~~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 Jeremiah 3:15: “I will give you shepherds after my own heart, who will feed you with knowledge and understanding.”

Let us pray. As we thirst for water, may these Representatives and staff thirst for knowledge and understanding. Grant these men and women loving, caring, and compassionate hearts to serve their people faithfully. Bless our Nation, State, and her leaders. Strengthen them for service in this place. 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. BARFIELD moved that when the House adjourns, it adjourn in memory of Cecil Dix of Aynor, which was agreed to.

**REGULATIONS WITHDRAWN AND RESUBMITTED**

Document No. 4234

Agency: Board of Registration for Foresters

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

Requirements of Licensure for Foresters

Received by Speaker of the House of Representatives February 6, 2012

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration June 5, 2012

Revised: June 7, 2012

Document No. 4237

Agency: Department of Labor, Licensing and Regulation - Panel for Dietetics

Statutory Authority: 1976 Code Section 40-20-50

Definitions

Received by Speaker of the House of Representatives February 6, 2012

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration June 5, 2012

Revised: January 11, 2013

**REPORTS OF STANDING COMMITTEES**

Rep. BARFIELD, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4956 -- Reps. Putnam, Loftis, Thayer, G. R. Smith, Norman, Quinn, Parker, Long, Brannon, J. R. Smith, Erickson, Hiott, Patrick, Huggins, Southard, Nanney, Whitmire, Tribble, Allison, Atwater, Bannister, Barfield, Bingham, Bowen, Chumley, Clemmons, Corbin, Delleney, Forrester, Frye, Gambrell, Hamilton, Henderson, Herbkersman, Hixon, Lowe, Lucas, D. C. Moss, V. S. Moss, Murphy, Owens, Pinson, Pitts, Sandifer, Simrill, G. M. Smith, Spires, Stringer, Tallon, Taylor, Toole, White and Willis: A JOINT RESOLUTION TO REQUEST THE PRESIDENT OF THE UNITED STATES OF AMERICA, BARACK OBAMA, OPEN OUR ABUNDANT OIL AND NATURAL GAS RESOURCES THROUGHOUT OUR COUNTRY AND ISSUE AN EXECUTIVE ORDER TO THE DEPARTMENT OF INTERIOR TO LIFT THE 2010 BAN ON ALL OFFSHORE DRILLING EXPLORATION WITHIN THE OUTER CONTINENTAL SHELF LANDS, AND TO REQUEST THE PRESIDENT ALSO TO DIRECT THE DEPARTMENT OF ENERGY, ENVIRONMENTAL PROTECTION AGENCY, AND ANY BODY OF THE FEDERAL GOVERNMENT THAT REGULATES OR SIMILARLY IS CONCERNED WITH THE EXPLORATION OF OIL AND NATURAL GAS TO EXPEDITE ALL PERMITTING REQUIREMENTS FOR THE DEVELOPMENT OF THESE ENERGY RESOURCES.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4894 -- Reps. White, Bedingfield, McCoy, Loftis, Bingham, Herbkersman, Parker, Bowen, Erickson, Taylor, G. M. Smith, Forrester, Frye, G. R. Smith, Merrill, Stringer, Lowe, Nanney, Tribble, Crawford, Ryan, Corbin, Southard, J. R. Smith, Allison, Barfield, Chumley, Clemmons, Cole, Crosby, Delleney, Edge, Hamilton, Hardwick, Harrell, Harrison, Hearn, Henderson, Hixon, Limehouse, Long, Lucas, D. C. Moss, Murphy, Norman, Owens, Pinson, Pitts, Putnam, Quinn, Simrill, Skelton, Sottile, Spires, Tallon, Thayer, Toole, Viers, Young, Atwater, Huggins and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO AUTHORIZE A DEDUCTION FROM STATE OF SOUTH CAROLINA TAXABLE INCOME UP TO SPECIFIED AMOUNTS FOR TUITION PAID BY A PARENT OR LEGAL GUARDIAN FOR THEIR CHILD OR WARD TO ATTEND AN INDEPENDENT SCHOOL OR A PUBLIC SCHOOL OUTSIDE THE CHILD'S OR WARD'S SCHOOL DISTRICT OF RESIDENCE, AND TO ALSO AUTHORIZE A SIMILAR INCOME TAX DEDUCTION UP TO A SPECIFIED AMOUNT TO A PARENT OR LEGAL GUARDIAN FOR HOME SCHOOL EXPENDITURES; AND BY ADDING SECTION 12-6-1146 SO AS TO AUTHORIZE A CREDIT AGAINST A TAXPAYER'S SOUTH CAROLINA INCOME TAX LIABILITY OR CERTAIN OTHER TAX LIABILITY FOR CONTRIBUTIONS MADE TO NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS THAT PROVIDE GRANTS FOR CHILDREN WHO ARE ELIGIBLE FOR THE FEDERAL FREE OR REDUCED SCHOOL LUNCH PROGRAM, WHO ARE "EXCEPTIONAL NEEDS" CHILDREN, OR WHOSE FAMILIES MEET THE REQUIREMENTS FOR FEDERAL MEDICAID BENEFITS TO ATTEND INDEPENDENT SCHOOLS OF THEIR CHOICE, AND TO PROVIDE THE PROCEDURES FOR, AND CONDITIONS AND LIMITATIONS OF THESE TAX CREDITS.

Ordered for consideration tomorrow.

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

H. 4269 -- Rep. Sandifer: A BILL TO AMEND SECTION 37-3-202, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADDITIONAL CHARGES ASSOCIATED WITH CONSUMER LOANS, SO AS TO INCLUDE A CHARGE FOR THE ACTUAL COST INCURRED BY A LICENSEE FOR PROCESSING AN AUTOMATED CLEARING HOUSE PAYMENT AND A CHARGE FOR THE ACTUAL COST INCURRED BY A LICENSEE FOR PAYMENTS MADE BY CONSUMERS VIA CREDIT OR DEBIT CARDS.

Ordered for consideration tomorrow.

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

H. 4787 -- Reps. Brady and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 97 TO TITLE 38 SO AS TO ENACT THE "PORTABLE ELECTRONICS INSURANCE ACT", TO PROVIDE CERTAIN DEFINITIONS RELATED TO PORTABLE ELECTRONICS INSURANCE, TO PROVIDE REQUIREMENTS RELATING TO THE SALE OF PORTABLE ELECTRONICS INSURANCE, TO PROVIDE CERTAIN DISCLOSURE REQUIREMENTS OF A VENDOR OF PORTABLE ELECTRONICS INSURANCE TO THE PROSPECTIVE CONSUMER OF THIS INSURANCE, TO PROVIDE PENALTIES FOR A VIOLATION, AND TO PROVIDE LICENSURE FEES AND SURCHARGES.

Ordered for consideration tomorrow.

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

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32-7-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32-7-100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

Ordered for consideration tomorrow.

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

H. 4786 -- Reps. Sandifer and D. C. Moss: A BILL TO AMEND SECTION 41-35-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, SO AS TO EXTEND CERTAIN PROVISIONS OF THIS SECTION TO SERVICES PROVIDED BY AN INSTITUTION FOR AN EDUCATIONAL INSTITUTION WHILE EMPLOYED BY A PRIVATE EMPLOYER HOLDING A CONTRACTUAL RELATIONSHIP WITH THE EDUCATIONAL INSTITUTION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4963 -- Reps. Howard, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, 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, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO CONGRATULATE SIR KNIGHT FRANKLIN ROOSEVELT CUMMINGS, PSD, FM, FOR TWENTY-EIGHT YEARS OF OUTSTANDING SERVICE AND MANY CONTRIBUTIONS TO THE KNIGHTS OF COLUMBUS AND FOR HIS YEARS OF SERVICE TO THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4964 -- Reps. Crosby, Gilliard, McCoy, Ryan, Sottile, Whipper, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Daning, Delleney, Dillard, Edge, 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, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE NORTHSIDE CHRISTIAN SCHOOL VARSITY GIRLS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE 2012 SOUTH CAROLINA ASSOCIATION OF CHRISTIAN SCHOOLS CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4965 -- Reps. Crosby, Gilliard, McCoy, Ryan, Sottile, Whipper, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Daning, Delleney, Dillard, Edge, 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, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE NORTHSIDE CHRISTIAN SCHOOL VARSITY GIRLS BASKETBALL TEAM OF CHARLESTON COUNTY WITH THE TEAM COACHES AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2012 SOUTH CAROLINA ASSOCIATION OF CHRISTIAN SCHOOLS CLASS AA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Northside Christian School varsity girls basketball team of Charleston County with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the

2012 South Carolina Association of Christian Schools Class AA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4976 -- Rep. Johnson: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE LAURENCE MANNING ACADEMY VARSITY BOYS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4977 -- Rep. Johnson: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE LAURENCE MANNING ACADEMY VARSITY BOYS BASKETBALL TEAM OF CLARENDON COUNTY WITH THE TEAM COACHES AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2012 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Laurence Manning Academy varsity boys basketball team of Clarendon County with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for

capturing the 2012 South Carolina Independent School Association Class AAA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4978 -- Reps. Rutherford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO HONOR DR. PAMELA M. WILSON ON THE OCCASION OF HER INAUGURATION AS THE TWENTY-FOURTH PRESIDENT OF ALLEN UNIVERSITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4979 -- Reps. Rutherford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF RUBY GENEVA LEEVY JOHNSON OF RICHLAND COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4980 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, 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, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO HONOR AND CONGRATULATE THE IRMO HIGH SCHOOL AIR FORCE JUNIOR ROTC ON THE OCCASION OF ITS FORTIETH ANNIVERSARY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4981 -- Reps. Norman, Simrill, Pope, Long, Delleney, D. C. Moss, J. M. Neal, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, Neilson, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF FRANK SANDERS BARNES, JR., OF YORK COUNTY AND THEIR SINCERE APPRECIATION FOR HIS OUTSTANDING LEADERSHIP AND SERVICE IN THE FIELD OF TELECOMMUNICATIONS, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4966 -- Reps. Corbin, Loftis and Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAYS 25 AND 276 IN GREENVILLE COUNTY "HOVIE LISTER INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "HOVIE LISTER INTERCHANGE".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4984 -- Reps. Pitts, White, Funderburk and Harrell: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNTIED STATES TO ENACT WITHOUT DELAY H.R. 3061, THE "FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT OF 2011", WHICH AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, AND REQUIRES BETTER INFORMATION TO BE CONSIDERED IN THE MANAGEMENT OF FEDERAL FISHERIES.

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. 1313 -- Senator Ryberg: A CONCURRENT RESOLUTION TO PROCLAIM THE WEEK OF MARCH 10-16, 2012, AS “JULLIARD IN AIKEN WEEK” AND TO WELCOME THE PERFORMERS AND PARTNERS WITH THE JULLIARD SCHOOL.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1322 -- Senator Ryberg: A CONCURRENT RESOLUTION TO CONGRATULATE DR. JOSEPH W. POLISI, PRESIDENT OF THE JUILLIARD SCHOOL, FOR HIS WORK, TO WELCOME HIM TO SOUTH CAROLINA, AND TO THANK HIM FOR HIS COLLABORATION AND VISION IN PARTNERSHIP WITH THE “JUILLIARD IN AIKEN PERFORMING ARTS FESTIVAL”.

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

**INTRODUCTION OF BILLS**

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

H. 4967 -- Ways and Means Committee: A BILL TO AMEND SECTION 9-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS), SO AS TO PROVIDE FOR "CLASS THREE" MEMBERS OF SCRS WITH "CLASS THREE" MEMBERS MEANING AN EMPLOYEE MEMBER OF SCRS WITH AN EFFECTIVE DATE OF MEMBERSHIP AFTER JUNE 30, 2012; TO AMEND SECTIONS 9-1-10 FURTHER AND 9-1-1550, RELATING TO RETIREMENT BENEFITS UNDER THE SCRS, SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCRS MEMBERS ARE COMPUTED AFTER JUNE 30, 2012, AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCRS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-1-1815 SO AS TO PROVIDE FOR THE MANNER IN WHICH RETIRED SCRS MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-1-1810 RELATING TO INCREASES IN SCRS RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-1-1020, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCRS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF CLASS ONE SCRS MEMBERS TO SIX PERCENT OF EARNABLE COMPENSATION FROM FIVE AND ONE-HALF PERCENT AND THE REQUIRED DEDUCTIONS OF SCRS CLASS TWO AND CLASS THREE MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013, AND MAKE CONFORMING CHANGES; TO AMEND SECTION 9-1-1080, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCRS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TEN AND SIX-TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; TO AMEND SECTION 9-1-1140, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCRS, SO AS TO PROVIDE THAT THE REQUIRED COST IS THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE SCRS MEMBER'S CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-1-1510, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A SCRS RETIREMENT ALLOWANCE, SO AS TO PROVIDE THAT A SCRS “CLASS THREE” MEMBER MUST HAVE AT LEAST THIRTY YEARS OF CREDITABLE SERVICE TO BE ELIGIBLE TO RETIRE AT ANY AGE WITHOUT A BENEFIT REDUCTION; TO AMEND SECTION 9-1-1515, AS AMENDED, RELATING TO THE REQUIREMENTS FOR EARLY RETIREMENT IN SCRS, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS “CLASS THREE” MEMBERS; TO AMEND SECTION 9-1-1660, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A NOMINEE OF A DECEASED ACTIVE SCRS MEMBER TO RECEIVE A RETIREMENT ALLOWANCE, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS “CLASS THREE” MEMBERS; TO AMEND SECTION 9-1-2210, AS AMENDED, RELATING TO THE TEACHER AND EMPLOYEE RETENTION INCENTIVE (TERI) PROGRAM, SO AS TO CLOSE THE PROGRAM FOR SCRS “CLASS THREE” MEMBERS AND TO CONFORM THE CALCULATION OF RETIREMENT BENEFITS FOR TERI PARTICIPANTS; TO AMEND SECTION 9-9-60, AS AMENDED, RELATING TO RETIREMENT AND RETIREMENT ALLOWANCES FOR MEMBERS OF THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA (GARS), SO AS PROSPECTIVELY TO ELIMINATE PROVISIONS ALLOWING MEMBERS OF THE GENERAL ASSEMBLY WHO MEET CERTAIN AGE OR CREDITED SERVICE REQUIREMENTS OR WITH AGE AND CREDITED SERVICE REQUIREMENTS TO RECEIVE A GARS RETIREMENT BENEFIT WHILE CONTINUING TO SERVE IN THE GENERAL ASSEMBLY; TO AMEND SECTIONS 9-11-10 AND 9-11-60, BOTH AS AMENDED, RELATING TO DEFINITIONS AND ELIGIBILITY FOR RETIREMENT UNDER THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS), SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCPORS MEMBERS RETIRING AFTER JUNE 30, 2012, ARE COMPUTED AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCPORS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE SCPORS MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-11-312 SO AS TO PROVIDE FOR THE MANNER IN WHICH SCPORS RETIRED MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-11-310 RELATING TO COST OF LIVING ADJUSTMENTS UNDER SCPORS BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-11-50, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCPORS, SO AS TO PROVIDE THAT THE REQUIRED COST MUST BE THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE MEMBERS CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-11-210, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCPORS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF SCPORS “CLASS TWO” MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013; TO AMEND SECTION 9-11-220, AS AMENDED, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCPORS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TWELVE AND THREE TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; BY ADDING SECTION 9-16-335 SO AS TO PROVIDE THAT THE ASSUMED ANNUAL RATE OF RETURN ON THE INVESTMENTS OF THE RETIREMENT SYSTEM MUST BE ESTABLISHED BY THE GENERAL ASSEMBLY AND EFFECTIVE JULY 1, 2012, THE ASSUMED ANNUAL RATE OF RETURN ON RETIREMENT SYSTEM INVESTMENTS IS SEVEN AND ONE-HALF PERCENT; AND TO AMEND SECTIONS 9-1-1135, 9-8-185, 9-9-175, AND 9-11-265, RELATING TO INTEREST ON MEMBER'S CONTRIBUTIONS IN SCRS, GARS, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND SCPORS, SO AS TO PROVIDE THAT INTEREST IS NOT PAID ON INACTIVE ACCOUNTS, AND TO DEFINE "INACTIVE ACCOUNT".

Without Reference

H. 4968 -- Reps. Long, G. M. Smith, Stavrinakis, Erickson, King, Knight, Neilson, Bales, Southard, Parks, McLeod, Atwater, Cobb-Hunter, Dillard, Harrison, Norman, Pope and Simrill: A BILL TO AMEND SECTION 16-17-650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COCKFIGHTING, SO AS TO INCREASE THE FINES AND PENALTIES FOR THE OFFENSE, CREATE A NEW OFFENSE OF BEING PRESENT AT A STRUCTURE, FACILITY, OR LOCATION WHERE COCKFIGHTING IS TAKING PLACE, AND TO PROVIDE AN EXCEPTION FOR MINORS PRESENT WHEN COCKFIGHTING IS TAKING PLACE UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Judiciary

H. 4969 -- Rep. Hearn: A BILL TO AMEND SECTION 63-17-2110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTENTS OF COURT ORDERS REQUIRING A PARENT TO PROVIDE HEALTH COVERAGE FOR A CHILD, SO AS TO ELIMINATE THE NEED FOR THE SOCIAL SECURITY NUMBER TO BE INCLUDED IN THE ORDER, TO CHANGE THE TERM "PARENT" TO "PARTICIPANT", AND TO CHANGE THE TERM "CHILD" TO "ALTERNATE RECIPIENT"; AND TO AMEND SECTION 43-5-220, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES ESTABLISHING A SCALE FOR SUGGESTED MINIMUM CONTRIBUTIONS FOR CHILD SUPPORT PAYMENTS FROM ABSENT PARENTS, SO AS TO DELETE LANGUAGE THAT PROVIDES THAT THE USE OF THE CHILD SUPPORT SCALE IS OPTIONAL AND TO MAKE TECHNICAL CORRECTIONS.

Referred to Committee on Labor, Commerce and Industry

H. 4970 -- Reps. Bannister, Brantley, Bales, Jefferson, Rutherford, G. M. Smith, Brady, Butler Garrick, Cobb-Hunter, Johnson, J. H. Neal, Sabb, King, Neilson, Hart and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 22, TITLE 17 SO AS TO ENACT THE "DRUG COURT PROGRAM ACT", TO DIRECT EACH CIRCUIT SOLICITOR TO ESTABLISH A DRUG COURT PROGRAM FOR ADULTS AND JUVENILES, TO PROVIDE CRITERIA FOR ELIGIBILITY OF PERSONS CHARGED WITH NONVIOLENT OFFENSES, TO ALLOW EACH CIRCUIT SOLICITOR TO ESTABLISH AN OFFICE OF DRUG COURT PROGRAM COORDINATOR, TO DIRECT THE COMMISSION ON PROSECUTION COORDINATION TO ESTABLISH A STATE OFFICE OF DRUG COURT COORDINATION, TO PROVIDE FOR FEES FOR PARTICIPATION IN A DRUG COURT PROGRAM, TO PROVIDE FOR ANNUAL REPORTS DETAILING THE ACTIVITIES OF DRUG COURT PROGRAMS TO THE COMMISSION ON PROSECUTION COORDINATION WITH A COPY PROVIDED TO THE SENTENCING REFORM OVERSIGHT COMMITTEE, AND TO PROVIDE FOR THE APPOINTMENT OF DRUG COURT JUDGES AND COMPENSATION.

Referred to Committee on Judiciary

H. 4971 -- Reps. Brady, Brantley, J. H. Neal, Erickson, H. B. Brown, Spires, Gilliard, Williams, Jefferson, Allen, Sellers, Butler Garrick, Munnerlyn, Atwater, Battle, R. L. Brown, Dillard, Hamilton, Harrison, Hearn, Long, Lowe, Mack, V. S. Moss, Ott, Putnam, Sandifer, Thayer, Whipper and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 43 SO AS TO ESTABLISH THE SOUTH CAROLINA FOOD BANK FINANCING TRUST FUND TO AID LOCAL SOUTH CAROLINA FOOD BANKS, AND TO SPECIFY THE METHOD BY WHICH THE FUND IS ALLOCATED AND DISTRIBUTED; AND TO AMEND SECTION 12-6-5060, AS AMENDED, RELATING TO AUTHORIZED VOLUNTARY CONTRIBUTIONS ON AN INCOME TAX RETURN, SO AS TO ALLOW CONTRIBUTIONS TO THE SOUTH CAROLINA FOOD BANK FINANCING TRUST FUND.

Referred to Committee on Ways and Means

H. 4972 -- Reps. Patrick, Tallon, Erickson, Herbkersman and Pope: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 36 TO TITLE 1 SO AS TO ENACT THE "SOUTH CAROLINA MONEY SERVICES OVERSIGHT AND ILLICIT FINANCE ABATEMENT ACT" TO PROVIDE REGULATION AND OVERSIGHT OF THE MONEY SERVICES BUSINESSES MOST COMMONLY USED BY ORGANIZED CRIMINAL ENTERPRISES TO LAUNDER THE MONETARY PROCEEDS OF ILLEGAL ACTIVITIES, TO PROVIDE DEFINITIONS, TO ESTABLISH THE SOUTH CAROLINA DEPARTMENT OF MONEY SERVICES AND FINANCIAL TECHNOLOGIES, AND TO PROVIDE PENALTIES; BY ADDING ARTICLE 14 TO CHAPTER 7, TITLE 14 SO AS TO AUTHORIZE CIRCUIT SOLICITORS TO APPLY FOR AN ORDER CONVENING A CIRCUIT-WIDE SPECIAL INVESTIGATIVE GRAND JURY UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE EMPANELMENT OF THE SPECIAL INVESTIGATIVE GRAND JURY, AND TO PROVIDE THE POWERS OF THE CIRCUIT SOLICITOR WHEN THE SPECIAL INVESTIGATIVE GRAND JURY IS CONVENED; AND TO AMEND SECTION 14-7-1680, AS AMENDED, RELATING TO THE ISSUANCE OF SUBPOENAS AND SUBPOENAS DUCES TECUM, SO AS TO REMOVE CERTAIN REFERENCES TO THE ATTORNEY GENERAL AND THE STATE GRAND JURY AND INSERT REFERENCES TO THE SOLICITOR.

Referred to Committee on Judiciary

H. 4973 -- Reps. Bales, Neilson, J. H. Neal, Long, Harrison, Merrill and J. M. Neal: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-1-28 SO AS TO PROVIDE MINIMUM RESIDENCY REQUIREMENTS FOR A CANDIDATE FOR A STATE OR LOCAL PUBLIC OFFICE THAT IS ELECTED FROM A SPECIFIC DISTRICT.

Referred to Committee on Judiciary

H. 4974 -- Reps. Tallon, Patrick, D. C. Moss, G. R. Smith, Cole and Pope: A BILL TO AMEND SECTION 40-54-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING DEALERS IN PRECIOUS METALS, SO AS TO MODIFY THE TERM "PURCHASE"; TO AMEND SECTION 40-54-40, RELATING TO THE REQUIREMENT THAT A SELLER OF PRECIOUS METALS PROVIDE CERTAIN POSITIVE IDENTIFICATION BEARING HIS PHOTOGRAPH, SO AS TO PROVIDE THIS REQUIREMENT MAY BE SATISFIED BY CERTAIN IDENTIFICATION ISSUED BY THE STATE OR THE UNITED STATES; TO AMEND SECTION 48-54-50, RELATING TO A MANDATORY PERIOD FOR WHICH A DEALER IN PRECIOUS METALS MUST HOLD PRECIOUS METALS HE PURCHASES BEFORE HE MAY SELL THE PRECIOUS METALS; AND TO AMEND SECTION 40-54-80, RELATING TO PENALTIES, SO AS TO INCREASE PENALTIES FOR THE PURCHASE OF PRECIOUS METALS BY A DEALER WITH A REVOKED LICENSE.

Referred to Committee on Labor, Commerce and Industry

H. 4975 -- Reps. Tallon, Allison, Patrick, D. C. Moss, Pope and G. R. Smith: A BILL TO AMEND SECTION 17-28-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES FOR WHICH POST-CONVICTION DNA TESTING IS AVAILABLE, SO AS TO LIMIT THE OFFENSES FOR WHICH A PERSON MAY APPLY FOR FORENSIC DNA TESTING TO PROVE HIS INNOCENCE; TO AMEND SECTION 17-28-50, RELATING TO APPLICATIONS FOR DNA TESTING AND NOTIFICATION, SO AS TO REQUIRE NOTIFICATION OF THE APPLICATION FOR DNA TESTING TO BE MADE BY THE APPLICANT TO CERTAIN LAW ENFORCEMENT AGENCIES; TO AMEND SECTION 17-28-90, RELATING TO AN APPLICANT FOR DNA TESTING'S HEARING AND ORDERS RELATED TO DNA SAMPLES, SO AS TO LIMIT COSTS PAID FOR BY THE STATE TO APPLICANTS FOR DNA TESTING WHO ARE FOUND BY A COURT TO BE INDIGENT; TO AMEND SECTION 17-28-120, RELATING TO FUNDING OF POST-CONVICTION DNA TESTING, SO AS TO REDUCE THE AMOUNT THAT MAY BE EXPENDED FROM THE GENERAL FUND FROM ONE-HUNDRED-FIFTY-THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS; TO AMEND SECTION 17-28-320, RELATING TO OFFENSES FOR WHICH DNA EVIDENCE IS PRESERVED, SO AS TO LIMIT THE OFFENSES FOR WHICH DNA EVIDENCE MUST BE PRESERVED AND PROVIDE EVIDENCE NEED NOT BE PRESERVED AFTER APPEALS ARE EXHAUSTED; AND TO AMEND SECTION 17-28-350, RELATING TO WILFUL DESTRUCTION OR TAMPERING WITH DNA EVIDENCE, SO AS TO ADD THE INTENTIONAL DESTRUCTION OR TAMPERING WITH DNA EVIDENCE TO THE PURVIEW OF THE STATUTE.

Referred to Committee on Judiciary

H. 4982 -- Reps. Sandifer and Owens: A BILL TO AMEND SECTION 41-35-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISQUALIFICATIONS FOR UNEMPLOYMENT BENEFITS, SO AS TO CHANGE THE BASIS FOR DISQUALIFICATION FOR "CAUSE CONNECTED WITH THE EMPLOYMENT" TO "MISCONDUCT CONNECTED TO THE EMPLOYMENT", AND TO MAKE CONFORMING CHANGES, TO REDUCE THE MAXIMUM PERIOD OF THIS DISQUALIFICATION TO TWENTY WEEKS, TO DELETE A REQUIREMENT THAT THIS INELIGIBILITY PERIOD MUST BE DETERMINED BY THE DEPARTMENT IN EACH CASE ACCORDING TO THE SERIOUSNESS OF THE CAUSE FOR DISCHARGE, AND TO PROVIDE A FINDING OF DISCHARGE FOR MISCONDUCT MAY NOT BE MADE FOR DISCHARGE RESULTING FROM CIRCUMSTANCES RELATED TO AN EXTREME HARDSHIP, EMERGENCY, OR OTHER EXTRAORDINARY CIRCUMSTANCES.

Referred to Committee on Labor, Commerce and Industry

H. 4983 -- Reps. Pope, King, Norman, Simrill, Delleney, Long and D. C. Moss: A BILL TO AMEND SECTION 50-11-870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BIRD SANCTUARIES AND THE USE OF FIREARMS WITHIN THEIR BORDERS, SO AS TO REVISE THE BOUNDARIES OF CERTAIN BIRD SANCTUARIES IN YORK COUNTY.

On motion of Rep. SIMRILL, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 4985 -- Reps. Stavrinakis and Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-270 SO AS TO PROVIDE THAT ALL OTHER FUNDS COLLECTED BY AN AGENCY MUST BE DEPOSITED IN THE GENERAL FUND AND MUST BE CONSIDERED GENERAL FUNDS, TO PROVIDE FOR DEFINITIONS, AND TO SPECIFY THE APPLICABILITY OF THIS SECTION.

Referred to Committee on Ways and Means

H. 4986 -- Reps. Neilson, Bales and G. A. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-365 SO AS TO PROVIDE THAT BEGINNING WITH THE 2012 FALL TERM, PUBLIC INSTITUTIONS OF HIGHER LEARNING MUST CHARGE TUITION FEES FOR COURSES TAUGHT ONLINE AT A PER CREDIT HOUR CHARGE AT LEAST TWENTY-FIVE PERCENT BELOW THE PER CREDIT HOUR CHARGE FOR THE SAME OR SIMILAR COURSES TAUGHT TO STUDENTS IN A CLASSROOM BY A PROFESSOR OR INSTRUCTOR WHO IS PHYSICALLY PRESENT.

Referred to Committee on Ways and Means

S. 1287 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OCCUPATIONAL THERAPY BOARD, RELATING TO DEFINITIONS; LICENSURE BY ENDORSEMENT; AND FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4246, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1288 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF MEDICAL EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR MEDICAL PROFESSIONALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4244, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1289 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS, RELATING TO REQUIREMENTS OF LICENSURE FOR LONG TERM HEALTH CARE ADMINISTRATORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4242, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1290 -- Medical 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.

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

S. 1291 -- Medical 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.

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

S. 1292 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO PHYSICAL FITNESS SERVICES CENTER - CERTIFICATE OF AUTHORITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4205, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

S. 1293 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF PHYSICAL THERAPY EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR PHYSICAL THERAPISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4248, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1294 -- Medical 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.

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

S. 1295 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN PSYCHOLOGY, RELATING TO CONTINUING EDUCATION CREDITS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4251, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1296 -- Medical 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.

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

S. 1297 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, RELATING TO REQUIREMENTS OF LICENSURE FOR SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4254, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

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

|  |  |
| --- | --- |
| Thad Viers | David Tribble, Jr. |
| Boyd Brown | Harry Ott |
| Tracy Edge | Ted Vick |

**Total Present--112**

**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. POPE a leave of absence for the day due to business reasons.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HODGES a leave of absence for the day to attend a funeral.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. SKELTON a leave of absence for the day due to a death in the family.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CORBIN a leave of absence due to family medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. NANNEY a leave of absence due to medical reasons.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Coy Irvin of Florence was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. BOWERS presented to the House the Colleton Preparatory Academy "War Hawks" Football Team, the 2011 South Carolina Independent School Class A Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4043 |
| Date: | ADD: |
| 03/08/12 | FRYE |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4628 |
| Date: | REMOVE: |
| 03/08/12 | HUGGINS |

**MOTION ADOPTED**

Rep. WHITE moved that H. 4813, the General Appropriation Bill for Fiscal Year 2012-2013, be set for Special Order on Monday, March 12, 2012, immediately after roll call and after roll call every day thereafter, and continue each day until given second reading, which was agreed to.

**MOTION ADOPTED**

Rep. WHITE moved that while debating H. 4813 on second reading that the Bills on the Calendar be printed by number only, which was agreed to.

**MOTION ADOPTED**

Rep. WHITE moved that when the House adjourns today that it adjourn to meet in Local Session on Friday, March 9, 2012, and convene at 11:00 a.m., Monday, March 12, 2012, in Statewide Session, which was agreed to.

**MOTION ADOPTED**

Rep. WHITE moved that H. 4814, the Joint Resolution appropriating the Capital Reserve Fund for Fiscal Year 2012-2013, be set for Special Order immediately following second reading of H. 4813, and immediately after roll call every day thereafter, and continue each day until given second reading, which was agreed to.

**MOTION ADOPTED**

Rep. WHITE moved that H. 4813 be set for Special Order for third reading immediately after second reading of H. 4814, and immediately after roll call every day thereafter, and continue each day thereafter until given third reading, which was agreed to.

**MOTION ADOPTED**

Rep. WHITE moved that H. 4814 be set for Special Order for third reading immediately after third reading of H. 4813, and immediately after roll call every day thereafter, and continue each day thereafter until given third reading, which was agreed to.

**SENT TO THE SENATE**

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

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.

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.

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.

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.

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.

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.

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.

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.

**H. 4801--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

**RULE 5.15 WAIVED**

Rep. SANDIFER moved to waive Rule 5.15, which was agreed to by a division vote of 60 to 0.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 4801 (COUNCIL\DKA\3996SD12), which was adopted:

Amend the bill, as and if amended, page 6, by striking subsection (B) in its entirety and inserting:

/ (B) This district must not contract for or undertake the construction of any new freshwater treatment facilities from the effective date of this subsection until July 31, 2016. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 87; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Cole | Crawford | Crosby |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Hamilton | Hardwick |
| Harrell | Hart | Hayes |
| Hearn | Henderson | Hiott |
| Hixon | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | J. M. Neal | Neilson |
| Norman | Parker | Parks |
| Patrick | Pitts | Putnam |
| Quinn | Ryan | Sandifer |
| Sellers | Simrill | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Weeks | White |
| Whitmire | Young |  |

**Total--86**

Those who voted in the negative are:

**Total--0**

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

**H. 4801--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SANDIFER, with unanimous consent, it was ordered that H. 4801 be read the third time tomorrow.

**H. 4517--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. D. C. MOSS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Long |
| Lucas | Mack | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Patrick | Pinson | Pitts |
| Putnam | Quinn | Ryan |
| Sellers | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Weeks | Whipper |
| White | Whitmire | Williams |
| Young |  |  |

**Total--91**

Those who voted in the negative are:

**Total--0**

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

**H. 4517--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. D. C. MOSS, with unanimous consent, it was ordered that H. 4517 be read the third time tomorrow.

**H. 4582--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. ATWATER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brannon | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Hiott | Hixon |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Patrick | Pitts | Putnam |
| Quinn | 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 |
| Tribble | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Young |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

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

**H. 4582--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. ATWATER, with unanimous consent, it was ordered that H. 4582 be read the third time tomorrow.

**H. 4675--REQUESTS FOR DEBATE**

The following Bill was taken up:

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.

Reps. G. R. SMITH, BEDINGFIELD, HENDERSON, CLEMMONS, J. R. SMITH, HAMILTON, HIOTT, LOFTIS, SELLERS, TOOLE, RUTHERFORD, KNIGHT, GILLIARD, SANDIFER and NEILSON requested debate on the Bill.

**H. 4672--POINT OF ORDER**

The following Joint Resolution was taken up:

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.

**POINT OF ORDER**

Rep. BANNISTER 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. 4008--POINT OF ORDER**

The following Bill was taken up:

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.

**POINT OF ORDER**

Rep. BANNISTER 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. 4680--POINT OF ORDER**

The following Bill was taken up:

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.

**POINT OF ORDER**

Rep. SELLERS 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. 3130--POINT OF ORDER**

The following Bill was taken up:

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.

**POINT OF ORDER**

Rep. CRAWFORD 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. 4603--POINT OF ORDER**

The following Bill was taken up:

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.

**POINT OF ORDER**

Rep. HIOTT 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. 4726--POINT OF ORDER**

The following Bill was taken up:

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 DISTRICTS 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.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 295--MOTION TO RECONSIDER REJECTED**

The motion of Rep. BEDINGFIELD to reconsider the vote whereby S. 295 was rejected was taken up and the motion was rejected.

**OBJECTION TO RECALL**

Rep. SELLERS asked unanimous consent to recall H. 3529 from the Committee on Education and Public Works.

Rep. HAMILTON objected.

**OBJECTION TO RECALL**

Rep. TALLON asked unanimous consent to recall H. 4974 from the Committee on Labor, Commerce and Industry.

Rep. SELLERS objected.

**H. 3393--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3393 -- Rep. Sandifer: A BILL TO AMEND SECTION 32-8-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION, SO AS TO FURTHER PROVIDE FOR THOSE PERSONS WHO IN ORDER OF PRIORITY MAY AUTHORIZE CREMATION.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hearn |
| Henderson | Hiott | Hixon |
| Horne | Hosey | 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 | Patrick | Pinson |
| Pitts | Putnam | Quinn |
| Rutherford | Ryan | Sandifer |
| Sellers | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Toole |
| Tribble | Weeks | Whipper |
| White | Whitmire | Williams |
| Young |  |  |

**Total--103**

Those who voted in the negative are:

**Total--0**

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

**H. 4451--SENT TO THE SENATE**

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 Bill, as amended, was read the third time, and ordered sent to the Senate.

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

Rep. BOWEN moved to reconsider the vote whereby the following Bill was read third time and sent to the Senate:

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. BOWEN moved to table the motion to reconsider, which was agreed to.

**H. 4721--SENT TO THE SENATE**

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.

Rep. MCLEOD moved to table the Bill.

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

Yeas 22; Nays 78

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Bowers | Brantley |
| R. L. Brown | Cobb-Hunter | Dillard |
| Gilliard | Hart | Herbkersman |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| Parks | Weeks | Whipper |
| Williams |  |  |

**Total--22**

Those who voted in the negative are:

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

**Total--78**

So, the House refused to table the Bill.

The question then recurred to the passage of the Bill.

The Bill, as amended, was read the third time, and ordered sent to the Senate.

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

Rep. BINGHAM moved to reconsider the vote whereby the following Bill was read third time and sent to the Senate:

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. BINGHAM moved to table the motion to reconsider, which was agreed to.

**H. 4710--SENT TO THE SENATE**

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.

The Joint Resolution was read the third time and ordered sent to the Senate.

**H. 4710--MOTION TO RECONSIDER TABLED**

Rep. WHITE moved to reconsider the vote whereby the following Joint Resolution was read third time and sent to the Senate:

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

**MOTION PERIOD**

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

**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. HIOTT moved to adjourn debate on the Bill until Wednesday, March 21, which was agreed to.

**H. 4043--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V. S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson, D. C. Moss and Frye: 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".

Rep. HARRISON proposed the following Amendment No. 2 to H. 4043 (COUNCIL\AGM\19486AB12):

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

/ SECTION 1. Section 41‑35‑120 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑35‑120. An insured worker is ineligible for benefits for:

(1) Leaving work voluntarily. If the department finds he left voluntarily, without good cause, his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim.

(2) Discharge for cause connected with the employment. If the department finds that he has been discharged for cause connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing not less than five nor more than the next ~~twenty‑six~~ twenty weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge. A charge of discharge for cause connected with the employment may not be made for failure to meet production requirements unless the failure is occasioned by wilful failure or neglect of duty. "Cause connected with the employment" as used in this item requires more than a failure in good performance of the employee as the result of inability or incapacity.

(3)(a) Discharge for illegal drug use, and is ineligible ~~for~~ from benefits ~~beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim~~ for twenty weeks with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification if the:

(i) company has communicated a policy prohibiting the illegal use of drugs, the violation of which may result in termination; and

(ii) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

(iii) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

(A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

(B) the test was performed by a laboratory certified by the ~~National Institute on Drug Abuse~~ United States Department of Health and Human Services (USDHHS)/Substance Abuse Mental Health Services Administration (SAMSHA), the College of American Pathologists or the State Law Enforcement Division; and

(C) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the ~~National Institute on Drug Abuse~~ USDHHA/SAMSHA;

(iv) for purposes of this item, ‘unlawfully’ means without a prescription.

(b) If an insured worker makes an admission pursuant to the employer’s policy, which provides that voluntary admissions made before the employer’s request to the employee to submit to testing may protect an employee from immediate termination, then the admission is inadmissible for purposes of this section as long as the:

(i) employer has communicated a written policy, which provides protection from immediate termination for employees who voluntarily admit prohibited drug use before the employer’s request to submit to a test; and

(ii) employee makes the admission specifically pursuant to the employer’s policy.

(c) Information, interviews, reports, and drug‑test results, written or otherwise, received by an employer through a drug‑testing program may be used or received in evidence in proceedings conducted pursuant to the provisions of this title for the purposes of determining eligibility for unemployment compensation, including administrative or judicial appeal.

(4) Discharge for gross misconduct, and is ~~ineligible for~~ disqualified from benefits ~~beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim~~ for twenty weeks with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification if he is discharged due to:

(~~i~~a) wilful or reckless employee damage to employer property that results in damage of more than fifty dollars;

(~~ii~~b) employee consumption of alcohol or being under the influence of alcohol on employer property in violation of a written company policy restricting or prohibiting consumption of alcohol;

(~~iii~~c) employee theft of items valued at more than fifty dollars;

(~~iv~~d) failure to comply with applicable state or federal drug and alcohol testing and use regulations including, but not limited to, 49 C.F.R. part 40 and part 382 of the federal motor carrier safety regulations, while on the job or on duty, and regulations applicable for employees performing transportation and other safety sensitive job functions as defined by the federal government;

(~~v~~e) employee committing ~~criminal~~ assault or battery of another employee or a customer;

(~~vi~~f) employee committing ~~criminal~~ abuse of patient or child in his professional care;

(~~vii~~g) employee insubordination, which is defined as wilful failure to comply with a lawful, reasonable order of a supervisor directly related to the employee’s employment ~~as described in an applicable written job description~~; or

(~~viii~~h) employee wilful neglect of duty directly related to the employee’s employment ~~as described in an applicable written job description~~.

(5) Failure to accept work.

(a) If the department finds ~~he has failed, without good cause~~:

(i)(A) he has failed, without good cause, either to apply for available suitable work, when so directed by the employment office or the department;

(B) he has failed, without good cause, to accept available suitable work when offered to him by the employment office or an employer; ~~or~~

(C) he has failed, without good cause, to return to his customary self‑employment, if any, when so directed by the department, the ineligibility begins with the week the failure occurred and continues until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined in Chapters 27 through 41 of this title and earned wages for services equal to at least eight times the weekly benefit amount of his claim; or

(D) he has tested positive for drugs after being given a drug test on behalf of the prospective employer as a condition of an offer of employment, or if:

(1) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

(2) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

(a) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel;

(b) the test was performed by a laboratory certified by the USDHHS/SAMSHA, the College of American Pathologists or the State Law Enforcement Division; and

(c) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the USDHHS/SAMSHA.

(ii) For purposes of this item, ‘unlawfully’ means without a prescription.

(b) In determining whether work is suitable for an individual, the department must consider, based on a standard of reasonableness as it relates to the particular individual concerned, the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(c) Notwithstanding another provision of Chapters 27 through 41 of this title, work is not considered suitable and benefits may not be denied under these chapters to an otherwise eligible individual for refusing to accept new work under any of the following conditions:

(i) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(ii) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

(iii) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) Notwithstanding another provision of Chapters 27 through 41 of this title, an otherwise eligible individual may not be denied a benefit for a week for failure to apply for, or refusal to accept, suitable work because he is in training with the approval of the department.

(e) Notwithstanding another provision of this chapter, an otherwise eligible individual may not be denied a benefit for a week because he is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor may the individual be denied benefits by reason of leaving work to enter training, if the work left is not suitable employment, or because of the application to a week in training of provisions in this law or an applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. For purposes of this subitem, ‘suitable employment’ means, with respect to an individual, work of a substantially equal or higher skill level than the individual’s past adversely affected employment, as defined for purposes of the Trade Act of 1974, and wages for the work at not less than eighty percent of the individual’s average weekly wage as determined for the purposes of the Trade Act of 1974.

(6) Labor dispute. For a week in which the department finds that his total or partial unemployment is directly due to a labor dispute in active progress in the factory, establishment, or other premises at which he was last employed. This paragraph does not apply if it is shown to the satisfaction of the department that he:

(a) is not participating in, financing, or directly interested in the labor dispute;

(b) does not belong to a grade or class of workers of which, immediately before he became unemployed by reason of the dispute, there were members employed at the premises at which the dispute exists, any of whom are participating in or directly interested in the dispute. If separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each department for the purpose of this item is considered to be a separate factory, establishment, or other premises.

(7) Receiving benefits elsewhere. For a week in which, or a part of which, he has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States. If the appropriate agency of the other state or of the United States finally determines that he is not entitled to unemployment benefits, this disqualification does not apply.

(8) Voluntary retirement. If the department finds that he voluntarily retired from his most recent work with the ineligibility beginning with the effective date of his claim and continuing for the duration of his unemployment and until the individual submits satisfactory evidence of having had new employment and of having earned wages of not less than eight times his weekly benefit amount as defined in Section 41‑35‑40. For the purpose of this section, ‘most recent work’ means the work from which the individual retired regardless of any work subsequent to his retirement in which he earned less than eight times his weekly benefit amount.

(9) Compliance with drug testing procedure. An employer is not liable for any acts or omissions arising out of disclosure of the test results to the Department, provided the employer complies with the requirements of this section and any applicable law. In order to comply an employer must disclose to the Department when a pre‑employment drug test is offered and refused or failed by a potential employee.”

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

Renumber sections to conform.

Amend title to conform.

Rep. YOUNG explained the amendment.

Rep. TALLON moved to adjourn debate on the Bill until Tuesday, March 20, which was agreed to.

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

**ADJOURNMENT**

At 11:56 a.m. the House, in accordance with the motion of Rep. BARFIELD, adjourned in memory of Cecil Dix of Aynor, to meet at 10:00 a.m. tomorrow.

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