~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Psalm 90:17: “Let the favor of the Lord be upon us and prosper the work of our hands.”

Let us pray. Heavenly Father, You have given these Representatives and staff many talents and abilities. Grant them the insight and the will to hold fast to their convictions and do the right thing for the people of this State. Look in favor upon our Nation, President, State, Governor, Speaker, and all those who support them in their service. Bless our defenders of freedom at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. ATWATER moved that when the House adjourns, it adjourn in memory of Deborah Ann Hottel, wife of Assistant Clerk of the House Donald Benjamin Hottel, Jr., of Columbia, which was agreed to.

**REGULATION WITHDRAWN**

Document No. 4179

Agency: Department of Health and Environmental Control

Statutory Authority: 1976 Code Sections 48-60-05 et seq.

Electronic Equipment Collection and Recovery

Received by Speaker of the House of Representatives April 18, 2011

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration: Permanently Withdrawn

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committees for consideration:

Document No. 4273

Agency: Real Estate Commission

Statutory Authority: 1976 Code Sections 40-1-70 and 40-57-05, et seq.

Insurance Required for Time Sharing Facilities and Accommodations

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

Document No. 4276

Agency: Board of Veterinary Medical Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-69-70, et seq.

Fees

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4255

Agency: Board of Veterinary Medical Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-69-70, et seq.

Requirements of Licensure for Veterinary Medical Professionals

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4254

Agency: Board of Examiners in Speech-Language Pathology and Audiology

Statutory Authority: 1976 Code Sections 40-1-70 and 40-67-90

Requirements of Licensure for Speech-Language Pathologists and Audiologists

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4275

Agency: Residential Builders Commission

Statutory Authority: 1976 Code Sections 40-1-70, 40-59-70, 40‑59‑220, and 40-59-610

Emergency License and Registration

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

Document No. 4253

Agency: Board of Social Work Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-10

Requirements of Licensure for Social Workers

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4247

Agency: Board of Examiners in Opticianry

Statutory Authority: 1976 Code Section 40-1-70

Requirements of Licensure for Opticians

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4246

Agency: Occupational Therapy Board

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-10, et seq.

Definitions; Licensure by Endorsement; and Fees

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

Document No. 4272

Agency: Board of Nursing

Statutory Authority: 1976 Code Sections 40-1-70 and 40-33-10(E) & (I)

Fees and APRNs

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4245

Agency: Board of Nursing

Statutory Authority: 1976 Code Sections 40-1-70 and 40-33-10(E) & (I)

Procedure for Disciplinary Hearings; Fees

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4271

Agency: Board of Medical Examiners

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-20, and 40‑47-80

Fees

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4244

Agency: Board of Medical Examiners

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-20, and 40‑47-80

Requirements of Licensure for Medical Professionals

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4243

Agency: Manufactured Housing Board

Statutory Authority: 1976 Code Sections 40-1-70 and 40-29-10

Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

Document No. 4242

Agency: Board of Long Term Health Care Administrators

Statutory Authority: 1976 Code Sections 40-1-70, 40-35-5 through 40‑35-136, and 40-35-230

Requirements of Licensure for Long Term Health Care Administrators

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4241

Agency: Board of Landscape Architectural Examiners

Statutory Authority: 1976 Code Section 40-28-80

Requirements of Licensure for Landscape Architects

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

Document No. 4240

Agency: Department of Labor, Licensing and Regulation - Soil Classifiers Advisory Council

Statutory Authority: 1976 Code Section 40-65-10

Requirements of Licensure for Soil Classifiers

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4222

Agency: Department of Revenue

Statutory Authority: 1976 Code Section 12-4-320

Communications Services

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Ways and Means Committee

Legislative Review Expiration June 6, 2012

Document No. 4239

Agency: Department of Labor, Licensing and Regulation - Massage/Bodywork Therapy Panel

Statutory Authority: 1976 Code Section 40-30-60

Qualification for Licensure

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4252

Agency: Residential Builders Commission

Statutory Authority: 1976 Code Sections 40-1-70, 40-59-70, 40‑59‑220, and 40-59-610

Residential Specialty Contractors License

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

Document No. 4274

Agency: Real Estate Commission

Statutory Authority: 1976 Code Sections 40-1-70 and 40-57-05, et seq.

Provider, Course, and Instructor Fees; Fees

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

Document No. 4251

Agency: Board of Examiners in Psychology

Statutory Authority: 1976 Code Section 40-1-70

Continuing Education Credits

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4250

Agency: Board of Podiatry Examiners

Statutory Authority: 1976 Code Section 40-1-70

Requirements of Licensure for Podiatrists

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4249

Agency: Commissioners of Pilotage

Statutory Authority: 1976 Code Sections 40-1-70 and 54-15-140

Requirements of Licensure for Pilots

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

Document No. 4248

Agency: Board of Physical Therapy Examiners

Statutory Authority: 1976 Code Sections 40-1-70 and 40-45-1,0 et seq.

Requirements of Licensure for Physical Therapists

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 6, 2012

Document No. 4227

Agency: Perpetual Care Cemetery Board

Statutory Authority: 1976 Code Section 40-8-20

Requirements of Licensure for Perpetual Care Cemeteries

Received by Speaker of the House of Representatives

February 7, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 6, 2012

**HOUSE RESOLUTION**

The following was introduced:

H. 4746 -- Reps. Ott, Agnew, Alexander, Allen, 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, 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, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO CELEBRATE THE DECLARATION OF INDEPENDENCE AND THE UNITED STATES CONSTITUTION, WHICH TOGETHER ENUMERATE OUR UNALIENABLE RIGHTS AND LIBERTIES, AND TO PROCLAIM FRIDAY, MARCH 16, 2012, AS "LIBERTY DAY" IN SOUTH CAROLINA.

Whereas, our rights and liberties are rooted in the cherished documents of our nation, the Declaration of Independence and the United States Constitution, which set forth the principles on which our great country is based; and

Whereas, during the Constitutional Convention of 1787, James Madison’s Virginia Plan became the foundation of the new American Constitution, replacing the Articles of Confederation and establishing our present form of government; and

Whereas, a leading architect of the Constitution, James Madison also served in the United States House of Representatives from 1789 to 1797; and

Whereas, during his time in the United States House of Representatives, James Madison introduced several amendments to the Constitution to safeguard individual rights that became known as the Bill of Rights; and

Whereas, we as Americans enjoy our freedom and the rule of law through these documents created by our Founding Fathers; and

Whereas, it is appropriate to proclaim the sixteenth day of March as Liberty Day because it is the birthdate of Founding Father James Madison, who went on to serve as the fourth President of the United States; and

Whereas, the rich culture and history of the United States of America can be sustained as long as each generation maintains an understanding of, and commitment to, the principles of our founding documents; and

Whereas, it is fitting and proper for the members of the South Carolina House of Representatives to pause in their deliberations in recognition of Liberty Dayand to pay tribute to the remarkable achievements and extraordinary vision of our Founding Fathers and the rights, privileges, and responsibilities they secured for the people of the United States of America. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, celebrate the Declaration of Independence and the United States Constitution, which together enumerate our unalienable rights and liberties, and proclaim Friday, March 16, 2012, as “Liberty Day” in South Carolina.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4747 -- Reps. Knight, Horne, Murphy and Harrell: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR COACH JOHN MCKISSICK FOR AN AMAZING CAREER SPANNING SIXTY YEARS AS HEAD FOOTBALL COACH AT SUMMERVILLE HIGH SCHOOL, AND TO CONGRATULATE HIM FOR BEING NAMED THE 2012 DON SHULA NFL HIGH SCHOOL COACH OF THE YEAR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4748 -- Reps. Simrill, Pope, King, Norman, D. C. Moss, Long, Agnew, Alexander, Allen, 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, 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, Knight, Limehouse, Loftis, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE PALMETTO STATE, AND TO DECLARE FEBRUARY 8, 2012, "YORK COUNTY DAY" IN SOUTH CAROLINA.

Whereas, nestled between the Broad River on the West and the Catawba River on the East in the State’s hardy Piedmont, York County is home to such jewels as Historic Brattonsville and illustrious Winthrop University; and

Whereas, with more than 232,815 South Carolina citizens, York County constitutes just over five percent of the State’s total population; and

Whereas, York County is the State’s fastest growing county, with an average annual‑growth rate of nearly four percent and a nine‑year population increase of almost thirty‑two percent; and

Whereas, the estimated assessment of real and manufacturing property in York County exceeded six hundred eighty million dollars in 2011, which is a substantial increase from the previous year and represents approximately four percent of the State’s total assessment of real and manufacturing property; and

Whereas, the State’s eighth highest producing county in retail sales last year, York County provided more than four and a half billion dollars to State coffers and over four percent of South Carolina’s total retail sales; and

Whereas, attractions such as Carowinds draw a myriad of visitors from all over North and South Carolina, and events like the Clover Scottish Games and Scotch Irish Festival and the South Carolina Strawberry Festival in Fort Mill showcase the warm hospitality and natural beauty of the county; and

Whereas, the citizens of York County passed their own one‑cent sales tax in 1997, again in 2003, and yet again in 2011 to collect a total of four hundred thirty‑five million dollars to be used to pay for critical road improvements, which also enhance the efficiency of the State’s road system. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize York County as a vital part of the Palmetto State, and declare February 8, 2012, “York County Day” in South Carolina.

Be it further resolved that a copy of this resolution be forwarded to each of the four chambers of commerce in York County.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4749 -- Rep. Thayer: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF MOTOR VEHICLES NAME ITS HEADQUARTERS BUILDING LOCATED AT 10311 WILSON BOULEVARD, BLYTHEWOOD, SOUTH CAROLINA, THE "COLONEL AND MRS. CHARLES P. MURRAY, JR. BUILDING".

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1000 -- Senator Peeler: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 92 ALONG INTERSTATE HIGHWAY 85 IN CHEROKEE COUNTY "LANCE CORPORAL CHRISTOPHER S. FOWLKES MEMORIAL INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "LANCE CORPORAL CHRISTOPHER S. FOWLKES MEMORIAL INTERCHANGE".

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1189 -- Senators Knotts, Reese, Fair, Anderson, Alexander, Campbell, Bright, Campsen, Leatherman, O'Dell, Cromer, Leventis, Setzler, Land, Verdin and L. Martin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE GILBERT HIGH SCHOOL MARCHING BAND OF LEXINGTON COUNTY FOR A SPECTACULAR PERFORMING SEASON, AND TO CONGRATULATE SCHOOL OFFICIALS, THE DIRECTORS, AND

THE BAND FOR CAPTURING THE 2011 SOUTH CAROLINA CLASS AA STATE CHAMPIONSHIP TITLE.

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

**INTRODUCTION OF BILLS**

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

H. 4745 -- Rep. Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 40-3-325 AND 40-22-295 SO AS TO ENACT THE "ARCHITECTS' AND ENGINEERS' VOLUNTEER ACT" WHICH PROVIDES IMMUNITY FOR A REGISTERED ARCHITECT OR ENGINEER WHO PROVIDES CERTAIN ARCHITECTURAL OR ENGINEERING SERVICES AT THE SCENE OF A DECLARED EMERGENCY.

Referred to Committee on Labor, Commerce and Industry

H. 4750 -- Reps. Long, Erickson, Brantley, Southard, Parker, Brannon, Jefferson, Hosey, Allen, G. A. Brown, Cobb-Hunter, Frye, J. H. Neal, Neilson, Pitts and Willis: A BILL TO AMEND SECTION 38-71-1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ACCESS TO MEDICAL CARE ACT, SO AS TO AMEND THE DEFINITION OF "EMERGENCY MEDICAL CARE" AND "EMERGENCY MEDICAL PROVIDER" AND TO PROVIDE THAT THEY INCLUDE THE TRANSPORTATION OF A PATIENT WITH AN EMERGENCY MEDICAL CONDITION TO A HOSPITAL EMERGENCY FACILITY BY AN EMERGENCY MEDICAL SERVICE PROVIDER.

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

H. 4751 -- Reps. J. E. Smith, Bannister, Hayes, Vick, Munnerlyn, Erickson and Govan: A BILL TO AMEND SECTION 56-1-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER'S LICENSE, SO AS TO, UPON THE LICENSEE'S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER'S LICENSE; AND TO AMEND SECTION 56-1-3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER'S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD.

Referred to Committee on Education and Public Works

S. 1014 -- Senator Knotts: A BILL TO AMEND SECTION 17-5-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS REQUIRED FOR CANDIDATES FOR CORONER, SO AS TO REQUIRE THAT PERSONS WHO QUALIFY FOR THE BALLOT BY MEANS OF EXPERIENCE QUALIFICATIONS TO HAVE ATTAINED THAT EXPERIENCE IN THE TEN YEARS BEFORE FILING AN AFFIDAVIT OF CANDIDACY, TO ELIMINATE TWO YEARS EXPERIENCE AS A LICENSED PRIVATE DETECTIVE AS A QUALIFICATION FOR THE BALLOT, AND TO PROVIDE THAT THE CORONERS TRAINING ADVISORY COMMITTEE SHALL DETERMINE THOSE FORENSIC SCIENCE DEGREE AND CERTIFICATION PROGRAMS THAT QUALIFY AS "RECOGNIZED" FOR PURPOSES OF THE TRAINING REQUIREMENTS REQUIRED FOR CANDIDATES FOR CORONER.

Referred to Committee on Judiciary

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, February 8.

|  |  |
| --- | --- |
| James Merrill | Joseph Neal |
| Tracy Edge | Kris Crawford |
| Thad Viers | Jackie Hayes |
| Denny Neilson | Chris Hart |
| Kevin Ryan | David Tribble, Jr. |
| David Weeks | Ted Vick |
| Boyd Brown |  |

**Total Present--120**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. R. L. BROWN a leave of absence for the day due to business reasons.

**LEAVE OF ABSENCE**

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

**STATEMENTS OF ATTENDANCE**

Reps. WHIPPER, SOUTHARD and QUINN signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, February 7.

**DOCTOR OF THE DAY**

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

**SPECIAL PRESENTATION**

Reps. HUGGINS, MCLEOD and BALLENTINE presented to the House the Chapin High School Competitive Cheer Team, the 2011 Class AAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Reps. HARRELL, LIMEHOUSE and RUTHERFORD presented to the House the 2010 and 2011 University of South Carolina "Gamecocks" National Baseball Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3529 |
| Date: | ADD: |
| 02/08/12 | MUNNERLYN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4740 |
| Date: | ADD: |
| 02/08/12 | TAYLOR and YOUNG |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3247 |
| Date: | ADD: |
| 02/08/12 | DANING |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3490 |
| Date: | ADD: |
| 02/08/12 | QUINN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3490 |
| Date: | ADD: |
| 02/08/12 | SOTTILE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3491 |
| Date: | ADD: |
| 02/08/12 | MCCOY |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4639 |
| Date: | ADD: |
| 02/08/12 | HARDWICK |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4697 |
| Date: | ADD: |
| 02/08/12 | DANING, CROSBY and MUNNERLYN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4732 |
| Date: | ADD: |
| 02/08/12 | GOVAN and KING |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4654 |
| Date: | ADD: |
| 02/08/12 | HIXON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4744 |
| Date: | ADD: |
| 02/08/12 | HIXON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4082 |
| Date: | ADD: |
| 02/08/12 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4008 |
| Date: | ADD: |
| 02/08/12 | BINGHAM |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4625 |
| Date: | REMOVE: |
| 02/08/12 | THAYER |

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SENT TO THE SENATE**

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

H. 4723 -- Reps. Loftis, Corbin, Allen, Dillard, Hamilton, Henderson, Nanney, G. R. Smith, Stringer, Willis and Bannister: A BILL TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

H. 4463 -- Reps. Harrison, Clyburn, Murphy, McLeod and Weeks: A BILL TO AMEND SECTION 22-3-545, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF CERTAIN CRIMINAL CASES FROM GENERAL SESSIONS COURT TO MAGISTRATES OR MUNICIPAL COURT, SO AS TO CLARIFY THE TYPES OF CASES THAT MAY BE TRANSFERRED INCLUDES CRIMINAL CASES ORIGINALLY CHARGED AND THOSE IN WHICH THE CHARGES ARE REDUCED FOR PURPOSES OF A GUILTY PLEA, TO ALLOW DEFENDANTS TO WAIVE CERTAIN RIGHTS, AND TO REQUIRE THE APPROVAL OF A CIRCUIT COURT JUDGE REGARDING TERMS OF COURT OF THE MAGISTRATES AND MUNICIPAL COURTS FOR THE DISPOSITION OF TRANSFERRED CASES.

H. 3248 -- Reps. Sottile and Viers: A BILL TO AMEND SECTIONS 2-17-150 AND 8-13-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTES OF LIMITATIONS FOR PROSECUTING CERTAIN ETHICS VIOLATIONS, SO AS TO ALLOW ACTIONS TO BE COMMENCED UNTIL FOUR YEARS AFTER A PUBLIC OFFICIAL, PUBLIC EMPLOYEE, OR PUBLIC MEMBER LEAVES OFFICE.

H. 4716 -- Rep. Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-855 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MAINTAIN AND MOW ROADSIDE VEGETATION BEYOND THIRTY FEET FROM THE PAVEMENT ADJACENT TO EXIT 190 ALONG INTERSTATE HIGHWAY 95 IN DILLON COUNTY.

**SPEAKER IN CHAIR**

**H. 4722--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4722 -- Rep. Agnew: A BILL TO REAPPORTION THE SPECIFIC AREAS OR ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

Rep. AGNEW explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 78; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Bales | Barfield |
| Battle | Bingham | Bowen |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | Clemmons |
| Clyburn | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Edge | Forrester |
| Funderburk | Gambrell | Gilliard |
| Hamilton | Hardwick | Hayes |
| Hearn | Henderson | Herbkersman |
| Hixon | Hodges | Horne |
| Jefferson | Johnson | Loftis |
| Long | Lowe | Lucas |
| Mack | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | Parks | Patrick |
| Pinson | Putnam | Quinn |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Viers |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--78**

 Those who voted in the negative are:

**Total--0**

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

**H. 4243--DEBATE ADJOURNED**

Rep. QUINN moved to adjourn debate upon the following Bill until Tuesday, February 21, which was adopted:

H. 4243 -- Reps. Quinn, Bingham, Toole, Huggins, Atwater and McLeod: A BILL TO AMEND SECTION 7-27-365, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND ELECTIONS COMMISSION FOR LEXINGTON COUNTY, SO AS TO INCREASE THE COMMISSION'S MEMBERSHIP FROM NINE TO ELEVEN MEMBERS.

**H. 4732--COMMITTED**

The following Bill was taken up:

H. 4732 -- Reps. Sellers, J. E. Smith, Govan and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3770 SO AS TO ALLOW A STATE TAX CREDIT FOR EMPLOYERS HIRING AN UNEMPLOYED VETERAN RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS, TO PROVIDE THE AMOUNT OF THE CREDIT, THOSE TAXES AGAINST WHICH THE CREDIT IS ALLOWED, AND THE ELIGIBILITY REQUIREMENTS FOR CREDITABLE EMPLOYEES, TO PROVIDE FOR THE ADMINISTRATION OF THE CREDIT, AND TO PROVIDE THAT THE CREDIT IS ALLOWED FOR ELIGIBLE VETERANS HIRED AFTER JUNE 30, 2012, AND BEFORE JULY 1, 2014, AND EXTENDS FOR TWENTY-FOUR MONTHS FOR EACH CREDITABLE EMPLOYEE.

Rep. BATTLE moved to commit the Bill to the Committee on Ways and Means, which was agreed to.

**OBJECTION TO RECALL**

Rep. HENDERSON asked unanimous consent to recall H. 4739 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. KING objected.

**S. 1114--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

S. 1114 -- Senators Knotts, Grooms, Leventis, Ford, Bryant, Verdin, Setzler, Rose, Fair, McGill, Cleary, Land, Hayes, Matthews, Pinckney, Reese, Coleman, Malloy, Cromer, Sheheen, McConnell, Bright and Alexander: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE FANG WONG, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, FEBRUARY 21, 2012.

Rep. BARFIELD moved to adjourn debate on the Concurrent Resolution until Thursday, February 9, which was agreed to.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. G. A. BROWN.

**HOUSE STANDS AT EASE**

The House stood at ease subject to the call of the Chair.

**JOINT ASSEMBLY**

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

**ADDRESS BY CHIEF JUSTICE JEAN HOEFER TOAL**

The Reading Clerk of the House read the following Concurrent Resolution:

H. 4630 -- Reps. Harrell, Lucas, Hardwick, Harrison, Howard, Owens, Sandifer, White, Bingham and Ott: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 8, 2012.

Chief Justice Jean Hoefer Toal and her distinguished party were escorted to the rostrum by Senators Coleman, Malloy, L. Martin, Rankin and Sheheen and Reps. MCCOY, MCLEOD, SABB, THAYER and BRANNON.

Address of the Honorable Jean Hoefer Toal

Chief Justice of South Carolina

What a grand honor it is for the twelfth time to address you as your Chief Justice and report on the state of the South Carolina Judiciary. I attempt to do two things with this address: (1) to give you a ground level look at where our system stands and what might be done by means of improving on the considerable progress that we have made over the last twelve years, and (2) to travel up to about thirty thousand feet and look at court systems in the states and relate that to where we are in the global market economy and how the courts fit into the progress we want to make best.

Let me begin with a tribute to a legend, a giant in South Carolina, who has gone, Matthew Perry. He began his life in an atmosphere where opportunities were very limited for much of our population and with a brilliant mind, a backbone of steel, a melodious voice, and a gentle and decent approach to one and all, he achieved great personal greatness. He brought South Carolina just as firmly into the twenty-first century as if he had led every hand. We will miss him.

South Carolina courts had as a core mission to provide a fair, efficient forum for the resolution of disputes. That is the business that we are in, but economic development is impacted by the ability of the Judicial Branch to fairly and timely resolve disputes. It is a highly important factor in economic development, as I am learning more and more as I interact with South Carolina and American business leaders, on the importance of the courts here and abroad.

Here in South Carolina, the South Carolina Business Courts have been an important dimension of indicating to the business community that business to business disputes that involve the protection of disputes about intellectual property, copy rights, trademarks, contracts, and other things that are the baseline of the ability to develop in an atmosphere of stability, of products and marketing them; which was a significant consideration to the influx of businesses such as Amazon, BMW, Boeing, Bridgestone, Firestone, Continental Tires, Michelin and the many others who are now looking with new eyes to make an investment in South Carolina. Your court system as I have come to understand, through many contacts of pre-location, is a very important investment for you to make in the stability of South Carolina. Our approach in the South Carolina Judicial Department focuses on technology, business models, and processes and management techniques to achieve the results of efficiencies, consistencies, and better organization. But our system is in trouble. Our circuit caseload, which is a benchmark of where we sit in our ability to hear cases in South Carolina, is now in the bottom of national ranking. This means that the national average of judges per 100,000 is 3.1. We are at 1.0 and the national average of filings per general level trial judge in the United States’ state court systems is seventeen hundred and ninety-one. This year we passed the 5,000 mark per judge. When I first became your Chief Justice, we were in the 3,000 mark. So despite the many efficiencies that we have put in place to try to move cases and eliminate backlogs in both circuit and family court, the filings are continuing to increase. We must now look at new investment in Judicial personnel for South Carolina.

At quick look at our funding sources, when I became Chief of Justice in 2000, that year it took about forty-six million dollars plus to run the Judicial Department, and almost all was general revenue money. Today, it takes about sixty-three million dollars to run the Judicial Department and of that amount, about sixty percent is general appropriation money, with the rest being state fees and a short wedge of federal funds which will be dissipating shortly. As I have explained last year and you responded, I have a plan as to how to sustainably replace the fund without tapping into general revenue funds.

But the budget request, this year on the recurring funds side, is to replace what is known as the Burnie Maybank aggressive enforcement of taxation, one time money, with permanent recurring funding of our travel; that is the ability to take the few judges we have and put them where they are needed around the State. Our annual technology equipment replacement and licensing fund. We have not asked to recur this before, but as we run short of federal monies for the next two years, we are going to be asking for recurring funds here to be sure the system that has been built is sustainable.

And finally, General Services does not have the money to repair the Calhoun Building adequately and I have provided some of that money from savings of the Judicial Department because we occupy that building entirely now, including our data center, which serves all of the counties of South Carolina with our case management. The center piece of what I am suggesting to you this year is new judges, three new circuit court judges and six family court judges. This is my proposal. I realize that you may not be able to do that and I understand there is very constructive conversation taking place in Ways and Means about how this could be done. Family Court is a huge priority, as people are hurting and desperate in our family court system because of the huge volume of cases and their inability to get their disputes heard. One out of every five days, a family court is taken up collecting child support, most of which does not go to the custodial parents--but goes to the Department of Social Services as a refund for the plaintiff money that is provided to indigent custodial parents. I am doing a lot with our Family Court system to collect for the Department of Social Services. Real people who need help suffer because we don’t have the Family Court time for them.

On the non-recurring side would be some startup costs for our new judges and staff and the completion of our technology by centralizing our courts statistics, which is really the key to being able to manage where the cases are and how to keep them moving. Case management hosting of municipalities is the only part of this grassroots court system that is not completely automated. An upgraded architecture for other trial court applications is needed as we become more sophisticated about how we manage these cases.

The new dimension, though, is electronic filing. You may recall that last year, this General Assembly invested five million dollars to begin to develop electronic filing which would mean that every court in the State could file papers, pleadings, and other things electronically, and be accessed by everybody on our internet base system. This would be an enormous savings to people who use the courts. We had to develop a stable database in the attorney community. I took that program from the South Carolina Bar Association and used Judicial Department resources, and from our technology folks developed this system, now in place. That is the platform we will begin shortly to build the electronic system. You will still be able to file on paper. I guarantee that most people find electronic filing allows them 24/7 access with the court system and in a form a lot less expensive in the final analysis than the old paper and delivery method.

When completed, this e-filing system will also be a funding source for our technology. It will replace that column of federal money that I talked to you about with monies generated, not from general revenue funds, but from electronic filing. Here is the reason why, ordinarily states simply pick a vendor and build an electronic filing system. The vendor is paid the fees that it takes to file, and that is how they make their money. Our technology group on staff will build this system and we will own it. Fees generated will go right back into the technology system and that is how I proposed last year, when I spoke to Ways and Means and to Finance, to fund the absence of technology federal funds. We believe that we have a sustainable project and technology is certainly the key to not spending any more than you have to in terms of new judicial personnel. The technology road map is and has been the hallmark, and I have talked about this issue a lot as I have come before you every year. I am proud to announce that as of June of this year, every county in South Carolina is now live on the case management system and it is not owned by some software company out there or communicated with by its users of Peggy through Alaska. This program is owned by us, a South Carolina created and owned case management system that we run, staff, and support 24/7 with call centers and the like. Of the forty-six counties, thirty-two are hosted here in Columbia and are not hosted on their county servers. Counties were suspicious of that at first, but now see the South Carolina Court system as the gold standard for a system transparent, maintained, and from which they can get the kind of service they never got from the vendors when they all had to get their own systems. My guess is that before it is all over, most of the remaining counties will probably be hosted by the Judicial Department. This is a true statewide system that I would put up against any other automation project that you have ever talked about for any other aspect of state government.

We are very proud of how this project has proceeded. The crown of this project is to automate our appellate system, which we are doing now. It is way into development and we will begin to roll it out in April and the entire appellate system will be automated by November with public access to briefs, records, and everything that goes on in the appellate system. I think this will be an enormous benefit, not just for judges, lawyers, and public officials, but for the many average South Carolinians that want to see what goes on with these cases and understand how it affects their disputes in court.

LT Court Tech has been a great partner, a company that is the most recognized in the country for appellate case management, and I played off a very successful program in Oregon, Washington, and other states to design the one that we have in the Judicial Department. Docket management is another key thing that we have to look at and see how we can be more effective about managing the dockets. Kay Hearn has headed up this past year, a project to look at court operations in our three big statewide trial dockets: Family Courts, Circuit Court, Common Pleas (civil) and Circuit Court General Sessions (criminal). We are going to have a lot of recommendations in task forces headed by Costa Pleicones for General Sessions, Daniel Pieper for Common Pleas and Aphrodite Konduros for Family Court. Among those, of course, will be additional judges and staff. We also want to develop some additional programs to fast track jury trials and to try to redesign how General Sessions operates. For twelve years, I have begged the solicitors of this State to bring a more standardized and effective management of General Session cases. We are still very behind on all of these dockets, and we are the only State in the Union where the solicitors manage the docket. I don’t wish to pick a fight with anybody, but the day has come and gone when we can have a horse and buggy way. Violent crimes go unprosecuted, county jails fill up with people who have not been tried, and justice is simply not served by the enormous backlogs on the General Session side. So, as a court and I as your Chief, some strong consideration to a different approach as to how to manage General Session cases. You may yourselves be involved in what the final rules of the road may be, and we cannot tolerate any more of the backlogs in this part of the system.

We certainly want to use backup case docking so that if a case breaks down, you have one that files right behind it. This takes some standardized management, and we are committed to making this happen with a lot of good advice from clerks of courts, lawyers, judges, law enforcement, social service agencies and have a broad group of people involved in seeing how we can redesign the way that we do business in these big dockets.

Mandatory mediation is something that we need to look at very seriously, and it needs to begin in Family Court. Families are broken. The adverse nature of custody and visitation decisions create a battle between two different sides. Mediation would bring some peace to these kinds of desperate family difficulties without having the adversarial process. We need to allot great time for complex cases that are a part of this jammed up docket that are complicated cases don’t have their due in the system.

The Business Court Pilot has now been extended. I am using it in Charleston, Greenville, and Richland with three great Circuit Court judges who have taken special training to try these business to business disputes. It gets them out of the regular docket, leaving more time on that docket for cases. It also gives beginning to end management. We hope that our business court will begin to look like the ones that are so acclaimed like the Delaware Chancery Court and the North Carolina Business Court. These are the models which we are focusing on.

We have concentrated on self help for *pro se* litigates. This terrible economic time has deprived a lot of good hardworking South Carolinians who hold regular jobs, but cannot afford to pay for legal representation which has forced them into going to court and trying to represent themselves. This is a tough, tough proposition for many of them, and legal aid money is simply not there. So we are experimenting in Newberry, as we set up this self help center in July, and have already served over 50 clients. The vast majority has income levels of $21,000 or less. You can imagine how little there is in the budget for private representation. We are not taking the bread out of anybody’s mouth, and I can assure you we are providing lawyers who are volunteers and college students, to help these folks with model pleadings and forms to navigate in self-represented fashion with the complexity of the court system.

Civics education continues to be a very important part of what we have a duty to do as the court system of South Carolina. I frankly think that the absence of mandatory civics education in South Carolina’s school-age curriculum is a terrible, terrible blow to the ability of citizens to understand what their government is and participate in it. I am proud to tell you that South Carolina was ranked as an “A” rating when it comes to teaching students “American History”. Our courts’ involvement has helped to strengthen that considerably. Most states are rated mediocre to awful and South Carolina’s rating is something that we can all be very proud of. Our court-initiated programs included a class-action program where students study our cases and come to the Supreme Court. Graphic novels, which target 7th and 8th graders, use the graphic novel format which is so popular with children now. Formerly known as Superman and other comic books are today known as graphic novels. But we have developed some that have the stories of real life cases and how they are perceived through the Court System. It is a great teaching tool and, in fact, I am asking myself why we limit this to children. Therefore, we have added them to our self-help centers, plan to distribute around to public areas, and teach them about the court system. Our civics, the wonderful partnership with Justice Sandra Day O’Conner, uses an interactive video game media developed by George Lucas and Steven Spielberg to teach and primarily target middle and high school students to teach them through a game format. They now have nine games that use court themes, legislative themes, and executive themes. These children get points for interacting based on what they know, learn about how government operates, and it is a wonderful teaching tool. Our summer Supreme Court Institute teaches teachers how to use this new media, which is for more than just civics in the Sandra Day O’Connor Project. This is also an outreach to the teaching community to participate in teaching new media to others who are teaching our children. It is an absolute, tremendous honor for Sandra Day O’Connor to have personally presented me, on the behalf of the State, with the Sandra Day O’Connor Civics Education Award.

I would like to now introduce you to a real South Carolina hero, Rosalyn Frierson. She began her career in these halls as a budget analyst at the South Carolina House of Representatives Ways and Means Committee after receiving a distinguished business and accounting degree from the University of South Carolina. Now Rosalyn has become our Director of Court Administration. This year, she is President of the National Conference of State Court Administrators and Vice Chair of the Board of Directors of the National Center for State Courts. She has just finished a two-year executive leadership program at Harvard University. Her thesis will be published shortly. She sets the gold standard nationally and is recognized. I am very proud to recognize this great court director, Rosalyn Frierson.

Now if I might, let me take us up to that mythical 40,000 feet for a minute. I would argue that the United States commitment to the rule of law be compared with nations taking steps toward democracy, whether it is in the middle east, the former Soviet Union, or the nations of this hemisphere. I would project that our commitment to the rule of law most heavily influences the role of the court systems around the world. Our commitment to the rule of law, particularly the liberties enshrined in our Constitution is exceptional even when compared with our democratic friends and allies like Great Britain, which has much title restrictions on the release of government information or other nations of Western Europe that are still struggling with their economy. More than any other country on the planet, the United States upholds basic liberties because they are etched in our founding documents and stitched in to the fabric of our national tapestry. Because of our faith in the market place of ideas, in the common sense of our fellow citizens, our commitment to the rule of law and basic liberties does not just improve the quality of our lives. I would submit it enhances our capacity to grow and prosper economically. Those nations that are still in transition will come to learn that until they have a rule of law, businesses cannot be sure that they can enforce their contracts. Until their intellectual property is protected, its citizens are not free to speak their minds, and those nations will never reach their full potential. Russia, for example, is a great case in point. Twenty years after the fall of the Soviet Union, Russia is in the midst of pursuing its stated aspiration of becoming a prosperous democracy that has integrated into the West. It continues to struggle in following their so called Parliamentary Elections and the reluctance of a lot of companies to invest in their economy. A similar concern of high tech industries is to invest in their economy. Pragmatic business women and men want to invest where they can expect a reasonable return and an absolute assurance that the legal system in the country that they are investing in will provide “due process”. Businesses that consider investing in a country with a poor record of internet freedom, protection of the property of the corporations, they are not any different than the Somali pirates, in terms of their attractiveness to investment. This is one of the many reasons why a recent report from Boston Consulting Group concluded that by sometime around 2015, many goods destined for North American consumers and manufactured in some parts of the United States will be just as economical as goods manufactured in China.

When I attended the Conference of Chief Justices a week and a half ago, top leaders from DuPont, Ford, Intel, Masterlock and others spoke to us about the importance of State Courts. Ellen Kullman, the current CEO of DuPont Corporation, put it best by saying, “…We are insourcing now. We are coming back because global economy, jobs, and progress through the free market depends on consistent and stable Court Systems.” Outsourcing has now become insourcing. The protection of property that is needed whether you are a pharmaceutical company or DuPont, folks who have thought a less than expensive way to create manufactured goods and value are now realizing that the stability of the American market place and its court systems are major reasons to come back home. So an American Court System and its fair and consistent enforcement of the rule of law are the bedrock of the American economy progress. You cannot make a better investment as a General Assembly than to support our fine Court System here in South Carolina. Nationally recognized, we continue to be your partner in making South Carolina achieve its real goals.

So now I will finish with Patrick, as I always do. There he is living the dream as a ball kid for his father’s alma mater, the George Washington Colonials. He is the young man that we are all working for in order to create the kind of world in which he and others can thrive, prosper, and make the next inventions for the betterment of progress and humankind of which we can only dream. I am honored beyond what I can say to be your partner as we move South Carolina forward. God Bless.

Upon the conclusion of her address, Chief Justice Toal and her escort party retired from the Chamber.

**JOINT ASSEMBLY RECEDES**

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

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 12:35 p.m. the House resumed, the SPEAKER in the Chair.

Rep. BANNISTER moved that the House recede until 2:30 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:30 p.m. the House resumed, ACTING SPEAKER J. E. SMITH in the Chair.

**SPEAKER IN CHAIR**

**H. 4549--OBJECTION AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 4549 -- Reps. Clemmons and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-3-70 SO AS TO REQUIRE A THIRD-PARTY VOTER REGISTRATION ORGANIZATION OPERATING IN THIS STATE TO REGISTER AND FILE CERTAIN INFORMATION WITH THE STATE ELECTION COMMISSION; TO PROVIDE THAT A THIRD-PARTY VOTER REGISTRATION ORGANIZATION MUST PROMPTLY DELIVER ALL COLLECTED REGISTRATION APPLICATIONS TO THE APPROPRIATE REGISTRATION OFFICE, AND TO PROVIDE PENALTIES.

Rep. ALLEN objected to the Bill.

Rep. CLEMMONS moved to adjourn debate on the Bill until Tuesday, February 21, which was agreed to.

**H. 4652--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4652 -- Reps. Sandifer, Harrell, Lucas, Bingham, Hardwick, Harrison, Owens, White, Allison, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bikas, Bowen, Brady, Brannon, Chumley, Clemmons, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Edge, Erickson, Forrester, Frye, Gambrell, Hamilton, Hearn, Henderson, Herbkersman, Hiott, Hixon, Horne, Huggins, Limehouse, Loftis, Long, Lowe, McCoy, Merrill, D. C. Moss, V. S. Moss, Murphy, Nanney, Norman, Parker, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Ryan, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Tribble, Viers, Whitmire, Willis, Young, Battle, Hayes and Anthony: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-7-110 SO AS TO PROVIDE AN EMPLOYER MUST CONSPICUOUSLY POST CERTAIN NOTICE CONCERNING THE RIGHTS OF AN EMPLOYEE; BY ADDING SECTION 41-7-120 SO AS TO PROVIDE CERTAIN DEFINITIONS AND PROHIBITIONS CONCERNING GOVERNMENT CONTRACTS; BY ADDING SECTION 41-7-130 SO AS TO REQUIRE A LABOR ORGANIZATION TO FILE CERTAIN INFORMATION WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO AMEND SECTION 41-7-10, RELATING TO PUBLIC POLICY CONCERNING THE RIGHT TO WORK, SO AS TO PROVIDE CERTAIN DEFINITIONS AND TO LIMIT APPLICABILITY OF THOSE DEFINITIONS; TO AMEND SECTION 41-7-40, AS AMENDED, RELATING TO THE DEDUCTION OF LABOR ORGANIZATION MEMBERSHIP DUES FROM EMPLOYEE WAGES, SO AS TO PROVIDE AN EMPLOYEE MUST AUTHORIZE THIS DEDUCTION IN A CERTAIN MANNER, AND TO CLARIFY THAT OTHERWISE LEGAL POLITICAL CONTRIBUTIONS ARE NOT PROHIBITED; TO AMEND SECTION 41-7-80, RELATING TO PENALTIES FOR A VIOLATION OF RIGHT TO WORK LAWS, SO AS TO LIMIT THE APPLICABLE FINE TO A MAXIMUM OF TEN THOUSAND DOLLARS; TO AMEND SECTION 41-7-90, RELATING TO REMEDIES AVAILABLE TO A WORKER FOR A VIOLATION OF HIS RIGHT TO WORK, SO AS TO PERMIT TREBLE DAMAGES, REQUIRE A PERSON SEEKING THIS RELIEF TO DEMONSTRATE A FACTUAL BASIS FOR A CLAIM IN A CERTAIN MANNER, AND PROVIDE AN EXCEPTION; AND TO AMEND SECTION 41-7-100, RELATING TO CIVIL PENALTIES THE DEPARTMENT MAY ASSESS FOR A VIOLATION AND RELATED APPEALS, SO AS TO PROVIDE A CIVIL PENALTY MAY NOT EXCEED TEN THOUSAND DOLLARS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 4652 (COUNCIL\AGM\ 19419AB12), which was adopted:

Amend the bill, as and if amended, Section 41‑7‑110, as contained in SECTION 1, page 2, by deleting / shall /and inserting /, or a single employee of that employer, may / on line 11, and by deleting / and / and inserting / or / on line 17.

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

Rep. SANDIFER explained the Bill.

Rep. MACK spoke against the Bill.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. A. BROWN a temporary leave of absence.

Rep. COBB‑HUNTER proposed the following Amendment No. 3 to H. 4652 (COUNCIL\BBM\10537HTC12), which was tabled:

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

/SECTION 1. Chapter 7, Title 41 of the 1976 Code is repealed.

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. COBB-HUNTER explained the amendment.

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

Rep. SANDIFER moved to table the amendment.

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

Yeas 71; Nays 28

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Forrester | Funderburk | 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 | Ott | Owens |
| Parker | Patrick | Pinson |
| Putnam | Quinn | Ryan |
| Sandifer | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | White | Whitmire |
| Willis | Young |  |

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bowers | Brantley | Butler Garrick |
| Clyburn | Cobb-Hunter | Dillard |
| Gilliard | Govan | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | Johnson | Knight |
| Mack | McEachern | Munnerlyn |
| J. H. Neal | Parks | Sabb |
| Sellers | Weeks | Whipper |
| Williams |  |  |

**Total--28**

So, the amendment was tabled.

**SPEAKER *PRO TEMPORE* IN CHAIR**

The question then recurred to the passage of the Bill.

Rep. GILLIARD spoke against the Bill.

Rep. WHIPPER spoke against the Bill.

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

Rep. HOWARD spoke against the Bill.

Rep. SANDIFER spoke in favor of the Bill.

**LEAVE OF ABSENCE**

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

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

Yeas 86; Nays 25

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Chumley | Clemmons |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrison | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | White | Whitmire |
| Willis | Young |  |

**Total--86**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Brantley | G. A. Brown |
| H. B. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Dillard | Gilliard |
| Govan | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| Munnerlyn | J. H. Neal | Sabb |
| Sellers | J. E. Smith | Whipper |
| Williams |  |  |

**Total--25**

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

RECORD FOR VOTING

 I had to be out of the Chamber when the vote was taken on H. 4652. I was meeting with the House attorneys on the redistricting case that is pending before the three-judge Federal panel and I also spoke to York County officials about issues facing our State. If I had been in the Chamber, I would have voted in favor of the Bill.

 Rep. Robert. W. Harrell, Jr.

RECORD FOR VOTING

 I was temporarily out of the Chamber attending a briefing upon H. 4549, the 3rd Party Registration Bill, and missed the vote on H. 4652. If I had been present, I would have voted against H. 4652.

 Rep. Karl Allen

Rep. MCCOY 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. 4736 -- Reps. Hodges, McLeod, Agnew, Alexander, Allen, 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, 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, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, Merrill, 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, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE ARCHITECTURAL VISION AND ACCOMPLISHMENTS OF FRANK LLOYD WRIGHT AND HIS SOUTH CAROLINA CREATION OF AULDBRASS PLANTATION, AND TO COMMEND THE SIGNIFICANT WORK OF JOEL SILVER TO RESTORE AULDBRASS TO THE ORIGINAL WRIGHT PLANS.

**ADJOURNMENT**

At 5:45 p.m. the House, in accordance with the motion of Rep. ATWATER, adjourned in memory of Deborah Ann Hottel, wife of Assistant Clerk of the House Donald Benjamin Hottel, Jr., of Columbia, to meet at 10:00 a.m. tomorrow.

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