~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Proverbs 1:3-4: “For doing what is right and just and fair; for giving prudence to the simple, knowledge and discretion to the young.”

Let us pray. Gracious God, as You lead us in the ways of peace and justice, help these Representatives to make right and fair decisions in their deliberations. Give them insight and lead them in the direction of fairness and discretion in all they do both here and at home. Look in favor upon our Nation, President, State, Governor, Speaker, staff and and all who serve in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. WILLIAMS moved that when the House adjourns, it adjourn in memory of Pastor P. W. Williams of Darlington, which was agreed to.

**REPORT OF STANDING COMMITTEE**

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

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

Ordered for consideration tomorrow.

**CONCURRENT RESOLUTION**

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

H. 5001 -- Reps. Limehouse, Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION DECLARING THE WEEK OF SEPTEMBER 27 THROUGH OCTOBER 3, 2010, "SOUTH CAROLINA MEDAL OF HONOR WEEK" AND CALLING UPON SOUTH CAROLINIANS TO PARTICIPATE IN PROGRAMS THAT WEEK PAYING TRIBUTE TO RECIPIENTS OF THE MEDAL OF HONOR AND TO REFLECT ON THE SERVICE AND SACRIFICE OF MEDAL OF HONOR RECIPIENTS AND ALL MEMBERS OF THE ARMED FORCES IN EVERY GENERATION.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5002 -- Reps. Pinson, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO HONOR THE BOY SCOUTS OF AMERICA ON ITS ONE HUNDREDTH ANNIVERSARY, TO EXPRESS GRATITUDE TO THE ORGANIZATION'S VOLUNTEERS, WHO DEDICATE COUNTLESS HOURS TO INSPIRING AND PREPARING FUTURE GENERATIONS OF LEADERS, AND TO PROCLAIM MAY 2010 AS BOY SCOUTS OF AMERICA "ONE HUNDRED YEARS OF SCOUTING" MONTH IN SOUTH CAROLINA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5003 -- Reps. Harrell, Cato, Sandifer, Cooper, Jennings, J. E. Smith, Mack, Chalk and Toole: A CONCURRENT RESOLUTION TO MEMORIALIZE THE PRESIDENT, THE CONGRESS, AND THE FEDERAL COMMUNICATIONS COMMISSION OF THE UNITED STATES TO REFRAIN FROM REGULATING INTERNET BROADBAND SERVICES AS COMMON CARRIER SERVICES UNDER TITLE II OF THE COMMUNICATIONS ACT OF 1934.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1450 -- Senators Campsen and Verdin: A CONCURRENT RESOLUTION TO CELEBRATE THE SESQUICENTENNIAL ANNIVERSARY OF THE SOUTH CAROLINA STATE FLAG, TO DECLARE JANUARY 28, 2011, AS "SOUTH CAROLINA FLAG DAY", TO REQUEST THE NATIONAL PARK SERVICE TO CONDUCT APPROPRIATE INTERPRETIVE AND EDUCATIONAL EVENTS AT THE FORT MOULTRIE NATIONAL MONUMENT, AND TO ENCOURAGE PUBLIC AND PRIVATE INSTITUTIONS TO PARTICIPATE.

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

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, May 19.

|  |  |
| --- | --- |
| Nikki Haley | Boyd Brown |
| Joseph Neal | Thad Viers |
| Patsy Knight | Timothy E. Scott |
| Bakari Sellers |  |

**Total Present--120**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. PARKS a leave of absence for the day due to medical reasons.

**DOCTOR OF THE DAY**

Announcement was made that Dr. H. Timberlake Pearce of Beaufort was the Doctor of the Day for the General Assembly.

**H. 3735--DEBATE ADJOURNED**

On the motion of Rep. SPIRES, the Senate Amendments to the following Bill were taken up for immediate consideration:

H. 3735 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2009", BY ADDING SECTION 44-43-730 SO AS TO PROVIDE THAT IF A PERSON DIES IN A HOSPITAL, THE HOSPITAL SHALL OFFER IN WRITING TO THE PATIENT'S FAMILY THE RIGHT OF HAVING AN AUTOPSY PERFORMED; AND TO AMEND SECTION 17-5-530, RELATING TO CIRCUMSTANCES REQUIRING THE CORONER OR MEDICAL EXAMINER TO BE NOTIFIED OF CERTAIN DEATHS, SO AS TO REQUIRE SUCH NOTIFICATION WHEN A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY FOUR HOURS OF ENTERING A HEALTH CARE FACILITY OR OF HAVING AN INVASIVE SURGICAL PROCEDURE PERFORMED.

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

**S. 1338--POINT OF ORDER**

The following Bill was taken up:

S. 1338 -- Senator Fair: A BILL TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE GREENVILLE HOSPITAL SYSTEM, ITS CREATION, BOARD, POWERS, AND DUTIES, SO AS TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES MAY ESTABLISH A POLICE DEPARTMENT, EMPLOY POLICE AND SECURITY OFFICERS, AND TO PROVIDE FOR THE POLICE DEPARTMENT'S DUTIES, RESPONSIBILITIES, POWERS, FUNCTIONS, AND JURISDICTION.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**SENT TO THE SENATE**

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

H. 3298 -- Reps. Sellers, Bedingfield, Nanney, Cato, Delleney, Kelly, Pinson, E. H. Pitts, M. A. Pitts, Parker and Millwood: A BILL TO AMEND SECTION 16-23-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CARRYING OF A HANDGUN, SO AS TO PROVIDE THAT A PERSON MAY LAWFULLY STOW A HANDGUN UNDER THE SEAT OF A VEHICLE.

H. 4153 -- Reps. T. R. Young, D. C. Moss and McLeod: A BILL TO AMEND SECTION 2-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-25, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYIST'S PRINCIPALS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST PRINCIPAL MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-50, RELATING TO THE AUTHORITY OF THE STATE ETHICS COMMISSION TO ENFORCE FILING REQUIREMENTS AND ASSESS PENALTIES FOR FAILURE TO FILE, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT; TO AMEND SECTION 8-13-100, RELATING TO THE DEFINITION OF "FAMILY MEMBER" FOR THE PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991, SO AS TO INCLUDE BROTHERS-IN-LAW AND SISTERS-IN-LAW; TO AMEND SECTION 8-13-700, RELATING TO USE OF ONE'S OFFICIAL POSITION FOR OFFICIAL GAIN, SO AS TO REPLACE CERTAIN REFERENCES TO "IMMEDIATE FAMILY" WITH THE BROADER TERM "FAMILY MEMBER"; AND TO AMEND SECTION 8-13-1510, AS AMENDED, RELATING TO PENALTIES FOR EITHER LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY CHAPTER 13, TITLE 8, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 405 -- Senator Cleary: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS, TO CLARIFY THAT A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY-TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED AS A PRIMARY OR SECONDARY RESIDENCE FOR PROPERTY TAX PURPOSES; TO AMEND SECTION 12-37-224, RELATING TO BOATS AS A PRIMARY OR SECONDARY RESIDENCE, TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, SHALL BE CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF AD VALOREM PROPERTY TAXATION IN THIS STATE; AND TO AMEND SECTION 12-37-714, RELATING TO BOATS WITH A SITUS IN THIS STATE, TO PROVIDE THAT UPON AN ORDINANCE PASSED BY THE LOCAL GOVERNING BODY, A COUNTY MAY SUBJECT A BOAT, INCLUDING ITS MOTOR IF THE MOTOR IS SEPARATELY TAXED, TO PROPERTY TAX IF IT IS WITHIN THIS STATE FOR NINETY DAYS IN THE AGGREGATE, REGARDLESS OF THE NUMBER OF CONSECUTIVE DAYS.

S. 1363 -- Senators Hayes, Setzler and Courson: A BILL TO AMEND SECTION 59-26-85 OF THE 1976 CODE, RELATING TO THE INCREASE PAY FOR TEACHERS CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION PRIOR TO JULY 1, 2010, SHALL RECEIVE AN INCREASE IN PAY FOR THE LIFE OF THE CERTIFICATION, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION ON OR AFTER JULY 1, 2010, ONLY SHALL RECEIVE AN INCREASE IN PAY FOR THE INITIAL TEN YEARS OF THE CERTIFICATION, AND TO PROVIDE THAT ONLY TEACHERS WHO APPLY FOR CERTIFICATION PRIOR TO JULY 1, 2010, MAY RECEIVE A LOAN FOR THE APPLICATION FEE.

S. 286 -- Senators Cleary, Rose and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO IMPLEMENT A TARGETED COMMUNITY HEALTH PROGRAM IN THREE TO FIVE COUNTIES OF NEED FOR DENTAL HEALTH EDUCATION, SCREENING, AND TREATMENT REFERRALS IN PUBLIC SCHOOLS FOR CHILDREN IN KINDERGARTEN, THIRD, SEVENTH, AND TENTH GRADES OR UPON ENTRY INTO PUBLIC SCHOOLS, TO REQUIRE PROGRAM GUIDELINES TO BE PROMULGATED IN REGULATIONS, TO REQUIRE AN ACKNOWLEDGMENT OF DENTAL SCREENING TO BE ISSUED UPON COMPLETION OF THE SCREENING AND TO REQUIRE THIS ACKNOWLEDGMENT TO BE PRESENTED TO THE CHILD'S SCHOOL, TO REQUIRE NOTIFICATION TO THE CHILD'S PARENT IF PROFESSIONAL ATTENTION IS INDICATED BY THE SCREENING AND IF AUTHORIZED BY THE CHILD'S PARENTS, TO PROVIDE NOTIFICATION TO THE COMMUNITY HEALTH COORDINATOR TO FACILITATE FURTHER ATTENTION IF NEEDED, AND TO PROVIDE THAT A SCREENING MUST BE COMPLETED UNLESS A CHILD'S PARENT COMPLETES AN EXEMPTION FORM.

S. 1078 -- Senators Jackson, Knotts, Courson, Ryberg, Nicholson, Sheheen, Thomas, Rose, Campbell, Malloy, Ford, L. Martin, Hayes, Verdin, Davis, Leventis and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-264 SO AS TO REQUIRE THE OWNER OF A COMMUNITY RESIDENTIAL CARE FACILITY TO UNDERGO A CRIMINAL RECORD CHECK AS A REQUIREMENT OF LICENSURE AND TO ENUMERATE THOSE CRIMES THAT PRECLUDE LICENSURE.

S. 836 -- Senator Cromer: A BILL TO AMEND SECTION 51-13-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY.

S. 974 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-20 OF THE 1976 CODE, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE THAT ANNUAL HUNTING AND FISHING LICENSES SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE AND TO PROVIDE THAT THREE-YEAR HUNTING AND FISHING LICENSES SHALL BE VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE; BY ADDING SECTION 50-9-560, TO PROVIDE THAT THE DEPARTMENT MAY ISSUE THREE-YEAR COMBINATION LICENSES, SPORTSMAN LICENSES, JUNIOR SPORTSMAN LICENSES, BIG GAME PERMITS, AND WILDLIFE MANAGEMENT AREA PERMITS; TO AMEND SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, TO ESTABLISH THE THREE-YEAR HUNTING AND FISHING LICENSE FUND, TO PROVIDE THAT THREE-YEAR LICENSE FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE THIRD OF THE FUND MUST BE DISTRIBUTED TO THE GAME PROTECTION FUND, TO ESTABLISH THE THREE-YEAR WILDLIFE MANAGEMENT AREA PERMIT FUND, TO PROVIDE THAT THREE-YEAR WILDLIFE MANAGEMENT AREA PERMIT FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE-THIRD OF THE FUND MUST BE DISTRIBUTED TO THE WILDLIFE ENDOWMENT FUND; AND TO MAKE CONFORMING AMENDMENTS.

S. 1134 -- Senators Peeler and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 59 SO AS TO ENACT THE "SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE ACT" TO PROVIDE THAT SCHOOL DISTRICTS SHALL TAKE CERTAIN MEASURES TO HELP ENSURE THAT THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE ARE MET BY ASSISTING WITH ENROLLMENT, SCHOOL RECORDS AND CREDIT TRANSFERS, ACCESS TO RESOURCES AND ACTIVITIES, AND EXCUSED ABSENCE MAKE-UP REQUIREMENTS; TO PROVIDE THAT SCHOOL DISTRICTS SHALL PROVIDE ACCESS TO AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES FOR SCHOOL RECORDS OF CHILDREN IN FOSTER CARE; AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE AN EDUCATIONAL ADVOCATE FOR CHILDREN IN FOSTER CARE.

S. 1294 -- Senator Peeler: A BILL TO AMEND SECTION 50-11-2540 OF THE 1976 CODE, RELATING TO THE TRAPPING SEASON OF FURBEARING ANIMALS, TO PROVIDE THAT IT IS LAWFUL TO TRAP COYOTES FROM NOVEMBER FIRST OF EACH YEAR TO MARCH FIRST OF THE SUCCEEDING YEAR.

S. 783 -- Senator McConnell: A BILL TO AMEND SECTION 51-13-720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR THREE ADDITIONAL MEMBERS OF THE BOARD AND THE MANNER OF THEIR TERMS AND APPOINTMENT.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time, passed and, having received three readings in both Houses, it was ordered that the title of each be changed to that of an Act, and that they be enrolled for ratification:

S. 1379 -- Senators Peeler, Campbell and O'Dell: A BILL TO AMEND SECTION 63-11-500 OF THE 1976 CODE, RELATING TO CHILDREN'S SERVICES AGENCIES, TO HONOR THE MEMORY OF CASS ELIAS MCCARTER BY NAMING THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM AS THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM.

S. 1130 -- Senator Grooms: A BILL TO AMEND SECTION 50-15-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLIGATOR MANAGEMENT PROGRAM AND CONDITIONS UNDER WHICH ALLIGATORS MAY BE HUNTED OR TAKEN, SO AS TO PROHIBIT A DEPREDATION PERMIT HOLDER TO SELL, BARTER, OR TRADE THE PRIVILEGE TO TAKE AN ALLIGATOR; TO AMEND SECTION 50-9-20, AS AMENDED, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, PERMITS, STAMPS, AND TAGS, SO AS TO FURTHER SPECIFY THESE DURATIONAL REQUIREMENTS; TO AMEND SECTION 50-9-30, RELATING TO THE REQUIREMENTS FOR OBTAINING A RESIDENT HUNTING OR FISHING LICENSE, SO AS TO FURTHER SPECIFY RESIDENCY REQUIREMENTS; TO AMEND SECTION 50-9-920, RELATING TO THE DEPOSITING OF REVENUE GENERATED BY THE SALE OF LICENSES INTO CERTAIN FUNDS, SO AS TO CHANGE THE NAME OF THE GAME PROTECTION FUND TO THE FISH AND WILDLIFE PROTECTION FUND AND TO PROVIDE THAT REVENUE GENERATED FROM APPLICATION FEES, PERMITS, AND TAGS FOR THE PRIVILEGE OF TAKING ALLIGATORS MUST BE USED TO SUPPORT THE ALLIGATOR MANAGEMENT PROGRAM; AND BY ADDING ARTICLE 6 TO CHAPTER 9, TITLE 50 SO AS TO PROVIDE APPLICATION REQUIREMENTS AND FEES FOR THE PRIVILEGE OF TAKING ALLIGATORS.

S. 1417 -- Senators Setzler, Knotts, Cromer and Courson: A BILL TO AMEND SECTION 7-27-365 OF THE 1976 CODE, RELATING TO THE REGISTRATION AND ELECTIONS COMMISSION FOR LEXINGTON COUNTY, TO CHANGE THE NUMBER OF ITS MEMBERS FROM SEVEN TO NINE.

S. 1340 -- Senator Cromer: A BILL TO AMEND SECTION 50-1-5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN TITLE 50, SO AS TO DEFINE CERTAIN WILDLIFE, FISH, AND PLANT SPECIES; TO AMEND SECTION 50-1-30, AS AMENDED, RELATING TO BIRD, GAME ANIMALS, AND FISH CLASSIFICATIONS RECOGNIZED IN TITLE 50, SO AS TO REVISE THESE CLASSIFICATIONS; BY ADDING SECTION 50-1-50 SO AS TO DEFINE INDIVIDUAL RIVERS, CREEKS, LAKES, BAYS, SOUNDS, HARBORS, AND RESERVOIRS REFERENCED IN TITLE 50; TO AMEND SECTION 50-5-1500, RELATING TO ANADROMOUS AND CATADROMOUS FISHERIES IN FRESHWATERS AND SALT WATERS, SO AS TO DELETE PROVISIONS RELATING TO LICENSES FOR TAKING SHAD, HERRING, OR STURGEON AND PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50-5-1556 SO AS TO PROVIDE THAT A COMMERCIAL FISHERMAN WHO SELLS SHAD, HERRING, OR EELS MUST SELL TO A WHOLESALE SEAFOOD DEALER OR LICENSED BAIT DEALER OR BE LICENSED AS SUCH; TO AMEND SECTION 50-9-30, RELATING TO RESIDENCY REQUIREMENTS FOR OBTAINING RECREATIONAL OR COMMERCIAL LICENSES, SO AS TO FURTHER SPECIFY THESE REQUIREMENTS; TO AMEND SECTION 50-9-80, RELATING TO REQUIREMENTS FOR ISSUANCE OF DUPLICATE LICENSES, SO AS TO FURTHER SPECIFY THESE REQUIREMENTS; BY ADDING ARTICLE 4 TO CHAPTER 9, TITLE 50 SO AS TO PROVIDE REQUIREMENTS FOR FRESHWATER COMMERCIAL FISHING LICENSES AND BAIT DEALER LICENSES AND TO PROVIDE LICENSURE REQUIREMENTS FOR TAKING SHAD, HERRING, OR EELS FOR COMMERCIAL PURPOSES; BY ADDING SECTION 50-9-545 SO AS TO PROVIDE LICENSURE REQUIREMENTS WHEN TAKING SHAD, HERRING, OR EELS FOR RECREATIONAL PURPOSES; BY ADDING SECTION 50-9-610 SO AS TO PROVIDE TAG AND PERMIT REQUIREMENTS WHEN USING CERTAIN DEVICES TO TAKE NONGAME FRESHWATER FISH; BY ADDING SECTION 50-13-1615 SO AS TO REQUIRE A PERSON SELLING OR POSSESSING FOR SALE FRESHWATER NONGAME FISH TO HAVE CERTAIN DOCUMENTATION VERIFYING THE ORIGIN OF THE FISH; BY ADDING SECTION 50-19-250 SO AS TO PROHIBIT NIGHT FISHING IN BRIDGE LAKE IN DORCHESTER COUNTY AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50-19-251 SO AS TO PROVIDE FOR CERTAIN FISHING AND RECREATIONAL ACTIVITIES ON SLADE LAKE AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50-19-1190 SO AS TO ESTABLISH A FISH SANCTUARY IN MARION COUNTY AND TO PROVIDE CRIMINAL PENALTIES FOR FISHING OR ENTERING UPON THE SANCTUARY; AND TO REPEAL SECTIONS 50-1-100, 50-13-1130, 50-13-1135, 50-13-1150, 50-13-1155, 50-13-1160, 50-19-1910, 50-19-1920, 50-19-1930, ARTICLE 39, CHAPTER 19, TITLE 50, 50-19-2620, AND 50-19-2630 ALL RELATING TO VARIOUS FISHING REGULATIONS AND LICENSURE REQUIREMENTS.

**ORDERED TO THIRD READING**

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

S. 906 -- Senators Leatherman, Land, Coleman and Elliott: A BILL TO AMEND SECTION 9-8-50 OF THE 1976 CODE, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, TO PROVIDE THAT A MEMBER UPON TERMINATION WHO DOES NOT QUALIFY FOR A MONTHLY BENEFIT MAY TRANSFER HIS SERVICE CREDIT TO THE SOUTH CAROLINA RETIREMENT SYSTEM, AND TO CLARIFY PROVISIONS RELATED TO THE TRANSFER OF EARNED SERVICE CREDIT IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS.

Rep. NEILSON explained the Bill.

S. 910 -- Senator Land: A BILL TO AMEND SECTION 6-21-185 OF THE 1976 CODE, RELATING TO A SPECIAL PURPOSE DISTRICT MORTGAGE TO SECURE CERTAIN BONDS OR LOANS, TO REMOVE LIMITATIONS FROM THE AUTHORITY OF SUCH DISTRICT TO MORTGAGE ITS PROPERTY UNDER THE REVENUE BOND ACT FOR UTILITIES; TO ADD SECTION 6-17-95 TO AUTHORIZE A SPECIAL PURPOSE DISTRICT PROVIDING HOSPITAL, NURSING HOME, OR CARE FACILITIES TO BORROW MONEY IN A MANNER THAT IS CONSISTENT WITH SECTION 44-7-60; TO ADD SECTION 6-11-101 TO CLARIFY THE POWERS OF HOSPITAL DISTRICTS.

Rep. COOPER explained the Bill.

S. 1187 -- Senator Leatherman: A BILL TO AMEND SECTION 28-11-30 OF THE 1976 CODE, RELATING TO REIMBURSEMENT OF PROPERTY OWNERS FOR CERTAIN EXPENSES RELATED TO THE TAKING OF LAND FOR PUBLIC USE, TO PROVIDE THAT REESTABLISHMENT EXPENSES, PAYABLE PURSUANT TO FEDERAL GUIDELINES AND REGULATIONS TO MOVE A SMALL BUSINESS, FARM, OR NONPROFIT ORGANIZATION, MAY BE PAID IN AN AMOUNT UP TO FIFTY THOUSAND

DOLLARS, NOTWITHSTANDING A LOWER LIMITATION IMPOSED BY FEDERAL REGULATIONS.

Rep. DELLENEY explained the Bill.

**S. 915--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 915 -- Senators Land, Anderson, Nicholson, Leventis, Elliott, Williams, Sheheen and Setzler: A BILL TO AMEND ACT 314 OF 2000, TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2015.

Rep. VICK proposed the following Amendment No. 1 (COUNCIL\NBD\12385AC10), which was adopted:

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

/SECTION \_\_. Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3412. A corporation establishing a national corporate headquarters in this State or expanding or adding to an existing national corporate headquarters which, in connection with this establishment, expansion, or addition, adds at least fifty new full‑time jobs performing corporate headquarters related functions and services, as defined in Section 12‑6‑3410, are exempt from paying state corporate income taxes imposed pursuant to Section 12‑6‑530 for a period of ten years from the date of the establishment, expansion, or addition of the corporate headquarters.”

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

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

**S. 288--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 288 -- Senator L. Martin: A BILL TO AMEND CHAPTER 1, TITLE 56 OF THE 1976 CODE, BY ADDING SECTION 56-1-146 TO PROVIDE THAT A PERSON WHO IS CONVICTED OF A VIOLENT CRIME MUST SURRENDER HIS DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD TO THE COURT WHICH MUST TRANSMIT IT TO THE DEPARTMENT OF MOTOR VEHICLES TOGETHER WITH NOTICE OF THE CRIME AND TO PROVIDE THAT THE DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD IS CONSIDERED REVOKED AND MUST NOT BE RETURNED TO THE PERSON UNDER CERTAIN CIRCUMSTANCES; BY ADDING 56-1-148 TO PROVIDE THAT A PERSON CONVICTED OF A VIOLENT CRIME MUST HAVE A SPECIAL CODE AFFIXED TO THE REVERSE SIDE OF HIS DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD THAT IDENTIFIES THE PERSON AS HAVING BEEN CONVICTED OF A VIOLENT CRIME, TO PROVIDE A FEE TO BE CHARGED FOR AFFIXING THE CODE AND FOR ITS DISTRIBUTION, AND TO PROVIDE A PROCESS FOR REMOVING THE CODE; TO AMEND SECTION 56-1-80, RELATING TO THE CONTENTS OF A DRIVER'S LICENSE APPLICATION, TO PROVIDE THAT THE APPLICATION MUST CONTAIN A STATEMENT TO DETERMINE WHETHER THE APPLICANT HAS BEEN CONVICTED OF A VIOLENT CRIME; AND TO AMEND SECTION 56-1-3350, RELATING TO THE ISSUANCE OF A SPECIAL IDENTIFICATION CARD BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT THE APPLICATION FOR A SPECIAL IDENTIFICATION CARD MUST CONTAIN A STATEMENT TO DETERMINE WHETHER THE APPLICANT HAS BEEN CONVICTED OF A VIOLENT CRIME.

Rep. WEEKS moved to adjourn debate on the Bill until Thursday, May 20.

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

Reps. WEEKS, HOSEY, HART, R. L. BROWN, JEFFERSON, GILLIARD, HUTTO, KING, BRANTLEY, DILLARD, DUNCAN, STAVRINAKIS and BALES requested debate on the Bill.

**S. 1137--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1137 -- Senators Fair and L. Martin: A BILL TO AMEND SECTION 44-53-398, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MONITORING THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE, SO AS TO ALSO MONITOR PHENYLPROPANOLAMINE AND THE SALE AND PURCHASE OF THESE PRODUCTS, TO MAKE IT ILLEGAL TO PURCHASE THESE PRODUCTS, TO PROVIDE THAT INFORMATION GATHERED FROM THE PURCHASER AT THE TIME OF THE SALE OF THESE PRODUCTS MUST BE ENTERED IN AN ELECTRONIC LOG, RATHER THAN A WRITTEN LOG, TO PROVIDE THAT THE INFORMATION MUST BE TRANSMITTED TO A CENTRAL DATA COLLECTION SYSTEM THAT WILL SUBMIT THIS INFORMATION TO SLED WHICH WILL MAINTAIN THIS INFORMATION TO ASSIST LAW ENFORCEMENT IN MONITORING THESE SALES AND PURCHASES, AND TO PROVIDE THAT A RETAILER OF THESE PRODUCTS MAY APPLY TO THE BOARD OF PHARMACY FOR AN EXEMPTION FROM THE ELECTRONIC LOG REQUIREMENT; AND BY ADDING CHAPTER 14 TO TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL SERVE AS THE REPOSITORY FOR INFORMATION THE CENTRAL DATA COLLECTION GATHERS AND TRANSFERS TO SLED PERTAINING TO THE SALE AND PURCHASE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12306AC10), which was tabled:

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

/SECTION 3. Before January 1, 2011, the State Law Enforcement Division (SLED) shall enter into a memorandum of agreement with the National Association of Drug Diversion Investigators (NADDI), or a successor or other entity, to identify the roles and responsibilities of SLED and NADDI, or a successor or other entity, in carrying out the collection of sales and purchase data of ephedrine, pseudoephedrine, or phenylpropanolamine products and the transference of this information to the State Law Enforcement Division as provided for in this act. The memorandum must provide that the data and information in SLED’s electronic monitoring system is property of the State and that NADDI will provide SLED with that data and information at least four times a year in a format agreed to by SLED and NADDI and that is consistent with the most recent standards adopted by the American Society for Automation in Pharmacy (ASAP), as well as the most recent standards adopted by the National Information Exchange Model (NIEM)./

Amend the bill, further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Section 44-53-190(a) of the 1976 Code is amended to read:

“(a) The controlled substances listed in this section are included in Schedule I. Any other substance declared a controlled substance in Schedule I by the Drug Enforcement Administration (DEA), United States Department of Justice, or its successor agency, and listed in 21 C.F.R. Section 1309.11, must be considered a Schedule I controlled substance within the meaning of this section upon the effective date specified in the Federal Register announcement.”/

Amend the bill, further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Section 44-53-210(a) of the 1976 Code is amended to read:

“(a) the controlled substances listed in this section are included in Schedule II. Any other substance declared a controlled substance in Schedule II by the Drug Enforcement Administration (DEA), United States Department of Justice, or its successor agency, and listed in 21 C.F.R. Section 1309.12, must be considered a Schedule II controlled substance within the meaning of this section upon the effective date specified in the Federal Register announcement.”/

Amend the bill, further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Section 44-53-230(a) of the 1976 Code is amended to read:

“(a) the controlled substances listed in this section are included in Schedule III. Any other substance declared a controlled substance in Schedule III by the Drug Enforcement Administration (DEA), United States Department of Justice, or its successor agency, and listed in 21 C.F.R. Section 1309.13, must be considered a Schedule III controlled substance within the meaning of this section upon the effective date specified in the Federal Register announcement.”/

Amend the bill, further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Section 44-53-250(A) of the 1976 Code is amended to read:

“(a) the controlled substances in this section are included in Schedule IV. Any other substance declared a controlled substance in Schedule IV by the Drug Enforcement Administration (DEA), United States Department of Justice, or its successor agency, and listed in 21 C.F.R. Section 1309.14, must be considered a Schedule IV controlled substance within the meaning of this section upon the effective date specified in the Federal Register announcement.”/

Amend the bill, further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Section 44-53-270(a) of the 1976 Code is amended to read:

“(a) The controlled substances listed in this section are included in Schedule V. Any other substance declared a controlled substance in Schedule V by the Drug Enforcement Administration (DEA), United States Department of Justice, or its successor agency, and listed in 21 C.F.R. Section 1309.15, must be considered a Schedule V controlled substance within the meaning of this section upon the effective date specified in the Federal Register announcement.”/

Amend the bill, further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Section 44-53-370(d)(4) of the 1976 Code, as last amended by Act 127 of 2005, is further amended to read:

“(4) possession of more than: ~~ten grains~~ one gram of cocaine, one hundred milligrams of alpha‑ or beta‑eucaine, four grains of opium, four grains of morphine, two grains of heroin, one hundred milligrams of isonipecaine, twenty‑eight grams or one ounce of marijuana, ten grams of hashish, fifty micrograms of lysergic acid diethylamide (LSD) or its compounds, fifteen tablets, capsules, dosage units, or the equivalent quantity of 3, 4‑methylenedioxymethamphetamine (MDMA), or twenty milliliters or milligrams of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid, is prima facie guilty of violation of subsection (a) of this section. A person who violates this subsection with respect to twenty‑ eight grams or one ounce or less of marijuana or ten grams or less of hashish is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars. Conditional discharge may be granted in accordance with the provisions of Section 44‑53‑450 upon approval by the circuit solicitor to the magistrate or municipal judge. As a part of a sentence, a magistrate or municipal judge may require attendance at an approved drug abuse program. Persons charged with the offense of possession of marijuana or hashish under this item may be permitted to enter the pretrial intervention program under the provisions of Sections 17‑22‑10 through 17‑22‑160. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than two hundred dollars nor more than one thousand dollars, or both.

When a person is charged under this subsection for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant to Section 14‑1‑206, 14‑1‑207, or 14‑1‑208, whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in Section 14‑1‑205. The assessment portion of the bail must be distributed as provided in Section 14‑1‑206, 14‑1‑207, or 14‑1‑208, whichever is applicable.”/

Renumber sections to conform.

Amend title to conform.

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

Rep. KELLY moved to adjourn debate on the Bill, which was agreed to.

**S. 1224--DEBATE ADJOURNED**

Rep. COBB-HUNTER moved to adjourn debate upon the following Bill, which was adopted:

S. 1224 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT MICHELLE'S LAW BY ADDING SECTIONS 38-71-355 AND 38-71-785 SO AS TO REQUIRE HEALTH INSURANCE ISSUERS TO PERMIT A DEPENDENT CHILD ON A MEDICALLY NECESSARY LEAVE OF ABSENCE FROM A POSTSECONDARY EDUCATIONAL INSTITUTION TO CONTINUE DEPENDENT COVERAGE AND TO PROVIDE FOR THE REQUIREMENTS RELATED TO THAT COVERAGE; TO AMEND SECTION 38-71-850, RELATING TO THE DEFINITION OF "CREDITABLE COVERAGE" FOR GROUP HEALTH INSURANCE COVERAGE AND SPECIAL ENROLLMENT IN GROUP HEALTH INSURANCE COVERAGE, BOTH UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM AND TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009 TO PROVIDE FOR SPECIAL ENROLLMENT OF AN EMPLOYEE OR AN EMPLOYEE'S DEPENDENT IN THE CASE OF TERMINATION OF MEDICAID COVERAGE OR COVERAGE UNDER A STATE CHILDREN'S HEALTH INSURANCE PROGRAM OR THE INDIVIDUAL BECOMING ELIGIBLE FOR ASSISTANCE IN THE PURCHASE OF EMPLOYMENT-BASED COVERAGE; TO AMEND SECTION 38-74-10, AS AMENDED, RELATING TO THE DEFINITION OF "CREDITABLE COVERAGE" FOR THE SOUTH CAROLINA HEALTH INSURANCE POOL, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM; TO AMEND SECTIONS 38-90-40, AS AMENDED, 38-90-45, AND 38-90-50, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT THE DIRECTOR OF INSURANCE MAY CONSIDER THE NET AMOUNT OF RISK RETAINED FOR AN INDIVIDUAL RISK WHEN ARRIVING AT A FINDING RELATING TO ADDITIONAL CAPITAL OR NET ASSETS REQUIREMENTS; TO AMEND SECTION 38-90-70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO REQUIRE AN ASSOCIATION CAPTIVE INSURANCE COMPANY AND INDUSTRIAL INSURED GROUP TO SUBMIT ITS REPORT IN THE MANNER REQUIRED BY SECTION 38-13-80; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO PERMIT THE DIRECTOR TO GRANT ACCESS TO, USE, AND MAKE PUBLIC CERTAIN INFORMATION DISCOVERED OR DEVELOPED DURING THE COURSE OF AN EXAMINATION; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO CAPTIVE INSURANCE COMPANIES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO CAPTIVE INSURANCE COMPANIES AND TO PROVIDE A LISTING OF THOSE PROVISIONS OF TITLE 38 THAT APPLY TO CERTAIN CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-430, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO SPECIAL PURPOSE FINANCIAL CAPTIVES; AND TO AMEND CHAPTER 93, TITLE 38, RELATING TO THE PRIVACY OF GENETIC INFORMATION, SO AS TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 TO PROHIBIT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION, PROVIDE FOR THE REQUIREMENTS RELATING TO THE COLLECTION OF GENETIC INFORMATION, AND TO PROVIDE FOR THE SCOPE OF THE CHAPTER.

**S. 1296--AMENDED, REQUEST FOR DEBATE, AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1296 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING, TO PROVIDE THAT COYOTES MAY BE HUNTED AT NIGHT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GGS\22621SD10), which was adopted:

Amend the bill, as and if amended, by striking Section 50-11-710(A)(2) of the 1976 Code, as contained in SECTION 1, beginning on line 30 of page 1 and inserting:

/ (2) coyotes and armadillos may be hunted at night with an artificial light that is carried on the hunter’s person attached to a helmet or hat, or part of a belt system worn by the hunter. Coyotes and armadillos may be hunted with a rifle or sidearm no larger than .22 caliber rimfire, a shotgun with a shot size no larger than a BB, or a sidearm of any caliber that has iron sites and a barrel length not exceeding nine inches. Any weapon used to hunt coyotes may not be equipped with a butt‑stock, scope, laser site, or light emitting or light enhancing device. It is unlawful to have in one’s possession any shot size larger than a BB while legally hunting coyotes and armadillos at night with a shotgun, and coyotes and armadillos may not be hunted at night from a vehicle, unless specifically permitted by the department. A person who violates this item is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both. /

Renumber sections to conform.

Amend title to conform.

Rep. UMPHLETT explained the amendment.

The amendment was then adopted.

Rep. WHITE proposed the following Amendment No. 2 (COUNCIL\NBD\12386AC10), which was adopted:

Amend the bill, as and if amended, Section 50-11-710(A)(2) page 1296-1, line 32 by deleting /rimfire/

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

Rep. PARKER moved to table the amendment, which was not agreed to.

Rep. WHITE spoke in favor of the amendment.

Rep. PARKER requested debate on the Bill.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

**S. 1348--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1348 -- Senator Campsen: A BILL TO AMEND CHAPTER 16, TITLE 12 OF THE 1976 CODE, RELATING TO THE ESTATE TAX, BY ADDING SECTION 12-16-1960 TO PROVIDE THAT THE WILL OR TRUST OF A DECEDENT WHO DIES IN 2010 THAT CONTAINS CERTAIN FORMULAE SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX LAW AS IT APPLIED ON DECEMBER 31, 2009.

Rep. VICK proposed the following Amendment No. 2 (COUNCIL\NBD\12383AC10), which was adopted:

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

/SECTION \_\_. Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3412. A corporation establishing a national corporate headquarters in this State or expanding or adding to an existing national corporate headquarters which, in connection with this establishment, expansion, or addition, adds at least fifty new full‑time jobs performing corporate headquarters related functions and services, as defined in Section 12‑6‑3410, are exempt from paying state corporate income taxes imposed pursuant to Section 12‑6‑530 for a period of ten years from the date of the establishment, expansion, or addition of the corporate headquarters.”

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

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

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. KIRSH a temporary leave of absence.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. J. R. SMITH a temporary leave of absence.

**S. 134--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 134 -- Senators Sheheen, Verdin, Fair, Campsen and S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-435 SO AS TO ENACT THE "RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT", WHICH PROHIBITS A SCHOOL DISTRICT FROM DISCRIMINATING AGAINST A STUDENT BASED ON RELIGIOUS VIEWPOINT, ALLOWS A STUDENT TO EXPRESS HIS RELIGIOUS VIEWPOINT, ALLOWS A STUDENT TO EXPRESS HIS RELIGIOUS BELIEFS IN HOMEWORK AND CLASSROOM ASSIGNMENTS, AND ALLOWS STUDENTS TO ORGANIZE AND PARTICIPATE IN RELIGIOUS STUDENT GATHERINGS TO THE SAME EXTENT AS SECULAR NONCURRICULAR GROUPS.

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

Yeas 107; Nays 0

Those who voted in the affirmative are:

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

**Total--107**

Those who voted in the negative are:

**Total--0**

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

**S. 1190--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Joint Resolution until Thursday, May 20, which was adopted:

S. 1190 -- Senator Leatherman: A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS' MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

**S. 901--INTERRUPTED DEBATE**

The following Bill was taken up:

S. 901 -- Senators McConnell, Elliott and Courson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-500, SO AS TO PROVIDE THAT WHEN THE GOVERNOR LEAVES THE STATE, HE MUST NOTIFY THE LIEUTENANT GOVERNOR, WHETHER OR NOT THE POWER OF THE GOVERNOR’S OFFICE IS TRANSFERRED TO THE LIEUTENANT GOVERNOR; AND BY ADDING SECTION 1-3-630, SO AS TO DEFINE "EMERGENCY", "FULL AUTHORITY", AND "TEMPORARY ABSENCE" IN ORDER TO CLARIFY WHEN A LIEUTENANT GOVERNOR HAS THE FULL AUTHORITY TO ACT IN AN EMERGENCY IN THE EVENT OF THE TEMPORARY ABSENCE OF THE GOVERNOR FROM THE STATE.

Reps. T. R. YOUNG, HARRISON and BALES proposed the following Amendment No. 1 (COUNCIL\NBD\20852SD10):

Amend the bill, as and if amended, by striking Section 1-3-630 of 1976 Code as contained in SECTION 2 and inserting:

/ “Section 1‑3‑630. (A) For purposes of this section:

(1) ‘Emergency’ means:

(a) an unlawful assemblage, violence or threats of violence, or a public health emergency, as defined in Section 44‑4‑130, that warrants a gubernatorial proclamation of emergency as provided in Section 1‑3‑420; or

(b) an attack, as defined in Section 1‑9‑20(d); or

(c) a potentially destructive and life-threatening major flood, storm, nuclear accident, or other natural or man-made calamity affecting the health, welfare, and safety of the lives and property of the people of the State;

(2) ‘Full authority’ means the ability to exercise the Governor’s powers, responsibilities, obligations, and authorities in regard to the emergency, except veto power, as provided by general law and in the State Constitution without assuming the office of the Governor.

(3) ‘Temporary absence’ means that:

(a) the Governor is outside the boundaries of the State; and

(b) within a twelve-hour period, either by communicating in person or by telecommunications device, the Governor is not available or is unable to respond to:

(i) his staff, or

(ii) the Director of the South Carolina Law Enforcement Division or his designee.

(B) As provided in Article IV, Section 11 of the South Carolina Constitution, in the event of the temporary absence of the Governor from the State, the Lieutenant Governor has full authority to act in an emergency. For this purpose, the Lieutenant Governor is vested with the necessary authority to conduct the affairs of the Office of the Governor that are necessary in regard to the emergency that may be lost or abandoned during the temporary absence of the Governor.

(C) Prior to assuming full authority to act in an emergency, the Lieutenant Governor must verify with the Governor’s staff and the Director of the South Carolina Law Enforcement Division or his designee that the Governor has not been in communication for a period of twelve or more hours and that attempts to contact the Governor have not received a response or indication of the Governor’s whereabouts or availability.

(D) After receiving this verification, the Lieutenant Governor must immediately file with the Office of the Secretary of State a proclamation declaring his full authority to act in the emergency. The proclamation is effective upon issuance and remains in full force and effect as provided by general law and the State Constitution.

(E) The powers that the Lieutenant Governor may exercise pursuant to Article IV, Section 11 of the South Carolina Constitution and this section in regard to the emergency in the temporary absence of the Governor cannot be restricted prior to the departure of the Governor from this State. The discretion of the Lieutenant Governor includes all of the gubernatorial powers relating to the emergency which the Governor himself would possess were he present, limited by the terms of the constitutional provision itself, which require only that those powers may be exercised by the Lieutenant Governor during the temporary absence of the Governor and that those powers also must be of an emergency nature.”/

Renumber sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of amendments.

**RECURRENCE TO THE MORNING HOUR**

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

**S. 1137--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1137 -- Senators Fair and L. Martin: A BILL TO AMEND SECTION 44-53-398, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MONITORING THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE, SO AS TO ALSO MONITOR PHENYLPROPANOLAMINE AND THE SALE AND PURCHASE OF THESE PRODUCTS, TO MAKE IT ILLEGAL TO PURCHASE THESE PRODUCTS, TO PROVIDE THAT INFORMATION GATHERED FROM THE PURCHASER AT THE TIME OF THE SALE OF THESE PRODUCTS MUST BE ENTERED IN AN ELECTRONIC LOG, RATHER THAN A WRITTEN LOG, TO PROVIDE THAT THE INFORMATION MUST BE TRANSMITTED TO A CENTRAL DATA COLLECTION SYSTEM THAT WILL SUBMIT THIS INFORMATION TO SLED WHICH WILL MAINTAIN THIS INFORMATION TO ASSIST LAW ENFORCEMENT IN MONITORING THESE SALES AND PURCHASES, AND TO PROVIDE THAT A RETAILER OF THESE PRODUCTS MAY APPLY TO THE BOARD OF PHARMACY FOR AN EXEMPTION FROM THE ELECTRONIC LOG REQUIREMENT; AND BY ADDING CHAPTER 14 TO TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL SERVE AS THE REPOSITORY FOR INFORMATION THE CENTRAL DATA COLLECTION GATHERS AND TRANSFERS TO SLED PERTAINING TO THE SALE AND PURCHASE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE.

Rep. KELLY proposed the following Amendment No. 2 (COUNCIL\NBD\12315AC10), which was adopted:

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

/SECTION 3. Before January 1, 2011, the State Law Enforcement Division (SLED) shall enter into a memorandum of agreement with the National Association of Drug Diversion Investigators (NADDI), or a successor or other entity, to identify the roles and responsibilities of SLED and NADDI, or a successor or other entity, in carrying out the collection of sales and purchase data of ephedrine, pseudoephedrine, or phenylpropanolamine products and the transference of this information to the State Law Enforcement Division as provided for in this act. The memorandum must provide that the data and information in SLED’s electronic monitoring system is property of the State and that NADDI will provide SLED with that data and information at least four times a year in a format agreed to by SLED and NADDI and that is consistent with the most recent standards adopted by the American Society for Automation in Pharmacy (ASAP), as well as the most recent standards adopted by the National Information Exchange Model (NIEM)./

Amend the bill, further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. Section 44‑53‑370(d)(4) of the 1976 Code, as last amended by Act 127 of 2005, is further amended to read:

“(4) possession of more than: ~~ten grains~~ one gram of cocaine, one hundred milligrams of alpha‑ or beta‑eucaine, four grains of opium, four grains of morphine, two grains of heroin, one hundred milligrams of isonipecaine, twenty‑eight grams or one ounce of marijuana, ten grams of hashish, fifty micrograms of lysergic acid diethylamide (LSD) or its compounds, fifteen tablets, capsules, dosage units, or the equivalent quantity of 3, 4‑methylenedioxymethamphetamine (MDMA), or twenty milliliters or milligrams of gamma hydroxybutyric acid or a controlled substance analogue of gamma hydroxybutyric acid, is prima facie guilty of violation of subsection (a) of this section. A person who violates this subsection with respect to twenty‑ eight grams or one ounce or less of marijuana or ten grams or less of hashish is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars nor more than two hundred dollars. Conditional discharge may be granted in accordance with the provisions of Section 44‑53‑450 upon approval by the circuit solicitor to the magistrate or municipal judge. As a part of a sentence, a magistrate or municipal judge may require attendance at an approved drug abuse program. Persons charged with the offense of possession of marijuana or hashish under this item may be permitted to enter the pretrial intervention program under the provisions of Sections 17‑22‑10 through 17‑22‑160. For a second or subsequent offense, the offender is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than two hundred dollars nor more than one thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

When a person is charged under this subsection for possession of controlled substances, bail shall not exceed the amount of the fine and the assessment provided pursuant to Section 14‑1‑206, 14‑1‑207, or 14‑1‑208, whichever is applicable. A person charged under this item for a first offense for possession of controlled substances may forfeit bail by nonappearance. Upon forfeiture in general sessions court, the fine portion of the bail must be distributed as provided in Section 14‑1‑205. The assessment portion of the bail must be distributed as provided in Section 14‑1‑206, 14‑1‑207, or 14‑1‑208, whichever is applicable.”/

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

Rep. CRAWFORD proposed the following Amendment No. 3 (COUNCIL\NBD\12390AC10), which was adopted:

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

/SECTION \_\_. Article 1, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44‑53‑70. Notwithstanding any other provision of law, a physician or other health care provider with prescriptive authority, may prescribe, and a pharmacist may fill, a ninety‑day prescription for pseudoephedrine, and such prescription may be refilled eighty‑five days after the prescription was filled.”

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

The amendment was then adopted.

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

**S. 1224--INTERRUPTED DEBATE**

The following Bill was taken up:

S. 1224 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT MICHELLE'S LAW BY ADDING SECTIONS 38-71-355 AND 38-71-785 SO AS TO REQUIRE HEALTH INSURANCE ISSUERS TO PERMIT A DEPENDENT CHILD ON A MEDICALLY NECESSARY LEAVE OF ABSENCE FROM A POSTSECONDARY EDUCATIONAL INSTITUTION TO CONTINUE DEPENDENT COVERAGE AND TO PROVIDE FOR THE REQUIREMENTS RELATED TO THAT COVERAGE; TO AMEND SECTION 38-71-850, RELATING TO THE DEFINITION OF "CREDITABLE COVERAGE" FOR GROUP HEALTH INSURANCE COVERAGE AND SPECIAL ENROLLMENT IN GROUP HEALTH INSURANCE COVERAGE, BOTH UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM AND TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009 TO PROVIDE FOR SPECIAL ENROLLMENT OF AN EMPLOYEE OR AN EMPLOYEE'S DEPENDENT IN THE CASE OF TERMINATION OF MEDICAID COVERAGE OR COVERAGE UNDER A STATE CHILDREN'S HEALTH INSURANCE PROGRAM OR THE INDIVIDUAL BECOMING ELIGIBLE FOR ASSISTANCE IN THE PURCHASE OF EMPLOYMENT-BASED COVERAGE; TO AMEND SECTION 38-74-10, AS AMENDED, RELATING TO THE DEFINITION OF "CREDITABLE COVERAGE" FOR THE SOUTH CAROLINA HEALTH INSURANCE POOL, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM; TO AMEND SECTIONS 38-90-40, AS AMENDED, 38-90-45, AND 38-90-50, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT THE DIRECTOR OF INSURANCE MAY CONSIDER THE NET AMOUNT OF RISK RETAINED FOR AN INDIVIDUAL RISK WHEN ARRIVING AT A FINDING RELATING TO ADDITIONAL CAPITAL OR NET ASSETS REQUIREMENTS; TO AMEND SECTION 38-90-70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO REQUIRE AN ASSOCIATION CAPTIVE INSURANCE COMPANY AND INDUSTRIAL INSURED GROUP TO SUBMIT ITS REPORT IN THE MANNER REQUIRED BY SECTION 38-13-80; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO PERMIT THE DIRECTOR TO GRANT ACCESS TO, USE, AND MAKE PUBLIC CERTAIN INFORMATION DISCOVERED OR DEVELOPED DURING THE COURSE OF AN EXAMINATION; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO CAPTIVE INSURANCE COMPANIES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO CAPTIVE INSURANCE COMPANIES AND TO PROVIDE A LISTING OF THOSE PROVISIONS OF TITLE 38 THAT APPLY TO CERTAIN CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-430, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO SPECIAL PURPOSE FINANCIAL CAPTIVES; AND TO AMEND CHAPTER 93, TITLE 38, RELATING TO THE PRIVACY OF GENETIC INFORMATION, SO AS TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 TO PROHIBIT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION, PROVIDE FOR THE REQUIREMENTS RELATING TO THE COLLECTION OF GENETIC INFORMATION, AND TO PROVIDE FOR THE SCOPE OF THE CHAPTER.

Rep. COBB‑HUNTER proposed the following Amendment No. 1 (COUNCIL\DKA\4103DW10):

Amend the bill, as and if amended, Chapter 93, as contained in SECTION 14, page 16, after line 8, by inserting a new section to read:

/ Section 38‑93‑25. An issuer of Medicare supplement policies or certificates shall offer the opportunity of enrolling in a Medicare supplement policy or certificate, without conditioning the issuance or effectiveness of the policy or certificate on, and without discriminating in the pricing of the policy or certificate because of, the health status, claims experience, receipt of health care, or medical condition of an applicant to individuals under sixty‑five years of age who are eligible for and enrolled in Medicare by reason of disability or end‑stage renal disease. Benefits provided in a Medicare supplement policy or certificate must be reasonable in relation to the premiums charged. All or a portion of the premiums may be paid to the issuer of the policy or certificate by a third party on behalf of the applicant or individual covered under Medicare. /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

Rep. SANDIFER spoke against the amendment.

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

Further proceedings were interrupted by the Joint Assembly, the pending question being the consideration of amendments.

**SPEAKER IN CHAIR**

**JOINT ASSEMBLY**

At 12:00 noon the Senate appeared in the Hall of the House. The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

**ELECTION OF PUBLIC SERVICE**

**COMMISSION MEMBERS**

The Reading Clerk of the Senate read the following Concurrent Resolutions:

S. 1344 -- Senators Alexander, Rankin, Hutto, McConnell and Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, AS THE TIME TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SECOND DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FOURTH DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SIXTH DISTRICT, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO THE AT‑LARGE SEAT ON A BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY, WHOSE TERM EXPIRES IN 2012; AND TO ELECT THE SUCCESSOR TO THE SECOND DISTRICT, SEAT 3, ON THE BOARD OF TRUSTEES OF FRANCIS MARION UNIVERSITY, WHOSE TERM EXPIRES IN 2014.

H. 4891 -- Rep. Bingham: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, IMMEDIATELY FOLLOWING THE ELECTION OF TRUSTEES TO INSTITUTIONS OF HIGHER EDUCATION AND MEMBERS OF THE PUBLIC SERVICE COMMISSION, AS THE TIME TO ELECT MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL TO SUCCEED THE INTERIM MEMBERS OF THAT PANEL.

The President of the Senate recognized Sen. Alexander, Chairman of the Committee to Review Candidates for the Public Service Commission.

# SECOND CONGRESSIONAL DISTRICT

The President announced that nominations were in order for a member for the Second Congressional District (Seat 2).

Sen. Alexander, on behalf of the Committee to Review Candidates for the Public Service Commission, stated that the following candidate had been screened and found qualified: David A. Wright.

On motion of Sen. Alexander, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President announced that David A. Wright was duly elected for the term prescribed by law.

# FOURTH CONGRESSIONAL DISTRICT

The President announced that nominations were in order for a member for the Fourth Congressional District (Seat 4).

Sen. Alexander, on behalf of the Committee to Review Candidates for the Public Service Commission, stated that the following candidate had been screened and found qualified: Elizabeth B. “Lib” Fleming.

On motion of Sen. Alexander, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President announced that Elizabeth B. “Lib” Fleming was duly elected for the term prescribed by law.

# SIXTH CONGRESSIONAL DISTRICT

The President announced that nominations were in order for a member for the Sixth Congressional District (Seat 6).

Sen. Alexander, on behalf of the Committee to Review Candidates for the Public Service Commission, stated that the following candidates had been screened and found qualified: Nikiya “Nikki” Hall and Martin Huggins.

Senator Alexander stated that Martin Huggins has withdrawn from the race, and placed the name of the remaining candidate, Nikiya “Nikki” Hall in nomination.

On motion of Sen. Alexander, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President announced that Nikiya “Nikki” Hall was duly elected for the term prescribed by law.

**ELECTION OF STATE COLLEGES AND UNIVERSITY BOARDS OF TRUSTEES**

The PRESIDENT of the Senate recognized Senator Jakie Knotts, on behalf of the Screening Committee for the State Colleges and Universities Boards of Trustees.

**CLEMSON UNIVERSITY**

ONE SEAT, AT-LARGE

The PRESIDENT announced that nominations were in order for the At-Large Seat.

Senator Knotts, on behalf of the Joint Screening Committee, that Dr. Ronnie Lee, Ms. Weesie Poole, Mr. Neil C. Robinson, and Mr. John Warner had been screened, and found qualified.

Senator Knotts stated that Ms. Weesie Poole, Mr. Neil C. Robinson, and Mr. John Warner had withdrawn from the race, and placed the name of the remaining candidate, Dr. Ronnie Lee in nomination.

On motion of Senator Knotts, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that Dr. Ronnie Lee was duly elected for the term prescribed by law.

**FRANCIS MARION UNIVERSITY**

SECOND CONGRESSIONAL DISTRICT, SEAT 3

The PRESIDENT announced that nominations were in order for the Second Congressional District, Seat 3.

Senator Knotts, on behalf of the Joint Screening Committee, stated that Mr. Eddie Gunn had been screened, found qualified, and placed his name in nomination.

On motion of Senator Knotts, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that Mr. Eddie Gunn was duly elected for the term prescribed by law.

**ELECTION OF DEPARTMENT OF EMPLOYMENT AND**

**WORKFORCE APPELLATE PANEL**

The President of the Senate recognized Sen. Ryberg, Chairman of the Department of Employment and Workforce Review Committee.

The President announced that nominations were in order for three members of the Department of Employment and Workforce Appellate Panel.

Sen. Alexander, on behalf of the Committee to Review Candidates for the Department of Employment and Workforce Appellate Panel, stated that the following candidates had been screened and found qualified: Evelyn Belicia Ayers, Kristina Jones Catoe, Tim Dangerfield, Sandra Bell Grooms, Ronnie Hoover, Steve Kelly, Jr., Thomas T. Medlock, Jr., Gary Porth, and M. Wade Scott, Jr.

Senator Alexander stated that Sandra Bell Grooms, Ronnie Hoover, Thomas T. Medlock and Gary Porth had withdrawn from the race, and placed the name of the remaining candidates, Evelyn Belicia Ayers, Kristina Jones Catoe, Tim Dangerfield, Steve Kelly, Jr., and M. Wade Scott, Jr., in nomination.

On motion of Sen. Alexander, nominations were closed.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Ayers:

Anderson Bryant Coleman

Courson Elliott Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Lourie Malloy

Martin, Shane Massey McConnell

McGill Nicholson Peeler

Pinckney Rankin Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--29**

The following named Senators voted for Catoe:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Ford Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

Martin, Larry Martin, Shane McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Williams

**Total--38**

The following named Senators voted for Dangerfield:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Martin, Larry Martin, Shane Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Rankin Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--37**

The following named Senators voted for Kelly:

Alexander Bright Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Grooms

Hayes Leatherman Leventis

Lourie Malloy Martin, Larry

Massey Mulvaney O’Dell

Pinckney Reese Rose

Sheheen Shoopman Thomas

Verdin

**Total--28**

The following named Senators voted for Scott:

Fair Thomas Verdin

**Total--3**

On motion of Rep. J. E. SMITH, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Ayers:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Ballentine | Bannister |
| Bingham | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Clemmons |
| Clyburn | Cobb-Hunter | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Edge | Erickson |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Knight |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| M. A. Pitts | Rutherford | Sandifer |
| Scott | Sellers | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| Sottile | Stavrinakis | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--85**

The following named Representatives voted for Catoe:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Bales | Ballentine | Barfield |
| Bingham | Bowen | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Dillard | Duncan |
| Edge | Forrester | Funderburk |
| Gambrell | Govan | Haley |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Hodges | Horne |
| Howard | Huggins | Hutto |
| Jennings | Kelly | Kennedy |
| Knight | Limehouse | Littlejohn |
| Long | McLeod | Miller |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Pinson | Rice |
| Rutherford | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| J. E. Smith | Spires | Stewart |
| Stringer | Thompson | Toole |
| Vick | Viers | White |
| Whitmire | A. D. Young | T. R. Young |

**Total--75**

The following named Representatives voted for Dangerfield:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Bales |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brantley | R. L. Brown | Chalk |
| Clyburn | Cobb-Hunter | Cole |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gilliard |
| Govan | Haley | Hamilton |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Howard |
| Jefferson | Kelly | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Mack | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Ott | Owens |
| Parker | Pinson | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Weeks | Whipper | Whitmire |
| Williams | Willis | Wylie |
| T. R. Young |  |  |

**Total--79**

The following named Representatives voted for Kelly:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrison | Hart |
| Harvin | Herbkersman | Hiott |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | McEachern |
| McLeod | Merrill | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Scott | Simrill | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Viers |
| Weeks | White | Williams |
| Willis | Wylie | A. D. Young |

**Total--87**

The following named Representatives voted for Scott:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Cato | Hamilton |
| Loftis | Nanney | M. A. Pitts |
| G. R. Smith | Wylie |  |

**Total--8**

**RECAPITULATION**

Total number of Senators voting 45

Total number of Representatives voting 117

Grand Total 162

Necessary to a choice 82

Of which Ayers received 114

Of which Catoe received 113

Of which Dangerfield received 116

Of which Kelly received 115

Of which Scott received 11

Whereupon, the President announced that Evelyn Belicia Ayers, Tim Dangerfield, and Steve Kelly, Jr., were duly elected for the term prescribed by law.

RECORD FOR VOTING

I recused myself from voting during the election of the Department of Employment and Workforce Appellate Panel, due to the appearance of a possible conflict of interest.

Rep. Terry Alexander

**JOINT ASSEMBLY RECEDES**

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 1:35 p.m. the House resumed, the SPEAKER in the Chair.

Rep. COLE moved that the House recede until 3:00 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 3:00 p.m. the House resumed, Acting Speaker MITCHELL in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

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

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being adoption of Amendment 1 to S. 1224.

**H. 3161--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. HARRISON moved to adjourn debate on the motion to reconsider whereby the Veto on H. 3161 was sustained until Tuesday, May 25.

Rep. VICK moved to table the motion.

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

Yeas 20; Nays 79

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | R. L. Brown | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Howard | Jefferson | King |
| Kirsh | Knight | Mack |
| Mitchell | J. H. Neal | J. M. Neal |
| Ott | Thompson | Vick |
| Weeks | Williams |  |

**Total--20**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | G. A. Brown | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hiott | Horne | Hosey |
| Hutto | Kelly | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | White |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--79**

So, the House refused to table the motion to adjourn debate.

The question then recurred to the motion to adjourn debate on the motion to reconsider the vote whereby the Veto on H. 3161 was sustained until Tuesday, May 25, which was agreed to.

**S. 2--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. G. R. SMITH, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

S. 2 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright, L. Martin and Rankin: A BILL TO AMEND SECTION 11-11-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IMPLEMENTATION OF THE LIMIT ON STATE SPENDING IMPOSED PURSUANT TO SECTION 7(C), ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO REVISE THIS LIMIT BY IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN-YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES AND THE CREATION OF A SEPARATE BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT, THE REVENUES OF WHICH MUCH FIRST BE USED TO STABILIZE GENERAL FUND REVENUES AVAILABLE FOR APPROPRIATION, TO DEFINE EMERGENCIES AND TO PROVIDE FOR SUSPENSION OF THIS APPROPRIATIONS LIMIT IN EMERGENCIES, TO PROVIDE THAT A CASH BALANCE IN THE BUDGET STABILIZATION FUND IN EXCESS OF FIFTEEN PERCENT OF GENERAL FUND REVENUES OF THE MOST RECENT COMPLETED FISCAL YEAR MAY BE APPROPRIATED IN SEPARATE LEGISLATION FOR VARIOUS NONRECURRING PURPOSES, AND TO DEFINE SURPLUS GENERAL FUND REVENUES.

**OBJECTION TO RECALL**

Rep. BEDINGFIELD asked unanimous consent to recall H. 4919 from the Committee on Judiciary.

Rep. SELLERS objected.

**S. 981--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. DANING, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 981 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 63-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS, SO AS TO PROVIDE THAT THE COURT MAY ORDER GRANDPARENT VISITATION IF THE COURT FINDS THAT THE CHILD'S PARENTS ARE DEPRIVING THE GRANDPARENT VISITATION WITH THE CHILD AND THAT THE PARENTS ARE UNFIT OR THAT THERE ARE COMPELLING CIRCUMSTANCES TO OVERCOME THE PRESUMPTION THAT THE PARENTAL DECISION IS IN THE CHILD'S BEST INTEREST.

**S. 850--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

S. 850 -- Senator McGill: A BILL TO AMEND SECTION 12-6-5060 OF THE 1976 CODE, RELATING TO THE DESIGNATION ON AN INCOME TAX RETURN OF A VOLUNTARY CONTRIBUTION TO CERTAIN FUNDS, TO PROVIDE THAT A TAXPAYER MAY CONTRIBUTE TO THE SOUTH CAROLINA FORESTRY COMMISSION FOR USE IN THE STATE FOREST SYSTEM.

**S. 406--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

S. 406 -- Senator Grooms: A BILL TO AMEND SECTION 40-60-35 OF THE 1976 CODE, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, TO REDUCE THE NUMBER OF HOURS OF INSTRUCTION EACH YEAR FOR ASSESSORS WITH AN ACTIVE LICENSE OR CERTIFICATION FROM NINE HOURS TO SEVEN HOURS, AND TO MAKE TECHNICAL CHANGES.

**S. 594--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

S. 594 -- Senator Leatherman: A BILL TO AMEND SECTION 59-147-30 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

**S. 1014--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. RUTHERFORD, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 1014 -- Senators Jackson, Rose and Ford: A BILL TO AMEND SECTION 33-31-1402, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISSOLUTION OF NONPROFIT CORPORATIONS BY DIRECTORS, MEMBERS, AND THIRD PERSONS, SO AS TO PROVIDE THAT BEFORE THE SECRETARY OF STATE MAY ACCEPT FOR FILING ARTICLES OF DISSOLUTION OF AN EXISTING NONPROFIT RELIGIOUS OR CHARITABLE ORGANIZATION EXECUTED BY A PERSON AUTHORIZED BY THIS SECTION TO TAKE SUCH ACTION, THE SECRETARY OF STATE SHALL REQUIRE THIS PERSON TO ATTACH AN AFFIDAVIT TO THE FILING WHERE THE PERSON UNDER OATH SUBJECT TO A PENALTY OF PERJURY CERTIFIES THAT HE HOLDS THE REQUISITE AUTHORITY TO TAKE SUCH ACTION.

**OBJECTION TO RECALL**

Rep. WEEKS asked unanimous consent to recall S. 332 from the Committee on Ways and Means.

Rep. HORNE objected.

**OBJECTION TO RECALL**

Rep. HERBKERSMAN asked unanimous consent to recall S. 1054 from the Committee on Ways and Means.

Rep. WEEKS objected.

**OBJECTION TO RECALL**

Rep. KNIGHT asked unanimous consent to recall S. 1270 from the Committee on Ways and Means.

Rep. A. D. YOUNG objected.

**OBJECTION TO RECALL**

Rep. DELLENEY asked unanimous consent to recall S. 717 from the Committee on Ways and Means.

Rep. WEEKS objected.

**S. 1120--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. RUTHERFORD, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 1120 -- Senators Lourie, Pinckney, Williams, Leventis, Anderson, Land and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-1360 SO AS TO PROHIBIT HEALTH CARE PROVIDERS FROM ENGAGING IN DEBT COLLECTION ACTIVITIES RELATING TO MEDICAL TREATMENT RECEIVED IN CONNECTION WITH A CLAIM FOR COMPENSATION OF A VICTIM OF CRIME UNTIL AN AWARD IS MADE OR A CLAIM IS DENIED AND TO STAY THE STATUTE OF LIMITATIONS FOR THE COLLECTION OF THIS DEBT UNDER CERTAIN CIRCUMSTANCES.

**R. 200, H. 4347--GOVERNOR'S VETO SUSTAINED**

The Veto on the following Act was taken up:

(R200) H. 4347 -- Reps. Cooper and White: AN ACT TO AMEND SECTION 2-7-71, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX BILLS AND REVENUE IMPACT STATEMENTS, SO AS TO PROVIDE THAT THE REVENUE IMPACT STATEMENT MUST BE SIGNED BY THE CHIEF ECONOMIST OF THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD; AND TO AMEND SECTION 2-7-78, RELATING TO THE CERTIFICATION OF A REVENUE IMPACT OF A PROVISION FOR PURPOSES OF ITS INCLUSION IN THE ANNUAL GENERAL APPROPRIATIONS BILL AND CHANGES IN THE OFFICIAL REVENUE ESTIMATE, SO AS TO PROVIDE THAT THE REVENUE IMPACTS MUST BE CERTIFIED BY THE CHIEF ECONOMIST OF THE OFFICE OF RESEARCH AND STATISTICS AND THAT THE BOARD OF ECONOMIC ADVISORS SHALL ADJUST ITS ESTIMATES TO REFLECT THESE CERTIFICATIONS AND MAKE OTHER ADJUSTMENTS IT CONSIDERS NECESSARY IN THE FINAL VERSION OF THE ANNUAL GENERAL APPROPRIATIONS BILL.

Rep. COOPER explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 72; Nays 39

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Bannister |
| Barfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | Chalk |
| Clemmons | Clyburn | Cole |
| Cooper | Delleney | Edge |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Harrison | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Kelly | Kirsh | Limehouse |
| Littlejohn | Loftis | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Mitchell |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Sellers | Skelton |
| D. C. Smith | J. R. Smith | Sottile |
| Spires | Toole | Umphlett |
| Vick | White | Whitmire |
| Williams | Willis | A. D. Young |

**Total--72**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Ballentine | Bedingfield | G. A. Brown |
| R. L. Brown | Cato | Cobb-Hunter |
| Crawford | Daning | Dillard |
| Duncan | Erickson | Funderburk |
| Haley | Hamilton | Hutto |
| King | Knight | Long |
| Miller | Millwood | D. C. Moss |
| Nanney | Norman | Parker |
| Rice | Scott | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Stavrinakis | Stewart | Stringer |
| Thompson | Weeks | T. R. Young |

**Total--39**

So, the Veto of the Governor was sustained and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I voted to override the Governor’s Veto on H. 4347, however my vote machine malfunctioned. I wish the record to reflect I cast my vote to override.

Rep. Bill Wylie

**ACTING SPEAKER HARRISON IN CHAIR**

**S. 1435--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up for immediate consideration:

S. 1435 -- Senator McConnell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 3, 2010, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT NOON ON TUESDAY, JUNE 15, 2010, AND CONTINUE IN SESSION TO NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 17, 2010, FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 17, 2010, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT *PRO TEMPORE* OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 11, 2011.

Rep. HARRELL spoke in favor of the Resolution.

The yeas and nays were taken resulting as follows:

Yeas 114; Nays 0

Those who voted in the affirmative are:

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

**Total--114**

Those who voted in the negative are:

**Total--0**

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

**SPEAKER IN CHAIR**

**R. 202, H. 4511--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R202) H. 4511 -- Reps. Clyburn, Harrison, Wylie, Bales, Brantley, Cobb-Hunter, Ott, Hosey, Hodges, Battle, Whipper, Alexander, Gilliard, Kennedy, Skelton, Jefferson, Merrill, Frye, King, Anderson, J. R. Smith, McEachern, Mitchell, Rice, A. D. Young, J. H. Neal, Allen, Hardwick, Williams, Harrell, Clemmons, G. M. Smith, Vick, Bingham, Branham, H. B. Brown, R. L. Brown, Cooper, Dillard, Duncan, Gunn, Hart, Hayes, Hearn, Littlejohn, V. S. Moss, J. M. Neal, Neilson, Rutherford, Thompson, Weeks, White, Willis, T. R. Young and Loftis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE "SOUTH CAROLINA RURAL INFRASTRUCTURE ACT", TO ESTABLISH THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

Rep. COOPER explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 108; Nays 4

Those who voted in the affirmative are:

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

**Total--108**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kennedy | Long | Norman |
| Scott |  |  |

**Total--4**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**R. 203, H. 4607--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R203) H. 4607 -- Reps. Sandifer, Huggins, Ott, Hutto, Howard, Anderson, Gambrell, Rice, Hayes, Erickson, Bedingfield, Lowe, Brady, G. A. Brown, Pinson, Bowers, Toole, Crawford, Bales, Mack, Allison, Parker, Mitchell, Long, Viers, Sellers, Sottile, Forrester, Horne, Clemmons, Simrill and Cole: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-2-308 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE PROCEDURES THAT MUST BE FOLLOWED BY MOTOR VEHICLE DEALERS IN ADVERTISEMENTS MADE IN THE COURSE OF SOLICITING FOR THE SALE OR LEASE OF MOTOR VEHICLES; AND TO AMEND SECTION 37-6-108, AS AMENDED, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO PROVIDE PENALTIES FOR MOTOR VEHICLE DEALERS WHO VIOLATE THE PROVISIONS OF SECTION 37-2-308.

Rep. SANDIFER explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 113; Nays 4

Those who voted in the affirmative are:

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

**Total--113**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Haley | Kennedy | Norman |
| Stewart |  |  |

**Total--4**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**H. 4054--SENATE AMENDMENTS CONCURRED IN**

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

H. 4054 -- Rep. Edge: A CONCURRENT RESOLUTION TO URGE THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EDUCATE PARENTS ON THE IMPORTANCE OF ADOLESCENT WELL PHYSICALS TO PREVENT CHRONIC DISEASES, APPROPRIATELY INTERVENE TO BETTER TREAT CHRONIC DISEASE, AND UPDATE IMMUNIZATIONS FOR ADOLESCENTS OF THIS STATE AND NATION.

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

**H. 4657--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

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.

Rep. M. A. PITTS moved cloture on the entire matter.

Rep. NORMAN moved to table the motion.

**POINT OF ORDER**

Rep. HART raised the Point of Order that Rep. M.A. PITTS' motion to invoke cloture on H. 4657 was out of order. Rep. HART argued that the Speaker had already recognized Rep. COOPER to speak on the amendment and that the motion to invoke cloture was out of order.

SPEAKER HARRELL stated that Rep. COOPER had not been recognized to speak on the amendment and did not have the floor. Therefore, the Speaker overruled the Point of Order.

Rep. M. A. PITTS demanded the yeas and nays which were taken, resulting as follows:

Yeas 64; Nays 54

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Ballentine |
| Bedingfield | Bowers | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Clyburn |
| Cobb-Hunter | Crawford | Daning |
| Dillard | Duncan | Funderburk |
| Gilliard | Govan | Haley |
| Hamilton | Hart | Harvin |
| Hayes | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kennedy | King |
| Kirsh | Knight | Mack |
| McEachern | McLeod | Miller |
| Millwood | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Rice | Rutherford |
| Sellers | G. R. Smith | J. E. Smith |
| Stavrinakis | Stewart | Thompson |
| Vick | Viers | Weeks |
| Whipper | Williams | Willis |
| T. R. Young |  |  |

**Total--64**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Bingham | Bowen | Brady |
| Chalk | Clemmons | Cole |
| Cooper | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Owens | Parker |
| Pinson | M. A. Pitts | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Toole | Umphlett | White |
| Whitmire | Wylie | A. D. Young |

**Total--54**

So, the motion to invoke cloture was tabled.

Rep. COOPER proposed the following Amendment No. 1A (Doc Name H-WM\001\HOU2ASV1.DOCX), which was adopted:

PART IA

Amend the bill, as and if amended, Part IA, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 85, line 01, opposite /d. pharmaceutical services/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

10,700,000 10,700,000

Amend the bill, as and if amended, Part IA, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 85, lines 29-30, opposite /z. children’s health insurance program/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

1,700,000 1,700,000

Amend the bill, as and if amended, Part IA, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 86, line 33, opposite /d. gaps assist program/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

2,687,191 2,687,191

Amend the bill, as and if amended, Part IA, Section 22, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, page 92, line 3, opposite /case services/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

2,234,466 2,234,466

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 158, line 05, opposite /classified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

37,000

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 158, line 12, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

186,016

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 158, line 24, opposite /classified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

18,250

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 158, line 30, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

20,252 200,000

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 159, line 36, opposite /classified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

306,200

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 160, line 01, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

80,000

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 160, line 08, opposite /classified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

239,000

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 163, line 13, opposite /classified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

634,280

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 163, line 15, opposite /unclassified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

95,018

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 163, line 20, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

300,000

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 165, line 02, opposite /classified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

152,797

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 165, line 04, opposite /unclassified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

73,923

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 167, line 06, opposite /employer contributions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

454,381

Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 179, lines 06-07, opposite /classified positions/ by decreasing the amount(s) in Column 5 only by:

Column 5 Column 6

200,000

(2.55)

Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 179, line 08, opposite /other personal service/ by decreasing the amount(s) in Column 5 only by:

Column 5 Column 6

50,000

Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 179, line 11, opposite /other operating expenses/ by decreasing the amount(s) in Column 5 only by:

Column 5 Column 6

150,000

Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 179, line 13, opposite /alloc cnty-restricted/ by decreasing the amount(s) in Column 5 only by:

Column 5 Column 6

3,000,000

Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 179, line 14, opposite /alloc other state agencies/ by decreasing the amount(s) in Column 5 only by:

Column 5 Column 6

120,000

Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 179, line 15, opposite /alloc planning dist/ by decreasing the amount(s) in Column 5 only by:

Column 5 Column 6

11,480,000

Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 180, line 01, opposite /employer contributions/ by decreasing the amount(s) in Column 5 only by:

Column 5 Column 6

69,650

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 184, line 08, opposite /taxable subsistence/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

3,500

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 184, line 09, opposite /unclassified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

642,599 642,599

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 184, line 14, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

106,486

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 185, line 21, opposite /taxable subsistence/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

24,000

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 185, line 22, opposite /unclassified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

2,000,000 2,000,000

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 185, line 27, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

123,095

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 185, line 36, opposite /taxable subsistence/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

177,000

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 185, line 37, opposite /unclassified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

3,000,000 3,000,000

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 186, line 3, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

308,207

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 186, line 14, opposite /family court judge/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

1,780,737

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 186, line 16, opposite /taxable subsistence/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

211,000

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 186, line 17, opposite /unclassified positions/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

3,000,000 3,000,000

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 186, line 22, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

344,207

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 188, line 10, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

90,000

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 188, line 16, opposite /employer contributions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

12,567,727

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 199, line 53, opposite /classified positions/ by decreasing the amount(s) in Column 6 only by:

Column 5 Column 6

87,500

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 199, line 23, opposite /classified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

10,087,500

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 199, line 26-27, opposite /”law enforcement officers i”/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

3,100,000

(100.00)

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 199, line 33, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

3,098,000

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 201, line 16, opposite /employer contributions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

6,302,000

Amend the bill further, as and if amended, Part IA, Section 67, DEPARTMENT OF EMPLOYMENT AND WORKFORCE, page 246, immediately after line 06, by inserting new lines to read:

Column 5 Column 6

VI. TRADE ADJUSTMENT ASSISTANCE

personal service:

classified positions

200,000

(2.55)

other personal service

50,000

other operating expenses

150,000

aid to subdivisions:

alloc cnty - restricted

3,000,000

alloc other state agencies

120,000

alloc planning districts

11,480,000

Amend the bill further, as and if amended, Part IA, Section 67, DEPARTMENT OF EMPLOYMENT AND WORKFORCE, page 246, line 09, opposite /employer contributions/ by increasing the amount(s) in Column 5 only by:

Column 5 Column 6

69,650

Amend the bill further, as and if amended, Part IA, Section 68A, DEPARTMENT OF TRANSPORTATION, page 248, lines 38-39, opposite /commercial motor vehicle rest areas/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

242,000

Amend the bill further, as and if amended, Part IA, Section 70B, LEG DEPT-HOUSE OF REPRESENTATIVES, page 255, line 11, opposite /other operating expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

3,514,334 3,514,334

Amend the bill further, as and if amended, Part IA, Section 71, ADMINISTRATIVE LAW COURT, page 261, line 7, opposite /unclassified positions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

200,430

Amend the bill further, as and if amended, Part IA, Section 71, ADMINISTRATIVE LAW COURT, page 261, line 12, opposite /other operating expenses/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

182,759

Amend the bill further, as and if amended, Part IA, Section 71, ADMINISTRATIVE LAW COURT, page 261, line 19, opposite /employer contributions/ by increasing the amount(s) in Column 6 only by:

Column 5 Column 6

16,811

Amend the bill further, as and if amended, Part IA, Section 79, ELECTION COMMISSION, page 284, line 39, opposite /aid cnty-election comm/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

449,017 449,017

Amend the bill further, as and if amended, Part IA, Section 80C, B&C-EMPLOYEE BENEFITS, page 304, lines 25-26, opposite /health insurance-employer contributions/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

1,998,344 1,998,344

Amend the bill further, as and if amended, Part IA, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 312, line 04, opposite /aid planning districts/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

23,188 23,188

Amend the bill further, as and if amended, Part IA, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 312, line 05, opposite /aid to county veterans’ offices/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

23,188 23,188

PART IB

Amend the bill further, as and if amended, PART IB, Section 1, DEPARTMENT OF EDUCATION, page 341, paragraph 1.61 (Child Development Education Pilot Program), lines 33-36, pages 342-346, and page 347, lines 1-26 by striking the paragraph in its entirety.

Amend the bill further, as and if amended, PART IB, Section 1, DEPARTMENT OF EDUCATION, page 351, paragraph 1.76 (High School Driver Education), lines 21-28, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, PART IB, Section 1, DEPARTMENT OF EDUCATION, page 352, paragraph 1.80 (Index of Taxpaying Ability), line 10, by striking the line in its entirety and by reinserting:

/ *1.80. (SDE: Index of Taxpaying Ability) For the current fiscal year, the provisions of Section 59-20-20(3) of the 1976 Code providing for the calculation of the Index of Taxpaying Ability are suspended. In lieu of the index as calculated pursuant to that provision, the index as calculated by the Department of Revenue for 2009 applies for the current fiscal year.* /

Amend the bill further, as and if amended, PART IB, Section 1, DEPARTMENT OF EDUCATION, page 352, paragraph 1.81 (Single Gender Charter Schools), line 11, by striking the line in its entirety and by reinserting:

/ *1.81. (SDE: Single Gender Charter Schools) A person or nonprofit corporate entity may seek to form a single gender charter school.* /

Amend the bill further, as and if amended, PART IB, Section 1, DEPARTMENT OF EDUCATION, page 352, paragraph 1.88 (Index of Taxpaying Ability Study Committee), by striking lines 30-36, and page 353, by striking lines 1-9 and by inserting after line 9:

/ *The committee shall also examine how funds should be distributed to school districts that receive less than forty percent of state support as computed in Section 59-20-40(1) of the 1976 Code, taking into consideration whether each district’s amount should be determined in accordance with the district’s number of weighted students, subject to adjustment for student attendance.* /

Amend the bill further, as and if amended, PART IB, Section 1, DEPARTMENT OF EDUCATION, page 354, paragraph 1.92 (Teaching Requirement for Certified School Employees), line 21, by striking: / *must* / and by inserting / *should, if practicable,* /

Amend the bill further, as and if amended, PART IB, Section 1A, DEPARTMENT OF EDUCATION-EIA, page 368, paragraph 1A.45 (Education Oversight Committee Transfer), line 3, by inserting a new sentence at the end to read:

/ *The Education Oversight Committee is further directed to transfer the funds for the EOC 4 Year Old Evaluation to the Office of First Steps only for use in the CDEPP program.* /

Amend the bill further, as and if amended, PART IB, Section 1A, DEPARTMENT OF EDUCATION-EIA, page 368, after line 26, by adding an appropriately numbered paragraph to read:

/ *1A.\_. (SDE-EIA: First Steps-CDEPP Program) For Fiscal Year 2010-11 the Office of First Steps is directed to utilize the funds transferred from the Education Oversight Committee only to serve students in the CDEPP program and shall report the number of students served to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2011.* /

Amend the bill further, as and if amended, PART IB, Section 1A, DEPARTMENT OF EDUCATION-EIA, page 368, after line 26, by adding an appropriately numbered paragraph to read:

/ *1A.\_. (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the 2010-11 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.*

*(A) For the 2010-11 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.*

*Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.*

*(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.*

*The parent of each eligible child may enroll the child in one of the following programs:*

*(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or*

*(2) a school-year four-year-old kindergarten program delivered by an approved private provider.*

*The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child’s birth certificate, immunization documentation, and documentation of the student’s eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.*

*In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.*

*No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.*

*If by October 1 of the school year at least 75% of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the 25th national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.*

*(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.*

*Providers shall:*

*(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;*

*(2) comply with all state and local health and safety laws and codes;*

*(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;*

*(4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;*

*(5) comply with all program, reporting, and assessment criteria required of providers;*

*(6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;*

*(7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;*

*(8) be approved, registered, or licensed by the Department of Social Services; and*

*(9) comply with all state and federal laws and requirements specific to program providers.*

*Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.*

*(D) The Department of Education and the Office of First Steps to School Readiness shall:*

*(1) develop the provider application form;*

*(2) develop the child enrollment application form;*

*(3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;*

*(4) develop a list of approve pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;*

*(5) establish criteria for awarding new classroom equipping grants;*

*(6) establish criteria for the parenting education program providers must offer;*

*(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;*

*(8) develop a list of data collection needs to be used in implementation and evaluation of the program;*

*(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;*

*(10) establish criteria for granting student retention waivers; and*

*(11) establish criteria for granting classroom size requirements waivers.*

*(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.*

*Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:*

*(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;*

*(2) employ an education assistant with pre-service or in‑service training in early childhood education;*

*(3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;*

*(4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;*

*(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;*

*(6) engage parents’ participation in their child’s educational experience that shall include a minimum of two documented conferences per year; and*

*(7) adhere to professional development requirements outlined in this article.*

*(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children 5 years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.*

*(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.*

*(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than $185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.*

*(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:*

*(1) serve as the fiscal agent;*

*(2) verify student enrollment eligibility;*

*(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;*

*(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;*

*(5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;*

*(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;*

*(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;*

*(8) maintain a database of the children enrolled in the program; and*

*(9) promulgate guidelines as necessary for the implementation of the pilot program.*

*(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:*

*(1) serve as the fiscal agent;*

*(2) verify student enrollment eligibility;*

*(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;*

*(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;*

*(5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;*

*(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;*

*(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;*

*(8) maintain a database of the children enrolled in the program; and*

*(9) promulgate guidelines as necessary for the implementation of the pilot program.*

*(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the 2010-11 school year, the funded cost per child shall be $4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of $550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to $1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed $10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.*

*(L) Pursuant to this provision, the Department of Social Services shall:*

*(1) maintain a list of all approved public and private providers; and*

*(2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this provision.*

*(M) The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. /*

Amend the bill further, as and if amended, Part IB, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 372, paragraph 2.6 (FY 10-11 Lottery Funding), lines 5-15, by striking the lines in their entirety and by inserting:

/ *Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first $7,618,477 shall be directed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships. The next $1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next $5,470,093 shall be directed for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The next $2,000,000 shall be directed to the State Library for Aid to County Libraries. The next $1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next $4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next $1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing. The next $100,000 shall be directed to the Department of Alcohol and Other Drug Abuse Services for Prevention/Treatment of Gambling Disorders. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.* /

Amend the bill further, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 379, paragraph 6.28 (Tuition and Fees), lines 29-31, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 379, paragraph 6.29 (Law Study), lines 32-36, and page 380, lines 1-8, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 380, paragraph 6.30 (Transaction Register), lines 9-18, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 15, UNIVERSITY OF SOUTH CAROLINA, page 381, after line 16, by adding an appropriately numbered paragraph to read:

/ *15.\_. (USC: Board Member designee) For Fiscal Year 2010-11, the President of the Greater University of South Carolina Alumni Association may appoint a designee to serve in his stead on the University of South Carolina Board of Trustees.* /

Amend the bill further, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 389, paragraph 21.25 (State Children’s Health Insurance Program), lines 1-3, by striking the lines in their entirety and by inserting:

/ shall be applied. ~~Enrollment will begin no sooner than October 1, 2007.~~ *Effective July 1, 2010, enrollment shall be closed to new participants.* /

Amend the bill further, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 392, paragraph 21.43 (GAPS), line 4, by striking the line in its entirety and by reinserting:

/ *21.43. (DHHS: GAPS) The requirements of Title 44, Chapter 6-610 through Chapter 6-660 shall be suspended for Fiscal Year 2010-11.* /

Amend the bill further, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 392, paragraph 21.44 (Rural Hospital Grants), lines 5-11, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 392, paragraph 21.46 (Medicaid Pooling Initiative), lines 17-23, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, page 398, paragraph 22.39 (Beach Renourishment Carry Forward), lines 29-31, by reinserting:

/ 22.39. (DHEC: Beach Renourishment Carry Forward-OCRM) Of the funds carried forward by the department for beach renourishment, the department is authorized to utilize up to $240,000 to reduce the impact of budget reductions to the Office of Ocean and Coastal Resource Management. /

Amend the bill further, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, page 398, paragraph 22.41 (Rural Hospital Grants), lines 35-36, by reinserting: / or a public hospital that is a hospital district; and who is accredited by the Joint Commission on Health Care Organizations or is a Critical Access Hospital, / and by reinserting / 150 /; Amend further, page 399, line 1 by striking /*200*/

Amend the bill further, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, page 399, paragraph 22.43 (Certificate of Need), line 9, by striking the line in its entirety and by reinserting:

/ *22.43. (DHEC: Certificate of Need) A Certificate of Need, awarded by the department, is valid for one year from the date of issuance. The department may grant two extensions of up to nine months each upon evidence that substantial progress has been made in accordance with procedures set forth in regulations. The board may grant further extension of up to nine months each only if it determines that substantial progress has been made in accordance with the procedures set forth in regulations.* /

Amend the bill further, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, page 399, paragraph 22.46 (Beach Renourishment Carry Forward), line 9, by striking the line in its entirety and by reinserting:

/ *22.46. (DHEC: Beach Renourishment Carry Forward) Of the funds carried forward for beach renourishment, the department is authorized to restrict $2,500,000 for state funding of coastal renourishment, navigation, and public access improvement projects. The department is further authorized to expend the remaining carry forward balance to reduce the impact of budget reductions.* /

Amend the bill further, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, page 399, after line 15, by ading an appropriately numbered paragraph to read:

/ *22.\_. (DHEC: Budgetary Flexibility) In the event funds from Part IV are not realized, in order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, the Department of Health and Environmental Control is authorized for FY 2010-11 to expend up to 25% of the funds from each account available to the agency, except for federal funds, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee.*/

Amend the bill further, as and if amended, Part IB, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 409, after line 12, by adding an appropriately numbered paragraph to read:

/ *26. . (DSS: Parenting and Pregnancy Services to Single Mothers) The department shall continue to fund those centers in South Carolina that provide parenting and pregnancy services to single mothers with whom the department had a contract in the prior fiscal year and funding shall be at the July 1, 2009 funding levels.* /

Amend the bill further, as and if amended, Part IB, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 417, paragraph 37.14 (Watercraft Title and Registration Fees Surcharge), lines 17-23, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 417, paragraph 37.15 (Hunting and Fishing License Surcharge), lines 34-30, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 39, DEPARTMENT OF PARKS, RECREATION, AND TOURISM, page 420, after line 34, by adding an appropriately numbered paragraph to read:

/ *39.\_. (PRT: Additional Motion Picture Bonus-Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12-62-50, the South Carolina Film Commission may provide an additional Bonus-rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12-62-60, the South Carolina Film Commission may provide an additional bonus-rebate to a motion picture production company of up to fifteen percent of the expenditures made by the motion picture production company in the State.* /

Amend the bill further, as and if amended, Part IB, Section 40, DEPARTMENT OF COMMERCE, page 424, after line 16, by adding an appropriately numbered paragraph to read:

/ *40. . (CMRC: Regional Economic Development Organizations Carry Forward) Any unexpended funds transferred to the Department of Commerce for Regional Economic Development Organizations by Part III of Act 23 of 2009 shall be carried forward from the prior fiscal year into the current fiscal year and used for the same purposes as originally intended.* /

Amend the bill further, as and if amended, Part IB, Section 44, JUDICIAL DEPARTMENT, page 426, paragraph 44.18 (Deposition Fee), lines 20-25, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 45, ATTORNEY GENERAL’S OFFICE, page 427, after line 16, by adding an appropriately numbered paragraph to read:

/ *45.\_. (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited to the credit of a special account created in the State Treasurer’s Office entitled “Litigation Recovery Account”. The funds deposited in this account must be expended only as prescribed by law.* /

Amend the bill further, as and if amended, Part IB, Section 46, PROSECUTION COORDINATION COMMISSION, page 427, paragraph 46.6 (Solicitors Victim/Witness Assistance Programs), lines 34-36, by striking the lines in their entirety and by reinserting:

/ 46.6. (PCC: Solicitors Victim/Witness Assistance Programs) ~~The~~ *When funds are available, the* amount appropriated and authorized in Part IA, Section 46 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita basis and based upon the official census of 2000. Payment shall be made as soon after the beginning of each quarter as practical. /

Amend the bill further, as and if amended, Part IB, Section 46, PROSECUTION COORDINATION COMMISSION, page 428, paragraph 46.9 (Violent Crime, CDV, DUI Prosecution), line 21, by striking the line in its entirety and by reinserting:

/ *46.9. (PCC: Violent Crime, CDV, DUI Prosecution) The Prosecution Coordination Commission shall retain information and data on violent crime, criminal domestic violence, and driving under the influence prosecutions and shall provide the General Assembly with an annual report no later than 60 days after the conclusion of the fiscal year of those charges prosecuted by assistant solicitors. If not privileged information by law, the report shall at a minimum include information and statistics regarding the location, the number and type of violent crime, criminal domestic violence, driving under the influence charges, the number of cases prosecuted, and the disposition of the cases.* /

Amend the bill further, as and if amended, Part IB, Section 51, DEPARTMENT OF CORRECTIONS, page 441, paragraph 51.28 (LAC Recommendations), lines 7-10, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 51, DEPARTMENT OF CORRECTIONS, page 441, paragraph 51.29 (Legal Fees), lines 11-17, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 65, DEPARTMENT OF LABOR, LICENSING, AND REGULATION, page 450, after line 32 by adding an appropriately numbered paragraph to read:

/ *65. . (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department of Labor, Licensing, and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal* *immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal* *immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant.*

*Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83 of Title 40 of the 1976 Code relating to* *immigration assistance services, or any regulations enacted governing the operation of* *immigration assistance services, false or fraudulent statements made or documents filed in relation to an* *immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.* /

Amend the bill further, as and if amended, Part IB, Section 71, ADMINISTRATIVE LAW COURT, page 461, paragraph 71.3 (Fee Increase), lines 28-29, by striking the paragraph in its entirety and by reinserting:

/ 71.3. (ALJ: Fee Increase) For ~~Fiscal Year 2009-2010~~ *the current fiscal year*, the Administrative Law Court may not charge or increase filing fees beyond the amounts charged on January 1, 2009. /

Amend the bill further, as and if amended, Part IB, Section 79, ELECTION COMMISSION, page 471, paragraph 79.1 (County Registration Board and County Election Commission), lines 3-10, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 80A, BUDGET AND CONTROL BOARD, page 483, paragraph 80A.55 (State Health Plan Obesity Treatment Pilot Program), line 32, by striking the line in its entirety and by reinserting:

/ *80A.55. (BCB: State Health Plan Obesity Treatment Pilot Program) (A) The Budget and Control Board, when establishing the State Health Plan of Benefits for Plan Year 2011, shall establish a one-year pilot program designed to address the problem of the high rate of obesity in South Carolina by providing for the treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. The State Health Plan through the State Budget and Control Board must conduct this program as provided in this proviso. The program will operate only in Plan Year 2011.*

*(B)(1) The State Health Plan shall develop criteria for patient and facility eligibility for the program which shall include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient.*

*(2) In addition to the considerations required in item (1) of this subsection, criteria for patient participation must include that a person may be eligible for bariatric surgery in the program if he is a State Health Plan participant covered as either a subscriber or spouse and is not eligible for Medicare and:*

*(a) (i) has a body mass index greater than forty; or*

*(ii) has a body mass index greater than thirty-five and with a co-morbidity such as diabetes, hypertension, gastro esophageal reflux disease, sleep apnea, or asthma;*

*(b) has participated in the State Health Plan for at least the immediately preceding two years;*

*(c) has documented with his primary practitioner at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan; and*

*(d) has presented a pre-operative psychological evaluation indicating the patient is a satisfactory candidate for surgery.*

*(3) In addition to the considerations required in item (1) of this subsection, a medical center or hospital may be eligible to deliver bariatric surgery in the program if it:*

*(a) is a nationally designated ASMBS Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery;*

*(b) has all the critical post-surgical patient support in place including, but not limited to:*

*(i) a nutritionist or dietician for patient access;*

*(ii) individual and group support meetings;*

*(iii) development of personalized weight loss goals and management and support for lifelong life style changes; and*

*(iv) a physical activity component; and*

*(c) imposes an initial surgical fee that must include eighteen months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings.*

*(C) The program may approve not more than one hundred patients from different regions in the state for the program based on the guidelines developed by the State Health Plan.*

*(D)(1) The State Health Plan shall report annually to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee with detailed information on the program’s trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. A patient must serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery.*

*(2) Surgeries performed under this program shall be that determined most medically appropriate for participating patients.* /

Amend the bill further, as and if amended, Part IB, Section 80A, BUDGET AND CONTROL BOARD, page 484, after line 11 by adding an appropriately numbered paragraph to read:

/ *80A. . (BCB: EIP Benefits) The Budget and Control Board shall continue to make programs available pursuant to Section 1-11-710(A)(1) of the 1976 Code, to members of the Board of Economic Advisors.* /

Amend the bill further, as and if amended, Part IB, Section 80C, BUDGET AND CONTROL BOARD, EMPLOYEE BENEFITS, page 484, paragraph 80C.2 (Funding Abortions Prohibited), lines 19-24, by striking the lines in their entirety and by reinserting:

/ 80C.2. (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases ~~of rape, incest or~~ where the life of the mother is ~~in jeopardy~~ *at risk and the termination of the pregnancy is incidental to the lifesaving intervention*, and the State Health Plan may not offer coverage for abortion services *or services incidental to abortion except as permitted by this paragraph*. *The physician shall act in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child.* /

Amend the bill further, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS, STATE TREASURER, page 488, paragraph 86.6 (legislative delegations), line 2, by striking / as approved by the delegation for FY 2003-04, as authorized by law. / and by inserting / *pursuant to Section 3 of Act No. 283 of 1975*. /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 517, paragraph 89.99 (ARRA Oversight), lines 26-34, by striking the lines in their entirety and by inserting:

*To provide funding for the central oversight costs for transparency and accountability of ARRA funding, the committee is directed to assess state agencies, except the Department of Transportation, as allowed by HR1 of 2009, an amount of funds equal to their pro rata share of ARRA funds received, adequate to fund the activities related to carrying out these functions. The total assessment shall not exceed the central administrative budget submitted to the federal government for these activities. The funds shall be transferred by the agencies assessed into an account established by the State Treasurer. Agencies are authorized and directed to transfer the invoiced amounts from appropriated or authorized funds. The Budget and Control Board, Office of State Budget shall assist agencies in identifying funding sources and making the necessary transfers. Funds are to be transferred by no later than October 1, 2010. At the end of the ARRA reporting period, any funds not expended for central administrative costs shall be remitted to the contributing agencies on a pro-rata basis.*

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 519, paragraph 89.103 (Information Technology Inventory), lines 4-17, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 520, paragraph 89.108 (Transfer Small and Minority Business Assistance), line 7, by striking the line in its entirety and by reinserting:

/ *89.108. (GP: Transfer Small and Minority Business Assistance) Effective July 1, 2010, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Office on Small and Minority Business Assistance under the Governor’s Office of Executive Policy and Programs are transferred to the Procurement Services Division of the Budget and Control Board.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 520, paragraph 89.109 (TERI Program Closure), line 8, by striking the line in its entirety and by reinserting:

/ *89.109. (GP: TERI Program Closure) The Teacher and Employee Retention Incentive (TERI) Program is closed to new participants effective July 1, 2010.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 520, paragraph 89.110 (Volunteer Fire Service Vehicles Allowed to Use “Off-Road Diesel”), line 9, by striking the line in its entirety and by reinserting:

/ *89.110. (GP: Volunteer Fire Service Vehicles Allowed to Use "Off-Road Diesel") Volunteer fire service vehicles operated by political subdivisions of this State are exempt from the user fee on diesel fuel imposed pursuant to Chapter 28, Title 12 of the 1976 Code for fuel purchased in the current fiscal year. "Off-road diesel" may be purchased to operate these vehicles.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 521, paragraph 89.119 (DJJ & Wil Lou Gray Potential Consolidation Plan), line 7, by striking the line in its entirety and by reinserting:

/ *89.119. (GP: DJJ & Wil Lou Gray Potential Consolidation Plan) The Director of the Department of Juvenile Justice and the Superintendent of the Wil Lou Gray Opportunity School are directed to collaborate and develop a plan to potentially consolidate the functions of the two entities. This plan, including an estimate of the cost savings, must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than December 31, 2010. In the event the Director and Superintendent identify functions which could be immediately implemented to enable the two agencies to operate more efficiently they shall have the authorization to implement such actions.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 522, paragraph 89.129 (Reduction in Compensation), lines 24-27, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 524, paragraph 89.135 (Public Safety Service Charge), lines 13-22, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 524, paragraph 89.136 (State Agency Restructuring), lines 24-35, by striking the lines in their entirety and by inserting:

/ *The committee shall be co-chaired by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Its membership shall consist of an additional ten members of the General Assembly appointed as follows: two members appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; two members appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader.*

*The committee shall review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. The committee shall not be limited in scope, but at a minimum it shall review 1) Education; 2) Health and Social Services; 3) Natural Resources and Environmental Services; 4) Cultural; 5) Regulatory; and 6) Transportation. This review, including an estimate of cost savings must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee by December 10 , 2010.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 525, paragraph 89.137 (Websites), lines 1-8, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 525, paragraph 89.138 (Mayor and Councilman Study), lines 9-22, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 525, paragraph 89.140 (Beach Renourishment Suspension), line 27, by inserting at the end:

/ *In the event of a natural disaster that affects the coastline of South Carolina, this suspension shall be lifted.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 525, paragraph 89.141 (Drug Court Program Funds), lines 28-36, and page 526, lines 1-17, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 526, paragraph 89.143 (I-95 Corridor), lines 26-29, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 526, paragraph 89.144 (Additional Classroom Funding), lines 30-35, and page 527, lines 1-2, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 527, after line 6, by adding an appropriately numbered paragraph to read:

/ *89. . (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a state or local government employee or former state or local government employee (“government employee”) is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee’s official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 527, after line 6, by adding an appropriately numbered paragraph to read:

/ *89.\_. (GP: Sunday Work Law Exemption) For the current fiscal year, in addition to all other business operations exempt from the application of the Sunday work restrictions imposed pursuant to Chapter 1, Title 53 of the 1976 Code, telephone call center operations are exempt from the restrictions imposed on Sunday work pursuant to that chapter. An employee of a business which operates on Sunday pursuant to this provision has the option of refusing to work in accordance with Section 53-1-100 of the 1976 Code and that employee, if dismissed or demoted because of conscientious objection to Sunday work, has the remedies provided pursuant to Section 53-1-150(C) of the 1976 Code.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 527, after line 6, by adding an appropriately numbered paragraph to read:

/ *89.\_. (GP: Recovery Audits) The Budget and Control Board shall contract with one or more consultants to conduct recovery audits of payments made by state agencies included in this act to vendors. The audits must be designed to detect and recover overpayments and erroneous payments to the vendors and to recommend improved state agency accounting operations. A state agency shall pay, from recovered monies received, the recovery audit consultant responsible for obtaining for the agency a reimbursement from a vendor based on the following scale: 10% of up to the first $1,000,000 recovered; 5% of $1,000,001 to $5,000,000 recovered; 2.5% of the amount recovered above $5,000,001 with a maximum consultant payment of $2,500,000.*

*Funds recovered, less the cost of recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation of this provision.*

*Recovery audits apply only to a payment made after a one hundred eighty day period from the date the payment was made.*

*All information provided under a contract must be treated as confidential by the vendor. A violation of this provision shall result in the forfeiture by the vendor of all recovery payments under the contract and to the same sanctions and penalties that would apply to that disclosure.*

*The Budget and Control Board shall require that recovery audits be performed in regard to state agencies which have total expenditures during a fiscal year in an amount that exceeds one hundred million dollars. Each state agency subject to this provision shall provide the recovery audit consultant with all information necessary for the audit. The Budget and Control Board may exempt from the mandatory recovery audit process a state agency that has a low proportion of its expenditures made to vendors, or sufficient internal procedures in place to prevent overpayments. The Budget and Control Board or a state agency in its discretion may require similar recovery audits of a state agency with expenditures of less than one hundred million dollars during a fiscal year.*

*Funds recovered, less the cost of audit and agency recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation.*

*A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit conducted under this chapter. Payments to the recovery audit consultant from the federal share of recovered funds shall be solely from the federal portion as allowed by the federal agency.*

*The Budget and Control Board shall provide copies, including electronic form copies, of final reports received from a consultant under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee; and the state auditor’s office.*

*Not later than January first of each year, the board shall issue a report to the General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.* /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 535, paragraph 90.15, lines 5-7, by striking the lines in their entirety and by inserting:

/  *economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls may also be used to maintain access fees to the facility for Fiscal Year 2010-11 at the Fiscal Year 2009-10 level. The Budget and Control Board may authorize the expenditure of funds, not to* /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 535, paragraph 90.15, line 9, after /*1982.*/ by inserting:

/ *The Attorney General’s Office is authorized to retain, expend, and carry forward these funds for the Yucca Mountain suit on the behalf of the State of South Carolina. The Attorney General’s Office is authorized to use a portion of these funds to reimburse the office for any Yucca Mountain expenses incurred in the prior fiscal year.* /

PART III

Amend the bill further, as and if amended, Part III, page 542, Section 2, Line 13, by striking item: / (37) E12 - Comptoller General’s Office $50,000/

Amend the bill further, as and if amended, Part III, page 542, section 2, line 14, opposite item /(38) A15 - Leg Dept. - Codification of Laws and Legislative Council/ by striking /$50,000/ and inserting /$100,000/

Amend the bill further, as and if amended, Part III, Section 2, page 542, line 16, opposite item /(40) H79 - Department of Archives and History/ by striking /$250,000/ and inserting /$200,000/

Amend the bill further, as and if amended, Part III, Section 2, page 542, after line 20, by adding an appropriately numbered item to read:

/ ( ) H95 - State Museum $50,000 /

PART IV

Amend the bill further, as and if amended, Part IV, Section 2, page 544, item 2. Department of Health and Environmental Control, line 20, opposite /A. Youth Smoking Prevention And Cessation Program/ by striking /$1,700,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 544, item 2. Department Of Health And Environmental Control, line 21, opposite /B. ADAP Program - Annualize Funding/ by striking /$2,400,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 544, item 4. Department Of Social Services, line 25, opposite /Replace TANF Shortfall/ by striking /$18,400,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 544, item 8. Department of mental health, line 32, by striking /$17,500,000/ and by inserting /$16,357,250/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 12. Department Of Health And Human Services, line 3, opposite /A. Rural Hospital Grants/ by striking /$1,000,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 12. Department Of Health And Human Services, line 4, opposite /B. Kidney Early Evaluation Program Health Screenings/ by striking /$200,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 12. Department Of Health And Human Services, line 5, opposite /C. Federally Qualified Heatlh Centers/ by striking /$400,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 12. Department Of Health And Human Services, D. Prescription Assistance Programs, line 7, opposite /(I) Welvista/ by striking /$700,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 12. Department Of Health And Human Services, D. Prescription Assistance Programs, line 8, opposite /(II) Free Medical Clinics/ by striking /$150,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 12. Department Of Health And Human Services, line 9, opposite /D. Shared Care/ by striking /$100,000/ and by inserting /$700,000/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 13. Department Of Health And Environmental Control, line 11, opposite /A. HIV Prevention Faith Based Initiatives/ by striking /$1,000,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 13. Department of Health And Environmental Control, line 12, opposite /B. Best Chance Network/ by striking /$2,000,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 13. Department Of Health And Environmental Control, line 13, opposite /C. Colorectal Cancer Screening/ by striking /$2,000,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 13. Department of Health and Environmental Control, line 14, opposite /D. Trauma Centers/ by striking /$1,000,000/ and by inserting /$1/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, after line 14, by inserting after item 13.D Trauma Centers

/ Of the funds allocated above for Trauma Centers priority shall be given 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.

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 13. Department Of Health And Environmental Control, line 15, opposite /E. Rape Crisis Centers/ by striking /$100,000/ and by inserting /$400,000/

Amend the bill further, as and if amended, Part IV, Section 2, page 545, item 13. Department Of Health And Environmental Control, line 16, opposite /F. Hemophilia/ by striking /$100,000/ and by inserting /$250,000/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER explained the amendment.

Rep. NORMAN moved to adjourn debate on the Bill until Tuesday, May 25.

Rep. A. D. YOUNG moved to table the motion.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 61; Nays 54

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Bingham | Bowen | Brady |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Kelly | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Nanney | 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 | Toole |
| Umphlett | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--61**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Ballentine |
| Bedingfield | Bowers | Branham |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Crawford |
| Dillard | Funderburk | Gilliard |
| Govan | Haley | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Kirsh | Knight |
| Mack | McEachern | McLeod |
| Miller | Millwood | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Rutherford | Sellers |
| Simrill | J. E. Smith | Stavrinakis |
| Thompson | Vick | Viers |
| Weeks | Whipper | Williams |

**Total--54**

So, the House tabled the motion to adjourn debate.

Rep. VICK moved that the House do now adjourn.

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

Yeas 50; Nays 66

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Ballentine |
| Bowers | Branham | G. A. Brown |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Funderburk | Gilliard |
| Govan | Haley | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Mack |
| McEachern | McLeod | Miller |
| Millwood | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Stewart | Thompson |
| Vick | Weeks | Whipper |
| Williams | T. R. Young |  |

**Total--50**

Those who voted in the negative are:

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

**Total--66**

So, the House refused to adjourn.

STATEMENT FOR THE JOURNAL

I had to leave the chamber due to a previously committed speaking engagement.

Rep. Nikki Haley

The question then recurred to the adoption of amendment.

Rep. OTT spoke against the amendment.

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

**POINT OF ORDER**

Rep. VICK raised the Point of Order that H. 4657 was out of order under House Rule 5.3(a) in that an updated fiscal impact statement was not attached.

SPEAKER HARRELL stated that the bill was currently under Senate Amendments and that the rule did not apply to a bill on the calendar under Senate Amendments. Therefore, the SPEAKER overruled the Point of Order.

Rep. GOVAN spoke against the amendment.

Rep. GOVAN spoke against the amendment.

**POINT OF ORDER**

Rep. VICK raised the Point of Order that Amendment No. 1A was out of order under House Rule 5.3B in that it had the effect of appropriating funds in excess of five million dollars and there were no corresponding appropriation reductions and/or revenue increases within same amendment.

SPEAKER HARRELL stated that Rep. COOPER'S amendment actually had the opposite effect in that it reduced the appropriation of funds by 30 million dollars. Therefore, the SPEAKER overruled the Point of Order.

Rep. WHITE moved cloture on the entire matter.

Rep. VICK moved to table the motion.

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

Yeas 49; Nays 65

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Bowers | Branham | G. A. Brown |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Crawford | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Harvin | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Mack |
| McEachern | McLeod | Miller |
| Millwood | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Thompson | Vick |
| Weeks | Whipper | Williams |
| Willis |  |  |

**Total--49**

Those who voted in the negative are:

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

**Total--65**

So, the House refused to table the motion.

The question then recurred to the motion to invoke cloture.

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

Yeas 66; Nays 47

Those who voted in the affirmative are:

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

**Total--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Bowers | Branham | G. A. Brown |
| H. B. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Harvin | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kennedy | King |
| Kirsh | Knight | Mack |
| McEachern | McLeod | Miller |
| Millwood | J. M. Neal | Neilson |
| Norman | Ott | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Thompson | Vick | Weeks |
| Whipper | Williams |  |

**Total--47**

So, cloture was ordered.

The question then recurred to the adoption of Amendment 1A.

Rep. COBB-HUNTER spoke against the amendment.

Rep. COOPER spoke in favor of the amendment.

Rep. STAVRINAKIS moved to divide the question by separating the amendment's appropriations into one question and the amendment's reductions into another question.

SPEAKER HARRELL ruled the motion out of order because the question is not divisible in that manner.

Rep. WEEKS moved to divide the question so that each Section became a separate question.

Rep. COOPER moved to table the motion.

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

Yeas 71; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | 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 |
| Simrill | 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 | T. R. Young |  |

**Total--71**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Miller | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--44**

So, the House tabled the motion to divide the Question.

Rep. WEEKS moved to divide the question by making each Part a separate question.

Rep. COOPER moved to table the motion.

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

Yeas 71; Nays 43

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | 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 |
| Simrill | 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 | T. R. Young |  |

**Total--71**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Miller | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Sellers | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--43**

So, the House tabled the motion to divide the question.

The question then recurred to the adoption of the amendment.

Rep. CRAWFORD spoke in favor of the amendment.

Rep. KENNEDY spoke in favor of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 71; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | 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 |
| Simrill | 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 | T. R. Young |  |

**Total--71**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | Miller | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Rutherford | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--44**

So, the amendment was adopted.

Rep. COOPER proposed the following Amendment No. 2A (Doc Name h:\legwork\house\amend\H-WM\001\hou2 90.18.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, paragraph 90.18 (Health Care maintenance of Effort Funding), line 11, opposite item /*(1) Part IA State General Fund*/, by striking /$*42,692,773*/ and inserting /*$76,735,512*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, paragraph 90.18 (Health Care maintenance of Effort Funding), lines 12-13, by striking:

/ *(2) J02 Department of Health and Human Services Medicaid Maintenance of Effort $28,799,779;*

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, paragraph 90.18 (Health Care maintenance of Effort Funding), line 17, opposite item /*(4) J04 Department of Health and Environmental Control*/, by striking /$*7,600,000*/ and inserting /*$2,357,040*/

Amend the bill further, as and if amended, Part IV, Section 2, page 544, item 1. Department of Health and Human Services, line 18, opposite /Medicaid Maintenance of Effort/ by striking /$144,124,646/ and by inserting /$172,924,425/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. COOPER spoke in favor of the amendment.

Rep. KENNEDY spoke against the amendment.

**POINT OF ORDER**

Rep. VICK raised the Point of Order that Amendment No. 2A was out of order under House Rule 5.3 B in that it had the effect of appropriating funds in excess of five million dollars and there were no corresponding reductions and/or revenue increases to fund the proposed funding.

SPEAKER HARRELL stated that Rep. COOPER’S amendment explained the reduction and/or revenue increases both in the amendment and in an attached written explanation. Therefore, the SPEAKER overruled the Point of Order.

Rep. RUTHERFORD spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 71; Nays 43

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | 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 |
| Simrill | 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 | T. R. Young |  |

**Total--71**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hart | Harvin |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Kirsh |
| Mack | McEachern | McLeod |
| Miller | J. H. Neal | J. M. Neal |
| Neilson | Ott | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--43**

So, the amendment was adopted.

Reps. HUTTO and MERRILL proposed the following Amendment No. 3A (Doc Name COUNCIL\NBD\12318AC10.docx), which was adopted:

Amend the bill, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 399, after line 15 by adding an appropriately numbered paragraph to read:

/*22.\_\_ (DHEC: Critical Area Permits) Notwithstanding Section 44‑1‑60(E), when the department issues a decision to grant a critical area permit, in accordance with Section 44‑1‑60(D), and there are no public comments adverse to the permit application, the department decision becomes the final agency decision on the date the department decision is rendered and the permit is deemed to be issued as of that date.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. HUTTO spoke in favor of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 16

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Bingham |
| Bowen | Bowers | Brady |
| G. A. Brown | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Daning | Delleney | Dillard |
| Duncan | Erickson | Funderburk |
| Gambrell | Gilliard | Govan |
| Hardwick | Harrell | Harrison |
| Hart | Hearn | Herbkersman |
| Hiott | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Jennings | Kennedy | King |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| D. C. Moss | V. S. Moss | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | A. D. Young |  |

**Total--92**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Crawford |
| Forrester | Hamilton | Hodges |
| Kelly | Millwood | Nanney |
| J. H. Neal | Scott | G. R. Smith |
| Stringer | Willis | Wylie |
| T. R. Young |  |  |

**Total--16**

So, the amendment was adopted.

Rep. R. L. BROWN proposed the following Amendment No. 4A (Doc Name h:\legwork\house\amend\H-WM\001\RLB JUD BORROW IRF.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 527, after line 6, by adding an appropriately numbered paragraph to read:

/ *89.\_\_. (GP: Inter-Agency Loan - Judicial Department) (A) During the current fiscal year, the Judicial Department may borrow up to ten million dollars from the Insurance Reserve Fund to fund personal services and other operating expenses. Any money borrowed from the Insurance Reserve Fund must be repaid together with interest calculated by the State Treasurer’s Office in an amount determined to approximate the lost investment earnings on the monies. The General Assembly shall determine a method and timeframe for repayment of the loan.*

*The prior authorization of the Division of the Savannah Valley Development to borrow funds from the Insurance Reserve Fund is reduced to ten million dollars.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. RUTHERFORD spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 72; Nays 42

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kelly | Kennedy |
| 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 | Simrill | 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 | T. R. Young |

**Total--72**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Govan |
| Hart | Harvin | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | King |
| Kirsh | Knight | Mack |
| McEachern | McLeod | Miller |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Rutherford | Sellers |
| J. E. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Williams |

**Total--42**

So, the amendment was tabled.

Rep. DANING proposed the following Amendment No. 6A (Doc Name h:\legwork\house\amend\H-WM\007\TEACHER STEP INCREASE.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 354, paragraph 1.91, line 14, by striking / *provided that the school district desiring to suspend the salary step increase provide in their Fiscal Year 2010-11 budget for at least two furlough days for school administrators* / and inserting /*School Districts may provide for two furlough days for administrators when suspending the salary step increase.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. DANING spoke in favor of the amendment.

Rep. OTT moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 78; Nays 30

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Cobb-Hunter | Cooper |
| Crawford | Dillard | Duncan |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Harrison |
| Hart | Hiott | Hodges |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Knight |
| Lucas | Mack | McEachern |
| McLeod | Miller | Millwood |
| D. C. Moss | Nanney | J. H. Neal |
| Neilson | Ott | Owens |
| Parker | Pinson | Rice |
| Rutherford | Sellers | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Toole | Vick | Viers |
| Weeks | Whipper | White |
| Williams | Wylie | T. R. Young |

**Total--78**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Clemmons | Cole |
| Daning | Delleney | Erickson |
| Forrester | Frye | Hardwick |
| Herbkersman | Horne | Kelly |
| Kirsh | Limehouse | Littlejohn |
| Long | Lowe | Merrill |
| V. S. Moss | J. M. Neal | Norman |
| M. A. Pitts | Sandifer | Scott |
| Simrill | D. C. Smith | Stewart |
| Umphlett | Willis | A. D. Young |

**Total--30**

So, the amendment was tabled.

Rep. CHALK proposed the following Amendment No. 7A (Doc Name COUNCIL\AGM\18085BH10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 354, after line 21, by adding an appropriately numbered paragraph to read:

/ A. Notwithstanding another provision of law, and for Fiscal year 2010‑2011 only, the amount that each school district shall provide toward the cost of the South Carolina foundation program is computed by determining the total statewide collective local share (approximately thirty percent) of the total cost of the foundation program, and multiplying this by the index of taxpaying ability of each district as defined in Section 59‑20‑20. However, a school district that is substantially located in a county in which the average wages of the county are greater than one hundred five percent of the total state average wages must provide at least thirty percent of the cost of its foundation program as computed in Section 59‑20‑40(1)(d).

B. The amount that the State shall provide to each school district toward the cost of the foundation program is the difference between the district’s basic amount as computed in subsection (d) minus the required amount raised locally as computed in subsection (e). however, in no event may a district receive less than twenty‑five percent of the cost of its foundation program as computed in Section 59‑20‑40(1)(d) for Fiscal Year 2010‑2011./

Renumber sections to conform.

Amend totals and titles to conform.

Rep. CHALK spoke in favor of the amendment.

Rep. FORRESTER moved to table the amendment.

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

Yeas 60; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Bannister | Bedingfield | Bingham |
| Bowen | Brady | Cato |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Dillard | Forrester | Frye |
| Funderburk | Gambrell | Govan |
| Hamilton | Harrison | Harvin |
| Howard | Jefferson | Kelly |
| Littlejohn | McEachern | McLeod |
| Merrill | Millwood | V. S. Moss |
| Nanney | J. H. Neal | Ott |
| Parker | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Spires |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Weeks |
| White | Whitmire | Williams |
| Willis | Wylie | T. R. Young |

**Total--60**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Barfield | Bowers | Branham |
| G. A. Brown | R. L. Brown | Chalk |
| Clemmons | Delleney | Duncan |
| Erickson | Gilliard | Hardwick |
| Harrell | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Hutto | King |
| Kirsh | Limehouse | Long |
| Lowe | Lucas | Mack |
| Miller | D. C. Moss | J. M. Neal |
| Neilson | Owens | Pinson |
| Simrill | Skelton | Sottile |
| Stavrinakis | Vick | Viers |
| Whipper | A. D. Young |  |

**Total--44**

So, the amendment was tabled.

Rep. VICK proposed the following Amendment No. 8A (Doc Name COUNCIL\NBD\12394AC10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, by adding an appropriately numbered paragraph to read:

/ *90.\_\_ (SR: Sales Tax, Statewide Property Tax Millage, Homestead Exemption - Appropriations) (A) The state one percent sales, use, and casual excise tax imposed pursuant to Section 12‑36‑1110 of the 1976 Code, is suspended for the current fiscal year.*

*(B) For property tax year 2010, and to that extent not already exempt pursuant to Section 12‑37‑250 of the 1976 Code, the homestead exemption from property tax millage imposed for school operations allowed pursuant to Section 12‑37‑220(B)(47)(a) of the 1976 Code is limited to the first two hundred fifty thousand dollars of fair market value of the homestead.*

*(C) For property tax year 2010 there is imposed a statewide millage of two hundred thirty‑three mills on all taxable property except as provided in this subparagraph. There is exempt from the statewide millage imposed by this paragraph all taxable property except fair market value in excess of two hundred fifty thousand dollars of fair market value of all residential property classified as owner‑occupied residential property pursuant to Section 12‑43‑220(C) of the 1976 Code. For all purposes of payment, collection, and enforcement, the statewide millage is deemed millage imposed for county operations except that all revenue of the statewide millage must be remitted by the county treasurer to the State Treasurer on a schedule and in the manner prescribed by the State Treasurer. The State Treasurer shall deposit all revenue of the statewide millage to the credit of the Homestead Exemption Fund established pursuant to Section 11‑11‑155 from which it must be distributed in the manner provided by law for the revenues of the Homestead Exemption Fund.*

*(D) From $126,000,000 in additional revenues available in the general fund of the State made available by additional funding in the Homestead Exemption Fund provided pursuant to subparagraph (C) of this paragraph, there is appropriated for the current fiscal year:*

*(1) Department of Public Safety*

*$22,742,000*

*(2) Judicial Department*

*24,378,558*

*(3) Administrative Law Court*

*400,000*

*(4) Department of natural Resouces*

*2,776,865*

*(5)* *State Department of Education (EFA)*

*75,702,577*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. VICK spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 74; Nays 37

Those who voted in the affirmative are:

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

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Govan | Hart |
| Harvin | Hodges | Hosey |
| Howard | Jefferson | Jennings |
| Kennedy | King | Kirsh |
| Knight | Mack | McEachern |
| J. M. Neal | Neilson | Ott |
| Rutherford | Sellers | J. E. Smith |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--37**

So, the amendment was tabled.

Reps. BALES, HAYES and RUTHERFORD proposed the following Amendment No. 9A (Doc Name \COUNCIL\AGM\18084BH10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 539, line 24, by adding an appropriately numbered paragraph to read:

/90.\_\_ (SR: One-half Percent Sales, Use, and Casual Excise Tax ‑ Use of Revenue) There is imposed for the current fiscal year a tax equal to one-half of one percent on amounts subject to sales, use, and casual excise taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code. However, exemptions from and maximum rates of sales, use, and casual excise tax allowed pursuant to Chapter 36, Title 12 of the 1976 Code do not apply to this additional tax except for exemptions required pursuant to the Constitution and laws of the United States. For all purposes of reporting, payment, collection, and enforcement, this tax is considered to be imposed pursuant to Chapter 36, Title 12 of the 1976 Code, except that with regard to enforcement, no criminal penalty specific to this one half of one percent tax may be imposed. However, the Department of Revenue may impose a civil penalty for each violation not to exceed two hundred dollars. The Department of Revenue may prescribe amounts that may be added to sales price for this additional tax. Notwithstanding any other provisions of law relating to the use of sales tax revenues, the revenue of the tax imposed pursuant to this paragraph must be credited to the general fund of the State and is appropriated therefrom as follows: six percent to the judicial department, five percent to the department of public safety, five percent to the department of transportation, four percent to the department of natural resources, and eighty percent to fully fund the education finance act. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. BALES spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 71; Nays 37

Those who voted in the affirmative are:

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

**Total--71**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | G. A. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Harvin | Hodges |
| Hosey | Howard | Jefferson |
| Jennings | King | Kirsh |
| Knight | Mack | McEachern |
| McLeod | J. M. Neal | Neilson |
| Ott | Rutherford | Sellers |
| J. E. Smith | Weeks | Whipper |
| Williams |  |  |

**Total--37**

So, the amendment was tabled.

Rep. BALLENTINE proposed the following Amendment No. 10A (Doc Name h:\legwork\house\amend\H-WM\001\hou2 90.17 drive train-ddsn 7m.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 537, paragraph 90.17, line 32, by striking /*$7,000,000 to H12 - Clemson University for the Drive Train Test Facility*/ and inserting /*$7,000,000 to J16 - Department of Disabilities and Special Needs for general operating purposes*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. BALLENTINE spoke in favor of the amendment.

Rep. COOPER moved to table the amendment.

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

Yeas 69; Nays 41

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bannister |
| Barfield | Bingham | Bowen |
| Brady | Branham | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Delleney | Duncan | Forrester |
| Funderburk | Gambrell | Govan |
| Hamilton | Harrell | Harrison |
| Hearn | Hiott | Horne |
| Hosey | Hutto | Jefferson |
| Jennings | Kelly | Knight |
| Limehouse | Littlejohn | Lowe |
| Lucas | Mack | D. C. Moss |
| V. S. Moss | J. H. Neal | Ott |
| Owens | Pinson | M. A. Pitts |
| Rice | Rutherford | Sandifer |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Stavrinakis | Stewart | Stringer |
| Toole | Vick | Whipper |
| White | Whitmire | Williams |
| Wylie | A. D. Young | T. R. Young |

**Total--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Bales | Ballentine | Bedingfield |
| Bowers | Crawford | Daning |
| Dillard | Erickson | Frye |
| Gilliard | Hardwick | Herbkersman |
| Hodges | Howard | Kennedy |
| King | Kirsh | Loftis |
| Long | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Nanney | J. M. Neal | Neilson |
| Norman | Parker | Scott |
| Simrill | G. R. Smith | Spires |
| Thompson | Umphlett | Viers |
| Weeks | Willis |  |

**Total--41**

So, the amendment was tabled.

RECORD FOR VOTING

I voted to table Amendment No. 10A because the amendment is drafted to give the money to a state agency for “general operating purposes” and we do not have any information available to us as to what the money will be used for; what money the agency already gets for “general purposes”; and what other agencies may be able to use the money more than DDSN. I simply need more information to support this amendment at this time.

Rep. Thomas Young, Jr.

Rep. COBB‑HUNTER proposed the following Amendment No. 11A

(Doc Name COUNCIL\AGM\18086AB10.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, Statewide Revenue, by adding an appropriately numbered paragraph to read:

/ *90.\_\_. (SR: Corporate Income Tax)*

*(A) For Fiscal Year 2011, there is created in the State Treasurer*’*s office, the Public Safety, Natural Resources and Judicial System Relief Fund which must be separate and distinct from the General Fund. revenue derived from the increase in the Corporate Income Tax provided for in subsection (B) must be deposited in this account. The State Treasurer*’*s office shall transfer these funds to the agencies and prescribe the conditions for this transfer. Agencies identified in this paragraph may draw down funds from this account in a manner as determined by the Office of State Budgets. These funds may be used by the identified agencies for personnel and other operating costs consistent with the mission of these agencies and their statutory requirements.*

*(B) For Fiscal Year 2011, the corporate income tax is increased from 5% to 7.8%. Revenue generated from this increase must be allocated as follows:*

*(1) 50% to the Judicial Department;*

*(2) .6% to the Department of Natural Resources;*

*(3) .1% to the Administrative Law Court;*

*(4) 48.9% to the Department of Public Safety; and*

*(5) .4% to the Department of Transportation.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. OTT spoke against the amendment.

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

Rep. COOPER moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 85; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | H. B. Brown | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Kelly | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lucas | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--85**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | R. L. Brown |
| Cobb-Hunter | Dillard | Gilliard |
| Govan | Hart | Harvin |
| Hodges | Hosey | Howard |
| Jefferson | Jennings | Kennedy |
| Kirsh | Mack | McEachern |
| McLeod | J. H. Neal | Rutherford |
| Whipper | Williams |  |

**Total--23**

So, the amendment was tabled.

Reps. COBB-HUNTER, proposed the following Amendment No. 12A (Doc Name COUNCIL\NBD\12395AC10.docx), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 539, after line 23, by adding an appropriately numbered new paragraph to read:

/ 90.\_\_ (SR - Partial Sales Tax on Unprepared Food) (A) *The sales and use tax exemption on unprepared food allowed pursuant to Section 12-36-2120(75) of the 1976 Code is suspended for the current fiscal year. Notwithstanding the rate of the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code, the sales and use tax on the gross proceeds of sales or sales price of unprepared food which lawfully may be purchased with United States Department of Agriculture food coupons is two percent for the current fiscal year.*

*(B) From $170,000,000 in additional revenues available in the general fund of the State made available by suspending part of the sales tax exemption on unprepared foods, as provided for in subsection (A), there is appropriated for the current fiscal year:*

*(1) Department of Public Safety*

*$22,742,000*

*(2) Judicial Department*

*24,378,558*

*(3) Administrative Law Court*

*400,000*

*(4) Department of natural Resouces*

*2,776,865*

*(5)* *State Department of Education (EFA)*

*75,702,577*/

Renumber sections to conform.

Amend totals and titles to conform.

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

Rep. HART spoke against the amendment.

Rep. COOPER moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 73; Nays 41

Those who voted in the affirmative are:

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

**Total--73**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bowers |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gambrell |
| Gilliard | Govan | Harvin |
| Hodges | Hosey | Howard |
| Jefferson | Jennings | King |
| Kirsh | Knight | Mack |
| McEachern | McLeod | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Rutherford | Sellers | J. E. Smith |
| Spires | Vick | Weeks |
| Whipper | Williams |  |

**Total--41**

So, the amendment was tabled.

The Senate Amendments, as amended, were then agreed to and the Bill was ordered returned to the Senate.

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

**MOTION NOTED**

Rep. PARKER moved to reconsider the vote whereby the Veto on H. 4347, R. 200 was sustained and the motion was noted.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4929 -- Reps. Norman, King, Simrill, Delleney and D. C. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 49 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAYS 274 AND 557 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 55 "CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY".

H. 4987 -- Rep. J. E. Smith: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE REVEREND ROBERT G. RIEGEL OF COLUMBIA, UPON THE OCCASION OF HIS EIGHTIETH BIRTHDAY, AND TO WISH HIM CONTINUED GOOD HEALTH AND MUCH HAPPINESS IN THE YEARS TO COME.

H. 4988 -- Reps. R. L. Brown, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE THE ADMINISTRATION, FACULTY, STAFF, PARENTS, AND STUDENTS OF EDITH L. FRIERSON ELEMENTARY SCHOOL OF WADMALAW ISLAND FOR THE SCHOOL'S OUTSTANDING ACADEMIC PROGRESS, AND TO CONGRATULATE THE SCHOOL ON RECEIVING A COVETED 2010 PALMETTO GOLD AWARD FOR CLOSING THE ACHIEVEMENT GAP AND A 2010 PALMETTO SILVER AWARD FOR OVERALL GENERAL PERFORMANCE.

H. 4992 -- Reps. Harrell, Limehouse, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MEMORABLE "MEM" FACTOR OF CHARLESTON COUNTY, AND TO CONGRATULATE HIM FOR WINNING FIRST PLACE IN THE FIRST-GRADE DIVISION AT THE STATE MATHFEST COMPETITION AND FOR BEING NAMED A NATIONAL CHAMPION OF LE GRAND CONCOURS 2010 FRENCH COMPETITION.

H. 4993 -- Reps. Harrell, Limehouse, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CAILLEY FACTOR OF CHARLESTON COUNTY, AND TO CONGRATULATE HER FOR WINNING FIRST PLACE IN THE SECOND-GRADE DIVISION AT THE STATE MATHFEST COMPETITION AND FOR BEING NAMED A NATIONAL CHAMPION OF LE GRAND CONCOURS 2010 FRENCH COMPETITION.

H. 4997 -- Reps. Govan, Ott, Cobb-Hunter, Sellers, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE MELVIN SMOAK, SUPERINTENDENT OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FIVE, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

**ADJOURNMENT**

At 7:01 p.m. the House, in accordance with the motion of Rep. WILLIAMS, adjourned in memory of Pastor P. W. Williams of Darlington, to meet at 10:00 a.m. tomorrow.

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