~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Psalm 71:3: “Be to me a rock of refuge, a strong fortress to save me, for you are my rock and my fortress.”

Let us pray. Almighty God, the fortress that shields us from all evil, be our solid rock and aid these Representatives in the work You have called them to do. Keep them always in Your loving care and provide for them every needful thing. Look in favor upon our Nation, President, State, Governor, Speaker, and all those who work in support of them. 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. FUNDERBURK moved that when the House adjourns, it adjourn in memory of Chief of Police Larry Davis of Bethune, which was agreed to.

**REGULATION WITHDRAWN**

Document No. 4188

Agency: Workers' Compensation Commission

Statutory Authority: 1976 Code Section 42-15-90

Maximum Allowable Payments to Medical Practitioners

Received by Speaker of the House of Representatives January 10, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration: Permanently Withdrawn

**H. 3527--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., March 21, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 3527:

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.

and asks for a Committee of Conference and has appointed Senators Hutto, Campbell and Shoopman to the Committee of Conference on the part of the Senate.

Very respectfully,

President

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

**REPORT OF STANDING COMMITTEE**

Rep. RUTHERFORD, from the Richland Delegation, submitted a favorable report on:

H. 4550 -- Reps. Rutherford, Bales, Ballentine, Brady, Butler Garrick, Harrison, Hart, Howard, McEachern, J. H. Neal and J. E. Smith: A BILL TO ABOLISH THE RICHLAND COUNTY BOARD OF ASSESSMENT CONTROL AND DEVOLVE ALL OF ITS DUTIES, POWERS, AND FUNCTIONS UPON THE RICHLAND COUNTY COUNCIL AND TO REPEAL SECTION 1 OF ACT 952 OF 1958.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5066 -- Reps. Clyburn, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, 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, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO COMMEND VICTOR MENDEZ, ADMINISTRATOR FOR THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION, FOR HIS NATIONAL LEADERSHIP AND PARTICIPATION IN THE "2012 TRANSPORTATION SUMMIT: THE IMPORTANCE OF TRANSPORTATION SAFETY AND INNOVATION" ON MARCH 25, 2012, AT BENEDICT COLLEGE IN COLUMBIA, AND TO INSPIRE SOUTH CAROLINA TRANSPORTATION LEADERS TO CREATE AND EMBRACE LIKE-MINDED EFFORTS CONCERNING LEGISLATION THAT SUPPORTS THE IDENTIFICATION AND DEPLOYMENT OF INNOVATION AIMED AT SHORTENING TRANSPORTATION-PROJECT DELIVERY, ENHANCING THE SAFETY OF OUR ROADWAYS, AND PROTECTING THE ENVIRONMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5067 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, 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 and Young: A HOUSE RESOLUTION TO COMMEND AND THANK PAWMETTO LIFELINE OF COLUMBIA FOR ITS MANY YEARS OF PROMOTING RESPONSIBLE AND COMPASSIONATE CARE FOR THE HOMELESS COMPANION ANIMALS OF THE MIDLANDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5075 -- Reps. Corbin, 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, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE BLUE RIDGE MIDDLE SCHOOL BATTLE OF THE BRAINS TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR WINNING THE 2012 BATTLE OF THE BRAINS COMPETITION.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Blue Ridge Middle School Battle of the Brains team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for winning the 2012 Battle of the Brains competition.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5060 -- Reps. Limehouse, McCoy, Gilliard, R. L. Brown, Stavrinakis and Harrell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 703 AND 517 ON THE ISLE OF PALMS "STATE REPRESENTATIVE-MAYOR MIKE SOTTILE INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "STATE REPRESENTATIVE-MAYOR MIKE SOTTILE INTERSECTION".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5061 -- Reps. Pinson, Parks and Pitts: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. CHARLES T. GAINES, FOUNDER AND CONDUCTOR OF THE GREENWOOD FESTIVAL CHORALE, UPON THE OCCASION OF HIS RETIREMENT, AFTER SEVENTEEN YEARS OF OUTSTANDING AND TALENTED SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5065 -- Rep. Barfield: A CONCURRENT RESOLUTION TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION PURSUANT TO ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES FOR THE PURPOSE OF PROPOSING A CONSTITUTIONAL AMENDMENT TO REQUIRE THAT AN INCREASE IN THE FEDERAL DEBT MUST BE APPROVED BY A MAJORITY OF THE LEGISLATURES OF THE SEPARATE STATES.

The Concurrent Resolution was ordered referred to the Committee on Judiciary.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5074 -- Reps. Corbin, 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, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE BLUE RIDGE MIDDLE SCHOOL BATTLE OF THE BRAINS TEAM ON ITS OUTSTANDING WIN OF THE 2012 BATTLE OF THE BRAINS COMPETITION AND TO WISH ITS MEMBERS ALL THE BEST AS THEY COMPETE AT THE NATIONAL LEVEL IN JUNE.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1334 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH BETHEL FOREST ROAD TO ITS INTERSECTION WITH GORDON DRIVE "MELVIN L. CRUM MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "MELVIN L. CRUM MEMORIAL HIGHWAY".

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1356 -- Senators Campbell, L. Martin, Knotts, Grooms and Ford: A CONCURRENT RESOLUTION TO URGE MEMBERS OF THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION REAUTHORIZING THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR AN ADDITIONAL FOUR YEARS; 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 ordered referred to the Committee on Invitations and Memorial Resolutions.

**INTRODUCTION OF BILLS**

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

H. 5062 -- Rep. Limehouse: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-490, SO AS TO PROHIBIT A PUBLIC SCHOOL IN THIS STATE FROM PURCHASING OR SERVING FOOD THAT HAS BEEN TREATED WITH AMMONIA HYDROXIDE OR IS OTHERWISE CONSIDERED TO BE WHAT IS COMMONLY REFERRED TO AS "PINK SLIME".

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5063 -- Reps. Sandifer and Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-41-45 SO AS TO CIVIL PENALTIES FOR CERTAIN VIOLATIONS OF CHAPTER 41, TITLE 41; TO AMEND SECTION 41-41-10, RELATING TO FALSE STATEMENTS MADE TO INCREASE UNEMPLOYMENT BENEFITS OF HIMSELF OR ANOTHER PERSON, SO AS TO CHANGE PENALTIES FOR A VIOLATION; AND TO AMEND SECTION 41-41-30, RELATING TO FALSE STATEMENTS MADE BY AN EMPLOYER TO PREVENT OR REDUCE AN UNEMPLOYMENT BENEFIT, SO AS CHANGE THE PENALTIES FOR A VIOLATION.

Referred to Committee on Labor, Commerce and Industry

H. 5064 -- Reps. Whipper, Allen, Bannister, R. L. Brown, Munnerlyn, J. E. Smith and Stavrinakis: A BILL TO AMEND SECTION 15-7-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VENUE IN CIVIL ACTIONS AND ACTIONS THAT MUST BE TRIED IN THE COUNTY WHERE THE DEFENDANT RESIDES, SO AS TO DELETE THE EXCEPTION TO VENUE IN CIVIL ACTIONS REGARDING THE SOUTH CAROLINA TORT CLAIMS ACT; AND TO AMEND SECTION 15-78-100, RELATING TO VENUE IN CIVIL ACTIONS REGARDING THE SOUTH CAROLINA TORT CLAIMS ACT, AMONG OTHER THINGS, SO AS TO PROVIDE THAT JURISDICTION FOR A CIVIL ACTION BROUGHT UNDER THE ACT IS THE SAME AS THAT PROVIDED IN SECTION 15-7-30 FOR ALL OTHER CIVIL ACTIONS.

Referred to Committee on Judiciary

H. 5068 -- Rep. Forrester: A BILL TO AMEND SECTION 16-3-1510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING VICTIM AND WITNESS SERVICES, SO AS TO PROVIDE THAT A SPOUSE, PARENT, CHILD, AND LAWFUL REPRESENTATIVE OF CERTAIN VICTIMS HAVE EQUAL STATUS AND NOTIFICATION RIGHTS, UNLESS THE PERSON IS A SUSPECT IN THE UNDERLYING CRIME.

Referred to Committee on Judiciary

H. 5069 -- Reps. Thayer, Bowen, Branham, Daning, D. C. Moss, J. H. Neal, Norman, Owens and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 1, TITLE 56 SO AS TO AUTHORIZE THE DEPARTMENT OF MOTOR VEHICLES TO ACCEPT UNCERTIFIED CHECKS FOR PAYMENT FOR PRODUCTS OR SERVICES ISSUED BY THE DEPARTMENT, TO ALLOW THE DEPARTMENT TO CONTRACT FOR CHECK VALIDATION SERVICES THAT VERIFY THE AVAILABILITY OF FUNDS IN THE UNDERLYING ACCOUNT, TO PROVIDE THAT THE DEPARTMENT MAY REFUSE TO PROVIDE A PERSON ANY PRODUCT OR SERVICE UNTIL THE PERSON HAS PAID ALL FEES OWED THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A THIRTY DOLLAR FEE TO COVER THE COSTS ASSOCIATED WITH THE COLLECTION OF FEES, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A PROCESSING FEE FOR THE USE OF CREDIT CARDS, AND TO PROVIDE THAT ALL PROCESSING FEES COLLECTED PURSUANT TO THIS ARTICLE MUST BE PLACED IN A

SPECIAL RESTRICTED ACCOUNT TO BE USED BY THE DEPARTMENT TO DEFRAY ITS COSTS.

Referred to Committee on Ways and Means

H. 5070 -- Reps. Erickson, Brady, Long, Allison, Henderson, Knight, Thayer, Parks, Horne, Nanney, Dillard, Neilson, Munnerlyn, Butler Garrick, Cobb-Hunter, Funderburk, Southard, Huggins, Tribble, Parker, Bales, Bannister, Cole, Crosby, Daning, Forrester, Herbkersman, Lowe, Merrill, Patrick, Pitts, J. E. Smith and Willis: A BILL TO AMEND SECTION 63-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT IN CHILDCARE FACILITIES, SO AS TO ALSO PROHIBIT SUCH EMPLOYMENT OF A PERSON WHO HAS BEEN CONVICTED OF UNLAWFUL CONDUCT TOWARD A CHILD, CRUELTY TO CHILDREN, OR CHILD ENDANGERMENT.

Referred to Committee on Judiciary

H. 5071 -- Rep. Pinson: A BILL TO AMEND SECTION 50-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPEN SEASON FOR HUNTING AND TAKING ANTLERED DEER, SO AS TO PROVIDE THAT IN GAMES ZONES ONE AND TWO, IT IS UNLAWFUL TO HUNT DEER BY AID OF BAIT.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5072 -- Rep. Sellers: A BILL TO AMEND SECTION 16-11-440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF DEADLY FORCE AGAINST ANOTHER PERSON WHO UNLAWFULLY ENTERS A RESIDENCE, OCCUPIED VEHICLE, OR PLACE OF BUSINESS, SO AS TO DELETE THE REFERENCE TO THE AUTHORIZED USE OF DEADLY FORCE IN A PERSON'S PLACE OF BUSINESS.

Referred to Committee on Judiciary

H. 5073 -- Rep. Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 7, TITLE 1 SO AS TO AUTHORIZE THE ATTORNEY GENERAL TO CREATE AND ADMINISTER A STATE CRIMINAL DOMESTIC VIOLENCE REGISTRY IN ORDER TO MAINTAIN A LIST OF PERSONS CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE AND CRIMINAL DOMESTIC VIOLENCE THIRD OR SUBSEQUENT OFFENSE, TO PROVIDE PROCEDURES THAT MUST BE FOLLOWED IN THE MAINTENANCE OF THE REGISTRY, AND TO PROVIDE FOR CONFIDENTIALITY OF THE IDENTITY OF VICTIMS OF DOMESTIC VIOLENCE.

Referred to Committee on Judiciary

S. 302 -- Senators Fair, Hutto, Jackson, Knotts, Rankin and Ford: A BILL TO AMEND SECTION 63-19-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY SERVICES THAT THE DEPARTMENT OF JUVENILE JUSTICE SHALL PROVIDE, SO AS TO AUTHORIZE THE DEPARTMENT OF JUVENILE JUSTICE TO GRANT PROBATIONERS AND PAROLEES UNDER THE DEPARTMENT'S SUPERVISION UP TO A TEN-DAY REDUCTION OF THE PROBATIONARY OR PAROLE TERM FOR EACH MONTH THEY ARE COMPLIANT WITH THE TERMS AND CONDITIONS OF THEIR PROBATION OR PAROLE.

Referred to Committee on Judiciary

S. 1101 -- Senators Sheheen, Malloy, Land, Leventis, Scott, Hutto, Nicholson, McGill, Setzler, Ford, Matthews, Reese and Anderson: A BILL TO AMEND CHAPTER 2, TITLE 12 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING TAXATION AND THE DEPARTMENT OF REVENUE, BY ADDING SECTION 12-2-110, TO PROVIDE THAT THE DEPARTMENT MUST DEVELOP A CHART TO REFLECT THE PROPORTION OF APPROPRIATIONS FOR CERTAIN APPROPRIATIONS CATEGORIES TO TOTAL STATE APPROPRIATIONS AND TO DEVELOP A CHART TO REFLECT THE PROPORTION OF CATEGORIZED REVENUE SOURCES TO THE TOTAL REVENUE USED IN THE ANNUAL APPROPRIATIONS ACT, AND TO PROVIDE THAT THE CHARTS MUST BE DISPLAYED ON INCOME TAX FORMS, INCOME TAX FORM INSTRUCTION BOOKLETS, AND IN CONFIRMATION EMAILS FOR INCOME TAX RETURNS FILED ELECTRONICALLY; AND TO AMEND CHAPTER 54, TITLE 12, RELATING TO THE UNIFORM METHOD OF COLLECTION AND ENFORCEMENT OF TAXES LEVIED AND ASSESSED BY THE SOUTH CAROLINA DEPARTMENT OF REVENUE, BY ADDING SECTION 12-54-255, TO REQUIRE THAT THE DEPARTMENT OF REVENUE SEND A CONFIRMATION EMAIL FOR ALL INCOME TAX RETURNS FILED ELECTRONICALLY, AND TO REQUIRE THAT THE CONFIRMATION EMAIL CONTAIN THE CHARTS REQUIRED BY SECTION 12-2-110.

Referred to Committee on Ways and Means

S. 1301 -- Senators Fair and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-335 SO AS TO PROVIDE THAT TO ENSURE A REPRESENTATIVE GOVERNING BODY ABOVE A SIZE OF THREE, AN ELECTED GOVERNING BODY OF A PUBLIC SERVICE DISTRICT LOCATED WHOLLY IN ONE COUNTY WHICH PROVIDES WATER, SEWER, OR FIRE SERVICE WITHIN ITS SERVICE AREA MAY BE ENLARGED BY ADDITIONAL MEMBERS IN THE MANNER AND UNDER THE PROCEDURES SPECIFIED IN THIS SECTION.

Referred to Committee on Labor, Commerce and Industry

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | 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 | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | 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 |  |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, March 22.

|  |  |
| --- | --- |
| Joseph Neal | Richard "Rick" Quinn |
| Denny Neilson | Chris Hart |
| Ted Vick | Todd Rutherford |

**Total Present--118**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Robert Morgan of Greenville was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. JOHNSON presented to the House the Lawrence Manning Academy "Swamp Cats" Boys Basketball Team, the 2012 South Carolina Independent School Association Class AAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3757 |
| Date: | ADD: |
| 03/22/12 | WHIPPER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4008 |
| Date: | ADD: |
| 03/22/12 | CLEMMONS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4493 |
| Date: | ADD: |
| 03/22/12 | TOOLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4699 |
| Date: | ADD: |
| 03/22/12 | MCLEOD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4943 |
| Date: | ADD: |
| 03/22/12 | KNIGHT and G. M. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5043 |
| Date: | ADD: |
| 03/22/12 | G. R. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3665 |
| Date: | ADD: |
| 03/22/12 | WHITE |

**LEAVE OF ABSENCE**

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

**H. 3241--NONCONCURRENCE IN SENATE AMENDMENTS**

The Senate Amendments to the following Bill were taken up for immediate consideration on the motion of Rep. OWENS:

H. 3241 -- Reps. Owens, Stringer, G. R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D. C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59-40-130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

Rep. OWENS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 1; Nays 92

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers |  |  |

**Total--1**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| Butler Garrick | Chumley | Cole |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Huggins | Jefferson | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Rutherford | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| Whipper | White | Williams |
| Willis | Young |  |

**Total--92**

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

RECORD FOR VOTING

 I inadvertently pressed the wrong vote button and was recorded as voting yes to concur in the Senate Amendments to H. 3241. I meant to vote against concurrence.

 Rep. Bill Bowers

**S. 1298--ORDERED TO THIRD READING**

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.

The yeas and nays were taken resulting as follows:

 Yeas 106; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cole | Corbin | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Hayes | Hearn |
| Henderson | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | Munnerlyn | 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 | Taylor |
| Thayer | Toole | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--106**

 Those who voted in the negative are:

**Total--0**

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

**S. 1298--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. BRANHAM, with unanimous consent, it was ordered that S. 1298 be read the third time tomorrow.

**S. 321--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. PITTS proposed the following Amendment No. 1 to S. 321 (COUNCIL\NBD\12247DG12), which was adopted:

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

/ SECTION 1. Section 1(A) of Act 595 of 1994, as last amended by Act 85 of 2011, is further amended to read:

 “Section 1. (A) Notwithstanding another provision of law, the Board of Trustees of Greenwood School District 50 consists of nine members who must be elected in nonpartisan elections to be held beginning in 1994 at the same time as the general election in the year specified or required in the manner provided in this section. Based on the implementation schedule provided in subsection (B), one member of the board must be a resident of and elected from each of the nine defined single‑member election districts established in Section 2 of this act. Except for initial terms otherwise provided in subsection (B), members of the board must be elected for four‑year terms and until their successors are elected and qualify. In the event of a vacancy on the board occurring for any reason other than expiration of a term, the Greenwood County Election Commission shall call a special election to fill the unexpired term, so long as the vacancy does not occur within ten months of a regular trustee election. In this case, the vacancy must be filled for the unexpired term or for a full term as appropriate at the next regular election.

 Each member of the board must be elected by the qualified electors of the respective district from which the candidate seeks election. A person who desires to qualify as a candidate shall file a written statement of candidacy with the county election commission on forms furnished by the election commission. This statement of candidacy must include information the county election commission requires. ~~The filing period opens on the first Tuesday in August at noon to run for two weeks.~~ The county election commission shall establish the opening and ending date for the filing of notice of candidacy for election to each board; however, the filing period must end no later than August fifteenth at noon.

 The county election commission shall conduct and supervise the elections for members of the board in the manner governed by the election laws of this State, mutatis mutandis. The county election commission shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The county election commission shall give at least thirty days’ notice of an election by publishing a notice of it in a newspaper of general circulation in the district once a week for two consecutive weeks all of which notices must be run at least thirty days before the scheduled election. The notices must include, but may not be limited to, the date and time of the election, the polling places of the election, and the place where candidates may file for election. If the number of candidates who offer for the position of trustee is less than or equal to the number of positions to be filled, the county election commission shall declare those who filed as elected to the position. If no candidate files for the office of trustee or if the number of candidates who file is less than the number to complete the board, the provisions of Section 7‑13‑1120 of the 1976 Code relating to write‑in ballots apply. The results of the elections must be determined by the nonpartisan plurality method as contained in Section 5‑15‑61 of the 1976 Code. The costs of the elections must be borne by the school district and be determined by the county election commission.

 A person aggrieved by the election of a trustee pursuant to this act, within fifteen days after the election, shall file with the county election commission a written petition stating his grievance and the grounds for it. The county election commission shall rule upon the petition within sixty days after its filing.

 The members of the board elected in these nonpartisan elections shall take office one week following certification of their election as provided in Section 59‑19‑315 of the 1976 Code.”

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

Renumber sections to conform.

Amend title to conform.

Rep. PITTS 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 100; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cole | Corbin | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Hardwick | Harrell |
| Hayes | Hearn | Henderson |
| 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 | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | Weeks | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--100**

 Those who voted in the negative are:

**Total--0**

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

**S. 321--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. PITTS, with unanimous consent, it was ordered that S. 321 be read the third time tomorrow.

**SENT TO THE SENATE**

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

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.

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 DISTRICT 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.

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.

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.

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.

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.

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.

**H. 4269--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Tuesday, March 27, 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.

**H. 4786--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Tuesday, March 27, which was adopted:

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.

**S. 710--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The Education and Public Works Committee proposed the following Amendment No. 1 to S. 710 (COUNCIL\SWB\5186CM12), which was adopted:

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

/ SECTION 1. Section 56‑1‑140 of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

 “Section 56‑1‑140. (A) Upon ~~the~~ payment of a fee of twelve dollars and fifty cents for a license that is valid for five years, or twenty‑five dollars for a license that is valid for ten years, the Department of Motor Vehicles shall issue to every qualified applicant a driver’s license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, ~~and~~ residence address, ~~and~~ a brief description and laminated colored photograph of the licensee, and a facsimile of the signature of the licensee, or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.

 (B) An applicant for a new, renewed, or replacement South Carolina driver’s license may apply to the Department of Motor Vehicles to obtain a veteran designation on the front of his driver’s license by providing:

 (1) a United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service in the United States Armed Forces; and

 (2) payment of a one dollar fee that shall be retained by the department.

The Department of Motor Vehicles may determine the appropriate form of the veteran designation on the driver’s license authorized pursuant to this section.

 (C) The fees collected pursuant to this section must be credited to the Department of Transportation State Non~~‑~~Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

 ~~Fees and Penalties General Fund Department of~~

 ~~Collected After of the State Transportation~~

 ~~State Non‑Federal Aid~~

 ~~Highway Fund~~

 ~~June 30, 2005 60 percent 40 percent~~

 ~~June 30, 2006 20 percent 80 percent~~

 ~~June 30, 2007 0 percent 100 percent~~.”

SECTION 2. Section 56‑1‑3350 of the 1976 Code, as last amended by Act 277 of 2010, is further amended to read:

 “Section 56‑1‑3350. (A) Upon application by a person ten years of age or older, who is a resident of South Carolina, the department shall issue a special identification card as long as the:

 (1) ~~the~~ application is made on a form approved and furnished by the department; and

 (2) ~~the~~ applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth.

 (B) An applicant for a new, renewed, or replacement South Carolina special identification card may apply to the department to obtain a veteran designation on the front of his identification card by providing:

 (1) a United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service in the United States Armed Forces; and

 (2) payment of a one dollar fee that shall be retained by the department.

The department may determine the appropriate form of the veteran designation on the identification card authorized pursuant to this section.

 (C) The fee for the issuance of the special identification card is five dollars, and the identification card expires five years from the date of issuance. The renewal fee is also five dollars. Issuance and renewal fees are waived for indigent persons who are mentally ill, mentally retarded, homeless, or who are on public assistance as the sole source of income. As used in this section ‘indigent’ means a person who is qualified for legal assistance ~~which~~ that is paid for with public funds. For purposes of this section, a homeless person is an individual who lacks a fixed and regular nighttime residence, or an individual who has a primary nighttime residence that is:

 ~~(a)~~(1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including congregated shelters and transitional housing;

 ~~(b)~~(2) an institution that provides a temporary residence for individuals intended to be institutionalized; or

 ~~(c)~~(3) a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

 (D) The term does not include ~~any~~ an individual imprisoned or otherwise detained pursuant to an act of Congress. Annually, the director of a facility ~~which~~ that provides care or shelter to homeless persons must certify this fact to the department. The department must maintain a list of facilities ~~which~~ that are approved by the department, and only letters from the directors of these approved facilities are considered to comply with the provisions of this section. To have the issuance or renewal fee waived for an identification card, a homeless person must present a letter to the department from the director of a facility that provides care or shelter to homeless persons certifying that the person named in the letter is homeless. The letter may not be older than thirty days.

 (E) Special identification cards issued to persons under the age of twenty‑one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty‑one.

 (F) The fees collected pursuant to this section must be credited to the Department of Transportation State Non~~‑~~Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

 ~~Fees and Penalties General Fund Department of~~

 ~~Collected After of the State Transportation~~

 ~~State Non‑Federal Aid~~

 ~~Highway Fund~~

 ~~June 30, 2005 60 percent 40 percent~~

 ~~June 30, 2006 20 percent 80 percent~~

 ~~June 30, 2007 0 percent 100 percent~~.”

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

Renumber sections to conform.

Amend title to conform.

Rep. DANING 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 106; 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 | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Daning | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Harrell |
| Hayes | Hearn | Henderson |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pitts | Pope |
| Putnam | Quinn | 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--106**

 Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

 I inadvertently pressed my vote button but the system malfunctioned and failed to record my vote. I meant to vote yes, in support of S. 710.

 Rep. Bill Hixon

**S. 710--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HIXON, with unanimous consent, it was ordered that S. 710 be read the third time tomorrow.

**H. 5026--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. J. E. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 112; 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 | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | 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 | Weeks | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--112**

 Those who voted in the negative are:

**Total--0**

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

**H. 5026--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. J. E. SMITH, with unanimous consent, it was ordered that H. 5026 be read the third time tomorrow.

**H. 5042--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The yeas and nays were taken resulting as follows:

 Yeas 102; Nays 0

Those who voted in the affirmative are:

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

**Total--102**

 Those who voted in the negative are:

**Total--0**

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

**H. 5042--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. FUNDERBURK, with unanimous consent, it was ordered that H. 5042 be read the third time tomorrow.

**H. 4008--AMENDED AND ORDERED TO THIRD READING**

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, Bingham and Clemmons: 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.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4008 (COUNCIL\NBD\12205AC12), which was adopted:

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

/SECTION 1. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

 “Section 44‑7‑390. There is no monetary liability on the part of, and no cause of action for damages arising against, a hospital licensed under this article, its parent, subsidiaries, health care system, physician practices owned by the hospital (its parent or subsidiaries), directors, officers, agents, employees, medical staff members, external reviewers, witnesses, or a member of any committee of a licensed hospital, whether permanent or ad hoc, including the hospital’s governing body, for any act or proceeding undertaken or performed without malice, made after reasonable effort to obtain the facts, and the action taken was in the belief that it is warranted by the facts known, arising out of or relating to:

 (1) sentinel event investigations or root cause analyses, or both, as prescribed by The Joint Commission or any other organization under whose accreditation a hospital is deemed to meet the Centers for Medicare and Medicaid Services’ conditions of participation;

 (2) investigations into the competence or conduct of hospital employees, agents, members of the hospital’s medical staff or practitioners who have been granted privileges by the hospital’s governing body, relating to the quality of patient care, and any disciplinary proceedings or fair hearings related thereto, provided the medical staff operates pursuant to written bylaws that have been approved by the governing body of the hospital;

 (3) quality assurance reviews;

 (4) the medical staff credentialing process, provided the medical staff operates pursuant to written bylaws that have been approved by the governing body of the hospital;

 (5) reports by a hospital to its insurance carriers;

 (6) reviews or investigations to evaluate the quality of care provided by hospital employees, agents, members of the hospital’s medical staff, or practitioners who have been granted privileges by the hospital’s governing body; or

 (7) reports or statements, including, but not limited to, those reports or statements to the National Practitioner Data Bank and the South Carolina Board of Medical Examiners, that provide analysis or opinion (including external reviews) relating to the quality of care provided by hospital employees, agents, members of the hospital’s medical staff, or practitioners who have been granted privileges by the hospital’s governing body.

 Section 44‑7‑392. (A)(1) All proceedings of, and all data, documents, records, and information prepared or acquired by, a hospital licensed under this article, its parent, subsidiaries, health care system, committees, whether permanent or ad hoc, including the hospital’s governing body, or physician practices owned by the hospital (its parent or subsidiaries), relating to the following are confidential:

 (a) sentinel event investigations or root cause analyses, or both, as prescribed by The Joint Commission or any other organization under whose accreditation a hospital is deemed to meet the Centers for Medicare and Medicaid Services’ conditions of participation;

 (b) investigations into the competence or conduct of hospital employees, agents, members of the hospital’s medical staff or practitioners who have been granted privileges by the hospital’s governing body, relating to the quality of patient care, and any disciplinary proceedings or fair hearings related thereto;

 (c) quality assurance reviews;

 (d) the medical staff credentialing process;

 (e) reports by a hospital to its insurance carriers;

 (f) reviews or investigations to evaluate the quality of care provided by hospital employees, agents, members of the hospital’s medical staff, or practitioners who have been granted privileges by the hospital’s governing body;

 (g) reports or statements, including, but not limited to, those reports or statements to the National Practitioner Data Bank and the South Carolina Board of Medical Examiners, that provide analysis or opinion (including external reviews) relating to the quality of care provided by hospital employees, agents, members of the hospital’s medical staff, or practitioners who have been granted privileges by the hospital’s governing body; or

 (h) incident or occurrence reports and related investigations, unless the report is part of the medical record.

 (2) The proceedings and data, documents, records, and information described in this subsection (A) may be shared with a parent corporation, subsidiaries, other hospitals in the health care system, directors, officers, employees, and agents of the hospital and if shared, remain confidential. These proceedings and data, documents, records, and information in this subsection (A) are not subject to discovery, subpoena, or introduction into evidence in any civil action unless the hospital and any affected person who is a party to such action waives the confidentiality in writing. Notwithstanding the foregoing, however, in the event an affected person asserts a claim in any civil action against a hospital, its parent, affiliates, directors, officers, agents, employees, or member of any committee of a licensed hospital, relating to any proceeding identified in this subsection (A), the hospital may decide without consultation with the affected person whether to waive confidentiality in that civil action. Likewise, if a hospital asserts a claim in any civil action against an affected person relating to any proceeding identified in this subsection (A) in which the affected person was a party, the affected person may use information in the affected person’s possession that is otherwise confidential under this section in that civil action.

 (3) Data, documents, records, or information which are otherwise available from original sources are not confidential and are not immune from discovery from the original source under this section or use in a civil action merely because they were acquired by the hospital.

 (4) This subsection does not make confidential the outcome of a practitioner’s application for medical staff membership or clinical privileges, nor does it make confidential the list of clinical privileges requested by the practitioner or the list of clinical privileges that were approved. However, the practitioner’s application for medical staff membership or clinical privileges, and all supporting documentation submitted or requested for the application are confidential. Nevertheless, the application itself may be obtained from the physician requesting privileges or the practice where the physician works as an employee or an independent contractor.

 (5) If a practitioner is the subject of a disciplinary proceeding or fair hearing, this subsection does not, subject to the provisions of the medical staff bylaws, prohibit the practitioner from receiving data, documents, records, and information relating to this practitioner that is relevant to the proceeding or fair hearing, even if the data, documents, records, and information are otherwise confidential under this section. Such a disclosure to a practitioner in a disciplinary proceeding or fair hearing must not be considered a waiver of any privilege or confidentiality provided for in this subsection (A). The practitioner must not, however, without the written consent of the hospital, publish to any third party, other than legal counsel or a person retained for the purposes of representing the practitioner in a disciplinary proceeding or fair hearing, the data, documents, records, or information that were disclosed to him as part of the disciplinary proceeding or fair hearing.

 (6) There is nothing in this section which makes any part of a patient’s medical record confidential from the patient, including any redactions, corrections, supplements or amendments to the patient’s record, whether electronic or written.

 (B) The confidentiality provisions of subsection (A) do not prevent committees appointed by the Department of Health and Environmental Control from issuing reports containing solely nonidentifying data and information.

 (C) Nothing in this section affects the duty of a hospital licensed by the Department of Health and Environmental Control to report accidents or incidents pursuant to the department’s regulations. However, anything reported pursuant to the department’s regulations must not be considered a waiver of any privilege or confidentiality provided in subsection (A).

 (D) Any data, documents, records or information that is reported to or reviewed by The Joint Commission or other accrediting bodies must not be considered a waiver of any privilege or confidentiality provided for in subsection (A).

 (E) Any data, documents, records, or information of an action by a hospital to suspend, revoke, or otherwise limit the medical staff membership or clinical privileges of a practitioner that is submitted to the South Carolina Board of Medical Examiners pursuant to a report required by Section 44‑7‑70 or the National Practitioner Data Bank must not be considered a waiver of any privilege or confidentiality provided for in subsection (A).

 (F) An affected person may file a civil action to assert a claim of confidentiality before a court of competent jurisdiction and file a motion to request the court to issue an order to enjoin a hospital from releasing data, documents, records, or information to the department, the South Carolina Board of Medical Examiners, the National Practitioner Data Bank, and The Joint Commission or other accrediting bodies that are not required by law or regulation to be released by a hospital. The data, documents, records, or information in controversy must be filed under seal with the court having jurisdiction over the pending action and are subject to judicial review. If court finds that a party acted unreasonably in unsuccessfully asserting the claim of confidentiality under this subsection, the court shall assess attorney’s fees against that party.

 (G) For purposes of this section, an ‘affected person’ means a person, other than a patient, who is a subject of a proceeding enumerated in subsection (A)(1).

 Section 44‑7‑394. (A) If a hospital or affected person asserts a claim of confidentiality over documents pursuant to Section 44‑7‑392 and the party seeking the documents objects, then upon motion to the court having jurisdiction over the pending action, the court will determine if any of the documents are subject to discovery. The court may order production of the documents to the requesting party. If the court finds that a hospital or affected person acted unreasonably in unsuccessfully asserting the claim of confidentiality, the court may assess attorney’s fees against that party for any fees incurred by the requesting party in obtaining the documents.

 Further, a party to a medical or hospital malpractice case shall not offer trial testimony of a person who was a witness to the medical or hospital care that is the subject of the medical or hospital malpractice case if the trial testimony would be inconsistent with a prior written, electronic, video or audio statement of fact submitted by the person and that is confidential under Section 44‑7‑392 unless such prior inconsistent statement of fact is first produced to all parties in the medical or hospital malpractice case. Upon request by a party, a privilege log shall be provided by a hospital to all parties in the medical or hospital malpractice case identifying any prior written, electronic, video or audio statements of fact relating to the medical or hospital care that is the subject of the medical or hospital malpractice case that were given by a witness who is testifying at trial. Upon motion of any party, a prior statement of fact, whether written, electronic, video or audio, that is confidential under Section 44‑7‑392, may be reviewed by the court in camera to determine whether the prior statement of fact is inconsistent with the trial testimony offered in the medical or hospital malpractice case. If the court concludes that the prior statement of fact is inconsistent, the court may order that the prior written statement of fact be produced to the moving party.

 (B) For purposes of this section an ‘affected person’ means a person, other than a patient, who is a subject of a proceeding enumerated in Section 44‑7‑392(A)(1).

 (C) If the court orders a hospital or affected person to produce documents to a third party under this subsection, the hospital or affected person shall have the right to immediately appeal that order, and the filing of the appeal shall stay the enforcement of the order compelling the production.”

SECTION 2. Section 40‑71‑10(B) of the 1976 Code is amended to read:

 “(B) There is no monetary liability on the part of, and no cause of action for damages arising against, a member of an appointed committee which is formed to maintain professional standards of a state or local professional society as defined in this section or ~~an appointed member of a committee of a medical staff of a licensed hospital, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital, or~~ a committee appointed by the Department of Health and Environmental Control to review patient medical and health records in order to study the causes of death and disease for any act or proceeding undertaken or performed within the scope of the functions of the committee if the committee member acts without malice, has made a reasonable effort to obtain the facts relating to the matter under consideration, and acts in the belief that the action taken by him is warranted by the facts known to him.”

SECTION 3. This act takes effect upon approval by the Governor and applies to any investigative action undertaken as provided herein where the underlying event giving rise to the investigation occurs on or after the effective date. /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY spoke in favor of 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 | 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 | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Hamilton | Hardwick |
| Harrell | Hart | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | 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--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.

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 4008. If I could have reached my desk in time to vote, I would have voted in favor of the Bill.

 Rep. Terry Alexander

**H. 4008--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. CLEMMONS, with unanimous consent, it was ordered that H. 4008 be read the third time tomorrow.

**H. 4513--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4513 (COUNCIL\MS\7736AHB12), which was adopted:

Amend the bill, as and if amended, by deleting Section 43-35-310(A)(2), as contained in SECTION 1, pages 1 through 3, and inserting:

 / (2) these members who shall serve ex officio:

 (a) Attorney General or a designee;

 (b) ~~Board of Long Term Health Care Administrators, Executive Director, or a designee;~~

 ~~(c)~~ ~~State Board of Nursing for South Carolina, Executive Director, or a designee;~~

 ~~(d)~~ ~~Commission~~ Office on Aging, Executive Director, or a designee;

 ~~(e)~~(c) Criminal Justice Academy, Executive Director, or a designee;

 ~~(f)~~(d) South Carolina Department of Health and Environmental Control, Commissioner, or a designee;

 ~~(g)~~(e) State Department of Mental Health, ~~Commissioner~~ Director, or a designee;

 ~~(h)~~(f) South Carolina Department of ~~Mental Retardation~~ Disabilities and Special Needs, ~~Commissioner~~ Director, or a designee;

 ~~(i)~~(g) Adult Protective Services Program, Director, or a designee;

 ~~(j)~~(h) South Carolina Department of Health and Human Services ~~Finance Commission~~, Executive Director, or a designee;

 ~~(k)~~ ~~Joint Legislative Committee on Aging, Chair, or a designee;~~

 ~~(l)~~(i) Police Chiefs’ Association, President, or a designee;

 ~~(m)~~(j) South Carolina Commission on Prosecution Coordination ~~Commission~~, Executive Director, or a designee;

 ~~(n)~~(k) ~~South Carolina~~ Protection and Advocacy ~~System for the Handicapped~~ for People with Disabilities, Inc., Executive Director, or a designee;

 ~~(o)~~(l) South Carolina Sheriff’s Association, Executive Director, or a designee;

 ~~(p)~~(m) South Carolina Law Enforcement Division, Chief, or a designee;

 ~~(q)~~(n) Long Term Care Ombudsman or a designee;

 ~~(r)~~(o) South Carolina Medical Association, Executive Director, or a designee;

 ~~(s)~~(p) South Carolina Health Care Association, Executive Director, or a designee;

 ~~(t)~~(q) South Carolina Home Care Association, Executive Director, or a designee;

 (r) South Carolina Department of Labor, Licensing and Regulation, Director, or a designee;

 (s) executive director or president of a provider association for home and community‑based services selected by the members of the council for terms of two years, or a designee;

 (t) South Carolina Court Administration, Executive Director, or a designee;

 (u) executive director or president of a residential care facility organization selected by the members of council for terms of two years, or a designee. /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 110; 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 | Branham | Brannon |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Hart | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | 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 | 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.

**H. 4513--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. DELLENEY, with unanimous consent, it was ordered that H. 4513 be read the third time tomorrow.

**H. 4699--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4699 -- Reps. Bannister, Harrison, Horne, Sellers, Hearn, Young, H. B. Brown, J. E. Smith, Brannon, Stavrinakis, Funderburk, Allen, Weeks, Munnerlyn and McLeod: 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.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4699 (COUNCIL\DKA\4031SD12), which was adopted:

Amend the bill, as and if amended, Section 14-5-610 of the 1976 Code, as contained in SECTION 1, by striking subsection (C), which begins on line 27, page 2, and inserting:

/ (C) In addition to the above judges authorized by this section, there must be ~~thirteen~~ sixteen additional circuit judges elected by the General Assembly from the State at large for terms of office of six years. These additional judges must be elected without regard to county or circuit of residence. Each office of the at‑large judges is a separate office and is assigned numerical designations of Seat No. 1 through Seat No. ~~13~~ 16, respectively. /

Amend further, as and if amended, Section 63-3-40 of the 1976 Code, as contained in SECTION 2, by striking subsection (D), which begins on line 24, page 3, and inserting:

/ (D) In addition to the above judges authorized by this section, there must be three additional family court judges elected by the General Assembly from the State at large for terms of office of six years. These additional judges must be elected without regard to county or circuit of residence. Each office of the at‑large judges is a separate office and is assigned numerical designations of Seat No. 1 through Seat No. 3, respectively. /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 111; 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 | Branham | Brannon |
| Brantley | 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 |
| Hart | 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 | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| 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**

 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. 4699--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. DELLENEY, with unanimous consent, it was ordered that H. 4699 be read the third time tomorrow.

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

**H. 4904--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. BINGHAM, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Ways and Means:

H. 4904 -- Reps. Bingham, Allison, Anthony and G. R. Smith: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2012 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2012 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS USING SPECIFIED FUNDS APPROPRIATED FOR FISCAL YEAR 2012-2013, OR FOR THESE PURPOSES IN PRIOR YEARS; TO PROVIDE FOR FISCAL YEAR 2012-2013 A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; AND TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT.

**H. 4905--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. BINGHAM, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Ways and Means:

H. 4905 -- Reps. Bingham, Allison and Anthony: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2012-2013 SCHOOL YEAR BY MAY 15, 2012; TO PROVIDE THAT A CONTINUING-CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

**S. 1301--RECALLED FROM COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

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

S. 1301 -- Senators Fair and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-335 SO AS TO PROVIDE THAT TO ENSURE A REPRESENTATIVE GOVERNING BODY ABOVE A SIZE OF THREE, AN ELECTED GOVERNING BODY OF A PUBLIC SERVICE DISTRICT LOCATED WHOLLY IN ONE COUNTY WHICH PROVIDES WATER, SEWER, OR FIRE SERVICE WITHIN ITS SERVICE AREA MAY BE ENLARGED BY ADDITIONAL MEMBERS IN THE MANNER AND UNDER THE PROCEDURES SPECIFIED IN THIS SECTION.

**OBJECTION TO RECALL**

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

Rep. OTT objected.

**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 Tuesday, March 27, which was agreed to.

**H. 4967--SENT TO THE SENATE**

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.

So, the Bill, as amended, was read the third time and ordered sent to the Senate.

STATEMENT FOR THE JOURNAL

 On Wednesday, March 21, 2012, I missed the final vote on H. 4967, the State Retirement Bill. I was busy dealing with an emergency phone call and did not make it back inside the Chamber in time to vote. I would have voted in favor of the Bill. I did, however,

vote to increase the amount legislators must contribute, as required in Question 3, in the previous Amendment.

 Rep. Phillip Lowe

**H. 5006--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1303--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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.

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. PITTS a leave of absence for the remainder of the day due to a doctor's appointment.

**H. 4043--DEBATE ADJOURNED**

The following Bill was taken up:

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".

Rep. HARRISON proposed the following Amendment No. 2 to H. 4043 (COUNCIL\AGM\19486AB12):

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

/ SECTION 1. Section 41‑35‑120 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

 “Section 41‑35‑120. An insured worker is ineligible for benefits for:

 (1) Leaving work voluntarily. If the department finds he left voluntarily, without good cause, his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim.

 (2) Discharge for cause connected with the employment. If the department finds that he has been discharged for cause connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing not less than five nor more than the next ~~twenty‑six~~ twenty weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge. A charge of discharge for cause connected with the employment may not be made for failure to meet production requirements unless the failure is occasioned by wilful failure or neglect of duty. "Cause connected with the employment" as used in this item requires more than a failure in good performance of the employee as the result of inability or incapacity.

 (3)(a) Discharge for illegal drug use, and is ineligible ~~for~~ from benefits ~~beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim~~ for twenty weeks with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification if the:

 (i) company has communicated a policy prohibiting the illegal use of drugs, the violation of which may result in termination; and

 (ii) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

 (iii) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

 (A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

 (B) the test was performed by a laboratory certified by the ~~National Institute on Drug Abuse~~ United States Department of Health and Human Services (USDHHS)/Substance Abuse Mental Health Services Administration (SAMSHA), the College of American Pathologists or the State Law Enforcement Division; and

 (C) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the ~~National Institute on Drug Abuse~~ USDHHA/SAMSHA;

 (iv) for purposes of this item, ‘unlawfully’ means without a prescription.

 (b) If an insured worker makes an admission pursuant to the employer’s policy, which provides that voluntary admissions made before the employer’s request to the employee to submit to testing may protect an employee from immediate termination, then the admission is inadmissible for purposes of this section as long as the:

 (i) employer has communicated a written policy, which provides protection from immediate termination for employees who voluntarily admit prohibited drug use before the employer’s request to submit to a test; and

 (ii) employee makes the admission specifically pursuant to the employer’s policy.

 (c) Information, interviews, reports, and drug‑test results, written or otherwise, received by an employer through a drug‑testing program may be used or received in evidence in proceedings conducted pursuant to the provisions of this title for the purposes of determining eligibility for unemployment compensation, including administrative or judicial appeal.

 (4) Discharge for gross misconduct, and is ~~ineligible for~~ disqualified from benefits ~~beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim~~ for twenty weeks with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification if he is discharged due to:

 (~~i~~a) wilful or reckless employee damage to employer property that results in damage of more than fifty dollars;

 (~~ii~~b) employee consumption of alcohol or being under the influence of alcohol on employer property in violation of a written company policy restricting or prohibiting consumption of alcohol;

 (~~iii~~c) employee theft of items valued at more than fifty dollars;

 (~~iv~~d) failure to comply with applicable state or federal drug and alcohol testing and use regulations including, but not limited to, 49 C.F.R. part 40 and part 382 of the federal motor carrier safety regulations, while on the job or on duty, and regulations applicable for employees performing transportation and other safety sensitive job functions as defined by the federal government;

 (~~v~~e) employee committing ~~criminal~~ assault or battery of another employee or a customer;

 (~~vi~~f) employee committing ~~criminal~~ abuse of patient or child in his professional care;

 (~~vii~~g) employee insubordination, which is defined as wilful failure to comply with a lawful, reasonable order of a supervisor directly related to the employee’s employment ~~as described in an applicable written job description~~; or

 (~~viii~~h) employee wilful neglect of duty directly related to the employee’s employment ~~as described in an applicable written job description~~.

 (5) Failure to accept work.

 (a) If the department finds ~~he has failed, without good cause~~:

 (i)(A) he has failed, without good cause, either to apply for available suitable work, when so directed by the employment office or the department;

 (B) he has failed, without good cause, to accept available suitable work when offered to him by the employment office or an employer; ~~or~~

 (C) he has failed, without good cause, to return to his customary self‑employment, if any, when so directed by the department, the ineligibility begins with the week the failure occurred and continues until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined in Chapters 27 through 41 of this title and earned wages for services equal to at least eight times the weekly benefit amount of his claim; or

 (D) he has tested positive for drugs after being given a drug test on behalf of the prospective employer as a condition of an offer of employment, or if:

 (1) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

 (2) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

 (a) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel;

 (b) the test was performed by a laboratory certified by the USDHHS/SAMSHA, the College of American Pathologists or the State Law Enforcement Division; and

 (c) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the USDHHS/SAMSHA.

 (ii) For purposes of this item, ‘unlawfully’ means without a prescription.

 (b) In determining whether work is suitable for an individual, the department must consider, based on a standard of reasonableness as it relates to the particular individual concerned, the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

 (c) Notwithstanding another provision of Chapters 27 through 41 of this title, work is not considered suitable and benefits may not be denied under these chapters to an otherwise eligible individual for refusing to accept new work under any of the following conditions:

 (i) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

 (ii) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

 (iii) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

 (d) Notwithstanding another provision of Chapters 27 through 41 of this title, an otherwise eligible individual may not be denied a benefit for a week for failure to apply for, or refusal to accept, suitable work because he is in training with the approval of the department.

 (e) Notwithstanding another provision of this chapter, an otherwise eligible individual may not be denied a benefit for a week because he is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor may the individual be denied benefits by reason of leaving work to enter training, if the work left is not suitable employment, or because of the application to a week in training of provisions in this law or an applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. For purposes of this subitem, ‘suitable employment’ means, with respect to an individual, work of a substantially equal or higher skill level than the individual’s past adversely affected employment, as defined for purposes of the Trade Act of 1974, and wages for the work at not less than eighty percent of the individual’s average weekly wage as determined for the purposes of the Trade Act of 1974.

 (6) Labor dispute. For a week in which the department finds that his total or partial unemployment is directly due to a labor dispute in active progress in the factory, establishment, or other premises at which he was last employed. This paragraph does not apply if it is shown to the satisfaction of the department that he:

 (a) is not participating in, financing, or directly interested in the labor dispute;

 (b) does not belong to a grade or class of workers of which, immediately before he became unemployed by reason of the dispute, there were members employed at the premises at which the dispute exists, any of whom are participating in or directly interested in the dispute. If separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each department for the purpose of this item is considered to be a separate factory, establishment, or other premises.

 (7) Receiving benefits elsewhere. For a week in which, or a part of which, he has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States. If the appropriate agency of the other state or of the United States finally determines that he is not entitled to unemployment benefits, this disqualification does not apply.

 (8) Voluntary retirement. If the department finds that he voluntarily retired from his most recent work with the ineligibility beginning with the effective date of his claim and continuing for the duration of his unemployment and until the individual submits satisfactory evidence of having had new employment and of having earned wages of not less than eight times his weekly benefit amount as defined in Section 41‑35‑40. For the purpose of this section, ‘most recent work’ means the work from which the individual retired regardless of any work subsequent to his retirement in which he earned less than eight times his weekly benefit amount.

 (9) Compliance with drug testing procedure. An employer is not liable for any acts or omissions arising out of disclosure of the test results to the Department, provided the employer complies with the requirements of this section and any applicable law. In order to comply an employer must disclose to the Department when a pre‑employment drug test is offered and refused or failed by a potential employee.”

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

Renumber sections to conform.

Amend title to conform.

Rep. YOUNG explained the amendment.

Rep. TALLON moved to adjourn debate on the Bill until Tuesday, March 27, which was agreed to.

**H. 3235--DEBATE ADJOURNED**

The following Bill was taken up:

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.

Rep. J. R. SMITH moved to adjourn debate on the Bill until Tuesday, April 3, which was agreed to.

**H. 4654--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. MCLEOD moved to adjourn debate on the Bill.

Rep. HIOTT moved to table the motion.

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

Yeas 66; Nays 33

 Those who voted in the affirmative are:

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

**Total--66**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bowers | Brantley |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Frye | Funderburk |
| Gilliard | Govan | Hart |
| Hosey | Howard | Jefferson |
| Johnson | King | Mack |
| McEachern | McLeod | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Parks | Sabb | J. E. Smith |
| Weeks | Whipper | Williams |

**Total--33**

So, the motion to adjourn debate was tabled.

Rep. AGNEW proposed the following Amendment No. 1 to H. 4654 (COUNCIL\AGM\19468AB12), which was tabled:

Amend the bill, as and if amended, Section 48‑1‑90, as contained in SECTION 1, by deleting the SECTION in its entirety and inserting:

/ SECTION 1. Section 48‑1‑90 of the 1976 Code is amended to read:

 “Section 48‑1‑90. ~~(a)~~(A)(1) It is unlawful for ~~any~~ a person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes, and other wastes, except in compliance with a permit issued by the department.

 (2) The permit requirements of subsection (A)(1), Section 48‑1‑100, and Section 48‑1‑110 do not apply to:

 (a) discharges in a quantity below applicable threshold permitting requirements established by the department;

 (b) normal farming, silviculture, aquaculture, and ranching activities that are exempt under the federal Clean Water Act;

 (c) discharges to wetlands less than 0.5 acres in size; or

 (d) discharges exempted by the department from permitting requirements.

 (3) Subsection (A)(2) must not be construed to:

 (a) impair or affect common law rights;

 (b) repeal prohibitions or requirements of other statutory law or common law; or

 (c) diminish the department’s authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in Section 48‑1‑10(7), or to respond to accidental discharges or spills.

 ~~(b)~~(B)(1) ~~Any~~ A person who discharges organic or inorganic matter into the waters of this State as described in subsection ~~(a)~~ (A) to the extent that the fish, shellfish, aquatic animals, wildlife, or plant life indigenous to or dependent upon the receiving waters or ~~any~~ property ~~are~~ is damaged or destroyed ~~shall be~~ is liable to the State for ~~such~~ the damages ~~as may be proved~~. The action ~~shall~~ must be brought by the State in its own name or in the name of the department.

 (2) The amount of ~~any~~ a judgment for damages recovered by the State, less ~~cost~~ costs, ~~shall~~ must be remitted to the agency, commission, department, or political subdivision of the State that has jurisdiction over the fish, shellfish, aquatic animals, wildlife, or plant life or property damaged or destroyed.

 (3) The civil remedy ~~herein~~ provided ~~shall~~ in subsection (B)(2) is not ~~be~~ exclusive, and ~~any~~ an agency, commission, department, or political subdivision of the State with appropriate authority may undertake in its own name an action to recover ~~such~~ damages ~~as it may deem advisable~~ independent of this subsection.”/

Amend the bill further, Section 48‑1‑250, as contained in SECTION 3, by deleting the SECTION in its entirety and inserting:

/ SECTION 3. Section 48‑1‑250 of the 1976 Code is amended to read:

 “Section 48‑1‑250. Causes of action resulting from the violation of the prohibitions contained in this chapter inure to and are for the benefit of any person or persons damaged as the result of any such violation. Any person seeking relief under this chapter must show that he has suffered a concrete and particularized injury, that the injury resulted from the conduct complained of, and that the injury will be redressed by a favorable decision. A determination by the department that pollution exists or a violation of ~~any of the prohibitions~~ a prohibition contained in this chapter has occurred, whether or not actionable by the State, ~~create~~ creates no presumption of law or fact inuring to or for the benefit of ~~persons~~ a person other than the State.” /

Amend the bill further by deleting SECTION 4 and SECTION 5 of the bill in their entirety.

Renumber sections to conform.

Amend title to conform.

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

Rep. AGNEW proposed the following Amendment No. 4 to H. 4654 (COUNCIL\AGM\19511AB12), which was tabled:

Amend the bill, as and if amended, Section 48‑1‑90, as contained in SECTION 1, by deleting the SECTION in its entirety and inserting:

/ SECTION 1. Section 48‑1‑90 of the 1976 Code is amended to read:

 “Section 48‑1‑90. ~~(a)~~(A)(1) It is unlawful for ~~any~~ a person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes, and other wastes, except in compliance with a permit issued by the department.

 (2) The permit requirements of subsection (A)(1), Section 48‑1‑100, and Section 48‑1‑110 do not apply to:

 (a) discharges in a quantity below applicable threshold permitting requirements established by the department;

 (b) normal farming, silviculture, aquaculture, and ranching activities that are not prohibited by or otherwise subject to regulation under the federal Clean Water Act;

 (c) discharges of dredged or fill material to wetlands less than 0.5 acres in size; or

 (d) discharges exempted by the department from permitting requirements.

 (3) Subsection (A)(2) must not be construed to:

 (a) impair or affect common law rights;

 (b) repeal prohibitions or requirements of other statutory law or common law; or

 (c) diminish the department’s authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in Section 48‑1‑10(7), or to respond to accidental discharges or spills.

 ~~(b)~~(B)(1) ~~Any~~ A person who discharges organic or inorganic matter into the waters of this State as described in subsection ~~(a)~~ (A) to the extent that the fish, shellfish, aquatic animals, wildlife, or plant life indigenous to or dependent upon the receiving waters or ~~any~~ property ~~are~~ is damaged or destroyed ~~shall be~~ is liable to the State for ~~such~~ the damages ~~as may be proved~~. The action ~~shall~~ must be brought by the State in its own name or in the name of the department.

 (2) The amount of ~~any~~ a judgment for damages recovered by the State, less ~~cost~~ costs, ~~shall~~ must be remitted to the agency, commission, department, or political subdivision of the State that has jurisdiction over the fish, shellfish, aquatic animals, wildlife, or plant life or property damaged or destroyed.

 (3) The civil remedy ~~herein~~ provided ~~shall~~ in subsection (B)(2) is not ~~be~~ exclusive, and ~~any~~ an agency, commission, department, or political subdivision of the State with appropriate authority may undertake in its own name an action to recover ~~such~~ damages ~~as it may deem advisable~~ independent of this subsection.”/

Amend the bill further, Section 48‑1‑250, as contained in SECTION 3, by deleting the SECTION in its entirety and inserting:

/ SECTION 3. Section 48‑1‑250 of the 1976 Code is amended to read:

 “Section 48‑1‑250. Causes of action resulting from the violation of the prohibitions contained in this chapter inure to and are for the benefit of any person or persons damaged as the result of any such violation. Any person seeking relief under this chapter must show that he has suffered a concrete and particularized injury, that the injury resulted from the conduct complained of, and that the injury will be redressed by a favorable decision. A determination by the department that pollution exists or a violation of ~~any of the prohibitions~~ a prohibition contained in this chapter has occurred, whether or not actionable by the State, ~~create~~ creates no presumption of law or fact inuring to or for the benefit of ~~persons~~ a person other than the State.” /

Amend the bill further by deleting SECTION 4 and SECTION 5 of the bill in their entirety.

Renumber sections to conform.

Amend title to conform.

Rep. AGNEW explained the amendment.

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

Rep. J. H. NEAL proposed the following Amendment No. 2 to H. 4654 (COUNCIL\MS\7726AHB12), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 3 in its entirety and inserting:

/ SECTION 3. Section 48‑1‑250 of the 1976 Code is amended to read:

 “Section 48‑1‑250. Causes of action resulting from the violation of the prohibitions contained in this chapter inure to and are for the benefit of any person or persons damaged as the result of any such violation. Any person seeking relief under this chapter must show that he has suffered a concrete and particularized injury, that the injury resulted from the conduct complained of, and that the injury will be redressed by a favorable decision. A determination by the department that pollution exists or a violation of ~~any of the prohibitions~~ a prohibition contained in this chapter has occurred, whether or not actionable by the State, ~~create~~ creates no presumption of law or fact inuring to or for the benefit of ~~persons~~ a person other than the State.” /

Renumber sections to conform.

Amend title to conform.

Rep. J. H. NEAL explained the amendment.

Rep. HIOTT moved to table the amendment.

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

Yeas 71; Nays 30

 Those who voted in the affirmative are:

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

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bowers | Branham | Brantley |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Hart | Hodges | Hosey |
| Johnson | King | Mack |
| McEachern | McLeod | Munnerlyn |
| J. H. Neal | Neilson | Parks |
| Rutherford | Sabb | J. E. Smith |
| Weeks | Whipper | Williams |

**Total--30**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

Rep. MCLEOD spoke against the Bill.

Rep. J. E. SMITH moved to commit the Bill to the Committee on Judiciary.

Rep. HARDWICK moved to table the motion.

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

Yeas 69; Nays 31

 Those who voted in the affirmative are:

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

**Total--69**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bowers | Branham |
| Brantley | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hodges |
| Hosey | Howard | Jefferson |
| Johnson | King | Mack |
| McLeod | Munnerlyn | J. H. Neal |
| Parks | Pope | Rutherford |
| Sabb | J. E. Smith | Weeks |
| Williams |  |  |

**Total--31**

So, the motion to commit the Bill was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 85; Nays 22

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brannon |
| Butler Garrick | Chumley | Clemmons |
| Cole | Corbin | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Huggins | Johnson | Knight |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Patrick | Pinson |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | Vick | Weeks |
| White | Whitmire | Willis |
| Young |  |  |

**Total--85**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Bowers | Brantley |
| R. L. Brown | Cobb-Hunter | Dillard |
| Funderburk | Govan | Hodges |
| Howard | Jefferson | King |
| Mack | McLeod | Munnerlyn |
| J. H. Neal | Parks | Sabb |
| Sellers | J. E. Smith | Whipper |
| Williams |  |  |

**Total--22**

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

**H. 4654--MOTION TO RECONSIDER TABLED**

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

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.

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

**OBJECTION TO MOTION**

Rep. HARDWICK asked unanimous consent that H. 4654 be read a third time tomorrow.

Rep. KING objected.

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5061 -- Reps. Pinson, Parks and Pitts: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. CHARLES T. GAINES, FOUNDER AND CONDUCTOR OF THE GREENWOOD FESTIVAL CHORALE, UPON THE OCCASION OF HIS RETIREMENT, AFTER SEVENTEEN YEARS OF OUTSTANDING AND TALENTED SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

**ADJOURNMENT**

At 12:44 p.m. the House, in accordance with the motion of Rep. FUNDERBURK, adjourned in memory of Chief of Police Larry Davis of Bethune, to meet at 10:00 a.m. tomorrow.

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