~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Proverbs 16:3: “Commit your work to the Lord, and your plans will be established.”

Let us pray. Almighty God, we commit the work of Your hands in providing the necessary ingredient for these men and women to do the work of the people. Be their daily provider so that their work may be done with wisdom and integrity. Bless our Nation, President, State, Governor, Speaker, staff, and all who support these leaders. Protect our defenders of freedom, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

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

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

**MOTION ADOPTED**

Rep. SKELTON moved that when the House adjourns, it adjourn in memory of Clemson Mayor Larry Abernathy, which was agreed to.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1343 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX TUESDAY, APRIL 17, 2012, AT 12:30 P.M., AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, CLEMSON UNIVERSITY, UNIVERSITY OF SOUTH CAROLINA, AND WIL LOU GRAY OPPORTUNITY SCHOOL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE ON JUNE 30, 2012, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; IMMEDIATELY FOLLOWING THE ELECTION OF MEMBERS OF BOARDS OF TRUSTEES TO ELECT MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

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

That the Senate and the House of Representatives meet in joint session in the House of Representatives on Tuesday, April 17, 2012, at 12:30 p.m., for the purpose of electing members of the Boards of Trustees for The Citadel, Clemson University, University of South Carolina, and Wil Lou Gray Opportunity School to succeed those members whose terms expire on June 30, 2012, or whose positions otherwise must be filled; and to establish a procedure regarding nominations and seconding speeches for the candidates for these offices during the joint session; and

That immediately following the election for members of boards of trustees, the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives to elect members of the Department of Employment and Workforce Appellate Panel and to establish a procedure regarding nominations and seconding speeches for the candidates for these offices during the joint session.

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

**INTRODUCTION OF BILLS**

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

H. 5042 -- Rep. Funderburk: A BILL TO AMEND SECTION 7-7-340, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN KERSHAW COUNTY, SO AS TO CONSOLIDATE THE "CAMDEN NO. 3" AND THE "CAMDEN NO. 4" PRECINCTS INTO THE "HOBKIRK'S HILL" PRECINCT, TO ADD THE "ELGIN NO. 6" PRECINCT, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

H. 5043 -- Rep. Clemmons: A BILL TO AMEND SECTION 7-11-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, RELATING TO THE NOMINATION OF A PARTY'S CANDIDATES BY CONVENTION, SO AS TO FURTHER PROVIDE FOR THE TYPES OF CANDIDATES WHO MAY BE, RATHER THAN ARE REQUIRED TO BE, NOMINATED BY A PARTY'S STATE CONVENTION IF A PARTY NOMINATES CANDIDATES BY CONVENTION, TO PROVIDE THAT A PARTY'S CANDIDATES FOR COUNTY OFFICES MAY BE, RATHER THAN ARE REQUIRED TO BE, NOMINATED BY A PARTY'S COUNTY CONVENTION IF A PARTY NOMINATES CANDIDATES BY CONVENTION, AND TO REVISE PROCEDURAL AND OTHER REQUIREMENTS FOR NOMINATIONS BY CONVENTION, INCLUDING THE PROCEDURES REQUIRED FOR THE NOMINATION BY CONVENTION OF CANDIDATES FOR THE OFFICES OF STATE SENATOR AND MEMBERS OF THE STATE HOUSE OF REPRESENTATIVES.

Referred to Committee on Judiciary

S. 1037 -- Senators Anderson and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 22 TO CHAPTER 13, TITLE 24 SO AS TO PROVIDE THAT CERTAIN PERSONS WHO HAVE BEEN WRONGFULLY CONVICTED OF AND IMPRISONED FOR A CRIME MAY RECOVER THE MONETARY VALUE OF THE LOSS SUSTAINED THROUGH THE WRONGFUL CONVICTION AND IMPRISONMENT.

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 | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Johnson |
| King | 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 | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, March 21.

|  |  |
| --- | --- |
| Chandra Dillard | B. W. Bannister |
| Kris Crawford | Mia Butler Garrick |
| Patsy Knight  Leon Howard | Boyd Brown |

**Total Present--120**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BALLENTINE a leave of absence for the day due to out-of-state legislative business.

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Patricia Witherspoon of Columbia was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. FORRESTER presented to the House the Dorman High School "Fighting Cavaliers" Varsity Boys Track Team, the 2011 State AAAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. FORRESTER presented to the House the Dorman High School "Fighting Cavaliers" Varsity Boys Tennis Team, the 2011 State AAAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

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. 3768 |
| Date: | ADD: |
| 03/21/12 | HUGGINS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5029 |
| Date: | ADD: |
| 03/21/12 | BEDINGFIELD |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4953 |
| Date: | REMOVE: |
| 03/21/12 | WILLIS |

**S. 1298--POINT OF ORDER**

The following Bill was taken up:

S. 1298 -- Senator McGill: A BILL TO AMEND ACT 84 OF 2011, RELATING TO THE FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE BOARD OF TRUSTEES, SO AS TO MODIFY THE PROCEDURE FOR THE APPROVAL OF THE DISTRICT BUDGET AND PROVIDE FOR THE MANNER OF PUBLIC PARTICIPATION AND FINAL APPROVAL OF THE ANNUAL BUDGET FOR THE DISTRICT.

**POINT OF ORDER**

Rep. LOWE made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**SENT TO THE SENATE**

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

H. 4680 -- Rep. Bannister: A BILL TO AMEND SECTION 17-25-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDUCTION OF A SENTENCE WHEN A DEFENDANT PROVIDES SUBSTANTIAL ASSISTANCE IN INVESTIGATING OR PROSECUTING ANOTHER PERSON, SO AS TO DELETE THE REQUIREMENT THAT THE ASSISTANCE BE PROVIDED AFTER SENTENCING AND CLARIFY THAT A DEFENDANT'S SENTENCE MAY BE REDUCED BELOW THE MINIMUM TERM OF IMPRISONMENT PROVIDED BY LAW UNDER CERTAIN CIRCUMSTANCES.

H. 4603 -- Reps. Rutherford and McCoy: A BILL TO AMEND SECTION 17-22-50, AS AMENDED, AND SECTION 17-22-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY NOT BE CONSIDERED FOR PARTICIPATION IN A PRETRIAL INTERVENTION PROGRAM AND PROGRAM ELIGIBILITY, RESPECTIVELY, BOTH SO AS TO ALLOW A PERSON TO PARTICIPATE IN A PROGRAM MORE THAN ONCE WITH THE SOLICITOR'S CONSENT.

**H. 3130--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3130 -- Reps. Brady, Stringer, Long, Butler Garrick and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-19-2470 SO AS TO CREATE THE OFFENSE OF SEXTING, TO PROVIDE FOR A CIVIL FINE AND THE CREATION OF AN EDUCATIONAL PROGRAM FOR A PERSON WHO COMMITS THE OFFENSE, TO PROVIDE FOR THE RESTRICTION OF A MINOR'S DRIVING PRIVILEGES UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE CERTAIN SAFEGUARDS FOR MINORS WHO COMMIT THE OFFENSE, AND TO PROVIDE FOR THE USE OF THE UNIFORM TRAFFIC TICKET FOR THE OFFENSE AND FOR JURISDICTION OVER THE OFFENSE IN THE MUNICIPAL OR MAGISTRATES COURT.

The Judiciary Committee proposed the following Amendment No. 1 to H. 3130 (COUNCIL\MS\7712AHB12), which was adopted:

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

/ SECTION 1. Article 23, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63‑19‑2470. (A) It is unlawful for a child who is less than seventeen years of age to use a telecommunications device to knowingly transmit or distribute to another person a photograph or text message with a photograph attachment depicting a person who is less than eighteen years of age in a state of sexual activity or a state of sexually explicit nudity as defined by Section 16‑15‑375(5) or (6).

(B) A child less than seventeen years of age does not knowingly transmit or distribute the material by reporting the matter to a law enforcement agency, teacher, principal, or parent or by affording a law enforcement agency, teacher, principal, or parent access to the image.

(C) A child adjudicated delinquent for this offense may only be sentenced to a fine and this fine may not exceed one hundred dollars. The fine is subject to applicable court costs.

(D) A child who violates the provisions of this statute shall not be taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation of this section or for failure to pay a fine.

(E) A child less than seventeen years of age who violates the provisions of this statute shall not be prosecuted under Sections 16‑15‑305, 16‑15‑325, 16‑15‑345, 16‑15‑405, or 16‑15‑410 unless, upon motion by the solicitor, the family court determines in its discretion to be in the interest of justice for the child to be prosecuted under Sections 16‑15‑305, 16‑15‑325, 16‑15‑345, 16‑15‑405, or 16‑15‑410.

(F) A child less than seventeen years of age who receives or possesses a photograph transmitted by a telecommunications device or text message with a photograph attachment depicting a person who is less than eighteen years of age in a state of sexual activity or a state of sexually explicit nudity as defined by Section 16‑15‑375(5) or (6) shall not be prosecuted under Sections 16‑15‑305, 16‑15‑325, 16‑15‑345, 16‑15‑405, or 16‑15‑410 unless, upon motion by the solicitor, the family court determines in its discretion to be in the interest of justice for the child to be prosecuted under Sections 16‑15‑305, 16‑15‑325, 16‑15‑345, 16‑15‑405, or 16‑15‑410.”

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.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | 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 | Daning | Delleney |
| Dillard | Edge | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Herbkersman |
| Hixon | Hodges | Horne |
| Hosey | Howard | 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 |
| Norman | Owens | Parker |
| Parks | Patrick | Pinson |
| Pope | Putnam | Quinn |
| 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 | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--107**

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. 4726--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4726 -- Reps. Pitts, Parks and Pinson: A BILL TO AMEND SECTION 6-11-1230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF PUBLIC SERVICE DISTRICTS AND SPECIAL PURPOSE DISTRICT COMMISSIONS, INCLUDING, AMONG OTHER THINGS, THE POWER TO ASSESS THE COST OF THE ESTABLISHMENT AND CONSTRUCTION OF A SEWER LATERAL COLLECTION LINE, SO AS TO PROVIDE THAT IF A RESIDENTIAL SUBDIVISION RECEIVED CONCEPTUAL APPROVAL FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR SEPTIC TANK USE AND SUBSEQUENTLY FIVE OR MORE LOTS IN THE SUBDIVISION WERE DENIED PERMITS BY THE DEPARTMENT, AN ASSESSMENT MAY BE LEVIED ON THE ABUTTING PARCELS IN THE SUBDIVISION FOR THE ACTUAL COSTS OF THE SEWER LATERAL COLLECTION LINES, TRANSMISSION LINES, AND ASSOCIATED INFRASTRUCTURE AND TO PROVIDE THAT A

LETTER OR CERTIFICATE OF THE DEPARTMENT ESTABLISHES THESE CONDITIONS AUTHORIZING THE ASSESSMENT.

Rep. PINSON explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 27

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Battle | Bingham |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Daning | Delleney | Edge |
| Erickson | Frye | Funderburk |
| Gambrell | Gilliard | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Herbkersman | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Long |
| Lowe | Mack | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Rutherford | Sabb | G. M. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Toole |
| Tribble | Weeks | Whipper |
| White | Williams | Willis |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bedingfield |
| Bowen | Crosby | Forrester |
| Hamilton | Hearn | Henderson |
| Hixon | Loftis | Lucas |
| McCoy | Nanney | Norman |
| Putnam | Ryan | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. R. Smith | Stringer | Taylor |
| Thayer | Whitmire | Young |

**Total--27**

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

**H. 4956--OBJECTIONS AND REQUESTS FOR DEBATE**

The following Joint Resolution was taken up:

H. 4956 -- Reps. Putnam, Loftis, Thayer, G. R. Smith, Norman, Quinn, Parker, Long, Brannon, J. R. Smith, Erickson, Hiott, Patrick, Huggins, Southard, Nanney, Whitmire, Tribble, Allison, Atwater, Bannister, Barfield, Bingham, Bowen, Chumley, Clemmons, Corbin, Delleney, Forrester, Frye, Gambrell, Hamilton, Henderson, Herbkersman, Hixon, Lowe, Lucas, D. C. Moss, V. S. Moss, Murphy, Owens, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, Spires, Stringer, Tallon, Taylor, Toole, White and Willis: A JOINT RESOLUTION TO REQUEST THE PRESIDENT OF THE UNITED STATES OF AMERICA, BARACK OBAMA, OPEN OUR ABUNDANT OIL AND NATURAL GAS RESOURCES THROUGHOUT OUR COUNTRY AND ISSUE AN EXECUTIVE ORDER TO THE DEPARTMENT OF INTERIOR TO LIFT THE 2010 BAN ON ALL OFFSHORE DRILLING EXPLORATION WITHIN THE OUTER CONTINENTAL SHELF LANDS, AND TO REQUEST THE PRESIDENT ALSO TO DIRECT THE DEPARTMENT OF ENERGY, ENVIRONMENTAL PROTECTION AGENCY, AND ANY BODY OF THE FEDERAL GOVERNMENT THAT REGULATES OR SIMILARLY IS CONCERNED WITH THE EXPLORATION OF OIL AND NATURAL GAS TO EXPEDITE ALL PERMITTING REQUIREMENTS FOR THE DEVELOPMENT OF THESE ENERGY RESOURCES.

Reps. COBB-HUNTER, SELLERS, R. L. BROWN, WEEKS and MCEACHERN objected to the Joint Resolution.

Reps. J. H. NEAL, WILLIAMS, JEFFERSON, KING, JOHNSON, SANDIFER, PUTNAM, TAYLOR, ANDERSON, CLYBURN, HOSEY, GAMBRELL, GILLIARD, MCCOY, J. R. SMITH, HIXON, D. C. MOSS, CLEMMONS, DILLARD, ALLEN, G. R. SMITH, HENDERSON, HEARN, NANNEY, HAMILTON, V. S. MOSS, BUTLER GARRICK, SABB and BRANTLEY requested debate on the Joint Resolution.

**H. 4269--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Thursday, March 22, which was adopted:

H. 4269 -- Rep. Sandifer: A BILL TO AMEND SECTION 37-3-202, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADDITIONAL CHARGES ASSOCIATED WITH CONSUMER LOANS, SO AS TO INCLUDE A CHARGE FOR THE ACTUAL COST INCURRED BY A LICENSEE FOR PROCESSING AN AUTOMATED CLEARING HOUSE PAYMENT AND A CHARGE FOR THE ACTUAL COST INCURRED BY A LICENSEE FOR PAYMENTS MADE BY CONSUMERS VIA CREDIT OR DEBIT CARDS.

**LEAVE OF ABSENCE**

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

**H. 4787--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4787 -- Reps. Brady and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 97 TO TITLE 38 SO AS TO ENACT THE "PORTABLE ELECTRONICS INSURANCE ACT", TO PROVIDE CERTAIN DEFINITIONS RELATED TO PORTABLE ELECTRONICS INSURANCE, TO PROVIDE REQUIREMENTS RELATING TO THE SALE OF PORTABLE ELECTRONICS INSURANCE, TO PROVIDE CERTAIN DISCLOSURE REQUIREMENTS OF A VENDOR OF PORTABLE ELECTRONICS INSURANCE TO THE PROSPECTIVE CONSUMER OF THIS INSURANCE, TO PROVIDE PENALTIES FOR A VIOLATION, AND TO PROVIDE LICENSURE FEES AND SURCHARGES.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 4787 (COUNCIL\AGM\ 19478AB12), which was adopted:

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

/ SECTION 1. Title 38 of the 1976 Code is amended by adding:

“CHAPTER 97

Portable Electronics Insurance

Section 38‑97‑10. This chapter may be cited as the ‘Portable Electronics Insurance Act’.

Section 38‑97‑20. For the purposes of this section:

(1) ‘Customer’ means a person who purchases portable electronics or related services.

(2) ‘Enrolled customer’ means a customer who elects coverage under a portable electronics insurance policy issued to a vendor of portable electronics.

(3) ‘Location’ means any physical location in this State or any website, call center site, or similar location directed to residents of this State.

(4) ‘Portable electronics’ means electronic devices that are portable in nature, their accessories, and services related to the use of the device.

(5) ‘Portable electronics insurance’ means insurance covering the repair or replacement of portable electronics. This insurance may provide coverage for portable electronics against loss, theft, and inoperability due to mechanical failure, malfunction, damage, and other similar loss. Portable electronics insurance does not include:

(a) a service contract governed by Section 38‑78‑20(12);

(b) an insurance policy covering the obligation of a seller or manufacturer under a warranty; and

(c) a homeowners, renters, private passenger automobile, commercial multiperil, or similar policies.

(6) ‘Portable electronics transaction’ means:

(a) the sale or lease of portable electronics by a vendor to a customer; and

(b) the sale of a service related to the use of portable electronics by a vendor to a customer.

(7) ‘Supervising entity’ means a business entity licensed as a property and casualty insurer or insurance producer with a property and casualty line of authority.

(8) ‘Vendor’ means a person directly or indirectly engaged in the business of portable electronics transactions.

Section 38‑97‑30. (A) A vendor must hold a limited lines license to sell or offer coverage under a policy of portable electronics insurance.

(B) A limited lines license issued under this section must authorize any employee or authorized representative of the vendor to sell or offer coverage under a policy of portable electronics insurance to a customer at each location at which the vendor engages in portable electronics transactions. An employee or authorized representative of a vendor must have completed the training required by Section 38‑97‑50 to sell or offer coverage under a policy of portable electronics insurance to a customer.

(C) The supervising entity shall maintain a registry of vendor locations which are authorized to sell or solicit portable electronics insurance coverage in this State. Upon request by the director or his designee and with ten days notice to the supervising entity, the registry must be open to inspection and examination by the director or his designee during regular business hours of the supervising entity.

(D) Notwithstanding another provision of law, a license issued pursuant to this section authorizes the licensee and its employees or authorized representatives to engage in those activities that are permitted in this section.

Section 38‑97‑40. (A) A vendor of portable electronics insurance must make certain brochures or other written materials available to its customers in a location where the vendor sells this insurance. The brochures or written materials must:

(1) disclose that portable electronics insurance may provide a duplication of coverage already provided by a homeowner’s policy, renter’s insurance policy, or other source of insurance coverage of the customer;

(2) state that the enrollment in a portable electronics insurance program is not required for the customer to purchase or lease portable electronics or services from the vendor; and

(3) summarize the material terms of the insurance coverage, including:

(a) the identity of the insurer;

(b) the identity of the supervising entity;

(c) the amount of any applicable deductible and how this deductible must be paid;

(d) benefits of the coverage;

(e) key terms and conditions of coverage such as whether portable electronics may be repaired or replaced with similar make and model, reconditioned or nonoriginal manufacturer parts or equipment;

(f) a summary of the process for filing a claim under the policy, including a description of how to return portable electronics and the maximum fee applicable if an enrolled customer fails to comply with an equipment return requirement; and

(g) a statement that an enrolled customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and the person who pays the premium must receive a refund of any applicable unearned premium.

(B) Portable electronics insurance may be offered on a month‑to‑month or other periodic basis as a group or master commercial inland marine policy issued to a vendor of portable electronics for its enrolled customers.

(C) Eligibility and underwriting standards for customers electing to enroll in coverage must be established for each portable electronics insurance program.

Section 38‑97‑50. (A) The employees and authorized representatives of a vendor may sell or offer portable electronics insurance to customers and may not be subject to licensure as an insurance producer under this title if:

(1) the vendor obtains a limited lines license to authorize its employees or authorized representatives to sell or offer portable electronics insurance pursuant to this section;

(2) the employee or authorized representative of a vendor of public electronics does not advertise, represent, or otherwise hold himself out as a non‑limited lines licensed insurance producer; and (3) the insurer issuing the portable electronics insurance either directly supervises or appoints a supervising entity to supervise the administration of the program, including development of a training program for employees and authorized representatives of the vendor. An outline of the training materials required by this section must be maintained by the supervising entity and provided to the department upon request. The training may be provided in electronic form. However, if conducted in an electronic form the supervising entity shall implement a supplemental education program regarding the portable electronics insurance product that is conducted and overseen by licensed employees of the supervising entity. Training required by this item must:

(a) be delivered to employees and authorized representatives of a vendor who are directly engaged in the activity of selling or offering portable electronics insurance; and

(b) include basic instruction to each employee and authorized representative about the portable electronics insurance offered and the disclosures required under Section 38‑97‑40.

(B) The charges for portable electronics insurance coverage may be billed and collected by a vendor of portable electronics. A charge to the enrolled customer for coverage that is not included in the cost associated with the purchase or lease of portable electronics or related services must be separately itemized on the enrolled customer’s bill. If the portable electronics insurance coverage is included with the purchase or lease of portable electronics or related services, the vendor shall clearly and conspicuously disclose to the enrolled customer that the portable electronics insurance coverage is included with the purchase of the portable electronics or related services. A vendor billing and collecting these charges must not be required to maintain such funds in a segregated account if the vendor is authorized by the insurer to hold these funds in an alternative manner and remits these amounts to the supervising entity within sixty days following receipt of these amounts. Funds received by a vendor from an enrolled customer for the sale of portable electronics must be considered funds held in trust by the vendor in a fiduciary capacity for the benefit of the insurer. A vendor may receive compensation for billing and collection services provided by it.

Section 38‑97‑60. A vendor of portable electronics, its employee, or its authorized representative who violates a provision of this chapter may, after proper notice and an opportunity for a hearing, be subject by the department to:

(1) administrative penalties as provided in Section 38‑2‑10. However, administrative penalties must not exceed thirty thousand dollars in the aggregate for violations of a similar nature; and

(2) other penalties the department considers necessary and reasonable to effectuate the purposes of this chapter, including:

(a) suspending the privilege of transacting portable electronics insurance pursuant to this chapter at specific locations where a violation has occurred;

(b) suspending or revoking the ability of an individual employee or authorized representative to act under the license; and

(c) suspending or revoking the license of the vendor.

Section 38‑97‑70. (A) Notwithstanding another provision of law, an insurer may terminate coverage or otherwise change the terms and conditions of a policy of portable electronics insurance only as provided in the policy between the insurer and the policyholder and enrolled customers and only upon providing the policyholder and enrolled customers with at least thirty days notice.

(B) If an insurer changes these terms and conditions, the insurer shall provide:

(1) the vendor with a revised policy or endorsement; and

(2) each enrolled customer with a revised certificate, endorsement, updated brochure, or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes made.

(C) Notwithstanding subsection (A), an insurer may:

(1) terminate a customer’s enrollment under a portable electronics insurance policy upon fifteen days notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim under the coverage; and

(2) immediately terminate a customer’s enrollment under a portable electronics insurance policy:

(a) for nonpayment of premium;

(b) if the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(c) if an enrolled customer exhausts the individual aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the enrolled customer within thirty days after the exhaustion of this limit. If this notice is not timely sent, enrollment must continue regardless of the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer.

(D) When a portable electronics insurance policy is terminated by a policyholder, the policyholder shall mail or deliver written notice to each enrolled customer advising the enrolled customer of the termination of the policy and the effective date of termination. This written notice must be mailed or delivered to the enrolled customer at least thirty days before termination.

(E) Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to this section or is otherwise required by law it shall be in writing. Notwithstanding another provision of law, notices and correspondence may be sent either by mail or by electronic means as set forth in this section. If the notice or correspondence is mailed, it shall be sent to the vendor of portable electronics at the vendor’s mailing address specified for such purpose and to its affected enrolled customers’ last known mailing addresses on file with the insurer. The insurer or vendor of portable electronics, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the United States Postal Service or other commercial mail delivery service. If the notice or correspondence is sent by electronic means, it shall be sent to the vendor of portable electronics at the vendor’s electronic mail address specified for such purpose and to its affected enrolled customers’ last known electronic mail address as provided by each enrolled customer to the insurer or vendor of portable electronics, as the case may be. For purposes of this subparagraph, an enrolled customer’s provision of an electronic mail address to the insurer or vendor of portable electronics, as the case may be, shall be deemed consent to receive notices and correspondence by electronic means. The insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice or correspondence was sent.

(F) Notice or correspondence required by this section or otherwise required by law may be sent on behalf of an insurer or vendor, as the case may be, by the supervising entity appointed by the insurer.

Section 38‑97‑80. (A) A sworn application for a license under this chapter must be made to and filed with the department on forms prescribed by the department.

(B) An application required under subsection (A) must provide the:

(1) location of the home office of the applicant; and

(2) name, residential address, and other information required by the department for:

(a) an employee or officer of the vendor who is designated by the applicant as the person responsible for the compliance of the vendor with the requirements of this chapter; and

(b) all of its officers, directors, and shareholders of record having a beneficial ownership of ten percent or more of any class of securities registered under federal securities law, but only if the vendor derives more than fifty percent of its revenue from the sale of portable electronics insurance.

(3) Any changes to information provided to the department under this section, must be provided to the department within thirty days after that change is made.

(C) Any vendor engaging in portable electronics insurance transactions on or before the effective date this chapter must apply for licensure within ninety days after the application is made available by the department. An applicant commencing operations after the effective date of this chapter must obtain a license prior to offering portable electronics insurance.

(D) An initial license issued pursuant to this chapter is valid for twenty‑four months following the date it is issued.

(E)(1) A vendor of portable electronics insurance licensed under this chapter shall pay to the department a fee of one thousand dollars for an initial portable electronic limited lines license and five hundred dollars for a renewal.

(2) The department shall retain any fee or surcharge imposed by this section to use for the administration of Title 38.”

SECTION 2. The provisions of this act take effect July 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Rep. BRADY 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 110; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | 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 | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hayes | Hearn | 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. 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 |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

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

**STATEMENT BY REP. VIERS**

Rep. VIERS made a statement to the House.

**COMMUNICATION**

The following was received:

March 21, 2012

The Honorable Robert W. Harrell, Jr.

South Carolina House of Representatives

P.O. Box 11867

Columbia, South Carolina 29211

Dear Speaker Harrell:

It is with great reluctance and sorrow with which I write this letter. I have spent almost a third of my life serving Horry County and the State of South Carolina in this body and it has been one of my greatest honors. With that being stated, I must effectively and immediately resign, following this speech to my colleagues, in order to save embarrassing the institution I have served and forcing the Speaker to suspend me from office.

Sincerely,

Thad Viers

District 68

Received as information.

**H. 4763--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32-7-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32-7-100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 4763 (COUNCIL\AGM\ 19476AB12), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 and SECTION 2 in their entirety and inserting:

/ SECTION 1. Section 32‑7‑50 of the 1976 Code, as last amended by Act 70 of 2009, is further amended to read:

“Section 32‑7‑50. (A) Without first securing a license from the department, no one, except a financial institution, may accept or hold payments made on a preneed funeral contract.

(1) The State Board of Funeral Service must revoke the license of a funeral home or funeral director, or both, if the funeral home or funeral director: (a) accepts funds for a preneed funeral contract or other prepayment of funeral expenses without a license to sell preneed funeral contracts, or (b) is licensed to sell preneed funeral contracts and fails to deposit the funds collected in trust in a federally insured account as required by Section 32‑7‑20(H).

(2) Application for a license must be in writing, signed by the applicant, and verified on forms furnished by the department. ~~Each~~ An application must contain at least the following: the full name and address, both residence and place of business, of the applicant and every member, officer, and director of it if the applicant is a firm, partnership, association, or corporation. A license issued pursuant to the application is valid only at the address stated in the application for the applicant or at a new address approved by the department.

(3) If a licensee cancels the license and later applies for a new license, the department shall investigate the applicant’s books, records, and accounts to determine if the applicant violated the provisions of this chapter during the time he did not have a license.

(B) Upon receipt of the application, a one‑time payment of a two hundred and fifty dollar license fee, and the deposit in an amount to be determined by the department of the security or proof of financial responsibility as the department may determine, the department shall issue a license unless it determines that the applicant has made false statements or representations in the application, is insolvent, has conducted his business in a fraudulent manner, is not authorized to transact business in this State, or if, in the judgment of the department, the applicant should be denied a license for some other good and sufficient reason.

(C) A person selling a preneed funeral contract shall collect from each purchaser a service charge and all fees collected must be remitted by the person collecting them to the department at least once each month.

(1) With the fees collected, the person also must provide the department with a listing of each contract sold. If the listing or fees collected are not sent to the department within sixty days of the last day of the month when the contract was sold, the department shall assess a civil penalty of ten dollars for each contract not reported to the department. The monies collected as civil penalties must be deposited in the Preneed Funeral Loss Reimbursement Fund. Upon its own initiative or upon complaint or information received, the department shall investigate a person’s books, records, and accounts if the department has reason to believe that fees are collected and either not remitted or not timely remitted.

(2) The service charge for each contract may not exceed a total of thirty dollars, twenty‑five dollars for the department to use in administering the provisions of this chapter and five dollars to be allocated to the Preneed Funeral Loss Reimbursement Fund.

(3) The department shall keep a record of each preneed funeral contract for which it receives a service charge.

(D) A license issued pursuant to this section expires on September thirtieth of each odd‑numbered year unless otherwise revoked or canceled. A license must be renewed by filing a renewal application at least thirty days prior to expiration on forms prescribed by the department. A renewal application must be accompanied by a fee of two hundred dollars for the department to use in administering this chapter. The department shall deposit one hundred dollars of each renewal fee received into the fund. The department shall consider the factors in subsection (B) before issuing a license.”

SECTION 2. Section 32‑7‑60(B) of the 1976 Code, as last amended by Act 70 of 2009, is further amended to read:

“(B) From the service charge for each preneed contract as required by Section 32‑7‑50(C), the department shall deposit into the fund that portion of the charge as established by the department. The department may suspend or resume deposits into the fund at any time and for any period to ensure that a sufficient amount is available to meet likely disbursements and to maintain an adequate reserve. The maximum amount of the service charge to be allocated to the Preneed Funeral Loss Reimbursement Fund as required by Section 32‑7‑50(C)(2) may not exceed the amount of five dollars for each preneed contract. ~~The maximum amount of the fund is five hundred thousand dollars with a five percent adjustment compounded annually.~~” /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER 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 99; Nays 5

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| 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 |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pope | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| G. M. Smith | J. E. Smith | Sottile |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Tribble |
| Weeks | Whipper | Whitmire |
| Williams | Willis | Young |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Putnam | Southard |
| Thayer | White |  |

**Total--5**

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.

**H. 4008--REQUESTS FOR DEBATE WITHDRAWN**

Reps. OTT, WILLIAMS, JEFFERSON, KING, J. H. NEAL, JOHNSON, SABB, MUNNERLYN, BRANTLEY, R. L. BROWN, CLYBURN, HOSEY, MCEACHERN and WEEKS withdrew their requests for debate to the following Bill:

H. 4008 -- Reps. Harrison, H. B. Brown, G. R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D. C. Moss, Patrick, Pinson, Sandifer, G. M. Smith, J. R. Smith, Stringer, Toole, Willis and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44-7-392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER'S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THAT PERSON; BY ADDING SECTION 44-7-394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40-71-10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

**H. 4969--RECALLED AND REFERRED TO**

**COMMITTEE ON JUDICIARY**

On motion of Rep. SANDIFER, with unanimous consent, the following Bill was ordered recalled from the Committee on Labor, Commerce and Industry and was referred to the Committee on Judiciary:

H. 4969 -- Rep. Hearn: A BILL TO AMEND SECTION 63-17-2110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTENTS OF COURT ORDERS REQUIRING A PARENT TO PROVIDE HEALTH COVERAGE FOR A CHILD, SO AS TO ELIMINATE THE NEED FOR THE SOCIAL SECURITY NUMBER TO BE INCLUDED IN THE ORDER, TO CHANGE THE TERM "PARENT" TO "PARTICIPANT", AND TO CHANGE THE TERM "CHILD" TO "ALTERNATE RECIPIENT"; AND TO AMEND SECTION 43-5-220, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES ESTABLISHING A SCALE FOR SUGGESTED MINIMUM CONTRIBUTIONS FOR CHILD SUPPORT PAYMENTS FROM ABSENT PARENTS, SO AS TO DELETE LANGUAGE THAT PROVIDES THAT THE USE OF THE CHILD SUPPORT SCALE IS OPTIONAL AND TO MAKE TECHNICAL CORRECTIONS.

**H. 4885--RECALLED AND REFERRED TO COMMITTEE ON EDUCATION AND PUBLIC WORKS**

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

H. 4885 -- Reps. Lucas and Owens: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 2, TITLE 56 SO AS TO CREATE PROVISIONS THAT GOVERN THE REGISTRATION OF MOPEDS; TO AMEND SECTION 56-1-10, AS AMENDED, RELATING TO THE DEFINITION OF CERTAIN TERMS THAT RELATE TO THE OPERATION OF MOTOR VEHICLES, SO AS TO REVISE THE DEFINITION OF THE TERMS "OWNER", "MOTORCYCLE", "LOW SPEED VEHICLE", AND TO PROVIDE DEFINITIONS FOR THE TERMS "MOPED" AND "VEHICLE"; TO AMEND SECTION 56-2-2740, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' REFUSAL TO RENEW A DRIVER'S LICENSE AND VEHICLE REGISTRATION FOR NONPAYMENT OF PROPERTY TAXES, AND THE ISSUANCE OF LICENSE PLATES AND VALIDATION DECALS, SO AS TO PROVIDE THAT VALIDATION DECALS SHALL NOT BE ISSUED FOR VEHICLES THAT DO NOT REQUIRE THE PAYMENT OF PROPERTY TAXES; TO AMEND SECTION 56-3-20, RELATING TO THE DEFINITION OF TERMS REGARDING MOTOR VEHICLE REGISTRATION AND LICENSING, SO AS TO DELETE THE TERMS "VEHICLE", "MOTOR VEHICLE", "MOTORCYCLE", "MOTOR-DRIVEN CYCLE", "NONRESIDENT", "MOPED", AND "MOTORCYCLE THREE-WHEEL VEHICLE" AND THEIR DEFINITIONS; TO AMEND SECTION 56-3-250, RELATING TO THE PAYMENT OF LOCAL TAXES BEFORE A VEHICLE MAY BE REGISTERED, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO MOPEDS AND TO SUBSTITUTE THE TERM "DEPARTMENT OF REVENUE" FOR THE TERM "STATE TAX COMMISSION"; TO AMEND SECTION 56-3-630, AS AMENDED, RELATING TO VEHICLES CLASSIFIED AS PASSENGER MOTOR VEHICLES, SO AS TO SUBSTITUTE THE TERM "MOPED" FOR THE TERM "MOTOR-DRIVEN CYCLE", AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-3-760, RELATING TO BIENNIAL REGISTRATION FEES FOR CERTAIN VEHICLES, SO AS TO SUBSTITUTE THE TERM "MOPED" FOR THE TERM "MOTOR-DRIVEN CYCLE"; TO AMEND SECTION 56-5-50, RELATING TO THE INAPPLICABILITY OF CERTAIN PROVISIONS TO THE OPERATION OF MOPEDS, SO AS TO MAKE THESE PROVISIONS APPLICABLE TO THE OPERATION OF MOPEDS; TO AMEND SECTION 56-5-361, RELATING TO VEHICLES THAT ARE DEFINED AS PASSENGER CARS, SO AS TO SUBSTITUTE THE TERM "MOPEDS" FOR THE TERM "MOTOR-DRIVEN CYCLES"; TO AMEND SECTION 56-5-1555, RELATING TO THE MAXIMUM OPERATION SPEED OF A MOPED, SO AS TO REVISE THE MAXIMUM SPEED LIMIT THAT A MOPED MAY BE OPERATED; TO AMEND SECTION 56-9-20, RELATING TO TERMS AND THEIR DEFINITIONS CONCERNING THE ISSUANCE OF LICENSE PLATES AND REGISTRATION CARDS, SO AS TO DELETE THE TERMS "NONRESIDENT", "NONRESIDENT OPERATING PRIVILEGE", AND "OPERATOR" AND THEIR DEFINITIONS, AND TO REVISE THE DEFINITION OF THE TERM "OWNER"; TO AMEND SECTIONS 56-15-10 AND 56-16-10, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONCERNING THE REGULATION OF MOTOR VEHICLE AND MOTORCYCLE MANUFACTURERS, DISTRIBUTORS AND DEALERS, SO AS TO REVISE THE DEFINITION OF THE TERMS "MOTOR VEHICLE" AND "MOTORCYCLE"; TO AMEND SECTION 56-19-10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONCERNING THE ISSUANCE OF CERTIFICATES OF TITLE, SO AS TO DELETE THE TERMS "DRIVER", "MOTOR VEHICLE", "MOTORCYCLE", "MOTOR-DRIVEN CYCLE", "NONRESIDENT", "OPERATOR", "OWNER", "VEHICLE", "MOPED", "AUTOMOTIVE THREE-WHEEL VEHICLE" AND THEIR DEFINITIONS; TO AMEND SECTION 56-19-220, RELATING TO CERTAIN VEHICLES THAT DO NOT NEED A CERTIFICATE OF TITLE, SO AS TO MAKE A TECHNICAL CHANGE, AND TO PROVIDE THAT THIS PROVISION APPLIES TO MOPEDS; AND TO REPEAL SECTIONS 56-1-1710, 56-5-120, 56-5-130, 56-5-140, 56-5-150, 56-5-155, 56-5-165, 56-5-410, AND 56-5-1550 ALL RELATING TO THE DEFINITION OF THE TERM "MOPED","VEHICLE", "MOTOR VEHICLE", "MOTORCYCLE", "MOTOR-DRIVEN CYCLE", "MOTORCYCLE THREE-WHEEL VEHICLE","OWNER", AND SPEED LIMITATIONS ON MOTOR-DRIVEN CYCLES.

**H. 4317--RECALLED AND REFERRED TO COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

On motion of Rep. WHITE, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means and was referred to the Committee on Labor, Commerce and Industry:

H. 4317 -- Reps. Allison, Ott, Viers, Edge, Brady, J. E. Smith, Limehouse, Dillard and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 155 TO TITLE 59 TO ENACT THE "HOME VISITATION ACCOUNTABILITY ACT OF 2012" SO AS TO ESTABLISH THE HOME VISITATION BOARD AND TO PROVIDE FOR ITS MEMBERSHIP, POWERS, AND DUTIES; TO PROVIDE CRITERIA FOR HOME VISITATION PROGRAMS; TO PROVIDE THAT THE BOARD SHALL DEVELOP DATA CONTENT AND COLLECTION REQUIREMENTS; TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO EVALUATE HOME VISITATION PROGRAMS; AND TO SPECIFY ALLOCATION OF STATE FUNDING FOR HOME VISITATION PROGRAMS.

**H. 4974--RECALLED AND REFERRED TO COMMITTEE ON JUDICIARY**

On motion of Rep. TALLON, with unanimous consent, the following Bill was ordered recalled from the Committee on Labor, Commerce and Industry and was referred to the Committee on Judiciary:

H. 4974 -- Reps. Tallon, Patrick, D. C. Moss, G. R. Smith, Cole and Pope: A BILL TO AMEND SECTION 40-54-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING DEALERS IN PRECIOUS METALS, SO AS TO MODIFY THE TERM "PURCHASE"; TO AMEND SECTION 40-54-40, RELATING TO THE REQUIREMENT THAT A SELLER OF PRECIOUS METALS PROVIDE CERTAIN POSITIVE IDENTIFICATION BEARING HIS PHOTOGRAPH, SO AS TO PROVIDE THIS REQUIREMENT MAY BE SATISFIED BY CERTAIN IDENTIFICATION ISSUED BY THE STATE OR THE UNITED STATES; TO AMEND SECTION 48-54-50, RELATING TO A MANDATORY PERIOD FOR WHICH A DEALER IN PRECIOUS METALS MUST HOLD PRECIOUS METALS HE PURCHASES BEFORE HE MAY SELL THE PRECIOUS METALS; AND TO AMEND SECTION 40-54-80, RELATING TO PENALTIES, SO AS TO INCREASE PENALTIES FOR THE PURCHASE OF PRECIOUS METALS BY A DEALER WITH A REVOKED LICENSE.

**S. 321--RECALLED FROM THE GREENWOOD DELEGATION**

On motion of Rep. PITTS, with unanimous consent, the following Bill was ordered recalled from the Greenwood Delegation:

S. 321 -- Senators O'Dell and Nicholson: A BILL TO AMEND ACT 595 OF 1994, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF GREENWOOD SCHOOL DISTRICT 50 IN GREENWOOD COUNTY, SO AS TO PROVIDE THAT IF THE NUMBER OF CANDIDATES FOR THE BOARD OF TRUSTEES IS EQUAL TO OR LESS THAN THE NUMBER OF POSITIONS TO BE FILLED, THE COUNTY ELECTION COMMISSION SHALL DECLARE THOSE CANDIDATES ELECTED.

**H. 3066--DEBATE ADJOURNED**

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

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435; 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED; 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Rep. BINGHAM moved to adjourn debate upon the Senate Amendments until Thursday, March 22, which was agreed to.

**H. 4541--SENATE AMENDMENTS CONCURRED IN**

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

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 "HICKORY RIDGE COMMUNITY".

Rep. BALES explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Johnson | Limehouse |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Thayer | Tribble | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--95**

Those who voted in the negative are:

**Total--0**

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

**H. 4882--SENATE AMENDMENTS CONCURRED IN**

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

H. 4882 -- Reps. Crawford, 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, 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 AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, AT A DATE AND TIME TO BE MUTUALLY AGREED UPON BY THE SPEAKER AND THE PRESIDENT PRO TEMPORE, FOR ITS ANNUAL STATE HOUSE MEETING.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brannon | Brantley | G. A. Brown |
| Chumley | Clyburn | Cobb-Hunter |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gilliard | Harrell |
| Henderson | Hiott | Hixon |
| Hodges | Hosey | Huggins |
| Jefferson | Johnson | King |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McLeod | D. C. Moss | Munnerlyn |
| Murphy | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Patrick | Pitts | Pope |
| Putnam | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Taylor |
| Thayer | Toole | Tribble |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--81**

Those who voted in the negative are:

**Total--0**

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

**H. 3793--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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, Spires, Willis, Frye, Ballentine, Huggins, King, Anderson and Hixon: 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 FLUROROMETH-CATHINONE, COMMONLY REFERRED TO AS "BATH SALTS", TO THE LIST OF SCHEDULE I DRUGS.

Rep. BANNISTER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| 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 | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | 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 | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--108**

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.

**ACTING SPEAKER DELLENEY IN CHAIR**

**H. 3333--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3333 -- Reps. Sandifer, Toole, Bowers, Hayes, Erickson and Brady: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF "ADMITTED ASSETS" TO INCLUDE THOSE ON THE MOST RECENT STATUTORY FINANCIAL STATEMENT OF THE INSURER FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38-13-80; TO AMEND SECTION 38-9-10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38-10-40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38-33-130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38-55-80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

Rep. SANDIFER explained the Senate Amendments.

**SPEAKER IN CHAIR**

Rep. SANDIFER continued speaking.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Atwater |
| Bales | 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 | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| 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 | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| Weeks | Whipper | White |
| Whitmire | Willis | Young |

**Total--108**

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.

**LEAVE OF ABSENCE**

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

**H. 3527--NONCONCURRENCE IN SENATE AMENDMENTS**

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

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

Rep. GILLIARD explained the Senate Amendments.

Rep. RUTHERFORD spoke against the Senate Amendments.

Rep. BEDINGFIELD moved to adjourn debate on the Senate Amendments until Thursday, March 22.

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

Rep. BEDINGFIELD moved to commit the Bill to the Committee on Judiciary.

Rep. MURPHY moved to table the motion.

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

Yeas 62; Nays 47

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Atwater |
| Bingham | Bowen | Brady |
| Brantley | R. L. Brown | Butler Garrick |
| Chumley | Cobb-Hunter | Corbin |
| Crosby | Erickson | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Hixon | Hodges |
| Horne | Howard | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Long | Lucas |
| Mack | McEachern | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Norman | Ott | Owens |
| Parker | Pitts | Pope |
| Putnam | Ryan | Sabb |
| Sandifer | Simrill | J. R. Smith |
| Sottile | Taylor | Thayer |
| Toole | Tribble | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--62**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bales |
| Barfield | Battle | Bedingfield |
| Bowers | Branham | Brannon |
| Clemmons | Clyburn | Cole |
| Crawford | Daning | Delleney |
| Dillard | Edge | Forrester |
| Frye | Funderburk | Hamilton |
| Hayes | Herbkersman | Hiott |
| Loftis | Lowe | McLeod |
| Merrill | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Parks |
| Patrick | Pinson | Quinn |
| Rutherford | Sellers | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Southard | Spires | Stringer |
| Tallon | Weeks |  |

**Total--47**

So, the motion to commit the Bill was tabled.

Rep. CRAWFORD spoke against the Senate Amendments.

The question then recurred to the concurrence in the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 0; Nays 111

Those who voted in the affirmative are:

**Total--0**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Atwater | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | 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 | Huggins | Jefferson |
| Johnson | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | 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 | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--111**

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

STATEMENT FOR THE JOURNAL

With regards to H. 3527, I have supported the Bill in the past. I don’t believe inmates should be allowed to have access to social network sites, but I believe the Senate Amendments should be studied more carefully before passage.

Rep. Rick Quinn

**H. 4716--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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 Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Atwater | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | 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 |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Thayer | Toole |
| Tribble | Weeks | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--106**

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.

**LEAVE OF ABSENCE**

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

**H. 3254--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3254 -- Rep. Daning: A BILL TO AMEND SECTION 57-23-815, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT AT EXIT 199 ALONG INTERSTATE HIGHWAY 26 IN BERKELEY COUNTY, SO AS TO PROVIDE THAT BOTH THE DEPARTMENT OF TRANSPORTATION AND THE TOWN OF SUMMERVILLE MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 26 AT THIS LOCATION.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Atwater | Bales |
| Bannister | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| 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 | Pope |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--102**

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. 3631--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3631 -- Reps. Harrison, Clemmons, Funderburk, Pitts, Anderson, R. L. Brown, Govan, Hodges, Allen, White, Edge, Whipper, Hiott, Limehouse, Horne, Vick, Herbkersman, Agnew, Viers, Hardwick, Harrell, Sellers, Skelton, Gambrell, Young and Taylor: A BILL TO AMEND SECTION 48-34-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO FURTHER SPECIFY SUPERVISION REQUIREMENTS FOR A PRESCRIBED FIRE MANAGER AND TO REFERENCE SPECIFIC REGULATORY AND STATUTORY PROVISIONS APPLICABLE TO CONDUCTING A PRESCRIBED FIRE; AND TO AMEND SECTION 48-34-50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT A PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE IS NOT LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN.

Rep. HARRISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Atwater | Bales |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pope | Putnam |
| Quinn | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--101**

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. 5036--ADOPTED**

The following House Resolution was taken up:

H. 5036 -- Reps. Harrell, Bannister, Hardwick, Harrison, Howard, Lucas, Ott, Owens, Sandifer and White: A HOUSE RESOLUTION TO URGE THE CONGRESS OF THE UNITED STATES AND THE MEMBERS OF THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION REAUTHORIZING THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR AN ADDITIONAL FOUR YEARS BECAUSE FAILURE TO DO SO WOULD CREATE AN ADVERSE IMPACT ON THE FUTURE ECONOMIC GROWTH OF SOUTH CAROLINA AND THE UNITED STATES OF AMERICA.

The Resolution was adopted.

**STATEMENT FOR THE JOURNAL**

I chose to abstain from the vote on H. 5036, due to a possible conflict of interest.

Rep. Eric Bedingfield

**H. 4966--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4966 -- Reps. Corbin, Loftis and Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAYS 25 AND 276 IN GREENVILLE COUNTY "HOVIE LISTER INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "HOVIE LISTER INTERCHANGE".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4984--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4984 -- Reps. Pitts, White, Funderburk and Harrell: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT WITHOUT DELAY H.R. 3061, THE "FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT OF 2011" WHICH, AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, REQUIRES BETTER INFORMATION TO BE CONSIDERED IN THE MANAGEMENT OF FEDERAL FISHERIES.

The Concurrent Resolution was adopted and sent to the Senate.

**STATEMENT FOR THE JOURNAL**

I chose to abstain from the vote on H. 4894, due to a possible conflict of interest.

Rep. Eric Bedingfield

**S. 1238--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1238 -- Senator S. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 150 IN SPARTANBURG COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO THE SPARTANBURG/CHEROKEE COUNTY LINE "ERNIE WHITE MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "ERNIE WHITE MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 5037--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5037 -- Reps. Harrell, Bannister, Hardwick, Harrison, Howard, Lucas, Ott, Owens, Sandifer and White: A CONCURRENT RESOLUTION TO URGE THE CONGRESS OF THE UNITED STATES AND THE MEMBERS OF THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION REAUTHORIZING THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR AN ADDITIONAL FOUR YEARS BECAUSE FAILURE TO DO SO WOULD CREATE AN ADVERSE IMPACT ON THE FUTURE ECONOMIC GROWTH OF SOUTH CAROLINA AND THE UNITED STATES OF AMERICA.

The Concurrent Resolution was adopted and sent to the Senate.

**STATEMENT FOR THE JOURNAL**

I chose to abstain from the vote on H. 5037, due to a possible conflict of interest.

Rep. Eric Bedingfield

**RECURRENCE TO THE MORNING HOUR**

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

**REPORTS OF STANDING COMMITTEES**

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4513 -- Rep. Harrison: A BILL TO AMEND SECTION 43-35-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE MEMBERSHIP AND MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 43-35-330, RELATING TO THE DUTIES OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE DUTIES OF THE COUNCIL AND ADD THE REQUIREMENT THAT THE COUNCIL ANNUALLY PREPARE AND DISTRIBUTE TO THE MEMBERSHIP AND THE MEMBERS OF THE GENERAL ASSEMBLY A REPORT OF THE COUNCIL'S ACTIVITIES AND ACCOMPLISHMENTS FOR THE CALENDAR YEAR.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

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.

Ordered for consideration tomorrow.

Rep. SOTTILE moved that the House recede until 2:00 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:00 p.m. the House resumed, ACTING SPEAKER COLE in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

H. 4494 -- Reps. Huggins, Long, Pitts, G. R. Smith and Bedingfield: A BILL TO AMEND SECTION 23-31-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASE OF RIFLES OR SHOTGUNS IN CONTIGUOUS STATES, SO AS TO REMOVE THE REQUIREMENT THAT THE PURCHASE BE MADE FROM A CONTIGUOUS STATE.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4939 -- Reps. Quinn, Weeks and Rutherford: A BILL TO AMEND SECTION 61-6-1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS THE SOLE RESPONSIBILITY OF THE RETAIL DEALER.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3665 -- Reps. Cooper, Pitts, Taylor, G. R. Smith and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTIONS 23-31-130, 23-31-150, AND 23-31-180 RELATING TO REQUIRING A RETAIL DEALER TO POSSESS A LICENSE TO SELL OR TRANSFER A PISTOL AND THE ISSUANCE OF THE LICENSE, AND RELATING TO CERTAIN WEAPONS DECLARED TO BE CONTRABAND.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

H. 4915 -- Reps. McCoy, Harrell and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 19-11-50 RELATING TO THE PROHIBITION AGAINST THE TESTIMONY OF A DEFENDANT BEING USED AGAINST HIM IN ANOTHER CRIMINAL CASE.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4919 -- Reps. McCoy, Harrell and Tallon: A BILL TO AMEND SECTION 16-3-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUNISHMENT AND SENTENCING FOR MURDER, SO AS TO PROVIDE FOR MANDATORY LIFE IMPRISONMENT WHEN THE STATE SEEKS A LIFE SENTENCE FOR A MURDER COMMITTED WITH CERTAIN OTHER DESIGNATED OFFENSES OR UNDER CERTAIN FURTHER DELINEATED CIRCUMSTANCES.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4572 -- Rep. Rutherford: A BILL TO AMEND SECTION 38-53-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SURETY RELIEVED ON BOND AND SURRENDER OF A DEFENDANT, SO AS TO DELETE LANGUAGE PROVIDING A PROCEDURE THROUGH WHICH A SURETY MAY BE RELIEVED OF LIABILITY FOR A BAIL BOND UPON FILING OF AN AFFIDAVIT STATING CERTAIN INFORMATION WHEN THE DEFENDANT IS INCARCERATED BY THE SURETY OR A LAW ENFORCEMENT AGENCY AS A RESULT OF A BENCH WARRANT.

Ordered for consideration tomorrow.

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

H. 5006 -- Reps. G. A. Brown, Lowe, J. H. Neal, G. M. Smith and Weeks: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 95 AND SOUTH CAROLINA HIGHWAY 341 IN SUMTER COUNTY IN HONOR OF NASCAR RACING LEGEND CALE YARBOROUGH AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "NASCAR RACING LEGEND CALE YARBOROUGH INTERCHANGE".

Ordered for consideration tomorrow.

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

S. 1303 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 15, 2012.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 4888 -- Reps. Thayer, Owens, Daning, Brannon, Erickson, Whitmire, Atwater, R. L. Brown, Gambrell, J. M. Neal, Putnam and Willis: A BILL TO AMEND SECTION 38-73-470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITION OF THE UNINSURED MOTORIST FUND, SO AS TO PROVIDE THAT THE PORTION THAT WAS FORMERLY PAID TO THE DEPARTMENT OF PUBLIC SAFETY MUST BE PAID TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-1-286, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE OR PERMIT TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE PORTION OF THE FEE TO OBTAIN A TEMPORARY ALCOHOL LICENSE THAT WAS FORMERLY RETAINED BY THE DEPARTMENT OF PUBLIC SAFETY MUST BE DISTRIBUTED TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-3-3910, RELATING TO THE ISSUANCE OF "SHAG" SPECIAL LICENSE PLATES, SO AS TO REVISE THE BIENNIAL PERIOD IN WHICH THE LICENSE PLATE MUST BE ISSUED OR REVALIDATED; TO AMEND SECTION 56-3-5200, RELATING TO "SOUTH CAROLINA: FIRST IN GOLF" SPECIAL LICENSE PLATES, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE WHEN A DRIVER REFUSES TO SUBMIT TO TESTS TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-10-552, RELATING TO THE UNINSURED ENFORCEMENT FUND, SO AS TO PROVIDE THAT THIS FUND WHICH WAS FORMERLY DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY MUST NOW BE DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES AND USED BY THE DEPARTMENT OF MOTOR VEHICLES AND THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 56-15-420, RELATING TO THE PROMULGATION OF CERTAIN REGULATIONS BY THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO PROVIDE THAT THESE REGULATIONS NOW WILL BE PROMULGATED BY THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56-19-420, AS AMENDED, RELATING TO CERTAIN FEES FOR SERVICES OFFERED BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REVISE THE DISTRIBUTION OF THESE FEES; AND TO REPEAL ARTICLE 60, CHAPTER 3, TITLE 56 RELATING TO THE ISSUANCE OF "SHRINERS" SPECIAL LICENSE PLATES.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

S. 833 -- Senators Jackson, Courson, Lourie, Knotts, Anderson, Sheheen, Scott, Hayes, Ford, Nicholson, Leventis, Rose, Malloy and Setzler: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO PROVIDE THAT ACTIVE DUTY MILITARY PERSONNEL MAY BE CHARGED LESS THAN THE UNDERGRADUATE TUITION RATE FOR SOUTH CAROLINA RESIDENTS FOR CERTAIN COURSES.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 4761 -- Reps. Hiott, D. C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J. R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V. S. Moss, Pitts, Putnam, Taylor and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-225 SO AS TO DEFINE THE TERM "FARM TRUCK"; BY ADDING SECTION 56-5-363 SO AS TO PROVIDE THAT CERTAIN COMMERCIAL MOTOR VEHICLES AND FARM TRUCKS ARE EXEMPT FROM CERTAIN FEDERAL MOTOR CARRIER SAFETY LAWS AND REGULATIONS; TO AMEND SECTION 56-3-670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO REVISE THE WEIGHT REQUIREMENTS FOR FARM TRUCKS THAT MAY BE USED FOR DOMESTIC PURPOSES AND GENERAL TRANSPORTATION BUT MAY NOT BE USED TO TRANSPORT PERSONS OR PROPERTY FOR HIRE; TO AMEND SECTION 56-5-4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS; AND TO AMEND SECTION 56-5-4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN "FARM TRUCKS" ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 4641 -- Reps. Daning, Knight, Crosby, Ott, King, Brannon, Southard, Erickson, McEachern, J. E. Smith, Atwater, Spires, Gilliard, Battle, Bowers, R. L. Brown, Chumley, Cobb-Hunter, Harrison, Herbkersman, Hosey, Howard, Long, Lowe, Lucas, Murphy, Pitts, Tallon and Toole: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS UNDER CERTAIN CONDITIONS, SO AS TO REVISE THE CRITERIA UNDER WHICH VETERANS WHO ARE HONORABLY DISCHARGED AND THEIR DEPENDENTS MAY RECEIVE IN-STATE TUITION RATES.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 4092 -- Reps. Limehouse, Sottile, Gilliard, Stavrinakis and McCoy: A BILL TO AMEND SECTION 44-95-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACES WHERE SMOKING IS PROHIBITED, SO AS TO PROVIDE THAT SMOKING IS NOT ALLOWED IN BUILDINGS ON CAMPUSES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING WHEN IT IS PROHIBITED BY THE GOVERNING BODY OF THE INSTITUTION AND TO PROVIDE THAT A GOVERNING BODY IS NOT PRECLUDED FROM ESTABLISHING A SMOKE-FREE CAMPUS.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

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.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5044 -- Rep. Sabb: A HOUSE RESOLUTION TO CONGRATULATE THE MEMBERS OF THE LAMBDA THETA OMEGA CHAPTER OF ALPHA KAPPA ALPHA SORORITY ON THE CHAPTER'S CELEBRATION OF THIRTY-FIVE YEARS OF

PHILANTHROPIC COMMUNITY SERVICE IN THE KINGSTREE AREA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5045 -- Rep. King: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DENISE KHAALID, SOUTH POINTE HIGH SCHOOL ASSISTANT PRINCIPAL, FOR HER EXEMPLARY SCHOOL LEADERSHIP, AND TO CONGRATULATE HER UPON BEING NAMED THE 2012 NASSP/VIRCO ASSISTANT PRINCIPAL OF THE YEAR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5046 -- Reps. Murphy, Harrell, Horne and Knight: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SPECIAL AGENT TERRY R. MOORE OF DORCHESTER COUNTY UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-FOUR YEARS OF DEDICATED SERVICE WITH THE FEDERAL LAW ENFORCEMENT SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5047 -- Reps. Taylor, J. R. Smith, Spires, Clyburn, Hixon and Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION INCLUDE "AIKEN" ON ALL EXISTING AND FUTURE SIGNAGE THAT DIRECTS MOTOR VEHICLE TRAFFIC TO THE CITY OF AUGUSTA, GEORGIA ALONG THE EASTBOUND AND WESTBOUND LANES OF TRAFFIC AT EXIT 107 ON INTERSTATE HIGHWAY 26, AND ALONG THE NORTHBOUND AND SOUTHBOUND LANES OF TRAFFIC AT EXIT 16 ON INTERSTATE HIGHWAY 77.

The Concurrent Resolution was ordered referred to the Committee on Education and Public Works.

**INTRODUCTION OF BILLS**

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

H. 5048 -- Reps. Taylor, J. R. Smith, Spires, Clyburn, Hixon and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-5-200 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL INCLUDE "AIKEN" ON ALL EXISTING AND FUTURE SIGNAGE THAT DIRECTS MOTOR VEHICLE TRAFFIC TO THE CITY OF AUGUSTA, GEORGIA ALONG THE EASTBOUND AND WESTBOUND LANES OF TRAFFIC AT EXIT 107 ON INTERSTATE HIGHWAY 26, AND ALONG THE NORTHBOUND AND SOUTHBOUND LANES OF TRAFFIC AT EXIT 16 ON INTERSTATE HIGHWAY 77.

Referred to Committee on Education and Public Works

H. 5049 -- Reps. Merrill and Brannon: A BILL TO AMEND SECTION 12-43-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A PROPERTY ASSESSMENT VALUE, SO AS TO PROVIDE THAT THE APPEAL MUST BE BASED ON THE MARKET VALUES OF REAL PROPERTY AS OF DECEMBER THIRTY-FIRST OF THE TAX YEAR UNDER APPEAL; TO AMEND SECTION 12-60-2510, RELATING TO A PROPERTY TAX ASSESSMENT NOTICE, SO AS TO PROVIDE THAT IN A YEAR IN WHICH AN ASSESSABLE TRANSFER OF INTEREST OCCURS DUE TO A CONVEYANCE, IF THE ASSESSOR DETERMINES THAT FAIR MARKET VALUE IS MORE THAN THE PURCHASE PRICE, THE ASSESSOR SHALL STATE WITH PARTICULARITY, THE BASIS FOR THE INCREASE IN FAIR MARKET VALUE, TO PROVIDE THAT THE TAXPAYER AT LEAST HAS THIRTY DAYS OF RECEIPT OF THE TAX NOTICE TO APPEAL, AND TO REQUIRE THE ASSESSOR TO INCLUDE A PROPERTY TAX REFUND ASSIGNMENT CONTRACT IN CERTAIN CASES; TO AMEND SECTION 12-60-2530, RELATING TO AN APPEAL TO THE COUNTY BOARD OF ASSESSMENT APPEALS, SO AS TO PROVIDE THAT IN THE CASE OF A TIE VOTE, THE ASSESSOR'S DETERMINATION IS OVERTURNED; BY ADDING SECTION 12-60-2570 SO AS TO PROVIDE THAT THE COUNTY ASSESSOR SHALL HAVE THE BURDEN OF PROOF IN A PROPERTY TAX APPEAL; AND BY ADDING SECTION 12-60-2580 SO AS TO ALLOW A TAXPAYER TO APPEAL THE VALUE ONCE EVERY FIVE YEARS AND TO PROVIDE EXCEPTIONS.

Referred to Committee on Ways and Means

H. 5050 -- Reps. Limehouse, McCoy and Sottile: A BILL TO REMOVE FROM THE STATE HIGHWAY SYSTEM REGATTA, GRAND CONCOURSE, AND HARBORTOWNE ROADS IN CHARLESTON COUNTY, TO OPEN A PORTION OF HARBORTOWNE ROAD, AND TO REPEAL ACT 624 OF 1986 RELATING TO THE ADDING OF SPECIFIC ROADS AND PORTIONS OF ROADS IN CHARLESTON COUNTY TO THE STATE HIGHWAY SYSTEM AND THE CLOSING OF THE UNPAVED PORTIONS OF A ROAD IN CHARLESTON COUNTY.

Referred to Committee on Education and Public Works

H. 5051 -- Reps. Limehouse, Barfield, Tribble, Sabb, Hosey, Southard, J. H. Neal, Crawford, Parker, Brantley, Neilson, Erickson, Clemmons, Hearn, Hardwick, Loftis, Murphy, Ryan, McCoy, Anderson, Butler Garrick, Whitmire, Williams, Sottile, Alexander, Allen, Bowen, Pinson, Brannon, Johnson, Huggins, Spires, Sellers, Agnew, Anthony, Atwater, Bales, Bannister, Battle, Bedingfield, Bingham, Bowers, Branham, G. A. Brown, H. B. Brown, R. L. Brown, Chumley, Clyburn, Cobb-Hunter, Cole, Corbin, Crosby, Daning, Delleney, Dillard, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Howard, Jefferson, King, Long, Lowe, Lucas, Mack, McEachern, McLeod, D. C. Moss, V. S. Moss, Munnerlyn, J. M. Neal, Norman, Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Stavrinakis, Stringer, Tallon, Taylor, Toole, Vick, Weeks, Whipper, White and Willis: A BILL TO AMEND SECTION 59-103-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HIGHER EDUCATION MISSION AND GOALS FOR ALL PUBLIC HIGHER EDUCATION INSTITUTIONS IN THIS STATE, SO AS TO INCLUDE IN THE MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES UNIQUE DOCTORAL DEGREE PROGRAMS THAT ARE NOT DUPLICATIVE OF ANY RESEARCH UNIVERSITY DOCTORAL PROGRAMS IN THAT REGION, AND TO DEFINE "THAT REGION".

Referred to Committee on Education and Public Works

H. 5052 -- Reps. Govan, Anderson, Bowers, G. A. Brown, Hosey and Jefferson: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE QUALIFICATIONS FOR OFFICERS, SO AS TO EXEMPT AN APPOINTED OR ELECTED PERSON SERVING ON THE GOVERNING BODY OF SOUTH CAROLINA STATE UNIVERSITY AND DELETE ARCHAIC REFERENCES.

Referred to Committee on Judiciary

H. 5053 -- Rep. Bannister: A BILL TO AMEND SECTION 38-53-70, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FORFEITURE OF A BAIL BOND FOR A DEFENDANT WHEN HE FAILS TO APPEAR AT A RELATED HEARING TO WHICH HE HAS BEEN SUMMONED, SO AS TO PROVIDE THAT WHEN THE FORFEITURE OCCURS, THE COURT SHALL ENTER REQUISITE INFORMATION ABOUT THE DEFENDANT INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE, TO PROVIDE THE CLERK OF COURT SHALL SEND TRUE COPIES OF THE BENCH WARRANT TO THE SURETY COMPANY AND BAIL BONDSMAN WITHIN SEVEN DAYS AFTER THE BENCH WARRANT IS ISSUED, AND TO PROVIDE THE BOND MUST NOT BE FORFEITED AND THE SURETY MUST BE RELIEVED OF ALL LIABILITY IF THE STATE OF SOUTH CAROLINA REFUSES TO REQUEST EXTRADITION OF THE DEFENDANT IF THE DEFENDANT IS IN A JURISDICTION OUTSIDE OF THIS STATE.

Referred to Committee on Judiciary

H. 5054 -- Rep. Bannister: A BILL TO AMEND SECTION 38-53-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL ACTS OF BAIL BONDSMEN OR RUNNERS, SO AS TO PROVIDE NO BAIL BONDSMAN OR RUNNER MAY IN NO WAY COMMUNICATE UNTRUE, DECEPTIVE, OR MISLEADING INFORMATION ABOUT ITS PREMIUMS, PERCENTAGES, OR FEE OFFERINGS.

Referred to Committee on Judiciary

H. 5055 -- Reps. Sellers and Clemmons: A BILL TO AMEND SECTION 6-5-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AUTHORIZED INVESTMENTS OF POLITICAL SUBDIVISIONS, SO AS TO AUTHORIZE INVESTMENT IN OBLIGATIONS OF AN ISRAELI CORPORATION, THE STATE OF ISRAEL, OR A POLITICAL SUBDIVISION OF THE STATE OF ISRAEL, SO LONG AS THE OBLIGATION IS DENOMINATED IN UNITED STATES DOLLARS AND BEAR AN INVESTMENT GRADE RATING OF AT LEAST TWO NATIONALLY RECOGNIZED RATING SERVICES.

Referred to Committee on Ways and Means

H. 5056 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, RELATING TO REQUIREMENTS OF LICENSURE FOR SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4254, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 5057 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS, RELATING TO REQUIREMENTS OF LICENSURE FOR LONG TERM HEALTH CARE ADMINISTRATORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4242, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 5058 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - MASSAGE/BODYWORK THERAPY PANEL, RELATING TO QUALIFICATION FOR LICENSURE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4239, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 5059 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO DEFINITIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4237, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

**H. 4786--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4786 -- Reps. Sandifer and D. C. Moss: A BILL TO AMEND SECTION 41-35-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, SO AS TO EXTEND CERTAIN PROVISIONS OF THIS SECTION TO SERVICES PROVIDED BY AN INSTITUTION FOR AN EDUCATIONAL INSTITUTION WHILE EMPLOYED BY A PRIVATE EMPLOYER HOLDING A CONTRACTUAL RELATIONSHIP WITH THE EDUCATIONAL INSTITUTION.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 4786 (COUNCIL\AGM\ 19482AB12):

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

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

“Section 41‑29‑320. (A)(1) The department shall establish within it a Special Investigations Unit that must be primarily responsible for the enforcement of all laws pertaining to unemployment insurance fraud in conjunction with the Attorney General’s Office pursuant to Section 41‑27‑590.

(2) The Special Investigations Unit shall:

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

(b) have the authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses.

(B) A criminal investigator of the department, while performing his duties under item (1), shall have the authority to:

(1) exercise statewide police powers;

(2) carry firearms;

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

(4) seize property; and

(5) make arrests without warrants for offenses committed in their presence.”

SECTION 2. Section 41‑35‑20(3) of the 1976 Code is amended to read:

“(3) The provisions of subsections (1) and (2) apply both to employees of the educational institution concerned or to persons employed by a governmental agency or entity which is established and operated exclusively for the purpose of providing services to one or more educational institutions if these persons perform these services in the educational institution. The provisions of subsections (1) and (2) also apply to services provided by an individual for an educational institution employed by a private employer holding a contractual relationship with the educational institution.”

SECTION 3. 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 4. 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) felony, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than ten 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 five 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 ten 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) 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.

(D) For the purposes of subsection (A)(4), a conviction within the previous ten years for a violation of subsection (A) or violation under an employment security or unemployment compensation law of another state, the federal government, or of a foreign government that includes similar elements to the provisions of subsection (A), constitutes a prior offense.”

SECTION 5. 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~~ is 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) felony, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than ten 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 five 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 ten 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.

(C) For the purposes of subsection (A)(4), a conviction within the previous ten years for a violation of subsection (A) or violation under an employment security or unemployment compensation law of another state, the federal government, or of a foreign government that includes similar elements to the provisions of subsection (A), constitutes a prior offense.”

SECTION 6. 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 7. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER moved to adjourn debate on the amendment, which was agreed to.

Reps. SANDIFER, CRAWFORD and BEDINGFIELD proposed the following Amendment No. 2 to H. 4786 (COUNCIL\AGM\ 19509AB12), which was ruled out of order:

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

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

“Section 41‑29‑320. (A)(1) The department shall establish within it a Special Investigations Unit that must be primarily responsible for the enforcement of all laws pertaining to unemployment insurance fraud in conjunction with the Attorney General’s Office pursuant to Section 41‑27‑590.

(2) The Special Investigations Unit shall:

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

(b) have the authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses.

(B) A criminal investigator of the department, while performing his duties under item (1), shall have the authority to:

(1) exercise statewide police powers;

(2) carry firearms;

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

(4) seize property; and

(5) make arrests without warrants for offenses committed in their presence.”

SECTION \_\_\_. Section 41‑35‑20(3) of the 1976 Code is amended to read:

“(3) The provisions of subsections (1) and (2) apply both to employees of the educational institution concerned or to persons employed by a governmental agency or entity which is established and operated exclusively for the purpose of providing services to one or more educational institutions if these persons perform these services in the educational institution. The provisions of subsections (1) and (2) also apply to services provided by an individual for an educational institution employed by a private employer holding a contractual relationship with the educational institution.”

SECTION \_\_\_. 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 \_\_\_. 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;

(2) felony, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than ten 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 five years, or both;

(3) felony, for a first offense, when the value of the money obtained or sought to be obtained is ten 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; 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.

(D) For the purposes of subsection (A)(4), a conviction within the previous ten years for a violation of subsection (A) or violation under an employment security or unemployment compensation law of another state, the federal government, or of a foreign government that includes similar elements to the provisions of subsection (A), constitutes a prior offense.”

SECTION \_\_\_. 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~~ is 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;

(2) felony, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than ten 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 five years, or both;

(3) felony, for a first offense, when the value of the money obtained or sought to be obtained is ten 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; 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.

(C) For the purposes of subsection (A)(4), a conviction within the previous ten years for a violation of subsection (A) or violation under an employment security or unemployment compensation law of another state, the federal government, or of a foreign government that includes similar elements to the provisions of subsection (A), constitutes a prior offense.”

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

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

**POINT OF ORDER**

Rep. WILLIAMS raised the Point of Order that Amendment No. 2 to H. 4786 was not germane to the bill.

SPEAKER HARRELL sustained the Point of Order and stated Amendment No. 2 was not germane to the Bill. He ruled the amendment out of order.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 4786 (COUNCIL\AGM\ 19482AB12), which was tabled:

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

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

“Section 41‑29‑320. (A)(1) The department shall establish within it a Special Investigations Unit that must be primarily responsible for the enforcement of all laws pertaining to unemployment insurance fraud in conjunction with the Attorney General’s Office pursuant to Section 41‑27‑590.

(2) The Special Investigations Unit shall:

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

(b) have the authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses.

(B) A criminal investigator of the department, while performing his duties under item (1), shall have the authority to:

(1) exercise statewide police powers;

(2) carry firearms;

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

(4) seize property; and

(5) make arrests without warrants for offenses committed in their presence.”

SECTION 2. Section 41‑35‑20(3) of the 1976 Code is amended to read:

“(3) The provisions of subsections (1) and (2) apply both to employees of the educational institution concerned or to persons employed by a governmental agency or entity which is established and operated exclusively for the purpose of providing services to one or more educational institutions if these persons perform these services in the educational institution. The provisions of subsections (1) and (2) also apply to services provided by an individual for an educational institution employed by a private employer holding a contractual relationship with the educational institution.”

SECTION 3. 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 4. 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) felony, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than ten 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 five 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 ten 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) 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.

(D) For the purposes of subsection (A)(4), a conviction within the previous ten years for a violation of subsection (A) or violation under an employment security or unemployment compensation law of another state, the federal government, or of a foreign government that includes similar elements to the provisions of subsection (A), constitutes a prior offense.”

SECTION 5. 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~~ is 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) felony, for a first offense, if the amount of the economic advantage or benefit received is two thousand dollars or more but less than ten 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 five 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 ten 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.

(C) For the purposes of subsection (A)(4), a conviction within the previous ten years for a violation of subsection (A) or violation under an employment security or unemployment compensation law of another state, the federal government, or of a foreign government that includes similar elements to the provisions of subsection (A), constitutes a prior offense.”

SECTION 6. 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 7. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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

Rep. SANDIFER moved to adjourn debate on the Bill until Thursday, March 22, which was agreed to.

**H. 4983--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4983 -- Reps. Pope, King, Norman, Simrill, Delleney, Long and D. C. Moss: A BILL TO AMEND SECTION 50-11-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BIRD SANCTUARIES AND THE USE OF FIREARMS WITHIN THEIR BORDERS, SO AS TO REVISE THE BOUNDARIES OF CERTAIN BIRD SANCTUARIES IN YORK COUNTY.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gilliard | Hamilton |
| Hardwick | Harrison | Hart |
| Hayes | Hearn | Hixon |
| Hodges | Hosey | Howard |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Simrill | G. M. Smith |
| J. E. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--95**

Those who voted in the negative are:

**Total--0**

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

**S. 710--DEBATE ADJOURNED**

Rep. DANING moved to adjourn debate upon the following Bill until Thursday, March 22, which was adopted:

S. 710 -- Senators Knotts, O'Dell, Ford, Alexander, Bryant and Setzler: A BILL TO AMEND SECTION 56-1-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER'S LICENSE, SO AS TO, UPON THE LICENSEE'S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER'S LICENSE; AND TO AMEND SECTION 56-1-3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER'S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD.

**H. 5026--DEBATE ADJOURNED**

Rep. J. E. SMITH moved to adjourn debate upon the following Bill until Thursday, March 22, which was adopted:

H. 5026 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE AN OBSOLETE REFERENCE EXEMPTING APPEALS FROM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO THE COURT.

**H. 5027--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5027 -- Reps. Hodges, Bowers and R. L. Brown: A BILL TO AMEND SECTION 7-7-200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN COLLETON COUNTY, SO AS TO ADD THE "WALTERBORO NO. 5" PRECINCT, TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Atwater | Bales | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Gilliard | Hardwick |
| Harrell | Hayes | Hearn |
| Henderson | Herbkersman | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| J. H. Neal | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Rutherford | Ryan |
| Sabb | Sellers | Simrill |
| Skelton | G. M. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--94**

Those who voted in the negative are:

**Total--0**

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

**H. 5028--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5028 -- Reps. G. M. Smith and White: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2012-2013 TO TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW AND TO SET CERTAIN NURSING HOME STAFFING STANDARDS IN ORDER TO MEET APPROPRIATIONS.

Rep. G. M. SMITH explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 93; Nays 4

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Hayes |
| Hearn | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Thayer | Toole | Tribble |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--93**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Hosey | Howard | J. H. Neal |
| J. E. Smith |  |  |

**Total--4**

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

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

**MOTION PERIOD**

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

**H. 4043--DEBATE ADJOURNED**

Rep. YOUNG moved to adjourn debate upon the following Bill until Thursday, March 22, which was adopted:

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V. S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson, D. C. Moss and Frye: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A "DRUG TEST".

**H. 3235--DEBATE ADJOURNED**

Rep. YOUNG moved to adjourn debate upon the following Bill until Thursday, March 22, which was adopted:

H. 3235 -- Reps. Taylor, Young, J. R. Smith, Bikas and Chumley: A BILL TO AMEND SECTION 30-4-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES AND THE TIME WITHIN WHICH CERTAIN RECORDS MUST BE FURNISHED UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE RECORDS MUST BE FURNISHED AT CURRENT MARKET VALUE TO THE PERSON REQUESTING THE RECORDS, AND TO PROVIDE WHERE A PUBLIC BODY GRANTS A REQUEST FOR RECORDS, IT MUST FURNISH THOSE RECORDS FOR INSPECTION OR COPYING IMMEDIATELY, BUT NO LATER THAN THIRTY DAYS AFTER THE DATE OF THE FORMAL REQUEST.

**H. 4654--DEBATE ADJOURNED**

Rep. AGNEW moved to adjourn debate upon the following Bill until Thursday, March 22, which was adopted:

H. 4654 -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D. C. Moss, V. S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: A BILL TO AMEND SECTION 48-1-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48-1-130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER AND TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 48-1-250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS.

**H. 4675--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill until Thursday, March 22, which was adopted:

H. 4675 -- Reps. Henderson, G. M. Smith, J. R. Smith, Parker, Barfield, Allison, Atwater, Bowen, Corbin, Delleney, Forrester, Hamilton, Lowe, Lucas, Owens, Putnam, Simrill, G. R. Smith, Stringer, Toole, Tribble, Willis, Funderburk, Nanney and Quinn: A BILL TO AMEND SECTION 61-2-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, SO AS TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710; AND TO AMEND SECTION 61-4-580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, SO AS TO CLARIFY THAT THIS ITEM DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710.

**H. 4894--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Thursday, March 22, which was adopted:

H. 4894 -- Reps. White, Bedingfield, McCoy, Loftis, Bingham, Herbkersman, Parker, Bowen, Erickson, Taylor, G. M. Smith, Forrester, Frye, G. R. Smith, Merrill, Stringer, Lowe, Nanney, Tribble, Crawford, Ryan, Corbin, Southard, J. R. Smith, Allison, Barfield, Chumley, Clemmons, Cole, Crosby, Delleney, Edge, Hamilton, Hardwick, Harrell, Harrison, Hearn, Henderson, Hixon, Limehouse, Long, Lucas, D. C. Moss, Murphy, Norman, Owens, Pinson, Pitts, Putnam, Quinn, Simrill, Skelton, Sottile, Spires, Tallon, Thayer, Toole, Viers, Young, Atwater, Huggins and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO AUTHORIZE A DEDUCTION FROM STATE OF SOUTH CAROLINA TAXABLE INCOME UP TO SPECIFIED AMOUNTS FOR TUITION PAID BY A PARENT OR LEGAL GUARDIAN FOR THEIR CHILD OR WARD TO ATTEND AN INDEPENDENT SCHOOL OR A PUBLIC SCHOOL OUTSIDE THE CHILD'S OR WARD'S SCHOOL DISTRICT OF RESIDENCE, AND TO ALSO AUTHORIZE A SIMILAR INCOME TAX DEDUCTION UP TO A SPECIFIED AMOUNT TO A PARENT OR LEGAL GUARDIAN FOR HOME SCHOOL EXPENDITURES; AND BY ADDING SECTION 12-6-1146 SO AS TO AUTHORIZE A CREDIT AGAINST A TAXPAYER'S SOUTH CAROLINA INCOME TAX LIABILITY OR CERTAIN OTHER TAX LIABILITY FOR CONTRIBUTIONS MADE TO NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS THAT PROVIDE GRANTS FOR CHILDREN WHO ARE ELIGIBLE FOR THE FEDERAL FREE OR REDUCED SCHOOL LUNCH PROGRAM, WHO ARE "EXCEPTIONAL NEEDS" CHILDREN, OR WHOSE FAMILIES MEET THE REQUIREMENTS FOR FEDERAL MEDICAID BENEFITS TO ATTEND INDEPENDENT SCHOOLS OF THEIR CHOICE, AND TO PROVIDE THE PROCEDURES FOR, AND CONDITIONS AND LIMITATIONS OF THESE TAX CREDITS.

**H. 4967--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4967 -- Ways and Means Committee: A BILL TO AMEND SECTION 9-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS), SO AS TO PROVIDE FOR "CLASS THREE" MEMBERS OF SCRS WITH "CLASS THREE" MEMBERS MEANING AN EMPLOYEE MEMBER OF SCRS WITH AN EFFECTIVE DATE OF MEMBERSHIP AFTER JUNE 30, 2012; TO AMEND SECTIONS 9-1-10 FURTHER AND 9-1-1550, RELATING TO RETIREMENT BENEFITS UNDER THE SCRS, SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCRS MEMBERS ARE COMPUTED AFTER JUNE 30, 2012, AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCRS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-1-1815 SO AS TO PROVIDE FOR THE MANNER IN WHICH RETIRED SCRS MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-1-1810 RELATING TO INCREASES IN SCRS RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-1-1020, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCRS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF CLASS ONE SCRS MEMBERS TO SIX PERCENT OF EARNABLE COMPENSATION FROM FIVE AND ONE-HALF PERCENT AND THE REQUIRED DEDUCTIONS OF SCRS CLASS TWO AND CLASS THREE MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013, AND MAKE CONFORMING CHANGES; TO AMEND SECTION 9-1-1080, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCRS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TEN AND SIX-TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; TO AMEND SECTION 9-1-1140, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCRS, SO AS TO PROVIDE THAT THE REQUIRED COST IS THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE SCRS MEMBER'S CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-1-1510, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A SCRS RETIREMENT ALLOWANCE, SO AS TO PROVIDE THAT A SCRS CLASS THREE MEMBER MUST HAVE AT LEAST THIRTY YEARS OF CREDITABLE SERVICE TO BE ELIGIBLE TO RETIRE AT ANY AGE WITHOUT A BENEFIT REDUCTION; TO AMEND SECTION 9-1-1515, AS AMENDED, RELATING TO THE REQUIREMENTS FOR EARLY RETIREMENT IN SCRS, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9-1-1660, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A NOMINEE OF A DECEASED ACTIVE SCRS MEMBER TO RECEIVE A RETIREMENT ALLOWANCE, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9-1-2210, AS AMENDED, RELATING TO THE TEACHER AND EMPLOYEE RETENTION INCENTIVE (TERI) PROGRAM, SO AS TO CLOSE THE PROGRAM FOR SCRS CLASS THREE MEMBERS AND TO CONFORM THE CALCULATION OF RETIREMENT BENEFITS FOR TERI PARTICIPANTS; TO AMEND SECTION 9-9-60, AS AMENDED, RELATING TO RETIREMENT AND RETIREMENT ALLOWANCES FOR MEMBERS OF THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA (GARS), SO AS PROSPECTIVELY TO ELIMINATE PROVISIONS ALLOWING MEMBERS OF THE GENERAL ASSEMBLY WHO MEET CERTAIN AGE OR CREDITED SERVICE REQUIREMENTS OR WITH AGE AND CREDITED SERVICE REQUIREMENTS TO RECEIVE A GARS RETIREMENT BENEFIT WHILE CONTINUING TO SERVE IN THE GENERAL ASSEMBLY; TO AMEND SECTIONS 9-11-10 AND 9-11-60, BOTH AS AMENDED, RELATING TO DEFINITIONS AND ELIGIBILITY FOR RETIREMENT UNDER THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS), SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCPORS MEMBERS RETIRING AFTER JUNE 30, 2012, ARE COMPUTED AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCPORS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE SCPORS MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-11-312 SO AS TO PROVIDE FOR THE MANNER IN WHICH SCPORS RETIRED MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-11-310 RELATING TO COST OF LIVING ADJUSTMENTS UNDER SCPORS BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-11-50, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCPORS, SO AS TO PROVIDE THAT THE REQUIRED COST MUST BE THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE MEMBERS CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-11-210, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCPORS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF SCPORS CLASS TWO MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013; TO AMEND SECTION 9-11-220, AS AMENDED, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCPORS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TWELVE AND THREE TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; BY ADDING SECTION 9-16-335 SO AS TO PROVIDE THAT THE ASSUMED ANNUAL RATE OF RETURN ON THE INVESTMENTS OF THE RETIREMENT SYSTEM MUST BE ESTABLISHED BY THE GENERAL ASSEMBLY AND EFFECTIVE JULY 1, 2012, THE ASSUMED ANNUAL RATE OF RETURN ON RETIREMENT SYSTEM INVESTMENTS IS SEVEN AND ONE-HALF PERCENT; AND TO AMEND SECTIONS 9-1-1135, 9-8-185, 9-9-175, AND 9-11-265, RELATING TO INTEREST ON MEMBER'S CONTRIBUTIONS IN SCRS, GARS, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND SCPORS, SO AS TO PROVIDE THAT INTEREST IS NOT PAID ON INACTIVE ACCOUNTS, AND TO DEFINE "INACTIVE ACCOUNT".

Reps. BALES, KING, RUTHERFORD and J. H. NEAL proposed the following Amendment No. 1 to H. 4967 (COUNCIL\NBD\ 12260DG12), which was tabled:

Amend the bill, as and if amended, as and if amended, by striking Section 9-1-1140(M), on page 13, and inserting:

/ (M) At retirement, after March 31, 1991, for Class One members and Class Two members with at least ten years of service credit as of July 1, 2012, a member shall receive credit for not more than ninety days of his unused sick leave from the member’s last employer at no cost to the member. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement. /

Amend the bill further, as and if amended, by striking Section 9-1-1550(D)(2), on page 16, and inserting:

/ (2) the member shall receive service credit for ninety days of unused sick leave; however, this item does not apply to a member with at least ten years of service credit as of July 1, 2012; and /

Amend the bill further, as and if amended, by striking Section 9-11-50(L), on page 26, and inserting:

/ (L) At retirement, after March 31, 1991, for an employee member with at least ten years of service credit as of July 1, 2012, a member shall receive credit for not more than ninety days of his unused sick leave from the member’s last employer at no cost to the member. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement. /

Amend the bill further, as and if amended, by striking Section 9-11-60(3)(b), on page 26, and inserting:

/ (b) the member shall receive service credit for ninety days of unused sick leave; however, this item does not apply to a member with at least ten years of service credit as of July 1, 2012; and /

Renumber sections to conform.

Amend title to conform.

Rep. BALES explained the amendment.

Rep. MERRILL spoke against the amendment.

Rep. MERRILL spoke against the amendment.

Rep. MERRILL moved to table the amendment.

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

Yeas 75; Nays 40

Those who voted in the affirmative are:

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

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Bales | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Dillard |
| Funderburk | Gilliard | Hart |
| Hayes | Hosey | Howard |
| Jefferson | Johnson | King |
| Knight | Mack | McEachern |
| McLeod | D. C. Moss | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--40**

So, the amendment was tabled.

Rep. OTT proposed the following Amendment No. 2 to H. 4967 (COUNCIL\BBM\10593HTC12), which was tabled:

Amend the bill, as and if amended, by striking SECTION 2B., beginning on page 5, and inserting:

/ B. Section 9‑1‑10(4) of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“(4)(a) ‘Average final compensation’ with respect to those members retiring on or after July 1, 1986, and members retiring after June 30, 2012, with at least twenty‑three years of creditable service before July 1, 2012, means the average annual earnable compensation of a member during the twelve consecutive quarters of his creditable service on which regular contributions as a member were made to the system producing the highest such average; a quarter means a period January through March, April through June, July through September, or October through December. An amount up to and including forty‑five days’ termination pay for unused annual leave at retirement may be added to the average final compensation. Average final compensation for an elected official may be calculated as the average annual earnable compensation for the thirty‑six consecutive months before the expiration of the elected official’s term of office.

(b) ‘Average final compensation’ with respect to all other members retiring after June 30, 2012, means the average annual earnable compensation of a member during the twenty consecutive quarters of the member’s creditable service on which regular contributions as a member were made to the system producing the highest such average; a quarter means a period January through March, April through June, July through September, or October through December. Termination pay for unused annual leave at retirement may not be added to the average final compensation.”/

Amend the bill further, as and if amended, by striking the last undesignated paragraph of SECTION 9‑1‑1020, as contained in SECTION 3, page 8, and inserting:

/ Payments for unused sick leave, single special payments at retirement, bonus and incentive‑type payments, or any other payments not considered a part of the regular salary base are not compensation for which contributions are deductible. Contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for members eligible to have that pay included in the member’s average final compensation calculation. If a member has received termination pay for unused annual leave on more than one occasion, contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for each termination payment for unused annual leave received by the member. However, only an amount up to and including forty‑five days’ pay for unused annual leave from the member’s last termination payment ~~shall~~ must be included in a member’s average final compensation calculation, for the members eligible to have that pay included in the member’s average final compensation calculation. /

Amend further, as and if amended, by striking Section 9‑1‑1140(M) as contained in SECTION 5, page 13, and inserting:

/ (M) At retirement, after March 31, 1991, and at retirement after June 30, 2012, for members having at least twenty‑three years of creditable service before July 1, 2012, a member shall receive credit for not more than ninety days of his unused sick leave from the member’s last employer at no cost to the member. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement. /

Amend further, beginning on page 15, by striking SECTION 8 and inserting:

/ SECTION 8. Section 9‑1‑1550 of the 1976 Code, as last amended by Act 1 of 2001, is further amended by adding a new subsection at the end to read:

“(C) Upon retirement from service after June 30, 2012, a Class Three member shall receive a service retirement allowance computed as follows:

(1) If the member’s service retirement date occurs on or after his sixty‑fifth birthday or after he has completed thirty or more years of creditable service, the allowance must be equal to one and eighty‑two hundredths percent of his average final compensation, multiplied by the number of years of his creditable service.

(2) If the member’s service retirement date occurs before his sixty‑fifth birthday and before he completes thirty years of creditable service, his service retirement allowance is computed as in item (1) of this subsection but is reduced by five‑twelfths of one percent thereof for each month, prorated for periods less than a month, by which his retirement date precedes the first day of the month coincident with or next following his sixty‑fifth birthday.” /

Amend the bill further, as and if amended, by striking Section 9‑1‑2210, as contained in SECTION 10, beginning on page 17, and inserting:

/ Section 9‑1‑2210. (A) An active Class One or Class Two contributing member who is eligible for service retirement under this chapter and complies with the requirements of this article may elect to participate in the Teacher and Employee Retention Incentive Program (program). A member electing to participate in the program retires for purposes of the system. The program participant shall agree to continue employment with an employer participating in the system for a program period, not to exceed five years. The member shall notify the system before the beginning of the program period. Participation in the program does not guarantee employment for the specified program period. Class Three members are not eligible to participate in the program.

(B) ~~After June 30, 2005, and~~ (1) For a member who elects to participate in the program before July 1, 2012, or a member who elects to participate in the program after June 30, 2012, and who is entitled to the inclusion of any termination pay for unused annual leave in the calculation of average final compensation, notwithstanding the provisions of Section 9‑1‑10(4), a payment for unused annual leave is not included in calculating a member’s deferred program benefit during the program period. The member’s average final compensation for the purpose of calculating the deferred program retirement benefit must be solely the average of the member’s highest twelve or twenty consecutive quarters of earnable compensation, as applicable, at the time the member enters the program.

(2) For a member who elects to participate in the program after June 30, 2012, and who is ineligible to have included any termination pay for unused annual leave in the calculation of the member’s average final compensation, the member’s deferred program retirement benefit must be calculated as a normal service retirement benefit.

(3) During the specified program period, receipt of the member’s normal retirement benefit is deferred. The member’s deferred monthly benefit must be placed in the system’s trust fund on behalf of the member. No interest is paid on the member’s deferred monthly benefit placed in the system’s trust fund during the specified program period.

(C) During the specified program period, the employer shall pay to the system the employer contribution for active members prescribed by law with respect to any program participant it employs, regardless of whether the program participant is a full‑time or part‑time employee, or a temporary or permanent employee. The program participant shall pay to the system the employee contribution as if the program participant were an active contributing member, but the program participant does not accrue additional service credit in the system for these employer and employee contributions. If an employer who is obligated to the system pursuant to this subsection fails to pay the amount due, as determined by the system, the amount must be deducted from any funds payable to the employer by the State.

(D) A program participant is retired from the retirement system as of the beginning of the program period. A program participant is not eligible to receive disability retirement benefits. Accrued annual leave and sick leave used in any manner in the calculation of the program participant’s retirement benefit is deducted from the amount of such leave accrued by the participant.

(E) A program participant is retired for retirement benefit purposes only. For employment purposes, a program participant is considered to be an active employee, retaining all other rights and benefits of an active employee except for grievance rights pursuant to Section 8‑17‑370, and is not subject to the earnings limitation of Section 9‑1‑1790 during the program period.

(F) Upon termination of employment either during or at the end of the program period, the member must receive the balance in the member’s program account by electing one of the following distribution alternatives:

(1) a lump‑sum distribution, paying appropriate taxes; or

(2) to the extent permitted under law, a tax sheltered rollover into an eligible plan.

For members who began participation in the program before July 1, 2005, the member also must receive the previously determined normal retirement benefits based upon the member’s average final compensation and service credit at the time the program period began, plus any applicable cost of living increases declared during the program period. The program participant is thereafter subject to the earnings limitation of Section 9‑1‑1790.

Upon termination of employment of members who began participation in the program after June 30, 2005, but before July 1, 2012, or who began participation after June 30, 2012, and are entitled to have any termination pay for unused annual leave included in the calculation of average final compensation, the Retirement Systems shall recalculate the average final compensation of the member to determine the benefit the member receives after participation in the program. The average final compensation calculated at the commencement of the program must be increased by an amount up to and including forty‑five days’ termination pay for unused annual leave received by the member at termination of employment, divided by three or five, as appropriate. The member’s benefit after participation in the program must be calculated in accordance with Section 9‑1‑1550, utilizing the recalculated average final compensation determined in this subsection, and the member’s service credit, including sick leave, as of the date the member began participation in the program, plus any cost‑of‑living increases declared during the program period with respect to the amount of the member’s deferred program benefit. Upon termination of employment of a member who began participation in the program after June 30, 2012, who is not entitled to a benefit calculated pursuant to Section 9‑1‑1550(D), or who is not eligible to have any termination pay for unused annual leave included in the calculation of average final compensation, there is no recalculation of the member’s benefit and the member must receive the previously determined normal retirement benefit based upon the member’s average final compensation and service credit at the time the program period began, plus any applicable cost of living increases declared during the program period.

(G) If a program participant dies during the specified program period, the member’s designated beneficiary must receive the balance in the member’s program account by electing one of the following distribution alternatives:

(1) a lump‑sum distribution, paying appropriate taxes; or

(2) to the extent permitted under law, a tax sheltered rollover into an eligible plan.

In accordance with the form of system benefit selected by the member at the time the program commenced, the member’s designated beneficiary must receive either a survivor benefit or a refund of contributions from the member’s system account. If the member’s beneficiary is eligible to, and elects to, receive a survivorship retirement allowance and the member would have been eligible for a recalculation of his benefit upon termination from the program pursuant to subsection (F), the allowance payable to the member’s beneficiary must be based on the recalculated benefit provided in subsection (F).

~~If a program participant who began participation in the program before July 1, 2005, elected either Option B or Option C under Section 9‑1‑1620, the average final compensation calculated when the member commenced the program must be used in determining the survivor benefit. If a program participant who began participation in the program after June 30, 2005, elected either Option B or C under Section 9‑1‑1620, then the designated survivor beneficiary shall receive a survivor benefit based on a recalculated average final compensation. The average final compensation calculated at the commencement of the program must be increased by an amount up to and including forty‑five days termination pay for unused annual leave received by the member’s legal representative at the member’s death, divided by three. The survivor benefit must be calculated in accordance with Section 9‑1‑1550, utilizing the recalculated average final compensation determined in this subsection, and the member’s service credit, including sick leave, as of the date the member began participation in the program, plus any cost‑of‑living increases declared during the program period with respect to the amount of the member’s deferred program benefit.~~

(H) A program participant shall terminate employment no later than the day before the fifth annual anniversary of the date the member commenced participation in the program.

(I) A member is not eligible to participate in the program if the member has participated previously in and received a benefit under this program or any other state retirement system. However, a member who has received a disability benefit, but who has been restored to active service and voided his optional benefit selection pursuant to Section 9‑1‑1590 and repaid any benefit received is eligible to participate in the program. /

Amend further, by striking SECTION 14, beginning on page 22, and inserting:

/ SECTION 14. Section 9‑11‑10(7) of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“(7)(a) ‘Average final compensation’ after July 1, 1986, and for members retiring after June 30, 2012, who had at least twenty years of creditable service before July 1, 2012, means the average annual compensation of a member during the twelve consecutive quarters of the member’s creditable service on which regular contributions as a member were made to the system producing the highest average; a quarter means a period January through March, April through June, July through September, or October through December. An amount up to and including forty‑five days’ termination pay for unused annual leave at retirement may be added to the average final compensation. Average final compensation for an elected official may be calculated as the average annual earnable compensation for the thirty‑six consecutive months prior to the expiration of his term of office.

(b) ‘Average final compensation’ with respect to all other members retiring after June 30, 2012, means the average annual earnable compensation of a member during the twenty consecutive quarters of the member’s creditable service on which regular contributions as a member were made to the system producing the highest such average; a quarter means a period January through March, April through June, July through September, or October through December. Termination pay for unused annual leave at retirement may not be added to the average final compensation.” /

Amend further, by striking Section 9‑11‑150(L), as contained in SECTION 15, page 26, and inserting:

/ (L) At retirement, after March 31, 1991, and at retirement after June 30, 2012, for members having at least twenty years of creditable service before July 1, 2012, a member shall receive credit for not more than ninety days of his unused sick leave from the member’s last employer at no cost to the member. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement. /

Amend further, page 26, by striking SECTION 16 in its entirety.

Amend further, by striking Section 9‑11‑210(12), as contained in SECTION 17, page 27, and inserting:

/ (12) Payments for unused sick leave, single special payments at retirement, bonus and incentive‑type payments, or any other payments not considered a part of the regular salary base are not compensation for which contributions are deductible. This item does not apply to bonus payments paid to certain categories of employees annually during their work careers. Bonus or special payments applied only during the ‘Average Final Compensation’ period are excluded as compensation. Contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for these members eligible to have this pay included in this member’s average final compensation calculation. If a member has received termination pay for unused annual leave on more than one occasion, contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for each termination payment for unused annual leave received by the member. However, only an amount up to and including forty‑five days’ pay for unused annual leave from the member’s last termination payment ~~shall~~ must be included in a member’s average final compensation calculation for those members eligible to have that pay included in that member’s average final compensation calculation. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. BINGHAM spoke against the amendment.

Rep. J. H. NEAL spoke in favor of the amendment.

Rep. J. H. NEAL spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

Rep. BINGHAM moved to table the amendment.

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

Yeas 73; Nays 37

Those who voted in the affirmative are:

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

**Total--73**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Bales | Bowers | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Dillard | Funderburk |
| Gilliard | Hart | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | Johnson | Knight |
| Mack | McEachern | McLeod |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--37**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

Rep. PITTS spoke in favor of the Bill.

Rep. COBB-HUNTER spoke in favor of the Bill.

Rep. J. H. NEAL spoke against the Bill.

Rep. OTT proposed the following Amendment No. 3 to H. 4967 (COUNCIL\MS\7740HTC12):

Amend the bill, as and if amended, by striking SECTION 2B., beginning on page 5, and inserting:

/ B. Section 9‑1‑10(4) of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“(4)(a) ‘Average final compensation’ with respect to those members retiring on or after July 1, 1986, and members retiring after June 30, 2012, with at least twenty‑three years of creditable service before July 1, 2012, means the average annual earnable compensation of a member during the twelve consecutive quarters of his creditable service on which regular contributions as a member were made to the system producing the highest such average; a quarter means a period January through March, April through June, July through September, or October through December. An amount up to and including forty‑five days’ termination pay for unused annual leave at retirement may be added to the average final compensation. Average final compensation for an elected official may be calculated as the average annual earnable compensation for the thirty‑six consecutive months before the expiration of the elected official’s term of office.

(b) ‘Average final compensation’ with respect to all other members retiring after June 30, 2012, means the average annual earnable compensation of a member during the twenty consecutive quarters of the member’s creditable service on which regular contributions as a member were made to the system producing the highest such average; a quarter means a period January through March, April through June, July through September, or October through December. Termination pay for unused annual leave at retirement may not be added to the average final compensation.” /

Amend the bill further, as and if amended, by striking the last undesignated paragraph of SECTION 9‑1‑1020, as contained in SECTION 3, page 8, and inserting:

/ Payments for unused sick leave, single special payments at retirement, bonus and incentive‑type payments, or any other payments not considered a part of the regular salary base are not compensation for which contributions are deductible. Contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for members eligible to have that pay included in the member’s average final compensation calculation. If a member has received termination pay for unused annual leave on more than one occasion, contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for each termination payment for unused annual leave received by the member. However, only an amount up to and including forty‑five days’ pay for unused annual leave from the member’s last termination payment ~~shall~~ must be included in a member’s average final compensation calculation, for the members eligible to have that pay included in the member’s average final compensation calculation. /

Amend further, as and if amended, by striking Section 9‑1‑1140(M) as contained in SECTION 5, page 13, and inserting:

/ (M) At retirement, after March 31, 1991, and at retirement after June 30, 2012, for members having at least twenty‑three years of creditable service before July 1, 2012, a member shall receive credit for not more than ninety days of his unused sick leave from the member’s last employer at no cost to the member. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement. /

Amend further, beginning on page 15, by striking SECTION 8 and inserting:

/ SECTION 8. Section 9‑1‑1550 of the 1976 Code, as last amended by Act 1 of 2001, is further amended by adding a new subsection at the end to read:

“(C) Upon retirement from service after June 30, 2012, a Class Three member shall receive a service retirement allowance computed as follows:

(1) If the member’s service retirement date occurs on or after his sixty‑fifth birthday or after he has completed thirty or more years of creditable service, the allowance must be equal to one and eighty‑two hundredths percent of his average final compensation, multiplied by the number of years of his creditable service.

(2) If the member’s service retirement date occurs before his sixty‑fifth birthday and before he completes thirty years of creditable service, his service retirement allowance is computed as in item (1) of this subsection but is reduced by five‑twelfths of one percent thereof for each month, prorated for periods less than a month, by which his retirement date precedes the first day of the month coincident with or next following his sixty‑fifth birthday.” /

Amend the bill further, as and if amended, by striking Section 9‑1‑2210, as contained in SECTION 10, beginning on page 17, and inserting:

/ Section 9‑1‑2210. (A) An active Class One or Class Two contributing member who is eligible for service retirement under this chapter and complies with the requirements of this article may elect to participate in the Teacher and Employee Retention Incentive Program (program). A member electing to participate in the program retires for purposes of the system. The program participant shall agree to continue employment with an employer participating in the system for a program period, not to exceed five years. The member shall notify the system before the beginning of the program period. Participation in the program does not guarantee employment for the specified program period. Class Three members are not eligible to participate in the program.

(B) ~~After June 30, 2005, and~~ (1) For a member who elects to participate in the program before July 1, 2012, or a member who elects to participate in the program after June 30, 2012, and who is entitled to the inclusion of any termination pay for unused annual leave in the calculation of average final compensation, notwithstanding the provisions of Section 9‑1‑10(4), a payment for unused annual leave is not included in calculating a member’s deferred program benefit during the program period. The member’s average final compensation for the purpose of calculating the deferred program retirement benefit must be solely the average of the member’s highest twelve or twenty consecutive quarters of earnable compensation, as applicable, at the time the member enters the program.

(2) For a member who elects to participate in the program after June 30, 2012, and who is ineligible to have included any termination pay for unused annual leave in the calculation of the member’s average final compensation, the member’s deferred program retirement benefit must be calculated as a normal service retirement benefit.

(3) During the specified program period, receipt of the member’s normal retirement benefit is deferred. The member’s deferred monthly benefit must be placed in the system’s trust fund on behalf of the member. No interest is paid on the member’s deferred monthly benefit placed in the system’s trust fund during the specified program period.

(C) During the specified program period, the employer shall pay to the system the employer contribution for active members prescribed by law with respect to any program participant it employs, regardless of whether the program participant is a full‑time or part‑time employee, or a temporary or permanent employee. The program participant shall pay to the system the employee contribution as if the program participant were an active contributing member, but the program participant does not accrue additional service credit in the system for these employer and employee contributions. If an employer who is obligated to the system pursuant to this subsection fails to pay the amount due, as determined by the system, the amount must be deducted from any funds payable to the employer by the State.

(D) A program participant is retired from the retirement system as of the beginning of the program period. A program participant is not eligible to receive disability retirement benefits. Accrued annual leave and sick leave used in any manner in the calculation of the program participant’s retirement benefit is deducted from the amount of such leave accrued by the participant.

(E) A program participant is retired for retirement benefit purposes only. For employment purposes, a program participant is considered to be an active employee, retaining all other rights and benefits of an active employee except for grievance rights pursuant to Section 8‑17‑370, and is not subject to the earnings limitation of Section 9‑1‑1790 during the program period.

(F) Upon termination of employment either during or at the end of the program period, the member must receive the balance in the member’s program account by electing one of the following distribution alternatives:

(1) a lump‑sum distribution, paying appropriate taxes; or

(2) to the extent permitted under law, a tax sheltered rollover into an eligible plan.

For members who began participation in the program before July 1, 2005, the member also must receive the previously determined normal retirement benefits based upon the member’s average final compensation and service credit at the time the program period began, plus any applicable cost of living increases declared during the program period. The program participant is thereafter subject to the earnings limitation of Section 9‑1‑1790.

Upon termination of employment of members who began participation in the program after June 30, 2005, but before July 1, 2012, or who began participation after June 30, 2012, and are entitled to have any termination pay for unused annual leave included in the calculation of average final compensation, the Retirement Systems shall recalculate the average final compensation of the member to determine the benefit the member receives after participation in the program. The average final compensation calculated at the commencement of the program must be increased by an amount up to and including forty‑five days’ termination pay for unused annual leave received by the member at termination of employment, divided by three or five, as appropriate. The member’s benefit after participation in the program must be calculated in accordance with Section 9‑1‑1550, utilizing the recalculated average final compensation determined in this subsection, and the member’s service credit, including sick leave, as of the date the member began participation in the program, plus any cost‑of‑living increases declared during the program period with respect to the amount of the member’s deferred program benefit. Upon termination of employment of a member who began participation in the program after June 30, 2012, who is not entitled to a benefit calculated pursuant to Section 9‑1‑1550(D), or who is not eligible to have any termination pay for unused annual leave included in the calculation of average final compensation, there is no recalculation of the member’s benefit and the member must receive the previously determined normal retirement benefit based upon the member’s average final compensation and service credit at the time the program period began, plus any applicable cost of living increases declared during the program period.

(G) If a program participant dies during the specified program period, the member’s designated beneficiary must receive the balance in the member’s program account by electing one of the following distribution alternatives:

(1) a lump‑sum distribution, paying appropriate taxes; or

(2) to the extent permitted under law, a tax sheltered rollover into an eligible plan.

In accordance with the form of system benefit selected by the member at the time the program commenced, the member’s designated beneficiary must receive either a survivor benefit or a refund of contributions from the member’s system account. If the member’s beneficiary is eligible to, and elects to, receive a survivorship retirement allowance and the member would have been eligible for a recalculation of his benefit upon termination from the program pursuant to subsection (F), the allowance payable to the member’s beneficiary must be based on the recalculated benefit provided in subsection (F).

~~If a program participant who began participation in the program before July 1, 2005, elected either Option B or Option C under Section 9‑1‑1620, the average final compensation calculated when the member commenced the program must be used in determining the survivor benefit. If a program participant who began participation in the program after June 30, 2005, elected either Option B or C under Section 9‑1‑1620, then the designated survivor beneficiary shall receive a survivor benefit based on a recalculated average final compensation. The average final compensation calculated at the commencement of the program must be increased by an amount up to and including forty‑five days termination pay for unused annual leave received by the member’s legal representative at the member’s death, divided by three. The survivor benefit must be calculated in accordance with Section 9‑1‑1550, utilizing the recalculated average final compensation determined in this subsection, and the member’s service credit, including sick leave, as of the date the member began participation in the program, plus any cost‑of‑living increases declared during the program period with respect to the amount of the member’s deferred program benefit.~~

(H) A program participant shall terminate employment no later than the day before the fifth annual anniversary of the date the member commenced participation in the program.

(I) A member is not eligible to participate in the program if the member has participated previously in and received a benefit under this program or any other state retirement system. However, a member who has received a disability benefit, but who has been restored to active service and voided his optional benefit selection pursuant to Section 9‑1‑1590 and repaid any benefit received is eligible to participate in the program. /

Amend further, by striking SECTION 14, beginning on page 22, and inserting:

/ SECTION 14. Section 9‑11‑10(7) of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“(7)(a) ‘Average final compensation’ after July 1, 1986, and for members retiring after June 30, 2012, who had at least twenty years of creditable service before July 1, 2012, means the average annual compensation of a member during the twelve consecutive quarters of the member’s creditable service on which regular contributions as a member were made to the system producing the highest average; a quarter means a period January through March, April through June, July through September, or October through December. An amount up to and including forty‑five days’ termination pay for unused annual leave at retirement may be added to the average final compensation. Average final compensation for an elected official may be calculated as the average annual earnable compensation for the thirty‑six consecutive months prior to the expiration of his term of office.

(b) ‘Average final compensation’ with respect to all other members retiring after June 30, 2012, means the average annual earnable compensation of a member during the twenty consecutive quarters of the member’s creditable service on which regular contributions as a member were made to the system producing the highest such average; a quarter means a period January through March, April through June, July through September, or October through December. Termination pay for unused annual leave at retirement may not be added to the average final compensation.” /

Amend further, by striking Section 9‑11‑150(L), as contained in SECTION 15, page 26, and inserting:

/ (L) At retirement, after March 31, 1991, and at retirement after June 30, 2012, for members having at least twenty years of creditable service before July 1, 2012, a member shall receive credit for not more than ninety days of his unused sick leave from the member’s last employer at no cost to the member. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement. /

Amend further, page 26, by striking SECTION 16 in its entirety.

Amend further, by striking Section 9‑11‑210(12), as contained in SECTION 17, page 27, and inserting:

/ (12) Payments for unused sick leave, single special payments at retirement, bonus and incentive‑type payments, or any other payments not considered a part of the regular salary base are not compensation for which contributions are deductible. This item does not apply to bonus payments paid to certain categories of employees annually during their work careers. Bonus or special payments applied only during the ‘Average Final Compensation’ period are excluded as compensation. Contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for these members eligible to have this pay included in this member’s average final compensation calculation. If a member has received termination pay for unused annual leave on more than one occasion, contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for each termination payment for unused annual leave received by the member. However, only an amount up to and including forty‑five days’ pay for unused annual leave from the member’s last termination payment ~~shall~~ must be included in a member’s average final compensation calculation for those members eligible to have that pay included in that member’s average final compensation calculation. /

Amend further, as and if amended, in Part IV, page 30, by inserting at the end of Part IV:

/ SECTION 22. A. Section 9-8-130(1)(b) of the 1976 Code , as last amended by Act 311 of 2008 is further amended to read:

(b) Percentage of Compensation Beginning

8 percent July 1, 2004

9 percent July 1, 2005

10 percent July 1, 2006

11 percent July 1, 2012.

B. Section 9-9-120(2) of the 1976 Code is amended to read:

(2) Each member of the System shall contribute ~~ten~~ eleven percent of earnable compensation in each calendar year, up to twenty‑two years of credited service, commencing with the calendar year ~~1976~~ 2013. Such contributions shall be made through payroll deductions in the case of members of the General Assembly or through direct remittance by contributing special members as set forth in Item (2)(ii) of Section 9‑9‑ 40. The twenty‑two year limitation provided for in this item shall not apply to any member of the General Assembly during periods of active service. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. MERRILL spoke against the amendment.

Rep. MERRILL moved to divide the question.

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

Yeas 108; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Howard | Huggins | Jefferson |
| Johnson | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. 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 |
| 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 |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--108**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Gilliard | Whipper |

**Total--3**

So, the motion to divide the question was agreed to.

**QUESTION 1--RULED OUT OF ORDER**

Amend the bill, as and if amended, by striking SECTION 2B., beginning on page 5, and inserting:

/ B. Section 9‑1‑10(4) of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“(4)(a) ‘Average final compensation’ with respect to those members retiring on or after July 1, 1986, and members retiring after June 30, 2012, with at least twenty‑three years of creditable service before July 1, 2012, means the average annual earnable compensation of a member during the twelve consecutive quarters of his creditable service on which regular contributions as a member were made to the system producing the highest such average; a quarter means a period January through March, April through June, July through September, or October through December. An amount up to and including forty‑five days’ termination pay for unused annual leave at retirement may be added to the average final compensation. Average final compensation for an elected official may be calculated as the average annual earnable compensation for the thirty‑six consecutive months before the expiration of the elected official’s term of office.

(b) ‘Average final compensation’ with respect to all other members retiring after June 30, 2012, means the average annual earnable compensation of a member during the twenty consecutive quarters of the member’s creditable service on which regular contributions as a member were made to the system producing the highest such average; a quarter means a period January through March, April through June, July through September, or October through December. Termination pay for unused annual leave at retirement may not be added to the average final compensation.” /

Amend the bill further, as and if amended, by striking the last undesignated paragraph of SECTION 9‑1‑1020, as contained in SECTION 3, page 8, and inserting:

/ Payments for unused sick leave, single special payments at retirement, bonus and incentive‑type payments, or any other payments not considered a part of the regular salary base are not compensation for which contributions are deductible. Contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for members eligible to have that pay included in the member’s average final compensation calculation. If a member has received termination pay for unused annual leave on more than one occasion, contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for each termination payment for unused annual leave received by the member. However, only an amount up to and including forty‑five days’ pay for unused annual leave from the member’s last termination payment shall must be included in a member’s average final compensation calculation, for the members eligible to have that pay included in the member’s average final compensation calculation. /

Amend further, as and if amended, by striking Section 9‑1‑1140(M) as contained in SECTION 5, page 13, and inserting:

/ (M) At retirement, after March 31, 1991, and at retirement after June 30, 2012, for members having at least twenty‑three years of creditable service before July 1, 2012, a member shall receive credit for not more than ninety days of his unused sick leave from the member’s last employer at no cost to the member. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement. /

Amend further, beginning on page 15, by striking SECTION 8 and inserting:

/ SECTION 8. Section 9‑1‑1550 of the 1976 Code, as last amended by Act 1 of 2001, is further amended by adding a new subsection at the end to read:

“(C) Upon retirement from service after June 30, 2012, a Class Three member shall receive a service retirement allowance computed as follows:

(1) If the member’s service retirement date occurs on or after his sixty‑fifth birthday or after he has completed thirty or more years of creditable service, the allowance must be equal to one and eighty‑two hundredths percent of his average final compensation, multiplied by the number of years of his creditable service.

(2) If the member’s service retirement date occurs before his sixty‑fifth birthday and before he completes thirty years of creditable service, his service retirement allowance is computed as in item (1) of this subsection but is reduced by five‑twelfths of one percent thereof for each month, prorated for periods less than a month, by which his retirement date precedes the first day of the month coincident with or next following his sixty‑fifth birthday.” /

Amend the bill further, as and if amended, by striking Section 9‑1‑2210, as contained in SECTION 10, beginning on page 17, and inserting:

/ Section 9‑1‑2210. (A) An active Class One or Class Two contributing member who is eligible for service retirement under this chapter and complies with the requirements of this article may elect to participate in the Teacher and Employee Retention Incentive Program (program). A member electing to participate in the program retires for purposes of the system. The program participant shall agree to continue employment with an employer participating in the system for a program period, not to exceed five years. The member shall notify the system before the beginning of the program period. Participation in the program does not guarantee employment for the specified program period. Class Three members are not eligible to participate in the program.

(B) After June 30, 2005, and (1) For a member who elects to participate in the program before July 1, 2012, or a member who elects to participate in the program after June 30, 2012, and who is entitled to the inclusion of any termination pay for unused annual leave in the calculation of average final compensation, notwithstanding the provisions of Section 9‑1‑10(4), a payment for unused annual leave is not included in calculating a member’s deferred program benefit during the program period. The member’s average final compensation for the purpose of calculating the deferred program retirement benefit must be solely the average of the member’s highest twelve or twenty consecutive quarters of earnable compensation, as applicable, at the time the member enters the program.

(2) For a member who elects to participate in the program after June 30, 2012, and who is ineligible to have included any termination pay for unused annual leave in the calculation of the member’s average final compensation, the member’s deferred program retirement benefit must be calculated as a normal service retirement benefit.

(3) During the specified program period, receipt of the member’s normal retirement benefit is deferred. The member’s deferred monthly benefit must be placed in the system’s trust fund on behalf of the member. No interest is paid on the member’s deferred monthly benefit placed in the system’s trust fund during the specified program period.

(C) During the specified program period, the employer shall pay to the system the employer contribution for active members prescribed by law with respect to any program participant it employs, regardless of whether the program participant is a full‑time or part‑time employee, or a temporary or permanent employee. The program participant shall pay to the system the employee contribution as if the program participant were an active contributing member, but the program participant does not accrue additional service credit in the system for these employer and employee contributions. If an employer who is obligated to the system pursuant to this subsection fails to pay the amount due, as determined by the system, the amount must be deducted from any funds payable to the employer by the State.

(D) A program participant is retired from the retirement system as of the beginning of the program period. A program participant is not eligible to receive disability retirement benefits. Accrued annual leave and sick leave used in any manner in the calculation of the program participant’s retirement benefit is deducted from the amount of such leave accrued by the participant.

(E) A program participant is retired for retirement benefit purposes only. For employment purposes, a program participant is considered to be an active employee, retaining all other rights and benefits of an active employee except for grievance rights pursuant to Section 8‑17‑370, and is not subject to the earnings limitation of Section 9‑1‑1790 during the program period.

(F) Upon termination of employment either during or at the end of the program period, the member must receive the balance in the member’s program account by electing one of the following distribution alternatives:

(1) a lump‑sum distribution, paying appropriate taxes; or

(2) to the extent permitted under law, a tax sheltered rollover into an eligible plan.

For members who began participation in the program before July 1, 2005, the member also must receive the previously determined normal retirement benefits based upon the member’s average final compensation and service credit at the time the program period began, plus any applicable cost of living increases declared during the program period. The program participant is thereafter subject to the earnings limitation of Section 9‑1‑1790.

Upon termination of employment of members who began participation in the program after June 30, 2005, but before July 1, 2012, or who began participation after June 30, 2012, and are entitled to have any termination pay for unused annual leave included in the calculation of average final compensation, the Retirement Systems shall recalculate the average final compensation of the member to determine the benefit the member receives after participation in the program. The average final compensation calculated at the commencement of the program must be increased by an amount up to and including forty‑five days’ termination pay for unused annual leave received by the member at termination of employment, divided by three or five, as appropriate. The member’s benefit after participation in the program must be calculated in accordance with Section 9‑1‑1550, utilizing the recalculated average final compensation determined in this subsection, and the member’s service credit, including sick leave, as of the date the member began participation in the program, plus any cost‑of‑living increases declared during the program period with respect to the amount of the member’s deferred program benefit. Upon termination of employment of a member who began participation in the program after June 30, 2012, who is not entitled to a benefit calculated pursuant to Section 9‑1‑1550(D), or who is not eligible to have any termination pay for unused annual leave included in the calculation of average final compensation, there is no recalculation of the member’s benefit and the member must receive the previously determined normal retirement benefit based upon the member’s average final compensation and service credit at the time the program period began, plus any applicable cost of living increases declared during the program period.

(G) If a program participant dies during the specified program period, the member’s designated beneficiary must receive the balance in the member’s program account by electing one of the following distribution alternatives:

(1) a lump‑sum distribution, paying appropriate taxes; or

(2) to the extent permitted under law, a tax sheltered rollover into an eligible plan.

In accordance with the form of system benefit selected by the member at the time the program commenced, the member’s designated beneficiary must receive either a survivor benefit or a refund of contributions from the member’s system account. If the member’s beneficiary is eligible to, and elects to, receive a survivorship retirement allowance and the member would have been eligible for a recalculation of his benefit upon termination from the program pursuant to subsection (F), the allowance payable to the member’s beneficiary must be based on the recalculated benefit provided in subsection (F).

If a program participant who began participation in the program before July 1, 2005, elected either Option B or Option C under Section 9‑1‑1620, the average final compensation calculated when the member commenced the program must be used in determining the survivor benefit. If a program participant who began participation in the program after June 30, 2005, elected either Option B or C under Section 9‑1‑1620, then the designated survivor beneficiary shall receive a survivor benefit based on a recalculated average final compensation. The average final compensation calculated at the commencement of the program must be increased by an amount up to and including forty‑five days termination pay for unused annual leave received by the member’s legal representative at the member’s death, divided by three. The survivor benefit must be calculated in accordance with Section 9‑1‑1550, utilizing the recalculated average final compensation determined in this subsection, and the member’s service credit, including sick leave, as of the date the member began participation in the program, plus any cost‑of‑living increases declared during the program period with respect to the amount of the member’s deferred program benefit.

(H) A program participant shall terminate employment no later than the day before the fifth annual anniversary of the date the member commenced participation in the program.

(I) A member is not eligible to participate in the program if the member has participated previously in and received a benefit under this program or any other state retirement system. However, a member who has received a disability benefit, but who has been restored to active service and voided his optional benefit selection pursuant to Section 9‑1‑1590 and repaid any benefit received is eligible to participate in the program. /

Amend further, by striking SECTION 14, beginning on page 22, and inserting:

/ SECTION 14. Section 9‑11‑10(7) of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“(7)(a) ‘Average final compensation’ after July 1, 1986, and for members retiring after June 30, 2012, who had at least twenty years of creditable service before July 1, 2012, means the average annual compensation of a member during the twelve consecutive quarters of the member’s creditable service on which regular contributions as a member were made to the system producing the highest average; a quarter means a period January through March, April through June, July through September, or October through December. An amount up to and including forty‑five days’ termination pay for unused annual leave at retirement may be added to the average final compensation. Average final compensation for an elected official may be calculated as the average annual earnable compensation for the thirty‑six consecutive months prior to the expiration of his term of office.

(b) ‘Average final compensation’ with respect to all other members retiring after June 30, 2012, means the average annual earnable compensation of a member during the twenty consecutive quarters of the member’s creditable service on which regular contributions as a member were made to the system producing the highest such average; a quarter means a period January through March, April through June, July through September, or October through December. Termination pay for unused annual leave at retirement may not be added to the average final compensation.” /

Amend further, by striking Section 9‑11‑150(L), as contained in SECTION 15, page 26, and inserting:

/ (L) At retirement, after March 31, 1991, and at retirement after June 30, 2012, for members having at least twenty years of creditable service before July 1, 2012, a member shall receive credit for not more than ninety days of his unused sick leave from the member’s last employer at no cost to the member. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement. /

Amend further, page 26, by striking SECTION 16 in its entirety.

Amend further, by striking Section 9‑11‑210(12), as contained in SECTION 17, page 27, and inserting:

/ (12) Payments for unused sick leave, single special payments at retirement, bonus and incentive‑type payments, or any other payments not considered a part of the regular salary base are not compensation for which contributions are deductible. This item does not apply to bonus payments paid to certain categories of employees annually during their work careers. Bonus or special payments applied only during the ‘Average Final Compensation’ period are excluded as compensation. Contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for these members eligible to have this pay included in this member’s average final compensation calculation. If a member has received termination pay for unused annual leave on more than one occasion, contributions are deductible on up to and including forty‑five days’ termination pay for unused annual leave for each termination payment for unused annual leave received by the member. However, only an amount up to and including forty‑five days’ pay for unused annual leave from the member’s last termination payment shall must be included in a member’s average final compensation calculation for those members eligible to have that pay included in that member’s average final compensation calculation. /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL spoke against the question.

**POINT OF ORDER**

Rep. SKELTON raised the Point of Order that Amendment No. 3, Question No. 1, was out of order in that it was identical to Amendment No. 2, which was previously debated and tabled.

SPEAKER HARRELL sustained the Point of Order and ruled Amendment No. 3, Question No. 1, out of order.

**QUESTION 2-- TABLED**

Amend further, as and if amended, in Part IV, page 30, by inserting at the end of Part IV:

/ SECTION 22. A. Section 9-8-130(1)(b) of the 1976 Code, as last amended by Act 311 of 2008 is further amended to read:

(b) Percentage of Compensation Beginning

8 percent July 1, 2004

9 percent July 1, 2005

10 percent July 1, 2006

11 percent July 1, 2012. /

Rep. MERRILL spoke against the question.

Rep. MERRILL moved to table the question.

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

Yeas 82; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Atwater | Bales |
| Bannister | Battle | Bingham |
| Bowen | Brady | Branham |
| Brannon | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Henderson |
| Herbkersman | Hixon | Hodges |
| Horne | Huggins | Johnson |
| Knight | Limehouse | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Owens | Parker | Parks |
| Patrick | Pitts | Putnam |
| Rutherford | Ryan | Sabb |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Thayer | Toole | Tribble |
| Weeks | Whipper | White |
| Whitmire |  |  |

**Total--82**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Barfield | Bedingfield |
| Bowers | Brantley | G. A. Brown |
| Clyburn | Frye | Funderburk |
| Hiott | Howard | Jefferson |
| Loftis | Long | Mack |
| McLeod | J. H. Neal | Norman |
| Ott | Pinson | Quinn |
| Southard | Taylor | Williams |
| Willis | Young |  |

**Total--26**

So, the question was tabled.

**QUESTION 3-- ADOPTED**

B. Section 9-9-120(2) of the 1976 Code is amended to read:

/ (2) Each member of the System shall contribute ten eleven percent of earnable compensation in each calendar year, up to twenty‑two years of credited service, commencing with the calendar year 1976 2013. Such contributions shall be made through payroll deductions in the case of members of the General Assembly or through direct remittance by contributing special members as set forth in Item (2)(ii) of Section 9‑9‑ 40. The twenty‑two year limitation provided for in this item shall not apply to any member of the General Assembly during periods of active service. /

Rep. MERRILL spoke against the question.

**LEAVE OF ABSENCE**

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

Rep. MCLEOD spoke in favor of the question.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. OTT spoke in favor of the question.

The question then recurred to the adoption of Question 3.

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

Yeas 115; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | 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 | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | Knight | Limehouse |
| 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 |
| 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 |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--115**

Those who voted in the negative are:

**Total--0**

So, the question was adopted.

The question then recurred to the passage of the Bill.

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

Yeas 86; Nays 27

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Atwater | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brannon | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Huggins | Knight | Limehouse |
| Long | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Ryan |
| Sabb | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | White | Whitmire |
| Willis | Young |  |

**Total--86**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bales |
| Bowers | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Gilliard | Hart | Hosey |
| Howard | Jefferson | Johnson |
| Mack | McEachern | McLeod |
| Munnerlyn | J. H. Neal | Rutherford |
| Sellers | J. E. Smith | Vick |
| Weeks | Whipper | Williams |

**Total--27**

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

STATEMENT FOR THE JOURNAL

I chose to abstain from the vote on H. 4967, due to a potential conflict of interest, as I am retired and drawing a benefit.

Rep. Mike Anthony

STATEMENT FOR THE JOURNAL

I voted for H. 4967, although I have concerns that it does not go far enough in addressing the unfunded liabilities in the retirement systems.

Rep. Tom Young

STATEMENT FOR THE JOURNAL

The Speaker granted me an early leave of absence for the day due to business reasons. Had I been present for the vote on H. 4967, I would have voted in the affirmative. Additionally, had I been present for the vote on Amendment No. 3, Part 3 of the divided question, I would have voted in the affirmative.

Rep. Bill Sandifer

STATEMENT FOR THE JOURNAL

The Speaker granted me an excused absence due to legislative business out-of-state. Had I been present during the vote, I would have voted in favor of H. 4967 as amended.

Rep. Nathan Ballentine

**H. 4967--MOTION TO RECONSIDER TABLED**

Rep. MERRILL moved to reconsider the vote whereby the following Bill was given second reading:

H. 4967 -- Ways and Means Committee: A BILL TO AMEND SECTION 9-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS), SO AS TO PROVIDE FOR "CLASS THREE" MEMBERS OF SCRS WITH "CLASS THREE" MEMBERS MEANING AN EMPLOYEE MEMBER OF SCRS WITH AN EFFECTIVE DATE OF MEMBERSHIP AFTER JUNE 30, 2012; TO AMEND SECTIONS 9-1-10 FURTHER AND 9-1-1550, RELATING TO RETIREMENT BENEFITS UNDER THE SCRS, SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCRS MEMBERS ARE COMPUTED AFTER JUNE 30, 2012, AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCRS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-1-1815 SO AS TO PROVIDE FOR THE MANNER IN WHICH RETIRED SCRS MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-1-1810 RELATING TO INCREASES IN SCRS RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-1-1020, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCRS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF CLASS ONE SCRS MEMBERS TO SIX PERCENT OF EARNABLE COMPENSATION FROM FIVE AND ONE-HALF PERCENT AND THE REQUIRED DEDUCTIONS OF SCRS CLASS TWO AND CLASS THREE MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013, AND MAKE CONFORMING CHANGES; TO AMEND SECTION 9-1-1080, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCRS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TEN AND SIX-TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; TO AMEND SECTION 9-1-1140, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCRS, SO AS TO PROVIDE THAT THE REQUIRED COST IS THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE SCRS MEMBER'S CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-1-1510, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A SCRS RETIREMENT ALLOWANCE, SO AS TO PROVIDE THAT A SCRS CLASS THREE MEMBER MUST HAVE AT LEAST THIRTY YEARS OF CREDITABLE SERVICE TO BE ELIGIBLE TO RETIRE AT ANY AGE WITHOUT A BENEFIT REDUCTION; TO AMEND SECTION 9-1-1515, AS AMENDED, RELATING TO THE REQUIREMENTS FOR EARLY RETIREMENT IN SCRS, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9-1-1660, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A NOMINEE OF A DECEASED ACTIVE SCRS MEMBER TO RECEIVE A RETIREMENT ALLOWANCE, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9-1-2210, AS AMENDED, RELATING TO THE TEACHER AND EMPLOYEE RETENTION INCENTIVE (TERI) PROGRAM, SO AS TO CLOSE THE PROGRAM FOR SCRS CLASS THREE MEMBERS AND TO CONFORM THE CALCULATION OF RETIREMENT BENEFITS FOR TERI PARTICIPANTS; TO AMEND SECTION 9-9-60, AS AMENDED, RELATING TO RETIREMENT AND RETIREMENT ALLOWANCES FOR MEMBERS OF THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA (GARS), SO AS PROSPECTIVELY TO ELIMINATE PROVISIONS ALLOWING MEMBERS OF THE GENERAL ASSEMBLY WHO MEET CERTAIN AGE OR CREDITED SERVICE REQUIREMENTS OR WITH AGE AND CREDITED SERVICE REQUIREMENTS TO RECEIVE A GARS RETIREMENT BENEFIT WHILE CONTINUING TO SERVE IN THE GENERAL ASSEMBLY; TO AMEND SECTIONS 9-11-10 AND 9-11-60, BOTH AS AMENDED, RELATING TO DEFINITIONS AND ELIGIBILITY FOR RETIREMENT UNDER THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS), SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCPORS MEMBERS RETIRING AFTER JUNE 30, 2012, ARE COMPUTED AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCPORS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE SCPORS MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-11-312 SO AS TO PROVIDE FOR THE MANNER IN WHICH SCPORS RETIRED MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-11-310 RELATING TO COST OF LIVING ADJUSTMENTS UNDER SCPORS BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-11-50, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCPORS, SO AS TO PROVIDE THAT THE REQUIRED COST MUST BE THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE MEMBERS CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-11-210, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCPORS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF SCPORS CLASS TWO MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013; TO AMEND SECTION 9-11-220, AS AMENDED, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCPORS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TWELVE AND THREE TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; BY ADDING SECTION 9-16-335 SO AS TO PROVIDE THAT THE ASSUMED ANNUAL RATE OF RETURN ON THE INVESTMENTS OF THE RETIREMENT SYSTEM MUST BE ESTABLISHED BY THE GENERAL ASSEMBLY AND EFFECTIVE JULY 1, 2012, THE ASSUMED ANNUAL RATE OF RETURN ON RETIREMENT SYSTEM INVESTMENTS IS SEVEN AND ONE-HALF PERCENT; AND TO AMEND SECTIONS 9-1-1135, 9-8-185, 9-9-175, AND 9-11-265, RELATING TO INTEREST ON MEMBER'S CONTRIBUTIONS IN SCRS, GARS, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND SCPORS, SO AS TO PROVIDE THAT INTEREST IS NOT PAID ON INACTIVE ACCOUNTS, AND TO DEFINE "INACTIVE ACCOUNT".

Rep. MERRILL moved to table the motion to reconsider, which was agreed to.

**RECURRENCE TO THE MORNING HOUR**

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

**SPEAKER IN CHAIR**

**H. 4008--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4008 -- Reps. Harrison, H. B. Brown, G. R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D. C. Moss, Patrick, Pinson, Sandifer, G. M. Smith, J. R. Smith, Stringer, Toole, Willis and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44-7-392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER'S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THAT PERSON; BY ADDING SECTION 44-7-394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40-71-10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

Rep. HARRISON moved to adjourn debate on the Bill until Thursday, March 22, which was agreed to.

**OBJECTION TO RECALL**

Rep. HARRISON asked unanimous consent to recall S. 1227 from the Committee on Judiciary.

Rep. COBB-HUNTER objected.

Rep. J. R. SMITH moved that the House do now adjourn, which was agreed to.

**ADJOURNMENT**

At 6:29 p.m. the House, in accordance with the motion of Rep. SKELTON, adjourned in memory of Clemson Mayor Larry Abernathy, to meet at 10:00 a.m. tomorrow.

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