~~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 107:8: “Let them thank the Lord for his steadfast love, for his wonderful works to humankind.”

Let us pray. Loving and companion God, thank You for walking beside us in the ups and downs of life both here in this place and back in our homes and districts. Protect us and give Your unfailing and unconditional love to each of these Representatives and staff. Continue to use them as representatives of the people and for the people. Look with kindness upon all our leaders of Nation and State and guide them in wisdom. Be the protector of our defenders of freedom as they protect us. Hear us as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. T. R. YOUNG moved that when the House adjourns, it adjourn in memory of Wayne Clair Dell of Ridgeland, which was agreed to.

**R. 130, H. 3624--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

February 24, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3624, R. 130.

I am compelled to veto this bill because of this administration’s long stated concerns about the constitutionality of such bills. We hold additional concerns about the wisdom of increasing the amount of state revenue going toward state administrative expenses in this budget climate, but veto simply based on the issue of constitutionality.

The purpose of this legislation is to allow members of the Dorchester County Transportation Committee to receive $75 from Dorchester County’s "C" fund revenues for each meeting committee members attend. Currently, S.C. Code § 12. 28. 2740 forbids County Transportation Committee members from receiving a per diem or salary from the counties’ “C” funds. Despite this statewide prohibition several counties, including Dorchester, have obtained a legislative carve out allowing the use of “C” funds for transportation committee administrative expenses instead of using the funds for local transportation projects.

Article VIII, Section 7, of the Constitution of the State of South Carolina provides that “no laws for a specific county shall be enacted.” Furthermore, the Supreme Court has struck down laws similar to H. 3624, R. 130 because the laws violated the constitutional prohibition on local legislation. Nonetheless, the General Assembly has passed legislation just like H. 3624, R. 130 giving several other counties, including Marlboro, Darlington, and Dillon the spending flexibility the General Assembly denies to other counties in the State. While we don’t begrudge members of the legislative delegation working to get for their transportation committee that which has been afforded to other counties, this still, unfortunately, does not change the constitutional issue at hand.

For the reasons stated above, I am hereby vetoing and returning without my approval H. 3624, R. 130.

Sincerely,

Mark Sanford

Governor

Received as information.

**R. 135, H. 4431--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

February 24, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4431, R. 135.

This bill, along with H. 4432, R. 136, would establish a finance committee to oversee the financial operations of the Fairfield County School District and increase the number of members of the Fairfield County School Board from seven to nine. The two new board and finance committee members would be appointed by the Fairfield County Legislative Delegation.

We are told these changes are ultimately about moving toward a greater level of financial accountability and making sure more money is spent in the classroom. We applaud this, but given our long held beliefs in home rule, we believe efforts to change this should not be done in a way that takes power and authority, however well or poorly managed, from those elected locally. In addressing the problem Senator Creighton Coleman and Representative Boyd Brown are seeking to remedy, I would encourage the General Assembly to look at the issues of money going into the classroom and financial accountability in school districts from a statewide perspective.

Senator Coleman and Representative Brown seem justified in their concerns about the effectiveness of the Fairfield County School Board leadership over the past few years. A recent review of the Fairfield County School District performed by AdvanceED was particularly critical of the school board’s handling of financial resources. Given the primary objective in drafting this legislation is to ensure that at least 70 percent of the Fairfield County School District budget is allocated to “classroom instructional expenditures”, we applaud the efforts of the Senator and Representative to do so. According to information that is found on the South Carolina Department of Education website, less than 55 percent of funds expended by the Fairfield County School Board went to “instruction” in 2008 (the most recent year that data is currently available). Let me underscore again, that we agree with Senator Coleman and Representative Brown that this amount is too low.

Unfortunately, Fairfield County is not the only county in the State that is failing to direct sufficient funds directly into the classroom. In 2008, 32 of South Carolina’s 85 school districts failed to direct at least 55 percent of expenditures to classroom instruction. In fact, 17 school districts in the State spent a lower percentage of resources on instruction than Fairfield County. We ask that the General Assembly correct this problem for students in all parts of the State and not just in one school district. In the future, our administration would support legislation requiring that all school districts in South Carolina be required to direct a minimum percentage of funds to the frontlines of education – the classroom.

In the case of Fairfield County, the people of this community have democratically elected these officials to oversee the management of their school district. While one might not agree with every – or even any – decision that these elected officials make, ultimately one must respect the judgment of the people. If the school board members are not performing adequately, we hope the voters would exercise their power to replace them periodically through the electoral process.

The Fairfield County Legislative Delegation, like all of us, would like to see the quality of education in their county enhanced. We agree that this begins by getting more money into the classroom. However, rather than passing a bill that will only impact one school district, we believe the more appropriate route is to pass legislation of this nature that will benefit all students in South Carolina.

For these reasons, I am hereby vetoing and returning without my approval H. 4431, R. 135.

Sincerely,

Mark Sanford

Governor

Received as information.

**R. 136, H. 4432--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

February 24, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my signature H. 4432, R. 136. Our reasons for vetoing this bill are outlined in the letter accompanying H. 4431, R. 135.

Sincerely,

Mark Sanford

Governor

Received as information.

**REPORT OF STANDING COMMITTEE**

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

H. 4248 -- Reps. Horne, Allison, Daning, Long, Littlejohn, Wylie, Gunn and Ballentine: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-19-115 SO AS TO REQUIRE A SUBSTITUTE TEACHER HIRED BY A LOCAL SCHOOL DISTRICT TO UNDERGO A CRIMINAL RECORD SEARCH, TO REQUIRE EACH SCHOOL DISTRICT TO DEVELOP A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCH, TO PROVIDE WHAT THE POLICY MUST INCLUDE, AND TO REQUIRE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROVIDE TRAINING TO APPROPRIATE SCHOOL DISTRICT PERSONNEL; AND TO AMEND SECTION 23-3-115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO FIX THE FEE AT EIGHT DOLLARS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

Ordered for consideration tomorrow.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4625 -- Rep. Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE IN HORRY COUNTY IDENTIFIED AS THE "AYNOR OVERPASS" THE "JULIUS HAROLD 'DUKE' GOODSON OVERPASS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS OVERPASS THAT CONTAIN THE WORDS "JULIUS HAROLD 'DUKE' GOODSON OVERPASS".

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4626 -- Reps. Dillard, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND MARGARET J. MCJUNKIN OF GREENVILLE FOR HER MANY YEARS OF EXTRAORDINARY SERVICE AS PRESIDENT OF THE NICHOLTOWN NEIGHBORHOOD ASSOCIATION.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4627 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BUNKER HILL ROAD IN THE TOWN OF LITTLE ROCK FROM ITS INTERSECTION WITH WEST MAIN STREET TO ITS INTERSECTION WITH HARLLEES BRIDGE ROAD "MAXIE ROWELL ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "MAXIE ROWELL ROAD".

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4628 -- Reps. T. R. Young, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie and A. D. Young: A HOUSE RESOLUTION TO CONGRATULATE MISS OLA HITT, AIKEN'S AMBASSADOR OF GOODWILL, ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4629 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14-1-240 SO AS TO IMPOSE A SURCHARGE ON CASES INVOLVING CRIMINAL DOMESTIC VIOLENCE OFFENSES IN A COURT IN THIS STATE, TO PROVIDE FOR THE USE OF THE REVENUE COLLECTED FROM THIS SURCHARGE, TO EXPRESS THE INTENTION THAT THIS REVENUE NOT BE USED TO SUPPLANT EXISTING FUNDING FOR CERTAIN SERVICES RELATED TO THE CRIMINAL DOMESTIC VIOLENCE PROSECUTION, AND TO ENABLE THE STATE AUDITOR TO EXAMINE CERTAIN RELATED FINANCIAL RECORDS AT THE REQUEST OF THE STATE TREASURER.

Referred to Committee on Judiciary

H. 4630 -- Rep. Forrester: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING "JAIDON'S LAW" BY AMENDING SECTION 63-7-1680, RELATING TO THE CONTENTS, APPROVAL, AND AMENDMENT OF A PLACEMENT PLAN DEVELOPED BY THE DEPARTMENT OF SOCIAL SERVICES FOR A CHILD REMOVED FROM THE CUSTODY OF HIS OR HER PARENTS, SO AS TO FURTHER PROVIDE FOR THE VISITATION RIGHTS AND OBLIGATIONS OF THE PARENTS UNDER THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1690, RELATING TO CONTENTS OF A PLACEMENT PLAN WHEN THE CONDITIONS FOR REMOVAL OF A CHILD FROM THE CUSTODY OF HIS OR HER PARENTS INCLUDE CONTROLLED SUBSTANCE ABUSE BY THE PARENTS, SO AS TO MAKE THE CONTENTS OF THE PLAN MANDATORY, RATHER THAN IN THE DISCRETION OF THE COURT; TO AMEND SECTION 63-7-1710, RELATING TO CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF SOCIAL SERVICES SHALL FILE A PETITION TO TERMINATE PARENTAL RIGHTS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL FILE SUCH A PETITION IF THE PARENT IS CONVICTED OF HOMICIDE BY CHILD ABUSE, OR AIDING OR ABETTING TO COMMIT HOMICIDE BY CHILD ABUSE, OF ANOTHER CHILD OF THE PARENT; TO PROVIDE THAT THE DEPARTMENT SHALL FILE SUCH A PETITION IF A PARENT FAILED THREE HAIR-STRAND DRUG TESTS OVER A NINE-MONTH PERIOD; AND TO PROVIDE THAT THE DEPARTMENT SHALL FILE SUCH A PETITION IF A PARENT FAILED TWICE IN A TWELVE-MONTH PERIOD TO COMPLY WITH THE TERMS OF A TREATMENT PLAN OR PLACEMENT PLAN; TO AMEND SECTION 63-7-1940, RELATING TO COURT-ORDERED PLACEMENT OF A PERSON IN THE CENTRAL REGISTRY FOR CHILD ABUSE AND NEGLECT, SO AS TO PROVIDE THAT THE COURT SHALL ORDER THAT A PERSON BE PLACED IN THE REGISTRY IF THE PERSON GAVE BIRTH TO THE CHILD AND THE CHILD TESTED POSITIVE FOR DRUGS; AND TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT TERMINATING SUCH RIGHTS ON THE GROUND OF SEVERE AND REPETITIVE ABUSE OR NEGLECT INCLUDES HOSPITALIZATION OF A CHILD FOR MORE THAN FOURTEEN DAYS DUE TO ABUSE OR NEGLECT; TO INCLUDE IN THE GROUNDS FOR TERMINATING SUCH RIGHTS A PARENT'S ADDICTION TO ALCOHOL OR ILLEGAL DRUGS OR PRESCRIPTION MEDICATION ABUSE WHEN THE PARENT'S ADDICTION IS UNLIKELY TO CHANGE WITHIN A REASONABLE TIME; AND TO PROVIDE AS A GROUND FOR TERMINATING SUCH RIGHTS A PARENT BEING CONVICTED OF MURDER, VOLUNTARY MANSLAUGHTER, OR HOMICIDE BY CHILD ABUSE OF ANOTHER CHILD OF THE PARENT.

Referred to Committee on Judiciary

S. 1195 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS FOR SPECIES OR SUBSPECIES OF NON-GAME WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4069, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1196 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS AND TURKEY HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4090, PURSUANT TO THE

PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, February 25.

|  |  |
| --- | --- |
| Terry Alexander | Anton J. Gunn |
| Chris Hart | Denny Neilson |
| Michael A. Pitts | Thad Viers |
| Tracy Edge | Nathan Ballentine |
| Jerry Govan  David Mack | David Weeks |

**Total Present--122**

**STATEMENTS OF ATTENDANCE**

Rep. SELLERS signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, February 23, and Wednesday, February 24.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Sharon I. Eden of Columbia was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. FORRESTER presented to the House the students of the South Carolina School for the Deaf and Blind, their instructors and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3601 |
| Date: | ADD: |
| 02/25/10 | HAYES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3779 |
| Date: | ADD: |
| 02/25/10 | VIERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3964 |
| Date: | ADD: |
| 02/25/10 | BALES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3994 |
| Date: | ADD: |
| 02/25/10 | HORNE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4093 |
| Date: | ADD: |
| 02/25/10 | STAVRINAKIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4205 |
| Date: | ADD: |
| 02/25/10 | HUTTO |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4215 |
| Date: | ADD: |
| 02/25/10 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4269 |
| Date: | ADD: |
| 02/25/10 | HORNE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4343 |
| Date: | ADD: |
| 02/25/10 | STAVRINAKIS, HUTTO and VIERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4448 |
| Date: | ADD: |
| 02/25/10 | HODGES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4501 |
| Date: | ADD: |
| 02/25/10 | LOFTIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4546 |
| Date: | ADD: |
| 02/25/10 | CRAWFORD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4551 |
| Date: | ADD: |
| 02/25/10 | HODGES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4570 |
| Date: | ADD: |
| 02/25/10 | VIERS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4585 |
| Date: | ADD: |
| 02/25/10 | VIERS, CLEMMONS, GUNN and BARFIELD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3192 |
| Date: | ADD: |
| 02/25/10 | BEDINGFIELD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4220 |
| Date: | ADD: |
| 02/25/10 | LOFTIS |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4539 |
| Date: | REMOVE: |
| 02/25/10 | GAMBRELL |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4451 |
| Date: | REMOVE: |
| 02/25/10 | GAMBRELL |

**S. 19--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 19 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-116-45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59-116-10, 59-116-20, 59-116-30, 59-116-50, 59-116-60, 59-116-80, 59-116-100, AND 59-116-120, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS "CAMPUS" AND "CAMPUS POLICE OFFICER", AND TO DEFINE THE TERM "CAMPUS SECURITY OFFICER", TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CONSTABLE AND SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER'S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; AND TO REPEAL SECTION 59-116-70, RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

The Judiciary Committee proposed the following amendment (COUNCIL\SWB\7038CM10), which was adopted:

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

/ SECTION 1. Chapter 116, Title 59 of the 1976 Code is amended by adding:

“Section 59‑116‑45. Every campus police and security department with approval from the governing body of the private institution concerned, shall implement policies and procedures provide for effective and efficient operations of the department and to direct employees or agents of the department with associated duties and responsibilities.”

SECTION 2. Section 59‑116‑10 of the 1976 Code is amended to read:

“Section 59‑116‑10. As used in this chapter:

(1) ‘Campus’ means the ~~grounds and~~ buildings, grounds, or properties owned, ~~and~~ occupied, or controlled by a private college or university ~~for education purposes~~ and the streets and roads through, ~~and contiguous to the grounds~~ and contiguous to the property of the private college or university and not more than one hundred yards beyond its boundary. (2) ‘College or university’ means a state chartered two‑ or four‑year private educational institution of higher learning located in this State.

(3) ‘Campus police officer’ means an employee of a private college or university whose duties include the enforcement of the laws of this State~~;~~, the preservation of public order~~;~~, the protection of life and property~~;~~, the prevention, detection, or investigation of a crime~~;~~, or a combination of those duties. It does not include personnel of a private company which provides security services on a contract basis for the institution concerned.

(4) ‘Campus security officer’ means an employee of a private college or university whose duties include the enforcement of the laws of this State as governed by S.C. Code of Regulations R. 73‑400 through 73‑422, and Chapter 18 of Title 40 of the South Carolina Code of Laws, the preservation of public order, the protection of life and property, the prevention and detection of a crime, or a combination of those duties. It does not include personnel of a private company which provides security services on a contract basis for the institution concerned.”

SECTION 3. Section 59‑116‑20 of the 1976 Code is amended to read:

“Section 59‑116‑20. The ~~board of trustees~~ governing body of each private college or university may establish a ~~safety and security~~ police department and appoint and employ campus police and security officers to carry out the functions of the department. While on duty, uniformed campus police and security officers shall wear distinctive uniforms prescribed by the ~~board of trustees~~ governing body or its designees.

The police officers must be commissioned as constables pursuant to Section 23‑1‑60 and take the oath of office prescribed by ~~law and~~ the ~~state~~ State Constitution for those officers.

The jurisdiction of such a ~~constable~~ police officer is limited to the campus grounds and streets and roads through and contiguous to ~~them~~ the property of the private college or university not more than one hundred yards beyond its boundary, except as provided in Section 59‑116‑30(A)(2).”

SECTION 4. Section 59‑116‑30 of the 1976 Code is amended to read:

“Section 59‑116‑30. (A) Campus police officers are peace officers. While in the performance of the duties of their employment, they have all the powers of municipal and county police officers to make arrests for both felonies and misdemeanors and possess all of the common law and statutory powers, privileges, and immunities of police officers. Campus police officers shall:

(1) preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions and protect all persons and property located there from injury, harm, and damage;

(2) enforce and assist the officials of their respective institutions in the enforcement of the laws of the State and county and municipal ordinances, and the lawful regulations of the institution, and assist and cooperate with other law enforcement agencies and officers. Campus police officers shall exercise powers granted in this chapter ~~only upon the real property owned by their respective institutions~~ as defined in ~~item (1) of~~ Section 59‑116‑10 and Section 59‑116‑20 and while travelling to and from an institution-sponsored event, while on the property of the location visited, while escorting a college or university employee or student, or while performing duties as required by the normal business practices of the institution; and

(3) provide notice to the chief law enforcement executive of any jurisdiction in which a private college or university plans to sponsor any off-campus event. This notice shall take place at least twenty-four hours before commencement of the event.

(B) Campus police officers may arrest persons outside the territory described in subsection (A) when the person arrested has committed a criminal offense within that territory, and the arrest is made during the person’s immediate and continuous flight from that territory.

(C) ~~Safety and security~~ Police/security departments created and operated by the ~~boards of trustees~~ governing bodies of private institutions under this chapter for the purposes of this chapter are campus ~~police~~ police/security departments. ~~and the sworn~~ Sworn campus police officers of the department are campus police officers and security officers of the department are security officers. As contained in this section, ‘campus security officer’ means an employee of a private college or university whose duties include the enforcement of the laws of this State as governed by S.C. Code of Regulations R. 73‑400 through 73‑422, and Chapter 18 of Title 40 of the South Carolina Code of Laws, the preservation of public order, the protection of life and property, and the prevention and detection of a crime, or a combination of those duties. It does not include personnel of a private company which provides security services on a contract basis for the institution concerned.

(D) Campus police officers may designate and operate emergency vehicles and patrol cars in the manner provided by law for municipal and county law enforcement officers. ~~Such a vehicle~~ These regular assigned patrol vehicles or units must bear distinctive and conspicuous lettering ~~which reads “campus police” on the sides and rear of the vehicle~~ and markings on the sides and rear of the vehicle which provide clear identification of the agency and institution. The chief law enforcement executive for each agency or institution may designate unmarked vehicles assigned to administrative, special, or investigative duties which must be operated in the manner provided by law for municipal and county law enforcement officers.

The provisions of this chapter may not be construed as a diminution or modification of the authority or responsibility of a municipal police department, sheriff, constable, or other peace officer either on the property of an institution or otherwise.”

SECTION 5. Section 59‑116‑50 of the 1976 Code is amended to read:

“Section 59‑116‑50. The ~~public safety director~~ chief law enforcement executive or other appropriate official, with the approval of the governing ~~board~~ body of the private institution concerned, shall establish within the ~~security~~ police department a system of ranks and grades and a promotion policy to insure efficient operation of the department and the establishment of responsibility ~~in~~ within it.”

SECTION 6. Section 59‑116‑60(B) of the 1976 Code is amended to read:

“(B) ~~Safety and security~~ Campus police departments may install, maintain, and operate radio systems on radio frequencies under licenses issued by the Federal Communications Commission, or its successor.”

SECTION 7. Section 59‑116‑80(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to falsely represent himself to be a campus police officer, or agent, or an employee of a ~~safety and security~~ campus security department of a private college or university, ~~or~~ and acting upon their representation to arrest, detain, search, or question ~~in any manner~~ the person or property of a person, nor may a person without the authority of the governing ~~board~~ body of the institution wear its official uniform, insignia, badge, or identification of the department.”

SECTION 8. Section 59‑116‑100 of the 1976 Code is amended to read:

“Section 59‑116‑100. Persons arrested by a campus police or security officer must be processed in the manner persons arrested are processed by municipal and county law enforcement officers.”

SECTION 9. Section 59‑116‑120 of the 1976 Code is amended to read:

“Section 59‑116‑120. The provisions of this chapter may not be construed to prevent private colleges and universities from employing or continuing to employ security guards, gatekeepers, and other security personnel, and the chapter applies only to those ~~security~~ police and security officers who are granted the additional law enforcement authority including the power to arrest provided for officers who fulfill the requirements and meet the standards prescribed in this chapter.”

SECTION 10. Section 59‑116‑70 of the 1976 Code is repealed.

SECTION 11. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

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

**S. 19--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. KELLY, with unanimous consent, it was ordered that S. 19 be read the third time tomorrow.

**H. 4448--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4448 -- Reps. Sandifer, Agnew, Duncan, M. A. Pitts, Neilson, Brady, Gunn, Lowe, Funderburk, Hardwick, Mitchell, Hearn, Pinson, Bales, Clemmons, Toole, D. C. Moss, Ballentine, Willis, Huggins, Long, Simrill, H. B. Brown, Kirsh, Forrester, Rice, Anderson, D. C. Smith, Nanney, Vick, Stewart, T. R. Young, Bowers, Allen, V. S. Moss, Whitmire, Littlejohn, G. R. Smith, Hayes, Cobb-Hunter, J. R. Smith, Brantley, Gambrell, King, Viers, Bannister, Dillard, Ott, Knight, Jefferson, Herbkersman, Allison, Wylie, R. L. Brown, Whipper, Weeks and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-37-50 SO AS TO AUTHORIZE ELECTRIC COOPERATIVES AND MUNICIPAL ELECTRIC SYSTEMS TO IMPLEMENT FINANCING SYSTEMS FOR ENERGY EFFICIENCY IMPROVEMENTS, TO GIVE THEM THE AUTHORITY TO FINANCE THE PURCHASE PRICE AND INSTALLATION COST OF ENERGY CONSERVATION MEASURES, TO PROVIDE FOR THE RECOVERY OF THIS FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY CONSERVATION MEASURES, TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THESE MEASURES, TO PROVIDE FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION MEASURES IN RENTAL PROPERTIES, AND TO PROVIDE A MECHANISM FOR RECOVERY OF THE COSTS OF THESE MEASURES INSTALLED IN RENTAL PROPERTIES; AND TO AMEND SECTION 8-21-310, AS AMENDED, RELATING TO THE SCHEDULE OF FEES AND COSTS TO BE COLLECTED IN EACH COUNTY BY A CLERK OF COURT, REGISTER OF DEEDS, OR COUNTY TREASURER, SO AS TO ALLOW A FEE BE CHARGED FOR FILING A NOTICE OF A METER CONSERVATION CHARGE.

Reps. SANDIFER, OTT, COBB-HUNTER, JEFFERSON, J. H. NEAL and THOMPSON proposed the following Amendment No. 3 (LEGWORK\HOUSE\COUNCIL\3921DW10KRL), which was adopted:

Amend the bill, as and if amended, Section 58‑37‑50(A), SECTION 1, page 3, by inserting after line 9 a new item to read:

/ (6) ‘Community action agency’ means a nonprofit eleemosynary corporation providing, among other things, weatherization services to a homeowner or tenant. /

Amend further, Section 58‑37‑50, SECTION, page 6, by inserting after line 14 a new subsection to read:

/ (M)(1) An electricity provider or natural gas provider must not obtain funding from the following federal programs to provide loans provided by this section:

(a) the Low Income Home Energy Assistance Program (LIHEAP), created by Title XXVI of the Omnibus Budget Reconciliation Act of 1981 and codified as Chapter 94, Title 42 of the United States Code, as amended by the Human Services Reauthorization Act of 1984, the Human Services Reauthorization Act of 1986, the Augustus F. Hawkins Human Services Reauthorization Act of 1990, the National Institutes of Health Revitalization Act of 1993, the Low‑Income Home Energy Amendments of 1994, the Coats Human Services Reauthorization Act of 1998, and the Energy Policy Act of 2005, which is administered and funded by the United States Department of Health and Human Services on the federal level and administered locally by community action agencies;

(b) the Weatherization Assistance Program, created by Title IV of the Energy Conservation and Production Act of 1976 and codified as Part A, Subchapter III, Chapter 81, Title 42 of the United States Code, amended by the National Energy Conservation Policy Act, the Energy Security Act, the Human Services Reauthorization Act of 1984, and the State Energy Efficiency Programs Improvement Act of 1990 and administered and funded by the United States Department of Energy on the federal level and administered locally by community action agencies.

(2) Nothing in this section changes the exclusive administration of these programs by local community action agencies through the South Carolina Governor’s Office of Economic Opportunity pursuant to its authority pursuant to the provisions of Chapter 45, Title 43, the Community Economic Opportunity Act of 1983.

(3) Nothing in this subsection prevents a customer or member of an electricity provider or natural gas provider from obtaining services under the Low Income Home Energy Assistance Program or the Weatherization Assistance Program. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

Reps. J. H. NEAL, OTT, COBB-HUNTER and SANDIFER proposed the following Amendment No. 2 (LEGWORK\HOUSE\COUNCIL\22512SD10KRL), which was tabled:

Amend the bill, as and if amended, in Section 58‑37‑50(A), SECTION 1, page 3, by inserting after line 9, a new item to read:

/ (6) ‘Community action agency’ means a nonprofit eleemosynary corporation providing, among other things, weatherization services to a homeowner or tenant. The weatherization must conform to current state weatherization standards as promulgated by regulations of the federal Office of Economic Opportunity. /

Amend the bill further, as and if amended, in Section 58‑37‑50, as contained in SECTION 1 by adding a new subsection (M) on page 6 to read:

/ (M)(1) Community action agencies are also authorized to provide funding for these energy efficiency and conservation measures. However, this section must not be construed as creating any interest benefitting the electricity providers authorized to make loans under this section in any funds managed or administered by nonprofit community action agencies.

In this regard, comingling of funds between these entities is prohibited, and any coordination between the electricity providers and nonprofit community action agencies concerning the funds loaned under this section must be for the exclusive intent of increasing access to funds for the conservation measures under this section.

(2) To the extent grant funds are available, they shall be used to provide funding for these energy efficient and conservation measures rather than loans or other types of financing. /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Branham |
| Brantley | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gunn | Haley | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Kelly |
| Kennedy | King | Kirsh |
| Knight | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--104**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Gilliard |  |  |

**Total--1**

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. 4448. If I had been present, I would have voted in favor of the Bill.

Rep. Deborah Long

**H. 4448--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SANDIFER, with unanimous consent, it was ordered that H. 4448 be read the third time tomorrow.

**ORDERED TO THIRD READING**

The following Bills were taken up, read the second time, and ordered to a third reading:

S. 929 -- Senators L. Martin and Elliott: A BILL TO AMEND SECTION 41-1-10 OF THE 1976 CODE, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41-3-10, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41-3-40, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41-3-50, 41-3-60, 41-3-100, AND 41-3-120, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41-1-40, 41-1-50, 41-3-80, 41-15-10, AND 41-15-50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41, ALL RELATING TO VARIOUS OBSOLETE PROVISIONS PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Rep. HUGGINS explained the Bill.

H. 4444 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, INCLUDING WEAKFISH CYNOSCION, SO AS TO PROVIDE THAT A PERSON ONLY MAY TAKE OR POSSESS ONE, RATHER THAN TEN, SUCH WEAKFISH IN ANY ONE DAY.

Rep. UMPHLETT explained the Bill.

**S. 929--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HUGGINS, with unanimous consent, it was ordered that S. 929 be read the third time tomorrow.

**H. 4444--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. UMPHLETT, with unanimous consent, it was ordered that H. 4444 be read the third time tomorrow.

**H. 4445--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19830AB10):

Amend the joint resolution, as and if amended, SECTION 3, pages 4‑5, by deleting SECTION 3 in its entirety and inserting:

/ SECTION 3. This joint resolution is intended to apply retroactively. For development approval that is current and valid at any point during the period beginning January 1, 2009, and ending March 15, 2011, the running of the period of the development approval and any associated vested right is suspended during the period beginning January 1, 2009, and ending March 15, 2011. /

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

Rep. HUGGINS moved to adjourn debate on the Joint Resolution, which was agreed to.

**H. 4129--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4129 -- Reps. Funderburk, Umphlett, Hodges, Clemmons, Whipper, R. L. Brown and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-11-780 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO WILFULLY, KNOWINGLY, OR MALICIOUSLY ENTER UPON THE POSTED LANDS OF ANOTHER OR THE STATE AND INVESTIGATE, DISTURB, OR EXCAVATE A PREHISTORIC OR HISTORIC SITE FOR THE PURPOSE OF DISCOVERING, UNCOVERING, MOVING, REMOVING, OR ATTEMPTING TO REMOVE AN ARCHAEOLOGICAL RESOURCE; TO PROVIDE PENALTIES AND CIVIL REMEDIES; AND TO PROVIDE EXCEPTIONS.

Rep. AGNEW explained the Bill.

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

**LEAVE OF ABSENCE**

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

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3340 from the Committee on Education and Public Works.

Rep. COOPER objected.

**S. 442--RECALLED AND REFERRED TO AIKEN DELEGATION**

On motion of Rep. D. C. SMITH, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works and was referred to the Aiken Delegation:

S. 442 -- Senators Ryberg and Massey: A BILL TO AMEND ACT 503 OF 1982, AS AMENDED, RELATING TO THE AIKEN COUNTY SCHOOL DISTRICT AND THE AIKEN COUNTY BOARD OF EDUCATION, SO AS TO REVISE THE BOARD'S AUTHORITY WITH REGARD TO ADMINISTRATIVE AREA OFFICES AND AREA ADVISORY COUNCILS.

**S. 454--DEBATE ADJOURNED**

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

S. 454 -- Senators Peeler and Ford: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

Rep. JEFFERSON moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 3418--DEBATE ADJOURNED**

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

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56-1-3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7-13-25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7-15-470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7-1-25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7-5-230 TO REFERENCE REVISIONS TO SECTION 7-1-25.

Rep. CLEMMONS moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 3395--DEBATE ADJOURNED**

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

H. 3395 -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A. D. Young, Edge, Bedingfield, J. R. Smith, G. R. Smith, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A BILL TO AMEND SECTION 11-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE OF REPLENISHMENT OF THAT AMOUNT.

Rep. COOPER moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 3396--DEBATE ADJOURNED**

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

H. 3396 -- Reps. Harrell, Thompson, Scott, Cooper, Erickson, Bingham, A. D. Young, Edge, J. R. Smith, G. R. Smith, Bedingfield, Whitmire, Hiott, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND.

Rep. COOPER moved to adjourn debate on the Senate Amendments, which was agreed to.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 191 -- Senators McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts: A BILL TO ENACT THE SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2009, SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 20-7-8305, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 20-7-8320, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT THE JUVENILE MUST BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO A COURT INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

**H. 4605--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4605 -- Rep. Huggins: A CONCURRENT RESOLUTION TO DECLARE TUESDAY, MARCH 2, 2010, SOUTH CAROLINA REALTOR DAY IN ORDER TO RECOGNIZE AND HONOR THE MANY OUTSTANDING REALTORS AND REAL ESTATE PROFESSIONALS IN OUR STATE.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4570--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4570 -- Reps. Clemmons and Hardwick: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 17 BYPASS AND SOUTH CAROLINA HIGHWAY 544 IN HORRY COUNTY THE "NELSON JACKSON MEMORIAL INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR

SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "NELSON JACKSON MEMORIAL INTERCHANGE".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4579--AMENDED, ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4579 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAYS 76 AND 378 WITH LOWER RICHLAND BOULEVARD IN RICHLAND COUNTY "BETTY AND SAM MCGREGOR INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "BETTY AND SAM MCGREGOR INTERSECTION BETTY - 2009 SOUTH CAROLINA AND NATIONAL MOTHER OF THE YEAR".

Rep. BALES proposed the following Amendment No. 1 (COUNCIL\SWB\7052CM10), which was adopted:

Amend the concurrent resolution, as and if amended, by inserting after / farmers / on line 30, page 1 / . In recognition of his commitment to the land and preserving our nation’s great agricultural legacy for future generations, in 1964 Sam was named National Young Farmer of the Year /

Renumber sections to conform.

Amend title to conform.

Rep. BALES explained the amendment.

The amendment was then adopted.

The Concurrent Resolution, as amended, was adopted and ordered sent to the Senate.

**S. 1191--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1191 -- Senators Ryberg, Leatherman, Sheheen, Peeler, Hayes, Verdin, Campbell, Grooms, Hutto, McConnell, Lourie, Williams, Alexander, Setzler, Knotts, Massey, Nicholson, Anderson, Rose, Leventis, L. Martin, Land, Matthews and Shoopman: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD WEEK IN APRIL 2010 AS "SHAKEN BABY SYNDROME AWARENESS WEEK" TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**H. 3280--DEBATE ADJOURNED**

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

H. 3280 -- Reps. T. R. Young, Allison, Parker, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Horne, Funderburk, Wylie, Bedingfield, Hart, Harrell, A. D. Young, Viers, Gunn, Erickson, Clemmons and Loftis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

**H. 3608--DEBATE ADJOURNED**

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

H. 3608 -- Reps. Mack, Alexander, Allen, R. L. Brown, Williams, Weeks, Whipper, Gilliard and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO PROVIDE THAT THE AUTHORITY CHARGED BY LAW CONDUCTING AN ELECTION SHALL ESTABLISH EARLY VOTING CENTERS, TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT, TO PROVIDE A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY REGISTER TO VOTE AND CAST A BALLOT DURING THE EARLY VOTING PERIOD, TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30-4-80.

**H. 4033--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill until Thursday, March 4, which was adopted:

H. 4033 -- Reps. Clemmons, Harrell, Gunn, Anderson, Gullick, Limehouse, Hardwick, Merrill, Ott, Rutherford, Bales, V. S. Moss, Duncan, Owens, Bowen, Stavrinakis, Hutto, Allison, Barfield, Battle, Bingham, Branham, H. B. Brown, Cato, Cooper, Crawford, Delleney, Dillard, Gambrell, Harrison, Harvin, Hayes, Hearn, Herbkersman, Horne, Hosey, Howard, Jefferson, Jennings, Kennedy, King, Kirsh, Lowe, Lucas, Mack, McLeod, Miller, D. C. Moss, Neilson, M. A. Pitts, Rice, Sandifer, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Thompson, Weeks, White, Williams, Willis, A. D. Young, Sellers, Erickson, Knight, Whipper, R. L. Brown, Gilliard, Hart and Mitchell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "TRANSPORTATION INFRASTRUCTURE FUNDING FLEXIBILITY ACT" BY ADDING ARTICLE 3 TO CHAPTER 3, TITLE 57 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY SOLICIT AND ENTER INTO CERTAIN PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES AND TO PROVIDE THE PROCEDURE WHEREBY PUBLIC-PRIVATE INITIATIVES ARE SOLICITED, APPROVED, AND IMPLEMENTED; BY ADDING ARTICLE 9 TO CHAPTER 3, TITLE 57 SO AS TO PROVIDE THE CIRCUMSTANCES WHEREBY TOLLS MAY BE IMPOSED AND COLLECTED ALONG THE STATE'S HIGHWAYS, TO PROVIDE FOR THE PROJECTS THAT MAY BE FINANCED BY TOLL REVENUES, TO PROVIDE PENALTIES FOR A PERSON WHO FAILS TO PAY A TOLL, AND TO PROVIDE THAT THE DEPARTMENT MAY IMPLEMENT AN ELECTRONIC TOLL SYSTEM; BY ADDING SECTION 11-35-3075 SO AS TO PROVIDE THAT THE PROVISIONS THAT ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES ARE SUBJECT TO CERTAIN PORTIONS OF THE CONSOLIDATED PROCUREMENT CODE AND TO CERTAIN EXPANDED DISCUSSIONS AND PROPOSAL REVISIONS; TO AMEND SECTION 11-35-710, AS AMENDED, RELATING TO THE PURCHASE OF CERTAIN ITEMS THAT ARE EXEMPT FROM THE PROVISIONS CONTAINED IN THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE THAT THE PURCHASE OF ITEMS ASSOCIATED WITH DEPARTMENT OF TRANSPORTATION PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES ARE NOT EXEMPT FROM THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO THE APPLICATION OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE AN ENTITY THAT UTILIZES A FEDERAL GRANT TO PROCURE AN ITEM MUST COMPLY WITH ALL APPLICABLE LAWS THAT ARE NOT CONTAINED IN THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 57-5-1625, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AWARDING OF CONTRACTS THAT USE THE DESIGN-BUILD PROCEDURE, SO AS TO REVISE THE DEFINITION OF THE TERM "DESIGN-BUILD CONTRACT"; TO AMEND SECTION 57-5-1310, RELATING TO THE GENERAL ASSEMBLY'S INTENT WHEN IT PROVIDED THE DEPARTMENT OF TRANSPORTATION THE AUTHORITY TO CONSTRUCT TURNPIKE PROJECTS, SO AS TO PROVIDE THAT THE DEPARTMENT ALSO HAS THE AUTHORITY TO IMPROVE THESE FACILITIES PURSUANT TO THIS PROVISION; TO AMEND SECTION 57-5-1320, RELATING TO THE DEFINITION OF TERMS REGARDING TURNPIKE PROJECTS, SO AS TO REVISE THE DEFINITION OF THE TERM "TURNPIKE FACILITY"; TO AMEND SECTION 57-5-1330, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AUTHORITY TO DESIGNATE, ESTABLISH, PLAN, IMPROVE, CONSTRUCT, OPERATE, AND REGULATE TURNPIKE FACILITIES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DESIGNATE AS A TURNPIKE FACILITY ANY TRANSPORTATION FACILITY THAT IS FUNDED IN PART BY A LOCAL OPTION SALES AND USE TAX; TO AMEND SECTION 40-11-360, RELATING TO THE ENTITIES THAT ARE EXEMPT FROM THE PROVISIONS THAT REGULATE LICENSED CONTRACTORS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 57-5-1660, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S REQUIREMENT THAT CERTAIN CONTRACTORS MUST FURNISH A BOND FOR CERTAIN CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO CERTAIN PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES AND PROVIDE THAT WHEN THE DEPARTMENT UTILIZES THE DESIGN-BUILD DELIVERY METHOD FOR A HIGHWAY CONSTRUCTION PROJECT, THE AMOUNT OF THE PERFORMANCE AND INDEMNITY BOND AND PAYMENT BONDS REQUIRED BY THIS PROVISION RELATE ONLY TO THE PORTION OF THE CONTRACT CONCERNING CONSTRUCTION; AND TO REPEAL SECTIONS 12-28-2920, 57-3-200, 57-3-615, 57-3-618, 57-5-1490, AND 57-5-1495 RELATING TO THE CONSTRUCTION OF TOLL ROADS BY THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT'S AUTHORITY TO ENTER INTO AGREEMENTS WITH VARIOUS ENTITIES TO CONSTRUCT, OPERATE, AND MAINTAIN HIGHWAY FACILITIES, THE PROJECTS THAT MAY BE CONSTRUCTED WITH TOLL REVENUES, THE IMPOSITION AND COLLECTION OF A TOLL ALONG INTERSTATE 73, THE PENALTY FOR FAILURE TO PAY A TOLL, AND THE COLLECTION OF TOLLS.

**H. 3736--DEBATE ADJOURNED**

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

H. 3736 -- Reps. Rice, Cato, Hiott, Owens, Wylie, Clemmons, Viers and Bedingfield: A BILL TO AMEND SECTION 41-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED DEDUCTIONS OF LABOR ORGANIZATION MEMBERSHIP DUES FROM WAGES, SO AS TO REVISE THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEDUCTIONS MAY BE MADE AND FOR CERTAIN PROHIBITED DEDUCTIONS.

**H. 4479--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4479 -- Reps. Clemmons, M. A. Pitts, D. C. Moss, Crawford and Viers: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM SOUTH CAROLINA TAXABLE INCOME OF INDIVIDUALS FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO INCLUDE DETENTION OFFICERS AND TELECOMMUNICATIONS PERSONNEL WITHIN THE CATEGORY OF LAW ENFORCEMENT OFFICERS ELIGIBLE TO CLAIM THE EIGHT DOLLARS A DAY SUBSISTENCE ALLOWANCE DEDUCTION FOR LAW ENFORCEMENT OFFICERS, FIRE FIGHTERS, AND EMERGENCY MEDICAL SERVICE PERSONNEL.

Rep. CLEMMONS explained the Bill.

Rep. HALEY moved to adjourn debate on the Bill until Tuesday, March 2, which was agreed to.

**H. 4475--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4475 -- Reps. T. R. Young, Sellers, Bedingfield, Norman, J. R. Smith, Stringer, Wylie, Millwood, Gunn, Scott, D. C. Smith, Stewart, Ballentine, H. B. Brown, Hart, Hearn, Haley, Funderburk, Willis, Clemmons, Harrell and Lucas: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

Rep. OTT moved to adjourn debate on the Joint Resolution.

Rep. T. R. YOUNG moved to table the motion.

Rep. T. R. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 78; Nays 33

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Cato | Chalk |
| Clemmons | Clyburn | Cole |
| Crawford | Daning | Duncan |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Hutto | Kirsh |
| Knight | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| McEachern | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Sellers | Simrill |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--78**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Anthony |
| Bowers | Branham | Brantley |
| G. A. Brown | R. L. Brown | Cooper |
| Delleney | Dillard | Frye |
| Gilliard | Govan | Harvin |
| Hodges | Hosey | Jefferson |
| Kelly | Kennedy | King |
| Mack | McLeod | J. H. Neal |
| Ott | Parker | Parks |
| J. E. Smith | Vick | Weeks |
| Whipper | White | Williams |

**Total--33**

So, the motion to adjourn debate was tabled.

Rep. BALES proposed the following Amendment No. 1 (COUNCIL\MS\7680AHB10), which was ruled out of order:

Amend the joint resolution, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. (A) It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Commissioner of Agriculture serving in office on the date of the ratification of the provisions of this paragraph, the Commissioner of Agriculture must be appointed by the Governor, upon the advice and consent of the Senate, to serve at his pleasure and to be removable by him for any reason.

(B) The proposed amendment in subsection (A) must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Commissioner of Agriculture from the list of state officers which the Constitution requires to be elected and provide that upon the expiration of the term of the Commissioner of Agriculture serving in office on the date of the ratification of this provision, the commissioner must be appointed by the Governor, upon the advice and consent of the Senate, to serve at his pleasure and to be removable by him for any reason?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’ and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

Renumber sections to conform.

Amend title to conform.

Rep. BALES explained the amendment.

**POINT OF ORDER**

Rep. T. R. YOUNG raised the Point of Order that Amendment No. 1 was out of order under House Rule 9.3 in that it was not germane to the Joint Resolution.

SPEAKER HARRELL stated that the amendment was out of order in that the Joint Resolution related to only one constitutional officer, the Secretary of State, while the amendment attempted to add an additional constitutional officer. He stated further that the amendment was in violation of the South Carolina State Constitution in that it would create a requirement for two separate ballot questions. Therefore, he sustained the Point of Order and ruled the amendment out of order.

The question then recurred to the passage of the Joint Resolution on second reading.

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

Yeas 85; Nays 30

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Bales | Ballentine | Bannister |
| Battle | Bedingfield | Bingham |
| Bowen | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Crawford |
| Daning | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Govan |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Howard |
| Huggins | Hutto | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| McEachern | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parks |
| Pinson | M. A. Pitts | Rice |
| Scott | Sellers | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--85**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Barfield |
| Bowers | Brantley | G. A. Brown |
| R. L. Brown | Cooper | Delleney |
| Frye | Gilliard | Harvin |
| Hodges | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Mack | McLeod | J. H. Neal |
| Ott | Parker | Sandifer |
| Simrill | Skelton | Vick |
| Weeks | Whipper | White |

**Total--30**

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

**H. 4475--MOTION TO RECONSIDER TABLED**

Rep. T. R. YOUNG moved to reconsider the vote whereby the following Joint Resolution was read second time:

H. 4475 -- Reps. T. R. Young, Sellers, Bedingfield, Norman, J. R. Smith, Stringer, Wylie, Millwood, Gunn, Scott, D. C. Smith, Stewart, Ballentine, H. B. Brown, Hart, Hearn, Haley, Funderburk, Willis, Clemmons, Harrell and Lucas: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

Rep. T. R. YOUNG moved to table the motion to reconsider.

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

Yeas 78; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Crawford |
| Daning | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Govan | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Hosey |
| Huggins | Hutto | Knight |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Neilson |
| Norman | Owens | Parks |
| M. A. Pitts | Rice | Scott |
| Sellers | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--78**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bowers |
| Brantley | G. A. Brown | R. L. Brown |
| Delleney | Frye | Gilliard |
| Harvin | Hodges | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | Mack | McLeod |
| J. H. Neal | Ott | Parker |
| Pinson | Simrill | Skelton |
| Vick | Weeks | Whipper |
| White |  |  |

**Total--28**

So, the motion to reconsider was tabled.

**H. 3800--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3800 -- Reps. Toole, Erickson, Brady, Bowen, Brantley, Parker, Allison, Cato, Crawford, Dillard, Duncan, Gullick, Gunn, Horne, Hosey, Jefferson, Littlejohn, Millwood, Mitchell, Pinson, Stringer, Willis, Wylie, A. D. Young, J. E. Smith, Clemmons, Hutto and Viers: A BILL TO AMEND SECTION 63-7-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT ABUSE OR NEGLECT OF A CHILD, SO AS TO INCLUDE A SCHOOL ATTENDANCE OFFICER, SCHOOL ADMINISTRATOR, FOSTER PARENT, JUVENILE JUSTICE WORKER, AND GUARDIAN AD LITEM FOR A CHILD AMONG THE PEOPLE WHO MUST REPORT CERTAIN ALLEGATIONS OF CHILD ABUSE OR NEGLECT, AND TO ENCOURAGE OTHER PEOPLE TO REPORT THIS ABUSE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7651AB10):

Amend the bill, as and if amended, SECTION 1, page 1, line 33 by deleting /school administrator,/

Renumber sections to conform.

Amend title to conform.

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

Reps. BANNISTER and G. M. SMITH proposed the following Amendment No. 2 (COUNCIL\AGM\19862AB10), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, line 33, by deleting / school administrator, /.

Amend the bill further, SECTION 1, page 1, line 39, by deleting / guardian ad litem for a child / and inserting / a volunteer guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem program or on behalf of Richland County Casa. /.

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7651AB10), which was tabled:

Amend the bill, as and if amended, SECTION 1, page 1, line 33 by deleting /school administrator,/

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

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

Yeas 104; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Clemmons | Cobb-Hunter |
| Cole | Crawford | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Haley | Hardwick |
| Harrell | Harrison | Harvin |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | King |
| Knight | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Pinson |
| Rice | Rutherford | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--104**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kennedy | Kirsh |  |

**Total--2**

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

**RECURRENCE TO THE MORNING HOUR**

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

**INTRODUCTION OF BILLS**

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

H. 4631 -- Reps. Pinson, Parks, Loftis, Mitchell, D. C. Smith, J. R. Smith, Thompson and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3592 SO AS TO PROVIDE A TAX CREDIT OF TWENTY-FIVE PERCENT OF THE PURCHASE COST OF A GEOTHERMAL HEAT PUMP SYSTEM AND TO DEFINE A "GEOTHERMAL HEAT PUMP SYSTEM".

Referred to Committee on Ways and Means

H. 4632 -- Reps. Bowers and R. L. Brown: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ESTUARINE AND SALTWATER FINFISH CATCH LIMITS, SO AS TO PROVIDE THAT FIVE, RATHER THAN THREE, RED DRUM MAY BE CAUGHT IN ANY ONE DAY.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4633 -- Rep. Sellers: A BILL TO AMEND SECTION 39-61-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE MOTOR CLUB SERVICES ACT, SO AS TO EXCLUDE SERVICES FROM A TELEMATICS SYSTEM FROM THE DEFINITION OF "MOTOR CLUB SERVICE", AND TO DEFINE THE TERM "TELEMATICS SYSTEM".

Referred to Committee on Labor, Commerce and Industry

H. 4635 -- Rep. Sellers: A BILL TO AUTHORIZE THE CITY OF BAMBERG TO ADD TWO ADDITIONAL COMMISSIONERS TO THE BOARD OF COMMISSIONERS OF PUBLIC WORKS OF THE CITY OF BAMBERG.

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

H. 4636 -- Reps. Govan and Harrison: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL MEMBER TO THE BOARD TO BE APPOINTED BY THE NATIONAL ALUMNI ASSOCIATION OF THE UNIVERSITY.

Referred to Committee on Education and Public Works

**HOUSE RESOLUTION**

The following was introduced:

H. 4634 -- Rep. Brantley: A HOUSE RESOLUTION TO CONGRATULATE JULIA ANN BOSTICK LEE ON THE OCCASION OF HER BECOMING A MINISTER.

The Resolution was adopted.

**H. 4445--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4445 -- Reps. Loftis, Norman, Merrill, Hardwick, Erickson, Wylie, Chalk, Stewart, Pinson, Bedingfield, Huggins, Frye, Clemmons, Rice, Parker, G. R. Smith, Lowe, Hiott, Allison, Allen, Anthony, Bales, Ballentine, Bannister, Barfield, Bingham, Bowen, Cato, Cole, Cooper, Crawford, Daning, Delleney, Duncan, Edge, Gambrell, Hamilton, Harrell, Hearn, Horne, Kelly, Limehouse, Littlejohn, Long, Lucas, D. C. Moss, V. S. Moss, Nanney, Owens, M. A. Pitts, Sandifer, Scott, Simrill, D. C. Smith, G. M. Smith, Spires, Stringer, Thompson, Toole, Umphlett, Viers, White, Whitmire, Willis, A. D. Young, T. R. Young and Weeks: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19830AB10), which was tabled:

Amend the joint resolution, as and if amended, SECTION 3, pages 4‑5, by deleting SECTION 3 in its entirety and inserting:

/ SECTION 3. This joint resolution is intended to apply retroactively. For development approval that is current and valid at any point during the period beginning January 1, 2009, and ending March 15, 2011, the running of the period of the development approval and any associated vested right is suspended during the period beginning January 1, 2009, and ending March 15, 2011. /

Renumber sections to conform.

Amend title to conform.

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

Reps. HUGGINS and LOFTIS proposed the following Amendment No. 2 (COUNCIL\AGM\19896AB10), which was adopted:

Amend the joint resolution, as and if amended, SECTION 3, pages 4‑5, by deleting SECTION 3 in its entirety and inserting:

/ SECTION 3. This joint resolution is intended to apply retroactively. For development approval that is current and valid at any point during the period beginning January 1, 2009, and ending March 15, 2011, the running of the period of the development approval and the running of any associated vested right is suspended during the period beginning January 1, 2009, and ending March 15, 2011. /

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

The amendment was then adopted.

The Joint Resolution, as amended, was read the second time and ordered to third reading.

**H. 4445--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. LOFTIS, with unanimous consent, it was ordered that H. 4445 be read the third time tomorrow.

**H. 4129--DEBATE ADJOURNED**

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

H. 4129 -- Reps. Funderburk, Umphlett, Hodges, Clemmons, Whipper, R. L. Brown and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-11-780 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO WILFULLY, KNOWINGLY, OR MALICIOUSLY ENTER UPON THE POSTED LANDS OF ANOTHER OR THE STATE AND INVESTIGATE, DISTURB, OR EXCAVATE A PREHISTORIC OR HISTORIC SITE FOR THE PURPOSE OF DISCOVERING, UNCOVERING, MOVING, REMOVING, OR ATTEMPTING TO REMOVE AN ARCHAEOLOGICAL RESOURCE; TO PROVIDE PENALTIES AND CIVIL REMEDIES; AND TO PROVIDE EXCEPTIONS.

**ORDERED TO THIRD READING**

The following Bills and Joint Resolutions were taken up, read the second time, and ordered to a third reading:

H. 3964 -- Reps. Duncan, Ott, Vick, Loftis and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 21, TITLE 46 SO AS TO UPDATE AND CLARIFY SEED ARBITRATION PROCEDURES; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 46, RELATING TO GENERAL PROVISIONS OF SEED AND PLANT CERTIFICATION, SO AS TO REPLACE OBSOLETE DEFINITIONS, TO REVISE ENFORCEMENT MECHANISMS, TO CLARIFY LICENSING PROCEDURES, AND TO PROVIDE EXEMPTIONS; TO AMEND ARTICLE 3, CHAPTER 21, TITLE 46, RELATING TO LABELS AND TAGS REGARDING SEEDS AND PLANTS, SO AS TO REVISE THE LABELING REQUIREMENTS FOR SEED PRODUCTS, AND TO IMPOSE ADDITIONAL PROHIBITIONS; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 46, RELATING TO ANALYSES AND TESTS REGARDING SEEDS AND PLANTS, SO AS TO DELETE REDUNDANT PROVISIONS, TO PROVIDE THAT DEPARTMENT OF AGRICULTURE OFFICIALS SHALL HAVE ACCESS TO SEED RECORDS AND SAMPLES, TO PROVIDE THAT SEED RECORDS SHALL BE MAINTAINED FOR TWO YEARS, AND TO CLARIFY WHO IS ENTITLED TO FREE SEED TESTING AT THE STATE SEED LABORATORY; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 46, RELATING TO WITHDRAWAL, CONFISCATION, AND SALE OF SEEDS REGARDING SEEDS AND PLANTS, SO AS TO INCREASE PENALTIES FOR VIOLATIONS FROM A MAXIMUM OF ONE HUNDRED DOLLARS FOR EACH VIOLATION TO ONE THOUSAND DOLLARS FOR EACH VIOLATION, TO CLARIFY THE ROLE OF THE ATTORNEY GENERAL IN PROSECUTING VIOLATIONS, AND TO PROVIDE FOR INJUNCTIVE RELIEF TO PREVENT VIOLATIONS; TO AMEND ARTICLE 9, CHAPTER 21, TITLE 46, RELATING TO SEED AND PLANT CERTIFICATION, SO AS TO CLARIFY CLEMSON UNIVERSITY'S SEED AND PLANT CERTIFICATION AUTHORITY; AND TO REPEAL ARTICLE 11, CHAPTER 21, TITLE 46 RELATING TO SEED IRISH POTATOES IN CHARLESTON COUNTY.

S. 1115 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO PHYTOPHTHORA RAMORUM QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4106, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1114 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO CITRUS GREENING (CANDIDATUS LIBERIBACTER ASISTICUS) QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4105, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 21 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 47 TO TITLE 15 SO AS TO ENACT THE "UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT", TO PROVIDE AN EFFICIENT AND INEXPENSIVE PROCEDURE FOR LITIGANTS TO DEPOSE OUT-OF-STATE INDIVIDUALS AND FOR THE PRODUCTION OF DISCOVERABLE MATERIALS THAT MAY BE LOCATED OUT OF STATE.

H. 4541 -- Reps. Whipper, Bowen, Brantley, Hodges, Alexander, Gilliard, Frye, Ott, Spires, Jefferson, Anderson, Govan, Bales, Knight, Chalk, Stavrinakis, Cato, Hutto, Erickson, Allen, Dillard, Harrison, Limehouse, Branham, Harrell, Herbkersman, Hosey, Kennedy, Mack, Miller, V. S. Moss, Rutherford, J. E. Smith, Sottile, Umphlett, Weeks and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-714 SO AS TO DESIGNATE SWEETGRASS AS THE OFFICIAL CRAFT GRASS OF THE STATE OF SOUTH CAROLINA.

H. 4585 -- Reps. Cooper, Harrell, Hardwick, Hearn, T. R. Young, Horne, Parker, Allison, Umphlett, Wylie and Erickson: A JOINT RESOLUTION EXTENDING THE DEADLINE FOR THE DATE OF THE REPORT AND RECOMMENDATIONS OF THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION (TRAC) FROM MARCH 15, 2010, TO NOVEMBER 15, 2010, AND PROVIDING THAT THE COMMISSION'S REPORT WITH REGARD TO AD VALOREM TAXES MAY EXTEND TO ALL CONSTITUTIONAL AND STATUTORY PROVISIONS PERTINENT TO THE IMPOSITION OF AD VALOREM TAXES.

H. 4340 -- Reps. Whitmire and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN OCONEE COUNTY AS THE FALLING WATERS SCENIC BYWAY, AND TO MAKE IT SUBJECT TO THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

**H. 3964--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. VICK, with unanimous consent, it was ordered that H. 3964 be read the third time tomorrow.

**S. 1115--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. FORRESTER, with unanimous consent, it was ordered that S. 1115 be read the third time tomorrow.

**S. 1114--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. FORRESTER, with unanimous consent, it was ordered that S. 1114 be read the third time tomorrow.

**S. 21--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. DELLENEY, with unanimous consent, it was ordered that S. 21 be read the third time tomorrow.

**H. 4541--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. GILLIARD, with unanimous consent, it was ordered that H. 4541 be read the third time tomorrow.

**H. 4585--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. COOPER, with unanimous consent, it was ordered that H. 4585 be read the third time tomorrow.

**H. 4340--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SANDIFER, with unanimous consent, it was ordered that H. 4340 be read the third time tomorrow.

**S. 328--DEBATE ADJOURNED**

The following Bill was taken up:

S. 328 -- Senators Verdin, Grooms, Cromer, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47-5-60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

Rep. FRYE moved to recommit the Bill to the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. VICK moved to table the motion.

So, the House refused to table the motion to recommit by a division vote of 21-40.

The question then recurred to the motion to recommit.

The House refused to recommit the Bill, by a division vote of 36-42.

Rep. RICE moved to adjourn debate on the Bill until Tuesday, March 2, which was agreed to.

**H. 4093--DEBATE ADJOURNED**

Rep. UMPHLETT moved to adjourn debate upon the following Bill until Tuesday, March 2, which was adopted:

H. 4093 -- Reps. Loftis, Mitchell, H. B. Brown, Bedingfield, Anthony, G. A. Brown, Crawford, Dillard, Harvin, Hiott, Knight, Lowe, J. R. Smith, Toole, D. C. Moss, Sellers, Brady, Funderburk, Hodges, Horne, Gunn, Bowers, Hutto and Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 60 TO TITLE 48 TO ENACT THE "SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT"; TO PROVIDE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY RELATED TO THE ACT; TO PROVIDE CERTAIN DEFINITIONS RELATED TO THE ACT; TO REQUIRE A MANUFACTURER OF CERTAIN COMPUTING, DISPLAY, OR PRINTING EQUIPMENT TO OFFER A RECOVERY PROGRAM FOR THE COLLECTION OF EQUIPMENT FROM A CONSUMER IN A MANNER CONVENIENT TO THE CONSUMER; TO REQUIRE A MANUFACTURER TO DOCUMENT ITS COMPLIANCE WITH THIS CHAPTER IN AN ANNUAL REPORT TO THE DEPARTMENT; TO LIMIT THE LIABILITY OF A MANUFACTURER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT RETURNED BY THE CONSUMER TO A MANUFACTURER THROUGH THE MANUFACTURER'S RECOVERY PROGRAM; TO REQUIRE A RETAILER TO SELL ONLY EQUIPMENT MANUFACTURED IN COMPLIANCE WITH THIS CHAPTER; TO LIMIT THE LIABILITY OF A RETAILER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT SOLD BY THE RETAILER TO A CONSUMER AND RETURNED TO THE MANUFACTURER OF THE EQUIPMENT THROUGH THE MANUFACTURER'S RECOVERY PROGRAM; TO REQUIRE A MANUFACTURER TO EDUCATE CONSUMERS ABOUT THE MANUFACTURER'S RECOVERY PROGRAM; TO REQUIRE THE DEPARTMENT TO EDUCATE CONSUMERS ABOUT ALL RECOVERY PROGRAMS AVAILABLE IN THIS STATE; TO ENABLE THE DEPARTMENT TO AUDIT A MANUFACTURER TO DETERMINE THE MANUFACTURER'S COMPLIANCE WITH THIS CHAPTER; TO PROVIDE THAT FINANCIAL AND PROPRIETARY INFORMATION SUBMITTED TO THE DEPARTMENT BY A MANUFACTURER OR RETAILER PURSUANT TO THIS CHAPTER IS EXEMPT FROM PUBLIC DISCLOSURE; TO REQUIRE THE DEPARTMENT TO REPORT ANNUALLY INFORMATION PROVIDED BY A MANUFACTURER OR A RETAILER TO THE GENERAL ASSEMBLY; TO REQUIRE THE DEPARTMENT TO DEVELOP STANDARDS FOR RECOVERY PROGRAMS, REPORTING REQUIREMENTS, AND RECOVERER CERTIFICATION THAT COMPLY WITH THE ELECTRONICS RECYCLING OPERATING PRACTICES OF THE INSTITUTE OF SCRAP RECYCLING INDUSTRIES; AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE RULES AND REGULATIONS NEEDED TO IMPLEMENT THIS CHAPTER'S PROVISIONS.

**H. 4520--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, March 2, which was adopted:

H. 4520 -- Reps. Bales, Neilson and Clemmons: A BILL TO AMEND SECTION 51-3-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USE OF FACILITIES AND CAMPSITES AT REDUCED RATES BY THE AGED, BLIND, OR DISABLED, SO AS TO PROVIDE THAT SUCH PERSONS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS AT ONE HALF THE PRESCRIBED FEE, AND TO PROVIDE THAT DISABLED VETERANS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS WITHOUT CHARGE; BY ADDING SECTION 51-3-75 SO AS TO PROVIDE THAT BASED ON A REVIEW OF BUSINESS AND PERSONAL USE OF A PARTICULAR STATE PARK OR FACILITY BY THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, AND THE LABOR AND INSURANCE REQUIREMENTS IT SUSTAINS AT THAT FACILITY, IT MAY ALTER THE MANAGEMENT PLAN FOR THAT PARK OR FACILITY BY PERMITTING THE RELETTING OF CAMPSITES, CAMPING FACILITIES, OR OTHER AMENITIES BEFORE THE RENTAL TERM OF THE ORIGINAL RENTER HAS EXPIRED IF VACATED BY THE ORIGINAL RENTER BEFORE THE END OF THE STATED TERM, AND TO PROVIDE THE DEPARTMENT ALSO MAY WAIVE THE CHARGES FOR ITS REUSE AND FOR THE USE OF THESE AND OTHER AMENITIES.

**H. 4530--DEBATE ADJOURNED**

Rep. OTT moved to adjourn debate upon the following Joint Resolution until Tuesday, March 2, which was adopted:

H. 4530 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS FOR SPECIES OR SUBSPECIES OF NON-GAME WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4069, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 4531--DEBATE ADJOURNED**

Rep. HIOTT moved to adjourn debate upon the following Joint Resolution until Tuesday, March 2, which was adopted:

H. 4531 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4070, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 4514--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4514 -- Rep. Cooper: A BILL TO AMEND SECTION 12-44-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE THE DEFINITION OF "TERMINATION DATE"; AND TO AMEND SECTION 12-6-590, AS AMENDED, RELATING TO TREATMENT OF "S" CORPORATIONS FOR TAX PURPOSES, SO AS TO PROVIDE THAT A SPECIFIED AMOUNT OF INCOME TAXES PAID BY RESIDENT AND NONRESIDENT SHAREHOLDERS OF CERTAIN "S" CORPORATIONS MUST BE DEPOSITED INTO A SPECIAL FUND AND DISTRIBUTED BY THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT AS GRANTS FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS, WHICH DIRECTLY SUPPORT THE PROJECTS, AND TO PROVIDE FOR GUIDELINES TO ADMINISTER THE FUND AND APPLICATIONS FOR THE GRANTS.

Rep. COOPER proposed the following Amendment No. 1 (COUNCIL\BBM\9600HTC10), which was adopted:

Amend the bill, as and if amended, in Section 12-6-590(C), as contained in SECTION 2, page 2, by inserting at the end of line 15:

/ engaged in manufacturing /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

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

**H. 4514--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. COOPER, with unanimous consent, it was ordered that H. 4514 be read the third time tomorrow.

**H. 4343--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4343 -- Reps. Wylie, Harrell, Cooper, Stringer, Merrill, Allen, Allison, Ballentine, Bannister, Bedingfield, Bowen, Cato, Cole, Daning, Dillard, Erickson, Forrester, Gunn, Hamilton, Hardwick, Hearn, Hiott, Horne, Huggins, Kelly, Kirsh, Littlejohn, Loftis, Millwood, Mitchell, Nanney, Norman, Owens, Parker, Scott, G. R. Smith, Sottile, Umphlett, White, Willis, T. R. Young, Lucas, Neilson, Bales, Clemmons, Weeks, Stavrinakis, Hutto and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 19 TO TITLE 55 SO AS TO ESTABLISH THE SOUTH CAROLINA AIR SERVICE INCENTIVE AND DEVELOPMENT FUND UNDER THE SOUTH CAROLINA AERONAUTICS COMMISSION TO PROVIDE GRANTS TO REGIONAL ECONOMIC DEVELOPMENT ENTITIES OR AIR SERVICE DEVELOPMENT TASK FORCES TO PROVIDE MORE FLIGHT OPTIONS, MORE COMPETITION FOR AIR TRAVEL AND MORE AFFORDABLE AIR FARES FOR THE CITIZENS OF THE REGION AND THIS STATE, AND TO PROVIDE THE SELECTION CRITERIA AND SELECTION PROCESS FOR THESE GRANTS TO BE MADE FROM FUNDS PROVIDED TO OR APPROPRIATED FOR THE FUND BY THE GENERAL ASSEMBLY.

Rep. WHITE proposed the following Amendment No. 1 (LEGWORK\HOUSE\COUNCIL\20815SD10KRL), which was tabled:

Amend the bill, as and if amended, by striking subsection (B) of Section 55‑19‑30 of the 1976 Code which begins on line 11 of page 4 and inserting:

/(B) In making awards, the Executive Director of the South Carolina Aeronautics Commission must give highest priority to maintaining affordable airfares to eastern and western United States destinations. High priority must be given to United States owned, publicly traded network carriers. Priority also must be given to proposals that impact a majority of South Carolinians.”/

Amend the bill further, as and if amended, by adding a new Section 55‑19‑40 to Chapter 19, of Title 55 immediately after Section 55‑19‑30 on page 4 to read:

/Section 55‑19‑40. (A) The South Carolina Aeronautics Commission may borrow up to fifteen million dollars from the Insurance Reserve Fund to fund the South Carolina Air Services Incentive and Development Fund. Any money borrowed from the Insurance Reserve Fund must be repaid as prescribed herein. In any fiscal year following Fiscal Year 2010‑2011 in which the annual aircraft property tax revenues collected pursuant to Title 12, Chapter 33, Article 19 exceed six million dollars, the revenues in excess of six million dollars shall be used to repay the Insurance Reserve Fund instead of being paid into the State General Fund. The money borrowed from the Insurance Reserve Fund must be repaid together with interest calculated by the State Treasurer’s Office in an amount determined to approximate the lost investment earnings on the monies.

(B) If there are no outstanding loans pursuant to this section or any and all loans entered pursuant to this section have been fully repaid, in any fiscal year in which annual aircraft property tax revenues collected pursuant to Title 12, Chapter 33, Article 19 exceed six million dollars, the revenues in excess of six million dollars shall be paid into the South Carolina Air Services Incentive and Development Fund instead of being paid into the State General Fund./

Renumber sections to conform.

Amend title to conform.

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

The Ways and Means Committee proposed the following Amendment No. 2 (COUNCIL\NBD\20815SD10), which was adopted:

Amend the bill, as and if amended, by striking subsection (B) of Section 55‑19‑30 of the 1976 Code which begins on line 11 of page 4 and inserting:

/(B) In making awards, the Executive Director of the South Carolina Aeronautics Commission must give highest priority to maintaining affordable airfares to eastern and western United States destinations. High priority must be given to United States owned, publicly traded network carriers. Priority also must be given to proposals that impact a majority of South Carolinians.”/

Amend the bill further, as and if amended, by adding a new Section 55‑19‑40 to Chapter 19, of Title 55 immediately after Section 55‑19‑30 on page 4 to read:

/Section 55‑19‑40. (A) The South Carolina Aeronautics Commission may borrow up to fifteen million dollars from the Insurance Reserve Fund to fund the South Carolina Air Services Incentive and Development Fund. Any money borrowed from the Insurance Reserve Fund must be repaid as prescribed herein. In any fiscal year following Fiscal Year 2010‑2011 in which the annual aircraft property tax revenues collected pursuant to Title 12, Chapter 33, Article 19 exceed six million dollars, the revenues in excess of six million dollars shall be used to repay the Insurance Reserve Fund instead of being paid into the State General Fund. The money borrowed from the Insurance Reserve Fund must be repaid together with interest calculated by the State Treasurer’s Office in an amount determined to approximate the lost investment earnings on the monies.

(B) If there are no outstanding loans pursuant to this section or any and all loans entered pursuant to this section have been fully repaid, in any fiscal year in which annual aircraft property tax revenues collected pursuant to Title 12, Chapter 33, Article 19 exceed six million dollars, the revenues in excess of six million dollars shall be paid into the South Carolina Air Services Incentive and Development Fund instead of being paid into the State General Fund./

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

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

**H. 4343--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. WHITE, with unanimous consent, it was ordered that H. 4343 be read the third time tomorrow.

**H. 4200--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, March 2, which was adopted:

H. 4200 -- Reps. Cato, Cooper, Wylie and Lucas: A BILL TO AMEND SECTION 12‑21‑6520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE TOURISM INFRASTRUCTURE ADMISSIONS TAX ACT, SO AS TO PROVIDE A REVISED DEFINITION FOR AN “EXTRAORDINARY RETAIL ESTABLISHMENT” BY INCLUDING WITHIN THAT DEFINITION “AN EXTRAORDINARY TOURISM ESTABLISHMENT” AND REVISE THE REQUIREMENTS TO QUALIFY AS “AN EXTRAORDINARY RETAIL OR TOURISM ESTABLISHMENT”; AND TO AMEND SECTION 12‑21‑6590, AS AMENDED, RELATING TO THE DESIGNATION OF AN EXTRAORDINARY RETAIL OR TOURISM ESTABLISHMENT BY THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, SO AS TO DELETE THE LIMIT ON SUCH DESIGNATIONS, TO ADD ADDITIONAL INFRASTRUCTURE IMPROVEMENT COSTS WHICH MAY BE INCLUDED WITH RESPECT TO THE CONSTRUCTION OF SUCH FACILITIES, AND TO REVISE THE REQUIREMENTS RELATING TO THE CONDITIONAL CERTIFICATION OF THE QUALIFICATION ON THESE FACILITIES.

**H. 3779--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3779 -- Reps. Hearn, Weeks, Bannister, Erickson, Clemmons and Viers: A BILL TO AMEND SECTION 63-7-1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM, SO AS TO CLARIFY WHEN AN ATTORNEY MAY BE APPOINTED TO REPRESENT A GUARDIAN AD LITEM IN A CHILD ABUSE OR NEGLECT PROCEEDING AND TO CLARIFY WHO THE COURT MAY APPOINT TO REPRESENT A CHILD IN SUCH A PROCEEDING.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11955AC10), which was adopted:

Amend the bill, as and if amended, by deleting Section 63-7-1620(1) and inserting:

/(1) Children must be appointed ~~legal counsel and~~ a guardian ad litem by the family court. ~~In the event the individual appointed as the guardian ad litem is an attorney guardian ad litem, the appointed individual shall serve as the guardian ad litem and legal counsel. The court must not, absent extraordinary circumstances, appoint additional legal counsel to represent an attorney guardian ad litem. The appointed attorney guardian ad litem must petition the family court for the appointment of legal counsel and set forth the extraordinary circumstances necessitating the appointment.~~ /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

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

**H. 3779--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. BANNISTER, with unanimous consent, it was ordered that H. 3779 be read the third time tomorrow.

**H. 3192--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3192 -- Reps. Rice, Allison, Stringer, Harrison, Merrill, E. H. Pitts, Millwood, McLeod, Haley and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 24 TO TITLE 1 SO AS TO ESTABLISH THE SOUTH CAROLINA SUNSET COMMISSION AND A SUNSET REVIEW DIVISION OF THE LEGISLATIVE AUDIT COUNCIL, TO ESTABLISH PROCEDURES PROVIDING FOR THE MANNER IN WHICH THE PROGRAMS OF CERTAIN AGENCIES AND DEPARTMENTS OF STATE GOVERNMENT MUST BE EVALUATED TO DETERMINE IF THEY SHOULD BE CONTINUED IN EXISTENCE, MODIFIED, OR TERMINATED, AND TO ESTABLISH THE PROCEDURES BY WHICH THESE PROGRAMS MUST BE CONTINUED, MODIFIED, OR TERMINATED.

Rep. RICE proposed the following Amendment No. 1 (COUNCIL\BBM\9592HTC10), which was adopted:

Amend the bill, as and if amended, by striking Section 1‑24‑60, as contained in SECTION 1, beginning on page 4, and inserting:

/ Section 1‑24‑60. (A) The programs and functions of the following state agencies must terminate as provided in this chapter pursuant to the following schedule. An entity funded by appropriations included in an agency’s budget also is included in these terminations and must be reviewed.

(1) June 30, 2011, the termination date for:

(a) Department of Health and Environmental Control;

(b) Department of Natural Resources;

(c) Department of Parks, Recreation and Tourism;

(d) South Carolina State Forestry Commission;

(e) Department of Agriculture.

(2) June 30, 2012, the termination date for:

(a) Department of Corrections;

(b) Department of Juvenile Justice;

(c) Department of Probation, Parole and Pardon Services;

(d) John de la Howe School;

(e) South Carolina Administrative Law Court.

(3) June 30, 2013, the termination date for:

(a) Department of Health and Human Services;

(b) State Department of Insurance;

(c) State Accident Fund;

(d) South Carolina Workers’ Compensation Commission;

(e) South Carolina Second Injury Fund;

(f) Patients’ Compensation Fund.

(4) June 30, 2014, the termination date for:

(a) State Department of Education;

(b) South Carolina Educational Television Commission;

(c) South Carolina School for the Deaf and the Blind;

(d) South Carolina Department of Archives and History;

(e) Wil Lou Gray Opportunity School.

(5) June 30, 2015, the termination date for:

(a) Department of Social Services;

(b) South Carolina State Housing, Finance and Development Authority;

(c) South Carolina Commission for the Blind;

(d) State Human Affairs Commission;

(e) State Commission for Minority Affairs.

(6) June 30, 2016, the termination date for:

(a) Department of Disabilities and Special Needs;

(b) Department of Revenue;

(c) Department of Labor, Licensing and Regulation;

(d) Patriots Point Development Authority;

(e) State Election Commission.

(7) June 30, 2017, the termination date for:

(a) Department of Mental Health;

(b) Department of Alcohol and Other Drug Abuse Services;

(c) South Carolina Museum Commission;

(d) South Carolina Arts Commission;

(e) Office of Secretary of State.

(8) June 30, 2018, the termination date for:

(a) South Carolina Department of Transportation;

(b) Commission on Indigent Defense;

(c) Attorney General’s Office;

(d) Commission on Prosecution Coordination;

(e) South Carolina Office of Appellate Defense;

(f) Department of Motor Vehicles.

(9) June 30, 2019, the termination date for:

(a) State Budget and Control Board;

(b) Governor’s Office;

(c) State Treasurer’s Office;

(d) Board of Financial Institutions;

(e) Comptroller General’s Office;

(f) Lieutenant Governor’s Office.

(10) June 30, 2020, the termination date for:

(a) State Board for Technical and Comprehensive Education;

(b) State Commission on Higher Education;

(c) Higher Education Tuition Grants Commission;

(d) South Carolina State Library;

(e) South Carolina Sea Grant Consortium.

(11) June 30, 2021, the termination date for:

(a) Department of Public Safety;

(b) South Carolina Law Enforcement Division;

(c) Adjutant General’s Office;

(d) South Carolina Public Service Commission;

(e) Department of Consumer Affairs.

(12) June 30, 2022, the termination date for:

(a) South Carolina Employment Security Commission;

(b) South Carolina Department of Commerce;

(c) State Agency of Vocational Rehabilitation;

(d) South Carolina Jobs‑Economic Development Authority;

(e) State Ethics Commission.

(B) The General Assembly, by concurrent resolution, may advance the termination date and sunset review scheduled for an agency as provided in subsection (A) of this section, if the General Assembly determines the circumstances warrant this action. /

Renumber sections to conform.

Amend title to conform.

Rep. RICE explained the amendment.

The amendment was then adopted.

Rep. RICE explained the Bill.

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

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brantley |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Crawford |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hearn | Herbkersman | Hiott |
| Hodges | Hosey | Huggins |
| Hutto | Jefferson | Kelly |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | M. A. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--108**

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. 3192--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. RICE, with unanimous consent, it was ordered that H. 3192 be read the third time tomorrow.

**H. 4282--DEBATE ADJOURNED**

Rep. D. C. SMITH moved to adjourn debate upon the following Bill until Tuesday, March 2, which was adopted:

H. 4282 -- Reps. D. C. Smith, Owens, Littlejohn, Gilliard, Daning, Clemmons and Harrison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A TEXT MESSAGING DEVICE OR A HAND-HELD MOBILE TELEPHONE, AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION.

**H. 4551--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4551 -- Reps. Sandifer, Thompson, Bedingfield, Hayes, Brady, Mack, Harrell, Cato, Ott, Harrison, Duncan, J. R. Smith, White, Cooper, Hutto, Horne, Cobb-Hunter and Anderson: A BILL TO AMEND SECTION 23-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITION OF TERMS ASSOCIATED WITH THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO REVISE THE DEFINITION OF SEVERAL EXISTING TERMS AND TO PROVIDE DEFINITIONS FOR SEVERAL NEW TERMS; TO AMEND SECTION 23-47-20, AS AMENDED, RELATING TO 911 SYSTEM SERVICE REQUIREMENTS, SO AS TO DELETE "A CAPABILITY TO HAVE CELLULAR PHONES ROUTED TO 911" AS A SYSTEM REQUIREMENT AND TO ADD "ROUTING AND CAPABILITIES TO RECEIVE AND PROCESS CMRS SERVICE AND VOIP SERVICE CAPABLE OF MAKING 911 CALLS" AS A SYSTEM REQUIREMENT; TO AMEND SECTION 23-47-50, RELATING TO SUBSCRIBER BILLING OR 911 SERVICE, SO AS TO PROVIDE THAT FOR THE BILLING OF 911 CHARGES FOR LOCAL EXCHANGE ACCESS FACILITIES THAT ARE CAPABLE OF SIMULTANEOUSLY CARRYING FIVE OR MORE OUTGOING 911 VOICE CALLS, TO REVISE THE 911 CHARGE THAT PREPAID WIRELESS TELECOMMUNICATIONS SERVICE IS SUBJECT TO AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-47-65, RELATING TO THE CMRS EMERGENCY TELEPHONE ADVISORY COMMITTEE, SO AS TO REVISE THE NAME OF THE COMMITTEE AND ITS MEMBERSHIP, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE COMMITTEE AND THE STATE BUDGET AND CONTROL BOARD ARE AUTHORIZED TO REGULATE PREPAID WIRELESS SELLERS; BY ADDING SECTION 23-47-67 SO AS TO IMPOSE A VOIP 911 CHARGE ON EACH LOCAL EXCHANGE ACCESS FACILITY, AND TO PROVIDE FOR THE COLLECTION OF THE CHARGE AND ITS DISTRIBUTION; BY ADDING SECTION 23-47-68 SO AS TO IMPOSE A PREPAID WIRELESS 911 CHARGE, AND TO PROVIDE FOR ITS COLLECTION AND DISTRIBUTION; BY ADDING SECTION 23-47-69 SO AS TO LIMIT THE CHARGES THAT MAY BE IMPOSED FOR 911 SERVICE; AND TO AMEND SECTION 23-47-70, RELATING TO LIABILITY FOR DAMAGES THAT MAY OCCUR FROM A GOVERNMENTAL AGENCY PROVIDING 911 SERVICE, SO AS TO PROVIDE FOR LIABILITY WHEN 911 SERVICE IS PROVIDED AND WHEN IT IS NOT PROVIDED PURSUANT TO TARIFFS ON FILE WITH THE PUBLIC SERVICE COMMISSION AND TO MAKE A TECHNICAL CHANGE.

Reps. SANDIFER, CATO, TOOLE, LOWE, MACK, J. E. SMITH, OTT, J. H. NEAL, CLEMMONS, WHITMIRE, WEEKS, R. L. BROWN, ALLISON, WYLIE, HUTTO, ANDERSON and BEDINGFIELD requested debate on the Bill.

**H. 3489--POINT OF ORDER**

The following Bill was taken up:

H. 3489 -- Reps. Harrell, Cato, Sandifer, Cooper, Duncan, Owens, White, Bingham, A. D. Young, Huggins, E. H. Pitts, Edge, Toole, Kirsh, J. R. Smith, G. R. Smith, Brady, Crawford, Barfield, Bedingfield, Erickson, Loftis, Pinson, Rice, Hiott, Littlejohn, Allison, Chalk, Daning, Bowen, Gambrell, Hamilton, Wylie, Sottile, Nanney, Parker, Forrester, Haley, Millwood, Battle, Frye, Simrill, Spires, Thompson, Whitmire, Horne and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2009" BY AMENDING ARTICLE 1, CHAPTER 32, TITLE 15, PREVIOUSLY RESERVED, SO AS TO PROVIDE DEFINITIONS FOR PURPOSES OF THE CHAPTER; TO AMEND SECTION 15-32-220, AS AMENDED, RELATING TO LIMITS ON NONECONOMIC DAMAGES, AND ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, BOTH SO AS TO PROVIDE LIMITS ON THE AWARD OF NONECONOMIC AND PUNITIVE DAMAGES IN ALL PERSONAL INJURY ACTIONS AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTION 1-7-750 SO AS TO ENACT THE "PRIVATE ATTORNEY RETENTION SUNSHINE ACT" TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES; TO AMEND SECTION 15-3-670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS; BY ADDING SECTION 15-3-160 SO AS TO PROVIDE A REBUTTABLE PRESUMPTION THAT A MANUFACTURER OR SELLER IS NOT LIABLE FOR A PRODUCT IF IT IS MANUFACTURED OR SOLD IN A MANNER APPROVED BY A GOVERNMENT AGENCY; BY ADDING SECTION 15-5-10 SO AS TO PROVIDE REQUIREMENTS AND PROCEDURES TO BRING, MAINTAIN, AND CERTIFY CLASS ACTIONS; TO AMEND SECTION 15-73-10, RELATING TO LIABILITY OF THE SELLER FOR A DEFECTIVE PRODUCT, SO AS TO PROVIDE THAT THE SELLER IS NOT LIABLE FOR DAMAGE CAUSED ONLY TO THE PRODUCT ITSELF; TO AMEND SECTION 18-9-130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; TO AMEND SECTIONS 33-6-220 AND 33-44-303, RELATING TO CORPORATIONS AND LIMITED LIABILITY COMPANIES, SO AS TO PROVIDE THAT A JUDGMENT AGAINST A CORPORATION OR LIMITED LIABILITY COMPANY IS A PREREQUISITE TO AN ALTER EGO CLAIM TO PIERCE THE CORPORATE VEIL; TO AMEND SECTION 39-5-20, RELATING TO UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, SO AS TO PROVIDE ACTIONS OR TRANSACTIONS OTHERWISE PERMITTED OR REGULATED BY THE FEDERAL TRADE COMMISSION OR ANOTHER REGULATORY BODY OR OFFICE ACTING UNDER STATUTORY AUTHORITY OF THIS STATE OR THE UNITED STATES ARE NOT COVERED BY THE ACT; TO AMEND SECTION 39-5-140, RELATING TO AN ACTION FOR DAMAGES ARISING OUT OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, SO AS TO PROVIDE THAT A PERSON SEEKING DAMAGES SHALL PAY "OUT-OF-POCKET EXPENSES" AND TO DEFINE THIS TERM; TO AMEND SECTION 56-5-6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO PROVIDE THAT A VIOLATION MAY BE CONSIDERED IN A CIVIL ACTION AS EVIDENCE OF COMPARATIVE NEGLIGENCE OR AS EVIDENCE OF FAILURE TO MITIGATE DAMAGES; AND TO REPEAL SECTIONS 15-32-200, 15-32-210, AND 15-32-240 ALL RELATING TO NONECONOMIC DAMAGES AND PROCEDURES REGARDING THE LIMITATION AND COLLECTION OF NONECONOMIC DAMAGES.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**RECURRENCE TO THE MORNING HOUR**

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

**INTRODUCTION OF BILLS**

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

H. 4637 -- Reps. Gunn, Mitchell, Hutto, King, Alexander, Norman, Hart, Millwood, Stringer and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO PROVIDE THAT BEGINNING FOR FISCAL YEAR 2012-2013, THE GENERAL RESERVE FUND MUST BE INCREASED EACH YEAR BY ONE PERCENT OF THE GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR UNTIL IT EQUALS EIGHTEEN PERCENT OF SUCH REVENUES, AND TO PROVIDE THAT FOR FISCAL YEAR 2026-2027 AND THEREAFTER, THE GENERAL RESERVE FUND MUST BE EIGHTEEN PERCENT OF THE GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR.

Referred to Committee on Ways and Means

H. 4638 -- Reps. Gunn, Hutto, Mitchell, King, Alexander, Hart and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 14 TO CHAPTER 52, TITLE 48 SO AS TO ESTABLISH IN THE STATE ENERGY OFFICE THE "SOUTH CAROLINA SMALL BUSINESS MICRO GREEN LOAN PROGRAM", TO ESTABLISH A FUND TO PROVIDE LOANS UNDER THE PROGRAM, TO PROVIDE CERTAIN DEFINITIONS, TO PROVIDE FOR ADMINISTRATION OF THE PROGRAM, TO CREATE AN ADVISORY COMMITTEE TO THE PROGRAM AND TO DESCRIBE THE COMMITTEE'S COMPOSITION, TO SPECIFY WHO MAY RECEIVE A LOAN UNDER THE PROGRAM, AND TO PROVIDE THE COMMITTEE MUST DEVELOP GUIDELINES FOR THE LOAN PROGRAM.

Referred to Committee on Labor, Commerce and Industry

**H. 4129--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4129 -- Reps. Funderburk, Umphlett, Hodges, Clemmons, Whipper, R. L. Brown and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-11-780 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO WILFULLY, KNOWINGLY, OR MALICIOUSLY ENTER UPON THE POSTED LANDS OF ANOTHER OR THE STATE AND INVESTIGATE, DISTURB, OR EXCAVATE A PREHISTORIC OR HISTORIC SITE FOR THE PURPOSE OF DISCOVERING, UNCOVERING, MOVING, REMOVING, OR ATTEMPTING TO REMOVE AN ARCHAEOLOGICAL RESOURCE; TO PROVIDE PENALTIES AND CIVIL REMEDIES; AND TO PROVIDE EXCEPTIONS.

Rep. FUNDERBURK proposed the following Amendment No. 1 (COUNCIL\AGM\19898AB10), which was adopted:

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

/ SECTION 1. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16‑11‑780. (A) As used in this section:

(1) ‘Archaeological resource’ means all artifacts, relics, burial objects, or material remains of past human life or activities that are at least one hundred years old and possess either archaeological or commercial value, including pieces of pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, rock paintings, rock carving, intaglios, graves, or human skeletal materials.

(2) ‘Archaeological value’ means the value of the data associated with the archaeological resource. This value may be appraised in terms of the costs of the retrieval of the scientific information that would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design, conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential.

(3) ‘Commercial value’ means the fair market value of the archaeological resource. When a violation has resulted in damage to the archaeological resource, the fair market value may be determined using the condition of the archaeological resource prior to the violation, to the extent its prior condition can be ascertained.

(4) ‘Cost of restoration and repair’ means the sum of the costs incurred for emergency restoration or repairs to an archaeological resource, plus those costs projected to be necessary to complete restoration and repair, which may include, but need not be limited to, the costs of the following:

(a) reconstruction of the archaeological resource;

(b) stabilization of the archaeological resource;

(c) ground contour reconstruction and surface stabilization;

(d) physical barriers or other protective devices, necessitated by the disturbance of the archaeological resource, to protect it from further disturbance;

(e) examination and analysis of the archaeological resource, including recording remaining archaeological information, where necessitated by disturbance, in order to salvage remaining resources that cannot be otherwise conserved; or

(f) preparation of reports relating to any of the activities described in this section.

(5) ‘Posted lands’ means lands where an owner or tenant has complied with the notice or warning requirement which must either be posted or given to an offender pursuant to Section 16‑11‑600.

(B) The Office of the State Archaeologist is authorized and may be called upon to determine, calculate, or compute archaeological value, commercial value, or the cost of restoration and repair of an archaeological resource.

(C) It is unlawful for a person to wilfully, knowingly, or maliciously enter upon the posted lands of another or the State and disturb or excavate a prehistoric or historic site for the purpose of discovering, uncovering, moving, removing, or attempting to remove an archaeological resource. Each unlawful entry and act of disturbance or excavation of a prehistoric or historic site constitutes a separate and distinct offense.

(D) For a first offense, a person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(E) For a second offense, a person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

(F) For a third or subsequent offense, a person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(G) For the purposes of subsection (E) and (F) of this section, a second, third, or subsequent offense may include no offense that occurs more than ten years after conviction for the first offense.

(H) All equipment and conveyances including, but not limited to, trailers, motor vehicles, and watergoing vessels that were used in connection with felony violations of this section are subject to forfeiture to the State in the same manner as equipment and conveyances are subject to forfeiture pursuant to Section 44‑53‑520, if the offender either owns the equipment or conveyance or is a resident of the equipment or conveyance owner’s household.

(I) The landowner, in the case of private lands, or the State, in the case of state lands, may bring a civil action for a violation of this section to recover the greater of the archaeological resource’s archaeological value or commercial value, and the cost of restoration and repair of the site where the archaeological resource was located, plus attorney’s fees and court costs.

(J) Nothing contained in this section shall limit or interfere with a landowner’s lawful use of his property or with the state’s ability to conduct archaeological investigations or excavations on either state lands or private lands with the consent of the landowner.

(K) Nothing contained in this section shall limit or interfere with:

(1) a landowner’s lawful use of his property;

(2) the lawful acts of a landowner’s employee, agent, or independent contractor acting in the scope of and in the course of his employment, agreement, or contract;

(3) the lawful acts of a utility worker acting in the scope of and in the course of his employment; or

(4) the state’s ability to conduct archaeological investigations or excavations on either state lands or private lands with the consent of the landowner.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

Renumber sections to conform.

Amend title to conform.

Rep. AGNEW explained the amendment.

The amendment was then adopted.

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

**H. 4129--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. AGNEW, with unanimous consent, it was ordered that H. 4129 be read the third time tomorrow.

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

**ADJOURNMENT**

At 12:23 p.m. the House, in accordance with the motion of Rep. T. R. YOUNG, adjourned in memory of Wayne Clair Dell of Ridgeland, to meet at 10:00 a.m. tomorrow.

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