~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Psalm 85:8: “Let me hear what God the Lord will speak, for he will speak peace to his people, to his faithful, to those who turn to him in their hearts.”

Let us pray. Almighty God, give these Representatives discernment in listening to Your voice while working to accomplish resolutions to important issues for the people of this State. Grant them peaceable means of doing the work before them. Keep them faithful to their pledge to do all they can for the betterment of all. Bless our Nation, State, and all who those chosen to lead. Protect our defenders of freedom, at home and abroad, as they protect us. Heal the wounds of our brave warriors, those seen and those hidden. Hear us, O Lord, as we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. LIMEHOUSE moved that when the House adjourns, it adjourn in memory of Mrs. Nora Johnson, mother-in-law of Representative Sottile, which was agreed to.

**COMMUNICATION**

The following was received:

To: Members, South Carolina General Assembly

From: Les Boles

Date: January 24, 2012

Subject: ETV’s Plan To Offset Other Fund Revenue

Shortfall

Our office has received the South Carolina Educational Television Commission’s (ETV) plan to address the revenue shortfall in other funds. ETV was authorized in the FY 2011-12 Appropriations Act to receive $3,900,000 in lease proceeds from the Educational Broadband Service Spectrum Lease; however, one of the leaseholders has been unable to meet its lease obligations to the State and ETV resulting in a revenue loss of $577,463. The agency is implementing cost cutting measures effective February 1, 2012, to address the loss of $577,463 in other fund revenue. The agency’s plan projects that its measures will be sufficient for the agency to end the fiscal year without a negative year-end cash balance.

ETV’s cost reduction plan has been sent to the House Ways and Means Committee and the Senate Finance Committee. The State Budget Division will closely monitor the agency’s expenditures and revenue collection through June 30th and will notify members if any significant variances from the agency’s plan occur.

Received as information.

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committees for consideration:

Document No. 4212

Agency: Department of Health and Environmental Control

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

Water Classifications and Standards; and Classified Waters

Received by Speaker of the House of Representatives

January 30, 2012

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration May 29, 2012

Document No. 4256

Agency: Department of Employment and Workforce

Statutory Authority: 1976 Code Section 41-29-110

Offers of Work

Received by Speaker of the House of Representatives

January 26, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 25, 2012

**HOUSE RESOLUTION**

The following was introduced:

H. 4694 -- Reps. Erickson, 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, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, 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, 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, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, 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 AMIKIDS FOR GUIDING TROUBLED YOUTH INTO PROACTIVE ALTERNATIVES TO PAST BEHAVIOR AND ENABLING THEM TO BECOME SUCCESSFUL CITIZENS OF THIS GREAT STATE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4693 -- 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, 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, 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, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 15, 2012, AS "CITIES MEAN BUSINESS DAY" IN ORDER TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE ECONOMIC PROSPERITY OF SOUTH CAROLINA THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

Whereas, our cities and towns derive their power from the State Constitution and laws adopted by the General Assembly; and

Whereas, there are two hundred sixty-nine duly incorporated municipalities within the State; and

Whereas, cities and towns are valuable resources to state economic development, job creation, and competitiveness efforts; and

Whereas, cities and towns are considered hometowns for their residents, providing a sense of place and a spirit of community to all within and around their municipal boundaries; and

Whereas, cities and towns provide essential services such as law enforcement, fire protection, health and sanitation, recreation, and growth and development controls to protect and enhance the quality of life for all of the citizens of the State; and

Whereas, the amenities and services that cities and towns provide to residents attract business and industry to the region; and

Whereas, mayors and council members are the local elected leadership that guide the growth and development of cities and towns that in turn lead to the success of the State and the region; and

Whereas, dedicated employees of cities and towns provide the services for residents that contribute to the quality of life and local business success; and

Whereas, cities and towns mean business and are economic engines of the State, contributing to the overall success of South Carolina; and

Whereas, healthy, financially sound, and economically strong cities and towns are essential to the health and welfare of the State. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly, by this resolution, declare Wednesday, February 15, 2012, as “Cities Mean Business Day” in order to recognize and honor the valuable contributions South Carolina cities and towns make to our State’s economic prosperity through their relationship with local businesses.

Be it further resolved that a copy of this resolution be presented to Paul Miller, mayor of the City of Orangeburg and 2012 president of the Municipal Association of South Carolina.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4695 -- Reps. Spires, 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, 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, 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, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE JOSHUA TIMOTHY STEPP AND JUSTIN SPENCER STEPP FOR THEIR CONTRIBUTIONS TO HIGH SCHOOL AND COLLEGE FOOTBALL IN SOUTH CAROLINA, AND TO CONGRATULATE THEM FOR BEING NAMED TO THE PELION HIGH SCHOOL HALL OF FAME.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4696 -- Reps. Hixon, Clyburn, J. R. Smith, Spires, Taylor, Young, 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, 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, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams and Willis: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE RODGER E. EDMONDS, CHIEF MAGISTRATE OF AIKEN COUNTY, UPON THE OCCASION OF HIS RETIREMENT FROM THE BENCH, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

**INTRODUCTION OF BILLS**

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

H. 4697 -- Reps. Harrison, Limehouse, J. E. Smith, Stavrinakis and Brady: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 60-15-100 AND 60-15-110 SO AS TO PROVIDE AN ANNUAL TRANSFER TO THE SOUTH CAROLINA ARTS COMMISSION OF AN AMOUNT EQUAL TO FIFTEEN PERCENT OF THE GENERAL FUND PORTION OF STATE ADMISSIONS TAX REVENUES IN THE PREVIOUS YEAR AFTER OTHER TRANSFERS REQUIRED FROM THE REVENUE, AND TO REQUIRE THE COMMISSION TO EXPEND AT LEAST SEVENTY PERCENT OF ITS STATE APPROPRIATED FUNDS ON GRANTS FOR CHILDREN'S AND COMMUNITY PROGRAMS.

Referred to Committee on Ways and Means

H. 4698 -- Rep. Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31-6-85 SO AS TO PROVIDE THAT FOR PURPOSES OF THE TAX INCREMENT FINANCING LAW, A MUNICIPALITY AND ONE OR MORE TAXING ENTITIES MAY AT ANY TIME PROVIDE BY INTERGOVERNMENTAL AGREEMENT THAT THEY SHALL PARTICIPATE IN A REDEVELOPMENT PROJECT ON A PARTIAL AND MODIFIED BASIS; AND TO AMEND SECTION 31-6-80, RELATING TO THE SPECIFICS OF THE APPROVAL OF DEVELOPMENT PLANS, SO AS TO SPECIFY THOSE CHANGES THAT ARE ALLOWED IN A REDEVELOPMENT PLAN BEFORE AND AFTER ITS APPROVAL BY ORDINANCE AND THE SPECIFIC REQUIREMENTS NECESSARY TO ACCOMPLISH THE CHANGES.

Referred to Committee on Ways and Means

H. 4699 -- Reps. Bannister, Harrison, Horne, Sellers, Hearn, Young, H. B. Brown, J. E. Smith, Brannon, Stavrinakis, Funderburk, Allen, Weeks and Munnerlyn: A BILL TO AMEND SECTION 14-5-610, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS AND ADDITIONAL AT-LARGE JUDGES, SO AS TO INCREASE THE NUMBER OF AT-LARGE CIRCUIT COURT JUDGES FROM THIRTEEN TO NINETEEN; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO ADD SIX ADDITIONAL FAMILY COURT JUDGES WHO SHALL BE AT LARGE AND MUST BE ELECTED WITHOUT REGARD TO THEIR COUNTY OR CIRCUIT OF RESIDENCE.

Referred to Committee on Judiciary

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, January 31.

|  |  |
| --- | --- |
| Boyd Brown | Tracy Edge |
| Wendell Gilliard | Kenneth F. Hodges |
| Patsy Knight  Peter McCoy | David Mack |

**Total Present--115**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. RUTHERFORD a leave of absence for the day due to business reasons.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. PATRICK a leave of absence for the day due to business reasons.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Patricia Witherspoon of Columbia was the Doctor 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-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3225 |
| Date: | ADD: |
| 01/31/12 | LOFTIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3930 |
| Date: | ADD: |
| 01/31/12 | HART |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3945 |
| Date: | ADD: |
| 01/31/12 | BRANNON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4592 |
| Date: | ADD: |
| 01/31/12 | DANING, HUGGINS, TALLON, BALLENTINE, HODGES, HARRELL, CHUMLEY and HIXON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3793 |
| Date: | ADD: |
| 01/31/12 | BALLENTINE, HUGGINS, KING, ANDERSON, HIXON, WILLIS and FRYE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4043 |
| Date: | ADD: |
| 01/31/12 | HIXON and CLEMMONS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4082 |
| Date: | ADD: |
| 01/31/12 | SKELTON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4547 |
| Date: | ADD: |
| 01/31/12 | COLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4549 |
| Date: | ADD: |
| 01/31/12 | LOFTIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4639 |
| Date: | ADD: |
| 01/31/12 | TOOLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4654 |
| Date: | ADD: |
| 01/31/12 | CLEMMONS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4689 |
| Date: | ADD: |
| 01/31/12 | HIXON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4690 |
| Date: | ADD: |
| 01/31/12 | DANING |

**H. 4243--DEBATE ADJOURNED**

Rep. ATWATER moved to adjourn debate upon the following Bill until Wednesday, February 8, which was adopted:

H. 4243 -- Reps. Quinn, Bingham, Toole, Huggins, Atwater and McLeod: 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.

**H. 4595--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4595 -- Reps. Bingham, Allison, Anthony and White: A BILL TO AMEND ACT 73 OF 2011, RELATING TO THE 2011-2012 GENERAL APPROPRIATIONS ACT, SO AS TO REVISE PARAGRAPH 1A.54, SECTION 1A, PART IB, DIRECTING THE DEPARTMENT OF EDUCATION TO TRANSFER CERTAIN FUNDS TO MEET MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY PROVIDING THAT THE DOLLAR AMOUNT DIRECTED TO BE TRANSFERRED MUST BE "UP TO" THAT AMOUNT AND NOT THE SPECIFIC AMOUNT STIPULATED.

Reps. BINGHAM and OTT proposed the following Amendment No. 1 to H. 4595 (COUNCIL\DKA\3933SD12), which was adopted:

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

/ SECTION 1. Paragraph 1A.54, Section 1A, Part IB of Act 73 of 2011, is amended to read:

“1A.54. (SDE‑EIA:IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XI.A.1 Aid to Districts according to Proviso 1A.48 for Fiscal Year 2011‑12, the department shall direct ~~$45,481,854~~ $30,494,337 of the funds appropriated in Section XI.A.1 Aid To Districts to school districts and special schools for supplemental support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. Funds provided for the maintenance of effort for IDEA may not be transferred to any other purpose and therefore are not subject to flexibility. The department shall distribute these funds using the current fiscal year one hundred thirty‑five day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. ~~In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must shall not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general.~~ By ~~December 1, 2011~~ June 30, 2012, the department ~~must~~ shall submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor.” /

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

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

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

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**H. 4592--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4592 -- Reps. Sandifer, Erickson, Toole, Brady, Gambrell, Bales, Whitmire, Allison, Bedingfield, G. R. Smith, Bannister, Nanney, Corbin, Clemmons, Delleney, Simrill, Horne, D. C. Moss, Frye, Hearn, Stringer, Ryan, Bowen, Harrison, Bingham, Owens, Southard, Patrick, Crosby, Edge, Herbkersman, Funderburk, Pinson, Parker, Long, Thayer, Anderson, Sottile, Hiott, Taylor, J. R. Smith, Putnam, Weeks, Hardwick, Hamilton, Murphy, V. S. Moss, Lucas, Forrester, G. M. Smith, Limehouse and Pope: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-41-45 SO AS TO PROVIDE A CIVIL PENALTY FOR VIOLATIONS OF PROHIBITIONS AGAINST MAKING FALSE STATEMENTS RELATED TO UNEMPLOYMENT COMPENSATION, TO PROVIDE FOR THE USE OF MONEY RECEIVED FROM FINES CREATED BY THIS PENALTY, AND TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE MAY NEVERTHELESS ENTER A CERTAIN WRITTEN CONSENT AGREEMENT WITH A PERSON ALLEGED TO BE GUILTY; TO AMEND SECTION 41-41-10, RELATING TO OBTAINING OR INCREASING AN EMPLOYMENT SECURITY BENEFIT BY USE OF FALSE STATEMENTS OR FALSE REPRESENTATIONS, OR BY THE FAILURE TO DISCLOSE MATERIAL FACTS, SO AS TO REMOVE CIVIL PENALTIES AND TO IMPOSE CRIMINAL PENALTIES AND A REQUIREMENT OF RESTITUTION; AND TO AMEND SECTION 41-41-30, RELATING TO THE PREVENTION OR REDUCTION OF EMPLOYMENT SECURITY BENEFITS OR CONTRIBUTIONS BY AN EMPLOYER, SO AS TO DELETE CIVIL PENALTIES AND TO IMPOSE CRIMINAL PENALTIES.

The Labor, Commerce And Industry Committee proposed the following Amendment No. 1 to H. 4592 (COUNCIL\AGM\ 19389AB12):

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

/ SECTION 1. Chapter 29, Title 41 of the 1976 Code is amended by adding:

“Section 41‑29‑320. (A)(1) The department shall establish a Special Investigations Unit within the department. This unit is primarily responsible for enforcing all laws pertaining to unemployment insurance fraud in conjunction with the Office of the Attorney General pursuant to Section 41‑27‑590.

(2) The Special Investigations Unit shall:

(a) assist in the exchange of information concerning unemployment insurance fraud among appropriate government officials, appropriate law enforcement officials, and itself; and

(b) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses as it considers appropriate.

(B) A criminal investigator of the department when performing his duties under this section:

(1) has statewide police powers;

(2) may carry firearms;

(3) may execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses;

(4) may seize property; and

(5) may make an arrest without a warrant for an offense committed in his presence.”

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

“Section 41‑41‑45. (A) In addition to any criminal liability, any person who is found by a court of competent jurisdiction to have violated Section 41‑41‑10 or Section 41‑41‑30, is subject to a civil penalty for each violation as follows:

(1) a fine of not more than five thousand dollars for a first offense;

(2) a fine of not less than five thousand dollars but not more than ten thousand dollars for a second offense; and

(3) a fine of not less than ten thousand dollars but not more than fifteen thousand dollars for a third and subsequent offense.

(B) A civil penalty imposed pursuant to subsection (A) must be paid to the Director of the Unemployment Insurance Division of the Department of Employment and Workforce and must be shared, as agreed upon in writing, with Director of the Insurance Fraud Division of the Office of Attorney General for use pursuant to subsection (D). A court also may award any related court costs and reasonable attorneys’ fees to these directors.

(C) Nothing in subsections (A) and (B) may be construed to prohibit the Director of the Unemployment Insurance Division of the Department of Employment and Workforce and the person alleged to be guilty of a violation of this article from entering into a written agreement in which the person does not admit or deny the charges but consents to payment of the civil penalty. This written consent agreement may not be used in a subsequent civil or criminal proceeding relating to a violation of this article.

(D) Revenue from the civil penalties imposed pursuant to this section must be used to provide funds for the costs of enforcing and administering the provisions of this article and the Omnibus Insurance Fraud and Reporting Immunity Act.”

SECTION 3. Section 41‑41‑10 of the 1976 Code is amended to read:

“Section 41‑41‑10. (A) Whoever makes a false statement or representation knowing it to be false or who knowingly fails to disclose a material fact to obtain or to increase any benefits or other payment under Chapters 27 through 41 of this title or under an employment security or unemployment compensation law of ~~any other~~ another state, the Federal Government, or of a foreign government, either for himself or for ~~any other~~ another person, ~~shall~~ must be ~~punished by a fine of not less than twenty nor more than one hundred dollars or by imprisonment for not longer than thirty days and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense~~ guilty of a:

(1) misdemeanor, for a first offense, triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65 when the value of the money obtained or sought to be obtained is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both, together with the cost of prosecution;

(2) misdemeanor, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than five thousand dollars. Upon conviction, the person must be fined not less than two thousand or more than ten thousand dollars or imprisoned not more than three years, or both, together with the cost of prosecution;

(3) felony, for a first offense, when the value of the money obtained or sought to be obtained is five thousand dollars or more. Upon conviction, the person must be fined not less than five thousand dollars nor more than twenty thousand dollars, imprisoned not more than ten year, or both, together with the costs of prosecution; and

(4) felony, for a second or subsequent violation, regardless of the amount of the economic advantage or benefit received. Upon conviction, the person must be fined not less than twenty thousand dollars or more than one hundred thousand dollars or imprisoned not more than ten years, or both.

(B) The determination of the degree of an offense under subsection (A) must be measured by the total value of all money obtained or sought to be obtained by the unlawful conduct.

(C) In addition to the criminal penalties provided in subsection (A), a person convicted pursuant to the provisions of this section must be ordered by the court to make full restitution to the Department of Employment and Workforce for any economic advantage or benefit that he obtained as a result of the unlawful conduct.”

SECTION 4. Section 41‑41‑30 of the 1976 Code is amended to read:

“Section 41‑41‑30. (A) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any individual entitled thereto or to avoid becoming or remaining subject thereto or to avoid or reduce any contribution or other payment required from any employing unit under Chapters 27 through 41 of this title ~~shall be punished by a fine of not less than twenty nor more than one hundred dollars or by imprisonment for not longer than thirty days, and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense~~ or who wilfully fails or refuses to make a contribution or other payment or to furnish a report required by Chapters 27 through 41 of this title, or to produce or permit the inspection or copying of records as required under that chapter is guilty of:

(1) misdemeanor, for a first offense, triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65 when the value of the money obtained or sought to be obtained is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both, together with the cost of prosecution;

(2) misdemeanor, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than five thousand dollars. Upon conviction, the person must be fined not less than two thousand or more than ten thousand dollars or imprisoned not more than three years, or both, together with the cost of prosecution;

(3) felony, for a first offense, when the value of the money obtained or sought to be obtained is five thousand dollars or more. Upon conviction, the person must be fined not less than five thousand dollars nor more than twenty thousand dollars, imprisoned not more than ten years, or both, together with the cost of prosecution; and

(4) felony, for a second or subsequent violation, regardless of the amount of the economic advantage or benefit received. Upon conviction, the person must be fined not less than twenty thousand dollars or more than one hundred thousand dollars or imprisoned not more than ten years, or both.

(B) In addition to the criminal penalties provided in subsection (A), a person convicted pursuant to the provisions of this section must be ordered by the court to make full restitution to the Department of Employment and Workforce for any economic advantage or benefit that he obtained as a result of the unlawful conduct.”

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

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

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

Rep. SANDIFER spoke in favor of the amendment.

Reps. COBB-HUNTER, J. H. NEAL, HOWARD, HART, OTT, WILLIAMS, JEFFERSON, KING, SABB, BRANTLEY, GOVAN, R. L. BROWN, SANDIFER, HOSEY, CLYBURN, ALEXANDER, ANDERSON, STAVRINAKIS, GILLIARD, ATWATER, J. R. SMITH, WEEKS, CLEMMONS and WHITMIRE requested debate on the Bill.

**H. 4664--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4664 -- Rep. Clyburn: A BILL TO AMEND SECTION 11-50-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, SO AS TO PROVIDE FOR THE APPOINTMENT OF CERTAIN MEMBERS OF THE GOVERNING BOARD OF THE AUTHORITY.

Rep. CLYBURN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | 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 |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**H. 3793--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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

The Judiciary Committee proposed the following Amendment No. 1 to H. 3793 (COUNCIL\NBD\12061AC12), which was adopted:

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

/SECTION 1. Section 44‑53‑190 of the 1976 Code, as last amended by Act 267 of 2002, is further amended to read:

“Section 44‑53‑190. (~~a~~A) The controlled substances listed in this section are included in Schedule I.

(~~b~~B) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

1. Acetylmethadol

2. Allylprodine

3. Alphacetylmethadol

4. Alphameprodine

5. Alphamethadol

6. Benzethidine

7. Betacetylmethadol

8. Betameprodine

9. Betamethadol

10. Betaprodine

11. Clonitazene

12. Dextromoramide

13. [Deleted]

14. Diampromide

15. Diethylthiambutene

16. Dimenoxadol

17. Dimepheptanol

18. Dimethylthiambutene

19. Dioxaphetyl butyrate

20. Dipipanone

21. Ethylmethylthiambutene

22. Etonitazene

23. Etoxeridine

24. Furethidine

25. Hydroxypethidine

26. Ketobemidone

27. Levomoramide

28. Levophenacylmorphan

29. Morpheridine

30. Noracymethadol

31. Norlevorphanol

32. Normethadone

33. Norpipanone

34. Phenadoxone

35. Phenampromide

36. Phenomorphan

37. Phenoperidine

38. Piritramide

39. Proheptazine

40. Properidine

41. Racemoramide

42. Trimeperidine

43. Propiram

44. Difenoxin

45. Alfentanyl

46. Tilidine

47. Alphamethylfentanyl (N‑ [1‑(alpha‑methyl‑beta‑phenyl) ethyl‑4‑piperidyl] propionanilide; 1‑(1‑methyl‑2‑phenylethyl‑ 4‑(N‑propanilido) piperidine).

(~~c~~C) Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Acetorphine

2. Acetyldihydrocodeine

3. Benzylmorphine

4. Codeine methylbromide

5. Codeine‑N‑Oxide

6. Cyprenorphine

7. Desomorphine

8. Dihydromorphine

9. Etorphine

10. Heroin

11. Hydromorphinol

12. Methyldesorphine

13. Methylhydromorphine

14. Morphine methylbromide

15. Morphine methylsulfonate

16. Morphine‑N‑Oxide

17. Myrophine

18. Nicocodeine

19. Nicomorphine

20. Normorphine

21. Pholcodine

22. Thebacon

23. Drotebanol

(~~d~~D) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. 3,4‑methylenedioxy amphetamine

2. 5‑methoxy‑3,4‑methylenedioxy amphetamine

3. 3,4‑methylenedioxymethamphetamine (MDMA)

4. 3,4,5‑trimethoxy amphetamine

5. Bufotenine

6. Diethyltryptamine (DET)

7. Dimethyltryptamine (DMT)

8. 4‑methyl‑2,5‑dimethoxyamphetamine (STP)

9. Ibogaine

10. Lysergic acid diethylamide (LSD)

11. Marijuana

12. Mescaline

13. Peyote

14. N‑ethyl‑3‑piperidyl benzilate

15. N‑methyl‑3‑piperidyl benzilate

16. Psilocybin

17. Psilocyn

18. Tetrahydrocannabinol (THC)

19. 2,5‑dimethoxyamphetamine

20. 4‑bromo‑2,5‑dimethoxyamphetamine

21. 4‑Methoxyamphetamine

22. Thiophene analog of phencyclidine

23. Parahexyl

24. Synthetic cannabinoids. ‑ Any material, compound, mixture, or preparation that is not listed as a controlled substance in Schedule I through V, is not an FDA‑approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues, and salts of isomers and homologues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, and salts of isomers and homologues is possible within the specific chemical designation:

a. Naphthoylindoles. Any compound containing a 3‑(1‑naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1‑(N‑methyl‑2‑piperidinyl)methyl, or 2‑(4‑morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including, but not limited to, JWH‑015, JWH‑018, JWH‑019, JWH‑073, JWH‑081, JWH‑122, JWH‑200, JWH‑210, JWH‑398, AM‑2201, WIN 55‑212, AM‑2201 (C1 analog), AM‑1220.

b. Naphthylmethylindoles. Any compound containing a 1H‑indol‑3‑yl‑(1‑naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1‑(N‑methyl‑2‑piperidinyl)methyl, or 2‑(4‑morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

c. Naphthoylpyrroles. Any compound containing a 3‑(1‑naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1‑(N‑methyl‑2‑piperidinyl)methyl, or 2‑(4‑morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Including, but not limited to, JWH‑307, JWH‑370, JWH‑176.

d. Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3‑position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1‑(N‑methyl‑2‑piperidinyl)methyl, or 2‑(4‑morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

e. Phenylacetylindoles. Any compound containing a 3‑phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1‑(N‑methyl‑2‑piperidinyl)methyl, or 2‑(4‑morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to, SR‑18, RCS‑8, JWH‑203, JWH‑250, JWH‑251.

f. Cyclohexylphenols. Any compound containing a 2‑(3‑hydroxycyclohexyl)phenol structure with substitution at the 5‑position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1‑(N‑methyl‑2‑piperidinyl)methyl, or 2‑(4‑morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but not limited to, CP 47,497 (and homologues), cannabicyclohexanol, CP‑55, 940.

g. Benzoylindoles. Any compound containing a 3‑(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1‑(N‑methyl‑2‑piperidinyl)methyl, or 2‑(4‑morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to, AM‑694, Pravadoline (WIN 48,098), RCS‑4, AM‑630, AM‑1241, AM‑2233.

h. 2,3‑Dihydro‑5‑methyl‑3‑(4‑morpholinylmethyl)pyrrolo [1,2,3‑de]‑1, 4‑benzoxazin‑6‑yl]‑1‑napthalenylmethanone. (WIN 55,212‑2).

i. 9‑(hydroxymethyl)‑6,6‑dimethyl‑3‑(2‑methyloctan‑2‑yl) ‑ 6a,7,10,10a‑tetrahydrobenzo[c]chromen‑1‑ol 7370. (HU‑210, HU‑211).

j. Adamantoylindoles. Any compound containing a 3‑(1‑adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by a alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1‑(N‑methyl‑2‑piperidinyl)methyl or 2‑(4‑morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring system to any extent.

(~~e~~E) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers if possible within the specific chemical designation:

(1) Mecloqualone;

(2) Methaqualone; or

(3) Gamma Hydroxybutyric Acid.

(~~f~~F) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline~~.~~;

(2) N‑ethylamphetamine;

(3) Cathinone; or

(4) Substituted Cathinones.

Any compound (not being bupropion) structurally derived from 2‑amino‑1‑phenyl‑1‑propanone by modification in any of the following ways:

(a) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(b) by substitution at the 3‑position with an alkyl substituent;

(c) by substitution at the nitrogen atom with alkyl or dialkyl groups, benzyl or methoxybenzyl groups; or

(d) by inclusion of the nitrogen atom in a cyclic structure.

Including, but not limited to: Methylone, Mephedrone, 3,4‑Methylenedioxypyrovalerone (MDPV), Butylone, Methedrone, 4‑Methylethcathinone, Flephedrone, Pentylone, Pentedrone, Buphedrone.”

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

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

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

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 | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Crosby | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Ott |
| Owens | Parker | Parks |
| Pinson | Pitts | Pope |
| Putnam | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--103**

Those who voted in the negative are:

**Total--0**

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

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

**RECURRENCE TO THE MORNING HOUR**

Rep. BANNISTER moved that the House recur to the morning hour, which was agreed to.

**HOUSE RESOLUTION**

The following was introduced:

H. 4700 -- Rep. Agnew: A HOUSE RESOLUTION TO CONGRATULATE THE CITIZENS OF CALHOUN FALLS UPON THE DEDICATION OF THE CALHOUN FALLS CHAMBER OF COMMERCE AND VISITORS CENTER.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4701 -- Rep. Hiott: A HOUSE RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 1, 2012, AS "SOUTH CAROLINA RECYCLERS DAY" AND TO COMMEND AND RECOGNIZE SOUTH CAROLINA'S RECYCLERS FOR THEIR CONTRIBUTIONS TO OUR STATE'S ECONOMY, FOR THEIR EFFORTS TO PROMOTE ENERGY EFFICIENCY, AND FOR THEIR LEADERSHIP IN PROVIDING SUSTAINABLE MATERIAL-MANAGEMENT OPTIONS.

Whereas, recycling in South Carolina creates jobs, supports economic development, increases prosperity, conserves natural resources, promotes energy efficiency, decreases production costs, and inspires innovation; and

Whereas, the upgrading and processing of recycled materials adds $6.5 billion annually to South Carolina’s economy through the provision of local jobs, manufacturing of recycled‑content materials, and responsible material‑management solutions. Additionally, the recycling industry is projected to increase approximately 12 percent on an annual basis, with an economic impact to the State of $11 billion by 2012; and

Whereas, in South Carolina, the recycling industry is directly responsible for more than 37,440 jobs, $1.5 billion in annual personal income, and an estimated $69 million in tax revenue each year; and

Whereas, the South Carolina recycling industry announced $333 million in capital investment, the creation of more than 800 jobs, with fifteen new or existing companies investing in the State in 2011. The recycling industry is comprised of haulers, collectors, processors, brokers, recycling‑equipment sales and manufacturers, and end‑users, or manufacturers who use recycled‑material feedstock and make recycled‑content products from it; and

Whereas, in addition to recycling, other green‑industry sector companies in South Carolina announced over $526 million in capital investment and more than 2,700 green jobs, with twenty‑five new or existing companies investing in the State in 2011. The green‑industry sector is comprised of recycling companies, as well as those that help reduce the use of fossil fuels, pollution, and GHG emissions; develop renewable energy sources; and increase the efficiency of energy usage; and

Whereas, the State recycling rate in 2010 was 25.5 percent and resulted in 1,063,521 tons of municipal solid waste recycled in South Carolina. By making small changes in daily routines to incorporate recycling, South Carolinians can make a significant impact on their economy and environment; and

Whereas, through the recognition and promotion of the economic, energy, and environmental benefits of recycling, South Carolina’s recycling industry will grow, thereby creating efficient market‑based solutions for various energy and waste‑management concerns; and

Whereas, the significant energy benefits of recycling provide greater diversity and reliability to the South Carolina energy grid while protecting the state’s natural resources. The manufacture of recycled products requires, on average, seventeen times less energy than manufacturing the same products from virgin materials. Against a backdrop of relatively high energy and metals prices, as well as growing concerns over environmental pollution, the recycling industry represents one of the most pragmatic solutions readily available to conserve scarce natural resources, reduce production costs, and lessen total energy consumption. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, declare Wednesday, February 1, 2012, as “South Carolina Recyclers Day” and commend and recognize South Carolina’s recyclers for their contributions to our state’s economy, for their efforts to promote energy efficiency, and for their leadership in providing sustainable material‑management options.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4702 -- Reps. Gilliard, Williams, Jefferson and Stavrinakis: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR ALLUETTE K. JONES, OWNER OF CHARLESTON'S ALLUETTE'S CAFÉ, FOR HER COMMUNITY SERVICE AND THE ENTREPRENEURIAL ENDEAVORS THAT HAVE ADDED SO MUCH LOWCOUNTRY CHARM TO SOUTH CAROLINA'S COASTAL AREA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4703 -- Reps. Pitts, Herbkersman, Parker, Hardwick, White, Erickson, Henderson, Limehouse, Sandifer, G. R. Smith, Spires and Tribble: A CONCURRENT RESOLUTION TO OPPOSE AND REFUSE TO RECOGNIZE OR ENFORCE THE COASTAL AND MARINE SPATIAL PLANS CREATED IN SOUTH CAROLINA PURSUANT TO THE AUTHORITY OF THE NATIONAL OCEAN COUNCIL.

The Concurrent Resolution was ordered referred to the Committee on Agriculture, Natural Resources and Environmental Affairs.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1129 -- Senator Ford: A CONCURRENT RESOLUTION TO INVITE THE HONORABLE BARACK H. OBAMA, PRESIDENT OF THE UNITED STATES OF AMERICA, TO ADDRESS THE SOUTH CAROLINA GENERAL ASSEMBLY IN JOINT ASSEMBLY IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT A TIME TO BE DETERMINED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

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

**INTRODUCTION OF BILLS**

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

H. 4704 -- Rep. Agnew: A JOINT RESOLUTION TO POSTPONE UNTIL PROPERTY TAX YEAR 2012 THE IMPLEMENTATION OF THE REVISED VALUES DETERMINED IN THE MOST

RECENT COUNTYWIDE APPRAISAL AND EQUALIZATION PROGRAM CONDUCTED IN ABBEVILLE COUNTY.

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

H. 4705 -- Reps. Brady, Butler Garrick, Long, Funderburk, Thayer and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-60 SO AS TO REQUIRE HOSPITALS TO PROVIDE PARENTS OF NEWBORNS, PRIOR TO DISCHARGE, EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE AND TO REQUIRE THIS INFORMATION TO INCLUDE THE CENTER FOR DISEASE CONTROL'S RECOMMENDATION THAT PARENTS RECEIVE THE TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINE DURING POST PARTUM TO PROTECT NEWBORNS FROM THE TRANSMISSION OF PERTUSSIS; AND TO PROVIDE THAT HOSPITALS ARE NOT REQUIRED TO PROVIDE OR PAY FOR A VACCINATION AGAINST PERTUSSIS.

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

H. 4706 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-310 SO AS TO DEFINE CERTAIN TERMS RELATED TO COTTAGE FOOD OPERATIONS; AND BY ADDING SECTION 44-1-320 SO AS TO REGULATE COTTAGE FOOD OPERATIONS.

Referred to Committee on Labor, Commerce and Industry

H. 4707 -- Reps. Herbkersman, Limehouse, Patrick, Hardwick, Erickson and Bowers: A JOINT RESOLUTION TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, PURSUANT TO THE DEPARTMENT'S MEDICAID HOME AND COMMUNITY-BASED WAIVER, SHALL ISSUE PERSONAL EMERGENCY RESPONSE SYSTEM (PERS) DEVICES TO MEDICAID RECIPIENTS THAT INCLUDE A NURSE TRIAGE COMPONENT, AND TO FURTHER SPECIFY REQUIREMENTS FOR A PERS DEVICE CONTAINING THE NURSE TRIAGE COMPONENT.

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

**H. 4571--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4571 -- Reps. Rutherford and Weeks: A BILL TO AMEND ACT 13 OF 2011, RELATING TO THE REPEAL OF SECTION 56-1-745 WHICH RELATES TO THE SUSPENSION OF A DRIVER'S LICENSE OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION, SO AS TO PROVIDE THAT THE REPEAL OF THIS PROVISION APPLIES TO ALL ACTIONS, RIGHTS, DUTIES, OR LIABILITIES FOUNDED ON IT PENDING ON AND BEFORE APRIL 12, 2011, AND ALTERS, DISCHARGES, RELEASES AND EXTINGUISHES ANY PENALTY, FORFEITURE, OR LIABILITY INCURRED UNDER THE REPEALED SECTION.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4571 (COUNCIL\NBD\12058AC12), which was adopted:

Amend the bill as and if amended, by inserting after the Title and before the enacting words:

/Whereas, Section 1 of Act 13 of 2011, repealed Section 56-1-745 of the 1976 Code, which suspended the driver’s license of a person convicted of a controlled substance violation; and

Whereas, Section 2 of Act 13 of 2011, stated that the repeal of this statute (Section 56-1-745) ‘does not affect pending actions . . . or liabilities’ or does not ‘alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed . . . law’; and

Whereas, Section 2 of Act 13 of 2011, further states that ‘After. . . the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws’; and

Whereas, the South Carolina Department of Motor Vehicles (DMV) interpreted Section 2 of Act 13 of 2011, to mean that the charge of a person whose controlled substance violation and criminal charge occurred before April 12, 2011, was a pending charge and accordingly applied Section 56-1-748 and suspended that person’s driver’s license; and

Whereas, members of the General Assembly have stated that the provisions of Section 2 of Act 13 of 2011, do not accurately reflect the intentions of the General Assembly in enacting Act 13 of 2011; and

Whereas, members of the General Assembly have stated that the intention of the General Assembly was to discontinue the suspension of the driver’s license of a person who was charged with a controlled substance violation before April 12, 2011, but whose conviction occurred on or after April 12, 2011; and

Whereas, in order to carry out the intentions of the General Assembly, it is necessary to enact the following language. Now, therefore,/

Amend the bill, further, by deleting Section 1 of the bill and inserting:

/SECTION 1. (A) Notwithstanding the provisions of Act 13 of 2011, the suspension by the Department of Motor Vehicles of the driver’s license of a person convicted of a controlled substance violation, pursuant to former Section 56-1-745 of the 1976 Code, for which the person was charged before April 12, 2011, and whose conviction or guilty plea or nolo contendere was entered on or after April 12, 2011, is reversed and the person’s driving privilege must be reinstated on this act’s effective date.

(B) The department must not pay or reimburse a person for a reinstatement fee or other costs or fees incurred by the person as a result of the suspension of the person’s driver’s license if the person’s driver’s license suspension was due to being charged with a controlled substance violation before April 12, 2011, and convicted on or after April 12, 2011, and the suspension ended and the person paid the reinstatement fee or incurred other costs or fees before this act’s effective date. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

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

**Total--102**

Those who voted in the negative are:

**Total--0**

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

**H. 4463--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Wednesday, February 1, which was adopted:

H. 4463 -- Reps. Harrison, Clyburn, Murphy, McLeod and Weeks: A BILL TO AMEND SECTION 22-3-545, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF CERTAIN CRIMINAL CASES FROM GENERAL SESSIONS COURT TO MAGISTRATES OR MUNICIPAL COURT, SO AS TO CLARIFY THE TYPES OF CASES THAT MAY BE TRANSFERRED INCLUDES CRIMINAL CASES ORIGINALLY CHARGED AND THOSE IN WHICH THE CHARGES ARE REDUCED FOR PURPOSES OF A GUILTY PLEA, TO ALLOW DEFENDANTS TO WAIVE CERTAIN RIGHTS, AND TO REQUIRE THE APPROVAL OF A CIRCUIT COURT JUDGE REGARDING TERMS OF COURT OF THE MAGISTRATES AND MUNICIPAL COURTS FOR THE DISPOSITION OF TRANSFERRED CASES.

**H. 4549--OBJECTION AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4549 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-3-70 SO AS TO REQUIRE A THIRD-PARTY VOTER REGISTRATION ORGANIZATION OPERATING IN THIS STATE TO REGISTER AND FILE CERTAIN INFORMATION WITH THE STATE ELECTION COMMISSION; TO PROVIDE THAT A THIRD-PARTY VOTER REGISTRATION ORGANIZATION MUST PROMPTLY DELIVER ALL COLLECTED REGISTRATION APPLICATIONS TO THE APPROPRIATE REGISTRATION OFFICE, AND TO PROVIDE PENALTIES.

Reps. COBB-HUNTER objected to the Bill.

Reps. CLEMMONS, LOFTIS, CORBIN, WEEKS, G. M. SMITH, SELLERS, G. R. SMITH, BEDINGFIELD, NANNEY, J. R. SMITH, POPE, HIXON, BARFIELD, V. S. MOSS, HARDWICK, GILLIARD, R. L. BROWN, ANDERSON, G. A. BROWN, HOSEY, KING, WILLIAMS, FORRESTER, TALLON, BRANTLEY and J. H. NEAL requested debate on the Bill.

**H. 4614--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4614 -- Reps. Pitts, Lucas, Hearn, Brannon, Weeks, Spires, Loftis and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 15, TITLE 63 SO AS TO SPECIFY CERTAIN PROCEDURES AND REQUIREMENTS FOR COURT-ORDERED CHILD CUSTODY, INCLUDING, BUT NOT LIMITED TO, DEFINING "JOINT CUSTODY" AND "SOLE CUSTODY", REQUIRING PARENTS TO JOINTLY PREPARE AND SUBMIT A PARENTING PLAN, WHICH THE COURT MUST CONSIDER BEFORE ISSUING TEMPORARY AND FINAL CUSTODY ORDERS; REQUIRING THE COURT TO MAKE FINAL CUSTODY DETERMINATIONS IN THE BEST INTEREST OF THE CHILD BASED UPON THE EVIDENCE PRESENTED, REQUIRING THE COURT TO CONSIDER JOINT CUSTODY IF EITHER PARENT SEEKS IT, STATING FINDINGS OF FACT AS TO WHY OR WHY NOT JOINT CUSTODY WAS AWARDED, PROVIDING MATTERS THAT MAY BE INCLUDED IN A CUSTODY ORDER, PROVIDING FACTORS THE COURT MAY CONSIDER IN ISSUING OR MODIFYING A CUSTODY ORDER WHEN CONSIDERING THE BEST INTEREST OF THE CHILD, AND AUTHORIZING A PARENT TO SEEK ARBITRATION OF AN ISSUE THAT CANNOT BE RESOLVED BETWEEN THE PARENTS; AND TO AMEND SECTION 63-5-30, RELATING TO THE RIGHTS AND DUTIES OF PARENTS TO THEIR CHILDREN, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROVIDED BY AN ORDER OF THE COURT, PARENTS HAVE EQUAL POWERS, RIGHTS, AND DUTIES CONCERNING ALL MATTERS AFFECTING THEIR CHILDREN.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4614 (COUNCIL\NBD\12056AC12), which was adopted:

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

/SECTION 1. Chapter 15, Title 63 of the 1976 Code is amended by adding:

“Article 2

Court‑Ordered Child Custody

Section 63‑15‑210. (A) As used in this article:

(1) ‘Court‑approved arbitrator’ means a certified mediator or certified arbitrator who the chief administrative family court judge for a particular judicial circuit, certifies to arbitrate a dispute between parents concerning their child. Court‑approved arbitrators may charge an hourly rate set by the chief administrative family court judge for a particular county.

(2) ‘Joint custody’ means both parents have equal rights and responsibilities for major decisions concerning the child, including the child’s education, medical and dental care, extracurricular activities, and religious training; however, a judge may designate one parent to have sole authority to make specific, identified decisions while both parents retain equal rights and responsibilities for all other decisions. Joint custody does not mean that a child must spend an equal amount of time with each parent.

(3) ‘Sole custody’ means a person, including but not limited to, a parent who has permanent custody of a child and, unless otherwise provided for by court order, the rights and responsibilities for major decisions concerning the child, including the child’s education, medical and dental care, extracurricular activities, and religious training. A noncustodial parent may have rights to visitation or parenting time as provided for by court order.

Section 63‑15‑220. (A) Prior to a temporary hearing at which custody is an issue, the court shall require each parent to prepare and submit to the court a parenting plan which reflects parental preferences, the allocation of parenting time to be spent with each parent, and major decisions including but not limited to the child’s education, medical and dental care, extracurricular activities and religious training. The court shall issue a temporary and final custody order only after considering this parenting plan; however, the failure by a party to submit a parenting plan to the court does not preclude the court from issuing a temporary or final custody order.

(B) At the final hearing, either party may submit an updated or amended parenting plan for the court’s consideration.

(C) Court administration shall develop a document on which a parenting plan may be prepared and submitted to the court.

Section 63‑15‑230. (A) The court shall make the final custody determination in the best interest of the child based upon the evidence presented.

(B) The court may award joint custody to both parents or sole custody to either parent.

(C) If custody is contested or if either parent seeks an award of joint custody, the court must consider joint custody and shall issue an order containing findings of fact as to why joint custody was or was not awarded.

Section 63‑15‑240. (A) In issuing or modifying an order for custody affecting the rights and responsibilities of the parents, the order may include, but is not limited to:

(1) approval of a parenting plan agreed to by the parents;

(2) award of sole custody to one parent with appropriate parenting time for the noncustodial parent;

(3) if joint custody is awarded to both parents, the order must include:

(a) residential arrangements with each parent in accordance with the needs of the child and parents; and

(b) how consultations and communications between the parents will take place, generally and specifically with regard to major decisions concerning the child’s health, medical and dental care, education, extracurricular activities, and religious training;

(4) other custody arrangements as the court may determine to be in the best interest of the child.

(B) In issuing or modifying a custody order, the court shall consider the best interest of the child, which may include, but is not limited to:

(1) the temperament and developmental needs of the child;

(2) the capacity and the disposition of the parents to understand and meet the needs of the child;

(3) relevant and material information obtained from the child, including the informed preferences of the child;

(4) the wishes of the parents as to custody;

(5) the past and current interaction and relationship of the child with each parent, the child’s siblings, and any other person who may significantly affect the best interest of the child;

(6) the willingness of each parent to facilitate and encourage the continuing parent‑child relationship between the child and the other parent, as is appropriate, including compliance with court orders;

(7) the manipulation by or coercive behavior of the parents in an effort to involve the child in the parents’ dispute;

(8) the ability of each parent to be actively involved in the life of the child;

(9) the child’s adjustment to his or her home, school, and community environments;

(10) the stability of the child’s existing and proposed residences;

(11) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining the continuity in the environment; however, the court may consider favorably a parent who voluntarily leaves the child’s family home pendente lite in order to alleviate stress in the household;

(12) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, must not be determinative of custody unless the proposed custodial arrangement is not in the best interest of the child;

(13) the child’s cultural background;

(14) whether the child or a sibling of the child has been abused or neglected;

(15) the effect on the child of the actions of an abuser if any domestic violence has occurred between the parents or between a parent and another individual or between the parent and the child;

(16) other factors as the court considers necessary.

Section 63‑15‑250. (A) When a final order is issued awarding joint custody and thereafter the parents are unable to agree on a significant decision concerning the child that does not require a modification of the court order, either parent may seek to have the matter arbitrated by a court‑approved arbitrator. The parties shall equally pay the cost of the arbitration; however, the arbitration order may require the prevailing party be reimbursed for all or part of the costs associated with the arbitration.

(B) The family court retains jurisdiction to modify a joint custody order based on a substantial change of circumstances.”

SECTION 2. Section 63‑15‑220(C) of the 1976 Code, as added by Section 1 of this Act, is effective 60 days after the approval of the Governor. All other sections and subsections of this act take effect upon approval by the Governor and apply to causes of action arising on or after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. HEARN explained the amendment.

The amendment was then adopted.

Rep. HEARN proposed the following Amendment No. 2 to H. 4614 (COUNCIL\NBD\12080AC12), which was adopted:

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

/SECTION 1. Chapter 15, Title 63 of the 1976 Code is amended by adding:

“Article 2

Court‑Ordered Child Custody

Section 63‑15‑210. (A) As used in this article:

(1) ‘Court‑approved arbitrator’ means a certified mediator or certified arbitrator selected by agreement of the parties or appointed by a family court judge to arbitrate a dispute between parents concerning their child. Court‑approved arbitrators may charge an hourly rate as agreed upon by the parties or as set by the chief administrative family court judge for a particular county.

(2) ‘Joint custody’ means both parents have equal rights and responsibilities for major decisions concerning the child, including the child’s education, medical and dental care, extracurricular activities, and religious training; however, a judge may designate one parent to have sole authority to make specific, identified decisions while both parents retain equal rights and responsibilities for all other decisions. Joint custody does not mean that a child must spend an equal amount of time with each parent.

(3) ‘Sole custody’ means a person, including but not limited to, a parent who has temporary or permanent custody of a child and, unless otherwise provided for by court order, the rights and responsibilities for major decisions concerning the child, including the child’s education, medical and dental care, extracurricular activities, and religious training. A noncustodial parent may have rights to visitation or parenting time as provided for by court order.

Section 63‑15‑220. (A) At all temporary hearings where custody is an issue, each parent shall prepare, file, and submit to the court a parenting plan which reflects parental preferences, the allocation of parenting time to be spent with each parent, and major decisions including but not limited to the child’s education, medical and dental care, extracurricular activities and religious training. The court shall issue temporary and final custody orders only after considering these parenting plans; however, the failure by a party to submit a parenting plan to the court does not preclude the court from issuing a temporary or final custody order.

(B) At the final hearing, either party may file and submit an updated parenting plan for the court’s consideration.

(C) Court administration shall develop a document on which a parenting plan may be prepared and submitted to the court.

Section 63‑15‑230. (A) The court shall make the final custody determination in the best interest of the child based upon the evidence presented.

(B) The court may award joint custody to both parents or sole custody to either parent.

(C) If custody is contested or if either parent seeks an award of joint custody, the court must consider joint custody and shall issue an order containing findings of fact as to why joint custody was or was not awarded.

Section 63‑15‑240. (A) In issuing or modifying an order for custody affecting the rights and responsibilities of the parents, the order may include, but is not limited to:

(1) the approval of a parenting plan agreed to by the parents;

(2) the award of sole custody to one parent with appropriate parenting time for the noncustodial parent;

(3) the award of joint custody in which case the order must include:

(a) residential arrangements with each parent in accordance with the needs of the child and parents; and

(b) how consultations and communications between the parents will take place, generally and specifically with regard to major decisions concerning the child’s health, medical and dental care, education, extracurricular activities, and religious training;

(4) other custody arrangements as the court may determine to be in the best interest of the child.

(B) In issuing or modifying a custody order, the court shall consider the best interest of the child, which may include, but is not limited to:

(1) the temperament and developmental needs of the child;

(2) the capacity and the disposition of the parents to understand and meet the needs of the child;

(3) the preferences of the child;

(4) the wishes of the parents as to custody;

(5) the past and current interaction and relationship of the child with each parent, the child’s siblings, and any other person who may significantly affect the best interest of the child;

(6) the willingness of each parent to facilitate and encourage the continuing parent‑child relationship between the child and the other parent, as is appropriate, including compliance with court orders;

(7) the manipulation by or coercive behavior of the parents in an effort to involve the child in the parents’ dispute;

(8) the ability of each parent to be actively involved in the life of the child;

(9) the child’s adjustment to his or her home, school, and community environments;

(10) the stability of the child’s existing and proposed residences;

(11) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, must not be determinative of custody unless the proposed custodial arrangement is not in the best interest of the child;

(12) the child’s cultural background;

(13) whether the child or a sibling of the child has been abused or neglected;

(14) the effect on the child of the actions of an abuser if any domestic violence has occurred between the parents or between a parent and another individual or between the parent and the child;

(15) other factors as the court considers necessary.

Section 63‑15‑250. (A) When a final order is issued awarding joint custody and thereafter the parents are unable to agree on a significant decision concerning the child that does not require a modification of the court order, either parent may seek to have the matter arbitrated by a court‑approved arbitrator. The parties shall equally pay the cost of the arbitration; however, the arbitration order may require the prevailing party be reimbursed for all or part of the costs associated with the arbitration.

(B) The family court retains jurisdiction to modify a joint custody order based on a substantial change of circumstances.”

SECTION 2. Section 63‑15‑220(C) of the 1976 Code, as added by Section 1 of this Act, is effective 60 days after the approval of the Governor. All other sections and subsections of this act take effect upon approval by the Governor and apply to causes of action arising on or after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. HEARN explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| 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 |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Parks | Pitts | Pope |
| Putnam | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Toole |
| Tribble | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

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

**H. 4541--RECALLED FROM COMMITTEE ON**

**EDUCATION AND PUBLIC WORKS**

On motion of Rep. BALES, with unanimous consent, the following Concurrent Resolution was ordered recalled from the Committee on Education and Public Works:

H. 4541 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF HICKORY RIDGE DRIVE AND PADGETT ROAD IN RICHLAND COUNTY THAT CONTAIN THE WORDS "WELCOME TO THE HICKORY RIDGE COMMUNITY".

**MOTION PERIOD**

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

**H. 3788--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Bill until Wednesday, February 15, which was adopted:

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

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

**ADJOURNMENT**

At 1:29 p.m. the House, in accordance with the motion of Rep. LIMEHOUSE, adjourned in memory of Mrs. Nora Johnson, mother-in-law of Representative Sottile, to meet at 11:30 a.m. tomorrow.

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