~~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 19:7: “The law of the Lord is perfect, converting the soul; the testimony of the Lord is sure, making wise the simple.”

Let us pray. Almighty God, Your mercies are new to us every day. We offer to You our thanks for the blessings You give that make us wise. Keep these Representatives in Your care as they strive to carry out their duties to the best of their abilities. Bless our Nation, State, and all who labor in these Halls of Government. We remember especially Don Hottel and his son, Ben. Grant them Your mercy and compassion in their time of need. Protect our defenders of freedom at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. 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. MURPHY moved that when the House adjourns, it adjourn in memory of Lieutenant Colonel Harvey M. Dick, former assistant commandant of cadets at the Citadel, of Charleston, which was agreed to.

**REGULATIONS RECEIVED**

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

Document No. 4228

Agency: Board of Chiropractic Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-9-30

Organization, Administration and Procedure

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 5, 2012

Document No. 4226

Agency: Building Codes Council

Statutory Authority: 1976 Code Sections 6-8-20 and 40-1-70

Duties and Responsibilities of Department; Modular Buildings Construction

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4265

Agency: Board of Barber Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-7-190

Fees

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 5, 2012

Document No. 4238

Agency: Department of Labor, Licensing and Regulation - Division of Labor

Statutory Authority: 1976 Code Section 40-82-70

Licensing and Permitting Fees; Licensing Requirements

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4225

Agency: Board of Barber Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-7-190

Requirements of Licensure in the Field of Barbering

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 5, 2012

Document No. 4270

Agency: Department of Labor, Licensing and Regulation - Office of Elevators and Amusement Rides

Statutory Authority: 1976 Code Sections 41-16-40, 41-16-70, 41‑18‑70, 41-18-80, and 41-18-120

Special Inspectors

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4237

Agency: Department of Labor, Licensing and Regulation - Panel for Dietetics

Statutory Authority: 1976 Code Section 40-20-50

Definitions

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 5, 2012

Document No. 4264

Agency: Auctioneers' Commission

Statutory Authority: 1976 Code Sections 40-1-70 and 40-6-60

Duplicate Wall or Pocket Card License; Fees

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4236

Agency: Board of Registration for Geologists

Statutory Authority: 1976 Code Sections 40-1-70 and 40-77-05, et seq.

General Registration Provisions for Geologists-in-Training

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration June 5, 2012

Document No. 4263

Agency: Auctioneers' Commission

Statutory Authority: 1976 Code Sections 40-1-70 and 40-6-60

Reporting of Continuing Education

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4268

Agency: Board of Funeral Service

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5, et seq.

Fees

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4235

Agency: Board of Funeral Service

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5, et seq.

General Licensing Provisions for Embalmers and Funeral Directors; Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4262

Agency: Athletic Commission

Statutory Authority: 1976 Code Sections 40-1-70 and 40-81-70

Fees

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4269

Agency: Board of Funeral Service

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5, et seq.

Requirements of Licensure for Funeral Service Providers

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4234

Agency: Board of Registration for Foresters

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

Requirements of Licensure for Foresters

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration June 5, 2012

Document No. 4233

Agency: Board of Registration for Professional Engineers and Surveyors

Statutory Authority: 1976 Code Sections 40-1-70, 40-22-60, and 40‑22-130

Requirements of Licensure for Engineers and Surveyors

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4232

Agency: Board of Dentistry

Statutory Authority: 1976 Code Sections 40-1-40, 40-1-70, 40-15-40, 40-15-140, and 40-15-275

Registration of Licenses or Certificates; Annual Election of the Board; and Executive Director

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 5, 2012

Document No. 4231

Agency: Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists

Statutory Authority: 1976 Code Sections 40-1-40, 40-1-70, and 40‑75‑60

Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 5, 2012

Document No. 4230

Agency: Board of Cosmetology

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

Requirements of Licensure for Cosmetologists, Estheticians, and Nail Technicians

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 5, 2012

Document No. 4229

Agency: Contactors' Licensing Board

Statutory Authority: 1976 Code Sections 40-1-70 and 40-11-60

Requirements of Licensure for Contractors

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4267

Agency: Contractors' Licensing Board

Statutory Authority: 1976 Code Sections 40-1-70 and 40-11-60

Emergency Licensure

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4224

Agency: Board of Architectural Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-3-60

Requirements of Licensure in the Field of Architecture

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Document No. 4223

Agency: Board of Accountancy

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

Reinstatement and Continuing Professional Education

Received by Speaker of the House of Representatives

February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

**H. 3124--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., February 1, 2012

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. 3124:

H. 3124 -- Reps. Pitts and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, AND 124 TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DISTINGUISHED SERVICE MEDAL" SPECIAL LICENSE PLATES, "SECOND AMENDMENT" SPECIAL LICENSE PLATES, "DISTINGUISHED SERVICE CROSS" SPECIAL LICENSE PLATES, "DEPARTMENT OF NAVY" SPECIAL LICENSE PLATES, "PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS" SPECIAL LICENSE PLATES, "STATE FLAG" SPECIAL LICENSE PLATES, "SOUTH CAROLINA HIGHWAY PATROL-RETIRED" LICENSE PLATES, "I SUPPORT LIBRARIES" SPECIAL LICENSE PLATES, "SOUTH CAROLINA EDUCATOR" SPECIAL LICENSE PLATES, "COON HUNTERS" LICENSE PLATES, "BEACH MUSIC" SPECIAL LICENSE PLATES, "CITADEL ALUMNI ASSOCIATION 'BIG RED'" SPECIAL LICENSE PLATES, "LARGE MOUTH BASS" SPECIAL LICENSE PLATES, "HIGH SCHOOL" SPECIAL LICENSE PLATES, "SOUTH CAROLINA WILDLIFE FEDERATION" SPECIAL LICENSE PLATES AND "HISTORIC" SPECIAL LICENSE PLATES; TO AMEND SECTION 56-3-7330, RELATING TO THE ISSUANCE OF "BOY SCOUTS OF AMERICA" SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF "EAGLE SCOUTS OF AMERICA" SPECIAL LICENSE PLATES; TO AMEND SECTION 56-3-2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56-3-1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-3-10410, RELATING TO THE ISSUANCE OF "VETERAN" SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN "VETERAN" LICENSE PLATES; TO AMEND SECTION 56-3-3310, AS AMENDED, RELATING TO THE ISSUANCE OF "PURPLE HEART" SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56-3-8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT'S USE OF THE ORGANIZATION'S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56-3-8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

Very respectfully,

President

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

Whereupon, the Chair appointed Reps. OWENS, DANING and RUTHERFORD 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. 4729 -- Reps. Clyburn, Young, J. R. Smith, Hixon and Taylor: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE CAROLYN P. NEAL, MAGISTRATE JUDGE FOR AIKEN COUNTY, UPON THE OCCASION OF HER RETIREMENT FROM THE BENCH, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4730 -- Reps. Clyburn and Hixon: A HOUSE RESOLUTION TO COMMEND AND HONOR XERNONA CLAYTON FOR HER SIGNIFICANT ROLE IN THE CIVIL RIGHTS MOVEMENT, AND TO WELCOME HER TO THE ELEVENTH ANNUAL BLACK HISTORY PROGRAM AT OLD MACEDONIA BAPTIST CHURCH OF AIKEN COUNTY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4731 -- Rep. Barfield: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR AYNOR CHIEF OF POLICE LEONARD ROGER MCCRACKIN, UPON THE OCCASION OF HIS RETIREMENT FROM THE AYNOR POLICE DEPARTMENT AFTER TWENTY YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4734 -- Rep. Bowers: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE COLLETON PREPARATORY ACADEMY FOOTBALL TEAM ON ITS IMPRESSIVE WIN OF THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4735 -- Rep. Bowers: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE COLLETON PREPARATORY ACADEMY FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR WINNING THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Colleton Preparatory Academy football team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for winning the 2011 South Carolina Independent School Association Class A State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4741 -- Reps. Ott, Huggins, Agnew, J. E. Smith, Anderson, Cobb-Hunter, J. H. Neal, McLeod, Funderburk, Govan, Butler Garrick, Bingham, Stavrinakis, Loftis, Knight, Brannon, Hodges, Alexander, Whitmire, Long, Williams, Spires, King, Jefferson, Johnson, Bales, Neilson, Bedingfield, Corbin, Sabb, G. R. Smith, Allen, Anthony, Atwater, Bannister, Barfield, Battle, Branham, G. A. Brown, R. L. Brown, Clemmons, Clyburn, Crawford, Crosby, Delleney, Edge, Forrester, Frye, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Henderson, Hiott, Hosey, Howard, Lowe, Lucas, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Norman, Pitts, Pope, Quinn, Sandifer, Simrill, Skelton, G. M. Smith, Stringer and Taylor: A HOUSE RESOLUTION TO AMEND RULE 4.13 OF THE HOUSE OF REPRESENTATIVES, RELATING TO PERSONS PERMITTED TO ADDRESS THE HOUSE, SO AS TO REQUIRE THAT A PERSON WHO TESTIFIES BEFORE A HOUSE COMMITTEE OR SUBCOMMITTEE FIRST MUST BE SWORN AND PLACED UNDER OATH.

The Resolution was ordered referred to the Committee on Rules.

**HOUSE RESOLUTION**

The following was introduced:

H. 4742 -- Rep. Battle: A HOUSE RESOLUTION TO CONGRATULATE SAMUEL JERVEY DUPRÉ, JR., OF CHARLESTON COUNTY ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4736 -- Reps. Hodges, McLeod, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, 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, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, 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 RECOGNIZE AND HONOR THE ARCHITECTURAL VISION AND ACCOMPLISHMENTS OF FRANK LLOYD WRIGHT AND HIS SOUTH CAROLINA CREATION OF AULDBRASS PLANTATION, AND TO COMMEND THE SIGNIFICANT WORK OF JOEL SILVER TO RESTORE AULDBRASS TO THE ORIGINAL WRIGHT PLANS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1177 -- Senators Hayes, Peeler, Gregory and Coleman: A CONCURRENT RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE PALMETTO STATE, AND TO DECLARE FEBRUARY 8, 2012, "YORK COUNTY DAY" IN SOUTH CAROLINA.

Whereas, nestled between the Broad River on the West and the Catawba River on the East in the State’s hardy Piedmont, York County is home to such jewels as Historic Brattonsville and illustrious Winthrop University; and

Whereas, with more than 232,815 South Carolina citizens, York County constitutes just over five percent of the State’s total population; and

Whereas, York County is the State’s fastest growing county, with an average annual‑growth rate of nearly four percent and a nine‑year population increase of almost thirty‑two percent; and

Whereas, the estimated assessment of real and manufacturing property in York County exceeded six hundred eighty million dollars in 2011, which is a substantial increase from the previous year and represents approximately four percent of the State’s total assessment of real and manufacturing property; and

Whereas, the state’s eighth highest producing county in retail sales last year, York County provided more than four and a half billion dollars to State coffers and over four percent of South Carolina’s total retail sales; and

Whereas, attractions such as Carowinds draw a myriad of visitors from all over North and South Carolina, and events like the Clover Scottish Games and Scotch Irish Festival and the South Carolina Strawberry Festival in Fort Mill showcase the warm hospitality and natural beauty of the county; and

Whereas, the citizens of York County passed their own one‑cent sales tax in 1997, again in 2003, and yet again in 2011 to collect a total of four hundred thirty‑five million dollars to be used to pay for critical road improvements, which also enhance the efficiency of the State’s road system. Now, therefore,

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

That the members of the South Carolina General Assembly, by this resolution, recognize York County as a vital part of the Palmetto State, and declare February 8, 2012, “York County Day” in South Carolina.

Be it further resolved that a copy of this resolution be forwarded to each of the four chambers of commerce in York County.

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:

S. 1056 -- Senators Peeler, Cromer, Alexander, L. Martin, Thomas, Setzler, Ryberg, Rose, Grooms, Knotts, Fair and Malloy: A BILL TO AMEND SECTION 44-53-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANNER IN WHICH CHANGES TO SCHEDULES OF CONTROLLED SUBSTANCES MAY BE MADE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO PROVIDE THAT THE EXISTENCE OF A RECOGNIZED MEDICAL USE OF A SUBSTANCE MUST BE CONSIDERED BY THE DEPARTMENT WHEN MAKING A RECOMMENDATION TO THE GENERAL ASSEMBLY ABOUT ADDING A SUBSTANCE TO A SCHEDULE, TO PROVIDE FOR THE ADDITION, DELETION, OR RESCHEDULING OF A CONTROLLED SUBSTANCE BY THE DEPARTMENT WHEN A CORRESPONDING ADDITION, DELETION, OR RESCHEDULING OF THE DRUG BY FEDERAL LAW OR REGULATION OCCURS, TO PROVIDE FOR THE EMERGENCY DESIGNATION OF A SUBSTANCE AS A SCHEDULE I SUBSTANCE, AND TO PROVIDE AN EXEMPTION FROM ORDINARY PROMULGATION REQUIREMENTS; AND TO AMEND SECTION 44-53-190, AS AMENDED, RELATING TO SCHEDULE I CONTROLLED SUBSTANCES, SO AS TO DEFINE AND ADD SYNTHETIC CANNABINOIDS, CATHINONES, AND SUBSTITUTED CATHINONES TO THAT SCHEDULE.

Referred to Committee on Judiciary

H. 4727 -- Reps. Govan, Brantley, Brannon, J. H. Neal, Johnson, Parker, Alexander, Gilliard, Agnew, Bowers, R. L. Brown, Clyburn, Mack, Munnerlyn, Parks and J. E. Smith: A BILL TO AMEND SECTION 59-65-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPULSORY ATTENDANCE REQUIREMENT IN SCHOOLS, SO AS TO INCREASE FROM SEVENTEEN TO EIGHTEEN THE AGE OF THE CHILD AT WHICH A PARENT OR GUARDIAN NO LONGER HAS RESPONSIBILITY TO CAUSE THE CHILD TO ATTEND SCHOOL.

Referred to Committee on Education and Public Works

H. 4728 -- Reps. G. R. Smith, Erickson and Pinson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 10-1-169 SO AS TO PROVIDE THAT A PERSON CHALLENGING THE PUBLIC DISPLAY OF A RELIGIOUS SYMBOL ON PUBLIC PROPERTY MAY ONLY SEEK APPROPRIATE INJUNCTIVE RELIEF, AND TO CLARIFY THAT NO OTHER REMEDIES OR DAMAGES ARE RECOVERABLE, INCLUDING ATTORNEY'S FEES.

Referred to Committee on Judiciary

H. 4732 -- Reps. Sellers and J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3770 SO AS TO ALLOW A STATE TAX CREDIT FOR EMPLOYERS HIRING AN UNEMPLOYED VETERAN RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS, TO PROVIDE THE AMOUNT OF THE CREDIT, THOSE TAXES AGAINST WHICH THE CREDIT IS ALLOWED, AND THE ELIGIBILITY REQUIREMENTS FOR CREDITABLE EMPLOYEES, TO PROVIDE FOR THE ADMINISTRATION OF THE CREDIT, AND TO PROVIDE THAT THE CREDIT IS ALLOWED FOR ELIGIBLE VETERANS HIRED AFTER JUNE 30, 2012, AND BEFORE JULY 1, 2014, AND EXTENDS FOR TWENTY-FOUR MONTHS FOR EACH CREDITABLE EMPLOYEE.

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

H. 4733 -- Rep. Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 21 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN GEORGETOWN COUNTY AS THE PLANTERSVILLE SCENIC BYWAY, AND TO MAKE IT SUBJECT TO REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

Referred to Committee on Education and Public Works

H. 4737 -- Rep. Harrison: A BILL TO AMEND SECTION 63-19-1410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITIONAL POWERS OF THE FAMILY COURT IN CRIMINAL OFFENSES COMMITTED BY JUVENILES, SO AS TO AUTHORIZE THE FAMILY COURT TO ORDER DEFERRED DISMISSAL AND PLACE A CHILD ON PROBATION IN CERTAIN CASES; TO PROVIDE THAT PROBATION MUST BE FOR A SPECIFIED TIME; TO PROVIDE THAT DEFERRED DISMISSAL IS NOT AN ADJUDICATION; AND TO PROVIDE THAT THE SUCCESSFUL COMPLETION OF THE PROBATION AND ENTRY OF AN ORDER DISMISSING THE PROCEEDINGS SERVE TO LEGALLY REMOVE THE CHILD FROM COMMITTING PERJURY OR MAKING A FALSE STATEMENT FOR FAILING TO RECITE OR ACKNOWLEDGE BEING TAKEN INTO CUSTODY, CHARGED WITH, OR ADJUDICATED DELINQUENT FOR OR HAVING SERVED PROBATION FOR THE OFFENSE.

Referred to Committee on Judiciary

H. 4738 -- Reps. Govan and Hearn: A BILL TO AMEND SECTION 20-3-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY IN DIVORCE AND SEPARATE MAINTENANCE AND SUPPORT ACTIONS, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON "COHABITATION", RATHER THAN ON "CONTINUED COHABITATION" OF THE SUPPORTED SPOUSE; TO DEFINE "COHABITATION" AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; TO AMEND SECTION 20-3-150, AS AMENDED, RELATING TO ALLOCATING ALIMONY TO THE SUPPORTED SPOUSE AND CHILD SUPPORT TO THE CHILDREN SUCH THAT ONLY ALIMONY IS TERMINATED UPON REMARRIAGE OR CONTINUED COHABITATION OF THE SUPPORTED SPOUSE, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON "COHABITATION", RATHER THAN ON "CONTINUED COHABITATION" OF THE SUPPORTED SPOUSE; TO DEFINE "COHABITATION" AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; AND TO AMEND SECTION 20-3-170, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY, SO AS TO PROVIDE THAT UPON THE MOTION OF A PARTY TO A JUDGMENT OF DIVORCE, THE COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE RETIREMENT OF THE SUPPORTING SPOUSE CONSTITUTES A CHANGE OF CIRCUMSTANCES FOR THE PURPOSE OF ALIMONY PAYMENTS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER IN MAKING THIS DETERMINATION.

Referred to Committee on Judiciary

H. 4739 -- Reps. Henderson and Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-157 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE AND NUMBER OF PATRONS, A PUBLIC SWIMMING POOL OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT;

AND TO EXCLUDE TYPE E FACILITIES FROM THESE REQUIREMENTS.

Rep. HENDERSON asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. BEDINGFIELD objected.

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

H. 4740 -- Reps. Murphy, Pope, McCoy, Ryan, Sottile, Hardwick, Thayer, Putnam, Bowen, Hearn, Southard, Merrill, Anthony, Atwater, Bingham, Crosby, Daning, Hamilton, Harrell, Harrison, Horne, Huggins, Limehouse, D. C. Moss, V. S. Moss, Owens, Sandifer, G. R. Smith, Stringer, Tallon, Toole and White: A BILL TO AMEND SECTION 30-4-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS EXEMPT FROM THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT, SO AS TO EXEMPT INFORMATION TO BE USED IN A PROSPECTIVE LAW ENFORCEMENT ACTION OR CRIMINAL PROSECUTION AND TO MAKE A CONFORMING CHANGE, TO ADD VICTIMS AND WITNESSES TO A LIST OF THOSE WHOSE POTENTIAL FOR HARM BY RELEASE OF CERTAIN LAW ENFORCEMENT RECORDS RENDERS THOSE RECORDS EXEMPT, TO EXEMPT THE WORK PRODUCT AND RELATED PRIVILEGED COMMUNICATIONS OF PROSECUTORS, AND TO MAKE TECHNICAL CORRECTIONS.

Referred to Committee on Judiciary

H. 4743 -- Rep. Lucas: A BILL TO AMEND SECTION 56-3-1110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL LICENSE PLATES ISSUED TO WARTIME DISABLED VETERANS, SO AS TO PROVIDE THAT A VETERAN IS REQUIRED TO PROVIDE A NEW CERTIFICATION OF DISABILITY AT THE TIME A NEW LICENSE PLATE IS ISSUED IF THE DEPARTMENT OF MOTOR VEHICLES DOES NOT HAVE A PRIOR NOTICE THAT THE VETERAN IS TOTALLY AND PERMANENTLY DISABLED; AND TO AMEND SECTION 56-3-1910, AS AMENDED, RELATING TO LICENSE PLATES ISSUED TO HANDICAPPED PERSONS, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED".

Referred to Committee on Education and Public Works

H. 4744 -- Reps. Hardwick, Herbkersman, Erickson, Patrick, Barfield, Murphy, Hiott, Corbin, Chumley, Loftis, Henderson and Horne: A BILL TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS BEFORE THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT, SO AS TO PROVIDE A REQUEST FOR A CONTESTED CASE HEARING FOR AN AGENCY ORDER DOES NOT STAY THE ORDER, TO DELETE PROVISIONS ALLOWING CERTAIN STAYS, TO PROVIDE A PARTY TO A CONTESTED CASE BEFORE THE COURT MAY SEEK AN INJUNCTION OF AN ACTION AUTHORIZED BY AN AGENCY ORDER, TO REQUIRE THE COURT MUST HOLD A HEARING FOR A DETERMINATION OF A MOTION SEEKING AN INJUNCTION OF AN AGENCY ORDER WITH A SPECIFIED PERIOD, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 48-39-80, RELATING TO THE COASTAL MANAGEMENT PROGRAM, SO AS TO LIMIT THE SCOPE OF THE DEPARTMENT'S REVIEW OF CERTAIN FEDERAL, STATE, AND LOCAL PERMITS AND LICENSES.

Referred to Committee on Judiciary

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | 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 | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | 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 | Neilson |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, February 7.

|  |  |
| --- | --- |
| Grady Brown | Tracy Edge |
| Chris Hart | Leon Howard |
| Patsy Knight | David Mack |
| Peter McCoy, Jr. | Todd Rutherford |
| Paul Agnew | Merita Allison |
| Mike Anthony  Anne Parks | Kenny Bingham |

**Total Present--118**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. R. L. BROWN a leave of absence for the day to attend a business conference.

**TEMPORARY LEAVE OF ABSENCE**

The SPEAKER granted Rep. SOUTHARD a temporary leave of absence to attend a funeral.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**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. 3274 |
| Date: | ADD: |
| 02/07/12 | HAMILTON, STRINGER, HENDERSON, NANNEY and G. R. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3760 |
| Date: | ADD: |
| 02/07/12 | J.M. NEAL | |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3558 |
| Date: | ADD: |
| 02/07/12 | GOVAN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4043 |
| Date: | ADD: |
| 02/07/12 | TOOLE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4629 |
| Date: | ADD: |
| 02/07/12 | BRANNON and STRINGER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4675 |
| Date: | ADD: |
| 02/07/12 | FUNDERBURK |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4697 |
| Date: | ADD: |
| 02/07/12 | SELLERS, SOTTILE, GILLIARD and MCCOY |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4705 |
| Date: | ADD: |
| 02/07/12 | POPE |

**H. 4722--DEBATE ADJOURNED**

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

H. 4722 -- Rep. Agnew: A BILL TO REAPPORTION THE SPECIFIC AREAS OR ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

**H. 4723--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4723 -- Reps. Loftis, Corbin, Allen, Dillard, Hamilton, Henderson, Nanney, G. R. Smith, Stringer, Willis and Bannister: A BILL TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

Rep. LOFTIS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Brady | Branham |
| Brannon | Brantley | H. B. Brown |
| Butler Garrick | Chumley | Clemmons |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Horne |
| Jefferson | Johnson | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Viers | White | Whitmire |
| Williams | Willis | Young |

**Total--96**

Those who voted in the negative are:

**Total--0**

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

**H. 4463--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4463 (COUNCIL\MS\7674AHB12), which was adopted:

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

/ SECTION 1. Section 22‑3‑545 of the 1976 Code is amended to read:

“Section 22‑3‑545.(A) Notwithstanding the provisions of Sections 22‑3‑540 and 22‑3‑550, a criminal case, the penalty for which the crime in the case does not exceed five thousand five hundred dollars or one‑year imprisonment, or both, either as originally charged or as charged pursuant to the terms of a plea agreement, may be transferred from general sessions court if the provisions of this section are followed.

(B)(1) The solicitor, upon ten days’ written notice to the defendant, may petition a circuit court judge in the circuit to transfer one or more cases from the general sessions court docket to a docket of a ~~magistrate’s~~ magistrates or municipal court in the circuit for disposition. The solicitor’s notice must fully apprise the defendant of his right to have his case heard in general sessions court. The notice must include the difference in jury size in ~~magistrate’s~~ magistrates or municipal court and in general sessions court. ~~Both parties must have the opportunity to be heard by the circuit court judge and~~ The case may be transferred from the general sessions court unless the defendant objects after notification by the solicitor pursuant to the provisions of this item. The objection may be made orally or in writing at any time prior to the trial of the case or prior to the entry of a guilty plea. The objection may be made to the ~~circuit court judge who granted the petition~~ chief judge for administrative purposes in the judicial circuit where the charges are pending, the trial judge, or the solicitor. Before ~~impanelling~~ impaneling the jury or accepting the guilty plea of the defendant, the trial judge must receive an affirmative waiver by the defendant, if present, of his right to have the case tried in general sessions court. The defendant must be informed that, if tried in general sessions court, the case would be tried in front of twelve jurors who must reach a unanimous verdict before a finding of guilty of the offense can be rendered in his case, and that if tried in ~~magistrate’s~~ magistrates or municipal court, the case would be tried in front of six jurors who must reach a unanimous verdict before a finding of guilty of the offense can be reached in his case. The defendant may waive any and all of the rights provided in this subsection, in writing, prior to the impaneling of the jury or the acceptance of the defendant’s guilty plea.

(2) ~~The judge must consider, but is not limited to, the following factors in granting the petition for transfer:~~

~~(a)~~ ~~case workload;~~

~~(b)~~ ~~age of the case;~~

~~(c)~~ ~~the speedy disposition of the case.~~

~~(3)~~ A case transferred to a ~~magistrate’s~~ magistrates or municipal court not disposed of in one hundred eighty days from the date of transfer automatically reverts to the docket of the general sessions court.

(C) All cases transferred to the ~~magistrate’s~~ magistrates or municipal court must be prosecuted by the solicitor’s office. ~~The chief judge for administrative purposes for the court of general sessions shall retain administrative supervision of cases transferred pursuant to this section.~~ The chief magistrate of the county or the chief municipal judge of the municipality, upon petition of the solicitor, ~~and approval of the chief judge for administrative purposes for the court of general sessions,~~ shall set the terms of court and order the magistrates and municipal judges to hold terms of court on specific times and dates for the disposition of these cases.

(D) Provision for an adequate record must be made by the solicitor’s office.

(E) Notwithstanding another provision of law, all fines and assessments imposed by a magistrate or municipal judge presiding pursuant to this section must be distributed as if the fine and assessment were imposed by a circuit court pursuant to Sections 14‑1‑205 and 14‑1‑206. This section must not result in increased compensation to a magistrate presiding over a trial or hearing pursuant to this section or in other additional or increased costs to the county.”

SECTION 2. 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.

Rep. COBB‑HUNTER proposed the following Amendment No. 2 to H. 4463 (COUNCIL\MS\7680AHB12), which was tabled:

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

/ SECTION \_\_\_. Section 22‑3‑546 of the 1976 Code, as added by Act 366 of 2006, is further amended to read:

“Section 22‑3‑546. A circuit solicitor~~, in a circuit with five or more counties,~~ may establish a program under his discretion and control, to prosecute first offense misdemeanor criminal domestic violence offenses, as defined in Section 16‑25‑20, in general sessions court. Whether to establish a program, and which cases may be prosecuted in general sessions court, are within the sole discretion of the solicitor. A solicitor shall report the results of the program to the Prosecution Coordination Commission.” /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| 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 | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Viers | Weeks | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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

**H. 3248--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3248 -- Reps. Sottile and Viers: A BILL TO AMEND SECTIONS 2-17-150 AND 8-13-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTES OF LIMITATIONS FOR PROSECUTING CERTAIN ETHICS VIOLATIONS, SO AS TO ALLOW ACTIONS TO BE COMMENCED UNTIL FOUR YEARS AFTER A PUBLIC OFFICIAL, PUBLIC EMPLOYEE, OR PUBLIC MEMBER LEAVES OFFICE.

The Judiciary Committee proposed the following Amendment No. 1 to H. 3248 (COUNCIL\GGS\22270ZW12), which was adopted:

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

/ SECTION 1. Section 2‑17‑150 of the 1976 Code is amended to read:

“Section 2‑17‑150. A prosecution for a violation of the provisions of this chapter must be commenced no later than four years after the date the violation is alleged to have occurred unless a person, who by fraud or other device, prevents discovery of the violation. In the case of a public official, public member, or public employee who is alleged to have violated the provisions of this chapter, a prosecution may also be commenced within three years after the person leaves public office or employment.”

SECTION 2. Section 8‑13‑320(9)(d) of the 1976 Code is amended to read:

“(d) Action may not be taken on a complaint filed more than four years after the public official, public employee, or public member leaves office or, for all other entities regulated by the State Ethics Commission, four years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation. In the case of a public official, public member, or public employee who is alleged to have violated the provisions of this chapter, an action also may be commenced within three years after the person leaves public office or employment. The Attorney General may initiate an action to recover a fee, compensation, gift or profit received by a person as a result of a violation of the chapter no later than one year after a determination by the commission that a violation of this chapter has occurred.”

SECTION 3. 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 4. 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 5. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY 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 94; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Brady | Branham |
| Brannon | Brantley | H. B. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crosby | Delleney | Dillard |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Hardwick | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hixon | Hodges |
| Horne | Huggins | Johnson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Rutherford | Ryan |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| White | Whitmire | Willis |
| Young |  |  |

**Total--94**

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. 4639--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Tuesday, February 21, which was adopted:

H. 4639 -- Reps. Sandifer, Gambrell and Toole: A BILL TO AMEND SECTION 6-10-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, SO AS TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD.

**S. 929--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Tuesday, February 21, which was adopted:

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.

**H. 4716--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4716 -- Rep. Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-855 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MAINTAIN AND MOW ROADSIDE VEGETATION BEYOND THIRTY FEET FROM THE PAVEMENT ADJACENT TO EXIT 190 ALONG INTERSTATE HIGHWAY 95 IN DILLON COUNTY.

Rep. HAYES explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Brady | Branham |
| Brannon | Brantley | H. B. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Forrester |
| Frye | Funderburk | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrison | Hart | Hayes |
| Hearn | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--96**

Those who voted in the negative are:

**Total--0**

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

**OBJECTION TO RECALL**

Rep. ANDERSON asked unanimous consent to recall H. 4733 from the Committee on Education and Public Works.

Rep. OWENS objected.

**H. 3630--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3630 -- Reps. Bedingfield, Loftis, Hardwick and McLeod: A BILL TO AMEND SECTION 61-4-720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OF WINE BY A LICENSED WINERY LOCATED IN SOUTH CAROLINA, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE; AND TO AMEND SECTION 61-4-730, RELATING TO THE SALE OF WINE BY PERMITTED WINERIES, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE.

Rep. HARDWICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Atwater | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bowen | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Huggins | 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 |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Young |  |

**Total--98**

Those who voted in the negative are:

**Total--0**

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

**H. 4627--SENATE AMENDMENTS CONCURRED IN AND JOINT RESOLUTION ENROLLED**

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

H. 4627 -- Reps. Merrill, Stavrinakis, Harrison, King, Knight, Williams, Jefferson, Johnson, Sabb, Munnerlyn, Anderson, G. A. Brown, Allison, Horne, Agnew, Gambrell, McCoy, Ryan, Mack, Gilliard, Sottile, Hardwick, Hearn, Weeks, Simrill, Pope, Delleney, Dillard, Sandifer, Erickson, Herbkersman, Brantley, Crosby, Daning, Brady, Quinn, Spires, Frye, Pitts, Southard, Butler Garrick, Pinson, Tallon, Long, Parker, Hodges, Whitmire, Anthony, Bannister, Putnam, Edge, Allen, Thayer, Funderburk, Lucas, Cobb-Hunter, Howard, Harrell, Bowers, Patrick, Whipper, Bowen, White, Murphy and R. L. Brown: A JOINT RESOLUTION TO SUSPEND THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR ALL DECISIONS SUBSEQUENT TO 2007 PERTAINING TO THE NAVIGABILITY, DEPTH, DREDGING, WASTEWATER AND SLUDGE DISPOSAL, AND RELATED COLLATERAL ISSUES OF THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER BECAUSE THE AUTHORITY OF THE SAVANNAH RIVER MARITIME COMMISSION SUPERSEDES AND REPLACES THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WITH REGARD TO ALL ACTIONS CONCERNING THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER BY ENACTMENT OF ACT 56 OF 2007, EFFECTIVE MAY 1, 2007.

Rep. MERRILL explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bowen | 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 |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| 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**

The Senate Amendments were agreed to, and the Joint Resolution 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.

**LEAVE OF ABSENCE**

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

**S. 1114--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

S. 1114 -- Senators Knotts, Grooms, Leventis, Ford, Bryant, Verdin, Setzler, Rose, Fair, McGill, Cleary, Land, Hayes, Matthews, Pinckney, Reese, Coleman, Malloy, Cromer, Sheheen, McConnell, Bright and Alexander: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE FANG WONG, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, FEBRUARY 21, 2012.

Rep. BARFIELD moved to adjourn debate upon Concurrent Resolution until Wednesday, February 8, which was agreed to.

**S. 1129--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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 adopted and sent to the Senate.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. J. R. SMITH.

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4715 -- Reps. J. E. Smith, 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. 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 RECOGNIZE AND COMMEND HOOD CONSTRUCTION COMPANY INCORPORATED OF COLUMBIA FOR ITS OUTSTANDING SAFETY RECORD OF ONE MILLION MAN HOURS WITHOUT A WORK-LOSS ACCIDENT.

**ADJOURNMENT**

At 1:21 p.m. the House, in accordance with the motion of Rep. MURPHY, adjourned in memory of Lieutenant Colonel Harvey M. Dick, former assistant commandant of cadets at the Citadel, of Charleston, to meet at 10:00 a.m. tomorrow.

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