~~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 Micah 7:18: “Who is a God like you, pardoning iniquity and passing over the transgressions of the remnant of your passion? He does not retain his anger forever because he delights in showing clemency.”

Let us pray. Almighty God, Your presence in our lives gives us energy and perspective on a better life. Hold us in the palm of Your hand, nourish us with Your word and keep each of us in Your care. Bless our Nation, President, State, Governor, Speaker, and all who support them in their duties. Protect 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. BRANHAM moved that when the House adjourns, it adjourn in memory of Beverly Nettles of Lake City, wife of former Representative E. LeRoy Nettles, Sr., and mother of former Representative E. LeRoy "Toy" Nettles, Jr., which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of Beverly Nettles.

**SILENT PRAYER**

The House stood in silent prayer for Alice Brown of Chapin and her family.

**REPORTS OF STANDING COMMITTEES**

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 4801 -- Reps. Sandifer, Gambrell, Bowen, Whitmire, Agnew, Thayer, Putnam and White: A BILL TO AMEND SECTION 6-13-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PIONEER RURAL WATER DISTRICT OF OCONEE AND ANDERSON COUNTIES, SO AS TO REVISE THE QUALIFICATIONS OF PERSONS WHO MAY BE APPOINTED TO THE GOVERNING BOARD OF THE DISTRICT AND THE MANNER OF THEIR APPOINTMENT; AND TO AMEND SECTION 6-13-240, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE DISTRICT ACTING THROUGH ITS GOVERNING BOARD, SO AS TO PROVIDE THAT THE DISTRICT MUST NOT CONTRACT FOR OR UNDERTAKE THE CONSTRUCTION OF ANY NEW FRESHWATER TREATMENT FACILITIES UNTIL JANUARY 1, 2016.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

H. 4517 -- Rep. D. C. Moss: A BILL TO AMEND SECTION 56-3-8800, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF WORLD WAR II VETERANS SPECIAL LICENSE PLATES, SO AS TO PROVIDE THAT THE LICENSE PLATE MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESS FOR PERSONS WHO QUALIFY TO BE ISSUED THIS LICENSE PLATE AND HANDICAPPED PARKING PLACARD.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

H. 4582 -- Reps. Atwater and Quinn: A BILL TO AMEND SECTION 56-3-2320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF DEALER AND WHOLESALER LICENSE PLATES, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE LICENSE PLATES TO BE USED ON VEHICLES LOANED OR RENTED TO THE UNITED SERVICE ORGANIZATION SOUTH CAROLINA, AND THE AMERICAN RED CROSS.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

H. 4675 -- Reps. Henderson, G. M. Smith, J. R. Smith, Parker, Barfield, Allison, Atwater, Bowen, Corbin, Delleney, Forrester, Hamilton, Lowe, Lucas, Owens, Putnam, Simrill, G. R. Smith, Stringer, Toole, Tribble, Willis, Funderburk, Nanney and Quinn: A BILL TO AMEND SECTION 61-2-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, SO AS TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710; AND TO AMEND SECTION 61-4-580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, SO AS TO CLARIFY THAT THIS ITEM DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12-21-2710.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4672 -- Rep. H. B. Brown: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELIGIBILITY TO HOLD A POPULARLY ELECTED OFFICE IN THIS STATE, SO AS TO ELIMINATE THE EXCEPTION THAT ALLOWS A PERSON TO HOLD ELECTIVE OFFICE IF A PERSON'S CONVICTION HAS BEEN PARDONED UNDER STATE OR FEDERAL LAW, OR IF IT HAS BEEN FIFTEEN OR MORE YEARS AFTER THE COMPLETION DATE OF THE PERSON'S SENTENCE, INCLUDING PROBATION AND PAROLE TIME.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4008 -- Reps. Harrison, H. B. Brown, G. R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D. C. Moss, Patrick, Pinson, Sandifer, G. M. Smith, J. R. Smith, Stringer, Toole, Willis and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44-7-392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER'S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THAT PERSON; BY ADDING SECTION 44-7-394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40-71-10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4680 -- Rep. Bannister: A BILL TO AMEND SECTION 17-25-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDUCTION OF A SENTENCE WHEN A DEFENDANT PROVIDES SUBSTANTIAL ASSISTANCE IN INVESTIGATING OR PROSECUTING ANOTHER PERSON, SO AS TO DELETE THE REQUIREMENT THAT THE ASSISTANCE BE PROVIDED AFTER SENTENCING AND CLARIFY THAT A DEFENDANT'S SENTENCE MAY BE REDUCED BELOW THE MINIMUM TERM OF IMPRISONMENT PROVIDED BY LAW UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3130 -- Reps. Brady, Stringer, Long, Butler Garrick and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-19-2470 SO AS TO CREATE THE OFFENSE OF SEXTING, TO PROVIDE FOR A CIVIL FINE AND THE CREATION OF AN EDUCATIONAL PROGRAM FOR A PERSON WHO COMMITS THE OFFENSE, TO PROVIDE FOR THE RESTRICTION OF A MINOR'S DRIVING PRIVILEGES UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE CERTAIN SAFEGUARDS FOR MINORS WHO COMMIT THE OFFENSE, AND TO PROVIDE FOR THE USE OF THE UNIFORM TRAFFIC TICKET FOR THE OFFENSE AND FOR JURISDICTION OVER THE OFFENSE IN THE MUNICIPAL OR MAGISTRATES COURT.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4603 -- Reps. Rutherford and McCoy: A BILL TO AMEND SECTION 17-22-50, AS AMENDED, AND SECTION 17-22-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY NOT BE CONSIDERED FOR PARTICIPATION IN A PRETRIAL INTERVENTION PROGRAM AND PROGRAM ELIGIBILITY, RESPECTIVELY, BOTH SO AS TO ALLOW A PERSON TO PARTICIPATE IN A PROGRAM MORE THAN ONCE WITH THE SOLICITOR'S CONSENT.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

H. 4726 -- Reps. Pitts, Parks and Pinson: A BILL TO AMEND SECTION 6-11-1230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF PUBLIC SERVICE DISTRICT AND SPECIAL PURPOSE DISTRICT COMMISSIONS, INCLUDING, AMONG OTHER THINGS, THE POWER TO ASSESS THE COST OF THE ESTABLISHMENT AND CONSTRUCTION OF A SEWER LATERAL COLLECTION LINE, SO AS TO PROVIDE THAT IF A RESIDENTIAL SUBDIVISION RECEIVED CONCEPTUAL APPROVAL FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR SEPTIC TANK USE AND SUBSEQUENTLY FIVE OR MORE LOTS IN THE SUBDIVISION WERE DENIED PERMITS BY THE DEPARTMENT, AN ASSESSMENT MAY BE LEVIED ON THE ABUTTING PARCELS IN THE SUBDIVISION FOR THE ACTUAL COSTS OF THE SEWER LATERAL COLLECTION LINES, TRANSMISSION LINES, AND ASSOCIATED INFRASTRUCTURE AND TO PROVIDE THAT A LETTER OR CERTIFICATE OF THE DEPARTMENT ESTABLISHES THESE CONDITIONS AUTHORIZING THE ASSESSMENT.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4960 -- Rep. Nanney: A HOUSE RESOLUTION TO CONGRATULATE FAITH ELIZABETH OLSEN OF GREENVILLE COUNTY UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER FORTY-FIVE YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1238 -- Senator S. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 150 IN SPARTANBURG COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO THE SPARTANBURG/CHEROKEE COUNTY LINE "ERNIE WHITE MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "ERNIE WHITE MEMORIAL HIGHWAY".

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. 1309 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO HONOR BESSIE BOWMAN ABRAHAM OF ORANGEBURG COUNTY, EXECUTIVE DIRECTOR OF THE ORANGEBURG AREA MENTAL HEALTH CENTER, ON THE OCCASION OF HER RETIREMENT, THANK HER FOR HER THIRTY-THREE YEARS OF SERVICE TO THE PEOPLE OF SOUTH CAROLINA, AND WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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. 4961 -- Rep. Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 77, TITLE 38 SO AS TO REQUIRE NOTICE AND CONSENT FOR THE USE OF AFTERMARKET EMISSIONS AND AFTERMARKET SAFETY PARTS IN MOTOR VEHICLE REPAIRS.

Referred to Committee on Labor, Commerce and Industry

H. 4962 -- Reps. Loftis and D. C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-13-250 SO AS TO PROVIDE THAT A COMMERCIAL APPLICATOR OF PESTICIDES IS NOT REQUIRED TO BE CERTIFIED TO PURCHASE AND APPLY ANY PESTICIDE THAT IS AVAILABLE TO CONSUMERS AT A RETAIL ESTABLISHMENT.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 126 -- Senators Campsen, McConnell, Fair, Rose and Ford: A BILL TO AMEND SECTION 63-5-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EQUAL RIGHTS AND DUTIES OF PARENTS REGARDING MINOR CHILDREN, SO AS TO PROVIDE THAT IN ADDITION TO EQUAL ACCESS AND EQUAL RIGHTS TO OBTAIN EDUCATIONAL AND MEDICAL RECORDS, A PARENT HAS EQUAL ACCESS AND EQUAL RIGHTS TO OBTAIN A MINOR CHILD'S COUNSELING AND THERAPY RECORDS.

Referred to Committee on Judiciary

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | 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 | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Rutherford | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, March 7.

|  |  |
| --- | --- |
| Bakari Sellers | Harry Ott |
| Boyd Brown | Denny Neilson |
| Jackie Hayes | Shannon Erickson |
| Chris Hart | Thad Viers |
| Ted Vick | James E. Smith |
| Jerry Govan | Carl Anderson |
| Tracy Edge |  |

**Total Present--118**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. WILLIS a leave of absence for the day due to legislative business.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. OWENS a leave of absence for the day due to personal reasons.

**STATEMENT OF ATTENDANCE**

Rep. VIERS signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, March 6.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Conyers O'Bryan of Florence 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. 3110 |
| Date: | ADD: |
| 03/07/12 | ERICKSON, HERBKERSMAN, PATRICK, SOUTHARD, HENDERSON, RYAN, CORBIN, LOFTIS, BEDINGFIELD, NANNEY, J. R. SMITH, TAYLOR, PUTNAM, HEARN, BOWEN, HIXON, DANING, SOTTILE, NORMAN and HARRELL |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3114 |
| Date: | ADD: |
| 03/07/12 | KNIGHT |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4073 |
| Date: | ADD: |
| 03/07/12 | HAMILTON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4826 |
| Date: | ADD: |
| 03/07/12 | KNIGHT and KING |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4654 |
| Date: | REMOVE: |
| 03/07/12 | MCEACHERN |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4629 |
| Date: | REMOVE: |
| 03/07/12 | COLE, ALLISON, FORRESTER and PARKER |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4549 |
| Date: | REMOVE: |
| 03/07/12 | QUINN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4628 |
| Date: | REMOVE: |
| 03/07/12 | G. M. SMITH |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4721 |
| Date: | REMOVE: |
| 03/07/12 | BRANNON |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3912 |
| Date: | REMOVE: |
| 03/07/12 | J. E. SMITH |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4953 |
| Date: | REMOVE: |
| 03/07/12 | LUCAS, G. M. SMITH, SANDIFER, GAMBRELL, BOWEN, DELLENEY, LOWE, ERICKSON, PARKER, PINSON, HUGGINS, YOUNG, STRINGER, PUTNAM, TAYLOR, MCCOY, HIXON and SOUTHARD |

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 1196 -- Senators Jackson, Ford, Courson, Hutto, Williams, Sheheen, Massey, Lourie, McGill, Scott, Nicholson, Matthews, Anderson, Gregory, Coleman, Setzler, Rankin and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-616 SO AS TO PROVIDE THAT THE MONTH OF FEBRUARY OF EVERY YEAR IS DESIGNATED AFRICAN AMERICAN HISTORY MONTH IN SOUTH CAROLINA.

**H. 4924--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4924 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF DENTISTRY, RELATING TO REGISTRATION OF LICENSES OR CERTIFICATES; ANNUAL ELECTION OF THE BOARD; AND EXECUTIVE DIRECTOR, DESIGNATED AS REGULATION DOCUMENT NUMBER 4232, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. PARKS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | Parks | Patrick |
| Pinson | Pope | Putnam |
| Quinn | Ryan | 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 | White |
| Whitmire | Williams | Young |

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**H. 4925--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4925 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF CHIROPRACTIC EXAMINERS, RELATING TO ORGANIZATION, ADMINISTRATION AND PROCEDURE, DESIGNATED AS

REGULATION DOCUMENT NUMBER 4228, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. PARKS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gilliard | Govan | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| 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 | Parker |
| Parks | Patrick | Pinson |
| Pope | Putnam | Quinn |
| Sandifer | Simrill | Skelton |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Taylor |
| Thayer | Toole | Tribble |
| Vick | Viers | Weeks |
| White | Whitmire | Williams |
| Young |  |  |

**Total--100**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 4925. If I had been present, I would have voted in favor of the Joint Resolution.

Rep. George Hearn

**H. 4926--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4926 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN OPTICIANRY, RELATING TO REQUIREMENTS OF LICENSURE FOR OPTICIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4247, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. PARKS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | 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 | Ott |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Viers | Weeks | White |
| Whitmire | Williams | Young |

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**H. 4927--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4927 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF PODIATRY EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR PODIATRISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4250, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. PARKS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Frye | Funderburk |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | 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 | Ott |
| Parks | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Toole | Tribble |
| Vick | Weeks | White |
| Whitmire | Williams | Young |

**Total--99**

Those who voted in the negative are:

**Total--0**

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

**H. 4928--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4928 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF BARBER EXAMINERS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4265, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. SPIRES explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | 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 | Clemmons | Clyburn |
| Cole | 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 |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Ryan | 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 | Weeks | Whipper |
| White | Whitmire | Williams |
| Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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

**H. 4929--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4929 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF BARBER EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE IN THE FIELD OF BARBERING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4225, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. SPIRES explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | 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 |
| Clemmons | Clyburn | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | 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 |
| Ott | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Young |

**Total--108**

Those who voted in the negative are:

**Total--0**

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

**H. 4930--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4930 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF COSMETOLOGY, RELATING TO REQUIREMENTS OF LICENSURE FOR COSMETOLOGISTS, ESTHETICIANS, AND NAIL TECHNICIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4230, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. SPIRES 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 | 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 |
| Clemmons | Clyburn | Cole |
| 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 | 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 |
| Parker | Parks | Patrick |
| Pinson | Pope | Putnam |
| Quinn | Ryan | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Thayer | Toole |
| Tribble | Vick | Weeks |
| White | Whitmire | Williams |
| 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.

**H. 4952--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4952 -- Rep. Herbkersman: A BILL TO AMEND SECTION 7-7-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN BEAUFORT COUNTY, SO AS TO CHANGE THE NAME OF THE "BLUFFTON 3A" PRECINCT TO THE "MOSS CREEK" PRECINCT, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Brannon | Brantley | H. B. Brown |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Govan | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Johnson |
| King | Knight | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Patrick | Pinson | Pope |
| Putnam | Quinn | Ryan |
| Simrill | Skelton | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | Whipper | White |
| Whitmire | Young |  |

**Total--98**

Those who voted in the negative are:

**Total--0**

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

**H. 4813--POINT OF ORDER**

The following Bill was taken up:

H. 4813 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

**POINT OF ORDER**

Rep. OTT 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.

**H. 4814--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 4814 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2011-2012, TO PROVIDE REPORTING REQUIREMENTS WITH RESPECT TO A SPECIFIC APPROPRIATION, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

**POINT OF ORDER**

Rep. OTT made the Point of Order that the Joint Resolution 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.

**H. 3066--DEBATE ADJOURNED**

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

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435; 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED; 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Rep. G. R. SMITH moved to adjourn debate upon the Senate Amendments until Tuesday, March 20, which was agreed to.

**MOTION PERIOD**

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

**H. 4043--DEBATE ADJOURNED**

Rep. TALLON moved to adjourn debate upon the following Bill until Thursday, March 8, which was adopted:

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V. S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson and D. C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A "DRUG TEST".

**H. 4625--RECOMMITTED**

The following Bill was taken up:

H. 4625 -- Reps. Lucas, Parker, Simrill, Erickson, Pope, Taylor, Frye, Spires, Crawford, Harrison, Young, Quinn, Bingham, Corbin, G. M. Smith, Huggins, Brannon, V. S. Moss, Brady, Pinson, Stringer, Ryan, Atwater, J. M. Neal, Hixon, Allison, G. R. Smith, Anthony, Bikas, Bowen, Chumley, Cole, Delleney, Edge, Forrester, Hamilton, Henderson, Herbkersman, Hiott, Loftis, Long, Lowe, D. C. Moss, Munnerlyn, Neilson, Norman, Owens, Patrick, Putnam, Skelton, J. R. Smith, Tallon, Toole, Tribble, Williams, Willis and Ballentine: A BILL TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING BODIES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT PART OF THE GOVERNING BODY OF THE DEPARTMENT OF TRANSPORTATION IS A SEVEN-MEMBER COMMISSION; TO AMEND SECTION 1-30-105, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION IS THE SECRETARY OF TRANSPORTATION; TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF CERTAIN OFFICERS BY THE GOVERNOR, SO AS TO DELETE THE PROVISION THAT PROVIDES THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS MAY BE REMOVED FROM OFFICE BY THE GOVERNOR UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO REMOVE THE CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION AS A DIRECTOR, AND TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION IS A MEMBER OF THE BOARD; TO AMEND SECTIONS 57-1-10, 57-1-40, 57-1-410, 57-1-430, 57-1-490, AND 57-3-20, ALL AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO ELIMINATE THE DEPARTMENT OF TRANSPORTATION COMMISSION AND ITS RESPONSIBILITIES, TO ALLOW THE GOVERNOR TO APPOINT THE SECRETARY OF TRANSPORTATION AND REQUIRE THE DEPARTMENT OF TRANSPORTATION SUBMIT TO THE GENERAL ASSEMBLY AN ITEMIZED PROJECT LIST TO BE FUNDED FOR THE FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY WOULD ENACT ITS ANNUAL GENERAL APPROPRIATIONS ACT; TO AMEND SECTION 57-3-50, RELATING TO THE ESTABLISHMENT OF HIGHWAY DISTRICTS, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "COMMISSION"; TO AMEND SECTION 57-1-500, RELATING TO A DEPARTMENT OF TRANSPORTATION ETHICS WORKSHOP, SO AS TO DELETE THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS AS PARTICIPANTS IN THIS WORKSHOP; TO REPEAL SECTION 11-43-140 RELATING TO THE BOARD OF DIRECTORS OF THE TRANSPORTATION INFRASTRUCTURE BANK; AND TO REPEAL ARTICLE 3, CHAPTER 1, TITLE SECTION 57, 57-1-460, SECTION 57-1-470, ARTICLE 7, CHAPTER 1, TITLE 56, AND SECTIONS 6, 7, AND 8 OF ACT 114 OF 2007 ALL RELATING TO THE CREATION AND FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION AND ITS COMMISSION.

Reps. LUCAS, HARRISON, YOUNG, DELLENEY and SIMRILL proposed the following Amendment No. 3 to H. 4625 (COUNCIL\DKA\3981SD12):

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

/ SECTION 1. Section 1‑30‑10(B) of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“(B)(1) The governing authority of each department ~~shall be~~ is either:

(i) a director, and in the case of the Department of Commerce, the secretary, who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to provisions of Section 1‑3‑240;

(ii) a seven member board to be appointed and constituted in a manner provided for by law;

(iii) in the case of the Department of Agriculture and the Department of Education, the State Commissioner of Agriculture and the State Superintendent of Education, respectively, elected to office under the Constitution of this State; or

(iv) in the case of the Department of Transportation, a ~~seven member commission constituted in a manner provided by law, and a~~ Secretary of Transportation appointed by and serving at the pleasure of the Governor.”

SECTION 2. Section 1‑30‑105 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 1‑30‑105. (A) Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Transportation to be initially divided into divisions for Mass Transit, Construction and Maintenance, Engineering and Planning, and Finance and Administration~~;~~ ~~however, the State Highway Commission as constituted on June 30, 1993, under the provisions of Title 56, shall be the governing authority for the department until February 15, 1994, or as soon as its successors are elected or appointed and qualified, whichever is later~~.

Department of Highways and Public Transportation, except the Motor Vehicle Division, which was established as the Department of Motor Vehicles by Section 56‑1‑5, and the State Highway Patrol, formerly provided for at Section 56‑1‑10, et seq.

(B) Notwithstanding another provision of law, on the effective date of this subsection, the governing authority of the Department of Transportation is the Secretary of Transportation as provided in Section 57‑1‑410.”

SECTION 3. Section 1‑3‑240(C)(1) of the 1976 Code, as last amended by Act 73 of 2009, is further amended to read:

“(1) Persons appointed to the following offices of the State may be removed by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity:

(a) Workers’ Compensation Commission;

(b) ~~Department of Transportation Commission;~~ Reserved;

(c) Ethics Commission;

(d) Election Commission;

(e) Professional and Occupational Licensing Boards;

(f) Juvenile Parole Board;

(g) Probation, Parole and Pardon Board;

(h) Director of the Department of Public Safety;

(i) Board of the Department of Health and Environmental Control, excepting the chairman;

(j) Chief of State Law Enforcement Division;

(k) South Carolina Lottery Commission;

(l) Executive Director of the Office of Regulatory Staff; ~~and~~

(m) Directors of the South Carolina Public Service Authority appointed pursuant to Section 58‑31‑20. A director of the South Carolina Public Service Authority also may be removed for his breach of any duty arising under Section 58‑31‑55 or 58‑31‑56. The Governor must not request a director of the South Carolina Public Service Authority to resign unless cause for removal, as established by this subsection, exists. Removal of a director of the South Carolina Public Service Authority, except as is provided by this section or by Section 58‑31‑20(A), must be considered to be an irreparable injury for which no adequate remedy at law exists~~.~~; and

(n) State Ports Authority.”

SECTION 4. Section 11‑43‑140 of the 1976 Code is amended to read:

“Section 11‑43‑140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: the ~~Chairman~~ Secretary of the Department of Transportation ~~Commission~~, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President *Pro Tempore* of the Senate; and one member of the Senate appointed by the President *Pro Tempore* of the Senate, ex officio. Directors appointed by the Governor, the Speaker, and the President *Pro Tempore* shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.”

SECTION 5. Section 57‑1‑10 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑10. For the purposes of this title, the following words, phrases, and terms are defined as follows:

(1) ~~‘Commission’ means the administrative and governing authority of the Department of Transportation.~~

~~(2)~~ ‘Department’ means the Department of Transportation (DOT).

~~(3)~~(2) ‘Secretary of Transportation’ means the Chief Administrative Officer of the Department of Transportation.”

SECTION 6. Section 57‑1‑40 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑40. (A) It is unlawful for ~~a member of the commission or~~ the Secretary of Transportation or an engineer, agent, or other employee, acting for or on behalf of the department ~~or commission~~, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(B) It is unlawful for a person to give or offer to give, promise, or cause or procure to be promised, offered, or given, either directly or indirectly, to ~~a member of the commission or~~ an engineer, agent, or other employee acting for or on behalf of the ~~commission or~~ department with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (B) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(C) The ~~members and employees of the commission and~~ employees of the department are subject to the provisions of Chapter 13, Title 8, the State Ethics Act, and the provisions of Chapter 78, Title 15, the South Carolina Tort Claims Act.”

SECTION 7. A. Subsections (A), (B)(1)-(7), and (C)-(O) of Section 57-1-370 of the 1976 Code are deleted.

B. Section 57-1-370(B)(8) of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations' transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the ~~commission~~ Secretary of Transportation shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; ~~and~~

(i) consistency with local land use plans; and

(j) obsolescence and deterioration.”

SECTION 8. Section 57‑1‑410 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑410. The Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at ~~the~~ his pleasure ~~of the Governor~~. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the annual general appropriations act.”

SECTION 9. Section 57‑1‑430 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑430. ~~(A)~~ The secretary is charged with the following affirmative ~~duty~~ duties: ~~to carry out the policies of the commission , to administer the day‑to‑day affairs of the department, to direct the implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit Plan, and to ensure the timely completion of all projects undertaken by the department, and routine operation and maintenance requests, and emergency repairs. He must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government. The secretary must prepare an annual budget for the department that must be approved by the commission before becoming effective.~~

~~(B)~~ ~~For each division, the secretary may employ such personnel and prescribe their duties, powers, and functions as he considers necessary and as may be authorized by statute and for which funds have been authorized in the annual general appropriations act.~~

(1) carry out the policy of the department;

(2) represent the agency in its dealings with all other state, local, or federal agencies;

(3) administer the day‑to‑day operations of the department;

(4) prepare and direct the implementation of the Statewide Transportation Improvement Program;

(5) prepare and direct the implementation of the Statewide Mass Transit Plan;

(6) ensure the timely completion of projects undertaken by the department;

(7) prepare and submit to the General Assembly an annual budget request pursuant to Section 57‑1‑435;

(8) prepare and submit to the chairmen of the Senate Finance Committee and House Ways and Means Committee a quarterly cash flow analysis detailing the current obligations and available funds of the department;

(9) undertake routine operation and maintenance requests;

(10) undertake emergency repairs; and

(11) employ all necessary personnel to carry out the functions of the department including, but not limited to, an assistant secretary for engineering and one engineer for each transportation district.”

SECTION 10. Article 5, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑435. (A) Among the other duties of the Secretary of Transportation, he is responsible for the development of a statewide multimodal transportation plan and the prioritizing of projects in that plan according to criteria established pursuant to Section 57-1-370(B)(8).

(B) The secretary shall utilize the priority list developed in the statewide multimodal plan for selecting projects for inclusion into the statewide transportation improvement program. The statewide transportation improvement program must be divided into improvement categories that include:

(1) pavement and reconstruction;

(2) federal match program for local participants;

(3) rural system program;

(4) urban system program;

(5) interstate programs;

(6) interstate program debt service;

(7) safety;

(8) congestion management and air quality;

(9) bridge replacement;

(10) federal lands;

(11) enhancements;

(12) planning; and

(13) any additional categories or criteria required by federal law or regulation.

The secretary annually shall provide to the Governor and the General Assembly a priority listing of all federal‑aid eligible projects, within their respective statewide transportation improvement program funding category, in accordance with the ranking criteria. The objective and quantifiable criteria for each category also must be consistent with the federal guidelines and eligibility requirements of the program category as defined in the most recent federal transportation authorization act and the statewide transportation improvement program. The annual statewide transportation improvement program funding allocations must be based on anticipated funding levels according to the most current federal transportation authorization act and adjusted each year through a congressionally approved federal appropriations act, continuing resolution, or other congressional action.

(C) The state‑funded program must be divided into categories that include:

(1) maintenance and operations;

(2) pavement improvement and preservation;

(3) bridge replacements; and

(4) any additional categories or criteria required by federal law or regulation.

The secretary annually shall provide the Governor and the General Assembly a priority listing within each category of all state-funded projects in accordance with the ranking criteria. Prior to submission, the district engineers shall review the state funded maintenance and construction projects to be included in the state funded program within their respective districts. The annual budget for the state funded program must be based on anticipated state source revenues.

(D) The General Assembly may not select or alter the priority of projects submitted by the secretary.

(E) All projects and operations of the department, including the statewide transportation improvement program, are to be funded and administered according to appropriated categories. Projects for which an appropriation of twenty million dollars or more is made in an annual general appropriations act or authorizations for projects funded by the State Infrastructure Bank in any dollar amount in an annual general appropriations act must be individually authorized or appropriated by the General Assembly in that annual general appropriations act.

(F) The ranking criteria must be based on the following elements:

(1) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(2) public safety;

(3) potential for economic development;

(4) traffic volume and congestion;

(5) truck traffic;

(6) the pavement quality index;

(7) environmental impact;

(8) alternative transportation solutions;

(9) consistency with local land use plans; and

(10) obsolescence and deterioration.

(G) The project rankings priority lists for federal-aid eligible projects and for state-funded projects must be made publicly available on the department’s website and copies furnished upon request. The posted lists must be updated as soon as possible after any changes are made by the department.”

SECTION 11. Section 57‑1‑490 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑490. (A) The department ~~shall~~ must be audited by a certified public accountant or firm of certified public accountants once each year to be designated by the State Auditor. The designated accountant or firm of accountants shall issue audited financial statements in accordance with generally accepted accounting principles, and such financial statements shall be made available annually by October fifteenth to the General Assembly. The costs and expenses of the audit must be paid by the department out of its funds.

(B) The Materials Management Office of the State Budget and Control Board annually must audit the department’s internal procurement operation to ensure that the department has acted properly with regard to the department’s exemptions contained in Section 11‑35‑710. The audit must be performed in accordance with applicable state law, including, but not limited to, administrative penalties for violations found as a result of the audit. The results of the audit must be made available by October fifteenth to ~~the Department of Transportation Commission,~~ the Department of the Transportation’s chief internal auditor, the Governor, the chairmen of the Senate Finance and Transportation Committees, and the chairmen of the House of Representatives Ways and Means and Education and Public Works Committees. The costs and expenses of the audit must be paid by the department out of its funds.

~~(C)~~ The Legislative Audit Council shall contract for an independent performance and compliance audit of the department’s finance and administration division, mass transit division, and construction engineering and planning division. This audit must be completed by January 15, 2010. The Legislative Audit Council may contract for follow‑up audits or conduct follow‑up audits as needed based upon the audit’s initial findings. The costs of these audits, including related administrative and management expenses of the Legislative Audit Council, are an operating expense of the department. The department shall pay directly to the Legislative Audit Council the cost of the audits.

~~(D)~~(C) Copies of every audit conducted pursuant to this section must be made available to ~~the Department of Transportation Commission,~~ the Department of Transportation chief internal auditor, the Governor, the Chairmen of the Senate Finance and Transportation Committees, and the Chairmen of the House of Representatives Ways and Means and Education and Public Works Committees.”

SECTION 12. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑100. The department shall submit to a biennial performance evaluation by the Legislative Audit Council. This performance evaluation must seek to determine how well the department and the secretary have carried out their duties as prescribed by law and specifically complied with the requirements of law relating to the prioritization of projects. The Legislative Audit Council shall deliver the results of this review to the General Assembly no later than the second Tuesday in February of every even‑numbered year.”

SECTION 13. Section 57‑3‑20(1) of the 1976 Code, as last amended by Act 206 of 2010, is further amended to read:

“(1) division deputy director for finance and administration:

(a) financial planning and management;

(b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General; and

(c) administrative functions, including ~~recording proceedings of the commission and~~ developing policy and procedures to ensure compliance with these policies and procedures.”

SECTION 14. Section 57‑3‑50 of the 1976 Code is amended to read:

“Section 57‑3‑50. The ~~commission~~ department may establish such highway districts as in its opinion ~~shall be~~ are necessary for the proper and efficient performance of its duties. The ~~commission~~ department, every ten years, must review the number of highway districts and the territory embraced within the districts and make ~~such~~ changes ~~as~~ that may be necessary for the proper and efficient operation of the districts.”

SECTION 15. Section 57‑1‑500 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“Section 57‑1‑500. The secretary must provide for a workshop of at least two biennial contact hours concerning ethics and the Administrative Procedures Act for ~~the commissioners,~~ the secretary, the chief internal auditor, and senior management employees of the Department of Transportation; and a biennial ethics workshop of at least two contact hours for all other department employees.”

SECTION 16. Sections 57-1-310 through 57-1-360, Section 57‑1‑460, Section 57‑1‑470, Article 7, Chapter 1, Title 57 and Sections 6, 7, and 8 of Act 114 of 2007 are repealed.

SECTION 17. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. OTT spoke against the amendment.

Rep. LIMEHOUSE moved to recommit the Bill to the Committee on Judiciary.

Rep. LUCAS moved to table the motion.

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

Yeas 32; Nays 77

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Atwater | Barfield |
| Bedingfield | Chumley | Clemmons |
| Cole | Corbin | Crawford |
| Delleney | Forrester | Funderburk |
| Harrison | Hixon | Loftis |
| Long | Lowe | Lucas |
| D. C. Moss | Munnerlyn | Norman |
| Patrick | Pope | Ryan |
| Simrill | G. M. Smith | G. R. Smith |
| J. R. Smith | Southard | Stringer |
| Taylor | Young |  |

**Total--32**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Battle | Bingham |
| Bowen | Bowers | Brady |
| Brannon | Brantley | H. B. Brown |
| R. L. Brown | Butler Garrick | Clyburn |
| Crosby | Daning | Dillard |
| Erickson | Frye | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Mack | McEachern | McLeod |
| Merrill | V. S. Moss | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parker |
| Parks | Pinson | Pitts |
| Putnam | Sandifer | Sellers |
| Skelton | J. E. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whipper |
| Whitmire | Williams |  |

**Total--77**

So, the House refused to table the motion.

The question then recurred to the motion to recommit the Bill to the Judiciary Committee, which was agreed to.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

Rep. VICK moved that the House recede until 2:00 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:00 p.m. the House resumed, ACTING SPEAKER HEARN in the Chair.

**SPEAKER IN CHAIR**

**H. 4451--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4451 -- Reps. Bowen, Whipper, Bikas, Sottile, Herbkersman, D. C. Moss, Allison, Parker, Huggins, Bowers and Hearn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56-5-3890, 56-5-3895, AND 56-5-3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES COLLECTED FROM FINES ASSOCIATED WITH VIOLATIONS OF THESE PROVISIONS; AND TO AMEND SECTION 56-1-720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON'S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF IMPROPER USE OF AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE.

The Education and Public Works Committee proposed the following Amendment No. 1 to H. 4451 (COUNCIL\SWB\5119CM12), which was adopted:

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

/SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. (A) For purposes of this section:

(1) ‘Electronic communication device’ means an electronic device, including, but not limited to a wireless telephone, personal digital assistant, a text messaging device, or a portable or mobile computer while being used for the purpose of composing, reading, or sending an electronic message, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.

(2) ‘Electronic message’ means a self‑contained piece of digital communication that is designed or intended to be transmitted between physical devices. ‘Electronic message’ includes, but is not limited to electronic mail, a text message, an instant message, or a command or request to access an Internet site.

(B) A person may not use an electronic communication device to compose, send, or read an electronic message while operating a motor vehicle on a roadway.

(C) This section does not apply to a person operating a vehicle while:

(1) off the traveled portion of a roadway;

(2) using an electronic communication device in hands‑free, voice‑activated, or voice‑operated mode;

(3) activating or deactivating an electronic communication device or an internal feature or function of the device not associated with electronic messaging;

(4) summoning medical or other emergency assistance;

(5) an operator of a commercial motor vehicle reading a message displayed on a permanently installed communications device designed for a commercial motor vehicle with a screen that does not exceed ten inches tall by ten inches wide inside; or

(6) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person’s official duties.

(D) A person who violates this section where no great bodily injury or death resulted from the violation, is guilty of misdemeanor distracted driving and, upon conviction, must be fined not more than one hundred dollars, pay a twenty‑five dollar Trauma Care Fund surcharge in accordance with Section 56‑5‑3897, and have two points assessed against his driving record in accordance with Section 56‑1‑720. The fine is subject to all applicable court costs, assessments, and surcharges.

(E) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using hand‑held and hands‑free wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.

(F) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the federal Motor Carrier Safety Regulations.”

SECTION 2. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3895. (A) A person who, while operating a motor vehicle using an electronic communication device as prohibited by Section 56‑5‑3890 and when operating a motor vehicle commits an act prohibited by law or neglects a duty imposed by law in the operation of the motor vehicle, and causes great bodily injury or death to another person is guilty of the misdemeanor offense of improper use of an electronic communication device while operating a vehicle and, upon conviction, must be punished by a fine of not more than five hundred dollars or imprisonment for not more than three years, or both, when great bodily injury or death results.

(B) As used in this section, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The Department of Motor Vehicles must suspend the driver’s license of a person who is convicted or who receives sentence upon a plea of guilty or nolo contendere pursuant to this section for one year for a conviction of Section 56‑5‑3895 when ‘great bodily injury’ occurs, and two years when a death occurs. For suspension purposes of this section, convictions arising out of a single incident shall run concurrently.

(C) An additional one hundred dollar surcharge for each fine imposed pursuant to this section must be placed into the Trauma Care Fund pursuant to Section 56‑5‑3897.”

SECTION 3. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3897. Monies received by the Trauma Care Fund pursuant to 56‑5‑3890, 56‑5‑3895 and 56‑5‑3897 must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund. The Trauma Care Fund surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The Trauma Care Fund surcharge is not subject to the provisions of Section 44‑61‑520(G).”

SECTION 4. Section 56‑1‑720 of the 1976 Code is amended to read:

“Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION POINTS

Reckless driving 6

Passing stopped school bus 6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

(1) No more than 10 m.p.h. above the posted limits 2

(2) More than 10 m.p.h. but less than 25 m.p.h. above the posted limits 4

(3) 25 m.p.h. or above the posted limits 6

Disobedience of any official traffic control device 4

Disobedience to officer directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Failing to give signal or giving improper signal for stopping,

turning, or suddenly decreased speed 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing 2

Distracted driving 2.”

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. DANING explained the amendment.

The amendment was then adopted.

Rep. MURPHY proposed the following Amendment No. 2 to H. 4451 (COUNCIL\SWB\5164CM12), which was adopted:

Amend the bill, as and if amended, Section 56‑5‑3890(C), as contained in SECTION 1, by adding the following appropriately numbered subitem to read:

/ ( ) the vehicle is stopped, parked, or not in motion /

Renumber sections to conform.

Amend title to conform.

Rep. MURPHY explained the amendment.

Rep. BEDINGFIELD moved to recommit the Bill to the Committee on Education and Public Works.

Rep. BOWEN moved to table the motion.

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

Yeas 46; Nays 61

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Atwater | Bingham |
| Bowen | Bowers | Brannon |
| R. L. Brown | Cole | Crosby |
| Daning | Funderburk | Gambrell |
| Gilliard | Hardwick | Harrell |
| Harrison | Hearn | Herbkersman |
| Hiott | Hixon | Horne |
| Limehouse | McLeod | Merrill |
| D. C. Moss | J. M. Neal | Parker |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Sandifer |
| Sellers | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Stavrinakis | Tallon | Taylor |
| Thayer | Whipper | White |
| Young |  |  |

**Total--46**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Brady | Brantley |
| G. A. Brown | H. B. Brown | Butler Garrick |
| Chumley | Clemmons | Cobb-Hunter |
| Corbin | Crawford | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Govan | Hamilton |
| Hart | Hayes | Henderson |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | V. S. Moss | Munnerlyn |
| Murphy | J. H. Neal | Neilson |
| Norman | Ott | Parks |
| Pinson | Rutherford | Ryan |
| Simrill | G. M. Smith | Spires |
| Stringer | Toole | Tribble |
| Vick | Weeks | Whitmire |
| Williams |  |  |

**Total--61**

So, the House refused to table the motion.

The question then recurred to the motion to recommit the Bill to the Education and Public Works Committee.

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

Yeas 41; Nays 66

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Bannister |
| Battle | Bedingfield | G. A. Brown |
| H. B. Brown | Chumley | Corbin |
| Crawford | Delleney | Forrester |
| Frye | Gilliard | Hamilton |
| Hayes | Henderson | Jefferson |
| Johnson | King | Knight |
| Loftis | Long | Lowe |
| Lucas | Munnerlyn | Murphy |
| Norman | Pitts | Rutherford |
| Ryan | Simrill | G. M. Smith |
| G. R. Smith | Stringer | Tallon |
| Toole | Tribble | Vick |
| Weeks | Williams |  |

**Total--41**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Atwater |
| Bales | Barfield | Bingham |
| Bowen | Bowers | Brady |
| Brannon | Brantley | R. L. Brown |
| Butler Garrick | Clemmons | Cole |
| Crosby | Daning | Dillard |
| Erickson | Funderburk | Gambrell |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Hearn |
| Herbkersman | Hiott | Hixon |
| Horne | Howard | Huggins |
| Limehouse | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Parker |
| Parks | Patrick | Pinson |
| Pope | Putnam | Quinn |
| Sandifer | Sellers | Skelton |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Taylor | Thayer | Whipper |
| White | Whitmire | Young |

**Total--66**

So, the House refused to recommit the Bill.

The question then recurred to the adoption of the amendment.

Rep. BOWEN spoke against the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. BOWEN continued speaking.

The question then recurred to the adoption of the amendment.

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

Yeas 100; Nays 4

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowers | Brady |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | 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 |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Young |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bowen | Brannon | Daning |
| Southard |  |  |

**Total--4**

So, the amendment was adopted.

Rep. RUTHERFORD proposed the following Amendment No. 3 to H. 4451 (COUNCIL\SWB\5173CM12), which was adopted:

Amend the bill, as and if amended, Section 56‑5‑3890, as contained in SECTION 1, by adding the following appropriately lettered subsection:

/ ( ) Notwithstanding another provision of law, information contained or stored in an electronic communications device is not subject to a search by a law enforcement officer incident to a lawful custodial arrest except pursuant to the provisions of Section 17‑13‑140 providing for the issuance, execution, and return of a search warrant or pursuant to the express written consent of the person subject to the lawful custodial arrest or other lawful owner of the device. /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 4 to H. 4451 (COUNCIL\SWB\5174CM12), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 2 and 4 in their entirety.

Amend the bill further, by deleting SECTION 3 in its entirety and inserting:

/SECTION 3. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3897. Monies received by the Trauma Care Fund pursuant to 56‑5‑3890 and 56‑5‑3897 must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund. The Trauma Care Fund surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The Trauma Care Fund surcharge is not subject to the provisions of Section 44‑61‑520(G).” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 5 to H. 4451 (COUNCIL\SWB\5175CM12), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 2 and 4 in their entirety.

Amend the bill further, by deleting SECTION 3 in its entirety and inserting:

/ SECTION 3. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3897. Monies received by the Trauma Care Fund pursuant to 56‑5‑3890 and 56‑5‑3897 must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund. The Trauma Care Fund surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The Trauma Care Fund surcharge is not subject to the provisions of Section 44‑61‑520(G). /

Amend the bill further, Section 56‑5‑3890(D), as contained in SECTION 1, by deleting Section 56‑5‑3890(D) in its entirety and inserting:

/ (D) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred fifty dollars and the conviction may not be reported to the offender’s motor vehicle insurer nor may it be included in the offender’s motor vehicle records maintained by the department of motor vehicles or in the criminal records maintained by the state law enforcement division. /

Amend the bill further, Section 56‑5‑3890, as contained in SECTION 1, by adding the following appropriately lettered subsections:

/ ( ) A law enforcement officer may not issue a citation to a driver or a passenger for a violation of this section when the stop is made in conjunction with a driver’s license check, safety check, or registration check conducted at a checkpoint established to stop all drivers on a certain road for a period of time, except when the driver is cited for violating another motor vehicle law.

( ) A violation of this section is not negligence per se or contributory negligence, and is not admissible as evidence in a civil action.

( ) A vehicle, driver, or occupant in a vehicle may not be searched, nor may consent to search be requested by a law enforcement officer, solely because of a violation of this section.

( ) A law enforcement officer may not stop a driver for a violation of this section except when the officer has probable cause that a violation of this section has occurred based on his clear and unobstructed view of a driver or an occupant of the motor vehicle who is violating the provisions of this section.

( ) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person was violating the provisions of this section at the time of the incident, the penalty is as provided in this section. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person was violating the provisions of this section, no penalty may be assessed.

( ) A person found to be in violation of this article may bring an appeal to the court of common pleas pursuant to Section 18‑3‑10 or Section 14‑25‑95. /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 6 to H. 4451 (LEGWORK\HOUSE\COUNCIL\22329ZW12KRL), which was adopted:

Amend the bill, as and if amended, by adding a new Section to read: “SECTION 3, Article 31, Chapter 5, Title 56 of the 1976 Code of Laws is amended by adding:

/ “Section 56-5-3895. Notwithstanding another provision of law, information contained or stored in an electronic communications device is not subject to a search by a law enforcement officer incident to a lawful custodial arrest except pursuant to the provisions of Section 17‑13‑140 providing for the issuance, execution, and return of a search warrant or pursuant to the express written consent of the person subject to the lawful custodial arrest or other lawful owner of the device.” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

Rep. H. B. BROWN proposed the following Amendment No. 7 to H. 4451 (COUNCIL\MS\7715AHB12), which was tabled:

Amend the bill, as and if amended, Section 56‑5‑3890, as contained in SECTION 1, page 4451‑2, by adding an appropriately lettered subsection after line 19 to read:

/ ( ) A person may not eat or consume any type of food while operating a motor vehicle on a roadway. /

Amend the bill further, Section 56‑5‑3895(A), as contained in SECTION 2, page 4451‑2, line 41, after / electronic communication device / by inserting / or eating or consuming any type of food /

Renumber sections to conform.

Amend title to conform.

Rep. H. B. BROWN explained the amendment.

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

Rep. H. B. BROWN proposed the following Amendment No. 8 to H. 4451 (COUNCIL\MS\7716AHB12), which was tabled:

Amend the bill, as and if amended, Section 56‑5‑3890, as contained in SECTION 1, page 4451‑2, by adding an appropriately lettered subsection after line 19 to read:

/ ( ) A person may not drink or consume any type of beverage while operating a motor vehicle on a roadway. /

Amend the bill further, Section 56‑5‑3895(A), as contained in SECTION 2, page 4451‑2, line 41, after / electronic communication device / by inserting / or drinking or consuming any type of beverage /

Renumber sections to conform.

Amend title to conform.

Rep. H. B. BROWN explained the amendment.

Rep. DANING spoke against the amendment.

The question then recurred to the passage of the amendment.

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

Rep. H. B. BROWN proposed the following Amendment No. 9 to H. 4451 (COUNCIL\MS\7717AHB12), which was tabled:

Amend the bill, as and if amended, Section 56‑5‑3890, as contained in SECTION 1, page 4451‑2, by adding an appropriately lettered subsection after line 19 to read:

/ ( ) A person may not smoke while operating a motor vehicle on a roadway. /

Amend the bill further, Section 56‑5‑3895(A), as contained in SECTION 2, page 4451‑2, line 41, after / electronic communication device / by inserting / or smoking /

Renumber sections to conform.

Amend title to conform.

Rep. H. B. BROWN explained the amendment.

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

Rep. H. B. BROWN proposed the following Amendment No. 12 to H. 4451 (COUNCIL\AGM\19487AB12), which was tabled:

Amend the bill, as and if amended, Section 56‑5‑3890(B), as contained in SECTION 1, page 2, lines 1‑3, by deleting the subsection in its entirety and inserting:

/ (B) While operating a motor vehicle on a roadway, a person may not use:

(1) an electronic communication device to compose, send, or read an electronic message; or

(2) a portable digital music player, such as an iPod shuffle or MP3 player, to play music. /

Amend the bill further, Section 56‑5‑3895(A), as contained in SECTION 2, page 2, line 41, by inserting / or a portable digital music player / after / device /

Renumber sections to conform.

Amend title to conform.

Rep. H. B. BROWN explained the amendment.

Rep. BOWEN moved to table the amendment, which was agreed to by a division vote of 36 to 24.

The question then recurred to the passage of the Bill.

Rep. SOUTHARD spoke in favor of the Bill.

Rep. H. B. BROWN spoke against the Bill.

Rep. HART spoke in favor of the Bill.

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 93; Nays 15

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Atwater | Bales |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Clemmons |
| Cole | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Long | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Patrick | Pinson | Pope |
| Quinn | Rutherford | Sandifer |
| Sellers | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Tribble | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Young |

**Total--93**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bannister | Bedingfield | H. B. Brown |
| Chumley | Corbin | Crawford |
| Hamilton | Loftis | Lowe |
| Pitts | Putnam | Ryan |
| G. M. Smith | Stringer | Toole |

**Total--15**

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

STATEMENT FOR THE JOURNAL

While I do not encourage texting and driving, texting is considered a distraction, and I believe sufficient law and penalties already exist that address distracted driving. H. 4451 is much too broad and goes beyond the use of a telephone. Penalties and fines upon conviction are very similar to convictions for DUI.

Rep. Dwight Loftis

**STATEMENT FOR THE JOURNAL**

Being out of the Chamber on Wednesday afternoon, with an excused absence, I missed the vote on H. 4451. If I had been present, I would have voted in favor of the Bill.

Rep. William Clyburn

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 7, 2012

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time today for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. SKELTON the invitation was accepted.

**H. 3235--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3235 -- Reps. Taylor, Young, J. R. Smith and Bikas: A BILL TO AMEND SECTION 30-4-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES AND THE TIME WITHIN WHICH CERTAIN RECORDS MUST BE FURNISHED UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE RECORDS MUST BE FURNISHED AT CURRENT MARKET VALUE TO THE PERSON REQUESTING THE RECORDS, AND TO PROVIDE WHERE A PUBLIC BODY GRANTS A REQUEST FOR RECORDS, IT MUST FURNISH THOSE RECORDS FOR INSPECTION OR COPYING IMMEDIATELY, BUT NO LATER THAN THIRTY DAYS AFTER THE DATE OF THE FORMAL REQUEST.

Rep. TAYLOR moved to adjourn debate on the Bill until Thursday, March 8, which was agreed to.

**H. 4721--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4721 -- Reps. Bingham, Merrill, Hixon, Southard, Corbin, Erickson, Parker, J. R. Smith, Allison, G. R. Smith, Sottile, Gambrell, Huggins, Murphy, Ryan, Putnam, Brady, Whitmire, Atwater, Ballentine, Bannister, Barfield, Bowen, G. A. Brown, Chumley, Cole, Crawford, Crosby, Daning, Forrester, Frye, Hamilton, Harrell, Henderson, Herbkersman, Horne, Limehouse, Long, Lowe, McCoy, D. C. Moss, V. S. Moss, Norman, Owens, Pinson, Pitts, Pope, Quinn, Sandifer, Simrill, Skelton, G. M. Smith, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, White, Willis, Hardwick and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "BUSINESS FREEDOM TO CHOOSE ACT", BY AMENDING SECTION 44-96-80, RELATING TO COUNTY SOLID WASTE PROGRAMS, INCLUDING A COUNTY'S AUTHORITY TO ENACT ORDINANCES CONSISTENT WITH THE STATE PLAN, LAW, AND REGULATIONS, SO AS TO MAKE TECHNICAL CORRECTIONS, DELETE OBSOLETE LANGUAGE AND TO PROVIDE THAT AN ORDINANCE THAT RESTRICTS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM IS INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER; AND TO AMEND SECTION 44-55-1210, RELATING TO A COUNTY'S AUTHORITY TO REQUIRE THE COLLECTION AND DISPOSAL OF SOLID WASTE, SO AS TO PROVIDE THAT A COUNTY ORDINANCE IS VOID TO THE EXTENT THAT THE ORDINANCE RESTRICTS OR PROHIBITS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 to H. 4721 (COUNCIL\NBD\12159AC12):

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

/SECTION \_\_. Section 44‑96‑80 of the 1976 Code is amended by adding appropriately lettered subsections to read:

“( ) Notwithstanding any other provision of law, a local government must not be held liable for any costs or damages resulting from operation of a privately owned or operated solid waste management facility solely on the basis that solid waste managed at the facility was generated within the jurisdiction of the local government.

( ) Notwithstanding any other provision of law, a solid waste management facility owned and operated by a local government or local governmental entity must not be required to accept solid waste generated outside the jurisdiction of that local government unless the governing body of the local government approves the acceptance of this waste by a two‑thirds vote of its elected members.” /

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

Rep. CLEMMONS spoke in favor of the amendment.

Rep. NORMAN moved to adjourn debate on the amendment.

Rep. HIOTT moved to table the motion.

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

Yeas 70; Nays 32

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Brannon | H. B. Brown | Butler Garrick |
| Chumley | Clemmons | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Hiott | Hixon |
| Horne | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Neilson | Parker |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| White |  |  |

**Total--70**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Battle | Bowers | Brantley |
| R. L. Brown | Cobb-Hunter | Dillard |
| Gilliard | Govan | Hayes |
| Hosey | Jefferson | Johnson |
| King | Mack | McLeod |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Norman | Ott | Pinson |
| Rutherford | Sellers | Stavrinakis |
| Tribble | Weeks | Whipper |
| Williams | Young |  |

**Total--32**

So, the motion to adjourn debate was tabled.

Rep. RUTHERFORD moved to divide the question, which was agreed to.

**QUESTION 1-- ADOPTED**

“( ) Notwithstanding any other provision of law, a local government must not be held liable for any costs or damages resulting from operation of a privately owned or operated solid waste management facility solely on the basis that solid waste managed at the facility was generated within the jurisdiction of the local government.

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

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

Yeas 22; Nays 83

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Battle | Brannon |
| H. B. Brown | R. L. Brown | Dillard |
| Funderburk | Gilliard | Hayes |
| Howard | Jefferson | King |
| Mack | McLeod | Munnerlyn |
| J. H. Neal | Norman | Rutherford |
| Sellers | J. E. Smith | Stavrinakis |
| Whipper |  |  |

**Total--22**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Brantley | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Gambrell | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Hosey | Huggins |
| Johnson | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | J. M. Neal | Neilson |
| Ott | Parker | 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 |
| Williams | Young |  |

**Total--83**

So, the House refused to table the question.

The question recurred to the adoption of the question.

The question was adopted.

**QUESTION 2-- ADOPTED**

( ) Notwithstanding any other provision of law, a solid waste management facility owned and operated by a local government or local governmental entity must not be required to accept solid waste generated outside the jurisdiction of that local government unless the governing body of the local government approves the acceptance of this waste by a two‑thirds vote of its elected members.” /

Rep. HIOTT explained the question.

Rep. SELLERS spoke against the question.

Rep. R. L. BROWN moved to table the question.

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

Yeas 32; Nays 70

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Battle | Bowers | Brannon |
| Brantley | H. B. Brown | R. L. Brown |
| Dillard | Funderburk | Gilliard |
| Govan | Hayes | Hosey |
| Jefferson | Johnson | King |
| Mack | McLeod | Munnerlyn |
| Norman | Parks | Pinson |
| Pitts | Rutherford | Sellers |
| J. E. Smith | Tribble | Weeks |
| Whipper | Williams |  |

**Total--32**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parker |
| Patrick | Pope | Putnam |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | White | Whitmire |
| Young |  |  |

**Total--70**

So, the House refused to table the question.

The question recurred to the adoption of the question.

The question was adopted.

Rep. R. L. BROWN proposed the following Amendment No. 2 to H. 4721 (COUNCIL\MS\7701AHB12), which was tabled:

Amend the bill, as and if amended, page 4721-2, by deleting lines 3 through 9, and inserting:

/ ( ) Notwithstanding any other provision of law, a solid waste management facility owned and operated by a local government, a local governmental entity, or a private entity located within the jurisdiction of a local government must not be required to accept solid waste generated outside the jurisdiction of that local government unless the governing body of the local government approves the acceptance of this waste by a two‑thirds vote of its elected members. If the local government approves the acceptance of waste generated outside of the State, at least thirty-five percent of the waste received from outside the State must be recycled by the receiving solid waste management facility.” /

Renumber sections to conform.

Amend title to conform.

Rep. R. L. BROWN explained the amendment.

Rep. CLEMMONS spoke against the amendment.

Rep. CLEMMONS moved to table the amendment.

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

Yeas 79; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Atwater | Bales |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Brannon |
| H. B. Brown | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | J. M. Neal | Neilson |
| Norman | Parker | Patrick |
| Pope | Putnam | Rutherford |
| Ryan | Sandifer | Sellers |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | White | Whitmire |
| Young |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Battle | Bowers |
| Brantley | R. L. Brown | Dillard |
| Gilliard | Govan | Hosey |
| Jefferson | Johnson | Mack |
| McLeod | J. H. Neal | Parks |
| Pinson | Pitts | Tribble |
| Weeks | Whipper | Williams |

**Total--21**

So, the amendment was tabled.

Rep. SELLERS proposed the following Amendment No. 3 to H. 4721 (COUNCIL\MS\7720AHB12), which was ruled out of order:

Amend the bill, as and if amended, page 4721‑2, by deleting lines 3 through 9, and inserting:

/ ( ) Notwithstanding any other provision of law, a solid waste management facility owned and operated by a local government, a local governmental entity, or a private entity located within the jurisdiction of a local government must not be required to accept solid waste generated outside the jurisdiction of that local government unless the governing body of the local government approves the acceptance of this waste by a two‑thirds vote of its elected members. If the local government approves the acceptance of waste generated outside of the State, at least thirty‑five percent of the waste received from outside the State must be recycled by the receiving solid waste management facility.” /

Renumber sections to conform.

Amend title to conform.

**POINT OF ORDER**

Rep. HIOTT raised the Point of Order that Amendment No. 3 was identical to Amendment No. 2 previously tabled by the House.

SPEAKER *PRO TEMPORE* LUCAS sustained the Point of Order and ruled Amendment No. 3 out of order.

Rep. SELLERS proposed the following Amendment No. 4 to H. 4721 (COUNCIL\MS\7721AHB12), which was tabled:

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

/ SECTION \_\_. Section 44‑96‑290(B) of the 1976 Code is amended to read:

“(B) No person shall initiate construction, expansion, modification, or closure of a solid waste management facility except in accordance with requirements established by the department pursuant to this article. Beginning January 1, 2015, any new or expanded solid waste management facility must meet the strictest design requirements of the department and any adjoining state.” /

Renumber sections to conform.

Amend title to conform.

Rep. SELLERS explained the amendment.

Rep. HARDWICK moved to table the amendment.

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

Yeas 73; Nays 22

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Atwater |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Brannon | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Jefferson | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Norman |
| Parker | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | White | Whitmire |
| Young |  |  |

**Total--73**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Bales | Bowers |
| Brantley | H. B. Brown | R. L. Brown |
| Dillard | Gilliard | Hosey |
| King | Mack | McLeod |
| Munnerlyn | J. M. Neal | Neilson |
| Parks | Rutherford | Sellers |
| J. E. Smith | Tribble | Weeks |
| Whipper |  |  |

**Total--22**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

Rep. R. L. BROWN moved to recommit the Bill to the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. HIOTT moved to table the motion.

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

Yeas 79; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Brannon | H. B. Brown | Butler Garrick |
| Chumley | Clemmons | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | White | Whitmire |
| Young |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Battle | Bowers | Brantley |
| R. L. Brown | Dillard | Gilliard |
| Herbkersman | Hosey | Jefferson |
| Johnson | King | Mack |
| McLeod | Munnerlyn | Sellers |
| Weeks | Whipper | Williams |

**Total--21**

So, the motion to recommit the Bill 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 73; Nays 29

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brannon |
| H. B. Brown | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Delleney |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Hiott |
| Hixon | Horne | Huggins |
| Knight | Limehouse | Loftis |
| Lowe | Lucas | McCoy |
| McEachern | Merrill | D. C. Moss |
| V. S. Moss | Murphy | J. H. Neal |
| Neilson | Norman | Ott |
| Parker | Patrick | Putnam |
| Quinn | Rutherford | Ryan |
| Sandifer | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Taylor | Thayer |
| Toole | White | Whitmire |
| Young |  |  |

**Total--73**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Battle |
| Brantley | R. L. Brown | Daning |
| Dillard | Gilliard | Govan |
| Herbkersman | Hosey | Jefferson |
| Johnson | King | Long |
| Mack | McLeod | Munnerlyn |
| Parks | Pinson | Pitts |
| Pope | Sellers | Simrill |
| Stavrinakis | Tribble | Weeks |
| Whipper | Williams |  |

**Total--29**

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

**SPEAKER IN CHAIR**

**H. 4721--MOTION TO RECONSIDER TABLED**

Rep. HIOTT moved to reconsider the vote whereby the following Bill was given second reading:

H. 4721 -- Reps. Bingham, Merrill, Hixon, Southard, Corbin, Erickson, Parker, J. R. Smith, Allison, G. R. Smith, Sottile, Gambrell, Huggins, Murphy, Ryan, Putnam, Brady, Whitmire, Atwater, Ballentine, Bannister, Barfield, Bowen, G. A. Brown, Chumley, Cole, Crawford, Crosby, Daning, Forrester, Frye, Hamilton, Harrell, Henderson, Herbkersman, Horne, Limehouse, Long, Lowe, McCoy, D. C. Moss, V. S. Moss, Norman, Owens, Pinson, Pitts, Pope, Quinn, Sandifer, Simrill, Skelton, G. M. Smith, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, White, Willis, Hardwick and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "BUSINESS FREEDOM TO CHOOSE ACT", BY AMENDING SECTION 44-96-80, RELATING TO COUNTY SOLID WASTE PROGRAMS, INCLUDING A COUNTY'S AUTHORITY TO ENACT ORDINANCES CONSISTENT WITH THE STATE PLAN, LAW, AND REGULATIONS, SO AS TO MAKE TECHNICAL CORRECTIONS, DELETE OBSOLETE LANGUAGE AND TO PROVIDE THAT AN ORDINANCE THAT RESTRICTS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM IS INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER; AND TO AMEND SECTION 44-55-1210, RELATING TO A COUNTY'S AUTHORITY TO REQUIRE THE COLLECTION AND DISPOSAL OF SOLID WASTE, SO AS TO PROVIDE THAT A COUNTY ORDINANCE IS VOID TO THE EXTENT THAT THE ORDINANCE RESTRICTS OR PROHIBITS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM.

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

**H. 4654--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4654 -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D. C. Moss, V. S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: A BILL TO AMEND SECTION 48-1-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48-1-130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER AND TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 48-1-250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS.

Rep. AGNEW proposed the following Amendment No. 1 to H. 4654 (COUNCIL\AGM\19468AB12):

Amend the bill, as and if amended, Section 48‑1‑90, as contained in SECTION 1, by deleting the SECTION in its entirety and inserting:

/ SECTION 1. Section 48‑1‑90 of the 1976 Code is amended to read:

“Section 48‑1‑90. ~~(a)~~(A)(1) It is unlawful for ~~any~~ a person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes, and other wastes, except in compliance with a permit issued by the department.

(2) The permit requirements of subsection (A)(1), Section 48‑1‑100, and Section 48‑1‑110 do not apply to:

(a) discharges in a quantity below applicable threshold permitting requirements established by the department;

(b) normal farming, silviculture, aquaculture, and ranching activities that are exempt under the federal Clean Water Act;

(c) discharges to wetlands less than 0.5 acres in size; or

(d) discharges exempted by the department from permitting requirements.

(3) Subsection (A)(2) must not be construed to:

(a) impair or affect common law rights;

(b) repeal prohibitions or requirements of other statutory law or common law; or

(c) diminish the department’s authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in Section 48‑1‑10(7), or to respond to accidental discharges or spills.

~~(b)~~(B)(1) ~~Any~~ A person who discharges organic or inorganic matter into the waters of this State as described in subsection ~~(a)~~ (A) to the extent that the fish, shellfish, aquatic animals, wildlife, or plant life indigenous to or dependent upon the receiving waters or ~~any~~ property ~~are~~ is damaged or destroyed ~~shall be~~ is liable to the State for ~~such~~ the damages ~~as may be proved~~. The action ~~shall~~ must be brought by the State in its own name or in the name of the department.

(2) The amount of ~~any~~ a judgment for damages recovered by the State, less ~~cost~~ costs, ~~shall~~ must be remitted to the agency, commission, department, or political subdivision of the State that has jurisdiction over the fish, shellfish, aquatic animals, wildlife, or plant life or property damaged or destroyed.

(3) The civil remedy ~~herein~~ provided ~~shall~~ in subsection (B)(2) is not ~~be~~ exclusive, and ~~any~~ an agency, commission, department, or political subdivision of the State with appropriate authority may undertake in its own name an action to recover ~~such~~ damages ~~as it may deem advisable~~ independent of this subsection.”/

Amend the bill further, Section 48‑1‑250, as contained in SECTION 3, by deleting the SECTION in its entirety and inserting:

/ SECTION 3. Section 48‑1‑250 of the 1976 Code is amended to read:

“Section 48‑1‑250. Causes of action resulting from the violation of the prohibitions contained in this chapter inure to and are for the benefit of any person or persons damaged as the result of any such violation. Any person seeking relief under this chapter must show that he has suffered a concrete and particularized injury, that the injury resulted from the conduct complained of, and that the injury will be redressed by a favorable decision. A determination by the department that pollution exists or a violation of ~~any of the prohibitions~~ a prohibition contained in this chapter has occurred, whether or not actionable by the State, ~~create~~ creates no presumption of law or fact inuring to or for the benefit of ~~persons~~ a person other than the State.” /

Amend the bill further by deleting SECTION 4 and SECTION 5 of the bill in their entirety.

Renumber sections to conform.

Amend title to conform.

Rep. AGNEW explained the amendment.

Rep. AGNEW spoke in favor of the amendment.

Rep. MCLEOD spoke in favor of the amendment.

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

**H. 4451--MOTION TO RECONSIDER TABLED**

Rep. SELLERS moved to reconsider the vote whereby the following Bill was given second reading:

H. 4451 -- Reps. Bowen, Whipper, Bikas, Sottile, Herbkersman, D. C. Moss, Allison, Parker, Huggins, Bowers and Hearn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56-5-3890, 56-5-3895, AND 56-5-3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES COLLECTED FROM FINES ASSOCIATED WITH VIOLATIONS OF THESE PROVISIONS; AND TO AMEND SECTION 56-1-720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON'S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF IMPROPER USE OF AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE.

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

**H. 4710--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4710 -- Reps. White, Bingham, Herbkersman, Limehouse, Merrill, Simrill, G. M. Smith and J. R. Smith: A JOINT RESOLUTION TO PROVIDE THAT THE PROVISIONS OF SECTION 6-27-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON AMENDING OR REPEALING PROVISIONS IN THE STATE AID TO SUBDIVISIONS ACT ARE SUSPENDED FOR FISCAL YEAR 2012-2013, AND TO PROVIDE THAT FOR FISCAL YEAR 2012-2013 COUNTIES MAY TRANSFER AMONG APPROPRIATED STATE REVENUES AS NEEDED TO ENSURE THE DELIVERY OF SERVICES.

Rep. WHITE explained the Joint Resolution.

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

Yeas 59; Nays 45

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Chumley | Clemmons | Cole |
| Corbin | Crawford | Delleney |
| Erickson | Forrester | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Norman |
| Parker | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Stringer | Tallon | Taylor |
| Thayer | Toole | White |
| Whitmire | Young |  |

**Total--59**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bowers |
| Brantley | H. B. Brown | R. L. Brown |
| Butler Garrick | Cobb-Hunter | Crosby |
| Daning | Dillard | Frye |
| Funderburk | Gilliard | Govan |
| Hayes | Hosey | Howard |
| Jefferson | Johnson | King |
| Knight | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sellers |
| J. E. Smith | Sottile | Southard |
| Spires | Tribble | Vick |
| Weeks | Whipper | Williams |

**Total--45**

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

**H. 4654--RECONSIDERED AND INTERRUPTED DEBATE**

Rep. HIOTT moved to reconsider the vote whereby debate was adjourned on the following Bill, which was agreed to:

H. 4654 -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D. C. Moss, V. S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: A BILL TO AMEND SECTION 48-1-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48-1-130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER AND TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 48-1-250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS.

Rep. AGNEW proposed the following Amendment No. 1 to H. 4654 (COUNCIL\AGM\19468AB12):

Amend the bill, as and if amended, Section 48‑1‑90, as contained in SECTION 1, by deleting the SECTION in its entirety and inserting:

/ SECTION 1. Section 48‑1‑90 of the 1976 Code is amended to read:

“Section 48‑1‑90. ~~(a)~~(A)(1) It is unlawful for ~~any~~ a person, directly or indirectly, to throw, drain, run, allow to seep, or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes, and other wastes, except in compliance with a permit issued by the department.

(2) The permit requirements of subsection (A)(1), Section 48‑1‑100, and Section 48‑1‑110 do not apply to:

(a) discharges in a quantity below applicable threshold permitting requirements established by the department;

(b) normal farming, silviculture, aquaculture, and ranching activities that are exempt under the federal Clean Water Act;

(c) discharges to wetlands less than 0.5 acres in size; or

(d) discharges exempted by the department from permitting requirements.

(3) Subsection (A)(2) must not be construed to:

(a) impair or affect common law rights;

(b) repeal prohibitions or requirements of other statutory law or common law; or

(c) diminish the department’s authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in Section 48‑1‑10(7), or to respond to accidental discharges or spills.

~~(b)~~(B)(1) ~~Any~~ A person who discharges organic or inorganic matter into the waters of this State as described in subsection ~~(a)~~ (A) to the extent that the fish, shellfish, aquatic animals, wildlife, or plant life indigenous to or dependent upon the receiving waters or ~~any~~ property ~~are~~ is damaged or destroyed ~~shall be~~ is liable to the State for ~~such~~ the damages ~~as may be proved~~. The action ~~shall~~ must be brought by the State in its own name or in the name of the department.

(2) The amount of ~~any~~ a judgment for damages recovered by the State, less ~~cost~~ costs, ~~shall~~ must be remitted to the agency, commission, department, or political subdivision of the State that has jurisdiction over the fish, shellfish, aquatic animals, wildlife, or plant life or property damaged or destroyed.

(3) The civil remedy ~~herein~~ provided ~~shall~~ in subsection (B)(2) is not ~~be~~ exclusive, and ~~any~~ an agency, commission, department, or political subdivision of the State with appropriate authority may undertake in its own name an action to recover ~~such~~ damages ~~as it may deem advisable~~ independent of this subsection.”/

Amend the bill further, Section 48‑1‑250, as contained in SECTION 3, by deleting the SECTION in its entirety and inserting:

/ SECTION 3. Section 48‑1‑250 of the 1976 Code is amended to read:

“Section 48‑1‑250. Causes of action resulting from the violation of the prohibitions contained in this chapter inure to and are for the benefit of any person or persons damaged as the result of any such violation. Any person seeking relief under this chapter must show that he has suffered a concrete and particularized injury, that the injury resulted from the conduct complained of, and that the injury will be redressed by a favorable decision. A determination by the department that pollution exists or a violation of ~~any of the prohibitions~~ a prohibition contained in this chapter has occurred, whether or not actionable by the State, ~~create~~ creates no presumption of law or fact inuring to or for the benefit of ~~persons~~ a person other than the State.” /

Amend the bill further by deleting SECTION 4 and SECTION 5 of the bill in their entirety.

Renumber sections to conform.

Amend title to conform.

Rep. J. H. NEAL spoke in favor of the amendment.

Rep. HIOTT moved to table the amendment.

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

Yeas 49; Nays 53

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Chumley |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Delleney |
| Forrester | Frye | Hamilton |
| Hardwick | Harrell | Hayes |
| Hearn | Henderson | Hiott |
| Hixon | Horne | Huggins |
| Loftis | Lowe | Lucas |
| D. C. Moss | V. S. Moss | Murphy |
| Norman | Ott | Parker |
| Pitts | Quinn | Ryan |
| Sandifer | Skelton | G. R. Smith |
| J. R. Smith | Southard | Spires |
| Stringer | Tallon | Taylor |
| Young |  |  |

**Total--49**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bowers |
| Brady | Brannon | Brantley |
| Cobb-Hunter | Daning | Dillard |
| Erickson | Funderburk | Gambrell |
| Gilliard | Govan | Harrison |
| Hosey | Howard | Jefferson |
| Johnson | King | Knight |
| Limehouse | Long | Mack |
| McEachern | McLeod | Merrill |
| J. H. Neal | J. M. Neal | Neilson |
| Parks | Patrick | Pinson |
| Pope | Putnam | Rutherford |
| Sellers | Simrill | J. E. Smith |
| Sottile | Stavrinakis | Thayer |
| Toole | Tribble | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams |  |

**Total--53**

So, the House refused to table the amendment.

**STATEMENT FOR THE JOURNAL**

While I was out of the Chamber briefly, Rep. Hiott moved to table Amendment No. 1 to H. 4654. Please let the record reflect that I would have cast my vote in the negative on the motion to table Amendment No. 1, proposed by Rep. Agnew.

Rep. Elizabeth Munnerlyn

**STATEMENT FOR THE JOURNAL**

Being out of the Chamber on Wednesday afternoon, with an excused absence, I missed the vote on the motion to table Amendment No. 1 to H. 4654. If I had been present, I would have voted against tabling the Amendment.

Rep. William Clyburn

Rep. HIOTT spoke against the amendment.

Rep. HARDWICK moved that the House do now adjourn.

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

Yeas 58; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Brannon |
| Chumley | Clemmons | Cole |
| Corbin | Crawford | Crosby |
| Delleney | Erickson | Forrester |
| Frye | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Norman | Ott |
| Parker | Patrick | Pitts |
| Putnam | Quinn | Rutherford |
| Ryan | Sandifer | Skelton |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| Young |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Atwater | Bales |
| Bowers | Brantley | Butler Garrick |
| Cobb-Hunter | Daning | Dillard |
| Funderburk | Gambrell | Gilliard |
| Govan | Hayes | Hosey |
| Huggins | Jefferson | Johnson |
| King | Knight | Mack |
| McEachern | McLeod | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Parks | Pinson | Pope |
| Sellers | Simrill | J. E. Smith |
| Southard | Stavrinakis | Toole |
| Vick | Weeks | Whipper |
| White | Williams |  |

**Total--44**

So, the motion to adjourn was agreed to.

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

**RATIFICATION OF ACTS**

At 4:45 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R136, S. 929) -- Senator Peeler: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑18‑170 TO ENACT “BENJI’S LAW” SO AS TO SPECIFY PERMIT REQUIREMENTS FOR MINIATURE TRAINS OPERATED FOR THE USE OF THE PUBLIC AS AN AMUSEMENT DEVICE IN AN AMUSEMENT PARK.

(R137, S. 1063) -- Senator Peeler: AN ACT TO AMEND SECTION 7‑7‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN CHEROKEE COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

(R138, S. 1196) -- Senators Jackson, Ford, Courson, Hutto, Williams, Sheheen, Massey, Lourie, McGill, Scott, Nicholson, Matthews, Anderson, Gregory, Coleman, Setzler, Rankin and Malloy: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑616 SO AS TO PROVIDE THAT THE MONTH OF FEBRUARY OF EVERY YEAR IS DESIGNATED AFRICAN AMERICAN HISTORY MONTH IN SOUTH CAROLINA.

(R139, S. 1200) -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO AT‑RISK STUDENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4208, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R140, S. 1201) -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO END‑OF‑COURSE TESTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4200, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R141, S. 1206) -- Senators Fair, Thomas, Shoopman, Anderson, Verdin and S. Martin: AN ACT TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT OF GREENVILLE COUNTY MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

(R142, S. 1217) -- Senator Hutto: AN ACT TO AMEND SECTION 7‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ALLENDALE COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

(R143, H. 3583) -- Rep. Cooper: AN ACT TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2011 AND TO PROVIDE THAT ANY INTERNAL REVENUE CODE SECTIONS ADOPTED BY THE STATE THAT EXPIRED ON DECEMBER 31, 2011, OR JANUARY 1, 2012, THAT ARE EXTENDED BY THE FEDERAL GOVERNMENT IN 2012 ARE ALSO EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES; AND TO AMEND SECTION 12‑6‑50, RELATING TO INTERNAL REVENUE CODE SECTIONS SPECIFICALLY NOT ADOPTED BY THIS STATE, SO AS TO MAKE CERTAIN ADDITIONS.

(R144, H. 3711) -- Reps. Sandifer, Hayes and D.C. Moss: AN ACT TO AMEND SECTION 39‑61‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE SOUTH CAROLINA MOTOR CLUB ACT, SO AS TO PROVIDE THAT AN ENTITY THAT CONTRACTS WITH AN AUTOMOBILE CLUB LICENSED UNDER THE MOTOR CLUB SERVICES ACT FOR THE PROVISIONS OF EMERGENCY ROAD SERVICE AND TOWING SERVICE TO THE ENTITY’S CUSTOMERS IS NOT INCLUDED IN THE DEFINITION OF MOTOR CLUB.

(R145, H. 3750) -- Reps. Viers and Vick: AN ACT TO AMEND SECTION 17‑5‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A CORONER’S DUTIES WHEN A PERSON DIES, INCLUDING WHERE AND BY WHOM AN AUTOPSY MAY BE PERFORMED IF A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY‑FOUR HOURS OF ENTERING THE FACILITY OR WITHIN TWENTY‑FOUR HOURS OF UNDERGOING AN INVASIVE SURGICAL PROCEDURE, SO AS TO PROVIDE THAT UNLESS THE CORONER CERTIFIES THAT THERE IS NO REASONABLE ALTERNATIVE, THE AUTOPSY MUST NOT BE PERFORMED AT THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED OR BY A PHYSICIAN WHO TREATED THE PATIENT OR WHO WAS EMPLOYED BY THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED; AND TO AMEND SECTION 43‑35‑520, AS AMENDED, RELATING TO INVESTIGATIONS OF DEATHS IN FACILITIES OPERATED BY THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT IF THE CORONER RULES A DEATH RESULTED FROM NATURAL CAUSES IN A VETERANS’ NURSING HOME UNDER THE DEPARTMENT OF MENTAL HEALTH, THE STATE LAW ENFORCEMENT DIVISION IS NOT REQUIRED TO CONDUCT AN INVESTIGATION OF THE DEATH.

(R146, H. 4704) -- Rep. Agnew: A JOINT RESOLUTION TO POSTPONE UNTIL PROPERTY TAX YEAR 2012 THE IMPLEMENTATION OF THE REVISED VALUES DETERMINED IN THE MOST RECENT COUNTYWIDE APPRAISAL AND EQUALIZATION PROGRAM CONDUCTED IN ABBEVILLE COUNTY.

(R147, H. 4722) -- Rep. Agnew: AN ACT 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.

**ADJOURNMENT**

At 5:15 p.m. the House, in accordance with the motion of Rep. BRANHAM, adjourned in memory of Beverly Nettles of Lake City, wife of former Representative E. LeRoy Nettles, Sr., and mother of former Representative E. LeRoy "Toy" Nettles, Jr., to meet at 10:00 a.m. tomorrow.

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