maintenance of effort requirements under IDEA,* /

Amend the bill further, as and if amended, Section 1A, DEPARTMENT OF EDUCATION-EIA, page 363, after line 28, by adding an appropriately numbered paragraph to read:

/ *(SDE-EIA: Award Allocations) For Fiscal Year 2011-12, the funds allocated for the Palmetto Gold and Silver program will be directed to school districts and allocated based on the number of weighted pupil units.* /

Amend the bill further, as and if amended, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 364, paragraph 2.3 (Higher Education Excellence Enhancement Program), lines 4-7, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 524, after line 16, by adding an appropriately numbered paragraph to read:

/ *(GP: Higher Education Excellence Enhancement Program) All funds appropriated for the Higher Education Excellence Enhancement Program shall be allocated equally among the eligible institutions in accordance with statute. The Commission on Higher Education is authorized to retain and carry forward these funds from the prior fiscal year into the current fiscal year to be expended for the same purpose.* /

Amend the bill, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 394, after line 21, by adding an appropriately numbered paragraph to read:

/ *(DHEC: Drug Control-Prescription Monitoring Program) The provision of the South Carolina Prescription Monitoring Act (PMA) requiring that data from the Prescription Monitoring Program (PMP) may be released to a practitioner who certifies that the requested information is for the purpose of providing medical treatment to a bona fide patient is hereby waived to the extent that the practitioner may delegate limited authority to access the PMP data to a person under the supervision and control of the practitioner in the following circumstances and under the following conditions:*

 *(A) Practitioner must supervise the person(s) to whom access authority is delegated;*

 *(B) Practitioner, as holder of the master account for PMP access, must monitor the delegated accounts on an ongoing basis;*

 *(C) Practitioner is responsible for any and all breaches of the PMA and agrees to take responsibility for any violation of the Act committed by any practitioner-authorized user;*

 *(D) Persons to whom delegated authority is given are subject to all requirements of the PMA including criminal liability for prohibited acts;*

 *(E) The number of delegated accounts must be limited to the minimum necessary to provide appropriate medical treatment for a bona fide patient of the practitioner or their practice;*

 *(F) Practitioner must assure password security, and require password change at least every 30 days;*

 *(G) Practitioner’s practice location must be primarily hospital or emergency department based.*

 *All delegate accounts must be held by a licensed or certified practitioner.* /

Amend the bill further, as and if amended, Section 39, DEPARTMENT OF PARKS, RECREATION AND TOURISM, page 413, paragraph 39.2 (PARD Prior Year Expenditures), lines 9-11, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 39, DEPARTMENT OF PARKS, RECREATION AND TOURISM, page 415, after line 8, by adding an appropriately numbered paragraph to read:

 /*(PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and generally accepted accounting standards./*

Amend the bill further, as and if amended, Section 46, PROSECUTION COORDINATION COMMISSION, page 421, paragraph 46.8 (Offset against appropriations) lines 22-36, and page 422, lines 1-2, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 82, STATE ETHICS COMMISSION, page 479, paragraph 82.2 (Lobbying Fee Increase), lines 34-36, and page 480, lines 1-2, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 524, after line 16, by adding an appropriately numbered paragraph to read:

/ *(GP: Lobbying Surcharge) In addition to the lobbyist and lobbyist’s principal registration fee authorized by law, the State Ethics Commission is authorized to charge each lobbyist and lobbyist’s principal a $100 surcharge. Fifty percent of the surcharge shall be remitted to the general fund and the remaining fifty percent shall be retained by the commission to be used to offset costs associated with the administration and enforcement of Chapter 17 of Title 2 and Chapter 13 of Title 8 of the South Carolina Code of Laws, 1976, as amended. Any excess funds may be carried forward into the current fiscal year to be used for the same purpose.*/

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 508, paragraph 89.84, lines 5 and 14, after /institution/ by inserting: /*of higher learning*/

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 508, paragraph 89.84, after line 19 by inserting:

/ *For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the 1976 Code.*

 *The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory furlough based solely on the implementation of a reduction in force plan by a technical college.*

 *An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result of federal budget cuts.* /

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 514, paragraph 89.104, line 7, after /*Television Commission*/ by inserting: /*on a monthly schedule, according to the current broadband lease agreement,*/

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 518, paragraph 89.121, lines 12-15, by striking the paragraph in its entirety and by inserting:

/ *89.121. (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Department of Education in Section 1, XIII for K-12 including, but not limited to, Teacher Training, creation, delivery and aggregation of educational content and services over broadband and middle band distribution channels, support of appropriate local district technology and related media training, to the Budget and Control Board in Section 80A for Legislative & Public Affairs Coverage, and to the Law Enforcement Training Council in Section 50 for State & Local Training of Law Enforcement, City and County municipal training services and Emergency Communications and Backbone for the State and other related emergency systems must be transferred to the Educational Television Commission (ETV) during July, 2011 for the continuation of services as provided in the prior fiscal year.* /

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 524, paragraph 89.155 (Admissions Tax), lines 9-11, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 533, after line 14, by inserting an appropriately numbered paragraph to read:

 /*(SR: Admissions Tax) For Fiscal Year 2011-2012, up to one hundred fourteen thousand dollars in admissions tax revenue collected annually from all events held at a motorsports entertainment complex facility with at least sixty thousand permanent seats must be retained by the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility./*

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 524, after line 16, by adding an appropriately numbered paragraph to read:

/ *(GP: State Medicaid Match) Any agency appropriated state funds identified for Medicaid match that receives a reduction in Medicaid rates for Fiscal Year 2011-12, shall transfer the resulting unneeded match to the Department of Health and Human Services within 90 days of the effect of the rate reduction for the sole purpose of reducing reimbursement reductions which may be implemented in the private provider program.*/

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 524, after line 16, by adding an appropriately numbered paragraph to read:

/ *(GP: Caterpillar Dealer Academy Tuition) All students who attend the Caterpillar Dealer Academy operated by the Florence-Darlington Technical College shall pay the same tuition rate.* /

Amend the bill further, as and if amended, Section 89, GENERAL PROVISIONS, page 524, after line 16, by adding an appropriately numbered paragraph to read:

/ *(CU-PSA: Noncommercial Pesticide Applicator Surcharge) Clemson University Public Service Activities are authorized to charge an annual fifty dollar licensing surcharge to all noncommercial pesticide applicators . Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.* /

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 531, paragraph 90.18, line 18, by striking /*$150,804,144*/ and inserting: /*$255,804,144*/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 531, paragraph 90.18, line 23, by striking */$68,803,544*/ and inserting: */$173,803,544*/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 531, paragraph 90.18, line 33, by striking */$97,174,107*/ and inserting: */$56,174,107*/

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 532, paragraph 90.18, after line 4, by inserting a new item to read:

/ *(5) R60-Department of Employment and Workforce Unemployment Insurance Trust Fund..$146,000,000;* /

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 532, paragraph 90.18 after line 9, by inserting:

/ *Of excess Fiscal Year 2010-11 general fund revenue above the amounts appropriated in this provision, the first $1,500,000 shall be transferred to the Commission on Indigent Defense for the Civil Appointment Fund. The next $1,000,000 shall be transferred to the State Law Enforcement Division for cleaning up methamphetamine labs.*

 *The funds appropriated above to the Department of Employment and Workforce may only be used by the department to make payments on outstanding loans from the Unemployment Insurance Trust Fund. As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Any cost savings to employers in rate class 2-20 due to general fund appropriations in any particular year must be allocated proportionately to each employer with respect to each respective employer's responsibility in paying back the federal unemployment loan that particular year and must be administered by the department. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate. The Department of Employment and Workforce is directed to contact the Federal Government by August 1, 2011, to maximize efforts to buy the loan down to the greatest extent possible.* /

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 532, paragraph 90.18, lines 12-13, by striking the lines in their entirety.

Amend the bill further, as and if amended, Section 90, STATEWIDE REVENUE, page 532, paragraph 90.20, lines 26-36, and page 533, lines 1-14, by striking the paragraph in its entirety and by inserting:

/  *90.20. (SR: Prohibits Taxpayer Funded Lobbyists) In order to eliminate taxpayer funded lobbying, the following state agencies and institutions, for Fiscal Year 2011-12, shall transfer the amounts indicated to the General Fund:*

 *Administrative Law Court $ 22,000*

 *The Citadel $ 16,881*

 *Clemson University $ 45,546*

 *Coastal Carolina University $ 20,230*

 *College of Charleston $ 34,000*

 *Department of Health & Environmental Control $ 26,553*

 *State Board for Tech. & Comprehensive*  *Education $ 22,431*

 *Florence-Darlington Technical College $ 10,001*

 *Greenville Technical College $ 31,783*

 *Horry-Georgetown Technical College $ 1,183*

 *Tri-County Technical College $ 55,545*

 *Francis Marion University $ 23,500*

 *Judicial Department $ 59,164*

 *Medical University of South Carolina $ 80,380*

 *Department of Natural Resources $ 17,157*

 *Prosecution Coordination Commission $ 19,290*

 *South Carolina State University $ 20,000*

 *University Of South Carolina $ 53,368*

 *University of South Carolina-Upstate $ 11,000*

 *Winthrop University $ 9,300*

 *Lander University $ 25,000*

 *Total $ 604,312 .*

 *All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.*

 *All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying services to the agency or institution.* /

Amend the bill, as and if amended, Part IA, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 89, lines 33-34, opposite /classified positions/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 208,231 208,231

 (4.00) (4.00)

Amend the bill further, as and if amended, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 89, line 38, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 10,301 10,301

Amend the bill further, as and if amended, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 94, line 27, opposite /employer contributions/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 37,000 37,000

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 283, lines 4-5, opposite /classified positions/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 208,231 208,231

 (4.00) (4.00)

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 283, line 9, opposite /other operating expenses/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 10,301 10,301

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 295, line 10, opposite /employer contributions/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 37,000 37,000

Amend the bill further, as and if amended, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 394, after line 21, by adding an appropriately numbered paragraph to read:

/ *(DHEC: SCHIDS) From funds appropriated for Chronic Disease Prevention, the department shall establish a South Carolina Health Integrated Data Services (SCHIDS) program to disseminate data about prevalence, treatment and cost of disease from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System. The purpose of the program is to educate communities statewide about improving health and wellness through lifestyle changes.*

 *The Budget and Control Board, Office of Research and Statistics shall provide data needed by the SCHIDS program to fulfill its mission, and all state agencies and public universities involved in educating South Carolinians through public programs for the purpose of improving health and wellness shall communicate with the program in order to improve collaboration and coordination and the possible use of SCHIDS to assist in the evaluation of program outcomes.*

 *Medicaid staff shall coordinate with the SCHIDS program staff to target Prevention Partnership Grant awards to those communities demonstrating a prevalence of chronic disease and/or lack of access to care.* /

Amend the bill further, as and if amended, Section 80A, BUDGET AND CONTROL BOARD, page 472, paragraph 80A.28 (BCB: SCHIDS), lines 31-35, and page 473, lines 1-5, by striking the paragraph in its entirety.

Amend the bill, as and if amended, Part IB, Section 80A, BUDGET AND CONTROL BOARD, page 477, after line 15, by adding an appropriately numbered paragraph to read:

/ *(BCB: Additional Tort Liability Insurance Coverage Authorized) The State Budget and Control Board, through the Office of Insurance Services, for Fiscal Year 2011-12, is also authorized to offer tort liability insurance coverage to an aging entity and its employees serving clients countywide which previously obtained its tort liability insurance coverage through the board.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

Rep. OTT spoke against the amendment.

Rep. COOPER spoke in favor of the amendment.

Rep. OTT moved to table the amendment.

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

Yeas 45; Nays 71

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Jefferson | Johnson |
| King | Knight | Mack |
| McEachern | McLeod | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sabb | Sellers |
| J. E. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Williams |

**Total--45**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Harrell |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Owens | Parker | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--71**

So, the House refused to table the amendment.

The question then recurred to the adoption of Amendment 1A.

The yeas and nays were taken resulting as follows:

 Yeas 70; Nays 41

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Atwater | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Clemmons |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Loftis |
| Long | Lowe | Lucas |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Neilson |
| Owens | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| White | Whitmire | Willis |
| Young |  |  |

**Total--70**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | McEachern |
| McLeod | Mitchell | Munnerlyn |
| J. H. Neal | J. M. Neal | Norman |
| Ott | Parks | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--41**

The amendment was then adopted.

RECORD FOR VOTING

 I experienced some technical difficulties with my desk’s vote system during the vote on Amendment No. 1A to H. 3700, the General Appropriation Bill. I would like the record to reflect that I supported the Amendment and would have voted in favor of adoption.

 Rep. Steve Parker

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. VIERS a leave of absence for the remainder of the day to attend Socastee High School's graduation.

STATEMENT FOR THE JOURNAL

 I’m requesting a leave of absence to attend Socastee High School’s graduation ceremony today, Thursday, June 2, 2011, in Myrtle Beach, this afternoon at 3:00 p.m. I committed to attend this special ceremony and have attended the past nine years.

 Rep. Thad Viers

Rep. MERRILL proposed the following Amendment No. 2A (Doc Name H-WM\001\HOU2 REDUCE CHE.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 524, after line 16, by adding an appropriately numbered paragraph to read:

/ *(GP: Reduce CHE) The Commission on Higher Education, in conjunction with the Budget and Control Board, Office of State Budget shall identify the funding and personnel not associated with the administration of scholarships. Once identified, these funds shall be remitted to the general fund of the state and the identified FTE’s shall be deleted.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. MERRILL explained the amendment.

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

Rep. CORBIN proposed the following Amendment No. 3A (Doc Name h:\H-WM\001\HOU2 PESTICIDE.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 35, CLEMSON UNIVERSITY-PSA, page 411, after line 3, by adding an appropriately numbered paragraph to read:

/ *(CU-PSA: Pesticide Applicator) The portions of Title 46, Chapter 13, Pesticide Control Act that pertain to commercial pesticide applicators shall be suspended for the current fiscal year.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. CORBIN explained the amendment.

**POINT OF ORDER**

Rep. SKELTON raised the Rule 9.3 in that Amendment No. 3A was not germane to H. 3700.

REP. CORBIN spoke to the Point.

REP. LOFTIS also spoke to the Point.

REP. VICK also spoke to the Point.

SPEAKER HARRELL overruled the Point of Order and stated that the amendment was germane.

The question then recurred to the adoption of the amendment.

Rep. HARDWICK moved to table the amendment.

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

Yeas 58; Nays 56

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anthony | Atwater | Bales |
| Bannister | Bingham | Bowen |
| Brady | Branham | G. A. Brown |
| H. B. Brown | Clyburn | Cobb-Hunter |
| Cole | Cooper | Edge |
| Forrester | Funderburk | Gambrell |
| Hardwick | Harrell | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Howard |
| King | Knight | Mack |
| McCoy | McEachern | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parks | Pinson | Pitts |
| Sandifer | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Vick |
| Whipper | White | Whitmire |
| Williams |  |  |

**Total--58**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Ballentine |
| Barfield | Bedingfield | Bowers |
| Brannon | Brantley | R. L. Brown |
| Butler Garrick | Clemmons | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Frye |
| Gilliard | Govan | Hamilton |
| Hart | Henderson | Hixon |
| Hodges | Huggins | Jefferson |
| Johnson | Loftis | Long |
| Lowe | Lucas | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Parker | Pope | Quinn |
| Rutherford | Ryan | Sabb |
| Sellers | Simrill | G. M. Smith |
| G. R. Smith | Stringer | Taylor |
| Thayer | Tribble | Weeks |
| Willis | Young |  |

**Total--56**

So, the amendment was tabled.

Rep. HERBKERSMAN proposed the following Amendment No. 4A (Doc Name h:\H-WM\001\21.46 IN HOME HLTH CARE.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 386, paragraph 21.46, lines 9-12, by striking the lines in their entirety and inserting: / *Fiscal Year 2011-12, within the funds appropriated, upon application by the department, may pilot test an in-home health care system. The pilot test must include a statistically valid sample of Medicaid*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HERBKERSMAN explained the amendment.

The yeas and nays were taken resulting as follows:

 Yeas 106; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| 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 | Pinson | Pope |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. 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 amendment was adopted.

Reps. J. E. SMITH, HARRISON and STAVRINAKIS proposed the following Amendment No. 5A (Doc Name h:\H-WM\001\HOU2 CONSOLIDATE ARTS.DOCX), which was adopted:

Amend the bill, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 130, lines 3-4, opposite /director/ by decreasing the amount in Column 6 by:

 Column 5 Column 6

 45,832

 (.50)

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, lines 5-6, opposite /classified positions/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 197,303 197,303

 (9.52) (9.52)

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 7, opposite /other personal services/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 12,950 12,950

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 10, opposite /other operating expenses/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 272,872 272,872

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, lines 17-18, opposite /classified positions/ by increasing the amount in Column 5 by:

 Column 5 Column 6

 75,353

 (2.46)

and by decreasing the amount in Column 6 by:

 Column 5 Column 6

 309,539

 (2.85)

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 19, opposite /other personal services/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 10,500 10,500

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 22, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 306,120 4,383

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, immediately after line 23, by inserting a new line to read:

 Column 5 Column 6

Distribution to Subdivisions

 1,973,166 1,408,314

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 24, opposite /alloc mun-restricted/ by decreasing the amount in Column 5 by:

 Column 5 Column 6

 162,671

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 25, opposite /alloc cnty-restricted/ by decreasing the amount in Column 5 by:

 Column 5 Column 6

 26,775

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 26, opposite /alloc school dist/ by decreasing the amount in Column 5 by:

 Column 5 Column 6

 297,454

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 27, opposite /alloc other state agencies/ by decreasing the amount in Column 5 by:

 Column 5 Column 6

 146,492

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 28, opposite /alloc-private sector/ by decreasing the amount in Column 5 by:

 Column 5 Column 6

 709,837

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 29, opposite /alloc - private sector/ by decreasing the amount in Column 5 by:

 Column 5 Column 6

 29,494

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 30, opposite /aid mun-restricted/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 13,296 13,296

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 31, opposite /aid cnty-restricted/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 106 106

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 32, opposite /aid school districts/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 60,890 60,890

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 33, opposite /aid other state agencies/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 104,520 104,520

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, line 34, opposite /aid to private sector/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 217,595 217,595

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 130, lines 35-36, opposite /aid to private sector-reportable/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 3,168 3,168

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 131, line 6, opposite /employer contributions/ by decreasing the amount(s) in Columns 5 and 6 by:

 Column 5 Column 6

 88,716 164,126

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 406, after line 27, by adding an appropriately numbered paragraph to read:

/ *(ARTS: Distribution to Subdivisions) Of the funds appropriated and/or authorized to the Arts Commssion for Distribution to Subdivisions, the following amounts shall be distributed in the same manner as the funds were distributed in the prior fiscal year: $11,420 for alloc mun-restricted; $3,381 for alloc cnty-restricted; $78,376 for alloc school dist; $12,336 for alloc other state agencies; $429,845 for alloc-private sector; $29,494 for alloc - private sector; $31,581 for aid mun-restricted; $15,485 for aid cnty-restricted; $358,344 for aid school districts; $205,138 for aid other state agencies; $ 794,598 for aid to private sector; and $3,168 for aid to private sector-reportable.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

The yeas and nays were taken resulting as follows:

 Yeas 97; Nays 10

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Hart |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Knight | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parks | Pinson |
| Pitts | Pope | Quinn |
| Rutherford | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--97**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Barfield | Bedingfield |
| Clemmons | Crawford | Frye |
| Long | Norman | Ryan |
| Stringer |  |  |

**Total--10**

So, the amendment was adopted.

Rep. H. B. BROWN proposed the following Amendment No. 7A (Doc Name H:\COUNCIL\AGM\19208AB11.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 542, by adding an appropriately numbered proviso to read:

/ *89.\_\_\_ (GP: ETV) Notwithstanding another provision of law, all funds allocated to the Governor*’*s Office‑Mansion and Grounds must be allocated to South Carolina Educational Television.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. H. B. BROWN explained the amendment.

Rep. H. B. BROWN moved to table the amendment, which was agreed to.

Rep. J. E. SMITH proposed the following Amendment No. 6A (Doc Name h:\H-WM\001\HOU2 ARMORY MAINT.DOCX), which was adopted:

Amend the bill, as and if amended, Part IA, Section 78, ADJUTANT GENERAL'S OFFICE, page 277, immediately after line 9, by inserting new lines to read:

 Column 5 Column 6

XII. Non-Recurring

Appropriations

 Armory Maintenance

 250,000 250,000

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

The yeas and nays were taken resulting as follows:

 Yeas 108; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cooper | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | 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 |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--108**

 Those who voted in the negative are:

**Total--0**

So, the amendment was adopted.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3700. If I had been present, I would have voted in favor of the Bill.

 Rep. Chip Limehouse

**SENT TO THE SENATE**

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

H. 3385 -- Reps. D. C. Moss, V. S. Moss, Harrison, Delleney, Gambrell, Harrell, Hiott, Hixon, Lucas and Norman: A BILL TO AMEND SECTION 61-6-4160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL SALE OF ALCOHOLIC LIQUORS ON SUNDAYS AND ELECTION DAYS, SO AS TO INCLUDE CHRISTMAS DAY AND THANKSGIVING DAY IN THE PURVIEW OF THE STATUTE.

**H. 4315--ADOPTED**

The following House Resolution was taken up:

H. 4315 -- Rep. Mitchell: A HOUSE RESOLUTION TO AUTHORIZE THE YOUTH LEADERSHIP INSTITUTE OF THE UNIVERSITY OF SOUTH CAROLINA UPSTATE TO USE THE HOUSE CHAMBER ON THURSDAY, JUNE 9, 2011, FROM 2:00 P.M. TO 4:00 P.M. FOR ITS MOCK LEGISLATIVE DEBATE. IF THE HOUSE OF REPRESENTATIVES IS IN STATEWIDE SESSION, THE CHAMBER OF THE HOUSE MAY NOT BE USED.

The Resolution was adopted.

**H. 4308--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4308 -- Rep. Daning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 17A AND THE SANGAREE PARKWAY IN BERKELEY COUNTY "LANCE CORPORAL TODD ALVIN BENJAMIN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "LANCE CORPORAL TODD ALVIN BENJAMIN INTERSECTION".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4318--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4318 -- Reps. J. H. Neal, Bales, Brady, Butler Garrick, Harrison, Howard, McEachern and Rutherford: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 48 IN RICHLAND COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 769 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 "H. HEATH HILL HIGHWAY" AND ERECT APPROPRIATE

 MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "H. HEATH HILL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 689--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 689 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 17, 2011.

The Concurrent Resolution was adopted and sent to the Senate.

**RECURRENCE TO THE MORNING HOUR**

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

**COMMUNICATION**

The following was received:

State of South Carolina

Office of the Governor

Columbia, S.C., June 2, 2011

Mr. Speaker and Members of the House of Representatives:

 At the request of the local delegation, I have been asked to resubmit for correction to the House and Senate Journals the initial appointment for confirmation of Mr. Maurice Anderson Griffith for Aiken County Master-in-Equity.

Local Initial Appointment

Aiken County Master-in-Equity

Term Commencing: June 30, 2007

Term Expiring: June 30, 2013

Seat: Master-in-Equity

Vice: Robert A. Smoak

Appointment

Mr. Maurice Anderson Griffith

Post Office Drawer 2009

Aiken, South Carolina 29802

My very best,

Nikki R. Haley

Governor

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2011

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators Hutto, Campbell and Davis of the Committee of Conference on the part of the Senate on H. 3295:

H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61-6-1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNERS ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

Very respectfully,

President

Received as information.

**H. 3701--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010-2011.

Rep. COOPER proposed the following Amendment No. 1A (Doc Name H-WM\001\HOU2 CRF AMEND BACK.DOCX), which was adopted:

Amend the Joint Resolution, as and if amended, by striking the version of the Joint Resolution as passed by the Senate and inserting the version of the Joint Resolution as passed by the House of Representatives, which is incorporated by reference in this Amendment.

Renumber items and sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

The yeas and nays were taken resulting as follows:

 Yeas 107; Nays 4

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cobb-Hunter | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Hiott |
| Hixon | Hodges | Hosey |
| Huggins | Jefferson | 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 | Pinson | Pitts |
| Pope | Quinn | Rutherford |
| Ryan | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--107**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Hart | Johnson | King |
| Sabb |  |  |

**Total--4**

So, the amendment was adopted.

The Senate Amendments were amended, and the Joint Resolution was ordered returned to the Senate.

**H. 3375--SENATE AMENDMENTS CONCURRED IN**

**AND BILL ENROLLED**

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

H. 3375 -- Reps. Harrell, Lucas, Cooper, Hardwick, Harrison, Owens, Sandifer, White, Bingham, Atwater, Parker, Crawford, Loftis, Bowen, G. R. Smith, Bedingfield, Toole, Sottile, V. S. Moss, Forrester, Bikas, Huggins, Brady, Allison, Pinson, Frye, Whitmire, Skelton, Nanney, Henderson, Limehouse, Corbin, Barfield, Battle, Clemmons, Cole, Crosby, Daning, Gambrell, Hamilton, Hiott, Hixon, Horne, Lowe, D. C. Moss, Murphy, Norman, Patrick, Simrill, G. M. Smith, J. R. Smith, Spires, Taylor, Willis, Young, Herbkersman, Ballentine, Thayer, Bannister, McCoy, Tallon, Stringer, Long, Hayes, Ott, J. M. Neal, Vick, G. A. Brown, Branham, Anthony, Bowers, Sellers, Quinn, Hearn, Edge, Anderson, Erickson, Knight, Chumley, Butler Garrick and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011" BY AMENDING ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, SO AS TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTIONS 1-7-750 AND 1-7-760 SO AS TO ENACT THE "PRIVATE ATTORNEY RETENTION SUNSHINE ACT" TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES, AND TO PROVIDE FOR THE SUSPENSION OF THE LIMITATIONS UNDER CERTAIN EXCEPTIONAL CIRCUMSTANCES; TO AMEND SECTION 15-3-670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS BUT MAY BE ADMISSIBLE AS EVIDENCE; TO AMEND SECTION 18-9-130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; AND TO AMEND SECTION 56-5-6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO DELETE THE PROVISION THAT PROVIDED THAT A VIOLATION FOR FAILURE TO WEAR A SEATBELT IS NOT NEGLIGENCE PER SE OR COMPARATIVE NEGLIGENCE AND IS NOT ADMISSIBLE IN A CIVIL ACTION.

Rep. HARRISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 99; Nays 16

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | Butler Garrick |
| Clemmons | Clyburn | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Johnson |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | White |
| Whitmire | Willis | Young |

**Total--99**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | R. L. Brown | Cobb-Hunter |
| Dillard | Gilliard | Hart |
| Howard | Jefferson | King |
| Mack | Mitchell | Munnerlyn |
| J. H. Neal | Rutherford | Whipper |
| Williams |  |  |

**Total--16**

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

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3375. If I had been present, I would have voted in favor of the Bill.

 Rep. Chip Limehouse

**H. 3713--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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. COOPER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 105; Nays 4

 Those who voted in the affirmative are:

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

**Total--105**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Hart | Mitchell | Rutherford |
| Sellers |  |  |

**Total--4**

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

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3713. If I had been present, I would have voted in favor of the Bill.

 Rep. Chip Limehouse

**LEAVE OF ABSENCE**

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

Rep. MURPHY moved that the House recede until 2:45 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:45 p.m. the House resumed, Acting SPEAKER BUTLER GARRICK in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 2, 2011

Mr. Speaker and Members of the House:

 The Senate respectfully informs your Honorable Body that it has reconsidered the vote whereby the veto by the Governor was sustained and has overridden the Veto on R. 47, S. 232 by a vote of 27 to 11:

(R47) S. 232 -- Senators Cleary and Ford: AN ACT 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.

Very respectfully,

President

Received as information.

**REPORTS OF STANDING COMMITTEES**

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

S. 949 -- Senator Cleary: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PROPOSED HIGHWAY IN HORRY COUNTY THAT WILL BEGIN AT HARRELSON BOULEVARD AND END AT FARROW PARKWAY "FRED NASH MEMORIAL BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "FRED NASH MEMORIAL BOULEVARD".

Ordered for consideration tomorrow.

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

H. 4336 -- Rep. Anderson: A CONCURRENT RESOLUTION TO REQUEST THE MEMBERS OF SOUTH CAROLINA'S CONGRESSIONAL DELEGATION TO USE THEIR BEST EFFORTS TO HAVE INCLUDED IN THE 2012 FEDERAL BUDGET ADEQUATE FUNDING FOR THE U.S. ARMY CORPS OF ENGINEERS TO CONDUCT MAINTENANCE DREDGING OF THE PORT OF GEORGETOWN; AND TO ALSO REQUEST OUR STATE'S CONGRESSIONAL DELEGATION TO HAVE INCLUDED IN THE 2012 FEDERAL BUDGET FUNDING FOR THE U. S. ARMY CORPS OF ENGINEERS TO CONDUCT A FEASIBILITY STUDY REGARDING THE DEEPENING OF CHARLESTON HARBOR TO AT LEAST FIFTY FEET SO THAT IT CAN ACCOMMODATE LARGER CONTAINER SHIPS EXPECTED TO CALL AT THE PORT WHEN THE EXPANSION OF THE PANAMA CANAL OPENS IN 2014.

Ordered for consideration tomorrow.

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

H. 4342 -- Rep. Howard: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 77 AND SOUTH CAROLINA HIGHWAY 555 IN RICHLAND COUNTY "HARRY 'H. B.' RUTHERFORD, SR. INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "HARRY 'H. B.' RUTHERFORD, SR. INTERCHANGE".

Ordered for consideration tomorrow.

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

S. 734 -- Senator Pinckney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE "EUNICE HOLMAN DOE HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "EUNICE HOLMAN DOE HIGHWAY".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4343 -- Reps. Gilliard and Cobb-Hunter: A HOUSE RESOLUTION TO COMMEND ELIZA FRANKIE BROWN OF ORANGEBURG COUNTY, AGE FIFTEEN, FOR HER EXEMPLARY WORK IN CREATING PROJECT COOL BREEZE IN THE HOLLY HILL AREA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4344 -- Reps. Cobb-Hunter, 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, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXPRESS THE CONGRATULATIONS, FRIENDSHIP, AND WELL WISHES OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO MR. STEPHEN LEON ELLIOTT ON THE OCCASION OF HIS SIXTIETH BIRTHDAY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4345 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, 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, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO DECLARE THAT THE WINNER OF THE YEARLONG MASTER BARBEQUE AWARD CONTEST, AS DIRECTED BY THE SOUTH CAROLINA BARBEQUE ASSOCIATION, WILL BE DECLARED THE SOUTH CAROLINA STATE CHAMPION BARBEQUE TEAM.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4356 -- Rep. Alexander: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE WORLDWIDE MEMBERSHIP OF KAPPA ALPHA PSI UPON ITS ONE HUNDREDTH ANNIVERSARY, AND TO COMMEND THE ORGANIZATION'S CENTURY OF DEDICATION TO THE PRINCIPLES OF ACHIEVEMENT THROUGH A TRULY DEMOCRATIC FRATERNITY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4342 -- Rep. Howard: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 77 AND SOUTH CAROLINA HIGHWAY 555 IN RICHLAND COUNTY "HARRY 'H. B.' RUTHERFORD, SR., INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "HARRY 'H. B.' RUTHERFORD, SR., INTERCHANGE".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4346 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, 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, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO DECLARE THAT THE WINNER OF THE YEARLONG MASTER BARBEQUE AWARD CONTEST, AS DIRECTED BY THE SOUTH CAROLINA BARBEQUE ASSOCIATION, WILL BE DECLARED THE SOUTH CAROLINA STATE CHAMPION BARBEQUE TEAM.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4347 -- Reps. G. M. Smith and Weeks: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SUMTER CHIEF OF POLICE PATTY JAYE GARRETT PATTERSON, UPON THE OCCASION OF HER RETIREMENT FROM THE CITY OF SUMTER POLICE DEPARTMENT, AND TO WISH HER CONTINUED SUCCESS AS SHE DIRECTS THE PUBLIC SAFETY AND WELFARE OFFICE FOR THE CITY OF SUMTER.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 951 -- Senators Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR TEAM IN TRAINING, THE LEUKEMIA & LYMPHOMA SOCIETY'S ENDURANCE SPORTS TRAINING PROGRAM AND TO RECOGNIZE THE TREMENDOUS IMPACT THIS PREMIER SPORTS ENDURANCE TRAINING PROGRAM HAS IN THE FIGHT AGAINST LEUKEMIA AND LYMPHOMA.

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

**INTRODUCTION OF BILLS**

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

H. 4348 -- Reps. Lucas, J. M. Neal and Long: A BILL TO AMEND SECTION 48-20-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ASSESS AND COLLECT CERTAIN FEES RELATING TO MINING, SO AS TO SET A SCHEDULE OF FEES THAT MUST BE ASSESSED AND COLLECTED RELATING TO CERTAIN MINING ACTIVITIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4349 -- Rep. Quinn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-5-265 SO AS TO REQUIRE WITHIN FIVE DAYS AFTER THE FILING OF A NEW OR CHANGED RATE SCHEDULE FOR WATER OR SEWER SERVICE PROVIDED BY A PRIVATELY OWNED PUBLIC UTILITY, THE UTILITY SHALL MAKE AVAILABLE CERTAIN INDEPENDENTLY AUDITED FINANCIAL STATEMENTS AND CONSOLIDATED FINANCIAL STATEMENTS FOR PUBLIC INSPECTION IN A CERTAIN MANNER FOR A CERTAIN PERIOD OF TIME.

Referred to Committee on Labor, Commerce and Industry

H. 4350 -- Rep. Clemmons: A BILL TO AMEND SECTION 1-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF ASSISTANT ATTORNEYS GENERAL, SO AS TO PROVIDE FOR THE APPOINTMENT OF INVESTIGATORS AND TO PROVIDE THAT ANY INVESTIGATOR EMPLOYED BY THE ATTORNEY GENERAL WITH A CLASS 1 LAW ENFORCEMENT CERTIFICATION SHALL HAVE FULL STATEWIDE POLICE POWER IN THE STATE OF SOUTH CAROLINA AND IS REQUIRED TO POST BOND AND TAKE AN OATH TO FAITHFULLY PERFORM AND EXECUTE HIS DUTIES.

Referred to Committee on Judiciary

H. 4351 -- 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 SUPPLEMENTAL DRIVER TRAINING FOR SAFE OPERATION AROUND LARGE COMMERCIAL VEHICLES 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 STANDARD PASSENGER VEHICLE OPERATION ON 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 SHOULD BE OFFERED THROUGH A NONPROFIT ORGANIZATION WHICH HAS EXPERTISE IN COMMERCIAL MOTOR VEHICLE SAFETY.

Referred to Committee on Education and Public Works

H. 4352 -- Rep. Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-1-110 SO AS TO PROVIDE THAT AN URGENT CARE FACILITY MAY NOT REFUSE TO TREAT AN INDIVIDUAL WHO HAS AN OUTSTANDING DEBT WITH THE FACILITY WHO PRESENTS WITH A MEDICAL CONDITION THAT MAY, WITHOUT IMMEDIATE TREATMENT, RESULT IN HARM TO OR ENDANGER THE LIFE OF THE INDIVIDUAL IF THE CONDITION AND TREATMENT OF THE CONDITION ARE WITHIN THE FACILITY'S SCOPE OF TREATMENT.

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

H. 4353 -- Rep. Barfield: A BILL TO AMEND SECTION 40-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF MEDICAL EXAMINERS, INCLUDING THE APPOINTMENT OF MEMBERS TO THE BOARD, SO AS TO PROVIDE THAT THESE MEMBERS MUST BE ELECTED BY THE GENERAL ASSEMBLY AND SCREENED BY THE BOARD OF MEDICAL EXAMINERS SELECTION COMMISSION, RATHER THAN BEING APPOINTED BY THE GOVERNOR, AND TO MAKE CONFORMING CHANGES; BY ADDING SECTION 40-47-15 SO AS TO CREATE THE BOARD OF MEDICAL EXAMINERS SELECTION COMMISSION AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES.

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

H. 4354 -- Rep. Mitchell: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CONDUCT A STUDY TO DETERMINE THE LEVELS OF POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) PRESENT IN URBAN AND RURAL INDUSTRIAL AND NONINDUSTRIAL SOILS IN REPRESENTATIVE AREAS ACROSS THE STATE TO EVALUATE THE IMPACT OF PAHs ON THE HEALTH AND QUALITY OF LIFE OF RESIDENTS IN THESE AREAS AND TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

Rep. MITCHELL asked unanimous consent to have the Joint Resolution placed on the Calendar without reference.

Rep. CRAWFORD objected.

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

H. 4355 -- Rep. Mitchell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-3-660 SO AS TO PROVIDE THAT IN ALL DIVORCE, SEPARATE MAINTENANCE, CUSTODY, VISITATION, AND PATERNITY ACTIONS THE FAMILY COURT IN ITS ORDER SHALL DESIGNATE THE PARENT ENTITLED TO CLAIM THE DEPENDENT CHILD OR CHILDREN FOR INCOME TAX PURPOSES.

Referred to Committee on Judiciary

H. 4357 -- Rep. Whipper: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION OF PUBLIC OFFICERS GAMBLING OR BETTING ON GAMES OF CHANCE, SO AS TO PROVIDE AN EXCEPTION THAT ALLOWS PARTICIPATION IN LOTTERIES CONDUCTED BY THE STATE OF SOUTH CAROLINA BY PUBLIC OFFICERS OTHER THAN CERTAIN NAMED OFFICEHOLDERS.

Referred to Committee on Judiciary

H. 4358 -- Reps. Young, Pinson, Clemmons, Quinn, Whitmire, Allison, Forrester, Huggins, Loftis, Taylor, Daning, Parker, Barfield, Owens, Brannon, Hardwick, Bedingfield, Erickson, Bingham, Norman, Crosby, Frye, Spires, Hearn, Sandifer, J. R. Smith, G. R. Smith, Ryan, Crawford, Chumley, Limehouse, Atwater, Ballentine, Bannister, Bowen, Brady, Clyburn, Cole, Corbin, Delleney, Gambrell, Hamilton, Harrison, Henderson, Herbkersman, Hiott, Hixon, Horne, Long, Lowe, Lucas, McCoy, Merrill, D. C. Moss, V. S. Moss, Murphy, Nanney, Pitts, Pope, Simrill, G. M. Smith, Sottile, Stringer, Tallon, Thayer, Toole and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 43-5-1187 SO AS TO REQUIRE APPLICANTS FOR BENEFITS UNDER TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TO UNDERGO A DRUG TEST AS A CONDITION OF ELIGIBILITY TO RECEIVE THESE BENEFITS; TO PROVIDE THAT AN INDIVIDUAL WHO TESTS POSITIVE FOR DRUGS IS INELIGIBLE TO RECEIVE THESE BENEFITS FOR ONE YEAR UNLESS THE PERSON SUCCESSFULLY COMPLETES A SUBSTANCE ABUSE TREATMENT PROGRAM; TO PROVIDE CERTAIN LIMITED EXCEPTIONS, AND TO FURTHER SPECIFY THE PROCEDURES FOR CONDUCTING THESE TESTS AND PROVIDING THESE BENEFITS PURSUANT TO THIS ACT; AND BY AMENDING SECTION 43-5-1110, AS AMENDED, RELATING TO THE DEFINITION OF TERMS USED IN THE SOUTH CAROLINA FAMILY INDEPENDENCE ACT, SO AS TO INCLUDE "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES" IN THE DEFINITION OF "FAMILY INDEPENDENCE".

Referred to Committee on Judiciary

H. 4359 -- Reps. Merrill, Stavrinakis, Hamilton, McCoy, G. M. Smith, G. R. Smith and Sottile: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-250 SO AS TO PROHIBIT THE APPROPRIATION OF GENERAL FUNDS, AND THE TRANSFER OF CERTAIN FUNDS, TO THE MEDICAL SCHOOL AT THE UNIVERSITY OF SOUTH CAROLINA IN GREENVILLE.

Referred to Committee on Ways and Means

S. 79 -- Senators Hayes, Rose, McConnell and Campsen: A BILL TO AMEND SECTION 8-13-1320 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRIBUTIONS WITHIN A SPECIFIED PERIOD AFTER PRIMARY, SPECIAL, OR GENERAL ELECTION ATTRIBUTED TO THE PRIMARY OR ELECTION, SO AS TO PROVIDE SPECIFIC PROVISIONS FOR CONTRIBUTIONS MADE IN A PRIMARY RUNOFF.

Referred to Committee on Judiciary

S. 461 -- Senators Cleary, Sheheen, Lourie, Ford, Reese and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-2-85, SO AS TO PROVIDE THAT A HOLDER OF A PERMIT THAT ALLOWS ON-PREMISES CONSUMPTION OF BEER, WINE, OR ALCOHOLIC LIQUORS SHALL RECYCLE EACH RECYCLABLE BEVERAGE CONTAINER SOLD ON THE PREMISES IN ACCORDANCE WITH A MODEL RECYCLING PROGRAM DEVELOPED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO AMEND SECTION 61-2-90, RELATING TO REQUIRING AN APPROVED RECYCLING PLAN TO BE INCLUDED IN A PERMIT APPLICATION FOR ON-PREMISES CONSUMPTION; AND TO AMEND SECTION 6-4-20, RELATING TO THE USE OF ACCOMMODATIONS TAXES, SO AS TO PROVIDE FOR FUNDING FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE MODEL RECYCLING PROGRAM.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 510 -- Senator Sheheen: A BILL TO AMEND SECTION 40-47-760 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE ACUPUNCTURE ACT OF SOUTH CAROLINA, TO ADD PHYSICIANS TRAINED TO PERFORM ACUPUNCTURE TO THE LIST OF EXEMPTIONS.

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

S. 799 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO UNEMPLOYMENT INSURANCE REFORM (ARTICLE 2), DESIGNATED AS REGULATION DOCUMENT NUMBER 4170, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

S. 929 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-18-170 TO ENACT "BENJI'S LAW" SO AS TO SPECIFY PERMIT REQUIREMENTS FOR MINIATURE TRAINS OPERATED FOR THE USE OF THE PUBLIC AS AN AMUSEMENT DEVICE IN AN AMUSEMENT PARK.

Referred to Committee on Labor, Commerce and Industry

**H. 3584--SENATE AMENDMENTS CONCURRED IN**

**AND BILL ENROLLED**

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

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

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 93; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| 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 | Forrester | Frye |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hart | Hayes | Hearn |
| Henderson | Hiott | Hixon |
| Hodges | Hosey | Huggins |
| Jefferson | Johnson | Knight |
| Limehouse | Loftis | Lowe |
| Mack | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Parks | Pope | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--93**

 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.

**S. 391--CONTINUED**

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

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7-13-40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7-13-350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

Rep. CLEMMONS explained the Senate Amendments.

Rep. SELLERS spoke in favor the Senate Amendments.

Rep. CLEMMONS moved to continue the Bill.

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

Yeas 64; Nays 38

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Brannon | Chumley | Clemmons |
| Cole | Cooper | Crawford |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Huggins | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Owens | Parker | Pitts |
| Pope | Quinn | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Whitmire | Willis |
| Young |  |  |

**Total--64**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anthony |
| Bales | Battle | Bowers |
| Branham | Brantley | H. B. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Dillard | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Howard | Johnson | Knight |
| Mack | McEachern | McLeod |
| Mitchell | Munnerlyn | J. H. Neal |
| J. M. Neal | Ott | Parks |
| Rutherford | Sabb | Sellers |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--38**

So, the Bill was continued.

**H. 3863--RECONSIDERED AND CONTINUED**

Rep. CRAWFORD moved to reconsider the vote whereby the following Bill was recommitted:

H. 3863 -- Reps. Barfield, Brantley, Brannon, Pinson, Crawford, Patrick, Knight, Parker, J. R. Smith, G. A. Brown, Gilliard, G. R. Smith, Bowers, Corbin, Hamilton, Hodges, Long, D. C. Moss, G. M. Smith and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 53, TITLE 44 TO ENACT THE "UTILIZATION OF UNUSED PRESCRIPTION DRUGS ACT" SO AS TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, IN CONSULTATION WITH THE BOARD OF PHARMACY, SHALL DEVELOP A VOLUNTARY PROGRAM WHEREBY HEALTH CARE FACILITIES CAN DONATE UNUSED PRESCRIPTION DRUGS OF PATIENTS WHO NO LONGER NEED THEM AND WHO HAVE VOLUNTARILY AGREED TO DONATE THEIR PRESCRIPTION DRUGS TO CHARITABLE CLINICS PROVIDING SERVICES TO MEDICALLY INDIGENT PERSONS; TO PROVIDE THAT CERTAIN PROGRAM PROCEDURES AND REQUIREMENTS MUST BE PROMULGATED IN REGULATION BY THE DEPARTMENT AND BY THE BOARD OF PHARMACY, INDIVIDUALLY, TO CARRY OUT THE PROVISIONS OF THIS ARTICLE; AND TO CREATE AN ADVISORY COUNCIL TO OVERSEE AND ADVISE THE DEPARTMENT IN ESTABLISHING THIS PROGRAM AND IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS ARTICLE.

Rep. HIOTT moved to table the motion to reconsider.

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

Yeas 26; Nays 70

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bales | Ballentine |
| Bingham | H. B. Brown | R. L. Brown |
| Dillard | Frye | Gilliard |
| Hiott | Knight | Lowe |
| McLeod | Mitchell | Pitts |
| Pope | Quinn | Rutherford |
| Simrill | Skelton | Spires |
| Stavrinakis | Toole | Tribble |
| Weeks | Willis |  |

**Total--26**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Bannister | Barfield | Battle |
| Bedingfield | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | Butler Garrick |
| Chumley | Clemmons | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Erickson |
| Forrester | Gambrell | Govan |
| Hamilton | Hardwick | Harrell |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hixon |
| Hodges | Hosey | Howard |
| Johnson | Limehouse | Loftis |
| Lucas | Mack | McCoy |
| McEachern | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| J. M. Neal | Norman | Owens |
| Parker | Parks | Pinson |
| Ryan | Sabb | Sandifer |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Tallon | Taylor |
| Thayer | Whipper | Whitmire |
| Young |  |  |

**Total--70**

So, the House refused to table the motion to reconsider.

The question then recurred to the motion to reconsider, which was agreed to.

Rep. BARFIELD moved to continue the Bill, which was agreed to.

**H. 3700--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 2, 2011

Mr. Speaker and Members of the House:

 The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to H. 3700:

H. 3700 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

President

On motion of Rep. COOPER, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. COOPER, WHITE and BATTLE to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**H. 3701--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 2, 2011

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to H. 3701:

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010-2011.

Very respectfully,

President

On motion of Rep. COOPER, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. COOPER, WHITE and BATTLE to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**H. 3295--CONFERENCE REPORT ADOPTED**

**H. 3295--Conference Report**

The General Assembly, Columbia, S.C., June 2, 2011

 The COMMITTEE OF CONFERENCE, to whom was referred:

 H. 3295 -- Rep. Herbkersman: A BILL TO AMEND TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO AMEND CHAPTER 6, RELATING TO THE ALCOHOLIC BEVERAGE CONTROL ACT AND CHAPTER 4, RELATING TO BEER, ALE, PORTER, AND WINE PROVISIONS, SO AS TO AMEND SECTION 61‑6‑20, SO AS TO ADD A DEFINITION FOR THE TERM “HOMEOWNERS ASSOCIATION CHARTERED AS A NONPROFIT BY THE SECRETARY OF STATE”; TO AMEND SECTION 61-6-1820, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNERS ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, IS ALSO ELIGIBLE FOR SUCH A LICENSE; TO ADD SECTION 61-6-2015, SO AS TO ALLOW A TEMPORARY PERMIT TO SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION FOR A PERIOD NOT TO EXCEED TWENTY-FOUR HOURS WITHOUT REGARD TO THE DAYS OR HOURS OF THE SALE OF BEER OR WINE TO BE ISSUED TO A HOLDER OF A PERMIT TO SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION DURING PERIODS OTHER THAN SUNDAY WHO HAVE WITHIN THE LICENSED PREMISES A SEPARATE FOOD SERVICE ESTABLISHMENT SERVING PREPARED FOOD FOR ON‑PREMISES CONSUMPTION; TO AMEND SECTION 61‑6‑2010, RELATING TO TEMPORARY PERMITS FOR THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT A BUSINESS ESTABLISHMENT LOCATED WITHIN A BUILDING ON THE GROUNDS OF THE GREENVILLE-SPARTANBURG INTERNATIONAL AIRPORT WHERE THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IS PERMITTED ON ITS LICENSED PREMISES MAY APPLY FOR AND RECEIVE A TEMPORARY PERMIT AUTHORIZED BY SECTION 61-6-2010 TO ALLOW THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK FOR A PERIOD NOT TO EXCEED TWENTY-FOUR HOURS ON ITS LICENSED PREMISES IF ANY COUNTY WITHIN THE TERRITORY OF THE GREENVILLE-SPARTANBURG AIRPORT DISTRICT OR ANY MUNICIPALITY LOCATED WITHIN THE TERRITORY OF THE DISTRICT HAS APPROVED, BY REFERENDUM, THE ISSUANCE OF THESE TEMPORARY PERMITS; TO AMEND SECTION 61‑4‑550, RELATING TO SPECIAL PERMITS FOR FAIRS AND SPECIAL FUNCTIONS, SO AS TO DELETE REFERENCES TO NONPROFIT ORGANIZATIONS, TO PROVIDE FOR LAW ENFORCEMENT NOTIFICATION, AND TO ALLOW AN APPLICANT TO APPLY FOR TWENTY-FIVE SPECIAL PERMITS ON AN APPLICATION IF THE APPLICANT IS ALSO APPLYING FOR UP TO TWENTY-FIVE TEMPORARY LICENSES TO SELL ALCOHOLIC LIQUORS BY THE DRINK, PURSUANT TO SECTION 61-6-2000(D); TO AMEND SECTION 61-6-2000, RELATING TO TEMPORARY LICENSES TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO ISSUE THESE TEMPORARY LICENSES TO NONPROFIT ORGANIZATIONS FOR A PERIOD NOT TO EXCEED TWENTY-FOUR HOURS AT A SINGLE SOCIAL OCCASION AND TO PROVIDE FOR LAW ENFORCEMENT NOTIFICATION; TO ADD SECTION 61-4-630, SO AS TO ALLOW AN ESTABLISHMENT THAT POSSESSES A BEER AND WINE PERMIT THAT IS LOCATED IN A COUNTY OR MUNICIPALITY THAT HAS CONDUCTED A FAVORABLE REFERENDUM ALLOWING THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK ON SUNDAY TO SELL, POSSESS, AND PERMIT THE CONSUMPTION OF BEER AND WINE ON THE PREMISES DURING THOSE SAME HOURS.

 Beg leave to report that they have duly and carefully considered the same and recommend:

 That the same do pass with the following amendments:

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

 / SECTION 1. Section 61-6-20 of the 1976 Code, as last amended by Act 320 of 2008, is further amended to read:

 “Section 61-6-20. As used in the ABC Act, unless the context clearly requires otherwise:

 (1)(a) ‘Alcoholic liquors’ or ‘alcoholic beverages’ means any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors or a compound or mixture of them by whatever name called or known which contains alcohol and is used as a beverage, but does not include:

 (i) wine when manufactured or made for home consumption and which is not sold by the maker of the wine or by another person; or

 (ii) a beverage declared by statute to be nonalcoholic or nonintoxicating.

 (b) ‘Alcoholic liquor by the drink’ or ‘alcoholic beverage by the drink’ means a drink poured from a container of alcoholic liquor, without regard to the size of the container for consumption on the premises of a business licensed pursuant to Article 5 of this chapter.

 (2) ‘Bona fide engaged primarily and substantially in the preparation and serving of meals’ means a business that provides facilities for seating not fewer than forty persons simultaneously at tables for the service of meals and that:

 (a) is equipped with a kitchen that is utilized for the cooking, preparation, and serving of meals upon customer request at normal meal times;

 (b) has readily available to its guests and patrons either menus with the listings of various meals offered for service or a listing of available meals and foods, posted in a conspicuous place readily discernible by the guest or patrons; and

 (c) prepares for service to customers, upon the demand of the customer, hot meals at least once each day the business establishment chooses to be open.

 (3) ‘Homeowners association chartered as a nonprofit by the Secretary of State’ means an organization that has been recognized as a nonprofit by the Secretary of State, whose membership is limited to individuals who own property in the residential community, and whose affairs are governed by a board of directors elected by the membership. No member, officer, agent, or employee of the association may be paid a salary or other form of compensation from any of the profit of the sale of alcoholic beverages, except as may be voted on at a meeting of the governing body, nor shall the salaries or compensation be in excess of reasonable compensation for the services actually performed. Additionally, a ‘homeowners association chartered as a nonprofit by the Secretary of State’ must abide by all alcoholic liquor regulations that apply to a nonprofit organization, as defined by Section 61‑6‑20(7), except that upon dissolution of the ‘homeowners association chartered as a nonprofit by the Secretary of State’, the remaining assets, if any, may be distributed to its members. A ‘homeowners association chartered as a nonprofit by the Secretary of State’ is eligible to be licensed under this chapter only at facilities located within the boundaries of the homeowners association.

 (4) ‘Manufacturer’ means a person operating a plant or place of business in this State for distilling, rectifying, brewing, fermenting, blending, or bottling alcoholic liquors.

 ~~(4)~~(5) ‘Furnishing lodging’ means those businesses which rent accommodations for lodging to the public on a regular basis consisting of not less than twenty rooms.

 ~~(5)~~(6) ‘Minibottle’ means a sealed container of fifty milliliters or less of alcoholic liquor.

 ~~(6)~~(7) ‘Nonprofit organization’ means an organization not open to the general public, but with a limited membership and established for social, benevolent, patriotic, recreational, or fraternal purposes.

 ~~(7)~~(8) ‘Producer’, as used in the ABC Act, means a manufacturer, distiller, rectifier, blender, or bottler of alcoholic liquors and includes an importer of alcoholic liquors engaged in importing alcoholic liquors into the United States.

 ~~(8)~~(9) ‘Producer representative’ means a person who is a citizen of this State, who maintains his principal place of abode in this State, and who is registered with the department pursuant to Article 7 of this chapter as the South Carolina representative of a registered producer.

 ~~(9)~~(10) ‘Registered producer’ means a producer who is registered with the department pursuant to Article 7 of this chapter.

 ~~(10)~~(11) ‘Retail dealer’ means a holder of a license issued under the provisions of Article 3 of this chapter, other than a manufacturer or wholesaler.

 ~~(11)~~(12) ‘Wholesaler’ means a person who purchases, acquires, or imports from outside this State or who purchases or acquires from a manufacturer in the State alcoholic liquors for resale.”

 SECTION 2. Section 61-6-1820(1) of the 1976 Code, as last amended by Act 70 of 2003, is further amended to read:

 “(1) The applicant is a bona fide nonprofit organization, a homeowners association chartered as a nonprofit organization by the Secretary of State, or the applicant conducts a business bona fide engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging.”

 SECTION 3. Chapter 6, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑6‑2015. (A) A temporary permit to sell beer and wine for on‑premises consumption for a period not to exceed twenty‑four hours without regard to the days or hours of these sales is hereby authorized. This permit may be issued by the department for the same fees provided in Section 61‑4‑500 for a retail beer and wine permit, including an application fee. This permit shall be considered a biennial temporary permit, and may be issued to those holders of a permit to sell beer and wine for off‑premises consumption during periods other than Sunday who have within the licensed premises a separate food service establishment serving prepared food for on‑premises consumption. The permit to sell beer and wine for on‑premises consumption during the twenty‑four hour period shall apply only to this separate food service establishment.

 (B) The department may require such proof of qualifications for the issuance of these permits as it considers necessary, and these permits may be issued only to qualified applicants located in a county or municipality which pursuant to Section 61‑6‑2010 has successfully held a referendum allowing the possession, sale, and consumption of alcoholic liquors by the drink for a period not to exceed twenty‑four hours.”

 SECTION 4. Section 61-6-2010 of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding:

 “(G) A business establishment located within a building on the grounds of an international airport in this State where the possession, sale, and consumption of alcoholic liquors by the drink is permitted on its licensed premises may apply for and receive a temporary permit authorized by this section, notwithstanding any other requirements of this section to the contrary, to allow the possession, sale, and consumption of alcoholic liquors by the drink for a period not to exceed twenty‑four hours on its licensed premises if any county within the territory of the airport district which operates the international airport or any municipality located within the territory of the district has approved, by referendum, the issuance of these temporary permits.”

 SECTION 5. A. Section 61‑4‑550 of the 1976 Code, as last amended by Act 259 of 2010, is further amended to read:

 “Section 61-4-550. (A) The department may issue permits ~~to nonprofit organizations~~ running for a period not exceeding fifteen days for a fee of ten dollars per day. ~~For purposes of this section, a “nonprofit organization” is an entity which is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purposes, and which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State.~~ These special permits may be issued only for locations at fairs and special functions.

 (B) The department shall require the applicant to obtain a criminal records check conducted by the State Law Enforcement Division within ninety days prior to an ~~initial~~ application. The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. ~~For a subsequent application, the applicant is not required to obtain a new criminal records check unless:~~

 ~~(1)~~ ~~more than two years have elapsed since the most recent criminal records check was conducted; or~~

 ~~(2)~~ ~~the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.~~

 (C) ~~The department shall require the applicant to notify in writing a minimum of fifteen days prior to the first day of a fair or special function the sheriff, or sheriff’s designee, of the county in which the fair or special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of the receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.~~ The department shall require the applicant to complete the law enforcement notification provision contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that either the chief of police, if the event is located within the city limits, or the county sheriff has been notified of the temporary permit application and given an opportunity to object.

 (D) ~~Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 1, Chapter 4, Title 61.~~ The department may issue up to twenty-five temporary permits to sell beer and wine on one application for special functions in a twelve-month period to the same applicant, if that applicant is also applying for up to twenty-five temporary licenses to sell alcoholic liquors by the drink, pursuant to Section 61-6-2000(D). This does not prohibit the applicant from applying for additional special permits within the same twelve-month period.”

B. Section 61-6-2000 of the 1976 Code, as last amended by Act 259 of 2010, is further amended to read:

 “Section 61-6-2000. (A) ~~Notwithstanding another provision of this article, the department may issue to a nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function for a period not to exceed twenty‑four hours. A qualifying nonprofit organization may sell tickets at the door. The application for this temporary license must include a statement by the applicant as to the nature and date of the special function at which alcoholic liquor by the drink is to be sold, as well as other information required by the department. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The department may deny the application if the completed application and filing fee are not submitted at least fifteen days before the date of the special function, but upon request by the applicant, the department may waive this requirement.~~ In addition to the licenses authorized pursuant to the provisions of subarticle 1 of this article, the department may also issue a temporary license to a nonprofit organization, as defined in Section 61-6-20, which authorizes that nonprofit organization to purchase and to sell alcoholic liquors by the drink for a period not to exceed twenty-four hours at a single social occasion. The nonprofit organization may sell tickets for the social occasion to non-members. Notwithstanding another provision of this article, the issuance of this license authorizes the nonprofit organization to purchase alcoholic liquors from licensed retail dealers in the same manner that a person with a biennial license issued pursuant to subarticle 1 of this article purchases its alcoholic liquors. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The temporary license application must include a statement by the applicant as to the nature and date of the special function at which the alcoholic liquors are to be sold. The department in its discretion may specify the terms and conditions of the license, pursuant to existing statutes and regulations governing these applications.

 (B) The department shall require the applicant to obtain a criminal background check conducted by the State Law Enforcement Division within ninety days prior to an ~~initial~~ application. The department shall deny the application if the criminal records check is not submitted with the application and filing fee or if it was obtained more than ninety days before. ~~For a subsequent application, the applicant is not required to obtain a new criminal records check unless:~~

 ~~(1)~~ ~~more than two years have elapsed since the most recent criminal records check was conducted; or~~

 ~~(2)~~ ~~the nonprofit organization has added or replaced a principal. For purposes of this section, all principals are deemed to be the applicant.~~

 (C) ~~The department shall require the applicant to notify in writing within fifteen days the sheriff, or the sheriff’s designee, of the county in which the special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy‑two hours of receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.~~ The department shall require the applicant to complete the law enforcement notification contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that either the chief of police, if the event is located within the city limits, or the county sheriff has been notified of the temporary license application and given an opportunity to object.

 (D) The department may issue up to twenty‑five temporary licenses on one application for special functions in a twelve‑month period to the same nonprofit organization. This does not prohibit the nonprofit organization from applying for additional temporary licenses within the same twelve‑month period.

 ~~(E)~~ ~~For purposes of this section, “nonprofit organization” is an entity that is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purpose, and is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes a political party or affiliate of a political party duly certified by the Secretary of State.~~

 ~~(F)~~ ~~Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 13, Chapter 6, Title 61.~~

C. Notwithstanding the general effective date of this act, this section takes effect on July 1, 2011.”

 SECTION 6. Chapter 4, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑4‑630. Notwithstanding any other provision of law, an establishment possessing a beer and wine permit that is located in a county or municipality that has conducted a favorable referendum allowing the sale and consumption of alcoholic liquors by the drink on Sunday under the provisions of Section 61‑6‑2010, during those same hours authorized by permits issued under Section 61‑6‑2010, may sell, possess, and permit the consumption of beer and wine on the premises.”

 SECTION 7. This act takes effect upon approval by the Governor./

 Amend title to conform.

Sen. C. Bradley Hutto Rep. James H. Merrill

Sen. Paul G. Campbell, Jr. Rep. William G. Herbkersman

Sen. Tom Davis Rep. Edward R. Tallon, Sr.

 On Part of the Senate. On Part of the House.

Rep. HERBKERSMAN explained the Conference Report.

The yeas and nays were taken resulting as follows:

 Yeas 101; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cole | Corbin | Crawford |
| Crosby | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hixon | Hodges |
| Hosey | Huggins | Johnson |
| 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 | Norman | Ott |
| Owens | Parker | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sabb | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| Whipper | Whitmire | Williams |
| Willis | Young |  |

**Total--101**

 Those who voted in the negative are:

**Total--0**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**S. 172--NONCONCURRENCE IN SENATE AMENDMENTS**

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

S. 172 -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O'Dell, S. Martin, Ford and McGill: A BILL TO AMEND ARTICLE 2, CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO PUBLIC INSTITUTIONS OF HIGHER LEARNING, BY ADDING SECTION 59-101-670 TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, AND TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE; AND TO AMEND ARTICLE 15, CHAPTER 1, TITLE 1, RELATING TO REPORTING OF EXPENDITURES OF STATE APPROPRIATED FUNDS BY STATE AGENCIES, PERSONAL DATA AND THE LIKE, BY ADDING SECTION 1-1-1040 TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY'S, DEPARTMENT'S, OR INSTITUTION'S MONTHLY STATE PROCUREMENT CARD STATEMENTS OR MONTHLY REPORTS CONTAINING ALL OR SUBSTANTIALLY ALL THE SAME INFORMATION CONTAINED IN THE MONTHLY STATE PROCUREMENT CARD STATEMENTS.

Rep. OWENS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 0; Nays 107

 Those who voted in the affirmative are:

**Total--0**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Hosey |
| Howard | Huggins | Johnson |
| 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 | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | Pitts | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Taylor | Thayer |
| Toole | Tribble | Weeks |
| Whipper | Whitmire | Williams |
| Willis | Young |  |

**Total--107**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

RECORD FOR VOTING

 I was temporarily out of the Chamber working on redistricting issues during the vote on S. 172. If I had been present, I would have voted against the Bill.

 Rep. Tommy Pope

**S. 30--NONCONCURRENCE IN SENATE AMENDMENTS**

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

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

Rep. BANNISTER proposed the following Amendment No. 1A (COUNCIL\AGM\19202BH11), which was adopted and reconsidered and tabled:

Amend the bill, as and if amended, by deleting in its entirety SECTION 1, as contained on page 1-2, and inserting:

/ SECTION 1. Section 22‑5‑110 of the 1976 Code is amended to read:

 “Section 22‑5‑110. (A) Magistrates shall:

 (1) cause to be arrested all persons found within their counties charged with any offense and persons who after committing any offense within the county ~~escape~~flee out of ~~it,~~the county;

 (2) examine into treasons, felonies, grand larcenies, high crimes, and misdemeanors~~,~~;

 (3) commit or bind over for trial those who appear to be guilty of crimes or offenses not within their jurisdiction~~,~~; and

 (4) punish those guilty of such offenses within their jurisdiction.

 ~~(B)~~ ~~Notwithstanding another provision of law, a person charged with any misdemeanor offense requiring a warrant signed by nonlaw enforcement personnel to ensure the arrest of a person must be given a courtesy summons.~~

 (B)(1) An arrest warrant may not be issued for the arrest of a person unless sought by a law enforcement officer acting in their official capacity.

 (2) If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons.

 (3) If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court must issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed.” /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The yeas and nays were taken resulting as follows:

 Yeas 97; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hardwick | Harrell | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Huggins |
| Limehouse | Loftis | Long |
| Lucas | Mack | McCoy |
| McEachern | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Norman | Owens | Parker |
| Parks | Pope | Quinn |
| Rutherford | Ryan | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--97**

 Those who voted in the negative are:

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

**Total--2**

The amendment was then adopted.

Rep. BANNISTER moved to reconsider the vote whereby Amendment 1A was adopted, which was agreed to.

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

The question then recurred to the concurrence or non-concurrence in the Senate amendments.

The yeas and nays were taken resulting as follows:

 Yeas 0; Nays 102

 Those who voted in the affirmative are:

**Total--0**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| 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 | Hosey |
| Huggins | Limehouse | Long |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Norman |
| Owens | Parker | Pitts |
| Pope | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--102**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**H. 3249--SENATE AMENDMENTS CONCURRED IN**

**AND BILL ENROLLED**

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

H. 3249 -- Reps. G. M. Smith, Taylor and G. R. Smith: A BILL TO AMEND SECTION 61-6-4020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE, SO AS TO CLARIFY THAT THE LUGGAGE COMPARTMENT OR CARGO AREA IN WHICH ONE MAY LAWFULLY TRANSPORT A CONTAINER OF ALCOHOLIC LIQUOR WITH A BROKEN OR OPENED SEAL OR CAP IS NOT LIMITED TO A CLOSED TRUNK THAT IS ACCESSIBLE ONLY FROM THE EXTERIOR OF THE VEHICLE SO LONG AS THE LUGGAGE COMPARTMENT OR CARGO AREA IS SEPARATE AND DISTINCT FROM THE DRIVER'S AND PASSENGERS' COMPARTMENTS; AND TO PROVIDE THAT A PERSON'S DRIVER'S LICENSE MAY NOT BE SUSPENDED FOR A VIOLATION OF THIS SECTION.

Rep. BANNISTER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 95; Nays 3

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hixon | Hodges |
| Hosey | Huggins | Johnson |
| Limehouse | Long | Lucas |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Norman |
| Ott | Owens | Pinson |
| Pitts | Pope | Quinn |
| Rutherford | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--95**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Gilliard | Parker |

**Total--3**

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. 3178--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

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

Reps. J. E. SMITH, BANNISTER, RUTHERFORD, HERBKERSMAN, WEEKS and VIERS proposed the following Amendment No. 3A (COUNCIL\AGM\19212BH11), which was adopted:

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

/ SECTION 1. Section 61‑6‑1035 of the 1976 Code is amended to read:

 “Section 61‑6‑1035. Notwithstanding the provisions of Section 61‑6‑1500, the sampling of wines containing over sixteen percent by volume of alcohol, cordials, and other distilled spirits sold in a retail alcoholic liquor store is authorized if the sampling is conducted as follows:

 (1) No sample may be offered from more than four products at ~~any~~ one time.

 (2) The sample is limited to products from no more than one wholesaler at one time.

(3) No more than one bottle of each of the four products to be sampled may be opened.

 ~~(3)~~(4) The sampling must be held in a designated tasting area of the retail liquor store and all open bottles must be visible at all times. All open bottles must be removed at the conclusion of the tasting.

 ~~(4)~~(5) Samples must be less than one‑half ounce for each product sampled.

 ~~(5)~~(6) No person may be served more than one sample of each product.

 ~~(6)~~(7) No sampling may be offered for longer than four hours.

 ~~(7)~~(8) At least ten days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division. The letter must include a copy of a certificate of liability insurance for the manufacturer, the retail establishment, or its agent, conducting the tastings.

 ~~(8)~~(9) No sample may be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty‑one years. This person must not be allowed to loiter on the store premises.

 ~~(9)~~(10) The tastings must be conducted by the manufacturer, retailer, or an agent of the manufacturer or retailer, and must not be conducted by a wholesaler, ~~retailer, or~~ an employee of a wholesaler ~~or retailer~~, or an agent of a wholesaler.

 ~~(10)~~(11) No retail alcoholic liquor store may offer more than one sampling per day.

 (12) All product samples used for tastings must be purchased by the retailer from a South Carolina Licensed Wholesaler as required by 61‑6‑100 (3).

 (13) All associated costs for the tasting must be paid for by the manufacturer, the retailer, or its agent, conducting the tasting.”

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

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

The yeas and nays were taken resulting as follows:

 Yeas 83; Nays 9

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| Butler Garrick | Clemmons | Clyburn |
| Cole | Crawford | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hardwick | Harrell |
| Hart | Hayes | Hearn |
| Herbkersman | Hixon | Hodges |
| Hosey | Howard | Huggins |
| Johnson | Long | Mack |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| J. M. Neal | Norman | Owens |
| Parks | Pitts | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--83**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Chumley |
| Corbin | Gilliard | Hiott |
| Parker | Pinson | Simrill |

**Total--9**

The amendment was then adopted.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

**S. 594--SENATE AMENDMENTS CONCURRED IN
AND BILL ENROLLED**

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

S. 594 -- Senators Grooms and Verdin: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO DRIVING IN A TEMPORARY WORKZONE, TO EXPAND THE SIZE OF TEMPORARY WORKZONES.

Rep. OWENS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 103; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Hiott |
| Hixon | Hodges | Hosey |
| Howard | Huggins | Johnson |
| Knight | 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 |
| Ott | Owens | Parker |
| Parks | Pinson | Pitts |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--103**

 Those who voted in the negative are:

**Total--0**

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

**POINT OF ORDER**

Rep. SKELTON raised the Point of Order that under SC Code Section 2-1-180 and the Sine Die Resolution, the House is adjourned at 5 p.m. on the first Thursday of June.

SPEAKER HARRELL sustained the Point of Order and declared the General Assembly adjourned pursuant to SC Code Section 2-1-180 and the Sine Die Resolution.

**MOTION NOTED**

Rep. CLEMMONS moved to reconsider the vote whereby S. 391 was continued and the motion was noted.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3978 -- Rep. Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ALONG VALLEY FORGE ROAD IN HORRY COUNTY LOCATED BETWEEN ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 410 AND LOUISVILLE ROAD "ELISHA TYLER MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "ELISHA TYLER MEMORIAL BRIDGE".

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".

H. 4123 -- Rep. White: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2011 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

H. 4190 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS ALONG SOUTH CAROLINA HIGHWAY 46 AT ITS INTERSECTIONS WITH THE TOWN LIMITS OF THE TOWN OF BLUFFTON THAT CONTAIN THE WORDS "BLUFFTON HIGH SCHOOL - HOME OF THE BOBCATS STATE CHAMPIONS 2005, 2006 BOYS CROSS COUNTRY, 2007 GIRLS VOLLEYBALL, 2009 GIRLS GOLF".

H. 4206 -- Reps. Ryan, Brantley, Hardwick, Hearn, Barfield, Anderson, McCoy, Patrick, Gilliard, Erickson, Hodges, Stavrinakis, Viers, R. L. Brown, Clemmons, Edge, Herbkersman, Limehouse, Sottile and Whipper: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT WITHOUT DELAY S. 632, THE "FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT" WHICH, AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, AND TO REQUEST THE UNITED STATES DEPARTMENT OF COMMERCE TO SET AS A PRIORITY FUNDING FOR FISHERIES DATA NEEDS AND FISHERY STOCK ASSESSMENTS.

H. 4225 -- Reps. Ballentine, Cobb-Hunter, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO SUPPORT ALL EFFORTS OF THE STEWARDS OF DECEASED AMERICAN INDIANS TO RETURN THE REMAINS OF THESE INDIVIDUALS TO THEIR DESCENDANTS AS QUICKLY AS POSSIBLE.

H. 4346 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, 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, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO DECLARE THAT THE WINNER OF THE YEARLONG MASTER BARBEQUE AWARD CONTEST, AS DIRECTED BY THE SOUTH CAROLINA BARBEQUE ASSOCIATION, WILL BE DECLARED THE SOUTH CAROLINA STATE CHAMPION BARBEQUE TEAM.

**ADJOURNMENT**

At 5:00 p.m. the House, in accordance with the motion of Rep. CLYBURN, adjourned in memory of Mrs. Betty Wilson of Aiken, and in accordance with H. 4195, the Sine Die Adjournment Resolution, to meet at 10:00 a.m. in Statewide Session Tuesday, June 7.

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