~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 2:00 p.m.

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

Our thought for today is from Psalm 145:8: “The Lord is gracious and merciful, slow to anger and abounding in steadfast love.”

Let us pray. Almighty God, be gracious to these men and women who have been elected to represent the people they serve. Fill them with the wisdom to make right choices as they strive to accomplish the purposes of this Assembly. Continue to care for them and their families. Bless our Nation, President, State, Governor, Speaker, staff, and all who support them in their duties. Protect our defenders of freedom, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. 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. SABB moved that when the House adjourns, it adjourn in memory of George Wesley Jones who was 107, of Greeleyville, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of Representative Knight in the death of her brother, Bobby Gleaton of Fayetteville, North Carolina.

**REPORTS OF STANDING COMMITTEE**

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

H. 3057 -- Rep. Rutherford: A BILL TO AMEND SECTION 17-22-50, AS AMENDED, AND SECTION 17-22-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY NOT BE CONSIDERED FOR PARTICIPATION IN A PRETRIAL INTERVENTION PROGRAM AND PROGRAM ELIGIBILITY, RESPECTIVELY, BOTH SO AS TO ALLOW A PERSON TO PARTICIPATE IN A PROGRAM MORE THAN ONCE WITH THE SOLICITOR'S CONSENT.

Ordered for consideration tomorrow.

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

H. 3184 -- Reps. Pope, R. L. Brown, M. S. McLeod and Weeks: A BILL TO AMEND SECTION 22-5-910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO PROVIDE THAT A PERSON MAY BE ELIGIBLE FOR EXPUNGEMENT OF A FIRST OFFENSE CRIME WHICH CARRIES A FINE OF ONE THOUSAND DOLLARS RATHER THAN FIVE HUNDRED DOLLARS.

Ordered for consideration tomorrow.

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

S. 3 -- Senators L. Martin, Hayes, Fair and Campsen: A BILL TO AMEND SECTION 61-2-180, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, SO AS TO CLARIFY THAT THIS SECTION IS NOT AN EXCEPTION OR LIMITATION TO ACTIVITIES, DEVICES, OR MACHINES THAT ARE PROHIBITED BY SECTION 12-21-2710 OR OTHER PROVISIONS THAT PROHIBIT GAMBLING; 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 SECTION DOES NOT AUTHORIZE THE USE OF AN ACTIVITY, DEVICE, OR MACHINE THAT IS PROHIBITED BY SECTION 12-21-2710 OR BY OTHER PROVISIONS THAT PROHIBIT GAMBLING.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3494 -- Reps. Patrick, Newton, Erickson, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Norman, Ott, Owens, Parks, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, 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, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE HILTON HEAD CHRISTIAN ACADEMY VARSITY FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2012 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 2A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3495 -- Reps. Patrick, Newton and Erickson: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE HILTON HEAD CHRISTIAN ACADEMY VARSITY FOOTBALL TEAM OF BEAUFORT 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 2A 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 Hilton Head Christian Academy varsity football team of Beaufort 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 2A State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3496 -- Reps. Mitchell, Alexander, Anderson, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Gilliard, Govan, Hart, Hodges, Hosey, Howard, Jefferson, King, Mack, McEachern, M. S. McLeod, Neal, Parks, Robinson-Simpson, Rutherford, Sabb, Sellers, Weeks, Whipper and Williams: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE HILLARY RODHAM CLINTON FOR HER INTELLIGENCE, DRIVE, AND SUCCESS AS SECRETARY OF STATE AND TO CONGRATULATE HER FOR HER SERVICE MARKED BY MANY NOTEWORTHY ACCOMPLISHMENTS IN THIS DISTINGUISHED OFFICE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3497 -- Reps. Mitchell, Anderson, Clyburn, Alexander, R. L. Brown, Cobb-Hunter, Dillard, Gilliard, Govan, Hart, Hodges, Hosey, Howard, Jefferson, King, Mack, McEachern, M. S. McLeod, Neal, Parks, Robinson-Simpson, Rutherford, Sabb, Sellers, Weeks, Whipper and Williams: A HOUSE RESOLUTION TO CONGRATULATE PRESIDENT BARACK OBAMA ON HIS REELECTION TO THE PRESIDENCY OF THE UNITED STATES OF AMERICA.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 3498 -- Reps. Skelton and Brannon: A BILL TO AMEND SECTION 12-28-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USER FEE ON GASOLINE AND DIESEL FUEL, SO AS TO INCREASE THE FEE TO TWENTY-SIX CENTS A GALLON, AND TO REQUIRE THE DEPARTMENT TO ADJUST THE USER FEE TWICE A YEAR BASED ON THE CHANGE IN THE WHOLESALE PRICE OF MOTOR FUEL; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO INCREASE THE ROAD TAX IN THE SAME MANNER AS THE USER FEE, AND TO CHANGE THE MANNER IN WHICH IT IS REFERRED; BY ADDING SECTION 12-6-3755 SO AS TO ALLOW A REFUNDABLE INCOME TAX CREDIT FOR EACH VEHICLE REGISTERED TO A TAXPAYER IN THIS STATE THAT IS LICENSED IN THIS STATE; AND TO AMEND SECTION 12-28-2740, AS AMENDED, RELATING TO THE DISTRIBUTION OF THE USER FEE ON GASOLINE AND DIESEL FUEL TO COUNTIES, SO AS TO INCREASE AMOUNT DISTRIBUTED TO THREE AND ONE-HALF CENTS AND TO

ELIMINATE A NINE AND A HALF MILLION DOLLAR TRANSFER TO CERTAIN DONOR COUNTIES.

Rep. SKELTON asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. TAYLOR objected.

Referred to Committee on Ways and Means

H. 3499 -- Rep. Funderburk: A BILL TO AMEND SECTION 14-17-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION OF CLERKS OF COURT, SO AS TO REQUIRE THE ELECTION OF CLERKS OF COURT TO BE NONPARTISAN, TO PROVIDE FOR NONPARTISAN SPECIAL ELECTIONS WHEN A VACANCY OCCURS, AND TO PROVIDE PROCEDURES FOR THE NOMINATION OF CANDIDATES AND THE CONDUCT OF THE NONPARTISAN ELECTIONS.

Referred to Committee on Judiciary

H. 3500 -- Rep. Funderburk: A BILL TO AMEND SECTION 14-23-1020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION OF PROBATE JUDGES, SO AS TO REQUIRE THE ELECTION OF PROBATE JUDGES TO BE NONPARTISAN, TO PROVIDE FOR NONPARTISAN SPECIAL ELECTIONS WHEN A VACANCY OCCURS, AND TO PROVIDE PROCEDURES FOR THE NOMINATION OF CANDIDATES AND THE CONDUCT OF THE NONPARTISAN ELECTIONS.

Referred to Committee on Judiciary

H. 3501 -- Reps. White, Simrill, Merrill, Limehouse, J. R. Smith, Bingham and Pitts: 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 YEARS 2013-2014 AND 2014-2015, AND TO PROVIDE THAT FOR THOSE FISCAL YEARS COUNTIES MAY TRANSFER AMONG APPROPRIATED STATE REVENUES AS NEEDED TO ENSURE THE DELIVERY OF SERVICES.

Referred to Committee on Ways and Means

H. 3502 -- Reps. Murphy, Vick, Goldfinch, K. R. Crawford, Harrell, Horne, M. S. McLeod and Owens: A BILL TO AMEND SECTION 59-121-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEEMOSYNARY CORPORATION ESTABLISHED BY THE BOARD, SO AS TO REMOVE A LIMIT ON THE AMOUNT OF FUNDS OR PROPERTY THAT THE BOARD MAY TRANSFER TO THE CORPORATION.

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

H. 3503 -- Reps. Merrill, Cobb-Hunter and Barfield: A BILL TO AMEND SECTION 22-2-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY AREAS OF THE MAGISTRATES COURTS, SO AS TO PROVIDE THAT JURY AREAS FOR MAGISTRATES COURTS ARE ESTABLISHED COUNTYWIDE.

Referred to Committee on Judiciary

H. 3504 -- Reps. Delleney, Bedingfield, Toole, Loftis, Hamilton, Norman, Pitts and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 1, TITLE 1 SO AS TO PROVIDE THAT GOLD AND SILVER COINS MINTED FOREIGN OR DOMESTIC SHALL BE LEGAL TENDER IN THIS STATE, AND TO PROVIDE THAT NO PERSON MAY COMPEL ANOTHER PERSON TO TENDER OR ACCEPT GOLD OR SILVER COIN UNLESS AGREED UPON BY THE PARTIES.

Referred to Committee on Judiciary

H. 3505 -- Reps. Loftis, Bannister, Harrell, J. R. Smith, Brannon, Huggins, Kennedy, Ballentine, Cole, Hixon, McCoy and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE "HIGH GROWTH SMALL BUSINESS ACCESS TO CAPITAL ACT OF 2013" BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, TO MAKE THE CREDIT TRANSFERABLE, AND TO PROVIDE FOR CERTAIN ADJUSTED NET CAPITAL GAIN AND LOSS COMPUTATIONS FOR INVESTOR TAXPAYERS WHO RECOGNIZE SUCH A GAIN OR LOSS ON THE SALE OF CREDIT ASSETS AS DEFINED IN THIS CHAPTER.

Referred to Committee on Ways and Means

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Forrester | Funderburk | Gagnon |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Neal |
| Newton | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Ryhal | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Toole | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Wood |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, February 6.

|  |  |
| --- | --- |
| Mike Anthony | Robert L. Brown |
| Ralph Norman | Mark Willis |
| Dwight Loftis | Todd Rutherford |
| Bill Chumley | Chris Hart |
| Leola Robinson-Simpson | Kirkman Finlay |

**Total Present--115**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**STATEMENT OF ATTENDANCE**

Rep. RILEY signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, February 5.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Lori Carnsew of Liberty was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

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. 3417 |
| Date: | ADD: |
| 02/06/13 | WEEKS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3472 |
| Date: | ADD: |
| 02/06/13 | PITTS and DANING |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3145 |
| Date: | ADD: |
| 02/06/13 | DANING |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3163 |
| Date: | ADD: |
| 02/06/13 | DANING |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3340 |
| Date: | ADD: |
| 02/06/13 | KENNEDY, MURPHY and GEORGE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3425 |
| Date: | ADD: |
| 02/06/13 | NEAL |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3428 |
| Date: | ADD: |
| 02/06/13 | FUNDERBURK |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3437 |
| Date: | ADD: |
| 02/06/13 | V. S. MOSS, SOUTHARD, HENDERSON, WOOD, COLE, STRINGER, LOFTIS, QUINN, ALLISON and HORNE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3472 |
| Date: | ADD: |
| 02/06/13 | PITTS and DANING |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3476 |
| Date: | ADD: |
| 02/06/13 | FINLAY and W. J. MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3477 |
| Date: | ADD: |
| 02/06/13 | GAGNON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3062 |
| Date: | ADD: |
| 02/06/13 | WEEKS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3184 |
| Date: | ADD: |
| 02/06/13 | WEEKS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3116 |
| Date: | ADD: |
| 02/06/13 | PATRICK, LOWE, WHITMIRE, SOUTHARD, LIMEHOUSE, MCCOY, BARFIELD, GAGNON, HENDERSON, COLE and TALLON |

**SENT TO THE SENATE**

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

H. 3453 -- Reps. Bingham, Allison, Anthony, Hayes and Atwater: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2013-2014 SCHOOL YEAR BY MAY 15, 2013; TO PROVIDE THAT A CONTINUING-CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

H. 3191 -- Reps. Cole and Tallon: A BILL TO AMEND SECTIONS 56-5-130 AND 56-5-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERMS "MOTOR VEHICLE" AND "MOTORCYCLE", SO AS TO PROVIDE THAT MOPEDS ARE MOTOR VEHICLES AND NOT MOTORCYCLES.

H. 3033 -- Rep. G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3 OF TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL LICENSE PLATES TO RECIPIENTS OF THE DISTINGUISHED FLYING CROSS.

**H. 3340--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3340 -- Reps. Bannister, Herbkersman, Newton, Ballentine, Harrell, Clemmons, Goldfinch, H. A. Crawford, Kennedy, Murphy and George: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO SESSIONS OF THE GENERAL ASSEMBLY, SO AS TO PROVIDE FOR ANNUAL SESSIONS OF THE GENERAL ASSEMBLY COMMENCING ON THE SECOND TUESDAY IN FEBRUARY RATHER THAN THE SECOND TUESDAY IN JANUARY OF EACH YEAR, REQUIRE EACH ANNUAL SESSION OF THE GENERAL ASSEMBLY TO ADJOURN SINE DIE NOT LATER THAN THE FIRST THURSDAY IN MAY EACH YEAR, AND ALLOW THE GENERAL ASSEMBLY TO CONVENE IN LOCAL SESSION AND FOR THE PURPOSE OF BEGINNING COMMITTEE MEETINGS OR HEARINGS ON THE SECOND TUESDAY OF JANUARY EACH YEAR.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 9, Article III of the Constitution of this State be amended to read:

“Section 9. The annual session of the General Assembly shall convene at the State Capitol Building in the City of Columbia on the second Tuesday of ~~January~~ February of each year and must adjourn sine die not later than the first Thursday in May each year. The General Assembly may convene in local session and for the purpose of beginning committee meetings or hearings on the second Tuesday of January of each year. After the convening of the General Assembly, nothing in this section shall prohibit the Senate or the House of Representatives, or both, from receding for a time period not to exceed thirty consecutive calendar days at a time by a majority vote of the members of the body of the General Assembly seeking to recede for a time period not to exceed thirty consecutive calendar days, or from receding for a time period of more than thirty consecutive calendar days at a time by a two‑thirds vote of the members of the body of the General Assembly seeking to recede for more than thirty consecutive calendar days at a time. Each body shall sit in session at the State Capitol Building in the City of Columbia and may provide for meetings during the legislative session as it shall consider appropriate. Furthermore, the Senate or the House of Representatives, or both, may meet on the first Tuesday following the certification of the election of its members for not more than three days following the general election in even‑numbered years for the purpose of organizing. If the casualties of war or contagious disease render it unsafe to meet at the seat of government, the Governor, by proclamation, may appoint a more secure and convenient place of meeting. Members of the General Assembly shall not receive any compensation for more than forty days of any one session.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballots:

“Shall Section 9, Article III of the Constitution of this State be amended so as to provide for annual sessions of the General Assembly commencing on the second Tuesday in February, rather than the second Tuesday in January of each year, to require each annual session of the General Assembly to adjourn sine die not later than the first Thursday in May each year, and to allow the General Assembly to convene in local session and begin committee meetings or hearings on the second Tuesday in January each year?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

Rep. BANNISTER explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 9

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Branham | Brannon | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | George |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Kennedy | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Patrick | Pope |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Rutherford |
| Ryhal | Sandifer | Simrill |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Toole |
| Vick | Weeks | Wells |
| White | Whitmire | Willis |
| Wood |  |  |

**Total--91**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bowers | G. A. Brown |
| Gilliard | Howard | Jefferson |
| W. J. McLeod | Sabb | Williams |

**Total--9**

So, the Joint Resolution, having received the necessary two-thirds vote, was passed and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3340. If I had been present, I would have voted in favor of the Bill.

Rep. Heather Ammons Crawford

**H. 3087--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3087 -- Reps. Merrill and Daning: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS CHARTER SCHOOL REQUIREMENTS, POWERS, AND DUTIES, SO AS TO PROVIDE THAT A CHARTER SCHOOL LOCATED ON A FEDERAL MILITARY INSTALLATION OR BASE WHERE THE APPROPRIATE AUTHORITIES HAVE MADE BUILDINGS, FACILITIES, AND GROUNDS ON THE INSTALLATION OR BASE AVAILABLE FOR USE BY THE CHARTER SCHOOL, AS ITS PRINCIPAL LOCATION, ALSO MAY GIVE ENROLLMENT PRIORITY TO OTHERWISE ELIGIBLE STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL LIVING IN MILITARY HOUSING ON THE BASE OR INSTALLATION OR WHO ARE CURRENTLY STATIONED AT THE BASE OR INSTALLATION NOT TO EXCEED FIFTY PERCENT OF THE TOTAL ENROLLMENT OF THE CHARTER SCHOOL.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3087 (COUNCIL\DKA\ 3087C002.DKA.SD13), which was adopted:

Amend the bill, as and if amended, Section 59-40-50(B)(8), SECTION 1, page 1, by inserting after the period on line 41:

/ A public charter school shall give enrollment preference to students enrolled in the public charter school the previous school year. An enrollment preference for returning students excludes those students from entering into a lottery. /

So when amended item (8) reads:

/ “(8) not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of an application to create a single gender charter school, in which case gender may be the only reason to show preference or deny admission to the school; a charter school may give enrollment priority to a sibling of a pupil currently enrolled and attending, or who, within the last six years, attended the school for at least one complete academic year. A public charter school shall give enrollment preference to students enrolled in the public charter school the previous school year. An enrollment preference for returning students excludes those students from entering into a lottery. A charter school also may give priority to children of a charter school employee and children of the charter committee, if priority enrollment for children of employees and of the charter committee does not constitute more than twenty percent of the enrollment of the charter school. In addition, a charter school located on a federal military installation or base where the appropriate authorities have made buildings, facilities, and grounds on the installation or base available for use by the charter school, as its principal location, also may give enrollment priority to otherwise eligible students who are dependents of military personnel living in military housing on the base or installation or who are currently stationed at the base or installation not to exceed fifty percent of the total enrollment of the charter school. This priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;” /

Renumber sections to conform.

Amend title to conform.

Rep. PATRICK 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 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | R. L. Brown |
| Chumley | Clyburn | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Kennedy |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | W. J. McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Neal |
| Newton | Norman | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Tallon |
| Taylor | Vick | Weeks |
| Wells | White | Whitmire |
| Willis | Wood |  |

**Total--95**

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. 3121--COMMITTED**

The following Bill was taken up:

H. 3121 -- Reps. Bowen, Daning, Henderson and Southard: 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. MURPHY moved to commit the Bill to the Committee on Judiciary.

Rep. BOWEN moved to table the motion.

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

Yeas 30; Nays 68

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Barfield | Bowen |
| Crosby | Daning | Dillard |
| Edge | Henderson | Hiott |
| Huggins | Lucas | M. S. McLeod |
| W. J. McLeod | Owens | Parks |
| Pope | Rivers | Robinson-Simpson |
| Sandifer | Skelton | Sottile |
| Southard | Spires | Taylor |
| Toole | Wells | Whipper |
| White | Whitmire | Willis |

**Total--30**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Bales | Ballentine | Bannister |
| Bernstein | Bingham | Bowers |
| Brannon | Chumley | Clemmons |
| Clyburn | Cole | H. A. Crawford |
| K. R. Crawford | Delleney | Douglas |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Hixon | Horne |
| Hosey | Howard | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | Lowe |
| Mack | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Newton |
| Norman | Patrick | Pitts |
| Quinn | Ridgeway | Riley |
| Rutherford | Ryhal | Sabb |
| Simrill | G. R. Smith | J. R. Smith |
| Tallon | Vick | Weeks |
| Williams | Wood |  |

**Total--68**

So, the House refused to table the motion to commit the Bill.

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

**H. 3225--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3225 -- Reps. J. E. Smith and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF "SC RIVERKEEPERS" SPECIAL LICENSE PLATES.

The yeas and nays were taken resulting as follows:

Yeas 85; Nays 13

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bales |
| Bannister | Barfield | Bernstein |
| Bingham | Bowers | Branham |
| Brannon | R. L. Brown | Chumley |
| Clyburn | Cobb-Hunter | Cole |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Finlay |
| Forrester | Funderburk | George |
| Gilliard | Govan | Harrell |
| Hart | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Jefferson | Kennedy | King |
| Limehouse | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Neal | Newton | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Vick | Weeks | Wells |
| Whipper | White | Williams |
| Willis |  |  |

**Total--85**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Clemmons |
| H. A. Crawford | Felder | Gagnon |
| Goldfinch | Hardee | Henderson |
| Loftis | Nanney | Putnam |
| G. R. Smith |  |  |

**Total--13**

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

**H. 3360--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Bill until Thursday, February 7, which was adopted:

H. 3360 -- Reps. Owens, Daning, Hiott, Skelton, Simrill, Anthony, Bedingfield, Clemmons, Delleney, Hardwick, Henderson, Hixon, Limehouse, Nanney, Ott, Pope, G. R. Smith, J. E. Smith, Sottile, Stringer, Tallon and Taylor: A BILL TO AMEND SECTIONS 57-5-10, 57-5-70, AND 57-5-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE STATE HIGHWAY SYSTEM, ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, AND THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS WITHIN THE STATE HIGHWAY SYSTEM SHALL BE CONSTRUCTED TO THE DEPARTMENT OF TRANSPORTATION STANDARDS, TO PROVIDE THE FUNDING SOURCES THAT THE DEPARTMENT USES TO CONSTRUCT AND MAINTAIN THESE HIGHWAYS, TO REVISE THE PROCEDURE AND WHEREBY ENTITIES TO WHICH THE DEPARTMENT MAY TRANSFER ROADS WITHIN THE STATE HIGHWAY SECONDARY SYSTEM; AND TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT MAY ADD A ROAD FROM THE COUNTY OR MUNICIPAL ROAD TO THE STATE HIGHWAY SYSTEM; AND TO REPEAL SECTION 57-5-90 RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF BELT LINES AND SPURS.

**H. 3488--DEBATE ADJOURNED**

Rep. BOWEN moved to adjourn debate upon the following Joint Resolution until Thursday, February 7, which was adopted:

H. 3488 -- Rep. Gambrell: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF THE BELTON NATIONAL GUARD ARMORY TO THE CITY OF BELTON.

**MOTION PERIOD**

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

**H. 3247--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3247 -- Reps. Harrell, Lucas, Delleney, Bannister, Ott, Rutherford, Weeks, G. M. Smith, Pope, Merrill, McCoy, Atwater, Erickson, Henderson, Kennedy, Loftis, Tallon, Bedingfield, Daning, Forrester, Hixon, Lowe, D. C. Moss, V. S. Moss, Murphy, Sottile, Stringer, Gagnon, Herbkersman, Newton, Wells, J. R. Smith, Taylor, Riley, Pitts, White, Vick, Clemmons, Barfield, Goldfinch, Spires and Hart: A BILL TO AMEND SECTION 1-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMINISTRATION OF THE DOCKET BY THE CIRCUIT SOLICITOR IN GENERAL SESSIONS COURT, SO AS TO CLARIFY THE ROLE OF THE CIRCUIT SOLICITOR IN THE ADMINISTRATION OF THE GENERAL SESSIONS COURT DOCKET AND PROVIDE THAT THIS ABILITY TO ADMINISTER THE DOCKET SHALL NOT INTERFERE WITH THE COURT'S ABILITY TO PROTECT A LITIGANT'S RIGHTS.

Rep. RUTHERFORD proposed the following Amendment No. 7 to H. 3247 (COUNCIL\AGM\3247C002.AGM.AB13):

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 1‑7‑330 of the 1976 Code is amended to read:

“Section 1‑7‑330. (A) The solicitors shall attend the courts of general sessions for their respective circuits. Preparation of the dockets for general sessions courts shall be ~~exclusively~~ vested in the circuit solicitor and ~~the solicitor~~ he shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of general sessions court, the solicitor in each circuit shall prepare and publish a docket setting forth the cases to be called for trial during the term. Notwithstanding the provisions of this section, the circuit solicitor’s ability to administer the general sessions court docket shall not interfere with the court’s ability to safeguard a litigant’s rights including, but not limited to, as provided in subsection (B).

(B) If a trial has not been scheduled for a defendant within one hundred and twenty days after his incarceration, the defendant or his attorney may make a motion for a speedy trial, and the chief administrative judge who receives the motion is responsible for scheduling the trial in a timely manner.” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD moved to adjourn debate on the amendment, which was agreed to.

Rep. J E. SMITH proposed the following Amendment No. 8 to H. 3247 (COUNCIL\MS\3247C011.MS.AHB13), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 1‑7‑330 of the 1976 Code is amended to read:

“Section 1‑7‑330. (A) The solicitors shall attend the courts of general sessions for their respective circuits. Preparation of the dockets for general sessions courts shall be ~~exclusively~~ vested in the circuit solicitor and ~~the solicitor~~ he shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of general sessions court, the solicitor in each circuit shall prepare and publish a docket setting forth the cases to be called for trial during the term. Notwithstanding the provisions of this section, the circuit solicitor’s ability to administer the general sessions court docket shall not interfere with the court’s ability to safeguard a litigant’s rights. And, if a motion of any kind is filed, the court must hear the motion no later than the next term of criminal court. Nothing in this section limits the court’s authority to grant a continuance for good cause.” /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

Rep. POPE moved to table the amendment.

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

Yeas 63; Nays 48

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Chumley |
| Clemmons | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Edge | Erickson |
| Felder | Finlay | Forrester |
| Gagnon | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Henderson | Hiott | Hixon |
| Huggins | Kennedy | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | Merrill |
| V. S. Moss | Nanney | Newton |
| Norman | Owens | Patrick |
| Pope | Putnam | Rivers |
| Sandifer | Simrill | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Tallon | Taylor |
| Toole | Vick | Wells |
| Whitmire | Willis | Wood |

**Total--63**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bales |
| Bernstein | Bowers | Branham |
| Brannon | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Douglas |
| Funderburk | George | Gilliard |
| Govan | Hart | Hayes |
| Hodges | Horne | Hosey |
| Howard | Jefferson | King |
| Mack | McEachern | M. S. McLeod |
| W. J. McLeod | Mitchell | D. C. Moss |
| Murphy | Neal | Ott |
| Parks | Pitts | Quinn |
| Ridgeway | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sellers |
| Skelton | Southard | Stavrinakis |
| Weeks | Whipper | Williams |

**Total--48**

So, the amendment was tabled.

Rep. J. E. SMITH moved to reconsider the vote whereby Amendment 8 was tabled, which was agreed to.

Reps. J .E. SMITH and NEAL proposed the following Amendment No. 8 to H. 3247 (COUNCIL\MS\3247C001.MS.AHB13), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 1‑7‑330 of the 1976 Code is amended to read:

“Section 1‑7‑330. (A) The solicitors shall attend the courts of general sessions for their respective circuits. Preparation of the dockets for general sessions courts shall be ~~exclusively~~ vested in the circuit solicitor and ~~the solicitor~~ he shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of general sessions court, the solicitor in each circuit shall prepare and publish a docket setting forth the cases to be called for trial during the term. Notwithstanding the provisions of this section, the circuit solicitor’s ability to administer the general sessions court docket shall not interfere with the court’s ability to safeguard a litigant’s rights including, but not limited to, as provided in subsection (B).

(B) Notwithstanding the provisions of this section and pursuant to Section 14, Article I of the Constitution of South Carolina, 1895, which provides that any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury:

(1) if a defendant makes a motion for a speedy trial, the court shall schedule trial of the case during the next term of court to be heard by a judge of competent jurisdiction;

(2) if a defendant has been incarcerated for one year or more and a trial has not been scheduled, the circuit solicitor shall notify the Chief Justice of the Supreme Court and the chief administrative judge for the general sessions court with jurisdiction over the offense. Within two weeks of notification, the chief administrative judge shall schedule a status conference and if trial is not set for the next term of court, the chief administrative judge shall set a bond hearing for a review of the defendant’s bond.” /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH spoke in favor of the amendment.

The question then recurred to the adoption of the amendment, which was agreed to.

Rep. POPE proposed the following Amendment No. 9 to H. 3247 (COUNCIL\MS\3247C013.MS.AHB13), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 1‑7‑330 of the 1976 Code is amended to read:

“Section 1‑7‑330. (A) The solicitors shall attend the courts of general sessions for their respective circuits. Preparation of the dockets for general sessions courts shall be ~~exclusively~~ vested in the circuit solicitor and ~~the solicitor~~ he shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of general sessions court, the solicitor in each circuit shall prepare and publish a docket setting forth the cases to be called for trial during the term. Notwithstanding the provisions of this section, the circuit solicitor’s ability to administer the general sessions court docket shall not interfere with the court’s ability to safeguard a litigant’s rights including, but not limited to, as provided in subsection (B).

(B) Notwithstanding the provisions of this section and pursuant to Section 14, Article I of the Constitution of South Carolina, 1895, which provides that any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury:

(1)  if an arrest warrant is not presented to the county grand jury within ninety days after the solicitor receives the warrant from the clerk of court, upon motion by the defendant, the chief administrative judge shall hold a hearing for the purpose of determining whether the State should be compelled to have the case presented to the grand jury during its next term.  If the state is instructed by the court at that time to present the case to the grand jury and the state fails to do so, the court may issue any remedy it deems appropriate; and

(2)  if a case has not otherwise been scheduled for trial within one hundred eighty days after indictment, then upon motion by the defendant at any time thereafter, the chief administrative judge shall hold a hearing for the purpose of establishing a scheduling order in the case.” /

Renumber sections to conform.

Amend title to conform.

Rep. POPE explained the amendment.

The amendment was then adopted.

Rep. FUNDERBURK proposed the following Amendment No. 11 to H. 3247 (COUNCIL\MS\3247C007.MS.AHB13), which was tabled:

Amend the bill, as and if amended, Section 1-7-330, as contained in SECTION 1, Page 2, by adding an appropriately lettered subsection at the end to read:

/( ) If a case is over two years old and has not been scheduled for trial, the solicitor shall schedule a status conference with the defendant before the chief administrative judge of the court of competent jurisdiction and the chief administrative judge shall make a determination whether to schedule the trial.” /

Renumber sections to conform.

Amend title to conform.

Rep. FUNDERBURK explained the amendment.

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

Rep. RUTHERFORD proposed the following Amendment No. 7 to H. 3247 (COUNCIL\AGM\3247C002.AGM.AB13), which was tabled:

Amend the bill, as and if amended, by deleting SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 1‑7‑330 of the 1976 Code is amended to read:

“Section 1‑7‑330. (A) The solicitors shall attend the courts of general sessions for their respective circuits. Preparation of the dockets for general sessions courts shall be ~~exclusively~~ vested in the circuit solicitor and ~~the solicitor~~ he shall determine the order in which cases on the docket are called for trial. Provided, however, that no later than seven days prior to the beginning of each term of general sessions court, the solicitor in each circuit shall prepare and publish a docket setting forth the cases to be called for trial during the term. Notwithstanding the provisions of this section, the circuit solicitor’s ability to administer the general sessions court docket shall not interfere with the court’s ability to safeguard a litigant’s rights including, but not limited to, as provided in subsection (B).

(B) If a trial has not been scheduled for a defendant within one hundred and twenty days after his incarceration, the defendant or his attorney may make a motion for a speedy trial, and the chief administrative judge who receives the motion is responsible for scheduling the trial in a timely manner.” /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

Rep. W. J. MCLEOD spoke against the Bill.

Rep. WEEKS spoke in favor of the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 14

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Felder |
| Finlay | Forrester | Gagnon |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rutherford | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Toole | Vick | Weeks |
| Wells | Whipper | Whitmire |
| Williams | Willis | Wood |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brannon | Cobb-Hunter | Dillard |
| Douglas | Funderburk | Gilliard |
| Govan | King | Mack |
| W. J. McLeod | Mitchell | Neal |
| Robinson-Simpson | Sellers |  |

**Total--14**

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

**H. 3247--MOTION TO RECONSIDER TABLED**

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

H. 3247 -- Reps. Harrell, Lucas, Delleney, Bannister, Ott, Rutherford, Weeks, G. M. Smith, Pope, Merrill, McCoy, Atwater, Erickson, Henderson, Kennedy, Loftis, Tallon, Bedingfield, Daning, Forrester, Hixon, Lowe, D. C. Moss, V. S. Moss, Murphy, Sottile, Stringer, Gagnon, Herbkersman, Newton, Wells, J. R. Smith, Taylor, Riley, Pitts, White, Vick, Clemmons, Barfield, Goldfinch, Spires and Hart: A BILL TO AMEND SECTION 1-7-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMINISTRATION OF THE DOCKET BY THE CIRCUIT SOLICITOR IN GENERAL SESSIONS COURT, SO AS TO CLARIFY THE ROLE OF THE CIRCUIT SOLICITOR IN THE ADMINISTRATION OF THE GENERAL SESSIONS COURT DOCKET AND PROVIDE THAT THIS ABILITY TO ADMINISTER THE DOCKET SHALL NOT INTERFERE WITH THE COURT'S ABILITY TO PROTECT A LITIGANT'S RIGHTS.

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

**H. 3298--DEBATE ADJOURNED**

Rep. LUCAS moved to adjourn debate upon the following Bill until Wednesday, February 20, which was adopted:

H. 3298 -- Reps. Lucas, Delleney, Ballentine, Brannon, Clemmons, Hixon, Huggins, Long, McCoy, Murphy, Nanney, Pitts, Sottile, Thayer and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-46 SO AS TO IMPOSE REQUIREMENTS REGARDING THE ACKNOWLEDGMENT OF STATEMENTS OF CANDIDACY AND PUBLICATION OF FILING PERIODS; BY ADDING SECTION 8-13-1115 SO AS TO REQUIRE STATEMENTS OF ECONOMIC INTERESTS TO BE FILED ONLINE NO LATER THAN APRIL FIFTEENTH FOR ALL CANDIDATES; TO AMEND SECTION 7-11-10, AS AMENDED, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO DELETE REFERENCES TO POLITICAL PARTY CONVENTION; TO AMEND SECTION 7-11-15, AS AMENDED, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN A GENERAL ELECTION, SO AS TO REVISE THE PROCEDURES FOR FILING STATEMENTS OF INTENTION OF CANDIDACY TO BE FILED WITH THE COUNTY BOARDS OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-11-210, AS AMENDED, RELATING TO THE NOTICE OF CANDIDACY AND PLEDGE, SO AS TO REVISE THE PROCEDURES FOR NOTICE SUBMISSIONS, CANDIDATE SIGNATURES, AND OFFICER ACKNOWLEDGMENTS; TO AMEND SECTION 7-13-40, AS AMENDED, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO REVISE THE PROCEDURES FOR CERTIFYING AND COMPILING THE NAMES OF CANDIDATES TO BE PLACED ON PRIMARY BALLOTS; TO AMEND SECTION 7-27-110, RELATING TO THE APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS, SO AS TO PROVIDE THAT ALL COUNTIES MUST HAVE A SINGLE BOARD OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-27-260, RELATING TO THE CHEROKEE COUNTY ELECTION COMMISSION AND THE CHEROKEE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-290, RELATING TO THE DILLON COUNTY ELECTION COMMISSION AND THE DILLON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-320, RELATING TO THE GREENVILLE COUNTY ELECTION COMMISSION AND THE GREENVILLE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-325, RELATING TO THE GREENWOOD COUNTY ELECTION COMMISSION AND THE GREENWOOD COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-335, RELATING TO THE HORRY COUNTY ELECTION COMMISSION AND THE HORRY COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-415, RELATING TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND THE SPARTANBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-430, RELATING TO THE WILLIAMSBURG COUNTY ELECTION COMMISSION AND THE WILLIAMSBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 8-13-365, AS AMENDED, RELATING TO ELECTRONIC FILING OF CAMPAIGN DISCLOSURES AND REPORTS, SO AS TO PROVIDE THAT A DISCLOSURE FORM FILED PURSUANT TO THIS SECTION IS DEEMED TO SATISFY ANY OTHER FILING REQUIREMENT MANDATED BY LAW; TO AMEND SECTION 8-13-1110, AS AMENDED, RELATING TO PERSONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REQUIRE THE STATE ETHICS COMMISSION TO FURNISH A WEBSITE ON WHICH ALL STATEMENTS OF ECONOMIC INTERESTS ARE TO BE FILED ONLINE AND TO DESIGNATE AN ANNUAL DEADLINE BY WHICH STATEMENTS OF ECONOMIC INTERESTS ARE TO BE FILED ONLINE; TO REPEAL SECTION 7-11-30, RELATING TO CONVENTION NOMINATION OF CANDIDATES; AND TO REPEAL SECTION 7-11-220, RELATING TO NOTICE OR PLEDGE BY CANDIDATES FOR STATE SENATOR.

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3483 -- Reps. Allison, Alexander, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, 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, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF DR. TRUMAN MICHAEL RALEY OF COLUMBIA AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

H. 3338 -- Reps. Clemmons, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Chumley, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, 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, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO PROCLAIM THE WEEK OF FEBRUARY 7 - 14, 2013, AS CONGENITAL HEART DEFECT AWARENESS WEEK IN SOUTH CAROLINA FOR THE PURPOSE OF ENCOURAGING EARLY DETECTION AND TREATMENT OF THIS SERIOUS HEALTH ISSUE AFFECTING SO MANY CITIZENS.

**ADJOURNMENT**

At 3:31 p.m. the House, in accordance with the motion of Rep. SABB, adjourned in memory of George Wesley Jones who was 107, of Greeleyville, to meet at 10:00 a.m. tomorrow.

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