~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 1:00 p.m.

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

Our thought for today is from 2 Chronicles 20:15: “Do not fear or be dismayed at this great multitude; for the battle is not yours, but God’s.”

Let us pray. Almighty God, may we recognize Your power in leading these Representatives and staff as they work out the solutions to the obstacles standing in their path. Guide them with courage, strength, wisdom, and integrity and help them to call on You for answers. By Your help, O Lord, may the work of the hands of these Representatives be successful and for the good of the people of this State. Bless our leaders, as they lead. Protect our defenders of freedom at home and abroad as they protect us. Hear us as we pray, O Lord. 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. SKELTON moved that when the House adjourns, it adjourn in memory of Beatrice Bolding Hollis of Pickens, which was agreed to.

**HOUSE RESOLUTION**

The following was introduced:

H. 4741 -- Reps. Whitmire and Sandifer: A HOUSE RESOLUTION TO COMMEND CAPTAIN LARRY HOLBROOKS, SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES LAW ENFORCEMENT OFFICER, FOR MORE THAN THIRTY-FIVE YEARS OF DEDICATED SERVICE TO THE AGENCY AND TO THE PEOPLE OF SOUTH CAROLINA UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM MANY YEARS OF HEALTH AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Haley |
| Hardwick | Harrell | Harrison |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Knight |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| 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 Monday, March 15.

|  |  |
| --- | --- |
| Thad Viers | Chip Huggins |
| Chris Hart | Terry Alexander |
| G. Murrell Smith | Jeffrey D. Duncan |
| Denny Neilson | H. B. "Chip" Limehouse |
| Dan Hamilton | Anne Parks |
| Bakari Sellers | Harry Cato |
| Grady Brown | B. W. Bannister |
| Tracy Edge | Leon Howard |
| David Mack | William Bowers |

**Total Present--121**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KENNEDY a leave of absence for the week due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BOWERS a temporary leave of absence for business reasons.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Tommy Rowland of Columbia was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3047 |
| Date: | ADD: |
| 03/15/10 | HERBKERSMAN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3886 |
| Date: | REMOVE: |
| 03/15/10 | BEDINGFIELD |

**H. 4657--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

**H. 4657--GENERAL APPROPRIATION BILL**

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.

**MOTION ADOPTED**

Rep. COOPER moved that while debating H. 4657 he be allowed to note a motion daily to reconsider each section adopted, which was agreed to.

**MOTION ADOPTED**

Rep. COOPER moved that that when the House adjourns today that it adjourns to meet at 9:30 a.m. tomorrow, which was agreed to.

**MOTION ADOPTED**

Rep. COOPER moved that the House pass over Section 1A in its entirety, Section 1B in its entirety, and Section III in its entirety, so that we may take up the amendment on the desk that creates Section IV, which was agreed to.

**PART IV ADDED**

Reps. COOPER AND EDGE proposed the following Amendment No. 50 (Doc Name h:\legwork\house\amend\H-WM\001\PART 4.DOCX), which was adopted:

Amend the bill, as and if amended, by adding Part IV, Enhanced Federal Medical Assistance Percentage, page 526, after line 8, to read:

/PART IV

ENHANCED FEDERAL

MEDICAL ASSISTANCE PERCENTAGE

SECTION 1. Pursuant to passage of federal legislation extending the American Recovery and Reinvestment Act’s enhanced Medicaid Federal Medical Assistance Percentage (FMAP), it is the intent of the General Assembly that the Governor certify receipt of the two additional quarters of enhanced FMAP. As a result of the Governor's action, the General Assembly recognizes that these funds are authorized for appropriation pursuant to the provisions of this Part.

SECTION 2. The source of funds appropriated in this provision is $173,587,157 of Department of Health and Human Services general fund appropriations, carry forward funds, earmarked and restricted special revenue fund accounts, and unobligated state match funds resulting from the extension of the increased Federal Medical Assistance Percentage. The funds designated herein shall be distributed, at a minimum, in four equal disbursements on a quarterly basis.

1. Department of Health and Human Services

A. Medicaid Maintenance of Effort $ 28,335,491

B. MUSC Disproportionate Share $ 10,000,000

C. National Kidney Foundation Serving

South Carolina $ 250,000

D. Hemophilia $ 100,000

E. Physician Rates, Anesthesiologist $ 1,300,000

F. Federally Qualified Health Centers $ 700,000

G. Removal of Hard Cap of 3 Prescriptions $ 10,700,000

H. SCHIP Stand Alone (HCK) $ 3,320,218

I. GAPS Program $ 2,915,469

J. Optometry for Adults $ 1,061,512

K. Welvista $ 700,000

L. Shared Care $ 700,000

2. Department of Health and Environmental Control

A. Best Chance Network $ 2,000,000

B. Colorectal Cancer Screening $ 2,000,000

C. Rural Hospital Grants $ 5,000,000

D. Rural Health Centers - USC $ 5,000,000

E. Hollings Cancer Center - Research and Treatment

$ 10,000,000

F. ADAP Program $ 2,234,467

G. Trauma Centers $ 3,000,000

Of the funds allocated above for Trauma Centers $350,000 shall be provided to each hospital in the trauma system that is approved by the Department of Health and Environmental Control to elevate a level two trauma hospital to a level one or to elevate a level three trauma hospital to a level two.

3. Department of Mental Health

Crisis Stabilization. $ 2,000,000

4. Department of Social Services

Replace TANF Shortfall $ 18,000,000

5. Budget and Control Board, Employee Benefits

Employee Health Insurance $ 7,500,000

6. Department of Motor Vehicles

Vehicle License Plate Replacement $ 8,000,000

7. Lieutenant Governor’s Office, Home and Community Based

Services, Meals on Wheels $ 1,300,000

The below funds shall be disbursed for the purpose of agency operating expenses:

8. Department of Health and Environmental

Control $ 9,000,000

9. Department of Mental Health $ 17,500,000

10. Department of Disabilities and

Special Needs $ 9,000,000

11. Vocational Rehabilitation $ 620,000

12. Department of Alcohol and Other

Drug Abuse Services $ 600,000

13. Commission for the Blind $ 250,000

14. Department of Juvenile Justice $ 10,500,000

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

All agencies, unless specifically exempt by another provision contained in this act, shall transfer unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage to the State Treasurer to be deposited into the Health Care Annualization and Maintenance of Effort Fund.

SECTION 3. The General Assembly recognizes that the receipt of the funds appropriated in this Part is designed to address a precipitous drop in revenue due to the pending economic crisis and the use of this money to fund recurring expenses is a means to address this shortfall in recurring funds until the economy improves. The General Assembly further recognizes that these funds are temporary in nature and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. As a result, the General Assembly strongly encourages state agencies and institutions and school districts receiving these funds to limit the reliance on these funds and make contingency plans that include savings necessary to meet future recurring obligations.

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

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

Rep. COOPER spoke in favor of the amendment.

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

Yeas 96; Nays 6

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Knight |
| Littlejohn | Loftis | Long |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Ott |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Simrill | Skelton | D. C. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Wylie | A. D. Young | T. R. Young |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Haley | Millwood |
| Norman | Stewart | Viers |

**Total--6**

So, the amendment was adopted.

**RECORD FOR VOTING**

Since the budget debate began on Monday at 1:00 p.m., I found it difficult to complete necessary work and get to Columbia prior to the beginning of the Session. By my late arrival, I missed the vote whereby federal stimulus money was directed to meet shortfalls in the budget for DDSN. With Whitten Center being in my House District and with a

full appreciation of the job that DDSN does for needy citizens in the State, I would have voted in favor of this funding.

Rep. Jeff Duncan

RECORD FOR VOTING

Since the budget debate began on Monday at 1:00 p.m., I found it necessary to complete some work, as a business owner planning to be in Columbia for the week. By my late arrival, I missed the vote whereby Federal Stimulus money was directed to meet shortfalls in the State’s budget for DDSN. I would have voted in favor of this funding.

Rep. Mark Willis

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Amendment No. 50, Part IV, of the Appropriation Bill. As a business owner, I believe in contingency plans. I would have voted in favor of this Amendment because it is a contingency plan by the S.C. House, if Congress approves this funding.

Rep. Harry Cato

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Amendment No. 50, adding Part IV. If I had been present, I would have voted in favor of the Amendment.

Rep. Chip Limehouse

STATEMENT FOR THE JOURNAL

While our job would be easier if we could continue to manipulate our budget based on finds that have not even been finalized yet by Washington, this is no way to shirk our responsibilities on the tough decisions we must make this week.

This $200M PROPOSED extension of Federal Medical Assistance Percentage (FMAP) funds is simply that - a proposal. It is not yet law and has not been approved by the US House/Senate in the same bill; therefore, obviously not signed by the President.

Until those funds are signed into law, it is improper to allocate them during this budget debate.

During debate, the Chairman shared that we have an upcoming amendment that will alleviate much of the current cuts proposed for DDSN - without using this “wish money” in Section 4. I will fully support that amendment.

Rep. Nathan Ballentine

**PART IA**

**SECTION 8**

Section 8 was adopted.

**SECTION 10**

Section 10 was adopted.

**SECTION 11**

Section 11 was adopted.

**SECTION 13**

Section 13 was adopted.

**SECTION 14**

Section 14 was adopted.

**SECTION 15B**

Section 15B was adopted.

**SECTION 15C**

Section 15C was adopted.

**SECTION 15D**

Section 15D was adopted.

**SECTION 15E**

Section 15E was adopted.

**SECTION 15F**

Section 15F was adopted.

**SECTION 15H**

Section 15H was adopted.

**SECTION 17A**

Section 17A was adopted.

**SECTION 20**

Section 20 was adopted.

**SECTION 27**

Section 27 was adopted.

**SECTION 32**

Section 32 was adopted.

**SECTION 34**

Section 34 was adopted.

**SECTION 41**

Section 41 was adopted.

**SECTION 42**

Section 42 was adopted.

**SECTION 45**

Section 45 was adopted.

**SECTION 50**

Section 50 was adopted.

**SECTION 57**

Section 57 was adopted.

**SECTION 60**

Section 60 was adopted.

**SECTION 63**

Section 63 was adopted.

**SECTION 67--AMENDED AND ADOPTED**

Rep. BINGHAM proposed the following Amendment No. 31 (Doc Name h:\legwork\house\amend\H-WM\008\RESTORE SCOIS ESC.DOCX), which was adopted:

Amend the bill, as and if amended, Part IA, Section 67, EMPLOYMENT SECURITY COMMISSION, page 245, lines 23-24, opposite /Classified Positions/ by increasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

272,891 272,891

(4.00) (4.00)

Amend the bill further, as and if amended, Section 67, EMPLOYMENT SECURITY COMMISSION, page 245, line 25, opposite /Other Personal Services/ by increasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

123,155 123,155

Amend the bill further, as and if amended, Section 67, EMPLOYMENT SECURITY COMMISSION, page 245, line 28, opposite /Other Operating Expenses/ by increasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

89,815 39,815

Amend the bill further, as and if amended, Section 67, EMPLOYMENT SECURITY COMMISSION, page 245, line 35, opposite /Employer Contributions/ by increasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

33,273 33,273

Renumber sections to conform.

Amend totals and titles to conform.

Rep. BINGHAM explained the amendment.

The amendment was then adopted.

Section 67, as amended, was adopted.

**SECTION 68A**

Section 68A was adopted.

**SECTION 68B**

Section 68B was adopted.

**SECTION 68C**

Section 68C was adopted.

**SECTION 68D**

Section 68D was adopted.

**SECTION 70A**

Section 70A was adopted.

**SECTION 70B**

Section 70B was adopted.

**SECTION 70C**

Section 70C was adopted.

**SECTION 70D**

Section 70D was adopted.

**SECTION 70E**

Section 70E was adopted.

**SECTION 71**

Section 71 was adopted.

**SECTION 72C**

Section 72C was adopted.

**SECTION 74**

Section 74 was adopted.

**SECTION 76**

Section 76 was adopted.

**SECTION 77**

Section 77 was adopted.

**SECTION 79**

Section 79 was adopted.

**SECTION 80B**

Section 80B was adopted.

**SECTION 80C**

Section 80C was adopted.

**SECTION 80D**

Section 80D was adopted.

**SECTION 81**

Section 81 was adopted.

**SECTION 82**

Section 82 was adopted.

**SECTION 86**

Section 86 was adopted.

**SECTION 87**

Section 87 was adopted.

**SECTION 88**

Section 88 was adopted.

**PART IB**

**SECTION 2--AMENDED AND ADOPTED**

Rep. LIMEHOUSE proposed the following Amendment No. 14 (Doc Name h:\legwork\house\amend\H-WM\006\PASCAL.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 368, paragraph 2.6, line 6, by inserting after County Libraries.:

/*The next $1,000,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. LIMEHOUSE explained the amendment.

The amendment was then adopted by a division vote of 47 to 20.

Rep. J. R. SMITH proposed the following Amendment No. 41 (Doc Name h:\legwork\house\amend\H-WM\007\SDE LOTTERY CARRY FORWARD FOR TRANSPORTATION.DOCX), which was rejected:

Amend the bill, as and if amended, Part IB, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 364, paragraph 2.2, lines 34 and 35, by striking /expenditures incurred in the prior fiscal year or to be expended for the same purpose/ and inserting /Transportation purposes/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. R. SMITH explained the amendment.

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

Yeas 50; Nays 63

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Barfield | Bingham |
| Bowen | Chalk | Cooper |
| Delleney | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Herbkersman | Horne |
| Huggins | Kelly | Kirsh |
| Limehouse | Littlejohn | Loftis |
| Lucas | McEachern | Merrill |
| D. C. Moss | V. S. Moss | Nanney |
| Neilson | Owens | Parker |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Toole | White |
| Wylie | A. D. Young |  |

**Total--50**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Battle | Bedingfield |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clemmons |
| Clyburn | Cole | Crawford |
| Daning | Dillard | Duncan |
| Funderburk | Gilliard | Govan |
| Gunn | Haley | Hart |
| Harvin | Hayes | Hiott |
| Hodges | Hosey | Hutto |
| Jefferson | Jennings | King |
| Knight | Long | Lowe |
| McLeod | Miller | Millwood |
| Mitchell | J. H. Neal | J. M. Neal |
| Norman | Ott | Parks |
| Rice | Scott | Sellers |
| J. E. Smith | Stavrinakis | Stewart |
| Thompson | Umphlett | Vick |
| Viers | Weeks | Whipper |
| Williams | Willis | T. R. Young |

**Total--63**

So, the amendment was rejected.

Section 2, as amended, was adopted.

**SECTION 4**

Section 4 was adopted.

**SECTION 14**

Section 14 was adopted.

**SECTION 15--ADOPTED**

Rep. M.A. PITTS proposed the following Amendment No. 16 (Doc Name h:\legwork\house\amend\H-WM\006\POLI SCI PROF BONUS.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 15, UNIVERSITY OF SOUTH CAROLINA, page 376, after line 2, by adding an appropriately numbered paragraph to read:

/ *(USC: Political Science Bonus) For Fiscal Year 2010-11 the University of South Carolina is directed to use $1,000,000 to give all professors of political science an equal one time monetary bonus.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. M. A. PITTS explained the amendment.

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

Section 15 was adopted.

**SECTION 17**

Section 17 was adopted.

**SECTION 18**

Section 18 was adopted.

**SECTION 19**

Section 19 was adopted.

**SECTION 20**

Section 20 was adopted.

**SECTION 21--ADOPTED**

Reps. KING, GILLIARD proposed the following Amendment No. 78 (Doc Name h:\legwork\house\amend\H-WM\005\21.25 REMOVES ENROLLMENT LIMITATIONS.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 383, paragraph 21.25, lines 23-24, by striking:/Effective July 1, 2010, enrollment shall be closed to new participants. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. KING explained the amendment.

Rep. EDGE moved to table the amendment.

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

Yeas 66; Nays 51

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Daning | Delleney | Duncan |
| Edge | Forrester | Frye |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Hiott | Horne |
| Huggins | Kelly | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |

**Total--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Crawford | Dillard |
| Erickson | Funderburk | Gilliard |
| Govan | Gunn | Hart |
| Harvin | Hayes | Herbkersman |
| Hodges | Hosey | Hutto |
| Jefferson | Jennings | King |
| Kirsh | Knight | McEachern |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sellers | Simrill | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams | T. R. Young |

**Total--51**

So, the amendment was tabled.

Section 21 was adopted.

**SECTION 27**

Section 27 was adopted.

**SECTION 28**

Section 28 was adopted.

**SECTION 32**

Section 32 was adopted.

**SECTION 34**

Section 34 was adopted.

**SECTION 44**

Section 44 was adopted.

**SECTION 45--DEBATE ADJOURNED**

Reps. T. R. YOUNG and J. R. SMITH proposed the following Amendment No. 34 (Doc Name h:\legwork\house\amend\H-WM\007\YUCCA MTN.DOCX):

Amend the bill, as and if amended, Part IB, Section 45, ATTORNEY GENERAL'S OFFICE, page 419, after line 27, by adding an appropriately numbered paragraph to read:

/ *(AG: Yucca Mountain) The Attorney General may initiate or intervene in administrative or civil proceedings seeking to enforce the United States Department of Energy’s previous designation of the Yucca Mountain site as the repository for high-level nuclear waste as those terms are defined by Section 2 of the Nuclear Waste Policy Act of 1982, as amended (42 U.S.C. §10101 et seq.). The State Budget and Control Board may authorize the expenditure of an amount not to exceed $2,000,000 from the Barnwell Extended Care Maintenance Fund for any enforcement actions and associated costs relating to the Nuclear Waste Policy Act of 1982.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. R. SMITH explained the amendment.

Rep. J. R. SMITH moved to adjourn debate on the section, which was agreed to.

**SECTION 47**

Section 47 was adopted.

**SECTION 48**

Section 48 was adopted.

**SECTION 49**

Section 49 was adopted.

**SECTION 49A**

Section 49A was adopted.

**SECTION 50**

Section 50 was adopted.

**SECTION 51**

Section 51 was adopted.

**SECTION 56**

Section 56 was adopted.

**SECTION 57**

Section 57 was adopted.

**SECTION 59**

Section 59 was adopted.

**SECTION 62**

Section 62 was adopted.

**SECTION 63**

Section 63 was adopted.

**SECTION 66**

Section 66 was adopted.

**SECTION 68A**

Section 68A was adopted.

**SECTION 68D**

Section 68D was adopted.

**SECTION 69**

Section 69 was adopted.

**SECTION 70**

Section 70 was adopted.

**SECTION 71**

Section 71 was adopted.

**SECTION 74**

Section 74 was adopted.

**SECTION 76**

Section 76 was adopted.

**SECTION 82**

Section 82 was adopted.

**SECTION 86--DEBATE ADJOURNED**

Rep. NANNEY proposed the following Amendment No. 79 (Doc Name H:\LEGWORK\HOUSE\AMEND\COUNCIL\DKA\3948 DW10.DOCX):

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 479, after line 8, by inserting an appropriately numbered paragraph to read:

/ *86.\_\_ (POSTING NOTICES ON WEBSITES) (A) Effective for the current fiscal year, a municipality or county required by law to post a notice in a newspaper may post the notice on the website of the municipality or county.*

*(B) Upon request, a county library or county government office shall print the notice, free of charge, to a person requesting in person the notice.*

*(C) Nothing in this paragraph requires a municipality or county to provide or maintain a website.*

*(D) The posting of a notice pursuant to the provisions of this paragraph satisfies all statutory requirements to post a notice in a newspaper.”* /

Renumber sections to conform.

Amend totals and titles to conform.

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

Rep. OTT moved to adjourn debate on the section, which was agreed to.

**PART II**

Rep. COBB‑HUNTER proposed the following Amendment No. 2 (COUNCIL\BBM\9640HTC10):

Amend the bill, as and if amended, Part II, page 523, by striking /Reserved/ and inserting:

/ SECTION 1

The Code Commissioner is directed to include all permanent general laws in this Part in the next edition of the Code of Laws of South Carolina, 1976, and all supplements to the Code.

SECTION 2

TO AMEND SECTION 6‑1‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMIT ON ANNUAL PROPERTY TAX MILLAGE INCREASES IMPOSED BY POLITICAL SUBDIVISIONS, SO AS TO RESTORE THE FORMER METHOD OF OVERRIDING THE ANNUAL CAP BY A POSITIVE MAJORITY OF THE APPROPRIATE GOVERNING BODY AND DELETING THE SUPER MAJORITY REQUIREMENT FOR OVERRIDING THE CAP FOR SPECIFIC CIRCUMSTANCES; TO AMEND SECTION 11‑11‑150, AS AMENDED, RELATING TO THE TRUST FUND FOR TAX RELIEF, SO AS TO RESTORE TO IT FUNDING FOR THE RESIDENTIAL PROPERTY TAX EXEMPTION AND FULL FUNDING FOR THE SCHOOL OPERATING MILLAGE PORTION OF THE REIMBURSEMENT PAID LOCAL GOVERNMENTS FOR THE HOMESTEAD PROPERTY TAX EXEMPTION FOR THE ELDERLY OR DISABLED; TO AMEND SECTION 12‑37‑220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO DELETE THE EXEMPTION REIMBURSED FROM THE HOMESTEAD EXEMPTION FUND FROM ALL SCHOOL OPERATING MILLAGE ALLOWED ALL OWNER‑OCCUPIED RESIDENTIAL PROPERTY; TO AMEND SECTION 12‑37‑251, AS AMENDED, RELATING TO THE CALCULATION OF “ROLLBACK TAX MILLAGE” APPLICABLE FOR REASSESSMENT YEARS, SO AS TO RESTORE THE FORMER EXEMPTION ALLOWED FROM A PORTION OF SCHOOL OPERATING MILLAGE FOR ALL OWNER‑OCCUPIED RESIDENTIAL PROPERTY; TO AMEND SECTION 12‑37‑270 AND ACT 388 OF 2006, RELATING TO THE REIMBURSEMENTS PAID LOCAL GOVERNMENTS FOR PROPERTY TAX NOT COLLECTED AS A RESULT OF THE HOMESTEAD EXEMPTION FOR THE ELDERLY OR DISABLED AND, AMONG OTHER THINGS, THE APPLICATION OF PROPERTY TAX CREDITS IN COUNTIES WHERE THE USE OF LOCAL OPTION SALES TAX REVENUES GIVE RISE TO A CREDIT AGAINST SCHOOL OPERATING PROPERTY TAX MILLAGE, SO AS TO MAKE CONFORMING AMENDMENTS; TO REPEAL ARTICLE 7, CHAPTER 10, OF TITLE 4, RELATING TO THE LOCAL OPTION SALES AND USE TAX FOR LOCAL PROPERTY TAX CREDITS; TO REPEAL SECTIONS 11‑11‑155 AND 11‑11‑156, BOTH AS AMENDED, RELATING TO THE HOMESTEAD EXEMPTION TRUST FUND; TO REPEAL ARTICLE 11, CHAPTER 36 OF TITLE 12, RELATING TO THE STATEWIDE ADDITIONAL ONE PERCENT SALES AND USE TAX THE REVENUES OF WHICH REIMBURSE SCHOOL DISTRICTS FOR THE HOMESTEAD EXEMPTION FROM ALL PROPERTY TAX MILLAGE IMPOSED FOR SCHOOL OPERATIONS; TO AMEND SECTIONS 12‑37‑3130, 12‑37‑3140, AND 12‑37‑3150, ALL AS AMENDED, RELATING TO DEFINITIONS, VALUATION, AND ASSESSABLE TRANSFERS OF INTEREST, FOR PURPOSES OF THE “SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT”, SO AS TO ELIMINATE THE “POINT OF SALE” VALUATION OF REAL PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX AND RETURN TO THE FORMER VALUATION SYSTEM IN WHICH REAL PROPERTY AND IMPROVEMENTS TO REAL PROPERTY ARE APPRAISED BY THE ASSESSOR AND PERIODICALLY ADJUSTED IN COUNTYWIDE REAPPRAISALS, TO PROVIDE THAT WHEN THE FIFTEEN PERCENT CAP OVER FIVE YEARS ON INCREASES IN FAIR MARKET VALUE OF REAL PROPERTY RESULTS IN A VALUE THAT IS LOWER THAN THE FAIR MARKET VALUE OF THE PROPERTY AS DETERMINED BY THE ASSESSOR THAT THE LOWER VALUE BECOMES THE PROPERTY TAX VALUE OF THE REAL PROPERTY AND IS DEEMED ITS FAIR MARKET VALUE FOR PURPOSES OF IMPOSITION OF PROPERTY TAX, TO PROVIDE THAT AN ASSESSABLE TRANSFER OF INTEREST IS A TRANSFER OF OWNERSHIP OR OTHER INSTANCE CAUSING A “STEPUP” IN THE PROPERTY TAX VALUE OF REAL PROPERTY TO ITS FAIR MARKET VALUE AS DETERMINED BY THE ASSESSOR, TO REQUIRE THE CAP ON INCREASES IN VALUE TO BE APPLIED SEPARATELY TO REAL PROPERTY AND THE IMPROVEMENTS THEREON, AND TO PROVIDE WHEN THE STEPPEDUP VALUE FIRST APPLIES; TO AMEND SECTION 12‑60‑30, AS AMENDED, RELATING TO THE DEFINITION OF “PROPERTY TAX ASSESSMENT” FOR PURPOSES OF THE SOUTH CAROLINA REVENUE PROCEDURES ACT, SO AS TO REQUIRE THE NOTICES TO INCLUDE PROPERTY TAX VALUE AND PROVIDE THAT THE APPLICABLE ASSESSMENT RATIO APPLIES TO THE LOWER OF FAIR MARKET VALUE, PROPERTY TAX VALUE, OR SPECIAL USE VALUE; TO AMEND SECTION 12‑60‑2510, AS AMENDED, RELATING TO THE FORM OF ASSESSMENT NOTICES ISSUED BY THE COUNTY ASSESSOR, SO AS TO PROVIDE THAT THESE NOTICES MUST CONTAIN THE PROPERTY TAX VALUE OF REAL PROPERTY AND IMPROVEMENTS IN ADDITION TO FAIR MARKET VALUE AND SPECIAL USE VALUE; TO PROVIDE FOR THE REPEAL OF ARTICLE 25, CHAPTER 37, TITLE 12, THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT; AND TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS AND SECTIONS 12‑60‑30 AND 12‑60‑2510, BOTH AS AMENDED, RELATING TO TAX PROCEDURES, SO AS TO MAKE CONFORMING AMENDMENTS, AND MAKE THESE REPEALS AND AMENDMENTS CONTINGENT UPON RATIFICATION OF AN AMENDMENT TO ARTICLE X, SECTION 6 OF THE CONSTITUTION OF THIS STATE ELIMINATING THE FIFTEEN PERCENT CAP OVER FIVE YEARS IN INCREASES IN THE VALUE OF REAL PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX AND ELIMINATING AN ASSESSABLE TRANSFER OF INTEREST AS AN EVENT THAT MAY RESULT IN A CHANGE IN THE VALUE OF REAL PROPERTY FOR PURPOSES OF THE IMPOSITION OF THE PROPERTY TAX.

Subpart A

SECTION 1. Section 6‑1‑320 of the 1976 Code, as last amended by Act 410 of 2008, is further amended to read:

“Section 6‑1‑320. (A)Notwithstanding Section 12‑37‑251(E), a local governing body may increase the millage rate imposed for general operating purposes above the rate imposed for such purposes for the preceding tax year only to the extent of the increase in the average of the twelve monthly consumer price indexes for the most recent twelve‑month period consisting of January through December of the preceding calendar year~~, plus, beginning in 2007, the percentage increase in the previous year in the population of the entity as determined by the Office of Research and Statistics of the State Budget and Control Board~~. However, in the year in which a reassessment program is implemented, the rollback millage, as calculated pursuant to Section 12‑37‑251(E), must be used in lieu of the previous year’s millage rate

(B) Notwithstanding the limitation upon millage rate increases contained in subsection (A), the millage rate limitation may be suspended and the millage rate may be increased ~~upon a two‑thirds vote of the membership of the local governing body~~ for the following purposes:

(1) in response to a natural, environmental, or other disaster as declared by the Governor;

(2) to offset a prior year’s deficit, as required by Section 7, Article X of the South Carolina Constitution;

(3) to raise the revenue necessary to comply with judicial mandates requiring the use of county or municipal funds, personnel, facilities, or equipment;

(4) to meet the minimum required local Education Finance Act inflation factor as projected by the State Budget and Control Board, Division of Research and Statistics, and the per pupil maintenance of effort requirement of Section 59‑21‑1030, if applicable.

~~(1)~~ ~~the deficiency of the preceding year;~~

~~(2)~~ ~~any catastrophic event outside the control of the governing body such as a natural disaster, severe weather event, act of God, or act of terrorism, fire, war, or riot;~~

~~(3)~~ ~~compliance with a court order or decree;~~

~~(4)~~ ~~taxpayer closure due to circumstances outside the control of the governing body that decreases by ten percent or more the amount of revenue payable to the taxing jurisdiction in the preceding year; or~~

~~(5)~~ ~~compliance with a regulation promulgated or statute enacted by the federal or state government after the ratification date of this section for which an appropriation or a method for obtaining an appropriation is not provided by the federal or state government.~~

~~If a tax is levied to pay for items (1) through (5) above, then the amount of tax for each taxpayer must be listed on the tax statement as a separate surcharge, for each aforementioned applicable item, and not be included with a general millage increase. Each separate surcharge must have an explanation of the reason for the surcharge. The surcharge must be continued only for the years necessary to pay for the deficiency, for the catastrophic event, or for compliance with the court order or decree.~~

(C) ~~The millage increase permitted by subsection (B) is in addition to the increases from the previous year permitted pursuant to subsection (A) and shall be an additional millage levy above that permitted by subsection (A). The millage limitation provisions of this section do not apply to revenues, fees, or grants not derived from ad valorem property tax millage or to the receipt or expenditures of state funds.~~ The millage rate limitation provided for in subsection (A) of this section may be overridden and the millage rate may be further increased by a positive majority vote of the appropriate governing body. The vote must be taken at a specially‑called meeting held solely for the purpose of taking a vote to increase the millage rate. The governing body must provide public notice of the meeting notifying the public that the governing body is meeting to vote to override the limitation and increase the millage rate. Public comment must be received by the governing body prior to the override vote.

(D) The restriction contained in this section does not affect millage that is levied to pay bonded indebtedness or payments for real property purchased using a lease‑purchase agreement or used to maintain a reserve account. Nothing in this section prohibits the use of energy‑saving performance contracts as provided in Section 48‑52‑670.

(E) Notwithstanding any provision contained herein, this article does not and may not be construed to amend or to repeal the rights of a legislative delegation to set or restrict school district millage, and this article does not and may not be construed to amend or to repeal any caps on school millage provided by current law or statute or limitation on the fiscal autonomy of a school district as currently in existing law.

(F) The positive majority vote of the governing body required by this section does not apply to school districts that have their budgets approved by qualified electors at a town meeting.”

SECTION 2. A. Items (1) and (2) of Section 11‑11‑150(A) of the 1976 Code, as last amended by Act 388 of 2006, are amended to read:

“(1) ~~Reserved~~ Section 12‑37‑251 for the residential property tax exemption;

(2) ~~Reserved~~ Section 12‑37‑270 for the homestead exemption for persons over age sixty‑five or disabled;”

B. This section is effective for fiscal years beginning after June 30, 2010.

SECTION 3. A. Section 12‑37‑220(B) of the 1976 Code is amended by deleting item (47) which reads:

“(47)(a) Effective for property tax years beginning after 2006 and to the extent not already exempt pursuant to Section 12‑37‑250, one hundred percent of the fair market value of owner‑occupied residential property eligible for and receiving the special assessment ratio allowed owner‑occupied residential property pursuant to Section 12‑43‑220(c) is exempt from all property taxes imposed for school operating purposes but not including millage imposed for the repayment of general obligation debt.

(b) Notwithstanding any other provision of law, property exempted from property tax in the manner provided in this item is considered taxable property for purposes of bonded indebtedness pursuant to Section 15 of Article X of the Constitution of this State.

(c) The exemptions allowed by this item may not be deleted or reduced except by a legislative enactment receiving a recorded roll call vote of at least a two‑thirds majority of the membership of each house of the General Assembly.”

B. This section is effective for property tax years beginning after 2009.

SECTION 4. A. Section 12‑37‑270(A) of the 1976 Code, as last amended by Act 388 of 2006, is further amended to read:

“(A) As provided in Section 11‑11‑150, there must be credited to the Trust Fund for Tax Relief in a fiscal year an amount sufficient to pay the reimbursement provided by this section. The Comptroller General, from the Trust Fund, annually shall pay to the county treasurer of the county in which the dwelling is situate for the account of each county, school district, or special district therein a sum equal to the amount of taxes that was not collected for such county, school district, or special district by reason of the exemption provided for in Section 12‑37‑250 and also annually shall pay to the governing body of the municipality in which the dwelling is situate a sum equal to the amount of taxes that was not collected for such municipality by reason of the exemption provided for in Section 12‑37‑250. ~~However, no reimbursement must be paid pursuant to this section for revenue for school operations not collected because of the exemption allowed pursuant to Section 12‑37‑250.~~ The county treasurer and municipal governing body shall furnish the Comptroller General on or before April first following the tax year, or during an extension authorized by the Comptroller General not to exceed sixty days an accounting or statement as prescribed by the Comptroller General that reflects the amount of county, municipal, school district, or special district taxes that was not collected because of the exemption. Any funds paid by the Comptroller General as the result of an erroneous or improper application must be returned to the Comptroller General for deposit in the general fund of the State.”

B. This section is effective for fiscal years beginning after June 30, 2010.

SECTION 5. A. Section 12‑37‑251 of the 1976 Code, as last amended by Act 388 of 2006, is further amended to read:

“Section 12‑37‑251. (A) ~~RESERVED~~ (1) The Trust Fund for Tax Relief must contain an amount equal to the revenue necessary to fund a property tax exemption of one hundred thousand dollars based on the fair market value of property classified pursuant to Section 12‑43‑220(c) calculated on the school operating millage imposed for tax year 1995 or the current school operating millage, whichever is lower, excluding taxes levied for bonded indebtedness and payments pursuant to lease purchase agreements for capital construction. The 1995 tax year school operating millage or the current school operating millage, whichever is lower, is the base year millage for purposes of calculating the amount necessary to fund the Trust Fund for Tax Relief in accordance with this section. However, in years in which the values resulting from a countywide reassessment and equalization program are implemented, the base year millage must be adjusted to an equivalent millage rate in the manner that the Department of Revenue shall prescribe. Funds distributed to a taxing district as provided in subsection (B) of this section must be used to provide a uniform property tax exemption for all property in the taxing district which is classified pursuant to Section 12‑43‑220(c), excluding taxes levied for bonded indebtedness and payments pursuant to lease purchase agreements for capital construction.

(2) Notwithstanding the provisions of this subsection, a school district whose operating millage falls below the 1995 school year operating millage may request to receive tax relief based on the 1995 operating millage, or equivalent millage rate, if one of the following conditions are met:

(a) the current operating millage per pupil plus the current debt service millage is equal to or less than the total millage per pupil for 1995;

(b) the operating millage per pupil for the 1995 tax year reduced by the amount by which the total millage per pupil for all purposes in the current year exceeds the total millage per pupil for the 1995 tax year but not below the actual operating millage per pupil for the current year.

The Department of Revenue is responsible for certifying that the conditions are met based on the latest completed fiscal year data of the requesting district.

Any funds received by an eligible school district in excess of its current millage under this subsection may be used by the district to pay bonded indebtedness.

(B) ~~RESERVED(1)~~ School districts must be reimbursed from revenues credited to the Trust Fund for Tax Relief for a fiscal year, in the manner provided in Section 12‑37‑270, for the revenue lost as a result of the homestead exemption provided in this section. Ninety percent of the reimbursement must be paid in the last quarter of the calendar year on December first. From funds appropriated to the Office of the Comptroller General in the annual general appropriations act, the Comptroller shall make the calculations and distributions required pursuant to this subsection. If amounts received by a school district pursuant to this subsection are insufficient to reimburse fully for the base year operating millage, the local school board, within its authority, shall decide how to make up the shortfall, if necessary. Amounts received by a district in excess of the amount necessary to reimburse the district for the base year operating millage must first be used to reduce any operating millage imposed since the 1995 base year, must next be used for school debt service purposes, and any funds remaining may then be retained by the district.

(2) School districts must be reimbursed on a per capita basis, but a district may not receive as a reimbursement for a fiscal year an amount less than the actual reimbursement amount it received in fiscal year 1998‑99. If amounts credited to the Trust Fund for Tax Relief for a fiscal year pursuant to item (1) of this subsection are insufficient to pay the full amount of the reimbursements provided by this item, then all amounts credited to the trust fund for a fiscal year for this reimbursement in excess of the amount of the reimbursements paid pursuant to this section in fiscal year 1998‑99 must be allocated only to those districts receiving less than the full per capita reimbursement, and this allocation must be on a per capita basis among only those counties receiving some part of this allocation.

(3) Operating millage levied in a county for alternative schools, career and technology centers, and county boards of education whether or not levied countywide or on a school district by school district basis in a county also is considered school operating millage to which the property tax exemption provided by this section applies. County treasurers shall consider these operating millages in determining revenue lost when making disbursements to school districts from trust funds for tax relief funds under this section.

(C) ~~RESERVED~~ Notwithstanding any other provision of law, property exempted from property taxation in the manner provided in this section is considered taxable property for purposes of bonded indebtedness pursuant to Sections 14 and 15 of Article X of the Constitution of this State, and for purposes of computing the “index of taxpaying ability” pursuant to Section 59‑20‑20(3).

(D) RESERVED

(E) Rollback millage is calculated by dividing the prior year property tax revenues by the adjusted total assessed value applicable in the year the values derived from a countywide equalization and reassessment program are implemented. This amount of assessed value must be adjusted by deducting assessments added for property or improvements not previously taxed, for new construction, and for renovation of existing structures.

(F) ~~RESERVED~~ The exemption allowed by this section is conditional on full funding of the Education Finance Act and on an appropriation by the General Assembly each year reimbursing school districts an amount equal to the Economic Research Section of the Budget and Control Board estimate of total school tax revenue loss resulting from the exemption in the next fiscal year.”

B. The property tax exemption and reimbursement for the exemption allowed by this section are effective for property tax years beginning after 2009.

SECTION 6. Section 3, Part II, of Act 388 of 2006 is amended by deleting subsection B, codified as Section 11‑11‑157 of the 1976 Code, which reads:

“B. Beginning June 1, 2007, funds derived from a one percent local option sales tax imposed in a county which are used to reduce ad valorem property taxes imposed on owner‑occupied residential property for school operating purposes must be thereafter applied on a pro rata basis to reduce ad valorem property taxes levied for other purposes as the county governing body shall provide.”

SECTION 7. A. Article 7, Chapter 10, Title 4 of the 1976 Code is repealed.

B. Sections 11‑11‑155 and 11‑11‑156 of the 1976 Code are repealed.

C. Article 11, Chapter 36, Title 12 of the 1976 Code is repealed.

D. Subsections B and C of this section take effect July 1, 2010.

Subpart B

SECTION 1. A. Section 12‑37‑3130 of the 1976 Code, as last amended by Act 357 of 2008, is further amended to read:

“Section 12‑37‑3130. (1) ‘Additions’ or ‘improvements’ mean an increase in the value of an existing parcel of real property because of:

(a) new construction;

(b) reconstruction;

(c) major additions to the boundaries of the property or a structure on the property;

(d) remodeling; or

(e) renovation and rehabilitation, including installation.

Additions or improvements do not include minor construction or ongoing maintenance and repair of existing structures. The repair or reconstruction of a structure damaged or destroyed by a disaster, to include, but not limited to, construction defects, defective materials, fire, wind, hail, flood, and acts of God, is not an addition or improvement to the extent that the structure as repaired or reconstructed is similar in size, utility, and function of the structure damaged or destroyed, and the rebuilding or reconstruction is begun within eight years after determination of the damage or destruction. Construction of facilities in a home that make the home handicap accessible is not an addition or improvement if the utility and function of the structure remains unchanged. The installation of a fire sprinkler system in a commercial or residential structure when the installation is not required by law, regulation, or code is not an addition or improvement if the utility and function of the structure remains unchanged.

(2) ‘Adjustments’ mean changes in fair market value ~~as determined in~~ and property tax value resulting from periodic countywide appraisal and equalization programs conducted pursuant to Section 12‑43‑217 ~~as allowed pursuant to Section 6, Article X of the Constitution of this State, but adjustments are subject to the limits on increases provided in that Section 6 and as further provided in Section 12‑37‑3140(B)~~.

(3) ‘Appraisal’ or ‘appraised’ means the process provided by law for the property tax assessor to determine the fair market value of real property and additions and improvements to real property.

(4) ‘Assessable transfer of interest’ means a transfer of an existing interest in real property that ~~subjects the real property to appraisal~~ triggers a stepup. For purposes of this definition, an existing interest in real property includes life estate interests.

(5) ~~RESERVED~~

~~(6)~~ ‘Commonly controlled’ means persons having relationships as described in Section 267(b) of the Internal Revenue Code as defined in Section 12‑6‑40(A).

~~(7)~~(6) ‘Conveyance’ means the date of the transfer of an assessable transfer of interest in real property. Failure to record legal instruments evidencing a transfer of interest gives rise to no inference as to whether or not an assessable transfer of interest has occurred.

(7) ‘Fair market value’ means the fair market value of real property and improvements to real property determined by appraisals of the property tax assessor based on initial appraisals and periodic reappraisals conducted pursuant to Section 12‑43‑217.

(8) ‘Property tax assessor’ means the county assessor, an assessor appointed to handle multiple county assessments pursuant to an intergovernmental agreement, or the Department of Revenue, as applicable.

(9) ‘Property tax value’ means the value determined pursuant to item (7) of this section when the application of the limit imposed pursuant to Section 12‑37‑3140(B) results in an amount less than fair market value. For all purposes of property tax, property tax value is deemed fair market value when it is less than fair market value.

(10) ‘Stepup’ means the substitution of fair market value for property tax value triggered when a parcel of real property undergoes an assessable transfer of interest.”

B. Section 12‑37‑3140 of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read

“Section 12‑37‑3140. (A)(1) For property tax years beginning after 2006, the ~~fair market~~ value of real property is its fair market value applicable for the later of:

(a) the base year, as defined in subsection (C) of this section;

(b) December thirty‑first of the year in which an assessable transfer of interest ~~has occurred~~ triggers a stepup;

(c) as determined on appeal; or

(d) as it may be adjusted ~~as determined~~ in a countywide reassessment program conducted pursuant to Section 12‑43‑217, ~~but limited to increases in such value as provided in subsection (B) of this section~~ with any increase limited to property tax value.

(2) To the fair market value and property tax value of real property ~~as~~ determined at the time provided in item (1) of this subsection, there must be added the fair market value of subsequent improvements and additions to the property.

(B) ~~Any~~ An increase in the fair market value of real property attributable to the periodic countywide appraisal and equalization program implemented pursuant to Section 12‑43‑217 is limited to fifteen percent within a five‑year period to the otherwise applicable fair market value. This limit must be calculated separately on land and improvements. However, this limit does not apply to the fair market value of additions or improvements to real property in the year those additions or improvements are first subject to property tax, nor ~~do they~~ does it apply ~~to the fair market value of real property when an assessable transfer of interest occurred in the year that the transfer value is first subject to tax~~ the year a stepup is implemented.

(C) For purposes of determining a ‘base year’ fair market value pursuant to this section, the fair market value of real property is its appraised value applicable for property tax year 2007.

(D) Real property valued by the unit valuation concept is excluded from the limits provided pursuant to subsection (B) of this section.

(E) Value attributable to additions and improvements, and ~~changes in value resulting from assessable transfers of interest occurring in a property tax year~~ stepups are first subject to property tax in the following tax year except as provided pursuant to Section 12‑37‑670(B).”

C. That portion of Section 12‑37‑3150(A) of the 1976 Code preceding item (1), as added by Act 388 of 2006, is amended to read:

“(A) An assessable transfer of interest triggers a stepup in value of a parcel of real property effective as provided in Section 12‑37‑3140(E). ~~For purposes of determining when a parcel of real property must be appraised, an~~ An assessable transfer of interest in real property includes, but is not limited to, the following transactions or circumstances:”

D. Section 12‑60‑30(19) of the 1976 Code is amended to read:

“(19) ‘Property tax assessment’ means any valuation or determination of property value for annual property tax purposes arrived at by multiplying the lower of fair market value, property tax value, as defined pursuant to Section 12‑37‑3130(9), or special use value of the property by the appropriate assessment ratio for the taxable property’s classification.”

E. Section 12‑60‑2510(A)(1)(b) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“(b) property tax value as ~~limited by Article 25, Chapter 37, Title 12~~ defined pursuant to Section 12‑37‑3130(9);”

SECTION 2. This subpart is effective for property tax years beginning after 2010. Property tax assessors shall conform the values of parcels of real property which underwent an assessable transfer of interest in 2007, 2008, 2009, and 2010 before the effective date of this section, to the fair market value and property tax value of these parcels as determined pursuant to Article 25, Chapter 37, Title 12 of the 1976 Code, the South Carolina Real Property Valuation Reform Act, as amended by this section. No refund is allowed as a result of these adjustments.

Subpart C

SECTION 1A. If an amendment to Article X, Section 6 of the constitution of this State is ratified during the 118th session of the General Assembly that (1) eliminates the fifteen percent over five years constitutional “cap” on increases in the fair market value of real property for purposes of imposition of the property tax; and (2) eliminates an “assessable transfer of interest” as an event which may change the value of real property for purposes of imposition of the property tax, then Article 25, Chapter 37, Title 12 of the 1976 Code, the South Carolina Real Property Valuation Reform Act, is repealed for property tax years beginning after the year of ratification. Effective for the property tax years beginning after this repeal, the value of real property for purposes of the property tax is the fair market value of the property, as that term was defined pursuant to the former provisions of Section 12‑37‑3130(7) of the 1976 Code, as that had been most recently determined pursuant to the former provisions of Article 25, Chapter 37, Title 12 of the 1976 Code. Thereafter, the value of real property for purposes of imposition of the property tax is its fair market value determined in the manner provided by law.

B. If the provisions of subsection A of this section take effect, then effective for the property tax year beginning after the ratification date described in subsection A of this section:

(1) Section 12‑43‑220 of the 1976 Code, as last amended by Act 76 of 2009, is further amended by deleting the last undesignated paragraph which reads:

to real property means fair market value determined in the manner provided pursuant to Article X of the Constitution of this State, Section 12‑37‑930 and Article 25, Chapter 37 of this title.”

(2) Section 12‑60‑30(19) of the 1976 Code is amended to read:

“(19) ‘Property tax assessment’ means any valuation or determination of property value for annual property tax purposes arrived at by multiplying the ~~lower of~~ fair market value~~, property tax value, as defined pursuant to Section 12‑37‑3130(9),~~ or special use value of the property by the appropriate assessment ratio for the taxable property’s classification.”

(3) Section 12‑60‑2510(A)(1)(b) is amended to read:

“(b) ~~value as limited by Article 25, Chapter 37, Title 12;~~ RESERVED

Subpart D

The repeal or amendment by this part 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 part, all laws repealed or amended by this part 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 part, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Subpart E

Except where otherwise stated, this SECTION takes effect upon approval of this act by the Governor. /

Renumber sections to conform.

Amend title to conform.

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

Rep. COBB-HUNTER moved to adjourn debate on Part II, which was agreed to.

**PART III**

Rep. WHITE proposed the following Amendment No. 19 (Doc Name h:\legwork\house\amend\H-WM\001\pt3 treas 50k leg council.docx), which was adopted:

Amend the bill, as and if amended, Part III, Fiscal Year 2010-11 State Stablization Fund, Section 2, page 525, line 19, opposite item “(43)” by striking /E16 - State Treasurer's Office/ and inserting /70C - Leg Dept - Codification of Laws and Legislative Council/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

Rep. KIRSH spoke upon the amendment.

The amendment was then adopted.

Rep. WILLIAMS proposed the following Amendment No. 24 (Doc Name h:\legwork\house\amend\H-WM\001\PT3 MINORITY AFFAIRS FATHERHOOD.DOCX), which was tabled:

Amend the bill, as and if amended, Part III, Fiscal Year 2010-11 State Stablization Fund, Section 2, page 525, line 16, opposite “(40) P24 - Department of Natural Resouces” by striking: / $1,145,089 / and by inserting: / $995,089 /

Amend the bill further, as and if amended, Part III, Section 2, page 525, after line 20, by adding an appropriately numbered item to read:

/ ( ) L46 - Commission for Minority Affairs--Fatherhood and Families Engagement $150,000 /

Renumber sections to conform.

Amend totals and titles to conform.

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

The question then recurred to the adoption of Part III.

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

Yeas 97; Nays 17

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hardwick | Harrell |
| Harvin | Hayes | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Long |
| Lucas | 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 | Rutherford |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young |  |  |

**Total--97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Crawford |
| Duncan | Haley | Hamilton |
| Loftis | Lowe | Millwood |
| Nanney | Norman | Rice |
| Scott | G. R. Smith | Stringer |
| Thompson | Viers |  |

**Total--17**

Part III, as amended, was adopted.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Part III. If I had been present, I would have voted against the Section, because I do not believe that the Wil Lou Gray Opportunity School should receive any more money while other, more critical agencies are sustaining substantial cuts. Additionally, we should be looking at consolidating the school and other agencies to be good stewards of the taxpayer’s money.

Rep. Tom Young

**PART IA**

**SECTION 1--DEBATE ADJOURNED**

Rep. MILLWOOD moved to adjourn debate on the section, which was agreed to.

**SECTION 2**

Section 2 was adopted.

**SECTION 3--DEBATE ADJOURNED**

Rep. CRAWFORD moved to adjourn debate on the Section, which was agreed to.

**SECTION 4**

Section 4 was adopted.

**SECTION 5**

Rep. J. R. SMITH explained the Section.

Section 5 was adopted.

**SECTION 6**

Section 6 was adopted.

**SECTION 7**

Rep. LIMEHOUSE explained the Section.

Section 7 was adopted.

**SECTION 9**

Rep. LIMEHOUSE explained the Section.

Section 9 was adopted.

**SECTION 12**

Section 12 was adopted.

**SECTION 15A**

Section 15A was adopted.

**SECTION 15G**

Section 15G was adopted.

**SECTION 16--DEBATE ADJOURNED**

Rep. SIMRILL moved to adjourn debate on the Section, which was agreed to.

**SECTION 17B**

Section 17B was adopted.

**SECTION 18**

Rep. LIMEHOUSE explained the Section.

Section 18 was adopted.

**SECTION 19--DEBATE ADJOURNED**

Rep. J. R. SMITH explained the Section.

Rep. J. R. SMITH moved to adjourn debate on the section, which was agreed to.

**SECTION 21**

Section 21 was adopted.

**SECTION 22--DEBATE ADJOURNED**

Rep. SELLERS moved to adjourn debate on the Section, which was agreed to.

**SECTION 23**

Section 23 was adopted.

**SECTION 24**

Section 24 was adopted.

**SECTION 25**

Section 25 was adopted.

**SECTION 26--ADOPTED**

Rep. SKELTON proposed the following Amendment No. 72 (Doc Name h:\legwork\house\amend\H-WM\001\teen preg prev 800k brs.docx), which was tabled:

Amend the bill, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 125, lines 1-2, opposite

/continuation teen pregnancy prevention/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

293,944 293,944

Renumber sections to conform.

Amend totals and titles to conform.

Rep. SKELTON explained the amendment.

Rep. SELLERS spoke against the amendment and moved to table the amendment, which was agreed to.

Section 26 was adopted.

**SECTION 28**

Section 28 was adopted.

**SECTION 29--DEBATE ADJOURNED**

Rep. VICK moved to adjourn debate on the Section, which was agreed to.

**SECTION 30--DEBATE ADJOURNED**

Rep. G. R. SMITH moved to adjourn debate on the Section, which was agreed to.

**SECTION 31--DEBATE ADJOURNED**

Rep. G. R. SMITH moved to adjourn debate on the Section, which was agreed to.

**SECTION 33--DEBATE ADJOURNED**

Rep. LUCAS explained the Section.

Rep. OTT spoke against the Section.

Rep. VICK moved to adjourn debate on the Section, which was agreed to.

**SECTION 35**

Rep. LUCAS explained the Section.

Section 35 was adopted.

**SECTION 36**

Rep. LUCAS explained the Section.

Section 36 was adopted.

**SECTION 37**

Rep. A. D. YOUNG explained the Section.

Section 37 was adopted.

**SECTION 38--DEBATE ADJOURNED**

Rep. G. R. SMITH moved to adjourn debate on the Section, which was agreed to.

**SECTION 39--DEBATE ADJOURNED**

Rep. OTT moved to adjourn debate on the Section, which was agreed to.

**SECTION 40--DEBATE ADJOURNED**

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

**SECTION 43**

Rep. LUCAS explained the Section.

Section 43 was adopted.

**SECTION 44--DEBATE ADJOURNED**

Rep. STAVRINAKIS moved to adjourn debate on the Section, which was agreed to.

**SECTION 46--ADOPTED**

Rep. A. D. YOUNG explained the Section.

Section 46 was adopted.

**SECTION 47**

Section 47 was adopted.

**SECTION 48**

Rep. A. D. YOUNG explained the Section.

Section 48 was adopted.

**SECTION 49**

Rep. A. D. YOUNG explained the Section.

Section 49 was adopted.

**SECTION 51**

Rep. A. D. YOUNG explained the Section.

Section 51 was adopted.

**SECTION 52--DEBATE ADJOURNED**

Rep. A. D. YOUNG explained the Section.

Rep. G. M. SMITH moved to adjourn debate on the Section, which was agreed to.

**SECTION 53**

Rep. A. D. YOUNG explained the Section.

Section 53 was adopted.

**SECTION 54--DEBATE ADJOURNED**

Rep. G. R. SMITH moved to adjourn debate on the Section, which was agreed to.

**SECTION 55--DEBATE ADJOURNED**

Rep. CRAWFORD moved to adjourn debate on the Section, which was agreed to.

**SECTION 56**

Section 56 was adopted.

**SECTION 58**

Section 58 was adopted.

**SECTION 59**

Section 59 was adopted.

**SECTION 61**

Rep. BINGHAM explained the Section.

Section 61 was adopted.

**SECTION 62**

Section 62 was adopted.

**SECTION 64**

Section 64 was adopted.

**SECTION 65--DEBATE ADJOURNED**

Rep. BINGHAM explained the Section.

Rep. CRAWFORD moved to adjourn debate on the Section, which was agreed to.

**SECTION 66**

Section 66 was adopted.

**SECTION 70F**

Section 70F was adopted.

**SECTION 72A--DEBATE ADJOURNED**

Rep. WHIPPER moved to adjourn debate on the Section, which was agreed to.

**SECTION 72B--DEBATE ADJOURNED**

Rep. WHIPPER moved to adjourn debate on the Section, which was agreed to.

**SECTION 73--DEBATE ADJOURNED**

Rep. WHIPPER moved to adjourn debate on the Section, which was agreed to.

**SECTION 75**

Section 75 was adopted.

**SECTION 78**

Section 78 was adopted.

**SECTION 80A**

Section 80A was adopted.

**SECTION 83**

Section 83 was adopted.

**SECTION 84**

Section 84 was adopted.

**SECTION 86--DEBATE ADJOURNED**

Rep. OTT moved to adjourn debate on the Section, which was agreed to.

**LEAVE OF ABSENCE**

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

**SECTION 1--AMENDED AND ADOPTED**

Rep. BINGHAM proposed the following Amendment No. 32 (Doc Name h:\legwork\house\amend\H-WM\008\DELETE SCOIS FUNDING.DOCX), which was adopted:

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 2, lines 3-4, opposite /Classified Positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

272,891 272,891

(4.00) (4.00)

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 2, line 5, opposite /Other Personal Services/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

123,155 123,155

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 2, line 8, opposite /Other Operating Expenses/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

89,815 39,815

Amend the bill further, as and if amended, Section 1, DEPARTMENT OF EDUCATION, page 14, line 31, opposite /Employer Contributions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

33,273 33,273

Renumber sections to conform.

Amend totals and titles to conform.

Rep. BINGHAM explained the amendment.

The amendment was then adopted.

Rep. HOSEY proposed the following Amendment No. 105 (Doc Name h:\legwork\house\amend\H-WM\007\ALLENDALE TRACK FIELD.DOCX), which was tabled:

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 12, immediately after line 22, by inserting a new line to read:

Column 3 Column 4

Allendale County High School Track Field Construction

500,000 500,000

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HOSEY explained the amendment.

Rep. J. R. SMITH moved to table the amendment.

The amendment was then tabled by a division vote of 57 to 34.

Section 1, as amended, was adopted.

**SECTION 3**

Section 3 was adopted.

**SECTION 16**

Section 16 was adopted.

**SECTION 19**

Section 19 was adopted.

**SECTION 22**

Rep. EDGE explained the Section.

Section 22 was adopted.

**SECTION 29**

Section 29 was adopted.

**SECTION 30--ADOPTED**

Rep. G. R. SMITH proposed the following Amendment No. 125 (Doc Name h:\legwork\house\amend\H-WM\001\ARTS COMM DELETE STATE $.DOCX), which was tabled:

Amend the bill, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 136, lines 3-4, opposite /Director/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

91,664 91,664

(1.00) (1.00)

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, lines 5-6, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

139,758 139,758

(9.56) (9.56)

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, line 7, opposite /other personal services/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

12,950 12,950

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, line 10, opposite /other operating expenses/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

307,402 307,402

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, lines 17-18, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

664,129 664,129

(23.15) (23.15)

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, line 19, opposite /other personal services/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

10,500 10,500

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, line 22, opposite /other operating expenses/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

72,554 72,554

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, line 30, opposite /aid mun-restricted/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

14,161 14,161

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, line 31, opposite /aid cnty-restricted/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

106 106

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, line 32, opposite /aid school districts/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

70,277 70,277

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, line 33, opposite /aid other state agencies/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

113,608 113,608

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, line 34, opposite /aid to private sector/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

307,740 307,740

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 136, lines 35-36, opposite /aid to private sector-reportable/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

3,168 3,168

Amend the bill further, as and if amended, Section 30, ARTS COMMISSION, page 137, line 6, opposite /employer contributions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

277,875 277,875

Renumber sections to conform.

Amend totals and titles to conform.

Rep. G. R. SMITH explained the amendment.

Rep. G. R. SMITH spoke in favor of the amendment.

Rep. J. E. SMITH moved to table the amendment.

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

Yeas 75; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bannister |
| Battle | Bingham | Bowen |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chalk | Clyburn | Cobb-Hunter |
| Cole | Cooper | Delleney |
| Dillard | Edge | Forrester |
| Frye | Funderburk | Gilliard |
| Govan | Gunn | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Lucas | Mack |
| McEachern | McLeod | Miller |
| Mitchell | D. C. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | Rutherford | Sellers |
| Simrill | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Weeks |
| Whipper | White | Williams |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Barfield |
| Bedingfield | Cato | Clemmons |
| Crawford | Daning | Duncan |
| Erickson | Gambrell | Hamilton |
| Hearn | Hiott | Horne |
| Huggins | Loftis | Long |
| Lowe | Millwood | V. S. Moss |
| Nanney | Norman | M. A. Pitts |
| Scott | D. C. Smith | G. R. Smith |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--37**

So, the amendment was tabled.

Rep. MILLWOOD proposed the following Amendment No. 114 to (Doc Name h:\legwork\house\amend\H-WM\007\arts commission ddsn.docx), which was tabled:

Amend the bill, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 136, line 34, opposite /Aid to Private Sector/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

307,740 307,740

Amend the bill further, as and if amended, Section 24, DEPARTMENT OF Disabilities and Special Needs, page 108, line 03, opposite /Other Operating Expenses/ by increasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

307,740 307,740

Renumber sections to conform.

Amend totals and titles to conform.

Rep. MILLWOOD explained the amendment.

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

Section 30 was adopted.

**SECTION 31--ADOPTED**

Rep. G. R. SMITH proposed the following Amendment No. 126 (Doc Name h:\legwork\house\amend\H-WM\001\MUSEUM COMM DELETE STATE $.DOCX), which was tabled:

Amend the bill, as and if amended, Part IA, Section 31, STATE MUSEUM COMMISSION, page 138, lines 4-5, opposite /director/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

91,883 91,883

(1.00) (1.00)

Amend the bill further, as and if amended, Section 31, STATE MUSEUM COMMISSION, page 138, lines 6-7, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

144,315 144,315

(6.00) (6.00)

Amend the bill further, as and if amended, Section 31, STATE MUSEUM COMMISSION, page 138, line 8, opposite /other personal service/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

12,010 12,010

Amend the bill further, as and if amended, Section 31, STATE MUSEUM COMMISSION, page 138, line 11, opposite /other operating expenses/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

1,681,044 1,681,044

Amend the bill further, as and if amended, Section 31, STATE MUSEUM COMMISSION, page 138, lines 35-36, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

168,408 168,408

(5.00) (5.00)

Amend the bill further, as and if amended, Section 31, STATE MUSEUM COMMISSION, page 139, lines 7-8, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

285,745 285,745

(15.00) (15.00)

Amend the bill further, as and if amended, Section 31, STATE MUSEUM COMMISSION, page 139, lines 18-19, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

70,385 70,385

(3.00) (3.00)

Amend the bill further, as and if amended, Section 31, STATE MUSEUM COMMISSION, page 139, lineS 29-30, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

72,640 72,640

(5.00) (5.00)

Amend the bill further, as and if amended, Section 31, STATE MUSEUM COMMISSION, page 140, line 15, opposite /employer contributions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

294,309 294,309

Renumber sections to conform.

Amend totals and titles to conform.

Rep. G. R. SMITH explained the amendment.

Rep. J. E. SMITH moved to table the amendment.

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

Yeas 80; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chalk | Clyburn | Cobb-Hunter |
| Cole | Cooper | Delleney |
| Dillard | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Harrell |
| Harrison | Hart | Harvin |
| Hodges | Hosey | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Lucas | Mack | McEachern |
| McLeod | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rutherford | Sandifer |
| Sellers | Simrill | Skelton |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Umphlett |
| Weeks | Whipper | White |
| Whitmire | Williams |  |

**Total--80**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Cato |
| Clemmons | Crawford | Daning |
| Duncan | Erickson | Hamilton |
| Hardwick | Hearn | Hiott |
| Horne | Loftis | Long |
| Lowe | Millwood | Nanney |
| J. M. Neal | Norman | Scott |
| D. C. Smith | G. R. Smith | Stringer |
| Thompson | Toole | Viers |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--31**

So, the amendment was tabled.

STATEMENT FOR THE JOURNAL

I voted “nay” on this motion on the State Museum because the museum paid $2.267 million in rent to the State Budget and Control Board in 2008-2009. If the rent number is the same, then this year the museum will pay most of its general fund appropriation to the Budget and Control Board as rent. This rent money will then go to the Budget and Control Board in a down economy. I cannot support this.

Rep. Tom Young

Section 31 was adopted.

**SECTION 33**

Section 33 was adopted.

**SECTION 38--ADOPTED**

Rep. G. R. SMITH proposed the following Amendment No. 127 (Doc Name h:\legwork\house\amend\H-WM\001\SEA GRANT DELETE STATE $.DOCX), which was tabled:

Amend the bill, as and if amended, Part IA, Section 38, SEA GRANT CONSORTIUM, page 168, lines 3-4, opposite /director/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

83,409 83,409

(1.00) (1.00)

Amend the bill further, as and if amended, Section 38, SEA GRANT CONSORTIUM, page 168, lines 5-6, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

131,031 131,031

(5.74) (5.74)

Amend the bill further, as and if amended, Section 38, SEA GRANT CONSORTIUM, page 168, line 10, opposite /other operating expenses/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

93,249 93,249

Amend the bill further, as and if amended, Section 38, SEA GRANT CONSORTIUM, page 168, line 22, opposite /employer contributions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

57,225 57,225

Renumber sections to conform.

Amend totals and titles to conform.

Rep. G. R. SMITH explained the amendment.

Rep. LUCAS spoke against the amendment and moved to table the amendment.

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

Yeas 84; Nays 27

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gilliard |
| Govan | Gunn | Hardwick |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hodges | Hosey | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Long |
| Lucas | Mack | McEachern |
| McLeod | Miller | Mitchell |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Sandifer |
| Sellers | Simrill | Skelton |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Thompson |
| Umphlett | Weeks | Whipper |
| White | Williams | T. R. Young |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Cato | Crawford | Daning |
| Duncan | Gambrell | Hamilton |
| Harrell | Hiott | Horne |
| Huggins | Loftis | Lowe |
| Merrill | Millwood | D. C. Moss |
| Nanney | D. C. Smith | G. R. Smith |
| Stringer | Toole | Viers |
| Willis | Wylie | A. D. Young |

**Total--27**

So, the amendment was tabled.

STATEMENT FOR THE JOURNAL

I voted “yea” on the Sea Grant Consortium motion because the general fund appropriation is $364,914 and the consortium brings in approximately $6 million in grants to the State.

Rep. Tom Young

Section 38 was adopted.

**SECTION 39**

Section 39 was adopted.

**SECTION 40**

Section 40 was adopted.

**SECTION 44**

Section 44 was adopted.

**SECTION 52**

Section 52 was adopted.

**SECTION 54--ADOPTED**

Rep. G. R. SMITH proposed the following Amendment No. 128 (Doc Name h:\legwork\house\amend\H-WM\001\HUMAN AFFAIRS DELETE STATE $.DOCX), which was tabled:

Amend the bill, as and if amended, Part IA, Section 54, HUMAN AFFAIRS COMMISSION, page 217, lines 3-4, opposite /Commissioner/s/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

91,947 91,947

(1.00) (1.00)

Amend the bill further, as and if amended, Section 54, HUMAN AFFAIRS COMMISSION, page 217, lines 5-6, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

252,917 252,917

(9.00) (9.00)

Amend the bill further, as and if amended, Section 54, HUMAN AFFAIRS COMMISSION, page 217, line 7, opposite /other personal service/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

1,500 1,500

Amend the bill further, as and if amended, Section 54, HUMAN AFFAIRS COMMISSION, page 217, line 10, opposite /other operating expenses/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

100,637 100,637

Amend the bill further, as and if amended, Section 54, HUMAN AFFAIRS COMMISSION, page 217, lines 17-18, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

99,428 99,428

(10.50) (10.50)

Amend the bill further, as and if amended, Section 54, HUMAN AFFAIRS COMMISSION, page 217, line 21, opposite /other operating expenses/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

38,974 38,974

Amend the bill further, as and if amended, Section 54, HUMAN AFFAIRS COMMISSION, page 217, lines 28-29, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

294,911 294,911

(14.00) (14.00)

Amend the bill further, as and if amended, Section 54, HUMAN AFFAIRS COMMISSION, page 217, line 32, opposite /other operating expenses/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

50,732 50,732

Amend the bill further, as and if amended, Section 54, HUMAN AFFAIRS COMMISSION, page 217, line 39, opposite /employer contributions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

243,766 243,766

Renumber sections to conform.

Amend totals and titles to conform.

Rep. G. R. SMITH explained the amendment.

Rep. BINGHAM moved to table the amendment.

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

Yeas 65; Nays 46

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bingham | Bowen | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Chalk |
| Clyburn | Cobb-Hunter | Cole |
| Dillard | Edge | Frye |
| Funderburk | Gilliard | Govan |
| Gunn | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Herbkersman | Hodges | Hosey |
| Huggins | Hutto | Jefferson |
| Jennings | King | Knight |
| Littlejohn | Lucas | Mack |
| McEachern | McLeod | Miller |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parker |
| Parks | Sellers | Skelton |
| J. E. Smith | J. R. Smith | Spires |
| Stavrinakis | Weeks | Whipper |
| White | Williams |  |

**Total--65**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Barfield | Bedingfield |
| Clemmons | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Erickson | Forrester | Gambrell |
| Hamilton | Hardwick | Hearn |
| Hiott | Horne | Kelly |
| Kirsh | Limehouse | Long |
| Lowe | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Norman |
| Owens | Pinson | M. A. Pitts |
| Sandifer | Scott | Simrill |
| D. C. Smith | G. R. Smith | Sottile |
| Stewart | Stringer | Thompson |
| Umphlett | Viers | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--46**

So, the amendment was tabled.

STATEMENT FOR THE JOURNAL

I voted “yea” on the Human Affairs Amendment No. 128 because the agency has 24 investigators who handle between 60-70 files at a given time. There are approximately 13-14 administrative staff who do not investigate claims. The agency also has the ability to generate contract income per its accountability report.

Rep. Tom Young

Section 54 was adopted.

**SECTION 55--ADOPTED**

Rep. G. R. SMITH proposed the following Amendment No. 129 (Doc Name h:\legwork\house\amend\H-WM\001\MINORITY AFFAIRS DELETE STATE $.DOCX), which was tabled:

Amend the bill, as and if amended, Part IA, Section 55, STATE COMMISSION FOR MINORITY AFFAIRS, page 219, lines 2-3, opposite /director/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

70,052 70,052

(1.00) (1.00)

Amend the bill further, as and if amended, Section 55, STATE COMMISSION FOR MINORITY AFFAIRS, page 219, lines 5-6, opposite /classified positions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

235,384 235,384

(7.00) (7.00)

Amend the bill further, as and if amended, Section 55, STATE COMMISSION FOR MINORITY AFFAIRS, page 219, line 9, opposite /other operating expenses/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

31,707 31,707

Amend the bill further, as and if amended, Section 55, STATE COMMISSION FOR MINORITY AFFAIRS, page 219, line 16, opposite /employer contributions/ by decreasing the amount(s) in Columns 3 and 4 by:

Column 3 Column 4

57,628 57,628

Renumber sections to conform.

Amend totals and titles to conform.

Rep. G. R. SMITH explained the amendment.

Rep. BINGHAM moved to table the amendment.

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

Yeas 79; Nays 29

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Dillard | Edge | Erickson |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hearn |
| Herbkersman | Hodges | Hosey |
| Huggins | Hutto | Jefferson |
| Jennings | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Lucas | Mack | McEachern |
| McLeod | Miller | Mitchell |
| D. C. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parks | Pinson | M. A. Pitts |
| Sellers | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Umphlett | Weeks |
| Whipper | White | Williams |
| Willis |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Cato |
| Crawford | Daning | Delleney |
| Duncan | Forrester | Hamilton |
| Hiott | Horne | Kelly |
| Long | Lowe | Merrill |
| Millwood | Norman | Parker |
| Sandifer | Scott | Simrill |
| G. R. Smith | Stewart | Stringer |
| Viers | Whitmire | Wylie |
| A. D. Young | T. R. Young |  |

**Total--29**

So, the amendment was tabled.

STATEMENT FOR THE JOURNAL

I voted “nay” on the Minority Affairs Amendment No. 129, because the agency has 8 full-time employees and I believe that the agency can be moved to another state agency to still serve its mission while not being a stand-alone agency and carrying less staff. The agency has not cut any staff during the 2000 and the 2008 recessions, per its accountability report.

Rep. Tom Young

Section 55 was adopted.

**SECTION 65**

Section 65 was adopted.

**SECTION 72A**

Section 72A was adopted.

**SECTION 72B**

Section 72B was adopted.

**SECTION 73**

Rep. WHITE explained the Section.

Section 73 was adopted.

**SECTION 86A**

Rep. COOPER explained the Section.

Rep. OTT spoke against the Section.

Section 86A was adopted.

Part IA was adopted.

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

**MOTION NOTED**

Rep. Cooper moved to reconsider the vote whereby Part IA, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 12, 13, 14, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 16, 17A, 17B, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68A, 68B, 68C, 68D, 70A, 70B, 70C, 70D, 70E, 70F, 71, 72A, 72B, 72C, 73, 74, 75, 76, 77, 78, 79, 80A, 80B, 80C, 80D, 81, 82, 83, 84, 86, 86A, 87 and 88; Part 1B, Sections 2, 4, 14, 15, 17, 18, 19, 20, 21, 27, 28, 32, 34, 44, 47, 48, 49, 49A, 50, 51, 56, 57, 59, 62, 63, 66, 68A, 68D, 69, 70, 71, 74, 76 and 82 were adopted and the motion was noted.

Further proceedings were interrupted by the House adjourning.

**ADJOURNMENT**

At 7:46 p.m. the House, in accordance with the motion of Rep. SKELTON, adjourned in memory of Beatrice Bolding Hollis of Pickens, to meet at 9:30 a.m. tomorrow.

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