~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Psalm 50:1: “The mighty one, God, the Lord, speaks and summons the earth from the rising of the sun to the place where it sets.”

Let us pray. Dear God, thank You for being with us and working in this Assembly. Help these Representatives to be Your hands and feet here on earth to accomplish Your will. Even in such dire circumstances we trust You are with us and move among Your people. Bestow Your blessings on all those who lead us in this State, Nation, and in this Body. Be the protector of our defenders of freedom at home and abroad as they protect us. 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 Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. T. R. YOUNG moved that when the House adjourns, it adjourn in memory of Dr. S. Gilmore Eaves of Aiken County, which was agreed to.

**INVITATION**

On motion of Rep. KIRSH, with unanimous consent, the following was taken up for immediate consideration and accepted:

March 2, 2010

The Honorable Herb Kirsh

Chairman, House Invitations Committee

503-A Blatt Building

Columbia, South Carolina 29201

Dear Chairman Kirsh:

On behalf of The Boeing Company, the Members of the House of Representatives are invited to a Legislative Reception. This event will be held on Tuesday, March 16, 2010, from 6:00 p.m. to 7:30 p.m. at the Capital City Club.

Sincerely,

Robert W. Harrell, Jr.

Speaker of the House of Representatives

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., February 25, 2010

Mr. Speaker and Members of the House:

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

Charleston County Master-in Equity

Term Commencing: December 24, 2010

Term Expiring: December 24, 2016

Seat: At-Large

Reappointment

The Honorable Mikell R. Scarborough

100 Broad Street, Suite 266

Charleston, South Carolina 29401

Very respectfully,

President of the Senate

Received as information.

**REPORT OF STANDING COMMITTEE**

Rep. J. R. SMITH, from the Aiken Delegation, submitted a favorable report on:

S. 442 -- Senators Ryberg and Massey: A BILL TO AMEND ACT 503 OF 1982, AS AMENDED, RELATING TO THE AIKEN COUNTY SCHOOL DISTRICT AND THE AIKEN COUNTY BOARD OF EDUCATION, SO AS TO REVISE THE BOARD'S AUTHORITY WITH REGARD TO ADMINISTRATIVE AREA OFFICES AND AREA ADVISORY COUNCILS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4639 -- Rep. Gambrell: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE BELTON-HONEA PATH HIGH SCHOOL BASEBALL TEAM ON ITS EXCELLENT SEASON AND IMPRESSIVE WIN OF THE 2009 CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

On motion of Rep. GAMBRELL, with unanimous consent, the following was taken up for immediate consideration:

H. 4640 -- Rep. Gambrell: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE BELTON-HONEA PATH HIGH SCHOOL BASEBALL TEAM, COACH, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2009 CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4641 -- Rep. Thompson: A HOUSE RESOLUTION TO AMEND RULE 6.3 OF THE RULES OF THE HOUSE OF REPRESENTATIVES, RELATING TO THE ORDER OF BUSINESS, SO AS TO ADD A PERIOD OF MORNING BUSINESS AFTER THE CALL OF THE ROLL OF THE HOUSE WITH A DURATION NOT TO EXCEED TWENTY MINUTES AND IS THE ONLY TIME IN WHICH RECOGNITIONS OF ANY TYPE MAY OCCUR.

The Resolution was ordered referred to the Committee on Rules.

**HOUSE RESOLUTION**

The following was introduced:

H. 4642 -- Reps. Willis, Duncan and M. A. Pitts: A HOUSE RESOLUTION TO CONGRATULATE THOMAS K. "TOM" HARDY, PALMETTO BANK EXECUTIVE VICE PRESIDENT, REGIONAL EXECUTIVE, LAURENS COUNTY, UPON THE OCCASION OF HIS RECENT RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE COMMUNITY, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4643 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH CAROLINA UPON THE DEATH OF JAMES BALDWIN BROWN, JR., AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND TO HIS MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4644 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF GUY RAYMOND DYKE OF SUMTER COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4645 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF FAIR H. SMITH OF CHARLOTTE, FORMERLY OF BISHOPVILLE, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4646 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF CAROLYN DORITY BEASLEY OF BISHOPVILLE, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4647 -- Rep. Sandifer: A HOUSE RESOLUTION TO CONGRATULATE ALI ROGERS, MISS SOUTH CAROLINA TEEN 2009 OF LAURENS COUNTY, AND TO RECOGNIZE AND COMMEND HER DISCIPLINE, ASPIRATIONS, AND TALENT THAT HAVE ENABLED HER TO REPRESENT THE PALMETTO STATE WITH DIGNITY AND POISE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4648 -- Rep. Sandifer: A HOUSE RESOLUTION TO CONGRATULATE KELLY ANNETTE SLOAN, MISS SOUTH CAROLINA 2009, OF LAURENS COUNTY, AND TO RECOGNIZE AND COMMEND HER DISCIPLINE, ASPIRATIONS, AND TALENT THAT HAVE ENABLED HER TO REPRESENT THE PALMETTO STATE WITH DIGNITY AND POISE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4649 -- Reps. Gunn, Funderburk, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Gambrell, Gilliard, Govan, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE THE LUGOFF-ELGIN HIGH SCHOOL WRESTLING TEAM FOR A SUCCESSFUL SEASON, AND TO CONGRATULATE THE COACHES AND WRESTLERS FOR WINNING THE 2010 CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

On motion of Rep. GUNN, with unanimous consent, the following was taken up for immediate consideration:

H. 4650 -- Reps. Gunn, Funderburk, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Gambrell, Gilliard, Govan, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE LUGOFF-ELGIN HIGH SCHOOL WRESTLING TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2010 CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

On motion of Rep. GUNN, with unanimous consent, the following was taken up for immediate consideration:

H. 4651 -- Reps. Gunn, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE THE GROWING INTERNATIONAL PROBLEM OF TUBERCULOSIS, INCLUDING ITS IMPACT ON SOUTH CAROLINA, TO AFFIRM THE IMPORTANCE OF WORLD TUBERCULOSIS DAY, AND TO DECLARE WEDNESDAY, MARCH 24, 2010, "TUBERCULOSIS DAY" IN SOUTH CAROLINA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1121 -- Senators Mulvaney and Sheheen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON SANDHILL ROAD IN KERSHAW, SOUTH CAROLINA, AS THE "LEIGH ALLISON SHEPARD MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "LEIGH ALLISON SHEPARD MEMORIAL BRIDGE".

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

**CONCURRENT RESOLUTION**

The following was taken up for immediate consideration:

S. 1228 -- Senator Elliott: A CONCURRENT RESOLUTION TO HONOR THE 173RD AIRBORNE BRIGADE FOR THE DEDICATED SERVICE, HEROISM, AND SACRIFICE IT HAS DISPLAYED THROUGHOUT ITS HISTORY, AND TO PROCLAIM JUNE 3-7, 2010, "173RD AIRBORNE BRIGADE ASSOCIATION DAYS" IN SOUTH CAROLINA.

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. 1231 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SERVICE OF PRIVATE FIRST CLASS ROBERT E. FOSTER, JR., OF THE UNITED STATES ARMY, DURING HIS TOUR OF MILITARY DUTY AT FORT POLK, LOUISIANA, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

**INTRODUCTION OF BILLS**

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

S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose, Davis, Bright, S. Martin and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-29-300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS' TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41-29-310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41-29-10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41-29-20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41-29-30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41-27-10, 41-27-30, 41-27-150, 41-27-160, 41-27-190, 41-27-210, AS AMENDED, 41-27-230, 41-27-235, AS AMENDED, 41-27-260, AS AMENDED, 41-27-360, 41-27-370, AS AMENDED, 41-27-380, 41-27-390, 41-27-510, 41-27-550, 41-27-560, 41-27-570, 41-27-580, 41-27-600, 41-27-610, 41-27-620, 41-27-630, 41-27-670, 41-29-40, 41-29-50, 41-29-60, 41-29-70, 41-29-80, 41-29-90, 41-29-100, 41-29-110, 41-29-120, AS AMENDED, 41-29-130, 41-29-140, 41-29-150, 41-29-170, AS AMENDED, 41-29-180, 41-29-190, 41-29-200, 41-29-210, 41-29-220, 41-29-230, 41-29-240, 41-29-250, 41-29-270, 41-29-280, 41-29-290, 41-33-10, 41-33-20, 41-33-30, 41-33-40, 41-33-45, 41-33-80, AS AMENDED, 41-33-90, 41-33-100, 41-33-110, 41-33-120, 41-33-130, 41-33-170, 41-33-180, 41-33-190, 41-33-200, 41-33-210, 41-33-430, 41-33-460, 41-33-470, 41-33-610, 41-33-710, 41-35-10, 41-35-30, 41-35-100, 41-35-110, AS AMENDED, 41-35-115, AS AMENDED, 41-35-120, AS AMENDED, 41-35-125, 41-35-126, 41-35-130, AS AMENDED, 41-35-140, 41-35-330, 41-35-340, 41-35-410, 41-35-420, AS AMENDED, 41-35-450, 41-35-610, 41-35-630, 41-35-640, AS AMENDED, 41-35-670, 41-35-680, AS AMENDED, 41-35-690, 41-35-700, 41-35-710, AS AMENDED, 41-35-720, 41-35-730, 41-35-740, 41-35-750, AS AMENDED, 41-37-20, 41-37-30, 41-39-30, 41-39-40, 41-41-20, AS AMENDED, 41-41-40, AS AMENDED, 41-41-50, 41-42-10, 41-42-20, 41-42-30, AND 41-42-40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41-29-260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

Referred to Committee on Ways and Means

S. 907 -- Senator Peeler: A BILL TO REPEAL ARTICLE 1, CHAPTER 61, TITLE 44 OF THE 1976 CODE, RELATING TO EMERGENCY MEDICAL SERVICES.

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

S. 1096 -- Senators McConnell, Alexander, Rankin, Hutto, Matthews, Leatherman, Land, Hayes, Anderson, Scott, Coleman, O'Dell, Nicholson, Setzler, Cleary, Courson, Verdin, L. Martin, Knotts, Lourie, Sheheen, Mulvaney, Campbell, S. Martin, Massey, Grooms, Davis, Shoopman, Thomas, Ford, Elliott and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-37-50, SO AS TO AUTHORIZE ELECTRICITY PROVIDERS AND NATURAL GAS PROVIDERS TO IMPLEMENT FINANCING AGREEMENTS FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION IMPROVEMENTS, TO PROVIDE FOR THE RECOVERY OF THE FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY EFFICIENCY AND CONSERVATION MEASURES; TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THE MEASURES; TO PROVIDE FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION MEASURES IN RENTAL PROPERTIES; AND TO PROVIDE A MECHANISM FOR RECOVERY OF THE COSTS OF THE MEASURES INSTALLED IN RENTAL PROPERTIES; TO AMEND SECTION 8-21-310, SO AS TO ALLOW CLERKS OF COURT AND REGISTERS OF DEEDS TO CHARGE A FEE FOR FILING A NOTICE OF METER CONSERVATION CHARGE; AND TO AMEND SECTION 27-50-40, SO AS TO REQUIRE THE DISCLOSURE OF A METER CONSERVATION CHARGE BY SELLERS OF REAL PROPERTY.

Referred to Committee on Labor, Commerce and Industry

S. 1127 -- Senators Campbell, Cleary, Alexander, Elliott, Grooms, Davis, McConnell, Verdin, Bryant, O'Dell, Peeler, Bright, Cromer, McGill, Shoopman, Leatherman, Rose and S. Martin: A BILL TO AMEND SECTION 48-1-83 OF THE 1976 CODE, RELATING TO DISSOLVED OXYGEN CONCENTRATION DEPRESSION, TO PROVIDE THAT THE STANDARD FOR DISSOLVED OXYGEN IS 0.1 MG/L.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bowen | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Long | Lowe | Mack |
| McEachern | McLeod | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, March 2.

|  |  |
| --- | --- |
| Karl Allen | Nathan Ballentine |
| Jerry Govan | Dwight Loftis |
| James Lucas | Anne Parks |
| Todd Rutherford | Timothy E. Scott |
| Leon Stavrinakis | Harold Mitchell |
| Kenny Bingham | Jackson "Seth" Whipper |
| Lonnie Hosey | William Bowers |
| Denny Neilson | Thad Viers |

**Total Present--120**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HALEY a leave of absence for the day due to a speaking engagement.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MERRILL a leave of absence for the week.

**DOCTOR OF THE DAY**

Announcement was made that Dr. March Seabrook of West Columbia was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4248 |
| Date: | ADD: |
| 03/02/10 | CLEMMONS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4546 |
| Date: | ADD: |
| 03/02/10 | BOWEN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4551 |
| Date: | ADD: |
| 03/02/10 | HARVIN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3489 |
| Date: | ADD: |
| 03/02/10 | SKELTON and SCOTT |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4551 |
| Date: | ADD: |
| 03/02/10 | SKELTON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4546 |
| Date: | ADD: |
| 03/02/10 | SKELTON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3103 |
| Date: | ADD: |
| 03/02/10 | ALLEN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3798 |
| Date: | ADD: |
| 03/02/10 | JENNINGS |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4622 |
| Date: | REMOVE: |
| 03/02/10 | ANTHONY |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4478 |
| Date: | REMOVE: |
| 03/02/10 | HART and R. L. BROWN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4112 |
| Date: | REMOVE: |
| 03/02/10 | AGNEW |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3280 |
| Date: | REMOVE: |
| 03/02/10 | HART |

**ORDERED TO THIRD READING**

The following Bill was taken up, read the second time, and ordered to a third reading:

H. 4635 -- Rep. Sellers: A BILL TO AUTHORIZE THE CITY OF BAMBERG TO ADD TWO ADDITIONAL COMMISSIONERS TO THE BOARD OF COMMISSIONERS OF PUBLIC WORKS OF THE CITY OF BAMBERG.

**H. 3561--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Joint Resolution until Wednesday, March 3, which was adopted:

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

**H. 3854--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Wednesday, March 3, which was adopted:

H. 3854 -- Rep. Cooper: A BILL TO AMEND TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAXATION, SO AS TO REVISE CERTAIN CHAPTERS AND SECTIONS PERTAINING TO VARIOUS TAX MATTERS.

**S. 328--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

S. 328 -- Senators Verdin, Grooms, Cromer, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47-5-60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3890SD10), which was adopted:

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

/ SECTION 1. Section 47‑5‑60 of the 1976 Code is amended to read:

“Section 47‑5‑60. A pet owner must have his pet inoculated against rabies at a frequency to provide continuous protection of the pet from rabies using a vaccine approved by the department and licensed by the United States Department of Agriculture. The rabies inoculation must be administered by a licensed veterinarian or a licensed veterinary technician under a licensed veterinarian’s direct supervision, or a veterinary assistant under a licensed veterinarian’s direct supervision, as defined in Section 40‑69‑20. Evidence of rabies inoculation is a certificate signed by a licensed veterinarian. The rabies vaccination certificate forms may be provided by the licensed veterinarian or by the department or its designee. The veterinarian may stamp or write his name and address on the certificate. The certificate must include information recommended by the National Association of State Public Health Veterinarians. The licensed veterinarian administering or supervising the administration of the vaccine shall provide one copy of the certificate to the owner of the pet and must retain one copy in his files for not less than three years. With the issuance of the certificate, the licensed veterinarian shall furnish a serially numbered metal license tag bearing the same number and year as the certificate with the name and telephone number of the veterinarian, veterinary hospital, or practice. The metal license tag at all times must be attached to a collar or harness worn by the pet for which the certificate and tag have been issued. Annually before February first, the veterinarian shall report to the department the number of animals inoculated against rabies during the preceding year. The department, in conjunction with licensed veterinarians, shall promote annual rabies clinics. ~~The fee for rabies inoculation at these clinics may not exceed three dollars, including the cost of the vaccine, and this charge must be paid by the pet owner.~~ Fees collected by veterinarians at these clinics are their compensation.”

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

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

Rep. BALES spoke against the amendment.

Rep. DUNCAN spoke in favor of the amendment.

The amendment was then adopted, by a division vote of 56-13.

Rep. D. C. MOSS proposed the following Amendment No. 2 (COUNCIL\GGS\22494SD10), which was adopted:

Amend the bill, as and if amended, in Section 47-5-60, of the 1976 Code as contained in Section 1, by adding after /inoculation / on the third line of the Section / for pets /

Renumber sections to conform.

Amend title to conform.

Rep. D. C. MOSS explained the amendment.

The amendment was then adopted.

Rep. FRYE proposed the following Amendment No. 3 (COUNCIL\MS\7667AHB10):

Amend the bill, as and if amended, SECTION 1, page 328‑2, lines 15 through 18 by deleting / ~~The fee for rabies inoculation at these clinics may not exceed three dollars, including the cost of the vaccine, and this charge must be paid by the pet owner.~~ / and inserting / The fee for rabies inoculation at these clinics may not exceed three dollars~~,~~ ~~including the cost of the vaccine, and this charge must be paid by the pet owner~~ for a one‑year vaccine or seven dollars for a three‑year vaccine, including the cost of the vaccine. The pet owner must provide proof of a prior rabies inoculation in order to have his pet inoculated with the three‑year vaccine. /

Renumber sections to conform.

Amend title to conform.

Rep. FRYE explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of amendments.

**R. 130, H. 3624--GOVERNOR'S VETO--**

**DEBATE ADJOURNED**

The Veto on the following Act was taken up:

(R130) H. 3624 -- Reps. A. D. Young, Horne, Knight and Harrell: AN ACT TO PROVIDE THAT EACH MEMBER OF THE DORCHESTER COUNTY TRANSPORTATION COMMITTEE IS ALLOWED AND MUST BE PAID FROM DORCHESTER COUNTY "C" FUND REVENUES SEVENTY-FIVE DOLLARS FOR EACH MEETING AT WHICH THE MEMBER IS IN ATTENDANCE.

Rep. KNIGHT moved to adjourn debate on the Veto until Wednesday, March 3, which was agreed to.

**R. 135, H. 4431--GOVERNOR'S VETO SUSTAINED**

The Veto on the following Act was taken up:

(R135) H. 4431 -- Rep. H. B. Brown: AN ACT TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REQUIRE THE FINANCE COMMITTEE ESTABLISHED BY THIS ACT TO PREPARE THE DISTRICT BUDGET AND TO SUBMIT IT FOR BOARD REVIEW, TO REQUIRE THE BOARD TO SUBMIT THE BUDGET TO THE FAIRFIELD COUNTY COUNCIL FOR APPROVAL, TO AUTHORIZE THE FAIRFIELD COUNTY COUNCIL TO NOTIFY THE COUNTY AUDITOR OF THE AMOUNT OF THE LEVY NEEDED TO OPERATE SCHOOLS IN THE DISTRICT, TO CREATE A FINANCE COMMITTEE TO OVERSEE THE FINANCIAL OPERATIONS OF THE DISTRICT AND TO PROVIDE ITS MEMBERSHIP, DUTIES, AND GOALS, TO PROVIDE FOR THE HIRING OF A FINANCE DIRECTOR FOR THE DISTRICT AND TO PROVIDE HIS RESPONSIBILITIES AND DUTIES, TO PROVIDE FOR THE ABOLITION OF THE FINANCE COMMITTEE AND THE POSITION OF FINANCE DIRECTOR UPON CERTAIN CONDITIONS, AND TO DEFINE THE DUTIES OF BOTH THE BOARD AND THE DISTRICT SUPERINTENDENT.

Rep. H. B. BROWN explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 39; Nays 25

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Bannister | Barfield |
| Brady | H. B. Brown | Chalk |
| Clemmons | Delleney | Erickson |
| Frye | Hamilton | Hardwick |
| Harrison | Hearn | Herbkersman |
| Hiott | Jennings | Kelly |
| Knight | Littlejohn | Loftis |
| Millwood | D. C. Moss | V. S. Moss |
| Norman | Owens | M. A. Pitts |
| Simrill | Skelton | G. R. Smith |
| Stewart | Stringer | Thompson |
| Toole | White | Whitmire |
| Willis | Wylie | T. R. Young |

**Total--39**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Brantley |
| R. L. Brown | Dillard | Duncan |
| Gilliard | Govan | Gunn |
| Hart | Hodges | Hosey |
| Howard | Jefferson | King |
| Mack | McEachern | Mitchell |
| J. H. Neal | Parker | Parks |
| Rutherford | Sellers | Weeks |
| Williams |  |  |

**Total--25**

So, the Veto of the Governor was sustained and a message was ordered sent to the Senate accordingly.

**R. 136, H. 4432--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R136) H. 4432 -- Rep. H. B. Brown: AN ACT TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES, TO REVISE COMPENSATION OF BOARD MEMBERS, TO PROVIDE FOR THE FILLING OF VACANCIES, TO PROVIDE FOR THE ABOLITION OF CERTAIN BOARD SEATS UPON CERTAIN CONDITIONS, AND TO REQUIRE THE SCHOOL DISTRICT BOARD AND SUPERINTENDENT TO COOPERATE WITH NEWLY APPROVED BOARD MEMBERS.

Rep. H. B. BROWN explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 44; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Bannister | Barfield |
| Bedingfield | Brady | H. B. Brown |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Gambrell | Hamilton | Hardwick |
| Harrison | Hearn | Herbkersman |
| Hiott | Kelly | Kirsh |
| Knight | Littlejohn | Loftis |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Parker |
| M. A. Pitts | Simrill | Skelton |
| G. M. Smith | G. R. Smith | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Whitmire | Willis |
| Wylie | T. R. Young |  |

**Total--44**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Brantley |
| Dillard | Gilliard | Govan |
| Gunn | Hart | Hodges |
| Hosey | Howard | Jefferson |
| King | Mack | McEachern |
| J. H. Neal | Parks | Rutherford |
| Scott | Weeks | Williams |

**Total--21**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

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

**THE HOUSE RESUMES**

At 3:00 p.m. the House resumed, Acting Speaker KELLY in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**S. 454--NONCONCURRENCE IN SENATE AMENDMENTS**

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

S. 454 -- Senators Peeler and Ford: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

Rep. SANDIFER explained the Senate Amendments.

On motion of Rep. SANDIFER the House nonconcurred in the Senate Amendments and a message was ordered sent to the Senate accordingly.

**H. 3418--DEBATE ADJOURNED**

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

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56-1-3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7-13-25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7-15-470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7-1-25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7-5-230 TO REFERENCE REVISIONS TO SECTION 7-1-25.

Rep. CLEMMONS moved to adjourn debate on the Bill until Wednesday, March 3, which was agreed to.

**H. 3395--DEBATE ADJOURNED**

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

H. 3395 -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A. D. Young, Edge, Bedingfield, J. R. Smith, G. R. Smith, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A BILL TO AMEND SECTION 11-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE OF REPLENISHMENT OF THAT AMOUNT.

Rep. WHITE moved to adjourn debate upon the Senate Amendments until Wednesday, March 3, which was agreed to.

**H. 3396--DEBATE ADJOURNED**

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

H. 3396 -- Reps. Harrell, Thompson, Scott, Cooper, Erickson, Bingham, A. D. Young, Edge, J. R. Smith, G. R. Smith, Bedingfield, Whitmire, Hiott, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND.

Rep. WHITE moved to adjourn debate upon the Senate Amendments until Wednesday, March 3, which was agreed to.

**H. 3371--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3371 -- Reps. Harvin, Kennedy, Alexander, Funderburk, Gunn, Hart, McEachern, McLeod, Ott, J. E. Smith, Spires, Weeks and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-243 SO AS TO REGULATE A PROVIDER OF HEALTH CARE AND THE ISSUER OF INDIVIDUAL HEALTH INSURANCE WHEN AN ISSUER NEGOTIATES RATES WITH A PROVIDER FOR COVERED HEALTH CARE SERVICES AND THEN TERMINATES OR OTHERWISE NONRENEWS THE PROVIDER'S CONTRACT.

Rep. HARVIN 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 |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Mack |
| McEachern | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. 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.

**SENT TO THE SENATE**

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

H. 4475 -- Reps. T. R. Young, Sellers, Bedingfield, Norman, J. R. Smith, Stringer, Wylie, Millwood, Gunn, Scott, D. C. Smith, Stewart, Ballentine, H. B. Brown, Hart, Hearn, Haley, Funderburk, Willis, Clemmons, Harrell and Lucas: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

H. 3800 -- Reps. Toole, Erickson, Brady, Bowen, Brantley, Parker, Allison, Cato, Crawford, Dillard, Duncan, Gullick, Gunn, Horne, Hosey, Jefferson, Littlejohn, Millwood, Mitchell, Pinson, Stringer, Willis, Wylie, A. D. Young, J. E. Smith, Clemmons, Hutto and Viers: A BILL TO AMEND SECTION 63-7-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT ABUSE OR NEGLECT OF A CHILD, SO AS TO INCLUDE A SCHOOL ATTENDANCE OFFICER, SCHOOL ADMINISTRATOR, FOSTER PARENT, JUVENILE JUSTICE WORKER, AND GUARDIAN AD LITEM FOR A CHILD AMONG THE PEOPLE WHO MUST REPORT CERTAIN ALLEGATIONS OF CHILD ABUSE OR NEGLECT, AND TO ENCOURAGE OTHER PEOPLE TO REPORT THIS ABUSE.

**MOTION PERIOD**

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

**H. 3280--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3280 -- Reps. T. R. Young, Allison, Parker, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Horne, Funderburk, Wylie, Bedingfield, Harrell, A. D. Young, Viers, Gunn, Erickson, Clemmons and Loftis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

Rep. T. R. YOUNG explained the Joint Resolution.

Rep. OTT spoke against the Joint Resolution.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. KENNEDY spoke against the Joint Resolution.

Rep. SKELTON spoke against the Joint Resolution.

**LEAVE OF ABSENCE**

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

Rep. G. A. BROWN spoke against the Joint Resolution.

The question then recurred to the passage of the Joint Resolution.

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

Yeas 70; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Clyburn | Cole |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Funderburk | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Horne |
| Huggins | Hutto | Kelly |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--70**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anthony | Bowers |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Dillard | Frye |
| Gambrell | Gilliard | Govan |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Jefferson |
| Jennings | Kennedy | King |
| Kirsh | Knight | McEachern |
| McLeod | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parks | Rutherford | Sellers |
| Skelton | J. E. Smith | Vick |
| Weeks | Whipper |  |

**Total--38**

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

**H. 3608--DEBATE ADJOURNED**

Rep. WEEKS moved to adjourn debate upon the following Bill until Wednesday, March 3, which was adopted:

H. 3608 -- Reps. Mack, Alexander, Allen, R. L. Brown, Williams, Weeks, Whipper, Gilliard and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO PROVIDE THAT THE AUTHORITY CHARGED BY LAW CONDUCTING AN ELECTION SHALL ESTABLISH EARLY VOTING CENTERS, TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT, TO PROVIDE A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY REGISTER TO VOTE AND CAST A BALLOT DURING THE EARLY VOTING PERIOD, TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30-4-80.

**R. 135, H. 4431--VETO RECONSIDERED AND OVERRIDDEN**

Rep. DUNCAN moved to reconsider the vote whereby the Veto on R. 135, H. 4431 was sustained.

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

Yeas 56; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Bannister | Barfield |
| Bedingfield | Bowers | Brady |
| H. B. Brown | Cato | Clemmons |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Gambrell | Hamilton | Hardwick |
| Harrison | Hearn | Herbkersman |
| Horne | Kelly | Knight |
| Limehouse | Littlejohn | Loftis |
| Lowe | Lucas | McLeod |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Parker |
| M. A. Pitts | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--56**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Brantley | R. L. Brown |
| Clyburn | Dillard | Gilliard |
| Govan | Gunn | Hart |
| Hodges | Hosey | Howard |
| Jefferson | Jennings | King |
| Kirsh | McEachern | Mitchell |
| J. H. Neal | Parks | Rutherford |
| Sellers | Weeks |  |

**Total--23**

So, the motion to reconsider was agreed to.

Rep. HOWARD spoke in favor of the Veto.

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

Rep. DUNCAN spoke upon the Veto.

Rep. KENNEDY spoke upon the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 33; Nays 10

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Barfield |
| Brady | H. B. Brown | Clemmons |
| Daning | Delleney | Edge |
| Erickson | Forrester | Hamilton |
| Hardwick | Horne | Kelly |
| Littlejohn | Loftis | Lowe |
| D. C. Moss | V. S. Moss | Parker |
| Skelton | G. M. Smith | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Vick | Whitmire |
| Wylie | A. D. Young | T. R. Young |

**Total--33**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Gilliard | Govan | Hodges |
| Howard | King | Rutherford |
| Scott | Sellers | Weeks |
| Williams |  |  |

**Total--10**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

**RECURRENCE TO THE MORNING HOUR**

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

**INTRODUCTION OF BILLS**

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

H. 4652 -- Rep. Harrison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-2025 SO AS TO REQUIRE THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, THAT PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO BE APPOINTED BY THE GOVERNING BODY OF THE COUNTY AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY BY ORDINANCE OF THE GOVERNING BODY OF THE COUNTY; AND TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY.

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

Rep. RUTHERFORD objected.

Referred to Richland Delegation

H. 4660 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 12 TO CHAPTER 77, TITLE 38 SO AS TO PROHIBIT ARBITRARY LIMITS ON WRITTEN AUTOMOBILE REPAIR ESTIMATES; TO PROHIBIT CERTAIN PERSONS FROM UNILATERALLY OR ARBITRARILY DISREGARDING A REPAIR OPERATION OR COST IDENTIFIED BY AN ESTIMATING SYSTEM WHICH AN INSURER AND COLLISION REPAIR FACILITY HAVE AGREED TO UTILIZE DETERMINING THE COST OF REPAIR; TO PROHIBIT AN INSURER, AGENT, EMPLOYEE, OR A REPRESENTATIVE FROM RECOMMENDING TO AN INSURED OR A CLAIMANT TO USE A SPECIFIC SHOP FOR REPAIR; AND TO PROHIBIT AN INSURER FROM OWNING OR HAVING AN INTEREST IN AN AUTO BODY REPAIR FACILITY.

Referred to Committee on Labor, Commerce and Industry

H. 4661 -- Reps. Hutto and Stavrinakis: A BILL TO AMEND SECTION 9-8-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RETIREMENT AND RETIREMENT BENEFITS FOR MEMBERS OF THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO DELETE THE PROHIBITION OF A RETIREE UNDER THAT SYSTEM FROM RECEIVING RETIREMENT BENEFITS WHILE IN EMPLOYMENT COVERED BY THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS) OR THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS) AND PROVIDE THAT EMPLOYER AND EMPLOYEE CONTRIBUTIONS MUST BE PAID WITH RESPECT TO SUCH EMPLOYMENT BUT THE RETIREE ACCRUES NO SERVICE CREDIT ON ACCOUNT OF SUCH CONTRIBUTIONS; AND TO REPEAL SECTION 9-8-65 RELATING TO SCRS AND SCPORS COVERED EMPLOYMENT BY A RETIREE OF THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS MADE OBSOLETE BY THE AMENDMENT TO SECTION 9-8-60 MADE IN THIS ACT.

Referred to Committee on Ways and Means

H. 4662 -- Rep. Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3382 SO AS TO ALLOW A STATE INDIVIDUAL INCOME TAX CREDIT FOR EXPENSES INCURRED BY THE TAXPAYER, NOT TO EXCEED SEVEN HUNDRED FIFTY DOLLARS, TO UPGRADE THE TAXPAYER'S RESIDENCE TO MEET THE STANDARDS OF THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES (DSS) AND APPLICABLE BUILDING CODE REQUIREMENTS IN ORDER FOR THE TAXPAYER TO QUALIFY AS A DSS FOSTER PARENT.

Referred to Committee on Ways and Means

H. 4663 -- Reps. Sandifer and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-9-55 SO AS TO PROVIDE THAT A BUILDING CODE PROVISION THAT REQUIRES AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM BE INSTALLED IN A NEW ONE-FAMILY OR TWO-FAMILY DWELLING MAY NOT BE ENFORCED, TO PROVIDE CERTAIN PROSPECTIVE HOMEOWNERS MAY CHOOSE WHETHER TO HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED, TO MAKE THE INSTALLATION OF AN AUTOMATIC SPRINKLER SYSTEM APPROVED BY THE INTERNATIONAL RESIDENTIAL CODE AVAILABLE WHERE REQUIRED BY THAT CODE, AND TO PROVIDE WHERE THE PROVISIONS OF THIS SECTION CONTROL EVEN WHEN THEY CONFLICT WITH ANOTHER LAW OR LOCAL ORDINANCE.

Referred to Committee on Labor, Commerce and Industry

H. 4664 -- Reps. Loftis, Wylie, Anthony, Nanney and Stringer: A BILL TO AMEND SECTION 59-43-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS OF THE STATE BOARD OF EDUCATION WITH REGARD TO ADULT EDUCATION AND GENERAL EQUIVALENCY DIPLOMAS, (GED) SO AS TO PROVIDE THAT THE BOARD SHALL REQUIRE A GED CANDIDATE TO PARTICIPATE IN THE WORK KEYS PROGRAM AND PASS ANY RELATED ASSESSMENTS BEFORE HE IS ELIGIBLE TO RECEIVE A GED.

Referred to Committee on Education and Public Works

S. 948 -- Senator Verdin: A BILL TO REPEAL SECTION 47-9-65 OF THE 1976 CODE, AS ADDED BY ACT 75 OF 2009, RELATING TO POLO HORSE DRUG COMPOUNDS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1023 -- Senators McConnell, Rose and Knotts: A BILL TO AMEND CHAPTER 27, TITLE 46 OF THE 1976 CODE OF LAWS, BY ADDING SECTION 46-27-55 TO PERMIT A VENISON PROCESSOR THAT IS AN OFFICIAL ESTABLISHMENT CERTIFIED BY THE STATE LIVESTOCK-POULTRY HEALTH COMMISSION OR THE UNITED STATES DEPARTMENT OF AGRICULTURE TO SELL OR UTILIZE CERTAIN DEER PARTS FOR PET FOOD; AND TO AMEND SECTION 50-11-1910(A) TO PERMIT A VENISON PROCESSOR TO SELL CERTAIN DEER PARTS TO BE UTILIZED AS PET FOOD.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1131 -- Senators Peeler and Coleman: A BILL TO AMEND SECTION 4-29-67, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUSTRIAL DEVELOPMENT PROJECTS REQUIRING A FEE IN LIEU OF PROPERTY TAXES AGREEMENT, SO AS TO ADD CERTAIN DEFINITIONS, TO FURTHER PROVIDE FOR THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED NUCLEAR PLANT FACILITY, TO PROVIDE FOR THE TIMELINE WHEN THE SPONSOR MUST ENTER INTO AN INITIAL LEASE AGREEMENT WITH THE COUNTY IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY, AND THE TIMELINES WHEN THE SPONSOR MUST MEET MINIMUM INVESTMENT REQUIREMENTS IN THE CASE OF A QUALIFIED NUCLEAR PLANT FACILITY AND PLACE THE PROJECT INTO SERVICE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; AND TO AMEND SECTION 12-44-40, AS AMENDED, RELATING TO THE REQUIRED FEE AGREEMENT BETWEEN THE SPONSOR AND THE COUNTY UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO PROVIDE THE TIME WITHIN WHICH A SPONSOR HAS TO ENTER INTO A FEE AGREEMENT IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY.

Referred to Committee on Ways and Means

**HOUSE RESOLUTION**

On motion of Rep. OTT, with unanimous consent, the following was taken up for immediate consideration:

H. 4653 -- Reps. Ott, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CELEBRATE THE DECLARATION OF INDEPENDENCE AND THE UNITED STATES CONSTITUTION WITH ITS BILL OF RIGHTS, WHICH TOGETHER ENUMERATE OUR UNALIENABLE RIGHTS AND LIBERTIES, AND TO PROCLAIM TUESDAY, MARCH 16, 2010, AS "LIBERTY DAY" IN SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4654 -- Reps. Gunn, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE THE COLUMBIA ALUMNAE CHAPTER OF DELTA SIGMA THETA, INCORPORATED, AND TO CONGRATULATE ITS MEMBERS AS THEY CELEBRATE SEVENTY YEARS OF SERVICE TO THEIR COMMUNITY, STATE, AND NATION.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4655 -- Reps. Barfield, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND MR. THOMAS STOWE MULLIKIN OF CAMDEN FOR HIS TIRELESS EFFORTS FOR SOUND POLICY AND THE PROMOTION OF GLOBAL SOLUTIONS REGARDING CLIMATE CHANGE, THE PREMIERE OF HIS CRITICALLY ACCLAIMED DOCUMENTARY "THE WHOLE TRUTH", AND THE SELECTION OF THE DOCUMENTARY FOR SHOWING AT THE CHARLESTON FILM FESTIVAL.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

On motion of Rep. STRINGER, with unanimous consent, the following was taken up for immediate consideration:

H. 4656 -- Reps. Stringer, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, MARCH 17, 2010, “HEMOPHILIA AWARENESS DAY” IN SOUTH CAROLINA IN ORDER TO EDUCATE CITIZENS ABOUT THE EFFECTS OF HEMOPHILIA.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4659 -- Reps. G. R. Smith, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR HILLCREST HIGH SCHOOL WRESTLER COLIN HORGAN OF GREENVILLE COUNTY, FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE HIM FOR CAPTURING THE 2010 CLASS AAAA STATE INDIVIDUAL CHAMPIONSHIP TITLE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

On motion of Rep. SELLERS, with unanimous consent, the following was taken up for immediate consideration:

H. 4665 -- Reps. Sellers, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR BISHOP CARDELL SUTTON OF GASTON, FOUNDER OF KINGDOM COVENANT FELLOWSHIP INTERNATIONAL, INCORPORATED, FOR HIS TWENTY-FOUR YEARS OF PASTORAL MINISTRY, AND TO DECLARE MARCH 18, 2010, "BISHOP CARDELL SUTTON DAY" IN SOUTH CAROLINA.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4666 -- Reps. Owens, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE EIGHTEEN SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2010 ALL-STATE ACADEMIC TEAM IN THE ALL-USA ACADEMIC TEAM COMPETITION FOR TECHNICAL COLLEGES, COMMUNITY COLLEGES, AND JUNIOR COLLEGES SPONSORED BY PHI THETA KAPPA, THE AMERICAN ASSOCIATION OF COMMUNITY COLLEGES, AND USA TODAY.

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

**S. 328--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 328 -- Senators Verdin, Grooms, Cromer, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47-5-60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

Rep. FRYE proposed the following Amendment No. 3 (COUNCIL\MS\7667AHB10), which was tabled:

Amend the bill, as and if amended, SECTION 1, page 328‑2, lines 15 through 18 by deleting / ~~The fee for rabies inoculation at these clinics may not exceed three dollars, including the cost of the vaccine, and this charge must be paid by the pet owner.~~ / and inserting / The fee for rabies inoculation at these clinics may not exceed three dollars~~,~~ ~~including the cost of the vaccine, and this charge must be paid by the pet owner~~ for a one‑year vaccine or seven dollars for a three‑year vaccine, including the cost of the vaccine. The pet owner must provide proof of a prior rabies inoculation in order to have his pet inoculated with the three‑year vaccine. /

Renumber sections to conform.

Amend title to conform.

Rep. FRYE spoke in favor of the amendment.

Rep. DUNCAN moved to table the amendment, which was agreed to by a division vote of 40-28.

Reps. FRYE and DUNCAN proposed the following Amendment No. 6 (COUNCIL\NBD\11991AHB10), which was adopted:

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

/ SECTION 1. Section 47‑5‑60 of the 1976 Code is amended to read:

“Section 47‑5‑60. (A) A pet owner must have his pet inoculated against rabies at a frequency to provide continuous protection of the pet from rabies using a vaccine approved by the department and licensed by the United States Department of Agriculture. The rabies inoculation must be administered by a licensed veterinarian or a licensed veterinary technician under a licensed veterinarian’s direct supervision, or a veterinary assistant under a licensed veterinarian’s direct supervision, as defined in Section 40‑69‑20. Evidence of rabies inoculation is a certificate signed by a licensed veterinarian. The rabies vaccination certificate forms may be provided by the licensed veterinarian or by the department or its designee. The veterinarian may stamp or write his name and address on the certificate. The certificate must include information recommended by the National Association of State Public Health Veterinarians. The licensed veterinarian administering or supervising the administration of the vaccine shall provide one copy of the certificate to the owner of the pet and must retain one copy in his files for not less than three years. With the issuance of the certificate, the licensed veterinarian shall furnish a serially numbered metal license tag bearing the same number and year as the certificate with the name and telephone number of the veterinarian, veterinary hospital, or practice. The metal license tag at all times must be attached to a collar or harness worn by the pet for which the certificate and tag have been issued. Annually before February first, the veterinarian shall report to the department the number of animals inoculated against rabies during the preceding year. The department, in conjunction with licensed veterinarians, shall promote annual rabies clinics. ~~The fee for rabies inoculation at these clinics may not exceed three dollars, including the cost of the vaccine, and this charge must be paid by the pet owner.~~ Fees collected by veterinarians at these clinics are their compensation.

(B) Nothing in this section may be construed to prohibit the owners of working animals or livestock from inoculating their own animals or purchasing United States Department of Agriculture approved rabies vaccines.” /

Renumber sections to conform.

Amend title to conform.

Rep. FRYE explained the amendment.

**POINT OF ORDER**

Rep. D. C. MOSS raised the Point of Order that Amendment No. 6 was out of order under House Rule 9.3 in that it was not germane to the bill. He stated that the bill dealt with inoculations against rabies for pets only, while the amendment included rabies inoculations for livestock.

SPEAKER *PRO TEMPORE* CATO stated that the amendment was germane to the bill because both the bill and amendment dealt with rabies inoculations for animals. Therefore, he overruled the Point of Order.

The amendment was then adopted.

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

**H. 4093--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4093 -- Reps. Loftis, Mitchell, H. B. Brown, Bedingfield, Anthony, G. A. Brown, Crawford, Dillard, Harvin, Hiott, Knight, Lowe, J. R. Smith, Toole, D. C. Moss, Sellers, Brady, Funderburk, Hodges, Horne, Gunn, Bowers, Hutto and Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 60 TO TITLE 48 TO ENACT THE "SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT"; TO PROVIDE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY RELATED TO THE ACT; TO PROVIDE CERTAIN DEFINITIONS RELATED TO THE ACT; TO REQUIRE A MANUFACTURER OF CERTAIN COMPUTING, DISPLAY, OR PRINTING EQUIPMENT TO OFFER A RECOVERY PROGRAM FOR THE COLLECTION OF EQUIPMENT FROM A CONSUMER IN A MANNER CONVENIENT TO THE CONSUMER; TO REQUIRE A MANUFACTURER TO DOCUMENT ITS COMPLIANCE WITH THIS CHAPTER IN AN ANNUAL REPORT TO THE DEPARTMENT; TO LIMIT THE LIABILITY OF A MANUFACTURER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT RETURNED BY THE CONSUMER TO A MANUFACTURER THROUGH THE MANUFACTURER'S RECOVERY PROGRAM; TO REQUIRE A RETAILER TO SELL ONLY EQUIPMENT MANUFACTURED IN COMPLIANCE WITH THIS CHAPTER; TO LIMIT THE LIABILITY OF A RETAILER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT SOLD BY THE RETAILER TO A CONSUMER AND RETURNED TO THE MANUFACTURER OF THE EQUIPMENT THROUGH THE MANUFACTURER'S RECOVERY PROGRAM; TO REQUIRE A MANUFACTURER TO EDUCATE CONSUMERS ABOUT THE MANUFACTURER'S RECOVERY PROGRAM; TO REQUIRE THE DEPARTMENT TO EDUCATE CONSUMERS ABOUT ALL RECOVERY PROGRAMS AVAILABLE IN THIS STATE; TO ENABLE THE DEPARTMENT TO AUDIT A MANUFACTURER TO DETERMINE THE MANUFACTURER'S COMPLIANCE WITH THIS CHAPTER; TO PROVIDE THAT FINANCIAL AND PROPRIETARY INFORMATION SUBMITTED TO THE DEPARTMENT BY A MANUFACTURER OR RETAILER PURSUANT TO THIS CHAPTER IS EXEMPT FROM PUBLIC DISCLOSURE; TO REQUIRE THE DEPARTMENT TO REPORT ANNUALLY INFORMATION PROVIDED BY A MANUFACTURER OR A RETAILER TO THE GENERAL ASSEMBLY; TO REQUIRE THE DEPARTMENT TO DEVELOP STANDARDS FOR RECOVERY PROGRAMS, REPORTING REQUIREMENTS, AND RECOVERER CERTIFICATION THAT COMPLY WITH THE ELECTRONICS RECYCLING OPERATING PRACTICES OF THE INSTITUTE OF SCRAP RECYCLING INDUSTRIES; AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE RULES AND REGULATIONS NEEDED TO IMPLEMENT THIS CHAPTER'S PROVISIONS.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3891SD10):

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

/ SECTION 1. Title 48 of the 1976 Code is amended by adding:

“CHAPTER 60

South Carolina Manufacturer Responsibility and Consumer Convenience

Information Technology Equipment Collection and Recovery Act

Section 48‑60‑5. This chapter may be cited as the ‘South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act’.

Section 48‑60‑10. The General Assembly finds:

(1) Televisions, computing, and printing devices are critical to the development of this state’s economy and the promotion of the quality of life of the citizens of this State.

(2) Many of these televisions, computing, and printing devices can be refurbished and reused, or recycled.

(3) Developing and implementing a system for recovering televisions, computing, and printing devices promotes resource conservation, public health, public safety, and economic prosperity.

(4) In order to carry out these purposes, the State shall establish a comprehensive and convenient recovery program for televisions, computing, and printing devices based on individual manufacturer responsibility and shared responsibility among consumers, retailers, and government, and that this program must ensure that end‑of‑life televisions, computing, and printing devices are retired in a manner that promotes resource conservation through the development of an effective and efficient system for collecting and recycling these products, and to encourage manufacturers to offer this service to consumers conveniently and at no charge.

Section 48‑60‑20. As used in this chapter:

(1) ‘Collect’ or ‘collection’ means to facilitate the delivery of a covered device to a collection site included in the manufacturer’s program, and to transport the covered device for recovery.

(2) ‘Consumer’ means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit who has used a covered device primarily for personal or home business use.

(3) ‘Covered device’ means a television or a computing or printing device, including a desktop computer, notebook computer, computer monitor, and printer. This term does not include a motor vehicle part, a personal digital assistant (PDA), a telephone, or a hand‑held gaming device.

(4) ‘Department’ means the South Carolina Department of Health and Environmental Control.

(5) ‘Manufacturer’ means a person who:

(a) manufactures a covered device under its own brand for sale or without affixing a brand;

(b) sells in this State a covered device produced by another supplier under its own brand or label;

(c) imports covered devices unless a company from which an importer purchases a covered device has a presence or assets in the United States, that company must be considered the manufacturer; or

(d) manufactures a covered device, supplies a covered device to a person within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale of a covered device through that distribution network.

(6) ‘Manufacturer’s brands’ means a manufacturer’s name, brand name, or brand logo for which the manufacturer has legal responsibility.

(7) ‘Person’ means an individual, business entity, partnership, limited liability company, corporation, not‑for‑profit corporation, association, government entity, public benefit corporation, or public authority.

(8) ‘Recover’ means to reuse or recycle.

(9) ‘Recoverer’ means a person or entity that reuses or recycles.

(10) ‘Retail sale’ means the sale of a new product through a sales outlet, the Internet, mail order, or otherwise, whether or not the seller has a physical presence in this State. A retail sale includes the sale of new products.

(11) ‘Retailer’ means a person engaged in retail sales.

(12) ‘Sale’ or ‘sell’ means any transfer for consideration of title including, but not limited to, transaction conducted through sales outlets, catalogs, or the Internet or any other similar electronic means, but does not mean leases.

(13) ‘Television’ means any telecommunication system device that can broadcast and receive moving pictures and sound over a distance, and includes a TV tuner. Display devices that are peripheral to a computer but nevertheless contain a TV tuner are considered televisions.

Section 48‑60‑30. A manufacturer may not sell or offer to sell a covered device unless a label indicating the manufacturer’s brand is permanently affixed to the covered device in a readily visible location.

Section 48‑60‑40. (A) A manufacturer may not sell or offer to sell a covered device unless the manufacturer provides a recovery program at no charge or provides a financial incentive of equal or greater value, such as a coupon. A recovery program must:

(1) require a manufacturer to offer to collect from a consumer a covered device bearing a label as provided in Section 48‑60‑30;

(2) make such a collection service as convenient to a consumer as the purchase of a covered device from a manufacturer, including a combination of the following:

(a) a mail back system in which a consumer may return an end‑of‑life covered device by mail, including a system in which a consumer may go online, print a prepaid shipping label, package the product, affix the prepaid label to the package, and schedule an at‑home pickup through a qualified carrier for shipment to the manufacturer;

(b) a collection site centrally located in each county, region, or other locations based on population, as the department may determine in coordination with the manufacturer; or

(c) collection events held at least annually in each county or region, as determined by the department in consultation with the manufacturer, at which a consumer may return covered devices; and

(3) be described on a manufacturer’s Internet website if a manufacturer maintains an Internet website.

(B) A recovery program may use existing collection and consolidation infrastructure for collecting covered devices, including retailers, recyclers, and reuse organizations.

(C) Manufacturers may work collectively and cooperatively to offer collection services to consumers.

(D) Collection events under this section must accept any covered electronic device.

Section 48‑60‑50. A manufacturer may not be liable for damages arising from information stored on a covered device collected from a consumer under the manufacturer’s recovery program.

Section 48‑60‑60. (A) A retailer may only sell or offer to sell a covered device that:

(1) bears a manufacturer label as provided in Section 48‑60‑30; and

(2) is manufactured by a manufacturer that offers a recovery program as provided in Section 48‑60‑40.

(B) The requirements of this section do not apply to a retailer who sells to a consumer a television for less than one hundred dollars.

Section 48‑60‑70. A retailer may not be liable for damages arising from information stored on a covered device collected from a consumer under the manufacturer’s recovery program.

Section 48‑60‑80. (A) After July 1, 2011, a consumer knowingly shall not place or discard a covered electronic device or any of the components or subassemblies of a covered electronic device in any waste stream that is to be disposed of in a solid waste landfill.

(B) An owner or operator of a solid waste landfill knowingly shall not accept for disposal loads composed primarily of covered electronic devices.

(C) The owner or operator of a solid waste landfill shall post, in a conspicuous location at the landfill, a sign stating that covered electronic devices or any components of covered electronic devices are not accepted for disposal at the landfill.

Section 48‑60‑90. The department shall provide information to the public on its Internet website regarding the provisions of the chapter and the prohibition on disposing of covered electronic devices in a solid waste landfill. The department also shall provide information about recovery programs available in the State on the department’s Internet website. The website must include information about collection options available, the definition of covered devices, the proper methods for disposing of covered devices, the proper methods for disposing noncovered devices, and links to relevant portions of manufacturer’s Internet websites.

Section 48‑60‑100. The department may conduct audits and inspection of a manufacturer, retailer, or recoverer to determine compliance with this chapter’s provisions, and shall enforce compliance with this chapter’s provisions.

Section 48‑60‑110. Financial and proprietary information submitted to the department pursuant to this chapter is exempt from public disclosure.

Section 48‑60‑120. The department shall report annually information provided by manufacturers to the General Assembly before March first, beginning in 2012.

Section 48‑60‑130. The department shall develop standards for recovery programs, reporting requirements, and recoverer certification that at a minimum must comply with the Electronics Recycling Operating Practices of the Institute of Scrap Recycling Industries or other comparable industry or governmental standards. The department shall include standards for environmentally responsible export of covered electronic devices.

Section 48‑60‑140. The department shall promulgate regulations needed to implement this chapter’s provisions including, but not limited to, manufacturers’ plans and manufacturers’ annual reports. The department may propose by regulation, which must be submitted to the General Assembly pursuant to the Administrative Procedures Act, an initial registration fee or annual fee, or both, on manufacturers of covered electronic devices, the proceeds of which must be used only for the purposes of implementing the provisions of this chapter. A fee proposed by the department must be graduated based on the manufacturer’s volume of sales in this State, and small manufacturers may be exempted from any fee.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect July 1, 2011; provided however, a retailer must be allowed an additional period of six months from the effective date of this act to sell any inventory purchased before the effective date of this act before having to comply with the applicable provisions of this act. /

Renumber sections to conform.

Amend title to conform.

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

Rep. DUNCAN proposed the following Amendment No. 2 (COUNCIL\AGM\19854AB10), which was adopted:

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

/ SECTION 1. Title 48 of the 1976 Code is amended by adding:

“CHAPTER 60

South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act

Section 48‑60‑05. This Chapter may be cited as the ‘South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act’.

Section 48‑60‑10. The General Assembly finds:

(1) Televisions, computing, and printing devices are critical to the development of this state’s economy and the promotion of the quality of life of the citizens of this State.

(2) Many of these televisions, computing, and printing devices can be refurbished and reused, or recycled.

(3) Developing and implementing a system for recovering televisions, computing, and printing devices promotes resource conservation, public health, public safety, and economic prosperity.

(4) In order to carry out these purposes, the State must establish a comprehensive and convenient recovery program for televisions, computing, and printing devices based on individual manufacturer responsibility and shared responsibility among consumers, retailers, and government, and that such a program must ensure that end‑of‑life televisions, computing, and printing devices are retired in a manner that promotes resource conservation through the development of an effective and efficient system for collecting and recycling such products, and to encourage manufacturers to offer such service to consumers conveniently and at no charge.

Section 48‑60‑20. As used in this chapter:

(1) ‘Collect’ or ‘collection’ means to facilitate the delivery of a covered device to a collection site included in the manufacturer’s program, and to transport the covered device for recovery.

(2) ‘Computer manufacturer’ means a person who:

(a) manufactures a covered computer device under its own brand for sale or without affixing a brand;

(b) sells in this State a covered computer device produced by another supplier under its own brand or label;

(c) imports covered computer devices unless a company from which an importer purchases a covered device has a presence or assets in the United States, that company must be considered the manufacturer; or

(d) manufactures a covered computer device, supplies a covered device to a person within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale of a covered device through that distribution network.

(3) ‘Consumer’ means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit who has used a covered device primarily for personal or home business use.

(4) ‘Covered computer device’ means a desktop or notebook computer, computer monitor, or printing device marketed and intended for use by a consumer, but does not include a covered television device.

(5) ‘Covered devices’ means a covered computer device and a covered television device marketed and intended for use by a consumer. ‘Covered device’, ‘covered computer device’, and ‘covered television device’ do not include any of the following:

(a) A covered device that is a part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle.

(b) A covered device that is functionally or physically a part of, or connected to, or integrated within equipment or a system designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting, including but not limited to diagnostic, monitoring, control or medical products as defined under the federal Food, Drug, and Cosmetic Act, or equipment used for security, sensing, monitoring, anti‑terrorism, emergency services purposes or equipment designed and intended primarily for use by professional users.

(c) A covered device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, air purifier, water heater, or exercise equipment.

(d) telephones of any type including mobile telephones, a personal digital assistant (PDA), a global positioning systems (GPS), or a hand‑held gaming device.

(6) ‘Covered television device’ means any electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying television or video programming via broadcast, cable, or satellite, including, without limitation, any direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube (CRT), plasma, liquid crystal display (LCD), digital light processing (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective display (SXRD), light emitting diode (LED), or similar technology marketed and intended for use by a consumer primarily for personal purposes. The term does not include a covered computer device.

(7) ‘Department’ means the South Carolina Department of Health and Environmental Control.

(8) ‘Manufacturer’s brands’ means a manufacturer’s name, brand name either owned or licensed by the manufacturer, or brand logo for which the manufacturer has legal responsibility.

(9) ‘Market share’ means a television manufacturer’s obligation to recycle discarded televisions. A television manufacturer’s market share is the television manufacturer’s prior year’s sales of televisions by weight as calculated by the department divided by all manufacturers’ prior year’s sales for all televisions by weight as calculated by the department. Market share may be expressed as a percentage, a fraction, or a decimal fraction.

(10) ‘Person’ means an individual, business entity, partnership, limited liability company, corporation, not‑for‑profit corporation, association, government entity, public benefit corporation, or public authority.

(11) ‘Recover’ means to reuse or recycle.

(12) ‘Recoverer’ means a person or entity that reuses or recycles.

(13) ‘Retail sale’ means the sale of a new product through a sales outlet, the Internet, mail order, or otherwise, whether or not the seller has a physical presence in this State. A retail sale includes the sale of new products.

(14) ‘Retailer’ means a person engaged in retail sales.

(15) ‘Sale’ or ‘sell’ means any transfer for consideration of title including, but not limited to, transaction conducted through sales outlets, catalogs, or the Internet or any other similar electronic means, but does not mean leases.

(16) ‘Television’ means any electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying of television or video programming via broadcast, cable, or satellite, including, without limitation, any direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube (CRT), plasma, liquid crystal display (LCD), digital light processing (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective display (SXRD), light emitting diode (LED), or similar technology marketed and intended for use by a consumer primarily for personal purposes. The term does not include a covered computer device.

(17) ‘Television manufacturer’ means a person who:

(a) manufactures covered television devices under a brand that it licenses or owns, for sale in this State;

(b) manufactures covered television devices without affixing a brand for sale in this State;

(c) resells into this State a covered television device under a brand it owns or licenses produced by other suppliers, this includes retail establishments that sell covered television devices under a brand the retailer owns or licenses;

(d) imports covered television devices unless a company from which an importer purchases a covered device has a presence or assets in the United States, that company must be considered the manufacturer*;*

(e) manufactures covered television devices, supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale in this State of those covered television devices through such distribution network; or

(f) assumes the responsibilities and obligations of a television manufacturer under this chapter. In the event the television manufacturer is one who manufactures, sells, or resells under a brand it licenses, the licensor or brand owner of such brand shall not be included in the definition of television manufacturer under items (a) or (c) above.

Section 48‑60‑30. A computer or television manufacturer may not sell or offer to sell a covered device unless a label indicating the computer or television manufacturer’s brand is permanently affixed to the covered device in a readily visible location.

Section 48‑60‑40. (A) A computer manufacturer may not sell or offer to sell a covered computer device unless the computer manufacturer provides a recovery program at no charge or provides a financial incentive of equal or greater value, such as a coupon. A recovery program must:

(1) require a computer manufacturer to offer to collect from a consumer a covered computer device bearing a label as provided in Section 48‑60‑30; and

(2) make such a collection service as convenient to a consumer as the purchase of a covered computer device from a computer manufacturer. A computer manufacturer may utilize a mail back system in which a consumer can return an end‑of‑life covered device by mail, including a system in which a consumer can go online, print a prepaid shipping label, package the product, and affix the prepaid label to the package for deposit with the United States Postal Service or other carrier selected by the computer manufacturer. If the computer manufacturer does not provide a mail back system, the computer manufacturer must provide the following:

(a) collection site centrally located in each county, region, or other locations based on population, as the department may determine in coordination with the computer manufacturer; and

(b) collection events held at least annually in each county or region, as determined by the department in consultation with the computer manufacturer, at which a consumer may return covered devices.

(3) A recovery program may use existing collection and consolidation infrastructure for collecting covered devices, including retailers, recyclers, and reuse organizations.

(4) Computer manufacturers may work collectively and cooperatively to offer collection services to consumers.

(5) A recovery program must be described on a computer manufacturer’s Internet website if a manufacturer maintains an Internet website.

(B) Collection events under this section must accept any covered computer device.

Section 48‑60‑50. (A) No television manufacturer shall sell or offer for sale a covered television device in this State unless the television manufacturer provides a recovery program at no charge or provides a financial incentive of equal or greater value, such as a coupon.

(B) The obligation to recycle covered television devices shall be allocated to each television manufacturer based on the television manufacturer’s market share multiplied by the total pounds of televisions recycled by all television manufacturers during the previous program year. Beginning on the effective date of this chapter through June 30, 2012, a television manufacturer must annually recycle or arrange for the recycling of covered televisions. Beginning program year 2012, a television manufacturer must annually recycle or arrange for the recycling of its market share of covered television devices pursuant to this section. The program year for a recovery program under this section is the state’s fiscal year*.*

(C) A television manufacturer may fulfill the requirements of this section either individually or in participation with other television manufacturers. A recovery program may use existing collection and consolidation infrastructure for collecting covered television devices, including retailers, recyclers, and reuse organizations*.*

(D) A television manufacturer shall provide the department with contact information for the manufacturer’s designated agent or employee whom the department may contact for information related to the manufacturer’s compliance with the requirements of this section*.*

(E) The department shall set reporting dates and notify each television manufacturer of its market share recycling obligation annually. A television manufacturer shall report to the department annually the total weight of televisions the television manufacturer sold, collected, and recycled in the state during the previous program year*.* The department shall use state‑specific television sales data or national television sales data availablefrom the television manufacturers or commercially available analytical sources to determine each television manufacturer’s recovery responsibilities for televisions based on the television manufacturer’s market share. If the department uses national sales data, the department shall extrapolate data for the state from national data on the basis of the state’s share of national population. The department shall seek to establish the most accurate determination of each television manufacturer’s market share and may rely on supplemental sources of information to achieve this goal.

Section 48‑60‑60. A computer or television manufacturer may not be liable for damages arising from information stored on a covered device collected from a consumer under the manufacturer’s recovery programs of this chapter.

Section 48‑60‑70. (A) A retailer may only sell or offer to sell a covered device that:

(1) bears a manufacturer label as provided in Section 48‑60‑30; and

(2) is manufactured by a manufacturer that offers a recovery program as provided in Sections 48‑60‑40 and 48‑60‑50.

(B) The requirements of this section do not apply to a television sold by a retailer for less than one hundred dollars.

Section 48‑60‑80. A retailer may not be liable for damages arising from information stored on any covered device collected from a consumer under the manufacturer’s recovery program.

Section 48‑60‑90. (A) After July 1, 2011, a consumer must not knowingly place or discard a covered device or any of the components or subassemblies of a covered device in any waste stream that is to be disposed of in a solid waste landfill.

(B) An owner or operator of a solid waste landfill must not knowingly accept for disposal loads composed primarily of covered devices.

(C) The owner or operator of a solid waste landfill must post, in a conspicuous location at the landfill, a sign stating that covered devices or any components of covered devices are not accepted for disposal at the landfill.

Section 48‑60‑100. The department shall provide information to the public on its Internet website regarding the provisions of the chapter and the prohibition on disposing of covered devices in a solid waste landfill. The department shall also provide information about recovery programs available in the State on the department’s Internet website. The website must include information about collection options available, the definition of covered devices, the proper methods for disposing of covered devices, the proper methods for disposing noncovered devices, and links to relevant portions of computer or television manufacturer’s Internet websites.

Section 48‑60‑110. The department may conduct audits and inspection of a computer or television manufacturer, retailer, or recoverer to determine compliance with this chapter’s provisions, and shall enforce compliance with this chapter’s provisions.

Section 48‑60‑120. Financial and proprietary information submitted to the department pursuant to this act is exempt from public disclosure.

Section 48‑60‑130. The department shall report annually information provided by manufacturers to the General Assembly before March first, beginning in 2012.

Section 48‑60‑140. The department shall develop standards for recovery programs, reporting requirements, and recoverer certification that at a minimum must comply with the Electronics Recycling Operating Practices of the Institute of Scrap Recycling Industries or other comparable industry or governmental standards. The department must include standards for environmentally responsible export of covered devices.

Section 48‑60‑150. The department shall promulgate rules and regulations needed to implement this chapter’s provisions including, but not limited to, manufacturers’ plans and manufacturers’ annual reports. The department may propose by regulation, which must be submitted to the General Assembly pursuant to the Administrative Procedures Act, an initial registration fee or annual fee, or both, on computer or television manufacturers of covered devices, the proceeds of which must be used solely for the purposes of implementing the provisions of this chapter. Any fee proposed by the department must be graduated based on the computer manufacturer’s volume of sales in this State. Any registration fee or annual fee for television manufacturers must be based on market share as defined in this chapter. A manufacturer of a covered device that sells one thousand or less per year is exempt from any fee.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect July 1, 2011; provided however, a retailer must be allowed an additional period of six months from the effective date to sell any inventory purchased prior to the effective date before having to comply with the applicable provisions of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. DUNCAN explained the amendment.

The amendment was then adopted.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3891SD10), which was tabled:

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

/ SECTION 1. Title 48 of the 1976 Code is amended by adding:

“CHAPTER 60

South Carolina Manufacturer Responsibility and Consumer Convenience

Information Technology Equipment Collection and Recovery Act

Section 48‑60‑5. This chapter may be cited as the ‘South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act’.

Section 48‑60‑10. The General Assembly finds:

(1) Televisions, computing, and printing devices are critical to the development of this State’s economy and the promotion of the quality of life of the citizens of this State.

(2) Many of these televisions, computing, and printing devices can be refurbished and reused, or recycled.

(3) Developing and implementing a system for recovering televisions, computing, and printing devices promotes resource conservation, public health, public safety, and economic prosperity.

(4) In order to carry out these purposes, the State shall establish a comprehensive and convenient recovery program for televisions, computing, and printing devices based on individual manufacturer responsibility and shared responsibility among consumers, retailers, and government, and that this program must ensure that end‑of‑life televisions, computing, and printing devices are retired in a manner that promotes resource conservation through the development of an effective and efficient system for collecting and recycling these products, and to encourage manufacturers to offer this service to consumers conveniently and at no charge.

Section 48‑60‑20. As used in this chapter:

(1) ‘Collect’ or ‘collection’ means to facilitate the delivery of a covered device to a collection site included in the manufacturer’s program, and to transport the covered device for recovery.

(2) ‘Consumer’ means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit who has used a covered device primarily for personal or home business use.

(3) ‘Covered device’ means a television or a computing or printing device, including a desktop computer, notebook computer, computer monitor, and printer. This term does not include a motor vehicle part, a personal digital assistant (PDA), a telephone, or a hand‑held gaming device.

(4) ‘Department’ means the South Carolina Department of Health and Environmental Control.

(5) ‘Manufacturer’ means a person who:

(a) manufactures a covered device under its own brand for sale or without affixing a brand;

(b) sells in this State a covered device produced by another supplier under its own brand or label;

(c) imports covered devices unless a company from which an importer purchases a covered device has a presence or assets in the United States, that company must be considered the manufacturer; or

(d) manufactures a covered device, supplies a covered device to a person within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale of a covered device through that distribution network.

(6) ‘Manufacturer’s brands’ means a manufacturer’s name, brand name, or brand logo for which the manufacturer has legal responsibility.

(7) ‘Person’ means an individual, business entity, partnership, limited liability company, corporation, not‑for‑profit corporation, association, government entity, public benefit corporation, or public authority.

(8) ‘Recover’ means to reuse or recycle.

(9) ‘Recoverer’ means a person or entity that reuses or recycles.

(10) ‘Retail sale’ means the sale of a new product through a sales outlet, the Internet, mail order, or otherwise, whether or not the seller has a physical presence in this State. A retail sale includes the sale of new products.

(11) ‘Retailer’ means a person engaged in retail sales.

(12) ‘Sale’ or ‘sell’ means any transfer for consideration of title including, but not limited to, transaction conducted through sales outlets, catalogs, or the Internet or any other similar electronic means, but does not mean leases.

(13) ‘Television’ means any telecommunication system device that can broadcast and receive moving pictures and sound over a distance, and includes a TV tuner. Display devices that are peripheral to a computer but nevertheless contain a TV tuner are considered televisions.

Section 48‑60‑30. A manufacturer may not sell or offer to sell a covered device unless a label indicating the manufacturer’s brand is permanently affixed to the covered device in a readily visible location.

Section 48‑60‑40. (A) A manufacturer may not sell or offer to sell a covered device unless the manufacturer provides a recovery program at no charge or provides a financial incentive of equal or greater value, such as a coupon. A recovery program must:

(1) require a manufacturer to offer to collect from a consumer a covered device bearing a label as provided in Section 48‑60‑30;

(2) make such a collection service as convenient to a consumer as the purchase of a covered device from a manufacturer, including a combination of the following:

(a) a mail back system in which a consumer may return an end‑of‑life covered device by mail, including a system in which a consumer may go online, print a prepaid shipping label, package the product, affix the prepaid label to the package, and schedule an at‑home pickup through a qualified carrier for shipment to the manufacturer;

(b) a collection site centrally located in each county, region, or other locations based on population, as the department may determine in coordination with the manufacturer; or

(c) collection events held at least annually in each county or region, as determined by the department in consultation with the manufacturer, at which a consumer may return covered devices; and

(3) be described on a manufacturer’s Internet website if a manufacturer maintains an Internet website.

(B) A recovery program may use existing collection and consolidation infrastructure for collecting covered devices, including retailers, recyclers, and reuse organizations.

(C) Manufacturers may work collectively and cooperatively to offer collection services to consumers.

(D) Collection events under this section must accept any covered electronic device.

Section 48‑60‑50. A manufacturer may not be liable for damages arising from information stored on a covered device collected from a consumer under the manufacturer’s recovery program.

Section 48‑60‑60. (A) A retailer may only sell or offer to sell a covered device that:

(1) bears a manufacturer label as provided in Section 48‑60‑30; and

(2) is manufactured by a manufacturer that offers a recovery program as provided in Section 48‑60‑40.

(B) The requirements of this section do not apply to a retailer who sells to a consumer a television for less than one hundred dollars.

Section 48‑60‑70. A retailer may not be liable for damages arising from information stored on a covered device collected from a consumer under the manufacturer’s recovery program.

Section 48‑60‑80. (A) After July 1, 2011, a consumer knowingly shall not place or discard a covered electronic device or any of the components or subassemblies of a covered electronic device in any waste stream that is to be disposed of in a solid waste landfill.

(B) An owner or operator of a solid waste landfill knowingly shall not accept for disposal loads composed primarily of covered electronic devices.

(C) The owner or operator of a solid waste landfill shall post, in a conspicuous location at the landfill, a sign stating that covered electronic devices or any components of covered electronic devices are not accepted for disposal at the landfill.

Section 48‑60‑90. The department shall provide information to the public on its Internet website regarding the provisions of the chapter and the prohibition on disposing of covered electronic devices in a solid waste landfill. The department also shall provide information about recovery programs available in the State on the department’s Internet website. The website must include information about collection options available, the definition of covered devices, the proper methods for disposing of covered devices, the proper methods for disposing noncovered devices, and links to relevant portions of manufacturer’s Internet websites.

Section 48‑60‑100. The department may conduct audits and inspection of a manufacturer, retailer, or recoverer to determine compliance with this chapter’s provisions, and shall enforce compliance with this chapter’s provisions.

Section 48‑60‑110. Financial and proprietary information submitted to the department pursuant to this chapter is exempt from public disclosure.

Section 48‑60‑120. The department shall report annually information provided by manufacturers to the General Assembly before March first, beginning in 2012.

Section 48‑60‑130. The department shall develop standards for recovery programs, reporting requirements, and recoverer certification that at a minimum must comply with the Electronics Recycling Operating Practices of the Institute of Scrap Recycling Industries or other comparable industry or governmental standards. The department shall include standards for environmentally responsible export of covered electronic devices.

Section 48‑60‑140. The department shall promulgate regulations needed to implement this chapter’s provisions including, but not limited to, manufacturers’ plans and manufacturers’ annual reports. The department may propose by regulation, which must be submitted to the General Assembly pursuant to the Administrative Procedures Act, an initial registration fee or annual fee, or both, on manufacturers of covered electronic devices, the proceeds of which must be used only for the purposes of implementing the provisions of this chapter. A fee proposed by the department must be graduated based on the manufacturer’s volume of sales in this State, and small manufacturers may be exempted from any fee.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect July 1, 2011; provided however, a retailer must be allowed an additional period of six months from the effective date of this act to sell any inventory purchased before the effective date of this act before having to comply with the applicable provisions of this act. /

Renumber sections to conform.

Amend title to conform.

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

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

**H. 4520--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Wednesday, March 3, which was adopted:

H. 4520 -- Reps. Bales, Neilson and Clemmons: A BILL TO AMEND SECTION 51-3-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USE OF FACILITIES AND CAMPSITES AT REDUCED RATES BY THE AGED, BLIND, OR DISABLED, SO AS TO PROVIDE THAT SUCH PERSONS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS AT ONE HALF THE PRESCRIBED FEE, AND TO PROVIDE THAT DISABLED VETERANS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS WITHOUT CHARGE; BY ADDING SECTION 51-3-75 SO AS TO PROVIDE THAT BASED ON A REVIEW OF BUSINESS AND PERSONAL USE OF A PARTICULAR STATE PARK OR FACILITY BY THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, AND THE LABOR AND INSURANCE REQUIREMENTS IT SUSTAINS AT THAT FACILITY, IT MAY ALTER THE MANAGEMENT PLAN FOR THAT PARK OR FACILITY BY PERMITTING THE RELETTING OF CAMPSITES, CAMPING FACILITIES, OR OTHER AMENITIES BEFORE THE RENTAL TERM OF THE ORIGINAL RENTER HAS EXPIRED IF VACATED BY THE ORIGINAL RENTER BEFORE THE END OF THE STATED TERM, AND TO PROVIDE THE DEPARTMENT ALSO MAY WAIVE THE CHARGES FOR ITS REUSE AND FOR THE USE OF THESE AND OTHER AMENITIES.

**ORDERED TO THIRD READING**

The following Joint Resolutions were taken up, read the second time, and ordered to a third reading:

H. 4530 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS FOR SPECIES OR SUBSPECIES OF NON-GAME WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4069, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 4531 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4070, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 4200--DEBATE ADJOURNED**

Rep. WYLIE moved to adjourn debate upon the following Bill until Wednesday, March 3, which was adopted:

H. 4200 -- Reps. Cato, Cooper, Wylie and Lucas: A BILL TO AMEND SECTION 12-21-6520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE TOURISM INFRASTRUCTURE ADMISSIONS TAX ACT, SO AS TO PROVIDE A REVISED DEFINITION FOR AN "EXTRAORDINARY RETAIL ESTABLISHMENT" BY INCLUDING WITHIN THAT DEFINITION "AN EXTRAORDINARY TOURISM ESTABLISHMENT" AND REVISE THE REQUIREMENTS TO QUALIFY AS "AN EXTRAORDINARY RETAIL OR TOURISM ESTABLISHMENT"; AND TO AMEND SECTION 12-21-6590, AS AMENDED, RELATING TO THE DESIGNATION OF AN EXTRAORDINARY RETAIL OR TOURISM ESTABLISHMENT BY THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, SO AS TO DELETE THE LIMIT ON SUCH DESIGNATIONS, TO ADD ADDITIONAL INFRASTRUCTURE IMPROVEMENT COSTS WHICH MAY BE INCLUDED WITH RESPECT TO THE CONSTRUCTION OF SUCH FACILITIES, AND TO REVISE THE REQUIREMENTS RELATING TO THE CONDITIONAL CERTIFICATION OF THE QUALIFICATION ON THESE FACILITIES.

**H. 4282--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4282 -- Reps. D. C. Smith, Owens, Littlejohn, Gilliard, Daning, Clemmons and Harrison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A TEXT MESSAGING DEVICE OR A HAND-HELD MOBILE TELEPHONE, AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION.

Reps. CRAWFORD, DUNCAN, WHITMIRE, WEEKS, THOMPSON, UMPHLETT, OWENS, R. L. BROWN, STRINGER, WYLIE, HAMILTON, KING, BEDINGFIELD, DANING and HOSEY requested debate on the Bill.

**H. 3489--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3489 -- Reps. Harrell, Cato, Sandifer, Cooper, Duncan, Owens, White, Bingham, A. D. Young, Huggins, E. H. Pitts, Edge, Toole, Kirsh, J. R. Smith, G. R. Smith, Brady, Crawford, Barfield, Bedingfield, Erickson, Loftis, Pinson, Rice, Hiott, Littlejohn, Allison, Chalk, Daning, Bowen, Gambrell, Hamilton, Wylie, Sottile, Nanney, Parker, Forrester, Haley, Millwood, Battle, Frye, Simrill, Spires, Thompson, Whitmire, Horne, Clemmons, Skelton and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2009" BY AMENDING ARTICLE 1, CHAPTER 32, TITLE 15, PREVIOUSLY RESERVED, SO AS TO PROVIDE DEFINITIONS FOR PURPOSES OF THE CHAPTER; TO AMEND SECTION 15-32-220, AS AMENDED, RELATING TO LIMITS ON NONECONOMIC DAMAGES, AND ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, BOTH SO AS TO PROVIDE LIMITS ON THE AWARD OF NONECONOMIC AND PUNITIVE DAMAGES IN ALL PERSONAL INJURY ACTIONS AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTION 1-7-750 SO AS TO ENACT THE "PRIVATE ATTORNEY RETENTION SUNSHINE ACT" TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES; TO AMEND SECTION 15-3-670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS; BY ADDING SECTION 15-3-160 SO AS TO PROVIDE A REBUTTABLE PRESUMPTION THAT A MANUFACTURER OR SELLER IS NOT LIABLE FOR A PRODUCT IF IT IS MANUFACTURED OR SOLD IN A MANNER APPROVED BY A GOVERNMENT AGENCY; BY ADDING SECTION 15-5-10 SO AS TO PROVIDE REQUIREMENTS AND PROCEDURES TO BRING, MAINTAIN, AND CERTIFY CLASS ACTIONS; TO AMEND SECTION 15-73-10, RELATING TO LIABILITY OF THE SELLER FOR A DEFECTIVE PRODUCT, SO AS TO PROVIDE THAT THE SELLER IS NOT LIABLE FOR DAMAGE CAUSED ONLY TO THE PRODUCT ITSELF; TO AMEND SECTION 18-9-130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; TO AMEND SECTIONS 33-6-220 AND 33-44-303, RELATING TO CORPORATIONS AND LIMITED LIABILITY COMPANIES, SO AS TO PROVIDE THAT A JUDGMENT AGAINST A CORPORATION OR LIMITED LIABILITY COMPANY IS A PREREQUISITE TO AN ALTER EGO CLAIM TO PIERCE THE CORPORATE VEIL; TO AMEND SECTION 39-5-20, RELATING TO UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, SO AS TO PROVIDE ACTIONS OR TRANSACTIONS OTHERWISE PERMITTED OR REGULATED BY THE FEDERAL TRADE COMMISSION OR ANOTHER REGULATORY BODY OR OFFICE ACTING UNDER STATUTORY AUTHORITY OF THIS STATE OR THE UNITED STATES ARE NOT COVERED BY THE ACT; TO AMEND SECTION 39-5-140, RELATING TO AN ACTION FOR DAMAGES ARISING OUT OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, SO AS TO PROVIDE THAT A PERSON SEEKING DAMAGES SHALL PAY "OUT-OF-POCKET EXPENSES" AND TO DEFINE THIS TERM; TO AMEND SECTION 56-5-6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO PROVIDE THAT A VIOLATION MAY BE CONSIDERED IN A CIVIL ACTION AS EVIDENCE OF COMPARATIVE NEGLIGENCE OR AS EVIDENCE OF FAILURE TO MITIGATE DAMAGES; AND TO REPEAL SECTIONS 15-32-200, 15-32-210, AND 15-32-240 ALL RELATING TO NONECONOMIC DAMAGES AND PROCEDURES REGARDING THE LIMITATION AND COLLECTION OF NONECONOMIC DAMAGES.

Reps. SELLERS, WEEKS, CRAWFORD, HOSEY, SKELTON, HART, UMPHLETT, M. A. PITTS, GAMBRELL, LONG, HARRISON, KING, HARRELL, STRINGER, WYLIE, BEDINGFIELD, G. R. SMITH, SANDIFER, CATO and KELLY requested debate on the Bill.

Rep. KELLY 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. 4611 -- Reps. Haley, E. H. Pitts and Huggins: A CONCURRENT RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE UNTIMELY PASSING OF NATHANIEL ROSS PHILLIPS OF LEXINGTON COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY, HIS CAREGIVERS, AND HIS MANY FRIENDS AND ADMIRERS.

H. 4612 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE LIFEPOINT, INC., FOR ITS MANY YEARS OF ASSISTING DONORS IN GIVING THE GIFT OF LIFE THROUGH ORGAN, TISSUE, AND EYE RECOVERY, TO COMMEND NANCY A. KAY, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE ORGANIZATION, FOR HER QUARTER CENTURY OF DEDICATED SERVICE TO LIFEPOINT AND ITS CLIENTS, AND TO CONGRATULATE LIFEPOINT ON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY.

**ADJOURNMENT**

At 5:11 p.m. the House, in accordance with the motion of Rep. T. R. YOUNG, adjourned in memory of Dr. S. Gilmore Eaves of Aiken County, to meet at 10:00 a.m. tomorrow.

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