~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Proverbs 28:2: “When a country is rebellious, it has many rulers; but a man of understanding and knowledge maintains order.”

Let us pray. Almighty God, in Your wisdom and caring for all Your people, look in favor on this Assembly, these Representatives and staff. Give them courage, integrity, strength, and wisdom to tackle the agenda and produce results. Bless our Nation, President, State, Governor, Speaker, and all who labor in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. KING moved that when the House adjourns, it adjourn in memory of former Representative Juanita Goggins of Rock Hill, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of former Representative Juanita Goggins of Rock Hill.

**REPORTS OF STANDING COMMITTEE**

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3913 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-5-1556 SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN THE INSHORE WATERS AND THE TERRITORIAL SEA; AND TO AMEND SECTION 50-13-221, RELATING TO STRIPED BASS IN THE LOWER SANTEE AND COOPER RIVERS, SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN CERTAIN FRESHWATER BODIES.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3996 -- Reps. M. A. Pitts and Umphlett: A BILL TO AMEND SECTION 50-9-1130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEDUCTION OF ACCUMULATED POINTS, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO DEDUCT THREE ACCUMULATED POINTS FROM A PERSON'S RECORD UPON A SHOWING THAT THE PERSON SUCCESSFULLY COMPLETED A DEPARTMENT PROGRAM OF INSTRUCTION ESTABLISHED PURSUANT TO SECTION 50-9-310.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 4015 -- Rep. Barfield: A BILL TO AMEND SECTION 50-5-1540, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NET PLACEMENTS, SO AS TO REDUCE THE MINIMUM DISTANCE REQUIRED BETWEEN NETS ON THE LITTLE PEE

DEE RIVER FROM SIX HUNDRED FEET TO SEVENTY-FIVE FEET.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50-11-770 TO ENACT THE "RENEGADE HUNTER ACT", TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

Ordered for consideration tomorrow.

**INTRODUCTION OF BILLS**

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

H. 4696 -- Rep. Bingham: A BILL TO AMEND SECTION 17-22-710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF A WORTHLESS CHECK UNIT, FEE SCHEDULES, ADMINISTRATIVE COSTS, AND DISBURSEMENT OF FUNDS COLLECTED, SO AS TO AUTHORIZE THE CIRCUIT SOLICITOR TO ESTABLISH THE WORTHLESS CHECK UNIT, REVISE THE FEE SCHEDULES, AND PROVIDE THAT PARTIAL FUNDS COLLECTED DO NOT PROHIBIT PROSECUTION FOR THE FULL AMOUNT OF A FRAUDULENT CHECK.

Referred to Committee on Judiciary

H. 4697 -- Rep. Lucas: A BILL TO AMEND SECTION 50-9-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, SO AS TO PROVIDE THAT THESE LICENSES ARE VALID FOR TWELVE MONTHS FROM THE DATE OF ISSUANCE, RATHER THAN FROM JULY FIRST THROUGH JUNE THIRTIETH.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4698 -- Rep. J. R. Smith: A BILL TO AMEND SECTION 7-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

H. 4700 -- Rep. Hayes: A JOINT RESOLUTION TO PROVIDE FOR AN ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2010 GENERAL ELECTION TO DETERMINE WHETHER OR NOT THE QUALIFIED ELECTORS OF DILLON COUNTY FAVOR HAVING THE DILLON COUNTY BOARD OF EDUCATION ELECTED.

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

H. 4701 -- Rep. Cooper: A BILL TO AMEND CHAPTER 1, TITLE 8 OF THE 1976 CODE, RELATING TO PUBLIC OFFICERS AND EMPLOYEES, BY ADDING SECTION 8-1-195, TO PROVIDE THAT IN ANY CIVIL CONSPIRACY LAWSUIT BROUGHT UPON A STATE EMPLOYEE, IF THE COURT FINDS THAT THE EMPLOYEE WAS ACTING WITHIN THE SCOPE OF THE EMPLOYEE'S OFFICIAL DUTIES, THE EMPLOYEE IS IMMUNE FROM SUIT, LIABILITY, AND DAMAGES FROM THE CIVIL CONSPIRACY CLAIM.

Referred to Committee on Ways and Means

H. 4702 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-1-45 SO AS TO MAKE IT UNLAWFUL TO KNOWINGLY OR INTENTIONALLY CONFINE OR RESTRAIN AN ANIMAL IN A CRUEL MANNER OR KNOWINGLY OR INTENTIONALLY CAUSE SUCH CRUEL CONFINEMENT OR RESTRAINING OF AN ANIMAL, TO DEFINE CERTAIN TERMS IN REGARD TO THE ABOVE, TO PROVIDE PENALTIES FOR VIOLATION, AND TO PROVIDE THAT LOCAL GOVERNMENTS MAY ADOPT MORE STRINGENT LOCAL ORDINANCES GOVERNING THE CONFINEMENT OR RESTRAINING OF AN ANIMAL WITH CIVIL PENALTIES FOR VIOLATIONS.

Referred to Committee on Judiciary

H. 4703 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 12-6-3587, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX CREDITS FOR THE PURCHASE AND INSTALLATION OF SOLAR ENERGY SYSTEMS SO AS TO INCREASE AND FURTHER PROVIDE FOR THE CREDIT IN REGARD TO RESIDENTIAL BUILDINGS, COMMERCIAL BUILDINGS AND FOR CREDITS IN REGARD TO OTHER USES AND PURPOSES OF THE CREDIT AND TO PROVIDE FOR THE GUIDELINES AND CRITERIA FOR EACH TYPE OF CREDIT.

Referred to Committee on Ways and Means

H. 4704 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 30-1-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRIMINAL PENALTY FOR FAILING TO DELIVER PUBLIC RECORDS AT THE EXPIRATION OF A PERSON'S TERM OF OFFICE OR EMPLOYMENT, SO AS TO DELETE THE PROVISION REQUIRING THAT A CERTIFIED LETTER BE DELIVERED TO THE PERSON HAVING CUSTODY OF THE RECORDS AND TO FURTHER SPECIFY THE TERMS OF THE CRIMINAL VIOLATION; TO AMEND SECTION 30-4-30, RELATING TO THE RIGHT OF A PERSON TO INSPECT OR COPY PUBLIC RECORDS, SO AS TO ESTABLISH THE MAXIMUM AMOUNT THAT CAN BE CHARGED FOR RESEARCHING AND COPYING RECORDS AND TO PROVIDE THAT UPON THE DETERMINATION THAT REQUESTED RECORDS ARE SUBJECT TO PUBLIC AVAILABILITY, THE RECORDS MUST BE PRODUCED AS SOON AS PRACTICABLE; AND BY ADDING SECTION 30-4-105 SO AS TO ESTABLISH A PRIVATE CAUSE OF ACTION TO ENFORCE THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT THROUGH A NONJURY, EXPEDITED HEARING WHEN RECORDS ARE NOT PRODUCED WITHIN TWENTY DAYS OF THE REQUEST HAVING BEEN MADE AND TO PROVIDE THAT THE COURT

SHALL AWARD ATTORNEY FEES AND COURT COSTS IF THE PARTY SEEKING RELIEF PREVAILS.

Referred to Committee on Judiciary

H. 4705 -- Reps. Sandifer, Crawford, Lowe, Brady and Harvin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-297 SO AS TO ENACT THE "CANCER TREATMENT FAIRNESS ACT OF 2010", TO REQUIRE INDIVIDUAL AND GROUP HEALTH PLANS AND HEALTH INSURERS TO PROVIDE COVERAGE FOR PRESCRIBED, ORALLY ADMINISTERED CHEMOTHERAPY ON A BASIS NO LESS FAVORABLE THAN COVERAGE OFFERED FOR INTRAVENOUSLY ADMINISTERED OR INJECTED CHEMOTHERAPY.

Referred to Committee on Labor, Commerce and Industry

H. 4706 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 32-8-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION, SO AS TO ALSO PERMIT A PERSON NAMED IN THE DECEDENT'S DD FORM 93 TO AUTHORIZE CREMATION IF THE DECEDENT SERVED IN THE MILITARY SERVICES IF THERE IS NO SUCH DESIGNATION IN THE WILL OR OTHER VERIFIED AND ATTESTED DOCUMENT OF THE DECEDENT.

Referred to Committee on Judiciary

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4699 -- Reps. Haley, Ballentine, Bingham, Brantley, Chalk, Erickson, Frye, Herbkersman, Hodges, Huggins, McLeod, Ott, E. H. Pitts, Spires and Toole: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JIM MANSHIP OF BEAUFORT COUNTY FOR UNCOMMON VALOR IN THE HEROIC RESCUE OF TWO WOMEN TRAPPED IN A SINKING CAR.

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

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Haley |
| Hamilton | Hardwick | Harrell |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | King | Kirsh |
| 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 | Neilson |
| Norman | Ott | Owens |
| Parker | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Weeks |
| White | Williams | Wylie |
| A. D. Young | T. R. Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, March 9.

|  |  |
| --- | --- |
| James Battle | Richard Chalk |
| Kris Crawford | Greg Delleney |
| Laurie Funderburk | Anton J. Gunn |
| James Harrison | Lonnie Hosey |
| Patsy Knight | Anne Parks |
| Lewis E. Pinson | Bakari Sellers |
| Ted Vick | Thad Viers |
| William R. "Bill" Whitmire | Kenneth Kennedy |
| Terry Alexander | David Mack |
| Douglas Jennings | Mark Willis |

**Total Present--121**

**LEAVE OF ABSENCE**

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

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3536 |
| Date: | ADD: |
| 03/09/10 | MCLEOD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4540 |
| Date: | ADD: |
| 03/09/10 | BEDINGFIELD, NANNEY and G. R. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4546 |
| Date: | ADD: |
| 03/09/10 | HIOTT |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4607 |
| Date: | ADD: |
| 03/09/10 | BEDINGFIELD, LOWE, BRADY, G. A. BROWN, PINSON and BOWERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4663 |
| Date: | ADD: |
| 03/09/10 | STEWART |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4267 |
| Date: | ADD: |
| 03/09/10 | SELLERS |

**H. 3561--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Thursday, March 11, which was adopted:

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

**H. 3854--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, March 11, which was adopted:

H. 3854 -- Rep. Cooper: A BILL TO AMEND TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAXATION, SO AS TO REVISE CERTAIN CHAPTERS AND SECTIONS PERTAINING TO VARIOUS TAX MATTERS.

**H. 4520--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Wednesday, March 10, 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. 3536--DEBATE ADJOURNED**

Rep. J. E. SMITH moved to adjourn debate upon the following Bill until Wednesday, March 10, which was adopted:

H. 3536 -- Reps. J. E. Smith and McLeod: A BILL TO AMEND SECTION 17-5-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS WITH HIGH SCHOOL DIPLOMAS TO ALSO HAVE AT LEAST SIX YEARS' EXPERIENCE IN THE FIELD, BY REQUIRING THOSE PERSONS WITH A TWO YEAR ASSOCIATE DEGREE TO ALSO HAVE FOUR YEARS OF EXPERIENCE IN THE FIELD, AND BY REQUIRING THOSE PERSONS WITH A FOUR YEAR BACCALAUREATE DEGREE TO ALSO HAVE AT LEAST TWO YEARS OF EXPERIENCE IN THE FIELD; AND TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON'S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN.

**H. 3354--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3354 -- Reps. Chalk, Brantley, G. A. Brown, Clyburn, Erickson, Herbkersman and Sottile: A BILL TO AMEND SECTION 40-11-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM STATUTES APPLICABLE TO LICENSED CONTRACTORS, SO AS TO PROVIDE AN OWNER OF RESIDENTIAL PROPERTY WHO MAKES CERTAIN IMPROVEMENTS TO THE PROPERTY OWES TO A SUBSEQUENT OWNER OF THE PROPERTY THE SAME DUTY AS A LICENSED CONTRACTOR TO COMPLY WITH APPLICABLE BUILDING CODES AND STANDARDS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19922AB10):

Amend the bill, as and if amended, by deleting in its entirety Section 40‑11‑360(A)(5)(d), as contained in SECTION 1, page 2, lines 5‑10, and inserting:

/ (d) When an owner of residential property makes an improvement to the property or builds or improves a structure on or appurtenance to the property as described in this item, the owner owes to a subsequent owner of the property the same duty as a licensed contractor to comply with applicable building codes and industry standards. Obtaining and passing an inspection by a building codes enforcement officer, as defined in Section 6‑8‑10, is prima facie evidence that an owner has satisfied the duty of care required by this subitem regarding these improvements;” /

Renumber sections to conform.

Amend title to conform.

Rep. BALES explained the amendment.

Rep. STAVRINAKIS moved to adjourn debate on the Bill until Wednesday, March 10, which was agreed to.

**S. 168--POINT OF ORDER**

The following Bill was taken up:

S. 168 -- Senators Cleary, Campsen, Rose, Bryant, Elliott and Hutto: A BILL TO AMEND SECTION 38-79-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL MALPRACTICE INSURANCE SO AS TO PROVIDE THAT A LICENSED HEALTH CARE PROVIDER WHO RENDERS MEDICAL SERVICES VOLUNTARILY AND WITHOUT COMPENSATION, AND SEEKS NO REIMBURSEMENT FROM CHARITABLE AND GOVERNMENTAL SOURCES, AND PROVIDES NOTICE TO THE PATIENT OR PATIENT'S PROVIDER IN A NON-EMERGENCY, IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ANY ACT OR OMISSION UNLESS THE ACT OR OMISSION WAS THE RESULT OF THE HEALTH CARE PROVIDER'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3933DW10):

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

/ SECTION \_\_. Article 3, Chapter 77, Title 38 of the 1976 Code is amended by adding:

“Section 38‑77‑146. (A) As used in this section:

(1) ‘Charitable organization’ means any organization, institution, association, society, or corporation which:

(a)(i) is exempt from taxation pursuant to Section 501(c)(3) or 501(d) of Title 26 of the United States Code, as amended;

(ii) is a charitable unit of a religious or civic group, including those supported wholly or partially by private donations; or

(iii) is a human service unit, clinic, senior citizens program, congregate meal center, or day‑care center for the elderly, whether supported wholly or partially from public funds; and

(b) sponsors a volunteer transportation service.

(2) ‘Handicapped person’ means as defined in Section 2‑7‑35.

(3) ‘Volunteer provider’ or ‘volunteer’ means:

(a) an individual who operates the motor vehicle in which a volunteer transportation service is provided;

(b) an owner of the motor vehicle in which a volunteer transportation service is provided;

(c) a named insured in a policy of automobile insurance providing coverage on the motor vehicle in which a volunteer transportation service is provided; and

(d) the owner of an uninsured motor vehicle registered with the Department of Motor Vehicles pursuant to Section 56‑10‑510 in which a volunteer transportation service is provided.

(4) ‘Volunteer transportation service’ or ‘transportation service’ means motor vehicle transportation provided without compensation or the expectation or promise of compensation by an individual under the direction, sponsorship, or supervision of a charitable organization.

(B)(1) If a volunteer provider renders a transportation service to a handicapped person or a person who is fifty‑five years of age or older, the liability of the volunteer and the charitable organization to the person for injury, death, or loss arising out of or resulting from the volunteer transportation service is limited to the minimum automobile insurance policy limits provided by Section 38‑77‑140.

(2) The liability of two or more volunteers, charitable organizations, or a combination of these whose liability is limited pursuant to the provisions of this section, on claims arising out of a single accident, shall not exceed in the aggregate the amounts provided in item (1).

(C) The limitation on liability provided by subsection (B) applies to a volunteer provider only if:

(1) the volunteer, as defined in Section 38‑77‑146(A)(3)(a), properly is licensed to operate a motor vehicle;

(2) the volunteer provides the transportation service on a nonprofit and voluntary basis. However, this subitem does not prohibit a volunteer provider from accepting reimbursement for actual expenses incurred;

(3) the volunteer providing the transportation service does not receive from the person using the service any substantial benefit in a material or business sense that is a substantial motivating factor for the transportation. Any mere gratuity, social amenity, or item of a nominal value is not a substantial benefit under this subitem;

(4) except as provided in item (2), the transportation service is provided without charge to the person using the service;

(5) the volunteer acts in good faith within the scope of his responsibilities to the charitable organization in the rendering of the transportation service;

(6) the accident or injury is not intentional on the part of the volunteer provider;

(7) the accident or injury is not caused by the volunteer’s gross negligence or wilful or wanton misconduct; and

(8) the volunteer is not driving while:

(a) under the influence of alcohol to the extent that the volunteer’s faculties to drive a motor vehicle are materially and appreciably impaired;

(b) under the influence of another drug or a combination of drugs or substances which cause impairment to the extent that the volunteer’s faculties to drive a motor vehicle are materially and appreciably impaired; or

(iii) under the combined influence of alcohol and another drug or drugs or substances which cause impairment to the extent that the volunteer’s faculties to drive a motor vehicle are materially and appreciably impaired.

(D) The limitation on liability provided by subsection (B) applies to a charitable organization only if:

(1) the transportation service is provided on a nonprofit and voluntary basis. However, this subitem does not prohibit a charitable organization from reimbursing a volunteer for actual expenses incurred;

(2) the transportation service is provided without charge to the person or expectation of compensation from the person using the service;

(3) notwithstanding item (2), a charitable organization accepts from a person using the service a contribution or donation or any mere gratuity, social amenity, or item of a nominal value so long as the provision of a volunteer transportation service is not contingent upon the offer or payment of the consideration;

(4) the accident or injury is not intentional on the part of the charitable organization; and

(5) the accident or injury is not caused by the charitable organization’s gross negligence or wilful or wanton misconduct.

(E) In the case of the liability of two or more volunteers, charitable organizations, or a combination of these on claims arising out of a single accident, nothing in this section may be construed so as to extend or preclude this section’s limitation of liability of one volunteer or charitable organization based only on the application of this section’s limitation of liability to another volunteer or charitable organization.”

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

SECTION \_\_. 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 \_\_. The provisions of this act do not affect any right, privilege, or provision of Chapter 78, Title 15 of the 1976 Code, the South Carolina Tort Claims Act. /

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

**POINT OF ORDER**

Rep. HART 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.

**S. 1096--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1096 -- Senators McConnell, Alexander, Rankin, Hutto, Matthews, Leatherman, Land, Hayes, Anderson, Scott, Coleman, O'Dell, Nicholson, Setzler, Cleary, Courson, Verdin, L. Martin, Knotts, Lourie, Sheheen, Mulvaney, Campbell, S. Martin, Massey, Grooms, Davis, Shoopman, Thomas, Ford, Elliott and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-37-50, SO AS TO AUTHORIZE ELECTRICITY PROVIDERS AND NATURAL GAS PROVIDERS TO IMPLEMENT FINANCING AGREEMENTS FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION IMPROVEMENTS, TO PROVIDE FOR THE RECOVERY OF THE FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY EFFICIENCY AND CONSERVATION MEASURES; TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THE 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 THE MEASURES INSTALLED IN RENTAL PROPERTIES; TO AMEND SECTION 8-21-310, SO AS TO ALLOW CLERKS OF COURT AND REGISTERS OF DEEDS TO CHARGE A FEE FOR FILING A NOTICE OF METER CONSERVATION CHARGE; AND TO AMEND SECTION 27-50-40, SO AS TO REQUIRE THE DISCLOSURE OF A METER CONSERVATION CHARGE BY SELLERS OF REAL PROPERTY.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3935DW10), which was adopted:

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

/ Whereas, there are various factors putting upward pressure on the price of electricity and natural gas, and those factors are likely to increase in the foreseeable future; and

Whereas, improvement of residential energy efficiency and conservation can protect South Carolina electricity and natural gas consumers from these price increases; and

Whereas, the implementation of energy efficiency and conservation measures in South Carolina residences will benefit not only the residents of the homes in which the measures are installed, but also all residents of South Carolina by reducing the need for new and expensive sources of generation; and

Whereas, the costs of energy efficiency and conservation measures and the availability of financing for these costs are now, and have been, major impediments to the widespread adoption of energy efficiency and conservation measures; and

Whereas, South Carolina electricity providers and natural gas providers are in a position to assist their customers with the installation and financing of energy efficiency and conservation measures, provided that appropriate procedures are followed for the installation of the measures and the recovery of the costs of the measures; and

Whereas, in order to make energy efficiency and conservation measures available to rental properties, it is appropriate to require the landlords who will benefit from the measures and who voluntarily agree to participate to give notice to tenants who will be living in the rental units in which the energy efficiency and conservation measures are installed. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 37, Title 58 of the 1976 Code is amended by adding:

“Section 58‑37‑50. (A) As used in this section:

(1) ‘Electricity provider’ means an electric cooperative, an investor‑owned electric utility, the South Carolina Public Service Authority, or a municipality or municipal board or commission of public works that owns and operates an electric utility system.

(2) ‘Natural gas provider’ means an investor‑owned natural gas utility or publicly owned natural gas provider.

(3) ‘Meter conservation charge’ means the charge placed on a customer’s account by which electricity providers and natural gas providers recover the costs, including financing costs, of energy efficiency and conservation measures.

(4) ‘Notice of meter conservation charge’ means the written notice by which subsequent purchasers or tenants will be given notice that they will be required to pay a meter conservation charge.

(5) ‘Customer’ means a homeowner or tenant receiving electricity or natural gas as a retail customer.

(6) ‘Community action agency’ means a nonprofit eleemosynary corporation created pursuant to Chapter 45, Title 43 providing, among other things, weatherization services to a homeowner or tenant.

(B) Electricity providers and natural gas providers may enter into written agreements with customers and landlords of customers for the financing of the purchase price and installation costs of energy efficiency and conservation measures. These agreements may provide that the costs must be recovered by a meter conservation charge on the customer’s electricity or natural gas account, provided that the electricity providers and natural gas providers comply with the provisions of this section. A failure to pay the meter conservation charge may be treated by the electricity provider or natural gas provider as a failure to pay the electricity or natural gas account, and the electricity provider or natural gas provider may disconnect electricity or natural gas service for nonpayment of the meter conservation charge, provided the electricity provider or natural gas provider complies with the provisions of Article 25, Chapter 31, Title 5; Article 17, Chapter 11, Title 6; Article 17, Chapter 49, Title 33; Article 11, Chapter 5, Title 58; Article 21, Chapter 27, Title 58; Article 5, Chapter 31, Title 58; and any applicable rules, regulations, or ordinances relating to disconnections.

(C) Any agreement permitted by subsection (B) must state plainly the interest rate to be charged to finance the costs of the energy efficiency and conservation measures. The interest rate must be a fixed rate over the term of the agreement and must not exceed four percent above the stated yield for one‑year treasury bills as published by the Federal Reserve at the time the agreement is entered. Any indebtedness created under the provisions of this section may be paid in full at any time before it is due without penalty.

(D) An electricity provider or natural gas provider may recover the costs, including financing costs, of these measures from its members or customers directly benefiting from the installation of the energy efficiency and conservation measures. Recovery may be through a meter conservation charge to the account of the member or customer and any such charge must be shown by a separate line item on the account.

(E) An electricity provider or natural gas provider shall assume no liability for the installation, operation, or maintenance of energy efficiency and conservation measures when the measures are performed by a third party, and shall not provide any warranty as to the merchantability of the measures or the fitness for a particular purpose of the measures, and no action may be maintained against the electricity provider or natural gas provider relating to the failure of the measures. An electricity provider or natural gas provider shall assume no liability for energy audits performed by third parties and shall provide no warranty relating to any energy audit done by any third party. Nothing in this section may be construed to limit any rights or remedies of utility customers and landlords of utility customers against other parties to a transaction involving the purchase and installation of energy efficiency and conservation measures.

(F) Before entering into an agreement contemplated by this section, the electricity provider or natural gas provider shall cause to be performed an energy audit on the residence considered for the energy efficiency measures. The energy audit must be conducted by an energy auditor certified by the Building Performance Institute or similar organization. The audit must provide an estimate of the costs of the proposed energy efficiency and conservation measures and the expected savings associated with the measures, and it must recommend measures appropriately sized for the specific use contemplated. An agreement entered following completion of an energy audit shall specify the measures to be completed and the contractor responsible for completion of the measures. The choice of a contractor to perform the work must be made by the owner of the residence. Upon request, the electricity provider or natural gas provider must provide the owner of the residence with a list of contractors qualified to do the work. Upon completion of the work, it must be inspected by an energy auditor certified by the Building Performance Institute or similar organization. Any work that is determined to have been done improperly or to be inappropriately sized for the intended use must be remedied by the responsible contractor. Until the work has been remedied, funds due to the contractor must be held in escrow by the electricity provider or natural gas provider.

(G) An electricity provider or natural gas provider that enters into an agreement as provided in this section may recover the costs, including financing costs, of energy efficiency and conservation measures from subsequent purchasers of the residence in which the measures are installed, provided the electricity provider or natural gas provider gives record notice that the residence is subject to the agreement. Notice must be given, at the expense of the filer, by filing a notice of meter conservation charge with the appropriate office for the county in which the residence is located, pursuant to Section 30‑5‑10. The notice of meter conservation charge does not constitute a lien on the property but is intended to give a purchaser of the residence notice that the residence is subject to a meter conservation charge. Notice is deemed to have been given if a search of the property records of the county discloses the existence of the charge and informs a prospective purchaser: (1) how to ascertain the amount of the charge and the length of time it is expected to remain in effect, and (2) of his obligation to notify a tenant if the purchaser leases the property as provided in subsection (H)(3).

(H) An electricity provider or natural gas provider may enter into agreements for the installation of energy efficiency and conservation measures and the recovery of the costs, including financing costs, of the measures with respect to rental properties by filing a notice of meter conservation charge as provided in subsection (G) and by complying with the provisions of this subsection:

(1) The energy audit required by subsection (F) above must be conducted and the results provided to both the landlord and the tenant living in the rental property at the time the agreement is entered.

(2) If both the landlord and tenant agree, the electricity provider or natural gas provider may recover the costs of the energy efficiency and conservation measures, including financing costs, through a meter conservation charge on the account associated with the rental property occupied by the tenant. The agreement must provide notice to the landlord of the provisions contained in subsection (H)(3).

(3) With respect to a subsequent tenant occupying a rental unit benefiting from the installation of energy efficiency and conservation measures, the electricity provider or natural gas provider may continue to recover the costs, including financing costs, of the measures through a meter conservation charge on the account associated with the rental property occupied by the tenant. With respect to a subsequent tenant, the landlord must give a written notice of meter conservation charge in the same manner as required by Section 27‑40‑420. If the landlord fails to give the subsequent tenant the required notice of meter conservation charge, the tenant may deduct from his rent, for no more than one‑half of the term of the rental agreement, the amount of the meter conservation charge paid to the electricity provider or natural gas provider.

(I) Agreements entered pursuant to the provisions of this section are exempt from the provisions of the South Carolina Consumer Protection Code, Chapter 2, Title 37.

(J) An electricity provider or natural gas provider may contract with third parties to perform functions permitted under this section, including the financing of the costs of energy efficiency and conservation measures. A third party must comply with all applicable provisions of this section.

(K) The provisions of this section apply only to energy efficiency and conservation measures for a residence already occupied at the time the measures are taken. The procedures allowed by this section may not be used with respect to a new residence or a residence under construction. The provisions of this section may not be used to implement energy efficiency or conservation measures that result in the replacement of natural gas appliances or equipment with electric appliances or equipment or that result in the replacement of electric appliances or equipment with natural gas appliances or equipment unless the customer who seeks to install the energy efficiency or conservation measure is being provided electric and natural gas service by the same provider.

(L) Electricity providers or natural gas providers may offer their customers other types of financing agreements available by law, instead of the option established in this section, for the types of energy efficiency or conservation measures described in this section.

(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.”

SECTION 2. Section 8‑21‑310 of the 1976 Code, as last amended by Act 329 of 2002, is further amended by adding a new item at the end to read:

“(23) for filing a notice of meter conservation charge as permitted by Section 58‑37‑50, ten dollars.”

SECTION 3. Section 27‑50‑40 (A) of the 1976 Code is amended by adding an item at the end to read:

“(8) existence of a meter conservation charge, as permitted by Section 58‑37‑50, that applies to electricity or natural gas service to the property.”

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

Renumber sections to conform.

Amend title to conform.

Rep. THOMPSON explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | 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 |
| Neilson | Norman | Ott |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| 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 |
| Weeks | White | Whitmire |
| Williams | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--112**

Those who voted in the negative are:

**Total--0**

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

**ORDERED TO THIRD READING**

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

H. 3975 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 50-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER'S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

Rep. UMPHLETT explained the Bill.

H. 4692 -- 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; DEFINITIONS AND GENERAL REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4085, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. FORRESTER explained the Joint Resolution.

H. 4693 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4080, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. FORRESTER explained the Joint Resolution.

**H. 4479--RECONSIDERED**

The motion of Rep. CLEMMONS to reconsider the vote whereby H. 4479 was rejected was taken up.

Rep. CLEMMONS spoke in favor of the motion to reconsider.

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

Yeas 76; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Brady | Branham | Brantley |
| H. B. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cooper |
| Crawford | Daning | Edge |
| Forrester | Frye | Gambrell |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Howard | Hutto |
| Jefferson | Kelly | Knight |
| Limehouse | Littlejohn | Long |
| Lowe | McEachern | Miller |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | M. A. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Skelton | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Vick | White |
| Williams | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--76**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Bowers |
| R. L. Brown | Cole | Delleney |
| Dillard | Duncan | Erickson |
| Funderburk | Haley | Hart |
| Harvin | Hosey | King |
| Kirsh | Lucas | McLeod |
| Merrill | Millwood | Nanney |
| Norman | Parks | Pinson |
| G. M. Smith | Weeks |  |

**Total--26**

So, the motion to reconsider was agreed to.

**H. 4200--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. CATO moved to adjourn debate on the motion to reconsider until Wednesday, March 10, 2010.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HIOTT a leave of absence for the remainder of the day for business purposes.

**OBJECTION TO RECALL**

Rep. DUNCAN asked unanimous consent to recall H. 4220 from the Committee on Ways and Means.

Rep. HART objected.

Rep. COOPER moved that the House recede until 3:30 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 3:30 p.m. the House resumed, Acting Speaker WHITMIRE in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**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 upon the Senate Amendments until Wednesday, March 10, which was agreed to.

**H. 3442--DEBATE ADJOURNED**

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

H. 3442 -- Reps. Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E. H. Pitts, G. M. Smith, Daning, Haley, Huggins, Cato, Ballentine, D. C. Smith, J. R. Smith, Rice, T. R. Young, Horne, Wylie, Bedingfield, Clemmons, Bales, Lucas, Neilson, Long, J. M. Neal and M. A. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-29-300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS' TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41-29-310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41-29-10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41-29-20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41-29-30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41-27-10, 41-27-30, 41-27-150, 41-27-160, 41-27-190, 41-27-210, AS AMENDED, 41-27-230, 41-27-235, AS AMENDED, 41-27-260, AS AMENDED, 41-27-360, 41-27-370, AS AMENDED, 41-27-380, 41-27-390, 41-27-510, 41-27-550, 41-27-560, 41-27-570, 41-27-580, 41-27-600, 41-27-610, 41-27-620, 41-27-630, 41-27-670, 41-29-40, 41-29-50, 41-29-60, 41-29-70, 41-29-80, 41-29-90, 41-29-100, 41-29-110, 41-29-120, AS AMENDED, 41-29-130, 41-29-140, 41-29-150, 41-29-170, AS AMENDED, 41-29-180, 41-29-190, 41-29-200, 41-29-210, 41-29-220, 41-29-230, 41-29-240, 41-29-250, 41-29-270, 41-29-280, 41-29-290, 41-33-10, 41-33-20, 41-33-30, 41-33-40, 41-33-45, 41-33-80, AS AMENDED, 41-33-90, 41-33-100, 41-33-110, 41-33-120, 41-33-130, 41-33-170, 41-33-180, 41-33-190, 41-33-200, 41-33-210, 41-33-430, 41-33-460, 41-33-470, 41-33-610, 41-33-710, 41-35-10, 41-35-30, 41-35-100, 41-35-110, AS AMENDED, 41-35-115, AS AMENDED, 41-35-120, AS AMENDED, 41-35-125, 41-35-126, 41-35-130, AS AMENDED, 41-35-140, 41-35-330, 41-35-340, 41-35-410, 41-35-420, AS AMENDED, 41-35-450, 41-35-610, 41-35-630, 41-35-640, AS AMENDED, 41-35-670, 41-35-680, AS AMENDED, 41-35-690, 41-35-700, 41-35-710, AS AMENDED, 41-35-720, 41-35-730, 41-35-740, 41-35-750, AS AMENDED, 41-37-20, 41-37-30, 41-39-30, 41-39-40, 41-41-20, AS AMENDED, 41-41-40, AS AMENDED, 41-41-50, 41-42-10, 41-42-20, 41-42-30, AND 41-42-40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41-29-260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

Rep. BINGHAM moved to adjourn debate upon the Senate Amendments until Wednesday, March 10, which was agreed to.

**S. 424--DEBATE ADJOURNED**

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

S. 424 -- Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O'Dell, Bryant and Massey: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

Rep. COBB-HUNTER moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 3280--DEBATE ADJOURNED**

Rep. T. R. YOUNG moved to adjourn debate upon the following Joint Resolution until Wednesday, March 10, 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, 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.

**SENT TO THE SENATE**

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

H. 3736 -- Reps. Rice, Cato, Hiott, Owens, Wylie, Clemmons, Viers, Bedingfield, Loftis and Lucas: 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. 4551 -- Reps. Sandifer, Thompson, Bedingfield, Hayes, Brady, Mack, Harrell, Cato, Ott, Harrison, Duncan, J. R. Smith, White, Cooper, Hutto, Horne, Cobb-Hunter, Anderson, Hodges, Harvin, Skelton, Gunn and Bales: 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.

**H. 3489--SENT TO THE SENATE**

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, Clemmons, Skelton and Scott: 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.

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

Yeas 89; Nays 10

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Barfield | Battle |
| Bingham | Brady | Branham |
| G. A. Brown | H. B. Brown | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Huggins | Hutto | Kelly |
| Kennedy | Knight | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Sellers |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--89**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| R. L. Brown | Gilliard | Hart |
| Hosey | Jefferson | Jennings |
| King | Mack | J. H. Neal |
| Weeks |  |  |

**Total--10**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3489. If I had been present, I would have voted in favor of the Bill.

Rep. Eric Bedingfield

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3489. I voted in favor of the Bill on 2nd reading and if I had been present for the vote on 3rd reading, I would have voted in favor of the Bill.

Rep. Harry Cato

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3489. If I had been present, I would have voted in favor of the Bill.

Rep. Jenny Horne

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3489. If I had been present, I would have voted in favor of the Bill.

Rep. Bruce Bannister

**H. 4610--DEBATE ADJOURNED**

The following House Resolution was taken up:

H. 4610 -- Reps. Duncan, Willis, M. A. Pitts, Bowen, Hardwick, Bedingfield, Rice, Forrester and Owens: A HOUSE RESOLUTION TO MEMORIALIZE CONGRESS TO ADOPT LEGISLATION THAT WOULD POSTPONE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S (EPA) EFFORT TO REGULATE GREENHOUSE GAS (GHG) EMISSIONS FROM STATIONARY SOURCES USING EXISTING CLEAN AIR ACT AUTHORITY UNTIL CONGRESS ADOPTS A BALANCED APPROACH TO ADDRESS CLIMATE AND ENERGY SUPPLY ISSUES WITHOUT CRIPPLING THE ECONOMY.

Rep. DUNCAN explained the Resolution.

Rep. J. E. SMITH moved to adjourn debate on the Resolution until Wednesday, March 10, which was agreed to.

**H. 4606--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

H. 4606 -- Reps. Duncan, Willis, M. A. Pitts, Bowen, Hardwick, Bedingfield, Rice, Forrester and Owens: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO ADOPT LEGISLATION THAT WOULD POSTPONE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S (EPA) EFFORT TO REGULATE GREENHOUSE GAS (GHG) EMISSIONS FROM STATIONARY SOURCES USING EXISTING CLEAN AIR ACT AUTHORITY UNTIL CONGRESS ADOPTS A BALANCED APPROACH TO ADDRESS CLIMATE AND ENERGY SUPPLY ISSUES WITHOUT CRIPPLING THE ECONOMY.

Rep. HART moved to adjourn debate on the Concurrent Resolution until Wednesday, March 10, which was agreed to.

**H. 4613--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4613 -- Rep. Hodges: A CONCURRENT RESOLUTION TO PROVIDE THAT THE MEMBERS OF THE GENERAL ASSEMBLY, BY THIS RESOLUTION, HEREBY RECOGNIZE THE IMPORTANCE TO SOUTH CAROLINA OF MICROENTERPRISES, DEFINED AS SMALL BUSINESSES WITH FEWER THAN FIVE EMPLOYEES, AND DESIGNATE THE MONTH OF JUNE 2011, AND THE MONTH OF JUNE EVERY YEAR THEREAFTER UNTIL JUNE 2021, AS "MICROENTERPRISE DEVELOPMENT MONTH" IN SOUTH CAROLINA.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4625--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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 adopted and sent to the Senate.

**H. 4627--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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 adopted and sent to the Senate.

**S. 1121--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1121 -- Senators Mulvaney and Sheheen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON SANDHILL ROAD IN KERSHAW, SOUTH CAROLINA, AS THE "LEIGH ALLISON SHEPARD MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "LEIGH ALLISON SHEPARD MEMORIAL BRIDGE".

The Concurrent Resolution was adopted and sent to the Senate.

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 9, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 130, H. 3624 by a vote of 3 to 0:

(R130) H. 3624 -- Reps. A. D. Young, Horne, Knight and Harrell: AN ACT TO PROVIDE THAT EACH MEMBER OF THE DORCHESTER COUNTY TRANSPORTATION COMMITTEE IS ALLOWED AND MUST BE PAID FROM DORCHESTER COUNTY "C" FUND REVENUES SEVENTY-FIVE DOLLARS FOR EACH MEETING AT WHICH THE MEMBER IS IN ATTENDANCE.

Very respectfully,

President

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 4657 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Without Reference

**S. 424--SENATE AMENDMENTS CONCURRED IN**

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

S. 424 -- Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O'Dell, Bryant and Massey: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

Rep. BEDINGFIELD explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 84; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bales | Ballentine |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | Cato |
| Clemmons | Clyburn | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Erickson |
| Forrester | Frye | Gambrell |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Huggins | Jennings |
| Kelly | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | R. L. Brown | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Hodges | Hosey | Jefferson |
| King | Mack | McLeod |
| Mitchell | J. H. Neal | Sellers |
| Weeks | Williams |  |

**Total--20**

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

RECORD FOR VOTING

I was temporarily out of the Chamber, attending a Lexington Medical Foundation board meeting with my job. Had I been in the chamber I would have voted to concur with the Senate Amendment on S. 424.

Rep. Nikki Haley

RECORD FOR VOTING

I would like the record to reflect that my vote should have been a “yea” vote in favor of S. 424, in order to affirm our 2nd Amendment rights.

Rep. Anne Hutto

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 424. If I had been present, I would have voted in favor of the Senate amended version of the Bill.

Rep. Jenny Horne

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 424. If I had been present, I would have voted in favor of the Senate amended version of the Bill.

Rep. Bruce Bannister

RECORD FOR VOTING

I strongly support the rights guaranteed by the 2nd, 9th, and 10th amendments and have taken a solemn oath to uphold the United States Constitution and the Bill of Rights, in their entirety. I voted against S. 424 because I believe some form of health care reform is necessary and important to all citizens of our great State and Nation.

Rep. Walton McLeod

RECORD FOR VOTING

I strongly support the rights guaranteed by the 2nd, 9th, and 10th amendments and have taken a solemn oath to uphold the United States Constitution and the Bill of Rights, in their entirety. I voted against S. 424 because I believe some form of health care reform is necessary and important to all citizens of our great State and Nation.

Rep. Laurie Slade Funderburk

RECORD FOR VOTING

I strongly support the rights guaranteed by the 2nd, 9th, and 10th amendments and have taken a solemn oath to uphold the United States Constitution and the Bill of Rights, in their entirety. I voted against S. 424 because I believe some form of health care reform is necessary and important to all citizens of our great State and Nation.

Rep. Paul Agnew

**SPEAKER *PRO TEMPORE* IN CHAIR**

**MOTION PERIOD**

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

**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--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The motion of Rep. BALLENTINE to reconsider the vote whereby Amendment No. 1 was rejected was taken up.

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

Rep. CLEMMONS proposed the following Amendment No. 2 (COUNCIL\SWB\5917CM09), which was adopted:

Amend the bill, as and if amended, Section 57‑3‑910, as contained in SECTION 3, by deleting / A / and inserting / No / on line 18, page 14.

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

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

Yeas 86; Nays 22

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bowen | Bowers |
| Brady | Branham | H. B. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Dillard |
| Duncan | Erickson | Forrester |
| Funderburk | Gambrell | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Knight |
| Limehouse | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Stavrinakis |
| Thompson | Umphlett | Vick |
| Viers | White | Williams |
| Willis | A. D. Young |  |

**Total--86**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Brantley | R. L. Brown |
| Crawford | Delleney | Frye |
| Gilliard | Kennedy | Kirsh |
| Littlejohn | Loftis | Long |
| Millwood | Nanney | Norman |
| G. M. Smith | Spires | Stringer |
| Toole | Weeks | Wylie |
| T. R. Young |  |  |

**Total--22**

So, the amendment was adopted.

Rep. RICE proposed the following Amendment No. 5 (COUNCIL\SWB\7025CM10), which was adopted:

Amend the bill, as and if amended, Section 57‑3‑350(A), as contained in SECTION 2, by deleting / fifteen / on line 17, page 6, and inserting / sixty /

Amend the bill further, Section 57‑3‑360(A), as contained in SECTION 2, by deleting / ten / on line 31, page 6, and inserting / thirty/

Amend the bill further, Section 57‑3‑360(B), as contained in SECTION 2, by deleting / two / on line 39, page 6, and inserting / four/

Renumber sections to conform.

Amend title to conform.

Rep. RICE explained the amendment.

The amendment was then adopted.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. RICE a leave of absence for the remainder of the day due to a speaking engagement.

Rep. KENNEDY proposed the following Amendment No. 6 (COUNCIL\DKA\3892DW10), which was tabled:

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

/ SECTION \_\_. The portion of U.S. 521 in Clarendon County between Manning and Greeleyville shall qualify for funding under the provisions of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. KENNEDY explained the amendment.

Rep. KENNEDY spoke in favor of the amendment.

Rep. CLEMMONS moved to table the amendment.

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

Yeas 66; Nays 46

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Horne |
| Huggins | Jennings | Kelly |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Owens |
| Parker | M. A. Pitts | Sandifer |
| Scott | Skelton | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Toole |
| Umphlett | Viers | White |
| Willis | Wylie | A. D. Young |

**Total--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Bales |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Gilliard |
| Govan | Gunn | Hart |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Kennedy |
| King | Kirsh | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parks | Pinson | Rutherford |
| Sellers | G. M. Smith | J. E. Smith |
| Stavrinakis | Stewart | Thompson |
| Vick | Weeks | Williams |
| T. R. Young |  |  |

**Total--46**

So, the amendment was tabled.

Rep. TOOLE spoke against the Bill.

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

Yeas 77; Nays 33

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| H. B. Brown | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cooper |
| Daning | Duncan | Edge |
| Erickson | Gambrell | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| Hutto | Jefferson | Jennings |
| King | Knight | Limehouse |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| Neilson | Ott | Owens |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Scott | Sellers |
| Skelton | D. C. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Stavrinakis | Stewart | Thompson |
| Umphlett | Vick | Viers |
| White | Whitmire | Williams |
| Willis | A. D. Young |  |

**Total--77**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Bedingfield | R. L. Brown | Cato |
| Cole | Crawford | Delleney |
| Forrester | Frye | Funderburk |
| Gilliard | Howard | Huggins |
| Kelly | Kennedy | Kirsh |
| Loftis | Long | Millwood |
| Nanney | J. H. Neal | Norman |
| Parker | Parks | G. M. Smith |
| Spires | Stringer | Toole |
| Weeks | Wylie | T. R. Young |

**Total--33**

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

**H. 4479--AMENDED AND ORDERED TO THIRD READING**

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 proposed the following Amendment No. 1 (COUNCIL\MS\7708AHB10), which was adopted:

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

/ SECTION 1. Section 12‑6‑1140(6) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(6) a subsistence allowance of eight dollars a day for federal, state, and local law enforcement officers paid by a political subdivision of this State, the government of this State, or the federal government, for each regular work day in a taxable year and full‑time firefighters and emergency medical service personnel may deduct as a subsistence allowance eight dollars a day for each regular work day in a taxable year. Included within the category of law enforcement officers for purposes of this item are detention officers certified in those positions by the South Carolina Criminal Justice Academy or an equivalent certification;” /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

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

Yeas 107; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cole | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Limehouse |
| 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 | M. A. Pitts | Rutherford |
| Sandifer | 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 | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--107**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kirsh |  |  |

**Total--1**

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

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4707 -- Rep. Barfield: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE HALEY BARBOUR, GOVERNOR OF MISSISSIPPI, FOR HIS MANY YEARS OF PUBLIC SERVICE TO THE PEOPLE OF THE UNITED STATES, AND TO EXTEND TO HIM A CORDIAL WELCOME TO THE PALMETTO STATE ON MONDAY, MARCH 15, 2010.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4708 -- Rep. Allen: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE SOUTHSIDE HIGH SCHOOL GIRLS BASKETBALL TEAM ON ITS IMPRESSIVE WIN OF THE 2010 CLASS AA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE PLAYERS, COACHES, AND STAFF ON AN OUTSTANDING SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

On motion of Rep. ALLEN, with unanimous consent, the following was taken up for immediate consideration:

H. 4709 -- Rep. Allen: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE SOUTHSIDE HIGH SCHOOL GIRLS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2010 CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4710 -- Rep. Hart: A HOUSE RESOLUTION TO AMEND RULES 8.5, 8.6, AND 8.11, RULES OF THE HOUSE OF REPRESENTATIVES, RELATING TO THE CONSIDERATION OF MOTIONS, WHEN THE PREVIOUS QUESTION MAY BE INVOKED AND VOTE REQUIREMENTS OF CERTAIN MOTIONS, SO AS TO INCREASE FROM A MAJORITY TO THREE-FOURTHS THE VOTE REQUIREMENT TO INVOKE THE PREVIOUS QUESTION.

The Resolution was ordered referred to the Committee on Rules.

**HOUSE RESOLUTION**

The following was introduced:

H. 4711 -- Reps. Brady and Harrison: A HOUSE RESOLUTION TO CONGRATULATE A.C. FLORA HIGH SCHOOL OF RICHLAND COUNTY SCHOOL DISTRICT ONE UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY, TO COMMEND THE SCHOOL ON ITS MANY ACHIEVEMENTS OVER THE PAST HALF CENTURY, AND TO WISH ITS STUDENTS, FACULTY, ADMINISTRATORS, AND ALUMNI WELL AS THEY CONTINUE

TO HOLD HIGH THE FOUNDING STANDARDS OF A.C. FLORA HIGH SCHOOL.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4712 -- Rep. J. H. Neal: A CONCURRENT RESOLUTION MAKING THE SOUTH CAROLINA GENERAL ASSEMBLY AND THE CITY OF ACCRA, GHANA, SISTER ENTITIES FOR THE PURPOSE OF EXCHANGING INFORMATION AND IDEAS CONCERNING THE LEGISLATIVE AND GOVERNMENTAL PROCESS OF EACH ENTITY.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4713 -- Reps. Forrester, 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, 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 CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR AUSTIN SPARKS BOBO OF SPARTANBURG COUNTY, AND TO COMMEND HIM FOR A LIFETIME OF DEVOTED AND COMPASSIONATE SERVICE TO HIS COMMUNITY.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4714 -- Reps. King, 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, 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 CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF OUR FORMER COLLEAGUE AND DEAR FRIEND, THE HONORABLE JUANITA CANARY WILLMON GOGGINS AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

Whereas, the members of the South Carolina General Assembly were deeply saddened to learn of the death of the Honorable Juanita Canary Willmon Goggins at the venerable age of seventy‑five; and

Whereas, a trailblazer, Pendleton native Juanita Goggins set the stage through many of her achievements for African Americans and women to make dreams become realities. In 1974, four years after the first black men, since Reconstruction, were elected to the South Carolina Legislature, Mrs. Goggins became the first African‑American woman elected to the State’s General Aassembly. That same year, she was appointed to serve on the United States Civil Rights Commission, the first African‑American woman to be so honored; and

Whereas, the young Juanita began evidencing determination to excel at a very early age. She started speaking at public gatherings at the age of two, her mother encouraging her to learn Bible verses and short poems to recite at home, at church, and in the community. Her parents instilled in their precocious daughter Christian values, emphasized the importance of hard work, and taught her the reward of work well done; and

Whereas, in preparation for her life’s work, Mrs. Goggins graduated from the Anderson County Training School. At South Carolina State University, she earned a degree in home‑economics education, graduating in 1957. As a certified elementary school teacher, she served in the public schools of York, Chester, and Fairfield counties, continuing her education at the University of South Carolina and Winthrop University; and

Whereas, education became and remained a top priority for Mrs. Goggins. While in the state legislature, she authored the original South Carolina kindergarten legislation, which illustrated the urgency of early education, and the state’s entire early‑childhood education grew from her initiative; and

Whereas, additionally, during the six years she represented York County in the South Carolina Legislature, Mrs. Goggins used her influence to improve public health facilities in the State. She was responsible for creating sickle‑cell anemia testing in all the county health departments. She also served on the legislature’s Ways and Means Committee; and

Whereas, respected in high places, Mrs. Goggins was twice a guest of President Jimmy Carter at the White House. She was the first African‑American woman from South Carolina to be elected national committeewoman for a major political party and served on many boards and political committees that generate ideas and policies touching the lives of women and African Americans; and

Whereas, her political papers and other memorabilia are on file at the Winthrop University Archives, and the Smithsonian Institute houses a display of her achievements; and

Whereas, as an outstanding public servant and educator, Juanita Goggins received numerous awards and honors, including South Carolina State University’s Alumna of the Year award in 1975 and a National Spotlight Recognition at the university’s centennial celebration in 1996. She was listed in many publications, including Who’s Who in Politics in America; and

Whereas, she is survived by her husband, Dr. Horace Goggins; her son, Horace Goggins, Jr.; and a host of other relatives and friends. She will be greatly missed. Now, therefore,

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

That the members of the South Carolina General Assembly, by this resolution, express their profound sorrow upon the passing of our former colleague and dear friend, the Honorable Juanita Canary Willmon Goggins and extend the deepest sympathy to her family and many friends.

Be it further resolved that a copy of this resolution be presented to the family of the Honorable Juanita Canary Willmon Goggins.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1221 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 14, 2010, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, CLEMSON UNIVERSITY, COLLEGE OF CHARLESTON, COASTAL CAROLINA UNIVERSITY, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, SOUTH CAROLINA STATE UNIVERSITY, THE UNIVERSITY OF SOUTH CAROLINA, WIL LOU GRAY OPPORTUNITY SCHOOL, AND WINTHROP UNIVERSITY TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE IN 2010, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1260 -- Senator Alexander: A CONCURRENT RESOLUTION TO CONGRATULATE MR. BENNIE CUNNINGHAM UPON RECEIVING THE JOSEPH R. JENKINS AWARD BY THE GREENVILLE ALUMNI CHAPTER OF THE KAPPA ALPHA PSI FRATERNITY.

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

**INTRODUCTION OF BILLS**

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

H. 4715 -- Rep. Vick: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF JEFFERSON NATIONAL GUARD ARMORY IN JEFFERSON, SOUTH CAROLINA, TO THE COUNTY OF CHESTERFIELD.

Referred to Committee on Ways and Means

H. 4716 -- Rep. Rice: A BILL TO AMEND SECTION 37-3-201, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOAN FINANCE CHARGES FOR CONSUMER LOANS, SO AS TO PROVIDE FOR FINANCE CHARGES FOR LOANS SECURED BY AUTOMOBILES UPON CERTAIN CONDITIONS AND LOANS MADE BY SUPERVISED FINANCIAL ORGANIZATIONS.

Referred to Committee on Labor, Commerce and Industry

H. 4717 -- Rep. Cooper: A BILL TO AMEND SECTION 11-11-156, OF THE 1976 CODE, RELATING TO THE HOMESTEAD EXEMPTION FUND, TO DEFINE SCHOOL OPERATING PURPOSES; AND TO AMEND 12-37-220, RELATING TO THE PROPERTY TAX EXEMPTION ON TAXES IMPOSED FOR SCHOOL OPERATING PURPOSES FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY, TO DEFINE SCHOOL OPERATING PURPOSES AND TO SPECIFY THAT THE EXEMPTION DOES NOT EXTEND TO PAYMENTS MADE PURSUANT TO A FINANCING AGREEMENT.

Referred to Committee on Ways and Means

H. 4718 -- Rep. J. E. Smith: A BILL TO AMEND ARTICLE 1, CHAPTER 61, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY MEDICAL SERVICES (EMS), SO AS TO REVISE DEFINITIONS AND ADD NEW DEFINITIONS INCLUDING, BUT NOT LIMITED TO, THE "STATE MEDICAL CONTROL PHYSICIAN" WITH WHOM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CONTRACTS TO OVERSEE THE MEDICAL ASPECTS OF THE EMS PROGRAM AND THE "INVESTIGATIVE REVIEW COMMITTEE" TO CONDUCT INVESTIGATIONS OF LICENSEES; TO PROVIDE THAT THE EMS PROGRAM MUST INCLUDE THE ESTABLISHMENT OF AN ELECTRONIC PATIENT CARE REPORTING SYSTEM TO PROVIDE DATA TO THE NATIONAL EMS INFORMATION SYSTEM DATABASE; TO EXPAND MEMBERSHIP ON THE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL AND TO PROVIDE THAT MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION, MILEAGE, PER DIEM, AND SUBSISTENCE; TO SPECIFY THAT A BUSINESS PROVIDING EMS OR AMBULANCE SERVICES OR AN AMBULANCE ATTENDANT PROVIDING PATIENT CARE WITHOUT A LICENSE SUBJECTS THE BUSINESS OR PERSON TO CIVIL PENALTIES; TO REQUIRE AN EMS AND AN AMBULANCE SERVICE TO RETAIN A PHYSICIAN TO MAINTAIN QUALITY CONTROL OF PATIENT CARE AND TO PROVIDE IMMUNITY FROM CIVIL LIABILITY FOR SUCH PHYSICIANS ACTING IN GOOD FAITH IN CARRYING OUT THESE RESPONSIBILITIES; TO PROVIDE THAT AN EMERGENCY MEDICAL TECHNICIAN (EMT) CERTIFICATE IS VALID FOR FOUR YEARS, RATHER THAN THREE YEARS; TO DELETE THE REQUIREMENT THAT UPON CERTIFICATE RENEWAL AN EMT MUST COMPLETE A REFRESHER COURSE AND AN EXAMINATION AND INSTEAD TO REQUIRE THE EMT TO PROVIDE DOCUMENTATION OF CURRENT NATIONAL REGISTRATION FOR THE APPROPRIATE LEVEL OF CERTIFICATION AND TO PROVIDE AN EXEMPTION FOR EMT'S CERTIFIED BEFORE OCTOBER 2006; TO DELETE THE PROVISION AUTHORIZING THE GOVERNING BODY OF A COUNTY TO EXEMPT AMBULANCES USED PRIMARILY AS CONVALESCENT TRANSPORT UNITS FROM SIZE REQUIREMENTS AND TO ALSO DELETE OTHER REQUIREMENTS FOR CERTAIN VEHICLES USED AS CONVALESCENT TRANSPORT UNITS; TO SPECIFY THAT THE IDENTITY OF AN EMT CONTAINED IN INFORMATION COLLECTED BY EMS IS CONFIDENTIAL UNLESS REQUESTED BY A PATIENT; TO DELETE PROVISIONS PERTAINING TO THE CONFIDENTIALITY OF THE IDENTITY OF PHYSICIANS AND HOSPITALS AND THE CONFIDENTIALITY OF OFFICIAL INVESTIGATIONS CONDUCTED BY THE EMS SECTION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO REQUIRE THAT INVESTIGATIONS MUST BE CONDUCTED BY THE INVESTIGATIVE REVIEW COMMITTEE AND THAT ACTION TAKEN BY THE COMMITTEE ON A LICENSE IS PUBLIC INFORMATION AFTER ISSUANCE OF AN ADMINISTRATIVE ORDER; TO SPECIFY TO WHOM PATIENT INFORMATION MAY BE RELEASED; AND TO REQUIRE THE DEPARTMENT AND A PERSON OR ENTITY LICENSED OR CERTIFIED PURSUANT TO THIS ARTICLE TO DISCLOSE TO THE SOLICITOR INFORMATION THAT COULD AID IN THE INVESTIGATION OR PROSECUTION OF CRIMINAL ACTIVITY; AND TO AMEND ARTICLE 3, CHAPTER 61, TITLE 44, RELATING TO EMERGENCY MEDICAL SERVICES FOR CHILDREN (EMSC) SO AS TO REVISE CERTAIN DEFINITIONS AND TO ADD THE DEFINITION OF "EMERGENCY MEDICAL TECHNICIAN" (EMT); TO PROVIDE THAT THE EMSC PROGRAM MUST INCLUDE GUIDELINES FOR VOLUNTARY DESIGNATION OF PEDIATRIC EMERGENCY DEPARTMENTS, DISASTER RESPONSE GUIDELINES, PEDIATRIC PREPAREDNESS TRAINING, AND ASSISTANCE WITH THE DEVELOPMENT OF DISASTER PLANS; TO SPECIFY THAT THE IDENTITY OF AN EMT CONTAINED IN INFORMATION COLLECTED BY EMS IS CONFIDENTIAL UNLESS REQUESTED BY A PATIENT; TO DELETE PROVISIONS PERTAINING TO THE IDENTITY OF PHYSICIANS AND HOSPITALS; TO SPECIFY TO WHOM PATIENT INFORMATION MAY BE RELEASED; TO REQUIRE THE DEPARTMENT AND A PERSON OR ENTITY LICENSED OR CERTIFIED PURSUANT TO THIS ARTICLE TO DISCLOSE TO THE SOLICITOR INFORMATION THAT COULD AID IN THE INVESTIGATION OR PROSECUTION OF CRIMINAL ACTIVITY; AND TO ESTABLISH THE EMERGENCY MEDICAL SERVICES FOR CHILDREN ADVISORY COMMITTEE, TO PROVIDE FOR ITS MEMBERS AND DUTIES, AND TO PROVIDE THAT MEMBERS ON THE COMMITTEE SERVE WITHOUT COMPENSATION, MILEAGE, PER DIEM AND SUBSISTENCE.

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

H. 4719 -- Rep. Sellers: A BILL TO AMEND SECTION 56-1-176, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SCHOOL ATTENDANCE CONDITIONS ASSOCIATED WITH THE ISSUANCE OF CONDITIONAL AND SPECIAL RESTRICTED DRIVER'S LICENSES, SO AS TO PROVIDE THAT THESE AND ADDITIONAL CONDITIONS SHALL APPLY TO THE ISSUANCE OR REINSTATEMENT OF A BEGINNER'S PERMIT, CONDITIONAL DRIVER'S LICENSE, SPECIAL RESTRICTED DRIVER'S LICENSE, AND A REGULAR DRIVER'S LICENSE ISSUED TO A PERSON LESS THAN EIGHTEEN YEARS OF AGE.

Referred to Committee on Education and Public Works

H. 4720 -- Rep. Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3865 SO AS TO ESTABLISH NEGLIGENT DRIVING AS A MISDEMEANOR OFFENSE AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 4721 -- Reps. Hamilton, Brantley, King, Allison, Anderson, R. L. Brown, Clemmons, Erickson, Govan, Hosey, Littlejohn, Long, Lowe, Parker, Sottile and Stringer: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATIONS OF PROPERTY AND THE ASSESSMENT RATIOS FOR THE CLASSIFICATIONS FOR PURPOSES OF PROPERTY TAX, SO AS TO PROVIDE THAT NO ADDITIONAL PROPERTY TAX IS DUE FOR ANY PRIOR PROPERTY TAX YEAR ON A PARCEL OF REAL PROPERTY BECAUSE OF AN ERRONEOUS CLASSIFICATION OF THE PARCEL WHEN THAT ERROR WAS NOT THE RESULT OF ANY ACT OR OMISSION OF THE CURRENT OWNER OF THE PARCEL.

Referred to Committee on Ways and Means

H. 4722 -- Reps. Millwood and Stringer: A BILL TO AMEND SECTION 16-11-580, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR CUTTING, REMOVING, OR TRANSPORTING TIMBER PRODUCTS WITHOUT THE CONSENT OF THE LANDOWNER, SO AS TO INCREASE THE PENALTY FROM FIVE HUNDRED DOLLARS TO FIFTEEN HUNDRED DOLLARS IF THE VALUE OF THE TIMBER IS ONE THOUSAND DOLLARS OR LESS AND TO ESTABLISH MINIMUM AND MAXIMUM PENALTIES FOR TIMBER PRODUCTS VALUED AT MORE THAN ONE THOUSAND DOLLARS BUT LESS THAN FIVE THOUSAND DOLLARS AND FOR TIMBER PRODUCTS VALUED AT FIVE THOUSAND DOLLARS OR MORE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4723 -- Reps. Loftis, Gunn, Erickson, Knight, Hamilton, Bedingfield, J. R. Smith, G. M. Smith, Williams, Wylie, Millwood, Hutto, Stavrinakis, McEachern, H. B. Brown, Clyburn, Allison, Crawford, Hart, Herbkersman, Horne, Hosey, Jefferson, Littlejohn, Lowe, Parker, Sottile, Spires, Stringer, Weeks and A. D. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 11, ENACTING THE "SOUTH CAROLINA FISCAL TRANSPARENCY ACT" SO AS TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO ESTABLISH AND MAINTAIN A SINGLE INTERNET WEBSITE THAT PROVIDES DETAILED INFORMATION ON THE FINANCES AND FISCAL OPERATIONS OF ALL STATE AGENCIES, TO PROVIDE THAT THE STATE BUDGET AND CONTROL BOARD, BY MARCH 1, 2012, SHALL DEVELOP A SCHEDULE FOR ADDING SIMILAR INFORMATION FOR LOCAL GOVERNMENTAL ENTITIES, AND TO PROVIDE THOSE LOCAL GOVERNMENTAL ENTITIES EXEMPT FROM THE REPORTING REQUIREMENTS, TO PROVIDE THAT INFORMATION WHICH MUST NOT BE POSTED ON THE WEBSITE, AND TO REQUIRE ANNUAL REPORTS ON THE PROGRESS OF ESTABLISHING THE SINGLE WEBSITE AND RECOMMENDATIONS FOR ITS ENHANCED CONTENT AND IMPROVED FORMAT.

Referred to Committee on Ways and Means

S. 591 -- Senators Lourie and Malloy: A BILL TO AMEND SECTIONS 22-3-1330, 22-3-1340, 22-3-1370, 22-3-1400, AND 22-3-1410 OF THE 1976 CODE, ALL RELATING TO PROCEEDINGS IN CLAIM AND DELIVERY ACTIONS, TO ALLOW SERVICE OF PROCESS BY PERSONS OTHER THAN CONSTABLES.

Referred to Committee on Judiciary

S. 718 -- Senators Campsen and Malloy: A BILL TO AMEND SECTION 22-3-550 OF THE 1976 CODE, RELATING TO ORDERING RESTITUTION IN MAGISTRATE’S COURT, TO PROVIDE THAT A MAGISTRATE HAS JURISDICTION OF ALL OFFENSES WHICH MAY BE SUBJECT TO THE PENALTIES OF A FINE OR FORFEITURE NOT EXCEEDING ONE THOUSAND DOLLARS AND TO PROVIDE THAT A MAGISTRATE MAY ORDER RESTITUTION IN AN AMOUNT NOT TO EXCEED THE CIVIL JURISDICTIONAL AMOUNT FOR MAGISTRATES.

Referred to Committee on Judiciary

S. 879 -- Senator Campsen: A BILL TO AMEND SECTION 12-37-3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSABLE TRANSFERS OF INTEREST FOR PURPOSES OF DETERMINING THE VALUE OF REAL PROPERTY FOR PROPERTY TAXATION, SO AS TO PROVIDE ADDITIONAL INSTANCES OF PROPERTY TRANSFERS NOT CONSIDERED ASSESSABLE TRANSFERS OF INTEREST, INCLUDING TRANSFERS OF FRACTIONAL INTERESTS CONSTITUTING NOT MORE THAN FIFTY PERCENT OF FEE SIMPLE TITLE, TRANSFERS INTO AND OUT OF A SINGLE MEMBER LIMITED LIABILITY COMPANY NOT TAXED AS A CORPORATION WHEN THE SINGLE MEMBER IS THE TRANSFEREE AND TRANSFEROR, TRANSFERS RELATING TO EASEMENTS, TRANSFERS TO QUIET TITLE OR ESTABLISH A BOUNDARY LINE, AND TRANSFERS CREATING OR TERMINATING A JOINT TENANCY WITH RIGHTS OF SURVIVORSHIP IF THE GRANTORS AND GRANTEES ARE THE SAME.

Referred to Committee on Ways and Means

S. 905 -- Senators Leatherman and Elliott: A BILL TO AMEND SECTION 2-7-71 OF THE 1976 CODE, RELATING TO TAX BILLS AND REVENUE IMPACT STATEMENTS, TO PROVIDE THAT THE REVENUE IMPACT STATEMENT MUST BE SIGNED BY THE CHIEF ECONOMIST OF THE OFFICE OF RESEARCH AND STATISTICS; AND TO AMEND SECTION 2-7-78, RELATING TO THE CERTIFICATION OF A REVENUE ESTIMATE, TO PROVIDE THAT THE REVENUE IMPACT MUST BE CERTIFIED BY THE CHIEF ECONOMIST OF THE OFFICE OF RESEARCH AND STATISTICS.

Referred to Committee on Ways and Means

S. 931 -- Senator L. Martin: A BILL TO AMEND SECTION 44-48-40 OF THE 1976 CODE, RELATING TO THE EFFECTIVE DATE OF PAROLE OR CONDITIONAL RELEASE OF SEXUALLY VIOLENT PREDATORS, TO PROVIDE THAT WRITTEN NOTICE MUST BE GIVEN TWO HUNDRED SEVENTY DAYS RATHER THAN ONE HUNDRED DAYS, AND TO PROVIDE THAT THE PAROLE OR CONDITIONAL RELEASE ORDER DOES NOT TAKE EFFECT FOR ONE HUNDRED EIGHTY DAYS, RATHER THAN NINETY DAYS, AFTER ISSUANCE OF THE ORDER; TO AMEND SECTION 44-48-80, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD AFTER PROBABLE CAUSE IS FOUND TO EXIST THAT THE PERSON IS A SEXUALLY VIOLENT PREDATOR, TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY PENDING CONCLUSION OF THE PROCEEDINGS IN THIS CHAPTER AND THAT THE COURT MUST DIRECT THE PERSON TO BE TRANSPORTED TO AN APPROPRIATE FACILITY OF THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 44-48-90, RELATING TO THE TIME WITHIN WHICH A JURY TRIAL MUST BE REQUESTED AND HELD TO DETERMINE IF A PERSON IS A SEXUALLY VIOLENT PREDATOR, TO PROVIDE THAT A JURY TRIAL MUST BE REQUESTED WITHIN THIRTY DAYS AFTER THE DETERMINATION OF PROBABLE CAUSE UNDER SECTION 44-48-80, TO PROVIDE THAT THE TRIAL MUST BE HELD WITHIN NINETY DAYS OF ISSUANCE OF THE COURT APPOINTED EVALUATOR'S OPINION, AND TO PROVIDE THAT UPON RECEIPT OF THE ISSUANCE OF THE OPINION, EITHER PARTY MAY RETAIN HIS OWN EXPERT TO CONDUCT A SUBSEQUENT EVALUATION; TO AMEND SECTION 44-48-100, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD UPON A MISTRIAL IN DETERMINING IF THE PERSON IS A SEXUALLY VIOLENT PREDATOR, TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY; AND TO AMEND SECTION 44-48-120, RELATING TO PROCEDURES REQUIRED WHEN THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH DETERMINES A PERSON COMMITTED TO THE DEPARTMENT AS A SEXUALLY VIOLENT PREDATOR IS NO LONGER LIKELY TO COMMIT ACTS OF SEXUAL VIOLENCE, TO REQUIRE THE DIRECTOR TO CERTIFY THIS DETERMINATION IN WRITING AND TO NOTIFY THE ATTORNEY GENERAL OF THIS CERTIFICATION AND OF THE PATIENT'S AUTHORIZATION TO PETITION THE COURT FOR RELEASE, TO PROVIDE THAT THE ATTORNEY GENERAL MAY REQUEST AN EXAMINATION BEFORE A HEARING ON THE RELEASE IS HELD, AND TO PROVIDE THAT EITHER PARTY MAY REQUEST THAT THE HEARING BE HELD BEFORE A JURY.

Referred to Committee on Judiciary

S. 1028 -- Senator Leventis: A BILL TO AMEND SECTION 32-8-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION, SO AS TO ALSO PERMIT A PERSON NAMED IN THE DECEDENT'S DD FORM 93 TO AUTHORIZE CREMATION IF THE DECEDENT SERVED IN THE MILITARY SERVICES IF THERE IS NO SUCH DESIGNATION IN THE WILL OR OTHER VERIFIED AND ATTESTED DOCUMENT OF THE DECEDENT.

Referred to Committee on Judiciary

S. 1147 -- Senators McConnell, Rankin, Hutto, Campbell, Knotts and Alexander: 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.

Referred to Committee on Labor, Commerce and Industry

S. 1175 -- Senator Land: A BILL TO AMEND SECTION 9-8-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS OF THE STATE OF SOUTH CAROLINA, SO AS TO PROVIDE THAT A PERSON ASSUMING THE OFFICE OF ATTORNEY GENERAL OF THIS STATE AFTER 2010, MUST BE A MEMBER OF THAT RETIREMENT SYSTEM AND TO MAKE THE NECESSARY PROVISIONS FOR THE ATTORNEY GENERAL TO BECOME A MEMBER OF THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS OF THE STATE OF SOUTH CAROLINA.

Referred to Committee on Ways and Means

S. 1251 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF FUNERAL SERVICE, RELATING TO FUNERAL SERVICE PRACTICE ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4068, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 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.

H. 4694 -- Reps. Erickson, Herbkersman, 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, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, 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 CONCURRENT RESOLUTION TO COMMEND THE UNIVERSITY OF SOUTH CAROLINA BEAUFORT FOR ITS MANY YEARS OF SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO HONOR AND CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA BEAUFORT ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY.

**ADJOURNMENT**

At 5:29 p.m. the House, in accordance with the motion of Rep. KING, adjourned in memory of former Representative Juanita Goggins of Rock Hill, to meet at 10:00 a.m. tomorrow.

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