~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Psalm 67:4: “Let the nations be glad and sing for joy, for you judge the peoples with equity and guide the nations upon earth.”

Let us pray. God of all that is, seen and unseen, come and work among us. You know our needs. Channel our words and actions so that they seek You out and find favor in Your sight. Lead us in Your ways. Give these Representatives wisdom, courage, and integrity in the work set before them. Bless our Nation, President, State, Governor, Speaker, staff, and all who support our leaders. Protect our defenders of freedom as they protect us. Heal the wounds of our brave warriors, those seen and those hidden. Hear our prayer, O Lord. Amen.

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

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

**MOTION ADOPTED**

Rep. CLYBURN moved that when the House adjourns, it adjourn in memory of Joseph Edward Davis of Aiken, which was agreed to.

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 4163

Agency: Board of Landscape Architectural Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-28-90

Board of Landscape Architectural Examiners

Received by Speaker of the House of Representatives

January 21, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 21, 2011

H 01/25/2011 Referred to Committee

S 01/25/2011 Referred to Committee

S 05/18/2011 Committee Requested Withdrawal

 120 Day Period Tolled

 05/23/2011 Withdrawn and Resubmitted 01/17/2012

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 24, 2011

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor's appointment of:

Dorchester County Master-in-Equity

Term Commencing: June 30, 2010

Term Expiring: June 30, 2016

Seat: Master-in-Equity

Vice: Vacant

Initial Appointment

The Honorable Maite Murphy

167 Oak Bluff Road

Summerville, South Carolina 29485

Very respectfully,

President of the Senate

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 4247 -- Rep. Branham: A HOUSE RESOLUTION TO CONGRATULATE THE JOHNSONVILLE HIGH SCHOOL GIRLS TRACK TEAM ON CAPTURING THE 2011 CLASS A STATE CHAMPIONSHIP TITLE AND TO HONOR ITS ATHLETES AND COACHES ON AN OUTSTANDING SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4248 -- Rep. Branham: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE JOHNSONVILLE HIGH SCHOOL GIRLS TRACK TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON WINNING THE 2011 CLASS A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Johnsonville High School girls track team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on winning the 2011 Class A State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4249 -- Reps. Simrill, Delleney, King, Long, D. C. Moss, Norman and Pope: A HOUSE RESOLUTION TO CONGRATULATE CHARLIE "SHAG" TILLMAN, LEGENDARY ROCK HILL HARRIS TEETER BUTCHER, ON THE OCCASION OF HIS RETIREMENT, TO THANK HIM FOR THIRTY-EIGHT YEARS OF COMMITTED SERVICE, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4250 -- Rep. Brannon: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE LANDRUM HIGH SCHOOL BOYS TRACK AND FIELD TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM FOR WINNING THE 2011 CLASS A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Landrum High School boys track and field team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them for winning the 2011 Class A State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4251 -- Rep. Brannon: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE LANDRUM HIGH SCHOOL BOYS TRACK AND FIELD TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE 2011 CLASS A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4252 -- Reps. Erickson, Allison, Brady, Butler Garrick, Cobb-Hunter, Dillard, Funderburk, Horne, Henderson, Knight, Long, Munnerlyn, Nanney, Parks, Thayer, Neilson, Agnew, Alexander, Allen, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Chumley, Clemmons, Clyburn, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Edge, Forrester, Frye, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Johnson, King, Limehouse, Loftis, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, J. H. Neal, J. M. Neal, Norman, Ott, Owens, Parker, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND GEORGE E. MILLER OF BEAUFORT COUNTY FOR HIS MANY YEARS OF DEDICATED COMMUNITY SERVICE, ESPECIALLY FOR HIS FIFTEEN YEARS OF SERVICE WITH THE AMERICAN LEGION BASEBALL PROGRAM.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4253 -- Reps. King, Delleney, Long, D. C. Moss, Norman, Pope, Simrill and Dillard: A CONCURRENT RESOLUTION TO CELEBRATE THE OCCASION OF THE ONE HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE FOUNDING OF WINTHROP UNIVERSITY, AND TO CONGRATULATE AND COMMEND PRESIDENT ANTHONY DIGIORGIO, THE BOARD OF TRUSTEES, THE FACULTY AND STAFF, AND THE STUDENT BODY FOR A CENTURY AND A QUARTER OF PRODUCING EDUCATORS IN SOUTH CAROLINA.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 899 -- Senators Courson, Cromer and Knotts: A CONCURRENT RESOLUTION TO CONGRATULATE THE CAPITAL CITY/LAKE MURRAY COUNTRY REGIONAL TOURISM BOARD ON THIRTY YEARS IN BUSINESS, AND TO WISH THEM CONTINUED PROSPERITY.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 904 -- Senators Hutto, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR WILLIAM DAVID BILTON OF RICHLAND COUNTY, EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION, UPON HIS RETIREMENT, TO THANK HIM FOR HIS TWENTY-NINE YEARS OF DEDICATED SERVICE TO THE PALMETTO STATE, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 905 -- Senators Scott, Courson, Jackson and Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE CAPTAIN ESTELLE YOUNG OF THE COLUMBIA POLICE DEPARTMENT ON THE OCCASION OF HER RETIREMENT, TO THANK HER FOR HER FORTY-TWO YEARS OF DEDICATED SERVICE TO THE CITY OF COLUMBIA, AND TO WISH HER MUCH SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

**INTRODUCTION OF BILL**

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

S. 18 -- Senators McConnell, McGill, Rose, Campsen, Verdin, Ryberg, Leventis, Rankin and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA TEACHER PROTECTION ACT OF 2011", BY ADDING SECTION 59-25-900, SO AS TO PROVIDE THAT A TEACHER MAY BRING A CIVIL ACTION AGAINST A STUDENT WHO COMMITS A CRIMINAL OFFENSE AGAINST THE TEACHER IF THE OFFENSE OCCURS ON SCHOOL GROUNDS OR AT A SCHOOL-RELATED EVENT, OR IF THE OFFENSE IS DIRECTLY RELATED TO THE TEACHER'S PROFESSIONAL RESPONSIBILITIES, AND TO PROVIDE THAT NO TEACHER HAS CIVIL LIABILITY TO A STUDENT OR TO A PARTY ACTING IN THE INTEREST OF THE STUDENT FOR AN ACT OR OMISSION BY THE TEACHER THAT OCCURS WHILE THE TEACHER IS ACTING ON BEHALF OF THE SCHOOL.

Referred to Committee on Judiciary

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Loftis | Long |
| Lowe | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, May 24.

|  |  |
| --- | --- |
| Kris Crawford | H. B. "Chip" Limehouse |
| James Lucas | Tommy Stringer |
| Chris Murphy | Leon Stavrinakis |
| David MackRichard “Rick” Quinn | Tracy Edge |

**Total Present--120**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. VICK a leave of absence for the day due to attending Military Command and General Staff College in Fort Dix, New Jersey.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Jennifer Roof of Columbia was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3738 |
| Date: | ADD: |
| 05/24/11 | WHIPPER and R. L. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3991 |
| Date: | ADD: |
| 05/24/11 | ERICKSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3992 |
| Date: | ADD: |
| 05/24/11 | ERICKSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4198 |
| Date: | ADD: |
| 05/24/11 | ERICKSON and BOWEN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4193 |
| Date: | ADD: |
| 05/24/11 | BINGHAM |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4186 |
| Date: | REMOVE: |
| 05/24/11 | HENDERSON and WILLIS |

**S. 877--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 877 -- Senator Pinckney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 2 OF HAMPTON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

The yeas and nays were taken resulting as follows:

 Yeas 1; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley |  |  |

**Total--1**

 Those who voted in the negative are:

**Total--0**

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

**S. 705--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 705 -- Senators Rankin, Campbell, Rose, Verdin, Hutto, Ford and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 36 TO TITLE 58, SO AS TO CREATE THE "UNDERGROUND FACILITY DAMAGE PREVENTION ACT"; TO ADD SECTION 58-36-20, RELATING TO DEFINITIONS; TO ADD SECTION 58-36-30, RELATING TO THE STATE AUTHORITY TO REGULATE; TO ADD SECTION 58-36-40, RELATING TO THE COSTS ASSOCIATED WITH COMPLIANCE OF THIS CHAPTER; TO ADD SECTION 58-36-50, RELATING TO THE NOTIFICATION CENTER RESPONSIBILITIES; TO ADD SECTION 58-36-60, RELATING TO EXCAVATOR RESPONSIBILITIES; TO ADD SECTION 58-36-70, RELATING TO OPERATOR RESPONSIBILITIES; TO ADD SECTION 58-36-80, RELATING TO NOTICE FOR AN EMERGENCY EXCAVATION OR DEMOLITION; TO ADD SECTION 58-36-90, RELATING TO NOTIFICATION WHEN DAMAGE OCCURS; TO ADD SECTION 58-36-100 RELATING TO DESIGN REQUESTS; TO ADD SECTION 58-36-110, RELATING TO EXEMPTIONS FROM THE REQUIREMENT TO CONTACT THE NOTIFICATION CENTER; TO ADD SECTION 58-36-120 RELATING TO PENALTIES FOR VIOLATION OF THIS CHAPTER; AND TO REPEAL CHAPTER 35 OF TITLE 58.

Reps. GAMBRELL, SANDIFER and BATTLE proposed the following Amendment No. 1 (LEGWORK\HOUSE\19105AB11KRL), which was adopted:

Amend the bill, as and if amended, Section 58‑36‑20(12), as contained in SECTION 1, page 3, lines 5‑9, by deleting subsection (12) in its entirety and inserting:

/ (12) ‘Facility’ means any underground line, underground system, or underground infrastructure used for producing, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, or sewerage. Provided there is no encroachment on any operator’s right‑of‑way, easement, or permitted use and for purposes of this act, the following are not considered as an underground ‘facility’: petroleum storage systems subject to regulation pursuant to Chapter 2, Title 44; septic tanks as regulated by Chapter 55, Title 44; swimming pools and irrigation systems. For purposes of this act, and provided there is no encroachment on any operator’s right‑of‑way, easement, or permitted use, liquefied petroleum gas ‘systems’ as defined in Section 40‑82‑20(8) do not constitute an underground ‘facility’ unless such a system is subject to Title 49 C.F.R., Part 192. /

Amend the bill further, Section 58‑36‑20(17), as contained in SECTION 1, page 3, lines 21‑22, by deleting the subsection in its entirety and inserting:

/ (17) ‘Operator’ means any person, public utility, communications and cable service provider, municipality, electrical utility, electric and telephone cooperatives, and the South Carolina Public Service Authority as defined in Titles 5, 6, 33, and 58 of the South Carolina Code of Laws who owns or operates a facility for commercial purposes in the State of South Carolina. /

Renumber sections to conform.

Amend title to conform.

Rep. GAMBRELL explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

 Yeas 108; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bikas | Bingham | Bowers |
| Brady | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Loftis | Long |
| Lucas | McCoy | McEachern |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--108**

 Those who voted in the negative are:

**Total--0**

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

**H. 4198--DEBATE ADJOURNED**

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

H. 4198 -- Reps. Bingham, Cooper, White, Cobb-Hunter, Ott, Whipper, Erickson and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-31-35 SO AS TO PROVIDE THAT FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS, IF AN EMPLOYER HAS A POSITIVE FUND BALANCE FOR A PERIOD OF AT LEAST ONE YEAR IN ITS ACCOUNT, IT MAY NOT BE CLASSIFIED IN RATE CLASS 13 OR HIGHER AND TO PROVIDE THAT ALL NEW EMPLOYERS FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS MUST BE CLASSIFIED IN RATE CLASS 12; BY ADDING SECTION 41-31-36 SO AS TO PROVIDE THAT NO NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE 5613 EMPLOYER BASE RATE MAY BE LESS THAN THE RATE APPLICABLE FOR RATE CLASS THIRTEEN UNTIL THERE HAVE BEEN TWELVE CONSECUTIVE MONTHS OF COVERAGE AFTER FIRST BECOMING LIABLE FOR CONTRIBUTIONS; BY ADDING SECTION 41-31-41 SO AS TO PROVIDE THAT FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, THE STATE SHALL REDUCE STATE UNEMPLOYMENT TAX BASE RATES FOR EMPLOYERS IN TIERS 13 THROUGH 20 BY A SPECIFIED PERCENT, TO PROVIDE THE METHOD TO BE USED TO FUND SUCH REDUCTIONS, AND TO ALSO PROVIDE FOR THE PREMIUMS TO BE PAID BY EMPLOYERS IN TIERS 1 THROUGH 12 FOR CALENDAR YEARS 2011 AND 2012; TO AMEND SECTION 41-31-45, RELATING TO ESTIMATES OF THE INCOME NECESSARY TO PAY UNEMPLOYMENT COMPENSATION BENEFITS DURING A CALENDAR YEAR WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS IN DEBT STATUS, SO AS TO PROVIDE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED FOR CALENDAR YEARS 2011 AND 2012, AND TO REVISE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED BEGINNING IN JANUARY 2013 AND THEREAFTER WHILE THE TRUST FUND IS IN DEBT STATUS; TO AMEND SECTION 41-31-50, RELATING TO THE MANNER IN WHICH EMPLOYER RATE COMPUTATIONS ARE DETERMINED, SO AS TO PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, NOT INCLUDING THE ACHIEVEMENT OF SOLVENCY TARGETS, TO FURTHER PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS AND ACHIEVE SOLVENCY TARGETS BEGINNING IN JANUARY 2013, AND TO PROVIDE FOR THE MANNER IN WHICH THE RATE FOR CLASS TWENTY MUST BE SET; BY ADDING SECTION 41-31-52 SO AS TO PROVIDE FOR THE MANNER IN WHICH BENEFITS FOR SEASONAL WORKERS SHALL BE DETERMINED, CALCULATED, AND PAID; TO AMEND SECTION 41-31-55, RELATING TO ADDITIONAL SURCHARGES WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS INSOLVENT, SO AS TO PROVIDE FOR WHAT PROVISIONS OF LAW THE STATE SHALL FOLLOW TO SET RATES FOR CLASS TWENTY BEGINNING IN JANUARY 2013 AND TO PROVIDE FOR CERTAIN CREDITS FOR EMPLOYERS IN TIERS 1 THROUGH 12; AND BY ADDING SECTION 41-31-65 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ALLOCATE ALL CREDITS DUE TO ANY EMPLOYER THAT HAS PAID IN EXCESS OF THEIR BALANCE DUE BY JULY 31, 2011.

**S. 295--REQUEST FOR DEBATE AND RECOMMITTED**

The following Joint Resolution was taken up:

S. 295 -- Senators Hutto, Fair, Jackson, Rankin and Ford: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA SUMMER CAMP STUDY COMMITTEE TO STUDY THE SUMMER CAMPS IN THE STATE AND MAKE RECOMMENDATIONS TO THE LEGISLATURE RELATED TO LICENSING AND REGULATION OF SUMMER CAMPS, PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTMENT FOR THE MEMBERSHIP, PROVIDE FOR THE DUTIES OF THE STUDY COMMITTEE, PROVIDE FOR THE STAFFING OF THE STUDY COMMITTEE, AND TO DISSOLVE THE STUDY COMMITTEE AFTER A REPORT OF ITS FINDINGS IS PROVIDED TO THE LEGISLATURE AND THE GOVERNOR.

The Medical, Military, Public and Municipal Affairs Committee proposed the following Amendment No. 1 (COUNCIL\MS\7384AHB11), which was tabled:

Amend the joint resolution, as and if amended, by deleting SECTION 1. (B) in its entirety and inserting:

/ (B) The study committee must be composed of the following members:

 (1) the Director of the Department of Social Services, or his designee, who shall serve as the chairperson for the study committee;

 (2) the Commissioner of the Department of Health and Environmental Control, or his designee, who shall serve as the co‑chairperson of the study committee;

 (3) the Director of the South Carolina Law Enforcement Division, or his designee;

 (4) one member of the Joint Citizens and Legislative Committee on Children (JCLCC), chosen by the Chairperson of the JCLCC;

 (5) one member representing the YMCA, chosen by the chairperson upon the recommendation of the YMCA;

 (6) one member representing the South Carolina Recreation and Parks Association (SCRPA), chosen by the chairperson upon the recommendation of the SCRPA;

 (7) one member representing the South Carolina Afterschool Care Alliance (SCACA), chosen by the chairperson upon the recommendation of the SCACA;

 (8) two members appointed by the Speaker of the House of Representatives of which at least one member must be from a religious‑affiliated group that operates summer camp programs in South Carolina;

 (9) two members appointed by the President *Pro Tempore* of the Senate of which at least one member must be from a religious-affiliated group that operates summer camp programs in South Carolina; and

 (10) one member appointed by the Chairman of the Commission on Higher Education. /

Renumber sections to conform.

Amend title to conform.

Rep. ALEXANDER explained the amendment.

Rep. BEDINGFIELD moved to table the amendment, which was agreed to by a division vote of 54 to 34.

Rep. NORMAN requested debate on the Joint Resolution.

Rep. CRAWFORD moved to recommit the Joint Resolution to the Committee on Medical, Military, Public and Municipal Affairs.

Rep. KING moved to table the motion.

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

Yeas 50; Nays 60

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Dillard |
| Erickson | Funderburk | Gilliard |
| Govan | Hart | Hayes |
| Herbkersman | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Long | McEachern |
| McLeod | Merrill | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Pope | Rutherford | Sabb |
| J. E. Smith | Spires | Weeks |
| Whipper | Williams |  |

**Total--50**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Brannon |
| Chumley | Clemmons | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Hearn | Henderson | Hiott |
| Hixon | Horne | Huggins |
| Loftis | Lowe | Lucas |
| McCoy | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Owens | Parker | Patrick |
| Pinson | Pitts | Ryan |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Tallon | Taylor | Thayer |
| Toole | Viers | White |
| Whitmire | Willis | Young |

**Total--60**

So, the House refused to table the motion.

The question then recurred to the motion to recommit the Joint Resolution, which was agreed to by a division vote of 57 to 42.

**S. 588--DEBATE ADJOURNED**

Rep. MERRILL moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

S. 588 -- Senators Jackson, Hayes, O'Dell, Rose, Ford and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "STROKE PREVENTION ACT OF 2011" BY ADDING ARTICLE 6 TO CHAPTER 61, TITLE 44 SO AS TO ESTABLISH A STATEWIDE SYSTEM OF STROKE CARE, WHICH REQUIRES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO RECOGNIZE AND DESIGNATE HOSPITALS THAT ARE CERTIFIED TO BE PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS, TO DISTRIBUTE A LIST OF PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS TO EACH EMERGENCY MEDICAL SERVICES PROVIDER AND TO POST THIS LIST ON ITS WEBSITE, TO ADOPT AND DISTRIBUTE A NATIONALLY STANDARDIZED STROKE-TRIAGE ASSESSMENT TOOL TO EACH EMERGENCY MEDICAL SERVICES PROVIDER, TO ESTABLISH PRE-HOSPITAL CARE PROTOCOLS FOR THE CARE AND TRANSPORT OF STROKE PATIENTS BY EMERGENCY MEDICAL SERVICE PROVIDERS, TO ESTABLISH A STROKE REGISTRY TASK FORCE TO ANALYZE AND IMPROVE STROKE CARE IN THIS STATE, AND TO ENSURE CONFIDENTIALITY IN SHARING HEALTH CARE INFORMATION; AND TO PROVIDE THAT THE DEPARTMENT'S RESPONSIBILITIES PURSUANT TO THIS ARTICLE ARE CONTINGENT UPON ADEQUATE FUNDING.

**S. 687--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 687 -- Senators Scott, Knotts and Ford: A BILL TO AMEND SECTION 43-7-460, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECOVERY OF FUNDS FROM ESTATES OF PERSONS WHO RECEIVED MEDICAID, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMENDED SECTION 44-7-130, AS AMENDED, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO SUBSTITUTE, IN RELEVANT DEFINITIONS, "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO HEALTH FACILITY LICENSURE REQUIREMENTS, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "MENTALLY RETARDED"; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL REGARDING HEALTH CARE FACILITIES, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED" TO AMEND SECTION 44-7-320, AS AMENDED, RELATING TO THE DENIAL, REVOCATION, OR SUSPENSION OF A HEALTH FACILITY LICENSE, SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44-23-10, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY" AND THE TERM "MENTALLY RETARDED" TO "PERSON WITH INTELLECTUAL DISABILITY"; TO PROVIDE THAT THE TERMS "INTELLECTUAL DISABILITY" AND "PERSON WITH INTELLECTUAL DISABILITY" HAVE REPLACED AND HAVE THE SAME MEANINGS AS THE FORMER TERMS "MENTAL RETARDATION" AND "MENTALLY RETARDED"; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM "INTELLECTUAL DISABILITY" FOR "MENTAL RETARDATION" AND THE TERM "PERSON WITH INTELLECTUAL DISABILITY" FOR "MENTALLY RETARDED" IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED.

Rep. BEDINGFIELD moved to adjourn debate on the Bill until Wednesday, May 25.

Rep. HART moved to table the motion to adjourn debate, which was agreed to.

Rep. HART explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 110; Nays 0

 Those who voted in the affirmative are:

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

**Total--110**

 Those who voted in the negative are:

**Total--0**

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

**S. 494--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 494 -- Senators Cleary, Bryant, Cromer and Ford: A BILL TO AMEND SECTION 40-15-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 15 OF TITLE 40 REGULATING DENTISTS AND DENTAL HYGIENISTS, SO AS TO FURTHER SPECIFY THE SCOPE OF ACTIVITIES OF INTERNS AND RESIDENTS WHO ARE EXEMPT FROM LICENSURE; AND TO AMEND SECTION 40-15-360, RELATING TO THE AUTHORIZATION OF PHARMACISTS TO FILL PRESCRIPTIONS FOR DENTISTS, SO AS TO EXTEND THIS AUTHORIZATION TO INTERNS AND RESIDENTS UNDER CERTAIN CONDITIONS.

Rep. PARKS explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 112; Nays 0

 Those who voted in the affirmative are:

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

**Total--112**

 Those who voted in the negative are:

**Total--0**

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

**S. 241--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 241 -- Senators Rose and Leventis: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA DYSLEXIA TASK FORCE, TO PROVIDE FOR THE COMPOSITION OF THE TASK FORCE, AND TO PROVIDE THAT THE TASK FORCE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

The Medical, Military, Public and Municipal Affairs Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11662DG11), which was adopted:

Amend the joint resolution, as and if amended, by deleting subsection (B) and inserting:

/ (B) The task force shall consist of thirteen members, composed as follows:

 (1) the Superintendent of the South Carolina Department of Education, or their designee, shall serve ex officio and shall be the chairman of the task force;

 (2) twelve members shall be appointed as follows:

 (a) six persons shall be appointed by the Superintendent of the South Carolina Department of Education, one person upon recommendation of the South Carolina Chapter of the Learning Disabilities Association of America, one person upon recommendation of the South Carolina Branch of the International Dyslexia Association, one person upon recommendation of the South Carolina Speech‑Language‑Hearing Association, one person upon the recommendation of the South Carolina Education Association, one person upon the recommendation of the Palmetto State Teachers’ Association, and one member of the public at large;

 (b) three members shall be appointed by the President *Pro Tempore* of the Senate. Two shall be members of the Senate, at least one of whom shall be a member of the majority political party represented in the General Assembly and at least one of whom shall be a member of the largest minority political party represented in the General Assembly. One shall be a member of the public at large; and

 (c) three members shall be appointed by the Speaker of the House of Representatives. Two shall be members of the House of Representatives, at least one of whom shall be a member of the majority political party represented in the General Assembly and at least one of whom shall be a member of the largest minority political party represented in the General Assembly. One shall be a member of the public at large; and

 (3) the task force shall organize as soon as practicable following the appointment of its members and shall select a vice chairperson from among its members. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

The amendment was then adopted.

Rep. HART explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

 Yeas 103; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bikas | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Corbin |
| Crawford | Crosby | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Hart |
| Hearn | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Parks | Patrick | Pitts |
| Pope | Quinn | Ryan |
| Sabb | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--103**

 Those who voted in the negative are:

**Total--0**

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

**S. 854--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 854 -- Senator Malloy: A BILL TO AMEND SECTION 16-3-600 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSAULT AND BATTERY OFFENSES, SO AS TO SUBSTITUTE THE TERM "A PERSON" FOR THE TERM "AN ADULT".

Rep. BANNISTER explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 107; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bannister | Barfield | Battle |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | 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.

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

**RECURRENCE TO THE MORNING HOUR**

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

**H. 4198--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4198 -- Reps. Bingham, Cooper, White, Cobb-Hunter, Ott, Whipper, Erickson and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-31-35 SO AS TO PROVIDE THAT FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS, IF AN EMPLOYER HAS A POSITIVE FUND BALANCE FOR A PERIOD OF AT LEAST ONE YEAR IN ITS ACCOUNT, IT MAY NOT BE CLASSIFIED IN RATE CLASS 13 OR HIGHER AND TO PROVIDE THAT ALL NEW EMPLOYERS FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS MUST BE CLASSIFIED IN RATE CLASS 12; BY ADDING SECTION 41-31-36 SO AS TO PROVIDE THAT NO NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE 5613 EMPLOYER BASE RATE MAY BE LESS THAN THE RATE APPLICABLE FOR RATE CLASS THIRTEEN UNTIL THERE HAVE BEEN TWELVE CONSECUTIVE MONTHS OF COVERAGE AFTER FIRST BECOMING LIABLE FOR CONTRIBUTIONS; BY ADDING SECTION 41-31-41 SO AS TO PROVIDE THAT FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, THE STATE SHALL REDUCE STATE UNEMPLOYMENT TAX BASE RATES FOR EMPLOYERS IN TIERS 13 THROUGH 20 BY A SPECIFIED PERCENT, TO PROVIDE THE METHOD TO BE USED TO FUND SUCH REDUCTIONS, AND TO ALSO PROVIDE FOR THE PREMIUMS TO BE PAID BY EMPLOYERS IN TIERS 1 THROUGH 12 FOR CALENDAR YEARS 2011 AND 2012; TO AMEND SECTION 41-31-45, RELATING TO ESTIMATES OF THE INCOME NECESSARY TO PAY UNEMPLOYMENT COMPENSATION BENEFITS DURING A CALENDAR YEAR WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS IN DEBT STATUS, SO AS TO PROVIDE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED FOR CALENDAR YEARS 2011 AND 2012, AND TO REVISE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED BEGINNING IN JANUARY 2013 AND THEREAFTER WHILE THE TRUST FUND IS IN DEBT STATUS; TO AMEND SECTION 41-31-50, RELATING TO THE MANNER IN WHICH EMPLOYER RATE COMPUTATIONS ARE DETERMINED, SO AS TO PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, NOT INCLUDING THE ACHIEVEMENT OF SOLVENCY TARGETS, TO FURTHER PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS AND ACHIEVE SOLVENCY TARGETS BEGINNING IN JANUARY 2013, AND TO PROVIDE FOR THE MANNER IN WHICH THE RATE FOR CLASS TWENTY MUST BE SET; BY ADDING SECTION 41-31-52 SO AS TO PROVIDE FOR THE MANNER IN WHICH BENEFITS FOR SEASONAL WORKERS SHALL BE DETERMINED, CALCULATED, AND PAID; TO AMEND SECTION 41-31-55, RELATING TO ADDITIONAL SURCHARGES WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS INSOLVENT, SO AS TO PROVIDE FOR WHAT PROVISIONS OF LAW THE STATE SHALL FOLLOW TO SET RATES FOR CLASS TWENTY BEGINNING IN JANUARY 2013 AND TO PROVIDE FOR CERTAIN CREDITS FOR EMPLOYERS IN TIERS 1 THROUGH 12; AND BY ADDING SECTION 41-31-65 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ALLOCATE ALL CREDITS DUE TO ANY EMPLOYER THAT HAS PAID IN EXCESS OF THEIR BALANCE DUE BY JULY 31, 2011.

Reps. OTT, BINGHAM, COOPER and WHITE proposed the following Amendment No. 1 (COUNCIL\GGS\22125ZW11):

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

/ SECTION 1. Section 41‑31‑5(1) of the 1976 Code is amended to read:

 “(1) ‘Benefit ratio’ means:

 (a) for the period of January 1, 2011, through December 31, 2013, the number calculated by dividing the ~~average~~ sum of all benefits charged to an employer during the forty calendar quarters immediately preceding the calculation date by the sum of the employer’s ~~average~~ taxable payroll ~~during~~ for the same period. If fewer than forty but more than ~~four~~ one calendar ~~quarters~~ quarter of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually ~~on July first~~ using data for quarters filed through June thirtieth of the current year to the sixth decimal place;

 (b) from January 1, 2014, the number calculated by dividing the ~~average~~ sum of all benefits charged to an employer during the twelve calendar quarters immediately preceding the calculation date by the sum of the employer’s ~~average~~ taxable payroll ~~during~~ for the same period. If fewer than twelve but more than ~~four~~ one calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually ~~on July first~~ using data for quarters filed through June thirtieth of the current year to the sixth decimal place.”

SECTION 2. Section 41‑31‑20(A) of the 1976 Code is amended to read:

 “(A) The department shall maintain a separate account for each employer and shall ~~credit the account of each with all the contributions paid on his behalf, but~~ accurately record the data used to determine an employer’s experience for the purpose of rate assignments. Nothing in Chapters 27 through 41 of this title shall be construed to grant any employer or individual in his service prior claims or rights to the amounts paid by him into the fund either on his behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged, in the amounts provided in Chapters 27 through 41 of this title, against the accounts of his most recent employer. No employer shall be deemed as the most recent employer for the purpose of this section unless the eligible person to whom benefits are paid earned wages in the employ of the employer equal to at least eight times the weekly benefit amount of the eligible claimant.”

SECTION 3. Section 41‑31‑40 of the 1976 Code is amended to read:

 “Section 41‑31‑40. Each employer’s base rate for the twelve months commencing January first of any calendar year is determined in accordance with Section 41‑31‑50 on the basis of his record up ~~to July first~~ through June thirtieth of the preceding calendar year, but no employer’s base rate is less than the rate applicable for rate class ~~thirteen~~ twelve until there have been twelve consecutive months of coverage after first becoming liable for contributions under Chapters 27 through 41 of this title. Each employer who completes twelve consecutive calendar months of coverage after first becoming liable for contributions during the current calendar year shall have a base rate computed on the basis of his record up through the next occurring June thirtieth, with that base rate being effective for the next calendar year beginning in January.”

SECTION 4. Section 41‑31‑50 of the 1976 Code is amended to read:

 “Section 41‑31‑50. Each employer eligible for a rate computation shall have his ~~base~~ tax rate determined in the following manner:

 (1)(a)(i) Annually the department must calculate a contribution rate for each employer qualified for an experience rating. The contribution rate must correspond to the rate calculated for the employer’s benefit ratio class.

 (ii) To determine an employer’s benefit ratio rank, the department must list all employers by increasing benefit ratios, from the lowest benefit ratio to the highest benefit ratio. The list must be divided into classes ranked one through twenty. Each class must contain approximately five percent of the total taxable wages, excluding ~~reimbursable employment wage~~ employers with less than twelve months of accomplished liability, employers with outstanding tax liens, delinquent tax class employers, and employers who reimburse the department in lieu of contributions, paid in covered employment during the four completed calendar quarters immediately preceding the computation date. Each employer must be placed in the class that corresponds with the employer’s benefit ratio.

 (iii) If an employer’s taxable wages qualify the employer for two separate classes, the employer shall be afforded the class assigned the lower contribution rate. Employers with identical benefit ratios shall be assigned to the same class.

 (b) The income needed to pay benefits for the calendar year plus any applicable income needed to reach the solvency target must be divided by the estimated taxable wages for the calendar year. The result rounded to the next higher one‑hundredth of one percent is the average required rate needed to pay benefits and achieve solvency targets.

 (c) The rate for class twenty will be set such that the entire schedule raises the income required to pay benefits for the year, as well as the income necessary to move the trust fund toward the solvency target, subject to the structure provided in this chapter. However, the rate for class twenty must be at least five and four‑tenths percent.

 (2)(a) If the calculated rate necessary for benefit rate class twenty exceeds five and four‑tenths percent, then the rate for each preceding benefit rate class shall be equal to ninety percent of the rate calculated for the succeeding class, except that rate class twelve shall be set at one‑fourth the rate calculated for class twenty, provided that the rate for class one shall be zero.

 (b)(i) If the computed rate necessary for class twenty is less than five and four‑tenths percent, then the rate for class twenty shall be set at five and four‑tenths percent.

 (ii) The rate for rate class twelve shall be calculated by multiplying the average tax rate computed in ~~subsection~~ item (1)(b) by twenty, subtracting five and four‑tenths percent, and dividing by nineteen.

 (iii) The contribution rate for rate classes eleven through one shall be equal to ninety percent of the rate for the succeeding class, provided that the rate for class one shall be zero.

 (iv) The contribution rate for class thirteen shall be equal to one hundred twenty percent of the rate calculated for rate class twelve.

 (v) The contribution rate for rate class nineteen shall be set at an amount that allows for average contributions, beginning with class eighteen and ending with class fourteen, that are equal to ninety percent of the preceding class.

 (3) For calendar year 2011 and any subsequent calendar year, voluntary payments are not permitted for the purpose of obtaining a lower rate of required contributions.”

SECTION 5. Section 41‑31‑60 of the 1976 Code is amended to read:

 “Section 41‑31‑60. (A) If on the computation date upon which an employer’s ~~base~~ tax rate is to be computed as provided in Section 41‑31‑40 there is a delinquent report, ~~a base rate of two and sixty‑four hundredths percent~~ the tax class twenty rate must be assigned to the employer for the period to which the computation applies. ~~If the base rate for the prior year or the computed base rate for the computation period is greater than two and sixty‑four hundredths percent, the higher rate must be assigned until the next computation date.~~

 (B) No employer is permitted to pay his unemployment compensation tax at a reduced ~~base~~ tax rate class for any quarter when a tax execution issued in accordance with Section 41‑31‑390 with respect to delinquent unemployment compensation tax for a previous quarter is unpaid and outstanding against the employer. If on the computation date upon which an employer’s ~~base~~ tax rate is computed as provided in Section 41‑31‑40 there is an outstanding tax execution, ~~a base rate of two and sixty‑four hundredths percent~~ the tax class twenty rate must be assigned ~~for the period to which the computation applies. If the base rate for the prior year or the computed base rate for the computation period is greater than two and sixty‑four hundredths percent, the highest base rate must be assigned~~ to the employer until the next computation date or until such time as ~~any~~ all outstanding tax ~~execution has~~ executions have been paid.”

SECTION 6. Section 41‑31‑70 of the 1976 Code is amended to read:

 “Section 41‑31‑70. If the department finds that an employer ceased to render employment solely due to the closing of the business because of the entrance of one or more of the owners, officers, partners, or the majority stockholders into the Armed Forces of the United States, or any of its allies, or of the United Nations after January 1, 1951, such employer’s account shall not be terminated; and, if the business is resumed and employment rendered within two years after the discharge or release from active duty in the armed forces of the person or persons, the employer’s experience shall be deemed to have been continuous throughout that period. The benefit ratio of the employer shall be the amount calculated pursuant to Section 41‑31‑5, including benefits paid to any individual during the period the employer was in the armed forces~~, divided by his average annual payroll for the most recent year during the whole of which the employer has been in business and has rendered employment~~. This provision shall not be construed to authorize cash refunds and any adjustments required hereunder shall be only by credit certificate.”

SECTION 7. Section 41‑31‑125(C) of the 1976 Code is amended to read:

 “(C) If the experience rating account of the predecessor ~~employer contains a debit balance, defined as an excess of total benefits charged over total contributions paid, the experience rating account of the predecessor employer must be transferred to the successor employer in accordance with the provisions of Section 41‑31‑140~~ is equal to or exceeds tax class thirteen, the experience rating account of the predecessor employer in any event must be transferred to the successor employer in accordance with the provisions of Section 41‑31‑140.”

SECTION 8. Section 41‑31‑140 of the 1976 Code is amended to read:

 “Section 41‑31‑140. (A) For the purposes of this section and for tax years 2010 and prior, ‘debit balance’ means the excess of total benefits charged over total contributions made.

 (B) For acquisitions that occur in tax years 2010 and prior, no transfer of experience rating accounts, in whole or in part, is permitted under the provisions of Sections 41‑31‑100 to 41‑31‑130 unless all unemployment compensation taxes based on wages paid by the transferring employer prior to the date of the transfer are paid by the transferring employer when due or assumed by the acquiring employer within sixty days from the date he is notified by the department that the transfer cannot be allowed because of unpaid unemployment compensation taxes. If the experience rating account of the predecessor employer contains a debit balance, the experience rating account of the predecessor employer in any event must be transferred to the successor employer in accordance with the provisions of Sections 41‑31‑100 and 41‑31‑120.

 (C) Effective for acquisitions occurring in tax years 2011 and later, no transfer of benefit charges or taxable wages, in whole or in part, is permitted pursuant to the provisions of Sections 41‑31‑100 through 41‑31‑130 unless all unemployment compensation taxes based on wages paid by the transferring employer prior to the date of transfer are paid by the transferring employer when due or assumed by the acquiring employer within sixty days from the date he is notified by the department that the transfer cannot be allowed because of unpaid unemployment compensation taxes or outstanding contribution reports. If the predecessor employer has an acquisition year tax class of thirteen or higher, the experience of the predecessor employer in any event must be transferred to the successor employer in accordance with the provisions of Sections 41‑31‑100 and 41‑31‑120.”

SECTION 9. Section 41‑31‑670(B) of the 1976 Code is amended to read:

 “(B) Any nonprofit organization which has elected to become liable for payments in lieu of contributions under the provisions of Sections 41‑31‑620 and 41‑31‑630 and thereafter terminates the election shall become an employer liable for the payments of contributions upon the effective date of the termination but no such employer’s ~~base~~ tax rate thereafter may be less than ~~two and sixty‑four hundredths percent~~ tax rate class twelve until there have been twenty‑four consecutive calendar months of coverage ~~after so becoming liable for the payment of contributions. If the employer has been an employer liable for the payment of contributions prior to election to become liable for payments in lieu of contributions, the balance in the experience rating account of the employer as of the termination date of the election to become liable for payments in lieu of contributions is transferred to the new experience rating account then established for the employer~~. Upon termination of the election to reimburse the department in lieu of contributions, if the employer was previously an employer liable for contributions, the previously established contributory account will be reopened.”

SECTION 10. Section 41‑35‑125 of the 1976 Code is amended to read:

 “Section 41‑35‑125. (A)(1) Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual has left work voluntarily or has been discharged because of circumstances directly resulting from domestic abuse and:

 (a) reasonably fears future domestic abuse at or en route to the workplace;

 (b) needs to relocate to avoid future domestic abuse; or

 (c) reasonably believes that leaving work is necessary for his safety or the safety of his family.

 (2) When determining if an individual has experienced domestic abuse for the purpose of receiving unemployment compensation, the department must require him to provide documentation of domestic abuse ~~including, but not limited to,~~ such as police or court records or other documentation of abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the individual has sought assistance.

 (3) Documentation or evidence of domestic abuse acquired by the department pursuant to this section must be kept confidential unless consent for disclosure is given, in writing, by the individual.

 (B)(1) Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual was separated from employment due to compelling family circumstances.

 (2) For the purposes of this subsection:

 (a) ‘Immediate family member’ means a claimant’s spouse, parents, or ~~minor~~ dependent children.

 (b) ‘Illness’ means a verified ~~disability~~ illness that necessitates the care of the ~~disabled~~ ill person for a period of time that exceeds the amount of time the employer will provide paid or unpaid leave. ~~Disability, includes, but is not limited to, mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities.~~

 (c) ‘Disability’ means a verified disability which necessitates the care of the disabled person for a period of time longer than the employer is willing to grant paid or unpaid leave. Disability encompasses all types of disability, including mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities.

 (d) ‘Compelling family circumstances’ means:

 (i) that a claimant was separated from employment with the employer because of the illness or disability of the claimant and, based upon available information, the department finds that it was medically necessary for the claimant to stop working or change occupations;

 (ii) the claimant was separated from work due to the illness or disability of an immediate family member; and

 (iii) the claimant’s spouse was transferred or employed in another city or state, the family is required to move to the location of that job, the location is outside the commuting distance of the claimants previous employment, and the claimant separates from employment in order to move to the new location with his spouse.

 ~~(2)~~ ~~Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual was separated from employment due to compelling family circumstances.~~”

SECTION 11. Section 41‑35‑130 of the 1976 Code is amended to read:

 “Section 41‑35‑130. (A) A benefit paid to a claimant for unemployment immediately after the expiration of disqualification for:

 (1) voluntarily leaving his most recent work without good cause;

 (2) discharge from his most recent work for misconduct; or

 (3) refusal of suitable work without good cause must not be charged to the account of an employer.

 (B) A benefit paid to a claimant must not be charged against the account of an employer by reason of the provisions of this subsection if the department determines under Section 41‑35‑120 that the individual:

 (1) voluntarily left his most recent employment with that employer without good cause;

 (2) was discharged from his most recent employment with that employer for misconduct connected with his work; or

 (3) subsequent to his most recent employment refused without good cause to accept an offer of suitable work made by that employer if the employer furnishes the department with those notices regarding the separation of the individual from work or the refusal of the individual to accept an offer of work as are required by the law and regulations of the department.

 (C) If a benefit is paid pursuant to a decision that is finally reversed in subsequent proceedings with respect to it, an employer’s account must not be charged with a benefit paid.

 (D) A benefit paid to a claimant for a week in which he is in training with the approval of the department must not be charged to an employer.

 (E) Benefits paid as a result of a natural disaster declared by the President of the United States.

 (F) Benefits paid as a result of declaration of emergency declared by the Governor must not be charged to an employer.

 (G) The provisions of subsections (A) through ~~(D)~~ (E), all inclusive, with respect to the noncharging of benefits paid must be applicable only to an employer subject to the payment of contributions.

 ~~(F)~~(H) A benefit paid to a claimant during an extended benefit period, as defined in Article 3, Chapter 35, must not be charged to an employer; except that a ~~non-profit~~ nonprofit organization electing to become liable for payments in lieu of contributions in accordance with Section 41‑31‑620 must reimburse fifty percent of extended benefits attributable to services performed in its employ and that after January 1, 1979, the State or a political subdivision or instrumentality of it as defined in Section 41‑27‑230(2)(b) electing to become liable for payment in lieu of contributions in accordance with Section 41‑31‑620 must reimburse all extended benefits attributable to services performed in its employ.

 ~~(G)~~(I) A nonprofit organization that elects to make a payment in lieu of a contribution to the unemployment compensation fund as provided in Section 41‑31‑620(2) or Section 41‑31‑810 is not liable to make those payments with respect to the benefits paid to an individual whose base period wages include wages for previously uncovered services as defined in Section 41‑35‑65 to the extent that the unemployment compensation fund is reimbursed for those benefits pursuant to Section 121 of P.L. 94‑566.

 ~~(H)~~(J) A benefit paid to an individual whose base period wages include wages for previously uncovered services as defined in Section 41‑35‑65 must not be charged against the account of an employer to the extent that the unemployment compensation fund is reimbursed for those benefits pursuant to Section 121 of P.L. 94‑566.

 ~~(I)~~(K) A benefit paid to an individual pursuant to Section 41‑35‑125 must not be charged to the account of a contributing employer.

 ~~(J)~~(L) A benefit paid to an individual pursuant to Section 41‑35‑126 must not be charged to the account of a contributing employer.”

SECTION 12. Section 41‑39‑30 of the 1976 Code is amended to read:

 “Section 41‑39‑30. An individual claiming benefits may not be charged a fee in a proceeding under Chapters 27 through 41 of this title by the department or its representatives or by a court or an officer, except an attorney, of it. An individual claiming a benefit in a proceeding before the department or a court ~~must~~ may be represented by an attorney or other duly authorized agent, but an attorney or agent must not charge or receive for this service more than an amount approved by the department. A person who violates a provision of this section, for each offense, must be fined not less than fifty dollars nor more than five hundred dollars, imprisoned for not more than six months, or both.”

SECTION 13. Section 41‑41‑40(A) of the 1976 Code is amended to read:

 “Section 41‑41‑40. (A)(1) A person who has received a sum as benefits under Chapters 27 through 41 while conditions for the receipt of benefits imposed by these chapters were not fulfilled or while he was disqualified from receiving benefits is liable to repay the department for the unemployment compensation fund a sum equal to the amount received by him.

 (2) If full repayment of benefits, to which an individual was determined not entitled, has not been made, the sum must be deducted from future benefits payable to him under Chapters 27 through 41, and the sum must be collectible in the manner provided in Sections 41‑31‑380 to 41‑31‑400 for the collection of past due contributions.

 (3) The department may attempt collection of overpayments through the South Carolina Department of Revenue in accordance with Section 12‑56‑10, et seq. If the overpayment is collectible in accordance with Section 12‑56‑60, the department shall add to the amount of the overpayment a collection fee of not more than twenty‑five dollars for each collection attempt to defray administrative costs.

 (4) The department may attempt collection of overpayment through the federal Unemployment Compensation Treasury Offset Program (UCTOP). If the overpayment is collectible, the department shall add to the amount of the overpayment a collection fee not to exceed the administrative costs set by this program.

 (5) Notwithstanding any other provision of this section, no action to enforce recovery or recoupment of any overpayment may begin after five years from the date of the final determination for nonfraudulent overpayments nor after eight years from the date of the final determination for fraudulent overpayments.”

SECTION 14. Section 41‑27‑260 of the 1976 Code is amended by adding an appropriately numbered new item to read:

 “(18) Services performed by a direct seller, provided that:

 (a) the individual:

 (i) is engaged in the trade or business of selling or soliciting the sale of consumer products, including, but not limited to, services or other intangibles, to any buyer on a buy‑sell basis, a deposit‑commission basis, or any similar basis for resale by the buyer or any other person in the home or otherwise than in a permanent retail establishment; or

 (ii) is engaged in the trade or business of selling or soliciting the sale of consumer products, including, but not limited to, services or other intangibles, in the home or otherwise than in a permanent retail establishment;

 (b) substantially all the remuneration, whether or not paid in cash, for the performance of the services described in item (a) is directly related to sales or other output, including, but not limited to, the performance of services, rather than to the number of hours worked; and

 (c) the services performed by the individual are performed pursuant to a written contract between the individual and the person for whom the services are performed and the contract provides that the individual will not be treated as an employee for federal and state tax purposes.”

SECTION 15. Section 41‑31‑50 of the 1976 Code is amended by adding:

 “(3) For tax year 2011, no employer shall have a base tax rate higher than the base tax rate for rate class twelve if during the applicable rate computation period, as defined in Section 41‑31‑5, the employer has been credited with more in tax contributions than have been charged to that employer’s account for benefits.”

SECTION 16. Chapter 31, Title 41 of the 1976 Code is amended by adding:

 “Section 41‑31‑52. Effective with claims filed on or after January 1, 2012:

 (1) A seasonal pursuit is one which, because of seasonal conditions making it impracticable or impossible to do otherwise, customarily carries on production operations only within a regularly recurring active period or periods of less than an aggregate of thirty‑six weeks in a calendar year. No pursuit shall be considered seasonal until the department makes a determination that the pursuit is seasonal. However, any successor to a seasonal pursuit shall be deemed seasonal unless the successor requests cancellation of the seasonal pursuit status within one hundred twenty days after the acquisition. This provision shall not be applicable to pending cases nor retroactive in effect.

 (2) Upon application by a pursuit for seasonal pursuit status, the department shall determine or redetermine whether the pursuit is seasonal and, if seasonal, the pursuit’s active period. The department may, on its own motion, redetermine a seasonal pursuit’s active period. An application for a seasonal determination must be made on forms prescribed by the department and must be made at least thirty days prior to the beginning date of the period of production operations for which a determination is requested.

 (3) Whenever the department has determined or redetermined a pursuit to be seasonal, the pursuit shall be notified immediately, and the notice must contain the beginning and ending dates of the pursuit’s active period or periods. Pursuits determined or redetermined to be a seasonal pursuit shall display notices of its seasonal determination conspicuously on its premises in a sufficient number of places to be available for inspection by its workers. The notices shall be furnished by the department.

 (4) A seasonal determination must become effective unless an interested party files an application for review within ten days of the beginning date of the first period of production operations to which it applies. An application for review shall be an application for a determination of status.

 (5) All wages paid to a seasonal worker during his base period must be used in determining his weekly benefit amount; provided, however, that all weekly benefit amounts so determined shall be rounded to the nearest lower full dollar amount, if not a full dollar amount.

 (6)(a) A seasonal worker is eligible to receive benefits based on seasonal wages only for a week of unemployment which occurs, or the greater part of which occurs, within the active period of the seasonal pursuit in which he earned base period wages.

 (b) A seasonal worker is eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during any active period of the seasonal pursuit in which he has earned base period wages; provided he has exhausted benefits based on seasonal wages. The worker is also eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during the inactive period or periods of the seasonal pursuit in which he earned base period wages irrespective as to whether he has exhausted benefits based on seasonal wages.

 (c) The maximum amount of benefits which a seasonal worker is eligible to receive, based on seasonal wages, shall be an amount, adjusted to the nearest multiple of one dollar, determined by multiplying the maximum benefits payable in his benefit year, as provided in Section 41‑35‑50, by the percentage obtained by dividing the seasonal wages in his base period by all of his base period wages.

 (d) The maximum amount of benefits which a seasonal worker is eligible to receive based on nonseasonal wages shall be an amount, adjusted to the nearest multiple of one dollar, determined by multiplying the maximum benefits payable in his benefit year, as provided in Section 41‑35‑50, by the percentage obtained by dividing the nonseasonal wages in his base period by all of his base period wages.

 (e) In no case is a seasonal worker eligible to receive a total amount of benefits in a benefit year in excess of the maximum benefits payable for such benefit year, as provided in Section 41‑35‑50.

 (7)(a) All benefits paid to a seasonal worker based on seasonal wages shall be charged, as prescribed in Section 41‑31‑20, against the account of his base period employer who paid him such seasonal wages, and for the purpose of this paragraph such seasonal wages shall be deemed to constitute all of his base period wages.

 (b) All benefits paid to a seasonal worker based on nonseasonal wages shall be charged, as prescribed in Section 41‑31‑20, against the account of his base period employer who paid him such nonseasonal wages, and for the purpose of this paragraph such nonseasonal wages shall be deemed to constitute all of his base period wages.

 (8) The benefits payable to any otherwise eligible individual shall be calculated in accordance with this section for any benefit year which is established on or after the beginning date of a seasonal determination applying to a pursuit by which such individual was employed during the base period applicable to such benefit year, as if such determination had been effective in such base period.

 (9) Nothing in this section shall be construed to limit the right of any individual whose claim for benefits is determined in accordance herewith to appeal from such determination as provided in Section 41‑35‑660.

 (10) As used in this section:

 (a) ‘Pursuit’ means an employer or branch of an employer.

 (b) ‘Branch of an employer’ means a part of an employer’s activities which is carried on or is capable of being carried on as a separate enterprise.

 (c) ‘Production operations’ means all the activities of a pursuit which are primarily related to the production of its characteristic goods or services.

 (d) ‘Active period or periods’ of a seasonal pursuit means the longest regularly recurring period or periods within which production operations of the pursuit are customarily carried on.

 (e) ‘Seasonal wages’ means the wages earned in a seasonal pursuit within its active period or periods. The department may prescribe by regulation the manner in which seasonal wages shall be reported.

 (f) ‘Seasonal worker’ means a worker at least twenty‑five percent of whose base period wages are seasonal wages.

 (g) ‘Interested party’ means any individual affected by a seasonal determination.

 (h) ‘Inactive period or periods’ of a seasonal pursuit means that part of a calendar year which is not included in the active period or periods of such pursuit.

 (i) ‘Nonseasonal wages’ means the wages earned in a seasonal pursuit within the inactive period or periods of such pursuit, or wages earned at any time in a nonseasonal pursuit.

 (j) ‘Wages’ means remuneration for employment.”

SECTION 17. Section 41‑35‑50 of the 1976 Code is amended to read:

 “Section 41‑35‑50. The maximum potential benefits of any insured worker in a benefit year are the lesser of:

 (1) ~~Twenty‑six~~ twenty times his weekly benefit amount~~.~~;

 (2) ~~One‑third~~ one-third of his wages for insured work paid during his base period.

 If the resulting amount is not a multiple of one dollar, the amount must be reduced to the next lower multiple of one dollar, except that no insured worker may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which he received benefits, he performed ‘insured work’ as defined in Section 41‑27‑300 and earned wages in the employ of a single employer in an amount equal to not less than eight times the weekly benefit amount established for the individual in the preceding benefit year.”

SECTION 18. (A) As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate.

 (B) The Department of Employment and Workforce must apply all funds directly appropriated to the department pursuant to Act \_\_\_, R \_\_\_, H. 3700, in such a manner to reduce the amount of income that must be raised pursuant to Section 41-31-45(A)(3) and Section 41-31-45(B).

SECTION 19. Article 1, Chapter 31, Title 41 of the 1976 Code is amended by adding:

 “Section 41‑31‑36. No North American Industry Classification System code 5613 employer base rate may be less than the rate applicable for rate class thirteen until there have been twelve consecutive months of coverage after first becoming liable for contributions under Chapters 27 through 31.”

SECTION 20. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. BINGHAM explained the amendment.

Rep. BINGHAM spoke in favor of the amendment.

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

Further proceedings were interrupted by the House receding, the pending question being consideration of Amendment No. 1.

**THE HOUSE RESUMES**

At 3:00 p.m. the House resumed, Acting SPEAKER ALLISON in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**RECURRENCE TO THE MORNING HOUR**

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

**REPORT OF STANDING COMMITTEE**

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

S. 823 -- Senators Knotts, Ford, Williams, Setzler, Campbell, O'Dell, Bryant, Rankin, Cleary, McConnell, McGill, Land, Campsen and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-681 SO AS TO DESIGNATE COLLARD GREENS AS THE OFFICIAL STATE VEGETABLE.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4254 -- Rep. Vick: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE CHESTERFIELD HIGH SCHOOL BASEBALL TEAM ON ITS OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM MEMBERS AND COACHES FOR CAPTURING THE 2011 CLASS A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4255 -- Rep. Vick: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE CENTRAL HIGH SCHOOL SOFTBALL TEAM ON ITS OUTSTANDING SEASON AND IMPRESSIVE WIN OF THE 2011 CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4256 -- Rep. Bowen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-31-60 SO AS TO PROVIDE THAT IF A MUNICIPALITY PURCHASES A WATER COMPANY SUBJECT TO REGULATION BY THE PUBLIC SERVICE COMMISSION IN THE COUNTY WHERE IT IS LOCATED, IT MAY NOT CHARGE MORE FOR WATER SERVICES PROVIDED TO CUSTOMERS OF THE WATER COMPANY THAN WAS PERMITTED TO BE CHARGED TO THOSE CUSTOMERS AT THE TIME OF PURCHASE IF IT REPRESENTED IN A LETTER TO THE CUSTOMERS OF THE WATER COMPANY THAT THEIR WATER RATES WOULD NOT BE INCREASED AS A RESULT OF THE PURCHASE, AND TO PROVIDE THAT UPON PETITION TO THE PUBLIC SERVICE COMMISSION BY A MAJORITY OF THE MEMBERS OF THE GOVERNING BODY OF THE COUNTY WHEREIN THE MUNICIPALITY IS LOCATED THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE PUBLIC SERVICE COMMISSION IS VESTED WITH AND SHALL ASSUME JURISDICTION OVER THE PROVIDING OF WATER SERVICE TO THE FORMER CUSTOMERS OF THE PURCHASED WATER COMPANY IF IT FINDS AFTER HEARING BY A PREPONDERANCE OF THE EVIDENCE THAT SUCH A VIOLATION DID OCCUR.

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

H. 4257 -- Reps. Barfield, Sandifer and Hardwick: A BILL TO AMEND SECTION 40-47-114, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRED REVIEWS OF PROFESSIONAL COMPETENCY, MENTAL, OR PHYSICAL EXAMINATIONS BY THE STATE BOARD OF MEDICAL EXAMINERS UPON A FINDING OF PROBABLE CAUSE BY THE BOARD THAT A LICENSEE OR APPLICANT MAY BE PROFESSIONALLY INCOMPETENT, ADDICTED TO ALCOHOL OR DRUGS, OR DISABLED PHYSICALLY OR MENTALLY IN A MANNER THAT RENDERS THE PERSON'S PRACTICE A DANGER TO THE PUBLIC, SO AS TO PROVIDE THAT THE FAILURE OF THE LICENSEE OR APPLICANT TO SUBMIT TO THE BOARD'S EXAMINATION MAY RESULT IN THE SUSPENSION OR DENIAL OF THE PERSON'S LICENSE RATHER THAN THE CURRENT AUTOMATIC SUSPENSION OR DENIAL AND TO PROVIDE THAT IF A LICENSE IS SUSPENDED OR DENIED ON THE BASIS OF THE EXAMINATION, THE LICENSEE OR APPLICANT MUST BE AFFORDED AN APPOINTMENT TO DEMONSTRATE TO THE BOARD, AT INTERVALS OF NO LONGER THAN SIX MONTHS, THE ABILITY TO RESUME OR BEGIN PRACTICE.

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

H. 4258 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ELECTRONIC EQUIPMENT COLLECTION AND RECOVERY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4179, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

S. 896 -- Corrections and Penology Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, RELATING TO SENTENCING REFORM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Judiciary

**H. 4198--DEBATE ADJOURNED**

Debate was resumed on the following Bill, the pending question being the consideration of Amendment No. 1:

H. 4198 -- Reps. Bingham, Cooper, White, Cobb-Hunter, Ott, Whipper, Erickson and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-31-35 SO AS TO PROVIDE THAT FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS, IF AN EMPLOYER HAS A POSITIVE FUND BALANCE FOR A PERIOD OF AT LEAST ONE YEAR IN ITS ACCOUNT, IT MAY NOT BE CLASSIFIED IN RATE CLASS 13 OR HIGHER AND TO PROVIDE THAT ALL NEW EMPLOYERS FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS MUST BE CLASSIFIED IN RATE CLASS 12; BY ADDING SECTION 41-31-36 SO AS TO PROVIDE THAT NO NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE 5613 EMPLOYER BASE RATE MAY BE LESS THAN THE RATE APPLICABLE FOR RATE CLASS THIRTEEN UNTIL THERE HAVE BEEN TWELVE CONSECUTIVE MONTHS OF COVERAGE AFTER FIRST BECOMING LIABLE FOR CONTRIBUTIONS; BY ADDING SECTION 41-31-41 SO AS TO PROVIDE THAT FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, THE STATE SHALL REDUCE STATE UNEMPLOYMENT TAX BASE RATES FOR EMPLOYERS IN TIERS 13 THROUGH 20 BY A SPECIFIED PERCENT, TO PROVIDE THE METHOD TO BE USED TO FUND SUCH REDUCTIONS, AND TO ALSO PROVIDE FOR THE PREMIUMS TO BE PAID BY EMPLOYERS IN TIERS 1 THROUGH 12 FOR CALENDAR YEARS 2011 AND 2012; TO AMEND SECTION 41-31-45, RELATING TO ESTIMATES OF THE INCOME NECESSARY TO PAY UNEMPLOYMENT COMPENSATION BENEFITS DURING A CALENDAR YEAR WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS IN DEBT STATUS, SO AS TO PROVIDE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED FOR CALENDAR YEARS 2011 AND 2012, AND TO REVISE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED BEGINNING IN JANUARY 2013 AND THEREAFTER WHILE THE TRUST FUND IS IN DEBT STATUS; TO AMEND SECTION 41-31-50, RELATING TO THE MANNER IN WHICH EMPLOYER RATE COMPUTATIONS ARE DETERMINED, SO AS TO PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, NOT INCLUDING THE ACHIEVEMENT OF SOLVENCY TARGETS, TO FURTHER PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS AND ACHIEVE SOLVENCY TARGETS BEGINNING IN JANUARY 2013, AND TO PROVIDE FOR THE MANNER IN WHICH THE RATE FOR CLASS TWENTY MUST BE SET; BY ADDING SECTION 41-31-52 SO AS TO PROVIDE FOR THE MANNER IN WHICH BENEFITS FOR SEASONAL WORKERS SHALL BE DETERMINED, CALCULATED, AND PAID; TO AMEND SECTION 41-31-55, RELATING TO ADDITIONAL SURCHARGES WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS INSOLVENT, SO AS TO PROVIDE FOR WHAT PROVISIONS OF LAW THE STATE SHALL FOLLOW TO SET RATES FOR CLASS TWENTY BEGINNING IN JANUARY 2013 AND TO PROVIDE FOR CERTAIN CREDITS FOR EMPLOYERS IN TIERS 1 THROUGH 12; AND BY ADDING SECTION 41-31-65 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ALLOCATE ALL CREDITS DUE TO ANY EMPLOYER THAT HAS PAID IN EXCESS OF THEIR BALANCE DUE BY JULY 31, 2011.

Reps. OTT, BINGHAM, COOPER and WHITE proposed the following Amendment No. 1 (COUNCIL\GGS\22125ZW11):

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

/ SECTION 1. Section 41‑31‑5(1) of the 1976 Code is amended to read:

 “(1) ‘Benefit ratio’ means:

 (a) for the period of January 1, 2011, through December 31, 2013, the number calculated by dividing the ~~average~~ sum of all benefits charged to an employer during the forty calendar quarters immediately preceding the calculation date by the sum of the employer’s ~~average~~ taxable payroll ~~during~~ for the same period. If fewer than forty but more than ~~four~~ one calendar ~~quarters~~ quarter of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually ~~on July first~~ using data for quarters filed through June thirtieth of the current year to the sixth decimal place;

 (b) from January 1, 2014, the number calculated by dividing the ~~average~~ sum of all benefits charged to an employer during the twelve calendar quarters immediately preceding the calculation date by the sum of the employer’s ~~average~~ taxable payroll ~~during~~ for the same period. If fewer than twelve but more than ~~four~~ one calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually ~~on July first~~ using data for quarters filed through June thirtieth of the current year to the sixth decimal place.”

SECTION 2. Section 41‑31‑20(A) of the 1976 Code is amended to read:

 “(A) The department shall maintain a separate account for each employer and shall ~~credit the account of each with all the contributions paid on his behalf, but~~ accurately record the data used to determine an employer’s experience for the purpose of rate assignments. Nothing in Chapters 27 through 41 of this title shall be construed to grant any employer or individual in his service prior claims or rights to the amounts paid by him into the fund either on his behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged, in the amounts provided in Chapters 27 through 41 of this title, against the accounts of his most recent employer. No employer shall be deemed as the most recent employer for the purpose of this section unless the eligible person to whom benefits are paid earned wages in the employ of the employer equal to at least eight times the weekly benefit amount of the eligible claimant.”

SECTION 3. Section 41‑31‑40 of the 1976 Code is amended to read:

 “Section 41‑31‑40. Each employer’s base rate for the twelve months commencing January first of any calendar year is determined in accordance with Section 41‑31‑50 on the basis of his record up ~~to July first~~ through June thirtieth of the preceding calendar year, but no employer’s base rate is less than the rate applicable for rate class ~~thirteen~~ twelve until there have been twelve consecutive months of coverage after first becoming liable for contributions under Chapters 27 through 41 of this title. Each employer who completes twelve consecutive calendar months of coverage after first becoming liable for contributions during the current calendar year shall have a base rate computed on the basis of his record up through the next occurring June thirtieth, with that base rate being effective for the next calendar year beginning in January.”

SECTION 4. Section 41‑31‑50 of the 1976 Code is amended to read:

 “Section 41‑31‑50. Each employer eligible for a rate computation shall have his ~~base~~ tax rate determined in the following manner:

 (1)(a)(i) Annually the department must calculate a contribution rate for each employer qualified for an experience rating. The contribution rate must correspond to the rate calculated for the employer’s benefit ratio class.

 (ii) To determine an employer’s benefit ratio rank, the department must list all employers by increasing benefit ratios, from the lowest benefit ratio to the highest benefit ratio. The list must be divided into classes ranked one through twenty. Each class must contain approximately five percent of the total taxable wages, excluding ~~reimbursable employment wage~~ employers with less than twelve months of accomplished liability, employers with outstanding tax liens, delinquent tax class employers, and employers who reimburse the department in lieu of contributions, paid in covered employment during the four completed calendar quarters immediately preceding the computation date. Each employer must be placed in the class that corresponds with the employer’s benefit ratio.

 (iii) If an employer’s taxable wages qualify the employer for two separate classes, the employer shall be afforded the class assigned the lower contribution rate. Employers with identical benefit ratios shall be assigned to the same class.

 (b) The income needed to pay benefits for the calendar year plus any applicable income needed to reach the solvency target must be divided by the estimated taxable wages for the calendar year. The result rounded to the next higher one‑hundredth of one percent is the average required rate needed to pay benefits and achieve solvency targets.

 (c) The rate for class twenty will be set such that the entire schedule raises the income required to pay benefits for the year, as well as the income necessary to move the trust fund toward the solvency target, subject to the structure provided in this chapter. However, the rate for class twenty must be at least five and four‑tenths percent.

 (2)(a) If the calculated rate necessary for benefit rate class twenty exceeds five and four‑tenths percent, then the rate for each preceding benefit rate class shall be equal to ninety percent of the rate calculated for the succeeding class, except that rate class twelve shall be set at one‑fourth the rate calculated for class twenty, provided that the rate for class one shall be zero.

 (b)(i) If the computed rate necessary for class twenty is less than five and four‑tenths percent, then the rate for class twenty shall be set at five and four‑tenths percent.

 (ii) The rate for rate class twelve shall be calculated by multiplying the average tax rate computed in ~~subsection~~ item (1)(b) by twenty, subtracting five and four‑tenths percent, and dividing by nineteen.

 (iii) The contribution rate for rate classes eleven through one shall be equal to ninety percent of the rate for the succeeding class, provided that the rate for class one shall be zero.

 (iv) The contribution rate for class thirteen shall be equal to one hundred twenty percent of the rate calculated for rate class twelve.

 (v) The contribution rate for rate class nineteen shall be set at an amount that allows for average contributions, beginning with class eighteen and ending with class fourteen, that are equal to ninety percent of the preceding class.

 (3) For calendar year 2011 and any subsequent calendar year, voluntary payments are not permitted for the purpose of obtaining a lower rate of required contributions.”

SECTION 5. Section 41‑31‑60 of the 1976 Code is amended to read:

 “Section 41‑31‑60. (A) If on the computation date upon which an employer’s ~~base~~ tax rate is to be computed as provided in Section 41‑31‑40 there is a delinquent report, ~~a base rate of two and sixty‑four hundredths percent~~ the tax class twenty rate must be assigned to the employer for the period to which the computation applies. ~~If the base rate for the prior year or the computed base rate for the computation period is greater than two and sixty‑four hundredths percent, the higher rate must be assigned until the next computation date.~~

 (B) No employer is permitted to pay his unemployment compensation tax at a reduced ~~base~~ tax rate class for any quarter when a tax execution issued in accordance with Section 41‑31‑390 with respect to delinquent unemployment compensation tax for a previous quarter is unpaid and outstanding against the employer. If on the computation date upon which an employer’s ~~base~~ tax rate is computed as provided in Section 41‑31‑40 there is an outstanding tax execution, ~~a base rate of two and sixty‑four hundredths percent~~ the tax class twenty rate must be assigned ~~for the period to which the computation applies. If the base rate for the prior year or the computed base rate for the computation period is greater than two and sixty‑four hundredths percent, the highest base rate must be assigned~~ to the employer until the next computation date or until such time as ~~any~~ all outstanding tax ~~execution has~~ executions have been paid.”

SECTION 6. Section 41‑31‑70 of the 1976 Code is amended to read:

 “Section 41‑31‑70. If the department finds that an employer ceased to render employment solely due to the closing of the business because of the entrance of one or more of the owners, officers, partners, or the majority stockholders into the Armed Forces of the United States, or any of its allies, or of the United Nations after January 1, 1951, such employer’s account shall not be terminated; and, if the business is resumed and employment rendered within two years after the discharge or release from active duty in the armed forces of the person or persons, the employer’s experience shall be deemed to have been continuous throughout that period. The benefit ratio of the employer shall be the amount calculated pursuant to Section 41‑31‑5, including benefits paid to any individual during the period the employer was in the armed forces~~, divided by his average annual payroll for the most recent year during the whole of which the employer has been in business and has rendered employment~~. This provision shall not be construed to authorize cash refunds and any adjustments required hereunder shall be only by credit certificate.”

SECTION 7. Section 41‑31‑125(C) of the 1976 Code is amended to read:

 “(C) If the experience rating account of the predecessor ~~employer contains a debit balance, defined as an excess of total benefits charged over total contributions paid, the experience rating account of the predecessor employer must be transferred to the successor employer in accordance with the provisions of Section 41‑31‑140~~ is equal to or exceeds tax class thirteen, the experience rating account of the predecessor employer in any event must be transferred to the successor employer in accordance with the provisions of Section 41‑31‑140.”

SECTION 8. Section 41‑31‑140 of the 1976 Code is amended to read:

 “Section 41‑31‑140. (A) For the purposes of this section and for tax years 2010 and prior, ‘debit balance’ means the excess of total benefits charged over total contributions made.

 (B) For acquisitions that occur in tax years 2010 and prior, no transfer of experience rating accounts, in whole or in part, is permitted under the provisions of Sections 41‑31‑100 to 41‑31‑130 unless all unemployment compensation taxes based on wages paid by the transferring employer prior to the date of the transfer are paid by the transferring employer when due or assumed by the acquiring employer within sixty days from the date he is notified by the department that the transfer cannot be allowed because of unpaid unemployment compensation taxes. If the experience rating account of the predecessor employer contains a debit balance, the experience rating account of the predecessor employer in any event must be transferred to the successor employer in accordance with the provisions of Sections 41‑31‑100 and 41‑31‑120.

 (C) Effective for acquisitions occurring in tax years 2011 and later, no transfer of benefit charges or taxable wages, in whole or in part, is permitted pursuant to the provisions of Sections 41‑31‑100 through 41‑31‑130 unless all unemployment compensation taxes based on wages paid by the transferring employer prior to the date of transfer are paid by the transferring employer when due or assumed by the acquiring employer within sixty days from the date he is notified by the department that the transfer cannot be allowed because of unpaid unemployment compensation taxes or outstanding contribution reports. If the predecessor employer has an acquisition year tax class of thirteen or higher, the experience of the predecessor employer in any event must be transferred to the successor employer in accordance with the provisions of Sections 41‑31‑100 and 41‑31‑120.”

SECTION 9. Section 41‑31‑670(B) of the 1976 Code is amended to read:

 “(B) Any nonprofit organization which has elected to become liable for payments in lieu of contributions under the provisions of Sections 41‑31‑620 and 41‑31‑630 and thereafter terminates the election shall become an employer liable for the payments of contributions upon the effective date of the termination but no such employer’s ~~base~~ tax rate thereafter may be less than ~~two and sixty‑four hundredths percent~~ tax rate class twelve until there have been twenty‑four consecutive calendar months of coverage ~~after so becoming liable for the payment of contributions. If the employer has been an employer liable for the payment of contributions prior to election to become liable for payments in lieu of contributions, the balance in the experience rating account of the employer as of the termination date of the election to become liable for payments in lieu of contributions is transferred to the new experience rating account then established for the employer~~. Upon termination of the election to reimburse the department in lieu of contributions, if the employer was previously an employer liable for contributions, the previously established contributory account will be reopened.”

SECTION 10. Section 41‑35‑125 of the 1976 Code is amended to read:

 “Section 41‑35‑125. (A)(1) Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual has left work voluntarily or has been discharged because of circumstances directly resulting from domestic abuse and:

 (a) reasonably fears future domestic abuse at or en route to the workplace;

 (b) needs to relocate to avoid future domestic abuse; or

 (c) reasonably believes that leaving work is necessary for his safety or the safety of his family.

 (2) When determining if an individual has experienced domestic abuse for the purpose of receiving unemployment compensation, the department must require him to provide documentation of domestic abuse ~~including, but not limited to,~~ such as police or court records or other documentation of abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the individual has sought assistance.

 (3) Documentation or evidence of domestic abuse acquired by the department pursuant to this section must be kept confidential unless consent for disclosure is given, in writing, by the individual.

 (B)(1) Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual was separated from employment due to compelling family circumstances.

 (2) For the purposes of this subsection:

 (a) ‘Immediate family member’ means a claimant’s spouse, parents, or ~~minor~~ dependent children.

 (b) ‘Illness’ means a verified ~~disability~~ illness that necessitates the care of the ~~disabled~~ ill person for a period of time that exceeds the amount of time the employer will provide paid or unpaid leave. ~~Disability, includes, but is not limited to, mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities.~~

 (c) ‘Disability’ means a verified disability which necessitates the care of the disabled person for a period of time longer than the employer is willing to grant paid or unpaid leave. Disability encompasses all types of disability, including mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities.

 (d) ‘Compelling family circumstances’ means:

 (i) that a claimant was separated from employment with the employer because of the illness or disability of the claimant and, based upon available information, the department finds that it was medically necessary for the claimant to stop working or change occupations;

 (ii) the claimant was separated from work due to the illness or disability of an immediate family member; and

 (iii) the claimant’s spouse was transferred or employed in another city or state, the family is required to move to the location of that job, the location is outside the commuting distance of the claimants previous employment, and the claimant separates from employment in order to move to the new location with his spouse.

 ~~(2)~~ ~~Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual was separated from employment due to compelling family circumstances.~~”

SECTION 11. Section 41‑35‑130 of the 1976 Code is amended to read:

 “Section 41‑35‑130. (A) A benefit paid to a claimant for unemployment immediately after the expiration of disqualification for:

 (1) voluntarily leaving his most recent work without good cause;

 (2) discharge from his most recent work for misconduct; or

 (3) refusal of suitable work without good cause must not be charged to the account of an employer.

 (B) A benefit paid to a claimant must not be charged against the account of an employer by reason of the provisions of this subsection if the department determines under Section 41‑35‑120 that the individual:

 (1) voluntarily left his most recent employment with that employer without good cause;

 (2) was discharged from his most recent employment with that employer for misconduct connected with his work; or

 (3) subsequent to his most recent employment refused without good cause to accept an offer of suitable work made by that employer if the employer furnishes the department with those notices regarding the separation of the individual from work or the refusal of the individual to accept an offer of work as are required by the law and regulations of the department.

 (C) If a benefit is paid pursuant to a decision that is finally reversed in subsequent proceedings with respect to it, an employer’s account must not be charged with a benefit paid.

 (D) A benefit paid to a claimant for a week in which he is in training with the approval of the department must not be charged to an employer.

 (E) Benefits paid as a result of a natural disaster declared by the President of the United States.

 (F) Benefits paid as a result of declaration of emergency declared by the Governor must not be charged to an employer.

 (G) The provisions of subsections (A) through ~~(D)~~ (E), all inclusive, with respect to the noncharging of benefits paid must be applicable only to an employer subject to the payment of contributions.

 ~~(F)~~(H) A benefit paid to a claimant during an extended benefit period, as defined in Article 3, Chapter 35, must not be charged to an employer; except that a ~~non-profit~~ nonprofit organization electing to become liable for payments in lieu of contributions in accordance with Section 41‑31‑620 must reimburse fifty percent of extended benefits attributable to services performed in its employ and that after January 1, 1979, the State or a political subdivision or instrumentality of it as defined in Section 41‑27‑230(2)(b) electing to become liable for payment in lieu of contributions in accordance with Section 41‑31‑620 must reimburse all extended benefits attributable to services performed in its employ.

 ~~(G)~~(I) A nonprofit organization that elects to make a payment in lieu of a contribution to the unemployment compensation fund as provided in Section 41‑31‑620(2) or Section 41‑31‑810 is not liable to make those payments with respect to the benefits paid to an individual whose base period wages include wages for previously uncovered services as defined in Section 41‑35‑65 to the extent that the unemployment compensation fund is reimbursed for those benefits pursuant to Section 121 of P.L. 94‑566.

 ~~(H)~~(J) A benefit paid to an individual whose base period wages include wages for previously uncovered services as defined in Section 41‑35‑65 must not be charged against the account of an employer to the extent that the unemployment compensation fund is reimbursed for those benefits pursuant to Section 121 of P.L. 94‑566.

 ~~(I)~~(K) A benefit paid to an individual pursuant to Section 41‑35‑125 must not be charged to the account of a contributing employer.

 ~~(J)~~(L) A benefit paid to an individual pursuant to Section 41‑35‑126 must not be charged to the account of a contributing employer.”

SECTION 12. Section 41‑39‑30 of the 1976 Code is amended to read:

 “Section 41‑39‑30. An individual claiming benefits may not be charged a fee in a proceeding under Chapters 27 through 41 of this title by the department or its representatives or by a court or an officer, except an attorney, of it. An individual claiming a benefit in a proceeding before the department or a court ~~must~~ may be represented by an attorney or other duly authorized agent, but an attorney or agent must not charge or receive for this service more than an amount approved by the department. A person who violates a provision of this section, for each offense, must be fined not less than fifty dollars nor more than five hundred dollars, imprisoned for not more than six months, or both.”

SECTION 13. Section 41‑41‑40(A) of the 1976 Code is amended to read:

 “Section 41‑41‑40. (A)(1) A person who has received a sum as benefits under Chapters 27 through 41 while conditions for the receipt of benefits imposed by these chapters were not fulfilled or while he was disqualified from receiving benefits is liable to repay the department for the unemployment compensation fund a sum equal to the amount received by him.

 (2) If full repayment of benefits, to which an individual was determined not entitled, has not been made, the sum must be deducted from future benefits payable to him under Chapters 27 through 41, and the sum must be collectible in the manner provided in Sections 41‑31‑380 to 41‑31‑400 for the collection of past due contributions.

 (3) The department may attempt collection of overpayments through the South Carolina Department of Revenue in accordance with Section 12‑56‑10, et seq. If the overpayment is collectible in accordance with Section 12‑56‑60, the department shall add to the amount of the overpayment a collection fee of not more than twenty‑five dollars for each collection attempt to defray administrative costs.

 (4) The department may attempt collection of overpayment through the federal Unemployment Compensation Treasury Offset Program (UCTOP). If the overpayment is collectible, the department shall add to the amount of the overpayment a collection fee not to exceed the administrative costs set by this program.

 (5) Notwithstanding any other provision of this section, no action to enforce recovery or recoupment of any overpayment may begin after five years from the date of the final determination for nonfraudulent overpayments nor after eight years from the date of the final determination for fraudulent overpayments.”

SECTION 14. Section 41‑27‑260 of the 1976 Code is amended by adding an appropriately numbered new item to read:

 “(18) Services performed by a direct seller, provided that:

 (a) the individual:

 (i) is engaged in the trade or business of selling or soliciting the sale of consumer products, including, but not limited to, services or other intangibles, to any buyer on a buy‑sell basis, a deposit‑commission basis, or any similar basis for resale by the buyer or any other person in the home or otherwise than in a permanent retail establishment; or

 (ii) is engaged in the trade or business of selling or soliciting the sale of consumer products, including, but not limited to, services or other intangibles, in the home or otherwise than in a permanent retail establishment;

 (b) substantially all the remuneration, whether or not paid in cash, for the performance of the services described in item (a) is directly related to sales or other output, including, but not limited to, the performance of services, rather than to the number of hours worked; and

 (c) the services performed by the individual are performed pursuant to a written contract between the individual and the person for whom the services are performed and the contract provides that the individual will not be treated as an employee for federal and state tax purposes.”

SECTION 15. Section 41‑31‑50 of the 1976 Code is amended by adding:

 “(3) For tax year 2011, no employer shall have a base tax rate higher than the base tax rate for rate class twelve if during the applicable rate computation period, as defined in Section 41‑31‑5, the employer has been credited with more in tax contributions than have been charged to that employer’s account for benefits.”

SECTION 16. Chapter 31, Title 41 of the 1976 Code is amended by adding:

 “Section 41‑31‑52. Effective with claims filed on or after January 1, 2012:

 (1) A seasonal pursuit is one which, because of seasonal conditions making it impracticable or impossible to do otherwise, customarily carries on production operations only within a regularly recurring active period or periods of less than an aggregate of thirty‑six weeks in a calendar year. No pursuit shall be considered seasonal until the department makes a determination that the pursuit is seasonal. However, any successor to a seasonal pursuit shall be deemed seasonal unless the successor requests cancellation of the seasonal pursuit status within one hundred twenty days after the acquisition. This provision shall not be applicable to pending cases nor retroactive in effect.

 (2) Upon application by a pursuit for seasonal pursuit status, the department shall determine or redetermine whether the pursuit is seasonal and, if seasonal, the pursuit’s active period. The department may, on its own motion, redetermine a seasonal pursuit’s active period. An application for a seasonal determination must be made on forms prescribed by the department and must be made at least thirty days prior to the beginning date of the period of production operations for which a determination is requested.

 (3) Whenever the department has determined or redetermined a pursuit to be seasonal, the pursuit shall be notified immediately, and the notice must contain the beginning and ending dates of the pursuit’s active period or periods. Pursuits determined or redetermined to be a seasonal pursuit shall display notices of its seasonal determination conspicuously on its premises in a sufficient number of places to be available for inspection by its workers. The notices shall be furnished by the department.

 (4) A seasonal determination must become effective unless an interested party files an application for review within ten days of the beginning date of the first period of production operations to which it applies. An application for review shall be an application for a determination of status.

 (5) All wages paid to a seasonal worker during his base period must be used in determining his weekly benefit amount; provided, however, that all weekly benefit amounts so determined shall be rounded to the nearest lower full dollar amount, if not a full dollar amount.

 (6)(a) A seasonal worker is eligible to receive benefits based on seasonal wages only for a week of unemployment which occurs, or the greater part of which occurs, within the active period of the seasonal pursuit in which he earned base period wages.

 (b) A seasonal worker is eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during any active period of the seasonal pursuit in which he has earned base period wages; provided he has exhausted benefits based on seasonal wages. The worker is also eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during the inactive period or periods of the seasonal pursuit in which he earned base period wages irrespective as to whether he has exhausted benefits based on seasonal wages.

 (c) The maximum amount of benefits which a seasonal worker is eligible to receive, based on seasonal wages, shall be an amount, adjusted to the nearest multiple of one dollar, determined by multiplying the maximum benefits payable in his benefit year, as provided in Section 41‑35‑50, by the percentage obtained by dividing the seasonal wages in his base period by all of his base period wages.

 (d) The maximum amount of benefits which a seasonal worker is eligible to receive based on nonseasonal wages shall be an amount, adjusted to the nearest multiple of one dollar, determined by multiplying the maximum benefits payable in his benefit year, as provided in Section 41‑35‑50, by the percentage obtained by dividing the nonseasonal wages in his base period by all of his base period wages.

 (e) In no case is a seasonal worker eligible to receive a total amount of benefits in a benefit year in excess of the maximum benefits payable for such benefit year, as provided in Section 41‑35‑50.

 (7)(a) All benefits paid to a seasonal worker based on seasonal wages shall be charged, as prescribed in Section 41‑31‑20, against the account of his base period employer who paid him such seasonal wages, and for the purpose of this paragraph such seasonal wages shall be deemed to constitute all of his base period wages.

 (b) All benefits paid to a seasonal worker based on nonseasonal wages shall be charged, as prescribed in Section 41‑31‑20, against the account of his base period employer who paid him such nonseasonal wages, and for the purpose of this paragraph such nonseasonal wages shall be deemed to constitute all of his base period wages.

 (8) The benefits payable to any otherwise eligible individual shall be calculated in accordance with this section for any benefit year which is established on or after the beginning date of a seasonal determination applying to a pursuit by which such individual was employed during the base period applicable to such benefit year, as if such determination had been effective in such base period.

 (9) Nothing in this section shall be construed to limit the right of any individual whose claim for benefits is determined in accordance herewith to appeal from such determination as provided in Section 41‑35‑660.

 (10) As used in this section:

 (a) ‘Pursuit’ means an employer or branch of an employer.

 (b) ‘Branch of an employer’ means a part of an employer’s activities which is carried on or is capable of being carried on as a separate enterprise.

 (c) ‘Production operations’ means all the activities of a pursuit which are primarily related to the production of its characteristic goods or services.

 (d) ‘Active period or periods’ of a seasonal pursuit means the longest regularly recurring period or periods within which production operations of the pursuit are customarily carried on.

 (e) ‘Seasonal wages’ means the wages earned in a seasonal pursuit within its active period or periods. The department may prescribe by regulation the manner in which seasonal wages shall be reported.

 (f) ‘Seasonal worker’ means a worker at least twenty‑five percent of whose base period wages are seasonal wages.

 (g) ‘Interested party’ means any individual affected by a seasonal determination.

 (h) ‘Inactive period or periods’ of a seasonal pursuit means that part of a calendar year which is not included in the active period or periods of such pursuit.

 (i) ‘Nonseasonal wages’ means the wages earned in a seasonal pursuit within the inactive period or periods of such pursuit, or wages earned at any time in a nonseasonal pursuit.

 (j) ‘Wages’ means remuneration for employment.”

SECTION 17. Section 41‑35‑50 of the 1976 Code is amended to read:

 “Section 41‑35‑50. The maximum potential benefits of any insured worker in a benefit year are the lesser of:

 (1) ~~Twenty‑six~~ twenty times his weekly benefit amount~~.~~;

 (2) ~~One‑third~~ one-third of his wages for insured work paid during his base period.

 If the resulting amount is not a multiple of one dollar, the amount must be reduced to the next lower multiple of one dollar, except that no insured worker may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which he received benefits, he performed ‘insured work’ as defined in Section 41‑27‑300 and earned wages in the employ of a single employer in an amount equal to not less than eight times the weekly benefit amount established for the individual in the preceding benefit year.”

SECTION 18. (A) As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate.

 (B) The Department of Employment and Workforce must apply all funds directly appropriated to the department pursuant to Act \_\_\_, R \_\_\_, H. 3700, in such a manner to reduce the amount of income that must be raised pursuant to Section 41-31-45(A)(3) and Section 41-31-45(B).

SECTION 19. Article 1, Chapter 31, Title 41 of the 1976 Code is amended by adding:

 “Section 41‑31‑36. No North American Industry Classification System code 5613 employer base rate may be less than the rate applicable for rate class thirteen until there have been twelve consecutive months of coverage after first becoming liable for contributions under Chapters 27 through 31.”

SECTION 20. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT spoke in favor of the amendment.

Rep. BEDINGFIELD moved to adjourn debate on the Bill.

Rep. OTT moved to table the motion which was not agreed to by a division vote of 16 to 52.

The question then recurred to the motion to adjourn debate.

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

Yeas 71; Nays 36

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Bedingfield | Bikas | Bingham |
| Bowen | Brady | R. L. Brown |
| Chumley | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Daning | Delleney | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Howard | Huggins |
| Johnson | King | Loftis |
| Lowe | Mack | McCoy |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. H. Neal |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Ryan | Sabb | Sandifer |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Taylor | Thayer |
| Toole | Viers | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Battle | Bowers |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | Butler Garrick |
| Clyburn | Dillard | Funderburk |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Hosey |
| Jefferson | Long | McEachern |
| McLeod | Munnerlyn | J. M. Neal |
| Neilson | Ott | Parks |
| Pope | Simrill | J. E. Smith |
| Stavrinakis | Tallon | Tribble |

**Total--36**

So, the motion to adjourn debate was agreed to.

**H. 3789--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3789 -- Reps. McLeod, Brantley, Chumley, J. H. Neal, Jefferson, Neilson, Alexander, Gilliard, Bales, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Hixon, Hodges, Hosey, Mack, Weeks and Whipper: A BILL TO AMEND SECTION 17-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF A LAW ENFORCEMENT OFFICER IN PURSUIT OF AN OFFENDER, SO AS TO INCREASE THE LIMIT WHERE THE TOWN OR CITY'S JURISDICTION CEASES FROM THREE MILES TO FIVE MILES OF THE CORPORATE LIMITS.

Rep. BEDINGFIELD moved to adjourn debate on the Bill.

Rep. OTT moved to table the motion, which was not agreed to.

The question then recurred to the motion to adjourn debate, which was agreed to.

**S. 568--DEBATE ADJOURNED**

The following Bill was taken up:

S. 568 -- Senators L. Martin and Ford: A BILL TO AMEND SECTION 16-3-740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV), SO AS TO FURTHER CLARIFY OFFENDERS WHO MUST BE TESTED AND THE TIME FRAME THAT TESTING MUST BE CONDUCTED AND PROVIDE FOR FOLLOW-UP TESTING FOR HIV WHEN MEDICALLY APPROPRIATE.

Rep. HAMILTON moved to adjourn debate on the Bill.

Rep. OTT moved to table the motion.

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

Yeas 42; Nays 65

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Bales | Bowers |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Johnson | King |
| Mack | McEachern | McLeod |
| Mitchell | Munnerlyn | J. H. Neal |
| J. M. Neal | Ott | Parks |
| Sabb | Sellers | J. E. Smith |
| Weeks | Whipper | Williams |

**Total--42**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Brady |
| Brannon | Chumley | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Delleney | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Loftis | Long | Lowe |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Norman | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Viers | White | Whitmire |
| Willis | Young |  |

**Total--65**

So, the House refused to table the motion.

The question then recurred to the motion to adjourn debate, which was agreed to.

**S. 30--DEBATE ADJOURNED**

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

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

**S. 336--DEBATE ADJOURNED**

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

S. 336 -- Senator Grooms: A BILL TO AMEND SECTION 56-7-30 OF THE 1976 CODE, RELATING TO GENERATING UNIFORM TRAFFIC CITATIONS WITH AN ELECTRONIC DEVICE, TO REQUIRE THAT A COPY OF THE CITATION IS HANDED DIRECTLY TO THE OFFENDER BY THE LAW ENFORCEMENT OFFICER ISSUING THE TICKET; TO AMEND CHAPTER 7, TITLE 56, RELATING TO MOTOR VEHICLE TRAFFIC TICKETS, BY ADDING SECTION 56-7-35 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MUST STOP AN OWNER OR OPERATOR OF A VEHICLE TO ISSUE A TRAFFIC TICKET, TO PROVIDE THAT THE TRAFFIC TICKET MUST BE HANDED DIRECTLY TO THE OWNER OR OPERATOR OF THE VEHICLE, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY MAY NOT MAIL OR OTHERWISE SEND A TRAFFIC TICKET TO AN OFFENDER, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED, AND TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO TOLL COLLECTION; TO AMEND SECTION 56-5-710, RELATING TO THE POWER OF LOCAL AUTHORITIES CONCERNING TRAFFIC LAWS, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED; TO AMEND SECTION 56-5-70, AS AMENDED, RELATING TO CERTAIN VEHICLE REQUIREMENTS BEING SUSPENDED DURING A STATE OF EMERGENCY, TO CLARIFY THAT UNIFORM TRAFFIC CITATIONS MAY NOT BE ISSUED IN WHOLE OR IN PART ON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER ELECTRONIC DEVICE CAPTURING THE PHOTOGRAPHIC EVIDENCE WAS ATTENDED OR UNATTENDED AT THE TIME IT CAPTURED THE PHOTOGRAPHIC EVIDENCE; AND TO DISGORGE ANY FINES COLLECTED IN VIOLATION OF SECTION 56-5-70.

**H. 3308--DEBATE ADJOURNED**

Rep. G. R. SMITH moved to adjourn debate upon the following Bill, which was adopted:

H. 3308 -- Reps. Forrester, Allison, Parker and Brady: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "JAIDON'S LAW" BY AMENDING SECTION 63-7-1680, AS AMENDED, RELATING TO THE CONTENTS, APPROVAL, AND AMENDMENT OF A PLACEMENT PLAN DEVELOPED BY THE DEPARTMENT OF SOCIAL SERVICES FOR A CHILD REMOVED FROM THE CUSTODY OF HIS OR HER PARENTS, SO AS TO FURTHER PROVIDE FOR THE VISITATION RIGHTS AND OBLIGATIONS OF THE PARENTS UNDER THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1690, RELATING TO CONTENTS OF A PLACEMENT PLAN WHEN THE CONDITIONS FOR REMOVAL OF A CHILD FROM THE CUSTODY OF HIS OR HER PARENTS INCLUDE CONTROLLED SUBSTANCE ABUSE BY THE PARENTS, SO AS TO MAKE THE CONTENTS OF THE PLAN MANDATORY, RATHER THAN IN THE DISCRETION OF THE COURT; TO AMEND SECTION 63-7-1710, RELATING TO CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF SOCIAL SERVICES SHALL FILE A PETITION TO TERMINATE PARENTAL RIGHTS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF THE PARENT IS CONVICTED OF HOMICIDE BY CHILD ABUSE, OR AIDING OR ABETTING TO COMMIT HOMICIDE BY CHILD ABUSE, OF ANOTHER CHILD OF THE PARENT; TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF A PARENT FAILED THREE HAIR-STRAND DRUG TESTS OVER A NINE-MONTH PERIOD; AND TO PROVIDE THAT THE DEPARTMENT SHALL FILE SUCH A PETITION IF A PARENT FAILED TWICE IN A TWELVE-MONTH PERIOD TO COMPLY WITH THE TERMS OF A TREATMENT PLAN OR PLACEMENT PLAN; TO AMEND SECTION 63-7-1940, RELATING TO COURT-ORDERED PLACEMENT OF A PERSON IN THE CENTRAL REGISTRY FOR CHILD ABUSE AND NEGLECT, SO AS TO PROVIDE THAT THE COURT SHALL ORDER THAT A PERSON BE PLACED IN THE REGISTRY IF THE PERSON GAVE BIRTH TO THE CHILD AND THE CHILD TESTED POSITIVE FOR DRUGS; AND TO AMEND SECTION 63-7-2570, AS AMENDED, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT TERMINATING THESE RIGHTS ON THE GROUNDS OF SEVERE AND REPETITIVE ABUSE OR NEGLECT INCLUDES HOSPITALIZATION OF A CHILD FOR MORE THAN FOURTEEN DAYS DUE TO ABUSE OR NEGLECT; TO INCLUDE IN THE GROUNDS FOR TERMINATING THESE RIGHTS A PARENT'S ADDICTION TO ALCOHOL OR ILLEGAL DRUGS OR PRESCRIPTION MEDICATION ABUSE WHEN THE PARENT'S ADDICTION IS UNLIKELY TO CHANGE WITHIN A REASONABLE TIME; AND TO PROVIDE AS A GROUND FOR TERMINATING THESE RIGHTS A PARENT BEING CONVICTED OF MURDER, VOLUNTARY MANSLAUGHTER, OR HOMICIDE BY CHILD ABUSE OF ANOTHER CHILD OF THE PARENT.

**H. 3400--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3400 -- Rep. Weeks: A BILL TO AMEND SECTION 63-3-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OF THE FAMILY COURT IN CERTAIN MATTERS, SO AS TO PROVIDE THAT A CHILD SUPPORT OBLIGATION AUTOMATICALLY TERMINATES WHEN THE CHILD TURNS EIGHTEEN OR GRADUATES FROM HIGH SCHOOL, WHICHEVER IS SOONER.

Rep. HENDERSON moved to adjourn debate on the Bill, which was agreed to by a division vote of 57 to 34.

**H. 3385--DEBATE ADJOURNED**

Rep. D. C. MOSS moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

H. 3385 -- Reps. D. C. Moss, V. S. Moss, Harrison, Delleney, Gambrell, Harrell, Hiott, Hixon, Lucas and Norman: A BILL TO AMEND SECTION 61-6-4160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL SALE OF ALCOHOLIC LIQUORS ON SUNDAYS AND ELECTION DAYS, SO AS TO INCLUDE CHRISTMAS DAY AND THANKSGIVING DAY IN THE PURVIEW OF THE STATUTE.

**S. 404--DEBATE ADJOURNED**

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

S. 404 -- Senators Campsen, McConnell, Land, Peeler, Alexander, Bryant, Campbell, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Grooms, Hayes, Hutto, Jackson, Knotts, Leventis, Matthews, L. Martin, Massey, McGill, O'Dell, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Thomas, Verdin, Williams, Lourie, Scott, Leatherman, Shoopman, Malloy, Bright and S. Martin: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT"; TO AMEND SECTION 7-15-400, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS AND ISSUANCE OF WRITE-IN ABSENTEE BALLOTS, SO AS TO ALLOW A VOTER TO MAKE A STATEMENT ON A FEDERAL WRITE-IN ABSENTEE BALLOT THAT HE IS UNABLE TO VOTE BY REGULAR ABSENTEE BALLOT OR IN PERSON DUE TO THE REQUIREMENTS OF MILITARY SERVICE, LIVING IN AN ISOLATED AREA, OR AN EXTREMELY REMOTE AREA OF THE WORLD, AND TO ADD THAT A QUALIFIED ABSENTEE ELECTOR MAY ALTERNATIVELY SUBMIT A FEDERAL WRITE-IN ABSENTEE BALLOT FOR ANY FEDERAL, STATE, OR LOCAL OFFICE OR BALLOT INITIATIVE; TO ADD SECTION 7-15-406 TO ARTICLE 5, CHAPTER 13, TITLE 7, SO AS TO REQUIRE ALL ABSENTEE BALLOTS MUST BE MAILED TO THE ELECTOR AT LEAST FORTY-FIVE DAYS PRIOR TO ANY ELECTION; TO AMEND SECTION 7-15-460, RELATING TO ABSENTEE BALLOTS AS PROVIDED BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO MAKE THE PROVISIONS APPLICABLE TO FEDERAL, STATE, AND LOCAL OFFICES, AND TO REQUIRE THAT AN ELECTRONIC FREE ACCESS BALLOT TRACKING SYSTEM IS AVAILABLE TO ELECTORS; AND TO AMEND SECTION 7-15-220, RELATING TO THE SIGNING AND WITNESSING OF THE OATH BY THE ABSENTEE BALLOT APPLICANT, SO AS TO PROVIDE AN EXCEPTION FOR WITNESS REQUIREMENTS FOR VOTERS QUALIFIED UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT.

**S. 391--DEBATE ADJOURNED**

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

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7-13-40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7-13-350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

**H. 3676--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3676 -- Reps. J. E. Smith, Clemmons, Dillard, Herbkersman, Limehouse, Mitchell and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 23 TO TITLE 31 SO AS TO ENACT THE "SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011", TO DEFINE TERMS, MAKE FINDINGS, TO PROVIDE THAT THE PURPOSE OF A COMMUNITY LAND TRUST IS TO HOLD LEGAL AND EQUITABLE TITLE TO LAND TO THEN LEASE THE LAND TO PROMOTE AFFORDABILITY, TO PROVIDE THE MANNER IN WHICH COMMUNITY LAND TRUSTS ARE FUNDED, AND TO PROVIDE THE PROCESS BY WHICH COMMUNITY LAND TRUSTS OPERATE.

Rep. SANDIFER moved to adjourn debate on the Bill, which was agreed to by a division vote of 57 to 34.

**S. 592--DEBATE ADJOURNED**

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

S. 592 -- Senators Hayes, Leventis, Cromer, Rose, Scott, Knotts, Alexander and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25-1-10, RELATING TO THE STATE MILITARY CODE'S DEFINITIONS, SO AS TO DEFINE THE TERM "ORGANIZED MILITIA"; TO AMEND SECTION 25-1-40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25-1-60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25-1-70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL'S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25-1-120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25-1-340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25-1-635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25-1-830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25-1-1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25-1-2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM "STATE JUDGE ADVOCATE" MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25-1-2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25-1-2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25-1-2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25-1-2550, RELATING TO GENERAL COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2560, RELATING TO SPECIAL COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2570, RELATING TO SUMMARY COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS-MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25-1-2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS-MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25-1-2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE'S APPOINTMENT AUTHORITY; TO AMEND SECTION 25-1-2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT-MARTIAL PROCEEDINGS; TO AMEND SECTION 25-1-2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25-1-3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25-1-3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25-1-3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS.

**S. 20--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 20 -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23-1-250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16-9-480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

Rep. COBB-HUNTER moved to adjourn debate on the Bill until Thursday, June 2.

Rep. CRAWFORD moved to table the motion.

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

Yeas 66; Nays 39

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Atwater |
| Barfield | Bedingfield | Bikas |
| Bingham | Bowen | Brady |
| Brannon | Chumley | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Loftis |
| Long | Lowe | McCoy |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Norman | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | White |
| Whitmire | Willis | Young |

**Total--66**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anthony | Bales |
| Bowers | Branham | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| Johnson | King | Mack |
| McEachern | McLeod | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Sabb | Sellers | J. E. Smith |
| Weeks | Whipper | Williams |

**Total--39**

So, the motion to adjourn debate was tabled.

Reps. BEDINGFIELD, WHITE, CORBIN, LOFTIS, D. C. MOSS, NORMAN, HIXON, J. R. SMITH, TAYLOR, G. M. SMITH, HAMILTON, NANNEY, HENDERSON, G. R. SMITH, MACK, MCCOY, CLYBURN, HOSEY, R. L. BROWN, ALLISON, PARKER, TALLON, PATRICK, CHUMLEY, CRAWFORD, VIERS, WHIPPER, HARDWICK and HEARN requested debate on the Bill.

**S. 420--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 420 -- Senators McConnell, Peeler, Campbell, Rose and Ford: A BILL TO AMEND SECTION 1-23-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL ASSEMBLY REVIEW OF REGULATIONS, INCLUDING, AMONG OTHER THINGS, GROUNDS FOR EXEMPTION FROM REVIEW, SO AS TO PROVIDE THAT A REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW BECAUSE IT WAS PROMULGATED TO COMPLY WITH FEDERAL LAW HAS THE SAME LEGAL STATUS AS THE FEDERAL LAW, SUCH THAT IF THE FEDERAL LAW IS VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT THE STATE REGULATION IS SIMILARLY VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT.

Rep. HARRISON explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 112; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Mitchell | D. C. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--112**

 Those who voted in the negative are:

**Total--0**

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

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

**H. 4005--RECALLED FROM COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

On motion of Rep. CORBIN, with unanimous consent, the following Bill was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs:

H. 4005 -- Reps. Corbin, Hardwick, Stringer, Loftis, Ryan, Bannister, Agnew, Barfield, V. S. Moss, Thayer, Murphy, Hearn, Norman, Gambrell, Sottile, Limehouse, Chumley, Bikas, Crawford, Clemmons, Crosby, Daning, Delleney, Hamilton, Hayes, Hixon, Hodges, D. C. Moss, Nanney, Owens, Patrick, Pinson, Pitts, Pope, Simrill, G. R. Smith, J. R. Smith, Tallon, Taylor, White and Young: A BILL TO AMEND SECTION 39-25-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING ADULTERATED OR MISBRANDED FOOD AND COSMETICS, SO AS TO PROVIDE A DEFINITION FOR THE TERM "HONEY" AND TO PROVIDE LABELING REQUIREMENTS FOR HONEY.

**OBJECTION TO RECALL**

Rep. COBB-HUNTER asked unanimous consent to recall H. 3738 from the Committee on Ways and Means.

Rep. TALLON objected.

**S. 445--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 445 -- Senators Hutto, Fair, Jackson and Ford: A BILL TO AMEND SECTION 44-29-135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS, SO AS TO DELETE THE PROVISION REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND SCHOOL NURSE IF A MINOR IS ATTENDING A SCHOOL IN THE DISTRICT AND HAS ACQUIRED IMMUNODEFICIENCY SYNDROME OR IS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; AND BY ADDING SECTION 59-10-220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

Rep. HART explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 97; Nays 10

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Daning | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hearn | Henderson | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Limehouse |
| Loftis | Long | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | J. M. Neal | Norman |
| Ott | Parker | Parks |
| Patrick | Pinson | Pope |
| Quinn | Sabb | Sandifer |
| Sellers | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Thayer |
| Toole | Tribble | Weeks |
| Whipper | Whitmire | Williams |
| Willis |  |  |

**Total--97**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bikas | Corbin | Delleney |
| Owens | Pitts | Simrill |
| Taylor | Viers | White |
| Young |  |  |

**Total--10**

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**SENT TO THE SENATE**

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

H. 3658 -- Reps. Clemmons, Harrell, Loftis, Herbkersman, Merrill, Corbin, Norman, D. C. Moss, Quinn, Bowen, Forrester, McCoy, Lucas, Bedingfield, Hamilton, Bingham, Hardwick, Owens, Bikas, Parker, Cooper, Erickson, Frye, V. S. Moss, Long, G. R. Smith, Atwater, Huggins, Murphy, Hearn, Whitmire, Brannon, Chumley, Tallon, Taylor, Limehouse, Patrick, Crosby, Thayer, Sottile, Crawford, Allison, Ballentine, Barfield, Cole, Daning, Delleney, Edge, Gambrell, Harrison, Henderson, Hixon, Lowe, Nanney, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, J. R. Smith, Toole, Willis, Horne, White and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA EMPLOYER FREE SPEECH ACT" BY ADDING SECTION 41-7-110 SO AS TO PROVIDE THAT AN EMPLOYER IN THIS STATE IS NOT REQUIRED TO POST, PHYSICALLY, ELECTRONICALLY, OR OTHERWISE, NOTICES INFORMING EMPLOYEES OF THEIR RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT, COURT DECISIONS IMPLEMENTING THOSE RIGHTS, OR INFORMATION PERTAINING TO THE ENFORCEMENT OF THOSE RIGHTS, AND TO PROVIDE DEFINITIONS.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 211 -- Senators Matthews, Land, Leatherman, Leventis, Hutto, Williams, Ford and McGill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE "I-95 CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

 **H. 3688--MOTION TO RECONSIDER TABLED**

The motion of Rep. HUGGINS to reconsider the vote whereby H. 3688 was given second reading, was taken up.

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

**H. 3688--REJECTED**

The following Bill was taken up:

H. 3688 -- Reps. J. E. Smith, Whipper, Limehouse, McLeod, Mitchell, Knight and Jefferson: A BILL TO AMEND CHAPTER 65, TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO MAKE THE PROVISIONS OF THIS CHAPTER ALSO APPLICABLE TO ABANDONED GOVERNMENTAL PROPERTIES.

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

Yeas 57; Nays 59

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bannister | Battle | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Cooper | Daning | Dillard |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Herbkersman | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Limehouse | Mack |
| McEachern | McLeod | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Sabb |
| Sellers | Skelton | J. E. Smith |
| Stavrinakis | Tribble | Weeks |
| Whipper | White | Williams |

**Total--57**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Barfield |
| Bedingfield | Bikas | Bingham |
| Bowen | Brannon | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Delleney |
| Edge | Erickson | Forrester |
| Frye | Hamilton | Hearn |
| Henderson | Hiott | Hixon |
| Horne | Huggins | Loftis |
| Long | Lowe | Lucas |
| McCoy | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Quinn |
| Ryan | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Viers | Whitmire |
| Willis | Young |  |

**Total--59**

So, the Bill was rejected.

**MOTION PERIOD**

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

**H. 3788--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Bill until Tuesday, May 31, which was adopted:

H. 3788 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 12 SO AS TO ENACT THE "HERITAGE GOLF PRESERVATION ACT".

**H. 4088--DEBATE ADJOURNED**

Rep. G. R. SMITH moved to adjourn debate upon the following Bill, which was adopted:

H. 4088 -- Reps. Ott, Brantley, Hardwick, Cobb-Hunter, Crawford, Spires, Frye, Gilliard, Battle, Bales, J. H. Neal, Jefferson, Atwater, Brannon, Patrick, Anthony, Bowers, Branham, Clyburn, Hayes, Huggins, Long, Lowe, J. M. Neal and Toole: A BILL TO AMEND SECTION 14-1-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADDITIONAL ASSESSMENT FOR OFFENSES TRIED IN MAGISTRATES COURT, SO AS TO ADD VIOLATIONS OF TITLE 50 TO THE OFFENSES EXEMPT FROM THE ADDITIONAL ASSESSMENT.

**S. 20--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 20 -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23-1-250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16-9-480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7389AHB11), which was adopted:

Amend the bill, as and if amended, by deleting Section 41‑8‑20(B)(2), as contained in SECTION 7, pages 10 and 11, and inserting:

/ (2) employ only workers who, at the time of employment:

 (a) possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;

 (b) are eligible to obtain a South Carolina driver’s license or identification card in that they meet the requirements set forth in Sections 56‑1‑40 through 56‑1‑90; ~~or~~

 (c) possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina, as determined by the director. The Executive Director of the Department of Motor Vehicles, or his designee, shall determine which states have driver’s license requirements that are at least as strict as those in South Carolina, and shall develop and periodically update a list of the states. The Department of Motor Vehicles shall provide the director with a copy of the list and all updates to the list. The director shall publish the list on the Department of Labor, Licensing and Regulation’s website;

 (d) possess a valid United States passport;

 (e) valid United States military identification card;

 (f) possess ‘Documents evidencing employment authorization and identify’ as described in 8 U.S.C. Section 1324a(b)(1)(B); or

 (g) possess ‘Documents evidencing employment authorization’ as described in 8 U.S.C. Section 1324a(b)(1)(C) and ‘Documents evidencing identity’ as described in 8 U.S.C. Section 1324a(b)(1)(D). /

Amend the bill further, by deleting Section 41-8-50(D), as contained in SECTION 8, and inserting:

/ (D) Upon a finding of an occurrence involving a violation after an investigation pursuant to subsection (A), or after a random audit pursuant to Section 41‑8‑120(B), where the director considered all information or evidence gathered by the director and any information or evidence submitted by the private employer demonstrating compliance with the provisions of this chapter:

 (1) for an occurrence involving a violation of Section 41‑8‑20, the private employer must be assessed a reasonable civil penalty of ~~not less than one hundred dollars and~~ not more than one thousand dollars for each violation. ~~However, for a first occurrence involving a violation of Section 41‑8‑20, if, upon notification by the director of a violation of Section 41‑8‑20, the private employer complies with the provisions of Section 41‑8‑20(B) within seventy‑two hours, he must not be assessed a penalty.~~ ~~Any subsequent occurrence involving a violation of Section 41‑8‑20 by the private employer shall result in the assessment of a civil penalty by the director, except, if a private employer has not committed a violation of Section 41‑8‑20 within the previous five years, a subsequent occurrence must be treated as a first occurrence. If a private employer has ever committed a violation of Section 41‑8‑30, he must be assessed a civil penalty for any violation or subsequent occurrence involving a violation of Section 41‑8‑20.~~ The director must verify the work authorization status of the employees with the federal government pursuant to 8 U.S.C. Section 1373(c) and notify the private employer of the results. The private employer must immediately terminate an employee whose work authorization was not verified upon being notified by the director. The director shall notify federal, state, and local law enforcement officials of any suspected unlawful aliens employed by the private employer, pursuant to subsections (A) and (B) of this section.

 (2) for a first occurrence involving a violation of Section 41‑8‑30, the private employer must be assessed a reasonable civil penalty of not more than fifteen thousand dollars for each violation. If a private employer fails to pay the penalty within ten days, a private employer’s license is suspended, and must remain suspended for at least ten days but not more than thirty days. During the period of suspension, a private employer may not engage in business, open to the public, employ an employee, or otherwise operate. After the period of suspension or revocation, a private employer’s license must be reinstated, permitting the private employer to engage in business and to employ an employee, if the private employer:

 (i) demonstrates that he has terminated the unauthorized alien; and

 (ii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars;

 (3) for a second occurrence involving a violation of Section 41‑8‑30, the private employer must be assessed a reasonable civil penalty of not more than thirty thousand dollars for each violation. If a private employer fails to pay the penalty within ten days, a private employer’s license is suspended, and must remain suspended for at least thirty days but not more than sixty days. During the period of suspension, a private employer may not engage in business, open to the public, employ an employee, or otherwise operate. After the period of suspension, a private employer’s license must be reinstated, permitting the private employer to engage in business ~~and to~~, open to the public, employ an employee, and otherwise operate, if the private employer:

 (i) demonstrates that he has terminated the unauthorized alien; and

 (ii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars;

 (4) for a third and subsequent occurrences involving a violation of Section 41‑8‑30, the private employer must be assessed a reasonable civil penalty of not more than fifty thousand dollars for each violation. If a private employer fails to pay the penalty within ten days, a private employer’s license is revoked, and the private employer may not engage in business, open to the public, employ an employee, or otherwise operate. For a third occurrence only, after ninety days, a private employer may petition the director for a provisional license. A provisional license permits a private employer to engage in business, open to the public, employ an employee, and otherwise operate. The director may grant the private employer a provisional license if the private employer:

 (i) agrees to be on probation for a period of three years, during which time the private employer must submit quarterly reports to the director demonstrating compliance with the provisions of Sections 41‑8‑20 and 41‑8‑30;

 (ii) demonstrates that he has terminated the unauthorized alien; and

 (iii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars.

For all other occurrences where a private employer’s license is revoked, the private employer may not seek reinstatement of his license for a period of five years. After five years, the director may grant reinstatement of a private employer’s license if the private employer:

 (i) agrees to be on probation for a period of three years, during which time the private employer must submit quarterly reports to the director demonstrating compliance with the provisions of Sections 41‑8‑20 and 41‑8‑30;

 (ii) demonstrates that he has terminated the unauthorized alien; and

 (iii) pays a reinstatement fee equal to the cost of investigating and adjudicating the matter, provided that the reinstatement fee must not exceed one thousand dollars.

 (5) If a private employer engages in business or employs a new employee during the period that his license is suspended, the private employer’s license shall be revoked, and shall not be reinstated for a period of five years, and only upon a determination by the director that the private employer has complied with the provisions of item (4) of this section. /

Amend the bill further, Section 41-8-50, as contained in Section 8, page 16, by adding after line 4 the following:

/ (I) If a private employer continues to engage in business after his license has been revoked pursuant to this chapter, the director must seek an injunction from the Administrative Law Court to enjoin the private employer from continuing to operate his business for which his license was revoked or from employing new employees.” /

Amend the bill further, by deleting SECTION 9 in its entirety, page 16, lines 6-32.

Amend the bill further, by deleting Section 23-6-60(B), as contained in SECTION 12, page 17, lines 14-20, and inserting:

/ (B) The Illegal Immigration Enforcement Unit is under the administrative direction of the department’s director. The department’s director shall maintain and provide administrative support for the Illegal Immigration Enforcement Unit. The department’s director may appoint appropriate personnel within the department to administer and oversee the operations of the Illegal Immigration Enforcement Unit. /

Amend the bill further, by deleting Section 23-6-60(E), as contained in SECTION 12, page 18, lines 26-31, and inserting:

/ (E) The department’s director shall negotiate the terms of a memorandum of agreement with the United States Immigration and Customs Enforcement pursuant to Section 287(g) of the federal Immigration and Nationality Act as soon as possible after the effective date of this act. /

Amend the bill further, by deleting SECTION 15 in its entirety and inserting:

/ SECTION 15. SECTION 12 of this act takes effect upon funding by the General Assembly and upon the grant of Section 287(g) of the Federal Immigration and Nationality Act authority to the Department of Public Safety. The remaining provisions of this act take effect on September 1, 2011, or sixty days after approval by the Governor, whichever is later. /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. MCLEOD spoke against the amendment.

Rep. MCLEOD spoke against the amendment.

**SPEAKER IN CHAIR**

Rep. COBB-HUNTER spoke against the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. G. M. SMITH a leave of absence for the remainder of the day.

Rep. COBB-HUNTER continued speaking.

Rep. COBB-HUNTER spoke against the amendment.

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

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

Rep. J. E. SMITH spoke against the amendment.

Rep. JEFFERSON spoke against the amendment.

Rep. MACK spoke against the amendment.

Rep. MACK spoke against the amendment.

Rep. RUTHERFORD spoke against the amendment.

Rep. GILLIARD spoke against the amendment.

Rep. GILLIARD spoke against the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 71; Nays 43

 Those who voted in the affirmative are:

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

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Dillard | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| Johnson | King | Mack |
| McEachern | McLeod | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Rutherford | Sabb | Sellers |
| J. E. Smith | Weeks | Whipper |
| Williams |  |  |

**Total--43**

So, the amendment was adopted.

Rep. STAVRINAKIS proposed the following Amendment No. 3 (COUNCIL\MS\7392AHB11), which was tabled:

Amend the bill, as and if amended, by deleting Section 17‑13‑170(A), as contained in SECTION 5, page 5, lines 12‑20, and inserting:

/ “Section 17‑13‑170(A) If a law enforcement officer of this State or a political subdivision of this State lawfully arrests or has probable cause to arrest a person for a criminal offense, and during that arrest the officer has reasonable suspicion to believe that the person is unlawfully present in the United States, the officer shall make a reasonable effort, when practicable, to determine whether the person is lawfully present in the United States, unless the determination would hinder or obstruct an investigation. /

Amend the bill further, Section 17‑13‑170(C)(2), as contained in Section 5, page 6, line 28, by deleting /stop, detain, or/

Renumber sections to conform.

Amend title to conform.

Rep. STAVRINAKIS explained the amendment.

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

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

Yeas 61; Nays 53

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Bedingfield | Bikas | Bingham |
| Bowen | Brady | Chumley |
| Clemmons | Cole | Cooper |
| Corbin | Daning | Delleney |
| Edge | Erickson | Forrester |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Quinn | Ryan | Sandifer |
| G. R. Smith | J. R. Smith | Sottile |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Viers |
| White | Whitmire | Willis |
| Young |  |  |

**Total--61**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bowers | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Crosby | Dillard | Frye |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McCoy |
| McEachern | McLeod | Merrill |
| Mitchell | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Pope | Rutherford |
| Sabb | Sellers | Simrill |
| Skelton | J. E. Smith | Spires |
| Stavrinakis | Tribble | Weeks |
| Whipper | Williams |  |

**Total--53**

So, the amendment was tabled.

Rep. SELLERS proposed the following Amendment No. 4 (COUNCIL\MS\7419AHB11), which was tabled:

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

/ SECTION \_\_. The State Budget and Control Board is directed to erect a fence no shorter than fifteen feet in height around the perimeter of the State of South Carolina with openings along all major interstates and thoroughfares./

Renumber sections to conform.

Amend title to conform.

Rep. SELLERS explained the amendment.

Rep. BEDINGFIELD moved to table the amendment, which was agreed to by a division vote of 59 to 13.

**LEAVE OF ABSENCE**

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

Rep. STAVRINAKIS proposed the following Amendment No. 5 (COUNCIL\MS\7424AHB11), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION after SECTION 5, page 8, after line 35, to read:

/ SECTION \_\_. Chapter 13, Title 17 of the 1976 Code is amended by adding:

 “Section 17-13-35. Notwithstanding another provision of law, when the State seeks to prove an exception to the requirement of a warrant for search or seizure, the standard of proof regarding whether an exception to the warrant requirement exists must be by clear and convincing evidence.” /

Renumber sections to conform.

Amend title to conform.

Rep. STAVRINAKIS explained the amendment.

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

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

Yeas 63; Nays 45

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Bedingfield | Bikas | Bingham |
| Bowen | Brady | Chumley |
| Clemmons | Cole | Corbin |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Norman | Owens |
| Parker | Pinson | Pitts |
| Pope | Quinn | Ryan |
| Sandifer | Simrill | G. R. Smith |
| J. R. Smith | Sottile | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Viers | White |
| Whitmire | Willis | Young |

**Total--63**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bowers |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Dillard |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| McLeod | Merrill | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Ott | Parks | Rutherford |
| Sabb | Sellers | Skelton |
| J. E. Smith | Stavrinakis | Tribble |
| Weeks | Whipper | Williams |

**Total--45**

So, the amendment was tabled.

Rep. RUTHERFORD proposed the following Amendment No. 6 (COUNCIL\NBD\11727DG11), which was tabled:

Amend the bill, as and if amended, SECTION 8, page 20, by striking lines 9-25, and inserting:

/ “Section 41-8-50. (A) Upon receipt of a written and signed complaint against a private employer, or upon an investigation initiated by the director for ~~good~~ probable cause , if the director finds ~~reasonable grounds exist~~ probable cause exists that a private employer ~~allegedly~~ violated the provisions of Section 41‑8‑20 or Section 41‑8‑30, the director must institute an investigation of the alleged violation. The director shall verify the work authorization status of the alleged unauthorized alien with the federal government pursuant to 8 U.S.C. Section 1373(c). A state, county, or local official must not attempt to independently determine if an alien is authorized to work in the United States.

 (B) If, after completing the investigation, and after reviewing any information or evidence submitted by the private employer demonstrating compliance with the provisions of this chapter, the director determines that ~~substantial evidence~~ probable cause exists to support a finding that the private employer has committed a violation of Section 41‑8‑20 or Section 41‑8‑30, the director shall: /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

Rep. CORBIN moved to table the amendment.

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

Yeas 64; Nays 45

 Those who voted in the affirmative are:

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

**Total--64**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bowers | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Dillard | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| Johnson | King | Mack |
| McEachern | McLeod | Mitchell |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Pitts | Rutherford | Sabb |
| J. E. Smith | Stavrinakis | Tribble |
| Weeks | Whipper | Williams |

**Total--45**

So, the amendment was tabled.

Rep. STAVRINAKIS proposed the following Amendment No. 2 (COUNCIL\MS\7393AHB11), which was tabled:

Amend the bill, as and if amended, Section 17‑13‑170(A), as contained in SECTION 5, page 5, line 16, by deleting / reasonable / and inserting: /articulable /

Renumber sections to conform.

Amend title to conform.

Rep. STAVRINAKIS explained the amendment.

Rep. DELLENEY moved to table the amendment.

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

Yeas 61; Nays 49

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bedingfield |
| Bikas | Bingham | Bowen |
| Brady | Chumley | Clemmons |
| Cole | Corbin | Delleney |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Owens | Parker | Patrick |
| Pinson | Pitts | Quinn |
| Ryan | Sandifer | Simrill |
| G. R. Smith | J. R. Smith | Sottile |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Viers |
| White | Whitmire | Willis |
| Young |  |  |

**Total--61**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bannister | Bowers | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Crosby | Daning |
| Dillard | Gilliard | Govan |
| Hamilton | Hart | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | Johnson | King |
| Mack | McEachern | McLeod |
| Mitchell | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Pope | Rutherford |
| Sabb | Skelton | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--49**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

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

Yeas 69; Nays 43

 Those who voted in the affirmative are:

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

**Total--69**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bowers |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Dillard |
| Gilliard | Govan | Hart |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| McLeod | Mitchell | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Stavrinakis | Weeks | Whipper |
| Williams |  |  |

**Total--43**

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

RECORD FOR VOTING

 I was temporarily out of the Chamber making a presentation for the Order of the Silver Crescent, which had been previously scheduled for five months. I had to miss the vote on S. 20, the Illegal Immigration Bill. I support this Bill and if I had been present, I would have voted for its passage.

 Rep. G. Murrell Smith, Jr.

RECORD FOR VOTING

 I was in an all day meeting for Wells Fargo during the vote on the passage of S. 20. If I had been present, I would have voted in favor of the Bill.

 Rep. Nathan Ballentine

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on S. 20. If I had been present, I would have voted in favor of the Bill.

 Rep. Liston Barfield

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4259 -- Reps. Huggins, Ballentine, McLeod, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO ACKNOWLEDGE AND COMMEND THE CHAPIN HIGH SCHOOL BOYS TENNIS TEAM AND TO CONGRATULATE THE ATHLETES, COACHES, AND SCHOOL OFFICIALS ON WINNING THE 2011 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4260 -- Reps. Huggins, Ballentine, McLeod, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE CHAPIN HIGH SCHOOL BOYS TENNIS TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON WINNING THE 2011 CLASS AAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Chapin High School boys tennis team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on winning the 2011 Class AAA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4261 -- Reps. Bannister, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE CHRIST CHURCH EPISCOPAL SCHOOL BOYS TENNIS TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM FOR WINNING THE 2011 CLASS AA/A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Christ Church Episcopal School boys tennis team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them for winning the 2011 Class AA/A State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4262 -- Reps. Bannister, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE CHRIST CHURCH EPISCOPAL SCHOOL BOYS TENNIS TEAM, THE COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR CAPTURING THE 2011 CLASS AA/A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4263 -- Reps. Allen, Agnew, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO HONOR THE REVEREND TONY L. HUMBERT, JR., PASTOR OF NEW FORKSVILLE BAPTIST CHURCH IN HONEA PATH, FOR HIS MORE THAN TEN YEARS OF GOSPEL MINISTRY AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

The Resolution was adopted.

**SPEAKER IN CHAIR**

**H. 4198--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4198 -- Reps. Bingham, Cooper, White, Cobb-Hunter, Ott, Whipper, Erickson and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-31-35 SO AS TO PROVIDE THAT FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS, IF AN EMPLOYER HAS A POSITIVE FUND BALANCE FOR A PERIOD OF AT LEAST ONE YEAR IN ITS ACCOUNT, IT MAY NOT BE CLASSIFIED IN RATE CLASS 13 OR HIGHER AND TO PROVIDE THAT ALL NEW EMPLOYERS FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS MUST BE CLASSIFIED IN RATE CLASS 12; BY ADDING SECTION 41-31-36 SO AS TO PROVIDE THAT NO NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE 5613 EMPLOYER BASE RATE MAY BE LESS THAN THE RATE APPLICABLE FOR RATE CLASS THIRTEEN UNTIL THERE HAVE BEEN TWELVE CONSECUTIVE MONTHS OF COVERAGE AFTER FIRST BECOMING LIABLE FOR CONTRIBUTIONS; BY ADDING SECTION 41-31-41 SO AS TO PROVIDE THAT FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, THE STATE SHALL REDUCE STATE UNEMPLOYMENT TAX BASE RATES FOR EMPLOYERS IN TIERS 13 THROUGH 20 BY A SPECIFIED PERCENT, TO PROVIDE THE METHOD TO BE USED TO FUND SUCH REDUCTIONS, AND TO ALSO PROVIDE FOR THE PREMIUMS TO BE PAID BY EMPLOYERS IN TIERS 1 THROUGH 12 FOR CALENDAR YEARS 2011 AND 2012; TO AMEND SECTION 41-31-45, RELATING TO ESTIMATES OF THE INCOME NECESSARY TO PAY UNEMPLOYMENT COMPENSATION BENEFITS DURING A CALENDAR YEAR WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS IN DEBT STATUS, SO AS TO PROVIDE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED FOR CALENDAR YEARS 2011 AND 2012, AND TO REVISE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED BEGINNING IN JANUARY 2013 AND THEREAFTER WHILE THE TRUST FUND IS IN DEBT STATUS; TO AMEND SECTION 41-31-50, RELATING TO THE MANNER IN WHICH EMPLOYER RATE COMPUTATIONS ARE DETERMINED, SO AS TO PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, NOT INCLUDING THE ACHIEVEMENT OF SOLVENCY TARGETS, TO FURTHER PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS AND ACHIEVE SOLVENCY TARGETS BEGINNING IN JANUARY 2013, AND TO PROVIDE FOR THE MANNER IN WHICH THE RATE FOR CLASS TWENTY MUST BE SET; BY ADDING SECTION 41-31-52 SO AS TO PROVIDE FOR THE MANNER IN WHICH BENEFITS FOR SEASONAL WORKERS SHALL BE DETERMINED, CALCULATED, AND PAID; TO AMEND SECTION 41-31-55, RELATING TO ADDITIONAL SURCHARGES WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS INSOLVENT, SO AS TO PROVIDE FOR WHAT PROVISIONS OF LAW THE STATE SHALL FOLLOW TO SET RATES FOR CLASS TWENTY BEGINNING IN JANUARY 2013 AND TO PROVIDE FOR CERTAIN CREDITS FOR EMPLOYERS IN TIERS 1 THROUGH 12; AND BY ADDING SECTION 41-31-65 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ALLOCATE ALL CREDITS DUE TO ANY EMPLOYER THAT HAS PAID IN EXCESS OF THEIR BALANCE DUE BY JULY 31, 2011.

Reps. COBB-HUNTER, J. H. NEAL, HOWARD, SELLERS, WILLIAMS, KING, SABB, JOHNSON, COOPER, OTT, J. R. SMITH, HARDWICK, HIXON, BIKAS, HIOTT, SKELTON, WHIPPER, R. L. BROWN, ANDERSON, HOSEY, CLYBURN, G. A. BROWN, AGNEW, MACK, SANDIFER, MCCOY, OWENS, CORBIN and GOVAN requested debate on the Bill.

**H. 3789--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

H. 3789 -- Reps. McLeod, Brantley, Chumley, J. H. Neal, Jefferson, Neilson, Alexander, Gilliard, Bales, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Hixon, Hodges, Hosey, Mack, Weeks and Whipper: A BILL TO AMEND SECTION 17-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF A LAW ENFORCEMENT OFFICER IN PURSUIT OF AN OFFENDER, SO AS TO INCREASE THE LIMIT WHERE THE TOWN OR CITY'S JURISDICTION CEASES FROM THREE MILES TO FIVE MILES OF THE CORPORATE LIMITS.

**S. 568--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

S. 568 -- Senators L. Martin and Ford: A BILL TO AMEND SECTION 16-3-740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV), SO AS TO FURTHER CLARIFY OFFENDERS WHO MUST BE TESTED AND THE TIME FRAME THAT TESTING MUST BE CONDUCTED AND PROVIDE FOR FOLLOW-UP TESTING FOR HIV WHEN MEDICALLY APPROPRIATE.

**S. 30--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

**S. 336--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

S. 336 -- Senator Grooms: A BILL TO AMEND SECTION 56-7-30 OF THE 1976 CODE, RELATING TO GENERATING UNIFORM TRAFFIC CITATIONS WITH AN ELECTRONIC DEVICE, TO REQUIRE THAT A COPY OF THE CITATION IS HANDED DIRECTLY TO THE OFFENDER BY THE LAW ENFORCEMENT OFFICER ISSUING THE TICKET; TO AMEND CHAPTER 7, TITLE 56, RELATING TO MOTOR VEHICLE TRAFFIC TICKETS, BY ADDING SECTION 56-7-35 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MUST STOP AN OWNER OR OPERATOR OF A VEHICLE TO ISSUE A TRAFFIC TICKET, TO PROVIDE THAT THE TRAFFIC TICKET MUST BE HANDED DIRECTLY TO THE OWNER OR OPERATOR OF THE VEHICLE, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY MAY NOT MAIL OR OTHERWISE SEND A TRAFFIC TICKET TO AN OFFENDER, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED, AND TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO TOLL COLLECTION; TO AMEND SECTION 56-5-710, RELATING TO THE POWER OF LOCAL AUTHORITIES CONCERNING TRAFFIC LAWS, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED; TO AMEND SECTION 56-5-70, AS AMENDED, RELATING TO CERTAIN VEHICLE REQUIREMENTS BEING SUSPENDED DURING A STATE OF EMERGENCY, TO CLARIFY THAT UNIFORM TRAFFIC CITATIONS MAY NOT BE ISSUED IN WHOLE OR IN PART ON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER ELECTRONIC DEVICE CAPTURING THE PHOTOGRAPHIC EVIDENCE WAS ATTENDED OR UNATTENDED AT THE TIME IT CAPTURED THE PHOTOGRAPHIC EVIDENCE; AND TO DISGORGE ANY FINES COLLECTED IN VIOLATION OF SECTION 56-5-70.

**H. 3308--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

H. 3308 -- Reps. Forrester, Allison, Parker and Brady: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "JAIDON'S LAW" BY AMENDING SECTION 63-7-1680, AS AMENDED, RELATING TO THE CONTENTS, APPROVAL, AND AMENDMENT OF A PLACEMENT PLAN DEVELOPED BY THE DEPARTMENT OF SOCIAL SERVICES FOR A CHILD REMOVED FROM THE CUSTODY OF HIS OR HER PARENTS, SO AS TO FURTHER PROVIDE FOR THE VISITATION RIGHTS AND OBLIGATIONS OF THE PARENTS UNDER THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1690, RELATING TO CONTENTS OF A PLACEMENT PLAN WHEN THE CONDITIONS FOR REMOVAL OF A CHILD FROM THE CUSTODY OF HIS OR HER PARENTS INCLUDE CONTROLLED SUBSTANCE ABUSE BY THE PARENTS, SO AS TO MAKE THE CONTENTS OF THE PLAN MANDATORY, RATHER THAN IN THE DISCRETION OF THE COURT; TO AMEND SECTION 63-7-1710, RELATING TO CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF SOCIAL SERVICES SHALL FILE A PETITION TO TERMINATE PARENTAL RIGHTS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF THE PARENT IS CONVICTED OF HOMICIDE BY CHILD ABUSE, OR AIDING OR ABETTING TO COMMIT HOMICIDE BY CHILD ABUSE, OF ANOTHER CHILD OF THE PARENT; TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF A PARENT FAILED THREE HAIR-STRAND DRUG TESTS OVER A NINE-MONTH PERIOD; AND TO PROVIDE THAT THE DEPARTMENT SHALL FILE SUCH A PETITION IF A PARENT FAILED TWICE IN A TWELVE-MONTH PERIOD TO COMPLY WITH THE TERMS OF A TREATMENT PLAN OR PLACEMENT PLAN; TO AMEND SECTION 63-7-1940, RELATING TO COURT-ORDERED PLACEMENT OF A PERSON IN THE CENTRAL REGISTRY FOR CHILD ABUSE AND NEGLECT, SO AS TO PROVIDE THAT THE COURT SHALL ORDER THAT A PERSON BE PLACED IN THE REGISTRY IF THE PERSON GAVE BIRTH TO THE CHILD AND THE CHILD TESTED POSITIVE FOR DRUGS; AND TO AMEND SECTION 63-7-2570, AS AMENDED, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT TERMINATING THESE RIGHTS ON THE GROUNDS OF SEVERE AND REPETITIVE ABUSE OR NEGLECT INCLUDES HOSPITALIZATION OF A CHILD FOR MORE THAN FOURTEEN DAYS DUE TO ABUSE OR NEGLECT; TO INCLUDE IN THE GROUNDS FOR TERMINATING THESE RIGHTS A PARENT'S ADDICTION TO ALCOHOL OR ILLEGAL DRUGS OR PRESCRIPTION MEDICATION ABUSE WHEN THE PARENT'S ADDICTION IS UNLIKELY TO CHANGE WITHIN A REASONABLE TIME; AND TO PROVIDE AS A GROUND FOR TERMINATING THESE RIGHTS A PARENT BEING CONVICTED OF MURDER, VOLUNTARY MANSLAUGHTER, OR HOMICIDE BY CHILD ABUSE OF ANOTHER CHILD OF THE PARENT.

**H. 3400--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

H. 3400 -- Rep. Weeks: A BILL TO AMEND SECTION 63-3-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OF THE FAMILY COURT IN CERTAIN MATTERS, SO AS TO PROVIDE THAT A CHILD SUPPORT OBLIGATION AUTOMATICALLY TERMINATES WHEN THE CHILD TURNS EIGHTEEN OR GRADUATES FROM HIGH SCHOOL, WHICHEVER IS SOONER.

**S. 404--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

S. 404 -- Senators Campsen, McConnell, Land, Peeler, Alexander, Bryant, Campbell, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Grooms, Hayes, Hutto, Jackson, Knotts, Leventis, Matthews, L. Martin, Massey, McGill, O'Dell, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Thomas, Verdin, Williams, Lourie, Scott, Leatherman, Shoopman, Malloy, Bright and S. Martin: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT"; TO AMEND SECTION 7-15-400, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS AND ISSUANCE OF WRITE-IN ABSENTEE BALLOTS, SO AS TO ALLOW A VOTER TO MAKE A STATEMENT ON A FEDERAL WRITE-IN ABSENTEE BALLOT THAT HE IS UNABLE TO VOTE BY REGULAR ABSENTEE BALLOT OR IN PERSON DUE TO THE REQUIREMENTS OF MILITARY SERVICE, LIVING IN AN ISOLATED AREA, OR AN EXTREMELY REMOTE AREA OF THE WORLD, AND TO ADD THAT A QUALIFIED ABSENTEE ELECTOR MAY ALTERNATIVELY SUBMIT A FEDERAL WRITE-IN ABSENTEE BALLOT FOR ANY FEDERAL, STATE, OR LOCAL OFFICE OR BALLOT INITIATIVE; TO ADD SECTION 7-15-406 TO ARTICLE 5, CHAPTER 13, TITLE 7, SO AS TO REQUIRE ALL ABSENTEE BALLOTS MUST BE MAILED TO THE ELECTOR AT LEAST FORTY-FIVE DAYS PRIOR TO ANY ELECTION; TO AMEND SECTION 7-15-460, RELATING TO ABSENTEE BALLOTS AS PROVIDED BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO MAKE THE PROVISIONS APPLICABLE TO FEDERAL, STATE, AND LOCAL OFFICES, AND TO REQUIRE THAT AN ELECTRONIC FREE ACCESS BALLOT TRACKING SYSTEM IS AVAILABLE TO ELECTORS; AND TO AMEND SECTION 7-15-220, RELATING TO THE SIGNING AND WITNESSING OF THE OATH BY THE ABSENTEE BALLOT APPLICANT, SO AS TO PROVIDE AN EXCEPTION FOR WITNESS REQUIREMENTS FOR VOTERS QUALIFIED UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT.

**S. 391--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7-13-40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7-13-350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

**H. 3676--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

H. 3676 -- Reps. J. E. Smith, Clemmons, Dillard, Herbkersman, Limehouse, Mitchell and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 23 TO TITLE 31 SO AS TO ENACT THE "SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011", TO DEFINE TERMS, MAKE FINDINGS, TO PROVIDE THAT THE PURPOSE OF A COMMUNITY LAND TRUST IS TO HOLD LEGAL AND EQUITABLE TITLE TO LAND TO THEN LEASE THE LAND TO PROMOTE AFFORDABILITY, TO PROVIDE THE MANNER IN WHICH COMMUNITY LAND TRUSTS ARE FUNDED, AND TO PROVIDE THE PROCESS BY WHICH COMMUNITY LAND TRUSTS OPERATE.

**S. 592--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

S. 592 -- Senators Hayes, Leventis, Cromer, Rose, Scott, Knotts, Alexander and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25-1-10, RELATING TO THE STATE MILITARY CODE'S DEFINITIONS, SO AS TO DEFINE THE TERM "ORGANIZED MILITIA"; TO AMEND SECTION 25-1-40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25-1-60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25-1-70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL'S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25-1-120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25-1-340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25-1-635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25-1-830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25-1-1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25-1-2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM "STATE JUDGE ADVOCATE" MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25-1-2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25-1-2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25-1-2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25-1-2550, RELATING TO GENERAL COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2560, RELATING TO SPECIAL COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2570, RELATING TO SUMMARY COURTS-MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT'S PUNISHMENT AUTHORITY; TO AMEND SECTION 25-1-2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS-MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25-1-2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS-MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25-1-2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE'S APPOINTMENT AUTHORITY; TO AMEND SECTION 25-1-2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT-MARTIAL PROCEEDINGS; TO AMEND SECTION 25-1-2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25-1-3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25-1-3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25-1-3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS.

**H. 4236--DEBATE ADJOURNED**

Rep. COBB-HUNTER moved to adjourn debate upon the following Joint Resolution until Wednesday, May 25, which was adopted:

H. 4236 -- Reps. Mitchell and Loftis: A JOINT RESOLUTION TO ESTABLISH THE SOUTH CAROLINA EQUITABLE REDEVELOPMENT COMMISSION AND TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION AND ITS DUTIES AND FUNCTIONS.

**H. 3474--POINT OF ORDER**

The following Bill was taken up:

H. 3474 -- Rep. Sandifer: A BILL TO AMEND SECTION 6-8-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO SEPARATE THE COUNCIL INTO THE SOUTH CAROLINA COMMERCIAL BUILDING CODES COUNCIL AND THE SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-5, AS AMENDED, RELATING TO THE PUBLIC POLICY FOR BUILDING CODES, SO AS TO MAKE SPECIFIC REFERENCE TO BOTH THE COMMERCIAL BUILDING CODES COUNCIL AND THE RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-20, AS AMENDED, RELATING TO AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES, SO AS TO MAKE SPECIFIC REFERENCE TO BOTH THE COMMERCIAL BUILDING CODES COUNCIL AND THE RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-40, AS AMENDED, RELATING TO BUILDING CODE ADOPTION PROCEDURE, SO AS TO CLARIFY THE AUTHORITY OF BOTH THE COMMERCIAL BUILDING CODES COUNCIL AND THE RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-63, RELATING TO THE COMPOSITION AND FUNCTIONS OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO DEFINE THE COMPOSITION OF BOTH THE COMMERCIAL BUILDING CODES COUNCIL AND THE RESIDENTIAL BUILDING CODES COUNCIL; AND TO AMEND SECTION 6-9-105, RELATING TO CODE VARIATIONS BASED ON PHYSICAL OR CLIMATOLOGICAL CONDITIONS, SO AS TO INCLUDE GEOLOGICAL CONDITIONS AS A CONSIDERATION FOR A VARIANCE, AND TO MAKE SPECIFIC REFERENCE TO THE APPROPRIATE COUNCIL FOR THE SUBMISSION OF PROPOSED VARIANCES.

**POINT OF ORDER**

Rep. BEDINGFIELD made the Point of Order that the Bill was improperly before the House for consideration since its number and

title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**S. 694--POINT OF ORDER**

The following Bill was taken up:

S. 694 -- Senator Bryant: A BILL TO AMEND SECTION 41-15-520 OF THE 1976 CODE, RELATING TO REMEDIES FOR EMPLOYEES CHARGING DISCRIMINATION, TO PROVIDE FOR REFERRAL TO THE UNITED STATES DEPARTMENT OF LABOR ALLEGATIONS MADE BY A PRIVATE SECTOR EMPLOYEE OF A VIOLATION OF SECTION 41-15-510 AND TO PROVIDE FOR CIVIL REMEDIES.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 890--POINT OF ORDER**

The following Bill was taken up:

S. 890 -- Senators L. Martin and Alexander: A BILL TO AMEND ACT 260 OF 1981, AS AMENDED, RELATING TO THE PICKENS COUNTY SCHOOL BOARD OF TRUSTEES, TO PROVIDE THAT THE ELECTORS RESIDING IN THE DELLWOOD SUBDIVISION OF ANDERSON COUNTY SHALL BE ELIGIBLE TO VOTE IN THE ELECTION OF, AND HOLD OFFICE FOR, THE MEMBER OF THE BOARD OF TRUSTEES IN THE CLOSEST CONTIGUOUS SCHOOL DISTRICT IN PICKENS COUNTY.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 172--POINT OF ORDER**

The following Bill was taken up:

S. 172 -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O'Dell, S. Martin, Ford and McGill: A BILL TO AMEND ARTICLE 2, CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO PUBLIC INSTITUTIONS OF HIGHER LEARNING, BY ADDING SECTION 59-101-670 TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, AND TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE; AND TO AMEND ARTICLE 15, CHAPTER 1, TITLE 1, RELATING TO REPORTING OF EXPENDITURES OF STATE APPROPRIATED FUNDS BY STATE AGENCIES, PERSONAL DATA AND THE LIKE, BY ADDING SECTION 1-1-1040 TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY'S, DEPARTMENT'S, OR INSTITUTION'S MONTHLY STATE PROCUREMENT CARD STATEMENTS OR MONTHLY REPORTS CONTAINING ALL OR SUBSTANTIALLY ALL THE SAME INFORMATION CONTAINED IN THE MONTHLY STATE PROCUREMENT CARD STATEMENTS.

**POINT OF ORDER**

Rep. COBB-HUNTER 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.

**OBJECTION TO RECALL**

Rep. COBB-HUNTER asked unanimous consent to recall H. 3738 from the Committee on Ways and Means.

Rep. PITTS objected.

**MOTION PERIOD**

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

**H. 4088--DEBATE ADJOURNED**

Rep. BEDINGFIELD moved to adjourn debate upon the following Bill until Wednesday, May 25, which was adopted:

H. 4088 -- Reps. Ott, Brantley, Hardwick, Cobb-Hunter, Crawford, Spires, Frye, Gilliard, Battle, Bales, J. H. Neal, Jefferson, Atwater, Brannon, Patrick, Anthony, Bowers, Branham, Clyburn, Hayes, Huggins, Long, Lowe, J. M. Neal and Toole: A BILL TO AMEND SECTION 14-1-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADDITIONAL ASSESSMENT FOR OFFENSES TRIED IN MAGISTRATES COURT, SO AS TO ADD VIOLATIONS OF TITLE 50 TO THE OFFENSES EXEMPT FROM THE ADDITIONAL ASSESSMENT.

**H. 4198--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4198 -- Reps. Bingham, Cooper, White, Cobb-Hunter, Ott, Whipper, Erickson and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-31-35 SO AS TO PROVIDE THAT FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS, IF AN EMPLOYER HAS A POSITIVE FUND BALANCE FOR A PERIOD OF AT LEAST ONE YEAR IN ITS ACCOUNT, IT MAY NOT BE CLASSIFIED IN RATE CLASS 13 OR HIGHER AND TO PROVIDE THAT ALL NEW EMPLOYERS FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS MUST BE CLASSIFIED IN RATE CLASS 12; BY ADDING SECTION 41-31-36 SO AS TO PROVIDE THAT NO NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE 5613 EMPLOYER BASE RATE MAY BE LESS THAN THE RATE APPLICABLE FOR RATE CLASS THIRTEEN UNTIL THERE HAVE BEEN TWELVE CONSECUTIVE MONTHS OF COVERAGE AFTER FIRST BECOMING LIABLE FOR CONTRIBUTIONS; BY ADDING SECTION 41-31-41 SO AS TO PROVIDE THAT FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, THE STATE SHALL REDUCE STATE UNEMPLOYMENT TAX BASE RATES FOR EMPLOYERS IN TIERS 13 THROUGH 20 BY A SPECIFIED PERCENT, TO PROVIDE THE METHOD TO BE USED TO FUND SUCH REDUCTIONS, AND TO ALSO PROVIDE FOR THE PREMIUMS TO BE PAID BY EMPLOYERS IN TIERS 1 THROUGH 12 FOR CALENDAR YEARS 2011 AND 2012; TO AMEND SECTION 41-31-45, RELATING TO ESTIMATES OF THE INCOME NECESSARY TO PAY UNEMPLOYMENT COMPENSATION BENEFITS DURING A CALENDAR YEAR WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS IN DEBT STATUS, SO AS TO PROVIDE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED FOR CALENDAR YEARS 2011 AND 2012, AND TO REVISE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED BEGINNING IN JANUARY 2013 AND THEREAFTER WHILE THE TRUST FUND IS IN DEBT STATUS; TO AMEND SECTION 41-31-50, RELATING TO THE MANNER IN WHICH EMPLOYER RATE COMPUTATIONS ARE DETERMINED, SO AS TO PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, NOT INCLUDING THE ACHIEVEMENT OF SOLVENCY TARGETS, TO FURTHER PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS AND ACHIEVE SOLVENCY TARGETS BEGINNING IN JANUARY 2013, AND TO PROVIDE FOR THE MANNER IN WHICH THE RATE FOR CLASS TWENTY MUST BE SET; BY ADDING SECTION 41-31-52 SO AS TO PROVIDE FOR THE MANNER IN WHICH BENEFITS FOR SEASONAL WORKERS SHALL BE DETERMINED, CALCULATED, AND PAID; TO AMEND SECTION 41-31-55, RELATING TO ADDITIONAL SURCHARGES WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS INSOLVENT, SO AS TO PROVIDE FOR WHAT PROVISIONS OF LAW THE STATE SHALL FOLLOW TO SET RATES FOR CLASS TWENTY BEGINNING IN JANUARY 2013 AND TO PROVIDE FOR CERTAIN CREDITS FOR EMPLOYERS IN TIERS 1 THROUGH 12; AND BY ADDING SECTION 41-31-65 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ALLOCATE ALL CREDITS DUE TO ANY EMPLOYER THAT HAS PAID IN EXCESS OF THEIR BALANCE DUE BY JULY 31, 2011.

Reps. OTT, BINGHAM, COOPER and WHITE proposed the following Amendment No. 1 (COUNCIL\GGS\22125ZW11), which was adopted:

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

/ SECTION 1. Section 41‑31‑5(1) of the 1976 Code is amended to read:

 “(1) ‘Benefit ratio’ means:

 (a) for the period of January 1, 2011, through December 31, 2013, the number calculated by dividing the ~~average~~ sum of all benefits charged to an employer during the forty calendar quarters immediately preceding the calculation date by the sum of the employer’s ~~average~~ taxable payroll ~~during~~ for the same period. If fewer than forty but more than ~~four~~ one calendar ~~quarters~~ quarter of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually ~~on July first~~ using data for quarters filed through June thirtieth of the current year to the sixth decimal place;

 (b) from January 1, 2014, the number calculated by dividing the ~~average~~ sum of all benefits charged to an employer during the twelve calendar quarters immediately preceding the calculation date by the sum of the employer’s ~~average~~ taxable payroll ~~during~~ for the same period. If fewer than twelve but more than ~~four~~ one calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually ~~on July first~~ using data for quarters filed through June thirtieth of the current year to the sixth decimal place.”

SECTION 2. Section 41‑31‑20(A) of the 1976 Code is amended to read:

 “(A) The department shall maintain a separate account for each employer and shall ~~credit the account of each with all the contributions paid on his behalf, but~~ accurately record the data used to determine an employer’s experience for the purpose of rate assignments. Nothing in Chapters 27 through 41 of this title shall be construed to grant any employer or individual in his service prior claims or rights to the amounts paid by him into the fund either on his behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged, in the amounts provided in Chapters 27 through 41 of this title, against the accounts of his most recent employer. No employer shall be deemed as the most recent employer for the purpose of this section unless the eligible person to whom benefits are paid earned wages in the employ of the employer equal to at least eight times the weekly benefit amount of the eligible claimant.”

SECTION 3. Section 41‑31‑40 of the 1976 Code is amended to read:

 “Section 41‑31‑40. Each employer’s base rate for the twelve months commencing January first of any calendar year is determined in accordance with Section 41‑31‑50 on the basis of his record up ~~to July first~~ through June thirtieth of the preceding calendar year, but no employer’s base rate is less than the rate applicable for rate class ~~thirteen~~ twelve until there have been twelve consecutive months of coverage after first becoming liable for contributions under Chapters 27 through 41 of this title. Each employer who completes twelve consecutive calendar months of coverage after first becoming liable for contributions during the current calendar year shall have a base rate computed on the basis of his record up through the next occurring June thirtieth, with that base rate being effective for the next calendar year beginning in January.”

SECTION 4. Section 41‑31‑50 of the 1976 Code is amended to read:

 “Section 41‑31‑50. Each employer eligible for a rate computation shall have his ~~base~~ tax rate determined in the following manner:

 (1)(a)(i) Annually the department must calculate a contribution rate for each employer qualified for an experience rating. The contribution rate must correspond to the rate calculated for the employer’s benefit ratio class.

 (ii) To determine an employer’s benefit ratio rank, the department must list all employers by increasing benefit ratios, from the lowest benefit ratio to the highest benefit ratio. The list must be divided into classes ranked one through twenty. Each class must contain approximately five percent of the total taxable wages, excluding ~~reimbursable employment wage~~ employers with less than twelve months of accomplished liability, employers with outstanding tax liens, delinquent tax class employers, and employers who reimburse the department in lieu of contributions, paid in covered employment during the four completed calendar quarters immediately preceding the computation date. Each employer must be placed in the class that corresponds with the employer’s benefit ratio.

 (iii) If an employer’s taxable wages qualify the employer for two separate classes, the employer shall be afforded the class assigned the lower contribution rate. Employers with identical benefit ratios shall be assigned to the same class.

 (b) The income needed to pay benefits for the calendar year plus any applicable income needed to reach the solvency target must be divided by the estimated taxable wages for the calendar year. The result rounded to the next higher one‑hundredth of one percent is the average required rate needed to pay benefits and achieve solvency targets.

 (c) The rate for class twenty will be set such that the entire schedule raises the income required to pay benefits for the year, as well as the income necessary to move the trust fund toward the solvency target, subject to the structure provided in this chapter. However, the rate for class twenty must be at least five and four‑tenths percent.

 (2)(a) If the calculated rate necessary for benefit rate class twenty exceeds five and four‑tenths percent, then the rate for each preceding benefit rate class shall be equal to ninety percent of the rate calculated for the succeeding class, except that rate class twelve shall be set at one‑fourth the rate calculated for class twenty, provided that the rate for class one shall be zero.

 (b)(i) If the computed rate necessary for class twenty is less than five and four‑tenths percent, then the rate for class twenty shall be set at five and four‑tenths percent.

 (ii) The rate for rate class twelve shall be calculated by multiplying the average tax rate computed in ~~subsection~~ item (1)(b) by twenty, subtracting five and four‑tenths percent, and dividing by nineteen.

 (iii) The contribution rate for rate classes eleven through one shall be equal to ninety percent of the rate for the succeeding class, provided that the rate for class one shall be zero.

 (iv) The contribution rate for class thirteen shall be equal to one hundred twenty percent of the rate calculated for rate class twelve.

 (v) The contribution rate for rate class nineteen shall be set at an amount that allows for average contributions, beginning with class eighteen and ending with class fourteen, that are equal to ninety percent of the preceding class.

 (3) For calendar year 2011 and any subsequent calendar year, voluntary payments are not permitted for the purpose of obtaining a lower rate of required contributions.”

SECTION 5. Section 41‑31‑60 of the 1976 Code is amended to read:

 “Section 41‑31‑60. (A) If on the computation date upon which an employer’s ~~base~~ tax rate is to be computed as provided in Section 41‑31‑40 there is a delinquent report, ~~a base rate of two and sixty‑four hundredths percent~~ the tax class twenty rate must be assigned to the employer for the period to which the computation applies. ~~If the base rate for the prior year or the computed base rate for the computation period is greater than two and sixty‑four hundredths percent, the higher rate must be assigned until the next computation date.~~

 (B) No employer is permitted to pay his unemployment compensation tax at a reduced ~~base~~ tax rate class for any quarter when a tax execution issued in accordance with Section 41‑31‑390 with respect to delinquent unemployment compensation tax for a previous quarter is unpaid and outstanding against the employer. If on the computation date upon which an employer’s ~~base~~ tax rate is computed as provided in Section 41‑31‑40 there is an outstanding tax execution, ~~a base rate of two and sixty‑four hundredths percent~~ the tax class twenty rate must be assigned ~~for the period to which the computation applies. If the base rate for the prior year or the computed base rate for the computation period is greater than two and sixty‑four hundredths percent, the highest base rate must be assigned~~ to the employer until the next computation date or until such time as ~~any~~ all outstanding tax ~~execution has~~ executions have been paid.”

SECTION 6. Section 41‑31‑70 of the 1976 Code is amended to read:

 “Section 41‑31‑70. If the department finds that an employer ceased to render employment solely due to the closing of the business because of the entrance of one or more of the owners, officers, partners, or the majority stockholders into the Armed Forces of the United States, or any of its allies, or of the United Nations after January 1, 1951, such employer’s account shall not be terminated; and, if the business is resumed and employment rendered within two years after the discharge or release from active duty in the armed forces of the person or persons, the employer’s experience shall be deemed to have been continuous throughout that period. The benefit ratio of the employer shall be the amount calculated pursuant to Section 41‑31‑5, including benefits paid to any individual during the period the employer was in the armed forces~~, divided by his average annual payroll for the most recent year during the whole of which the employer has been in business and has rendered employment~~. This provision shall not be construed to authorize cash refunds and any adjustments required hereunder shall be only by credit certificate.”

SECTION 7. Section 41‑31‑125(C) of the 1976 Code is amended to read:

 “(C) If the experience rating account of the predecessor ~~employer contains a debit balance, defined as an excess of total benefits charged over total contributions paid, the experience rating account of the predecessor employer must be transferred to the successor employer in accordance with the provisions of Section 41‑31‑140~~ is equal to or exceeds tax class thirteen, the experience rating account of the predecessor employer in any event must be transferred to the successor employer in accordance with the provisions of Section 41‑31‑140.”

SECTION 8. Section 41‑31‑140 of the 1976 Code is amended to read:

 “Section 41‑31‑140. (A) For the purposes of this section and for tax years 2010 and prior, ‘debit balance’ means the excess of total benefits charged over total contributions made.

 (B) For acquisitions that occur in tax years 2010 and prior, no transfer of experience rating accounts, in whole or in part, is permitted under the provisions of Sections 41‑31‑100 to 41‑31‑130 unless all unemployment compensation taxes based on wages paid by the transferring employer prior to the date of the transfer are paid by the transferring employer when due or assumed by the acquiring employer within sixty days from the date he is notified by the department that the transfer cannot be allowed because of unpaid unemployment compensation taxes. If the experience rating account of the predecessor employer contains a debit balance, the experience rating account of the predecessor employer in any event must be transferred to the successor employer in accordance with the provisions of Sections 41‑31‑100 and 41‑31‑120.

 (C) Effective for acquisitions occurring in tax years 2011 and later, no transfer of benefit charges or taxable wages, in whole or in part, is permitted pursuant to the provisions of Sections 41‑31‑100 through 41‑31‑130 unless all unemployment compensation taxes based on wages paid by the transferring employer prior to the date of transfer are paid by the transferring employer when due or assumed by the acquiring employer within sixty days from the date he is notified by the department that the transfer cannot be allowed because of unpaid unemployment compensation taxes or outstanding contribution reports. If the predecessor employer has an acquisition year tax class of thirteen or higher, the experience of the predecessor employer in any event must be transferred to the successor employer in accordance with the provisions of Sections 41‑31‑100 and 41‑31‑120.”

SECTION 9. Section 41‑31‑670(B) of the 1976 Code is amended to read:

 “(B) Any nonprofit organization which has elected to become liable for payments in lieu of contributions under the provisions of Sections 41‑31‑620 and 41‑31‑630 and thereafter terminates the election shall become an employer liable for the payments of contributions upon the effective date of the termination but no such employer’s ~~base~~ tax rate thereafter may be less than ~~two and sixty‑four hundredths percent~~ tax rate class twelve until there have been twenty‑four consecutive calendar months of coverage ~~after so becoming liable for the payment of contributions. If the employer has been an employer liable for the payment of contributions prior to election to become liable for payments in lieu of contributions, the balance in the experience rating account of the employer as of the termination date of the election to become liable for payments in lieu of contributions is transferred to the new experience rating account then established for the employer~~. Upon termination of the election to reimburse the department in lieu of contributions, if the employer was previously an employer liable for contributions, the previously established contributory account will be reopened.”

SECTION 10. Section 41‑35‑125 of the 1976 Code is amended to read:

 “Section 41‑35‑125. (A)(1) Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual has left work voluntarily or has been discharged because of circumstances directly resulting from domestic abuse and:

 (a) reasonably fears future domestic abuse at or en route to the workplace;

 (b) needs to relocate to avoid future domestic abuse; or

 (c) reasonably believes that leaving work is necessary for his safety or the safety of his family.

 (2) When determining if an individual has experienced domestic abuse for the purpose of receiving unemployment compensation, the department must require him to provide documentation of domestic abuse ~~including, but not limited to,~~ such as police or court records or other documentation of abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the individual has sought assistance.

 (3) Documentation or evidence of domestic abuse acquired by the department pursuant to this section must be kept confidential unless consent for disclosure is given, in writing, by the individual.

 (B)(1) Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual was separated from employment due to compelling family circumstances.

 (2) For the purposes of this subsection:

 (a) ‘Immediate family member’ means a claimant’s spouse, parents, or ~~minor~~ dependent children.

 (b) ‘Illness’ means a verified ~~disability~~ illness that necessitates the care of the ~~disabled~~ ill person for a period of time that exceeds the amount of time the employer will provide paid or unpaid leave. ~~Disability, includes, but is not limited to, mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities.~~

 (c) ‘Disability’ means a verified disability which necessitates the care of the disabled person for a period of time longer than the employer is willing to grant paid or unpaid leave. Disability encompasses all types of disability, including mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities.

 (d) ‘Compelling family circumstances’ means:

 (i) that a claimant was separated from employment with the employer because of the illness or disability of the claimant and, based upon available information, the department finds that it was medically necessary for the claimant to stop working or change occupations;

 (ii) the claimant was separated from work due to the illness or disability of an immediate family member; and

 (iii) the claimant’s spouse was transferred or employed in another city or state, the family is required to move to the location of that job, the location is outside the commuting distance of the claimants previous employment, and the claimant separates from employment in order to move to the new location with his spouse.

 ~~(2)~~ ~~Notwithstanding the provisions of Section 41‑35‑120, an individual is eligible for waiting week credit and for unemployment compensation if the department finds that the individual was separated from employment due to compelling family circumstances.~~”

SECTION 11. Section 41‑35‑130 of the 1976 Code is amended to read:

 “Section 41‑35‑130. (A) A benefit paid to a claimant for unemployment immediately after the expiration of disqualification for:

 (1) voluntarily leaving his most recent work without good cause;

 (2) discharge from his most recent work for misconduct; or

 (3) refusal of suitable work without good cause must not be charged to the account of an employer.

 (B) A benefit paid to a claimant must not be charged against the account of an employer by reason of the provisions of this subsection if the department determines under Section 41‑35‑120 that the individual:

 (1) voluntarily left his most recent employment with that employer without good cause;

 (2) was discharged from his most recent employment with that employer for misconduct connected with his work; or

 (3) subsequent to his most recent employment refused without good cause to accept an offer of suitable work made by that employer if the employer furnishes the department with those notices regarding the separation of the individual from work or the refusal of the individual to accept an offer of work as are required by the law and regulations of the department.

 (C) If a benefit is paid pursuant to a decision that is finally reversed in subsequent proceedings with respect to it, an employer’s account must not be charged with a benefit paid.

 (D) A benefit paid to a claimant for a week in which he is in training with the approval of the department must not be charged to an employer.

 (E) Benefits paid as a result of a natural disaster declared by the President of the United States.

 (F) Benefits paid as a result of declaration of emergency declared by the Governor must not be charged to an employer.

 (G) The provisions of subsections (A) through ~~(D)~~ (E), all inclusive, with respect to the noncharging of benefits paid must be applicable only to an employer subject to the payment of contributions.

 ~~(F)~~(H) A benefit paid to a claimant during an extended benefit period, as defined in Article 3, Chapter 35, must not be charged to an employer; except that a ~~non-profit~~ nonprofit organization electing to become liable for payments in lieu of contributions in accordance with Section 41‑31‑620 must reimburse fifty percent of extended benefits attributable to services performed in its employ and that after January 1, 1979, the State or a political subdivision or instrumentality of it as defined in Section 41‑27‑230(2)(b) electing to become liable for payment in lieu of contributions in accordance with Section 41‑31‑620 must reimburse all extended benefits attributable to services performed in its employ.

 ~~(G)~~(I) A nonprofit organization that elects to make a payment in lieu of a contribution to the unemployment compensation fund as provided in Section 41‑31‑620(2) or Section 41‑31‑810 is not liable to make those payments with respect to the benefits paid to an individual whose base period wages include wages for previously uncovered services as defined in Section 41‑35‑65 to the extent that the unemployment compensation fund is reimbursed for those benefits pursuant to Section 121 of P.L. 94‑566.

 ~~(H)~~(J) A benefit paid to an individual whose base period wages include wages for previously uncovered services as defined in Section 41‑35‑65 must not be charged against the account of an employer to the extent that the unemployment compensation fund is reimbursed for those benefits pursuant to Section 121 of P.L. 94‑566.

 ~~(I)~~(K) A benefit paid to an individual pursuant to Section 41‑35‑125 must not be charged to the account of a contributing employer.

 ~~(J)~~(L) A benefit paid to an individual pursuant to Section 41‑35‑126 must not be charged to the account of a contributing employer.”

SECTION 12. Section 41‑39‑30 of the 1976 Code is amended to read:

 “Section 41‑39‑30. An individual claiming benefits may not be charged a fee in a proceeding under Chapters 27 through 41 of this title by the department or its representatives or by a court or an officer, except an attorney, of it. An individual claiming a benefit in a proceeding before the department or a court ~~must~~ may be represented by an attorney or other duly authorized agent, but an attorney or agent must not charge or receive for this service more than an amount approved by the department. A person who violates a provision of this section, for each offense, must be fined not less than fifty dollars nor more than five hundred dollars, imprisoned for not more than six months, or both.”

SECTION 13. Section 41‑41‑40(A) of the 1976 Code is amended to read:

 “Section 41‑41‑40. (A)(1) A person who has received a sum as benefits under Chapters 27 through 41 while conditions for the receipt of benefits imposed by these chapters were not fulfilled or while he was disqualified from receiving benefits is liable to repay the department for the unemployment compensation fund a sum equal to the amount received by him.

 (2) If full repayment of benefits, to which an individual was determined not entitled, has not been made, the sum must be deducted from future benefits payable to him under Chapters 27 through 41, and the sum must be collectible in the manner provided in Sections 41‑31‑380 to 41‑31‑400 for the collection of past due contributions.

 (3) The department may attempt collection of overpayments through the South Carolina Department of Revenue in accordance with Section 12‑56‑10, et seq. If the overpayment is collectible in accordance with Section 12‑56‑60, the department shall add to the amount of the overpayment a collection fee of not more than twenty‑five dollars for each collection attempt to defray administrative costs.

 (4) The department may attempt collection of overpayment through the federal Unemployment Compensation Treasury Offset Program (UCTOP). If the overpayment is collectible, the department shall add to the amount of the overpayment a collection fee not to exceed the administrative costs set by this program.

 (5) Notwithstanding any other provision of this section, no action to enforce recovery or recoupment of any overpayment may begin after five years from the date of the final determination for nonfraudulent overpayments nor after eight years from the date of the final determination for fraudulent overpayments.”

SECTION 14. Section 41‑27‑260 of the 1976 Code is amended by adding an appropriately numbered new item to read:

 “(18) Services performed by a direct seller, provided that:

 (a) the individual:

 (i) is engaged in the trade or business of selling or soliciting the sale of consumer products, including, but not limited to, services or other intangibles, to any buyer on a buy‑sell basis, a deposit‑commission basis, or any similar basis for resale by the buyer or any other person in the home or otherwise than in a permanent retail establishment; or

 (ii) is engaged in the trade or business of selling or soliciting the sale of consumer products, including, but not limited to, services or other intangibles, in the home or otherwise than in a permanent retail establishment;

 (b) substantially all the remuneration, whether or not paid in cash, for the performance of the services described in item (a) is directly related to sales or other output, including, but not limited to, the performance of services, rather than to the number of hours worked; and

 (c) the services performed by the individual are performed pursuant to a written contract between the individual and the person for whom the services are performed and the contract provides that the individual will not be treated as an employee for federal and state tax purposes.”

SECTION 15. Section 41‑31‑50 of the 1976 Code is amended by adding:

 “(3) For tax year 2011, no employer shall have a base tax rate higher than the base tax rate for rate class twelve if during the applicable rate computation period, as defined in Section 41‑31‑5, the employer has been credited with more in tax contributions than have been charged to that employer’s account for benefits.”

SECTION 16. Chapter 31, Title 41 of the 1976 Code is amended by adding:

 “Section 41‑31‑52. Effective with claims filed on or after January 1, 2012:

 (1) A seasonal pursuit is one which, because of seasonal conditions making it impracticable or impossible to do otherwise, customarily carries on production operations only within a regularly recurring active period or periods of less than an aggregate of thirty‑six weeks in a calendar year. No pursuit shall be considered seasonal until the department makes a determination that the pursuit is seasonal. However, any successor to a seasonal pursuit shall be deemed seasonal unless the successor requests cancellation of the seasonal pursuit status within one hundred twenty days after the acquisition. This provision shall not be applicable to pending cases nor retroactive in effect.

 (2) Upon application by a pursuit for seasonal pursuit status, the department shall determine or redetermine whether the pursuit is seasonal and, if seasonal, the pursuit’s active period. The department may, on its own motion, redetermine a seasonal pursuit’s active period. An application for a seasonal determination must be made on forms prescribed by the department and must be made at least thirty days prior to the beginning date of the period of production operations for which a determination is requested.

 (3) Whenever the department has determined or redetermined a pursuit to be seasonal, the pursuit shall be notified immediately, and the notice must contain the beginning and ending dates of the pursuit’s active period or periods. Pursuits determined or redetermined to be a seasonal pursuit shall display notices of its seasonal determination conspicuously on its premises in a sufficient number of places to be available for inspection by its workers. The notices shall be furnished by the department.

 (4) A seasonal determination must become effective unless an interested party files an application for review within ten days of the beginning date of the first period of production operations to which it applies. An application for review shall be an application for a determination of status.

 (5) All wages paid to a seasonal worker during his base period must be used in determining his weekly benefit amount; provided, however, that all weekly benefit amounts so determined shall be rounded to the nearest lower full dollar amount, if not a full dollar amount.

 (6)(a) A seasonal worker is eligible to receive benefits based on seasonal wages only for a week of unemployment which occurs, or the greater part of which occurs, within the active period of the seasonal pursuit in which he earned base period wages.

 (b) A seasonal worker is eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during any active period of the seasonal pursuit in which he has earned base period wages; provided he has exhausted benefits based on seasonal wages. The worker is also eligible to receive benefits based on nonseasonal wages for any week of unemployment which occurs during the inactive period or periods of the seasonal pursuit in which he earned base period wages irrespective as to whether he has exhausted benefits based on seasonal wages.

 (c) The maximum amount of benefits which a seasonal worker is eligible to receive, based on seasonal wages, shall be an amount, adjusted to the nearest multiple of one dollar, determined by multiplying the maximum benefits payable in his benefit year, as provided in Section 41‑35‑50, by the percentage obtained by dividing the seasonal wages in his base period by all of his base period wages.

 (d) The maximum amount of benefits which a seasonal worker is eligible to receive based on nonseasonal wages shall be an amount, adjusted to the nearest multiple of one dollar, determined by multiplying the maximum benefits payable in his benefit year, as provided in Section 41‑35‑50, by the percentage obtained by dividing the nonseasonal wages in his base period by all of his base period wages.

 (e) In no case is a seasonal worker eligible to receive a total amount of benefits in a benefit year in excess of the maximum benefits payable for such benefit year, as provided in Section 41‑35‑50.

 (7)(a) All benefits paid to a seasonal worker based on seasonal wages shall be charged, as prescribed in Section 41‑31‑20, against the account of his base period employer who paid him such seasonal wages, and for the purpose of this paragraph such seasonal wages shall be deemed to constitute all of his base period wages.

 (b) All benefits paid to a seasonal worker based on nonseasonal wages shall be charged, as prescribed in Section 41‑31‑20, against the account of his base period employer who paid him such nonseasonal wages, and for the purpose of this paragraph such nonseasonal wages shall be deemed to constitute all of his base period wages.

 (8) The benefits payable to any otherwise eligible individual shall be calculated in accordance with this section for any benefit year which is established on or after the beginning date of a seasonal determination applying to a pursuit by which such individual was employed during the base period applicable to such benefit year, as if such determination had been effective in such base period.

 (9) Nothing in this section shall be construed to limit the right of any individual whose claim for benefits is determined in accordance herewith to appeal from such determination as provided in Section 41‑35‑660.

 (10) As used in this section:

 (a) ‘Pursuit’ means an employer or branch of an employer.

 (b) ‘Branch of an employer’ means a part of an employer’s activities which is carried on or is capable of being carried on as a separate enterprise.

 (c) ‘Production operations’ means all the activities of a pursuit which are primarily related to the production of its characteristic goods or services.

 (d) ‘Active period or periods’ of a seasonal pursuit means the longest regularly recurring period or periods within which production operations of the pursuit are customarily carried on.

 (e) ‘Seasonal wages’ means the wages earned in a seasonal pursuit within its active period or periods. The department may prescribe by regulation the manner in which seasonal wages shall be reported.

 (f) ‘Seasonal worker’ means a worker at least twenty‑five percent of whose base period wages are seasonal wages.

 (g) ‘Interested party’ means any individual affected by a seasonal determination.

 (h) ‘Inactive period or periods’ of a seasonal pursuit means that part of a calendar year which is not included in the active period or periods of such pursuit.

 (i) ‘Nonseasonal wages’ means the wages earned in a seasonal pursuit within the inactive period or periods of such pursuit, or wages earned at any time in a nonseasonal pursuit.

 (j) ‘Wages’ means remuneration for employment.”

SECTION 17. Section 41‑35‑50 of the 1976 Code is amended to read:

 “Section 41‑35‑50. The maximum potential benefits of any insured worker in a benefit year are the lesser of:

 (1) ~~Twenty‑six~~ twenty times his weekly benefit amount~~.~~;

 (2) ~~One‑third~~ one-third of his wages for insured work paid during his base period.

 If the resulting amount is not a multiple of one dollar, the amount must be reduced to the next lower multiple of one dollar, except that no insured worker may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which he received benefits, he performed ‘insured work’ as defined in Section 41‑27‑300 and earned wages in the employ of a single employer in an amount equal to not less than eight times the weekly benefit amount established for the individual in the preceding benefit year.”

SECTION 18. (A) As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate.

 (B) The Department of Employment and Workforce must apply all funds directly appropriated to the department pursuant to Act \_\_\_, R \_\_\_, H. 3700, in such a manner to reduce the amount of income that must be raised pursuant to Section 41-31-45(A)(3) and Section 41-31-45(B).

SECTION 19. Article 1, Chapter 31, Title 41 of the 1976 Code is amended by adding:

 “Section 41‑31‑36. No North American Industry Classification System code 5613 employer base rate may be less than the rate applicable for rate class thirteen until there have been twelve consecutive months of coverage after first becoming liable for contributions under Chapters 27 through 31.”

SECTION 20. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

Reps. BINGHAM, OTT, COOPER and WHITE proposed the following Amendment No. 2 (COUNCIL\MS\7399DG11), which was adopted:

Amend the bill, as and if amended, SECTION 18, by inserting after the second sentence of subsection (A) the following:

/ Any cost savings to employers in rate class 2-20 due to general fund appropriations in any particular year must be allocated proportionately to each employer with respect to each respective employer’s responsibility in paying back the federal unemployment loan that particular year and must be administered by the department. /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

Rep. COBB-HUNTER spoke against the Bill.

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

Rep. OTT spoke in favor of the Bill.

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

Yeas 87; Nays 20

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Atwater | Bales |
| Bedingfield | Bikas | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | H. B. Brown |
| Chumley | Clemmons | Clyburn |
| Cole | Cooper | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| Viers | Weeks | White |
| Whitmire | Willis | Young |

**Total--87**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Cobb-Hunter | Gilliard | Govan |
| Hosey | Howard | Jefferson |
| Johnson | King | Mack |
| Mitchell | J. H. Neal | Sabb |
| Whipper | Williams |  |

**Total--20**

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

RECORD FOR VOTING

 I was in an all day meeting for Wells Fargo during the vote on the passage of H. 4198. If I had been present, I would have voted in favor of the Bill.

 Rep. Nathan Ballentine

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 4198. If I had been present, I would have voted against the Bill, as I oppose decreasing unemployment benefits for people without jobs.

 Rep. Chris Hart

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4253 -- Reps. King, Delleney, Long, D. C. Moss, Norman, Pope, Simrill and Dillard: A CONCURRENT RESOLUTION TO CELEBRATE THE OCCASION OF THE ONE HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE FOUNDING OF WINTHROP UNIVERSITY, AND TO CONGRATULATE AND COMMEND PRESIDENT ANTHONY DIGIORGIO, THE BOARD OF TRUSTEES, THE FACULTY AND STAFF, AND THE STUDENT BODY FOR A CENTURY AND A QUARTER OF PRODUCING EDUCATORS IN SOUTH CAROLINA.

**ADJOURNMENT**

At 7:24 p.m. the House, in accordance with the motion of Rep. CLYBURN, adjourned in memory of Joseph Edward Davis of Aiken, to meet at 10:00 a.m. tomorrow.

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