~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Psalm 49:1: “Hear this, all you people; listen, all who live in this world, both low and high, rich and poor alike: My mouth will speak words of wisdom; the utterance from my heart will give understanding.”

Let us pray. Heavenly Father, open our ears and our hearts to listen to Your call. Give Your strength to these people, who labor so diligently to achieve the results that will help all those in need. Give each Representative wisdom, courage, and integrity to accomplish those things that come from our hearts, so that we all may understand--You provide. Guard our Nation, State, our leaders and their staff, that they may be servants of You and the people whom they serve. 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 yesterday, the SPEAKER ordered it confirmed.

**INTRODUCTION OF BILLS**

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

H. 4667 -- Reps. Neilson, Williams, Whipper, R. L. Brown, Clyburn and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-5-32 SO AS TO PROVIDE THAT IT IS AN UNFAIR TRADE PRACTICE TO CHARGE OR RECEIVE AN UNREASONABLE FEE TO PREPARE, ASSIST, OR ADVISE A PROSPECTIVE APPLICANT, AN APPLICANT, OR A RECIPIENT IN PROCURING, MAINTAINING, OR SECURING OF PUBLIC SOCIAL SERVICES AND TO PROVIDE TREBLE DAMAGES FOR ENGAGING IN THIS UNFAIR TRADE PRACTICE.

Referred to Committee on Judiciary

H. 4668 -- Reps. Neilson, McLeod, Williams, Jefferson, Whipper, R. L. Brown, Clyburn, Hodges and J. H. Neal: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-5-142 SO AS TO PROVIDE THAT IN AN ACTION FOR AN UNFAIR TRADE PRACTICE BROUGHT BY A PERSON WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER, A VULNERABLE ADULT, OR HANDICAPPED, THE PERSON MAY BE AWARDED UP TO FIVE THOUSAND DOLLARS IN ADDITION TO OTHER DAMAGES AND REMEDIES WHERE CERTAIN FINDINGS ARE MADE AND TO PROVIDE FOR THE AWARDING OF COURT COSTS AND ATTORNEY'S FEES.

Referred to Committee on Judiciary

H. 4669 -- Reps. Neilson, Harvin, Jefferson, Brantley, McLeod, Williams, Whipper, R. L. Brown, Clyburn, Hodges and J. H. Neal: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 35, TITLE 43 SO AS TO ESTABLISH FINANCIAL ABUSE OF A PERSON SIXTY-FIVE YEARS OF AGE OR OLDER, A VULNERABLE ADULT, OR A HANDICAPPED PERSON, AS A CIVIL CAUSE OF ACTION; TO DEFINE FINANCIAL ABUSE GENERALLY AS TAKING REAL OR PERSONAL PROPERTY FROM SUCH A PERSON FOR A WRONGFUL USE, WITH INTENT TO DEFRAUD, OR BY UNDUE INFLUENCE OR WHEN SUCH A PERSON LACKS CAPACITY; TO SPECIFY CONDUCT THAT IS DEEMED TO BE FINANCIAL ABUSE; TO AUTHORIZE THE AWARDING OF ATTORNEY'S FEES AND COSTS; AND TO ESTABLISH A FOUR-YEAR STATUTE OF LIMITATIONS.

Referred to Committee on Judiciary

H. 4670 -- Reps. Neilson, Bales, Gambrell, Harvin, Williams, Jefferson, Clyburn, R. L. Brown, J. H. Neal and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15-36-110 SO AS TO ALLOW A CATTLE PRODUCER OR OTHER LIVESTOCK PRODUCER TO RECOVER PUNITIVE DAMAGES IN ADDITION TO RECOVERING ATTORNEY'S FEES AND COSTS ASSOCIATED WITH THE CIVIL ACTION WHEN THE ACTION IS FOUND TO BE FRIVOLOUS.

Referred to Committee on Judiciary

H. 4671 -- Reps. Gunn, Sellers, Brantley, J. H. Neal, Williams, Gilliard, Jefferson, Whipper, Allen, R. L. Brown, Clemmons, Clyburn, Funderburk, Hart, Littlejohn, Lucas and Mitchell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-105 SO AS TO ENACT THE "MILITARY FAMILY LEAVE ACT", TO PROVIDE DEFINITIONS, AND TO PROVIDE FOR LEAVE ENTITLEMENT.

Referred to Committee on Ways and Means

H. 4672 -- Reps. Long, Erickson, Lowe, Scott, Bales, Brady, Daning, Gambrell, Horne, Hutto, Sottile, Umphlett, Willis, Wylie and A. D. Young: A BILL TO AMEND CHAPTER 28, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSURE AND REGULATION OF LANDSCAPE ARCHITECTS, SO AS TO CONFORM THE CHAPTER TO THE STATUTORY ORGANIZATIONAL FRAMEWORK OF CHAPTER 1, TITLE 40 FOR BOARDS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF LANDSCAPE ARCHITECTS.

Referred to Committee on Labor, Commerce and Industry

H. 4673 -- Reps. Long, Erickson, Lowe, Scott, Bales, Brady, Daning, Gambrell, Horne, Hutto, Sottile, Umphlett, Willis, Wylie and A. D. Young: A BILL TO AMEND CHAPTER 65, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS, SO AS TO CONFORM THIS CHAPTER TO THE ORGANIZATIONAL STATUTORY FRAMEWORK ESTABLISHED FOR PROFESSIONS AND OCCUPATIONS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE THAT PERSONS ENGAGING IN PROFESSIONAL SOIL CLASSIFICATION MUST BE LICENSED, RATHER THAN REGISTERED; TO REVISE QUALIFICATIONS FOR LICENSURE; TO PROVIDE GRANDFATHERING PROVISIONS FOR REGISTERED PROFESSIONAL SOIL CLASSIFIERS TO BECOME LICENSED PROFESSIONAL SOIL CLASSIFIERS UPON THE NEXT RENEWAL OF THE PERSON'S REGISTRATION; AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS.

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 | 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 | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lucas |
| McEachern | McLeod | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Weeks |
| Whipper | 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 Wednesday, March 3.

|  |  |
| --- | --- |
| Nikki Haley | Chris Hart |
| Douglas Jennings | David Mack |
| Denny Neilson | Todd Rutherford |
| James E. Stewart | Thad Viers |
| Harold Mitchell | Tracy Edge |

**Total Present--120**

**DOCTOR OF THE DAY**

Announcement was made that Dr. Stanley Baker of Greenwood was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. UMPHLETT presented to the House the Berkeley High School "Stags" Football Team, the 2009 Class AAAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3736 |
| Date: | ADD: |
| 03/03/10 | LOFTIS and LUCAS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4069 |
| Date: | ADD: |
| 03/03/10 | LITTLEJOHN |

**CO-SPONSOR ADDED**

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4411 |
| Date: | ADD: |
| 03/03/10 | J. E. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4478 |
| Date: | ADD: |
| 03/03/10 | JENNINGS |

**CO-SPONSOR ADDED**

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

**CO-SPONSOR ADDED**

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4633 |
| Date: | ADD: |
| 03/03/10 | HARRISON, GUNN, BRADY, J. E. SMITH, HALEY, COBB-HUNTER, CATO, MCEACHERN, HAMILTON, LOFTIS, G. R. SMITH, WYLIE, STRINGER, WILLIS, CLEMMONS, BARFIELD, BALLENTINE, WHITMIRE, WHITE and TOOLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3412 |
| Date: | ADD: |
| 03/03/10 | M. A. PITTS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4192 |
| Date: | ADD: |
| 03/03/10 | M. A. PITTS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4663 |
| Date: | ADD: |
| 03/03/10 | HUGGINS and PINSON |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4622 |
| Date: | REMOVE: |
| 03/03/10 | RICE and WHITE |

**CO-SPONSOR REMOVED**

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

STATEMENT FOR THE JOURNAL

Today I removed my name as a sponsor of H. 4112, after having had some conversation with others. I believe that all Concealed Weapons Permit holders (CWP) should be included in the Bill. No special favors or rights should be extended to Members of the General Assembly that are not available to other CWP holders. If the Bill were to be amended to include all CWP holders, then I would consider co-sponsoring the Bill.

Rep. Eric Bedingfield

**SENT TO THE SENATE**

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

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. 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.

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.

**S. 442--ORDERED TO THIRD READING**

The following Bill was taken up:

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.

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

Yeas 4; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Clyburn | J. R. Smith | Stewart |
| T. R. Young |  |  |

**Total--4**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Frye | D. C. Smith | Spires |

**Total--3**

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

**RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill was taken up, read the third time, and ordered returned to the Senate with amendments:

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.

**H. 3561--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Thursday, March 4, 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. COOPER moved to adjourn debate upon the following Bill until Thursday, March 4, 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.

**H. 4520--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, March 9, 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 Bill and Joint Resolution were taken up, read the second time, and ordered to a third reading:

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.

Rep. COOPER explained the Bill.

S. 1142 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SECRETARY OF STATE, RELATING TO UNIFORM REAL PROPERTY RECORDING ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4078,

PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. VIERS explained the Joint Resolution.

**H. 4225--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4225 -- Reps. Rutherford, McLeod and Weeks: A BILL TO AMEND SECTION 16-3-1400, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARTICLE ON THE VICTIM ASSISTANCE PROGRAM, SO AS TO PROVIDE THAT THE TERM "VICTIM SERVICE PROVIDER" DOES NOT INCLUDE MAGISTRATE OR MUNICIPAL JUDGES AND THEIR STAFF.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7688AHB10), which was adopted:

Amend the bill, as and if amended, by deleting Section 16‑3‑1400(1)(c), as contained in SECTION 1, page 1, lines 38 and 39, and inserting:

/ (c) does not mean a person who is a magistrates court judge, municipal court judge, circuit court judge, special circuit court judge, or family court judge; and /

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

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

**H. 4256--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4256 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 17-30-125, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCIDENCES WHEN THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ORDER CERTAIN PERSONS TO CUT, REROUTE, OR DIVERT TELEPHONE LINES FOR CERTAIN PURPOSES, SO AS TO PROVIDE THAT THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ISSUE ADMINISTRATIVE SUBPOENA TO A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY WHEN IT RECEIVES INFORMATION THAT INDICATES THAT A PERSON'S LIFE IS THREATENED, A PRISONER MAY ESCAPE, A PERSON IS BEING HELD AS A HOSTAGE, A PERSON MAY RESIST ARREST WHILE USING A WEAPON, OR AN ARMED PERSON MAY COMMIT SUICIDE, AND TO PROVIDE THAT THE GOOD FAITH RELIANCE BY A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY TO PROVIDE INFORMATION SPECIFIED IN AN ADMINISTRATIVE SUBPOENA IS A COMPLETE DEFENSE TO A CIVIL, CRIMINAL, OR ADMINISTRATIVE ACTION ARISING OUT OF THE ORDER OR ADMINISTRATIVE SUBPOENA.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11980CM10), which was adopted:

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

/SECTION 1. Section 17‑30‑125 of the 1976 Code, as added by Act 339 of 2002, is amended to read:

“Section 17‑30‑125. (A) The supervising agent of the South Carolina Law Enforcement Division or the supervising law enforcement officer of a political subdivision of this State at the scene of an incident where there is reasonable cause to believe:

(1) that it involves immediate danger of death or serious physical injury to any person or the danger of escape of a prisoner;

(2) that a person is holding one or more hostages;

(3) that there is the probability that a subject about to be arrested will resist with the use of weapons; ~~or~~

(4) that a person has barricaded himself and is armed and is threatening suicide; or

(5) that a threat has been made against a critical infrastructure in South Carolina as defined by 42 U.S.C. 5195c(e); may order law enforcement or telephone company personnel to cut, reroute, or divert telephone lines solely for the purpose of preventing telephone communications between the suspect and any person other than a law enforcement officer or the law enforcement officer’s designee, if the cutting, rerouting, or diverting of telephone lines is technically feasible and can be performed without endangering the lives of telephone company or other utility personnel.

(B) An officer of the court who is employed by the South Carolina Law Enforcement Division, or his designee, when in receipt of information indicating that a situation:

(1) involves a threat of death or serious physical injury to a person or the danger of the escape of a prisoner;

(2) involves a person who is holding one or more hostages;

(3) exists where there is the probability that a person about to be arrested will resist arrest with the use of weapons;

(4) exists where a person has barricaded himself, is armed, and is threatening to commit suicide; or

(5) exists that a threat has been made against a critical infrastructure in South Carolina as defined by 42 U.S.C. 5195c(e); may issue an administrative subpoena to a telephone company, an Internet Service Provider, or another communications entity to provide information needed to resolve a situation contained in this subsection.

(C) The South Carolina Law Enforcement Division is authorized pursuant to the Administrative Procedures Act in Chapter 23, Title 1 to promulgate:

(1) emergency regulations to define the procedures and guidelines needed to issue an administrative subpoena as defined in this section until such time as permanent regulations are promulgated and affirmatively approved by the General Assembly; and

(2) permanent regulations to define the procedures and guidelines needed to issue an administrative subpoena as defined in this section, which are to be affirmatively approved by the General Assembly.

(D) The good faith reliance by a telephone company on an oral or written order to cut, reroute, divert, or intercept telephone lines given by a supervising law enforcement officer ~~under~~ pursuant to subsection (A), or good faith reliance by a telephone company, Internet Service Provider, or another communications entity to provide information specified in an administrative subpoena pursuant to subsection (B), constitutes a complete defense to any civil, criminal, or administrative action arising out of the order or administrative subpoena.

(E) The South Carolina Law Enforcement Division regulations shall comply with the requirements and limitations established in Title 18, U.S.C. Section 2703(c)(2).”

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

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

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

**H. 4261--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4261 -- Reps. Harrison and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-75 SO AS TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, OR HIS DESIGNEE, MAY ISSUE AN ADMINISTRATIVE SUBPOENA FOR THE PRODUCTION OF RECORDS DURING THE INVESTIGATION OF CERTAIN CRIMINAL CASES THAT INVOLVE FINANCIAL CRIMES.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11981CM10), which was adopted:

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

/SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑75. (A) An officer of the court who is employed by the South Carolina Law Enforcement Division, or his designee, when there is reasonable cause, may issue an administrative subpoena for the production of subscriber or customer records, as defined by Title 18, U.S.C. Section 2703(c)(2), during the investigation of criminal cases involving financial crimes. Investigations eligible for an administrative subpoena under this section shall include Section 16‑13‑230 (Breach of Trust with Fraudulent Intent), Section 16‑13‑240 (Obtaining a signature or property by false pretenses), Section 16‑13‑510 et seq (Financial Identity Fraud), Section 16‑14‑20 et seq (Financial transaction card or number theft), Section 16‑14‑60 et seq (Financial transaction card fraud), 16‑16‑10 et seq (Computer Crimes Act), and Section 34‑3‑110 (Crimes against a federally chartered or insured financial institution). Information that may be requested under this section includes, but is not limited to, records from financial institutions, public and private utilities, and communications providers.

(B) A good faith reliance by financial institutions, public and private utilities, communications providers, or other entities to provide information specified in an administrative subpoena pursuant to subsection (A), constitutes a complete defense to any civil, criminal, or administrative action arising out of the administrative subpoena.

(C) The South Carolina Law Enforcement Division is authorized pursuant to the Administrative Procedures Act in Chapter 23, Title 1 to promulgate:

(1) emergency regulations to define the procedures and guidelines needed to issue an administrative subpoena as defined in this subsection until such time as permanent regulations are promulgated and affirmatively approved by the General Assembly; and

(2) permanent regulations to define procedures and guidelines needed to issue an administrative subpoena as defined in this subsection, which are to be affirmatively approved by the General Assembly.

(D) The South Carolina Law Enforcement Division shall promulgate emergency regulations that are in compliance with Title 18, U.S.C. Section 2703(c)(2).”

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

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

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

**H. 4434--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4434 -- Reps. Nanney, Clemmons, Horne and Sellers: A BILL TO AMEND SECTION 7-13-35, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF ELECTION GIVEN BY THE AUTHORITY CHARGED BY LAW WITH CONDUCTING AN ELECTION, SO AS TO DELETE THE REQUIREMENT THAT THE NOTICE BE PUBLISHED IN A NEWSPAPER AND THAT INSTEAD IT BE POSTED ON THE WEBSITE OF THE STATE ELECTION COMMISSION, AND TO PROVIDE THAT THIS NOTICE BE POSTED FORTY-FIVE DAYS INSTEAD OF SIXTY DAYS BEFORE AN ELECTION.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3916DW10):

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

/ SECTION 1. Section 7‑13‑35 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑13‑35. (A) The authority charged by law with conducting an election must publish ~~two notices~~ notice of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. The notice only must include the date, time, and type of election to be held, as well as the date by which a voter shall register in order to vote in the election. The notice must direct readers to the website of the State Election Commission for further information.

(B) The authority charged by law with conducting an election shall cause to be posted on the website of the State Elections Commission a notice of general, municipal, special, and primary elections held in the county. Included in each notice must be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return‑addressed envelopes containing absentee ballots may begin at ~~2:00 p.m.~~ 9:00 a.m. on election day at a place designated in the notice by the authority charged with conducting the election.

(C) The ~~first~~ notice must appear, in a paper of general circulation and on the State Elections Commission website, not later than ~~sixty~~ forty‑five days before the election ~~and the second notice must appear not later than two weeks after the first notice~~.

(D) The authority charged by law with conducting an election also shall cause to be posted on either the county or municipal board of election website, as appropriate, a conspicuous link to the website of the State Elections Commission. Nothing in the this section, must be construed to require a county or municipal board of election to create or maintain a website.” /

Renumber sections to conform.

Amend title to conform.

Rep. NANNEY explained the amendment.

Reps. KENNEDY, J. H. NEAL, COBB-HUNTER, HOSEY, CLYBURN, OTT, WILLIAMS, JEFFERSON, HART, MCEACHERN, GUNN, HARVIN, CLEMMONS, NORMAN, KING, PARKS, NANNEY, ERICKSON and NEILSON requested debate on the Bill.

**H. 4248--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4248 -- Reps. Horne, Allison, Daning, Long, Littlejohn, Wylie, Gunn, Ballentine, Clemmons and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-19-115 SO AS TO REQUIRE A SUBSTITUTE TEACHER HIRED BY A LOCAL SCHOOL DISTRICT TO UNDERGO A CRIMINAL RECORD SEARCH, TO REQUIRE EACH SCHOOL DISTRICT TO DEVELOP A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCH, TO PROVIDE WHAT THE POLICY MUST INCLUDE, AND TO REQUIRE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROVIDE TRAINING TO APPROPRIATE SCHOOL DISTRICT PERSONNEL; AND TO AMEND SECTION 23-3-115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO FIX THE FEE AT EIGHT DOLLARS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\_ AMENDMENTS\19900BH10KRL):

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

/ SECTION 1. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑115. An individual hired by a local school district board of trustees to serve as a substitute teacher shall undergo a name-based South Carolina criminal record search conducted by the local school district using records maintained by the State Law Enforcement Division pursuant to regulations contained in Subarticle 1, Article 3, Chapter 73 of the Code of Regulations, at no charge to the school district. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts substitute teacher hiring decisions. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 to serve as substitute teachers and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in criminal record searches.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HORNE explained the amendment.

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

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 4556 from the Committee on Rules.

Rep. WHITE objected.

**OBJECTION TO RECALL**

Rep. DUNCAN asked unanimous consent to recall S. 1095 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. KENNEDY objected.

**H. 3536--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. J. E. SMITH, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 3536 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 17-5-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS WITH HIGH SCHOOL DIPLOMAS TO ALSO HAVE AT LEAST SIX YEARS' EXPERIENCE IN THE FIELD, BY REQUIRING THOSE PERSONS WITH A TWO YEAR ASSOCIATE DEGREE TO ALSO HAVE FOUR YEARS OF EXPERIENCE IN THE FIELD, AND BY REQUIRING THOSE PERSONS WITH A FOUR YEAR BACCALAUREATE DEGREE TO ALSO HAVE AT LEAST TWO YEARS OF EXPERIENCE IN THE FIELD; AND TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON'S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN.

**H. 4629--RECALLED AND REFERRED TO COMMITTEE ON WAYS AND MEANS**

On motion of Rep. COOPER, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary and was referred to the Committee on Ways and Means:

H. 4629 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14-1-240 SO AS TO IMPOSE A SURCHARGE ON CASES INVOLVING CRIMINAL DOMESTIC VIOLENCE OFFENSES IN A COURT IN THIS STATE, TO PROVIDE FOR THE USE OF THE REVENUE COLLECTED FROM THIS SURCHARGE, TO EXPRESS THE INTENTION THAT THIS REVENUE NOT BE USED TO SUPPLANT EXISTING FUNDING FOR CERTAIN SERVICES RELATED TO THE CRIMINAL DOMESTIC VIOLENCE PROSECUTION, AND TO ENABLE THE STATE AUDITOR TO EXAMINE CERTAIN RELATED FINANCIAL RECORDS AT THE REQUEST OF THE STATE TREASURER.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3340 from the Committee on Education and Public Works.

Rep. WHITMIRE objected.

**OBJECTION TO RECALL**

Rep. VIERS asked unanimous consent to recall S. 1095 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. KENNEDY objected.

**S. 1099--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. HARRISON, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Judiciary:

S. 1099 -- Senator McConnell: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUME 22 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2010.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3083 from the Committee on Education and Public Works.

Rep. WHITMIRE objected.

**S. 1095--RECALLED FROM COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

On motion of Rep. G. M. SMITH, with unanimous consent, the following Concurrent Resolution was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs:

S. 1095 -- Senators Cleary, Cromer, Campsen, Land and Davis: A CONCURRENT RESOLUTION TO OPPOSE ANY FISHING AREA CLOSURES OFF THE COAST OF SOUTH CAROLINA ASSOCIATED WITH THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL'S PROPOSED AMENDMENT 17A TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION.

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

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.

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 4; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Harrell | Horne | Knight |
| A. D. Young |  |  |

**Total--4**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kirsh |  |  |

**Total--1**

So, the Veto of the Governor was overridden 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 upon the Senate Amendments until Thursday, March 4, 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. COOPER moved to adjourn debate on the Senate Amendments, 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. COOPER moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 3442--DEBATE ADJOURNED**

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

H. 3442 -- Reps. Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E. H. Pitts, G. M. Smith, Daning, Haley, Huggins, Cato, Ballentine, D. C. Smith, J. R. Smith, Rice, T. R. Young, Horne, Wylie, Bedingfield, Clemmons, Bales, Lucas, Neilson, Long, J. M. Neal and M. A. Pitts: 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.

Rep. BINGHAM moved to adjourn debate upon the Senate Amendments until Tuesday, March 9, which was agreed to.

**S. 424--DEBATE ADJOURNED**

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

S. 424 -- Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O'Dell, Bryant and Massey: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

Rep. CRAWFORD moved to adjourn debate upon the Senate Amendments until Thursday, March 4, which was agreed to.

**H. 3280--DEBATE ADJOURNED**

Rep. T. R. YOUNG moved to adjourn debate upon the following Joint Resolution until Thursday, March 4, which was adopted:

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.

**MOTION PERIOD**

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

**H. 3608--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill until Tuesday, March 9, 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.

**H. 3736--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3736 -- Reps. Rice, Cato, Hiott, Owens, Wylie, Clemmons, Viers, Bedingfield, Loftis and Lucas: A BILL TO AMEND SECTION 41-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED DEDUCTIONS OF LABOR ORGANIZATION MEMBERSHIP DUES FROM WAGES, SO AS TO REVISE THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEDUCTIONS MAY BE MADE AND FOR CERTAIN PROHIBITED DEDUCTIONS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3857DW10), which was adopted:

Amend the bill, as and if amended, Section 41‑7‑40(A), SECTION 1, page 2, lines 4 and 6, after /written/ by inserting / or electronic /.

When amended subsection (A) reads:

/ (A) It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received a signed written or electronic authorization for the deductions, which authorization may be revoked by the employee at any time by giving written or electronic notice of the revocation to the employer. /

Amend further by striking subsection (B) in its entirety.

Reletter subsections to conform.

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

The amendment was then adopted.

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

Yeas 87; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | H. B. Brown | Cato |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Jennings | Kelly | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lucas |
| McLeod | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| 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 | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--87**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Brantley |
| R. L. Brown | Cobb-Hunter | Dillard |
| Gilliard | Govan | Gunn |
| Hart | Harvin | Hodges |
| Hosey | Howard | Jefferson |
| Kennedy | King | McEachern |
| Mitchell | J. H. Neal | Parks |
| Rutherford | Sellers | Weeks |
| Whipper | Williams |  |

**Total--26**

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

**H. 4479--REJECTED**

The following Bill was taken up:

H. 4479 -- Reps. Clemmons, M. A. Pitts, D. C. Moss, Crawford and Viers: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM SOUTH CAROLINA TAXABLE INCOME OF INDIVIDUALS FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO INCLUDE DETENTION OFFICERS AND TELECOMMUNICATIONS PERSONNEL WITHIN THE CATEGORY OF LAW ENFORCEMENT OFFICERS ELIGIBLE TO CLAIM THE EIGHT DOLLARS A DAY SUBSISTENCE ALLOWANCE DEDUCTION FOR LAW ENFORCEMENT OFFICERS, FIRE FIGHTERS, AND EMERGENCY MEDICAL SERVICE PERSONNEL.

Rep. CLEMMONS explained the Bill.

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

Yeas 41; Nays 67

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bannister | Barfield |
| Bowen | Bowers | Brady |
| H. B. Brown | Chalk | Clyburn |
| Crawford | Daning | Gambrell |
| Gilliard | Govan | Gunn |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hutto | Limehouse | Long |
| Miller | D. C. Moss | V. S. Moss |
| Neilson | Ott | Pinson |
| M. A. Pitts | Sandifer | Scott |
| Sellers | G. M. Smith | G. R. Smith |
| Sottile | Stavrinakis | Umphlett |
| Viers | Willis |  |

**Total--41**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Ballentine | Battle | Bedingfield |
| Bingham | Brantley | G. A. Brown |
| R. L. Brown | Cato | Clemmons |
| Cole | Cooper | Delleney |
| Dillard | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Haley | Hamilton | Hart |
| Harvin | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Kirsh | Knight | Littlejohn |
| Loftis | Lucas | Mack |
| McEachern | McLeod | Millwood |
| Mitchell | Nanney | J. H. Neal |
| J. M. Neal | Norman | Owens |
| Parker | Parks | Rice |
| Rutherford | Simrill | Skelton |
| J. E. Smith | J. R. Smith | Spires |
| Stringer | Thompson | Toole |
| Weeks | Whipper | White |
| Whitmire | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--67**

So, the Bill was rejected.

RECORD FOR VOTING

I inadvertently voted in the negative on H. 4479, however, my intention was to vote in the affirmative.

Rep. James M. Neal

**H. 4478--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill, which was adopted:

H. 4478 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D. C. Moss, Horne, Skelton, V. S. Moss, Bannister, Whitmire, Toole, J. R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Gilliard, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hosey, Hutto, Jefferson, Kelly, Huggins, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J. M. Neal, Norman, Ott, Parker, Parks, Pinson, M. A. Pitts, Rice, Scott, Sellers, Simrill, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A. D. Young, T. R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE "SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010" INCLUDING PROVISIONS TO AMEND SECTION 2-75-30, AS AMENDED, RELATING TO RESEARCH CENTERS OF EXCELLENCE MATCHING ENDOWMENTS, SO AS TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 2-75-50, AS AMENDED, RELATING TO APPLICATION REQUIREMENTS FOR AN AWARD FROM THE CENTERS OF EXCELLENCE MATCHING ENDOWMENT, SO AS TO CLARIFY WHAT THE CONTENTS OF AN APPLICATION TO THE REVIEW BOARD MUST CONTAIN; TO AMEND SECTION 4-12-30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-67, AS AMENDED, 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, AND TO DELETE A PROVISION REQUIRING THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-68, AS AMENDED, RELATING TO SPECIAL SOURCE REVENUE BONDS WHICH MAY BE ISSUED BASED ON THE RECEIPT OF CERTAIN REVENUES, SO AS TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR THE ALLOCATION, REALLOCATION, AND ISSUANCE OF FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 4-29-10, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO INDUSTRIAL DEVELOPMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF "PROJECT" TO INCLUDE RECOVERY ZONE PROPERTY AS DEFINED BY FEDERAL LAW; TO AMEND SECTION 12-6-530, RELATING TO THE CORPORATE INCOME TAX, SO AS TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN-YEAR PERIOD IN INTERVALS OF ONE-HALF PERCENT PER YEAR; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO JOB TAX CREDITS, SO AS TO REVISE THE DESIGNATION TERMINOLOGY FOR COUNTIES COMING WITHIN SPECIFIC CLASSIFICATIONS, TO FURTHER PROVIDE FOR THE CRITERIA FOR DETERMINING HOW COUNTIES FALL WITHIN CERTAIN TIERS, AND TO REVISE SPECIFIC TERMS OR DEFINITIONS USED FOR PURPOSES OF THIS SECTION; TO AMEND SECTION 12-6-3375, AS AMENDED, RELATING TO TAX CREDITS FOR PORT CARGO VOLUME INCREASES, SO AS TO REVISE THE MANNER IN WHICH TAX CREDIT ALLOCATIONS ARE DETERMINED AND THE AMOUNT OF THE CREDITS WHICH MAY BE ALLOCATED TO A QUALIFYING TAXPAYER; TO AMEND SECTION 12-10-30, AS AMENDED, RELATING TO DEFINITIONS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THE DEFINITIONS OF "EMPLOYEE" AND "PROJECT"; TO AMEND SECTION 12-10-50, AS AMENDED, RELATING TO QUALIFICATIONS FOR BENEFITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THESE QUALIFICATIONS AND TO FURTHER PROVIDE FOR WHAT A BUSINESS MUST DO TO MEET THESE QUALIFICATIONS; TO AMEND SECTION 12-10-60, AS AMENDED, RELATING TO REVITALIZATION AGREEMENTS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO FURTHER PROVIDE FOR THE TERMS, CONDITIONS, AND APPLICATION OF THESE REVITALIZATION AGREEMENTS, PROVIDE FOR WHEN SUCH AN AGREEMENT MUST BE EXECUTED, AND PERMIT THE ASSIGNMENT OF ENTERPRISE PROGRAM BENEFITS UNDER CERTAIN CONDITIONS; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO EXPAND ELIGIBLE EXPENDITURES WHICH QUALIFY FOR THE CREDIT, TO CAP THE AMOUNT OF THE CREDITS PER JOB PER YEAR, TO REVISE CERTAIN TERMINOLOGY TO CONFORM TO EARLIER CHANGES HEREIN, TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN THESE CREDITS MAY BE CLAIMED AND THE MANNER OF THE DETERMINATION OF CERTAIN FACTORS NECESSARY TO QUALIFY FOR THE CREDITS, AND TO PROVIDE FOR THE SUSPENSION OF THE CREDITS UNDER CERTAIN CONDITIONS AND FOR WHEN THE CREDITS MAY BE CLAIMED; TO AMEND SECTION 12-10-85, AS AMENDED, RELATING TO THE PURPOSE AND USE OF STATE RURAL INFRASTRUCTURE FUNDS, SO AS TO REVISE THE PURPOSES FOR WHICH THESE FUNDS MAY BE USED AND THEIR AVAILABILITY; TO AMEND SECTION 12-14-20, RELATING TO THE PURPOSES OF THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THESE PURPOSES; TO AMEND SECTION 12-14-60, AS AMENDED, RELATING TO INVESTMENT TAX CREDITS UNDER THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THE AMOUNT OF THE CREDITS, THE QUALIFYING CRITERIA FOR THE CREDITS, AND FOR THE APPLICABILITY OF CERTAIN PROVISIONS TO THESE CREDITS; TO AMEND SECTION 12-15-10, RELATING TO THE CITATION OF THE SOUTH CAROLINA LIFE SCIENCES ACT, SO AS TO CHANGE THE CITATION; TO AMEND SECTION 12-15-20, RELATING TO DEFINITIONS UNDER THE RENAMED LIFE SCIENCES AND RENEWABLE ENERGY MANUFACTURING ACT, SO AS TO DEFINE THE TERM "RENEWABLE ENERGY MANUFACTURING FACILITY"; TO AMEND SECTION 12-15-30, RELATING TO QUALIFICATIONS OF CERTAIN EXPENSES UNDER THE ENTERPRISE ZONE ACT, PROCEDURES FOR WAIVERS, AND THE DURATION OF THESE PROVISIONS, SO AS TO EXPAND THE TYPES OF FACILITIES THAT QUALIFY AND THE DURATION OF THESE PROVISIONS; TO AMEND SECTION 12-15-40, RELATING TO INCOME TAX ALLOCATION AND APPORTIONMENT AGREEMENTS BETWEEN THE DEPARTMENT OF REVENUE AND TAXPAYERS ESTABLISHING A LIFE SCIENCES FACILITY, SO AS TO EXPAND THE TYPES OF FACILITIES TO WHICH THIS PROVISION APPLIES; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO CREDITS AGAINST ITS CORPORATE LICENSE TAX LIABILITY FOR A COMPANY WHO PAYS CASH FOR INFRASTRUCTURE FOR AN ELIGIBLE PROJECT, SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY FOR THE CREDIT UNDER CERTAIN CIRCUMSTANCES OR THE CONTINUATION OF THE CREDIT; TO AMEND SECTION 12-28-2910, AS AMENDED, RELATING TO THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO AUTHORIZE THE COUNCIL TO EXPEND CERTAIN FUNDS FOR SPECIFIED PURPOSES UNDER SPECIFIED CONDITIONS; TO AMEND SECTION 12-37-930, RELATING TO VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES AND DEPRECIATION ALLOWANCES FOR MANUFACTURERS, MACHINERY, AND EQUIPMENT, SO AS TO INCLUDE MACHINERY AND EQUIPMENT OF A RENEWABLE ENERGY MANUFACTURING FACILITY WITHIN THE DEPRECIATION ALLOWANCES ALLOWED FOR MACHINERY AND EQUIPMENT OF A LIFE SCIENCES FACILITY, AND TO DEFINE WHAT IS A QUALIFYING FACILITY; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSIFICATION OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES, SO AS TO PROVIDE THAT REAL PROPERTY OWNED BY OR LEASED TO A MANUFACTURER AND USED PRIMARILY RATHER THAN EXCLUSIVELY FOR WAREHOUSING AND WHOLESALE DISTRIBUTION IS NOT CONSIDERED USED BY THE MANUFACTURER IN THE CONDUCT OF ITS BUSINESS FOR PROPERTY TAX CLASSIFICATION PURPOSES; 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; 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; TO AMEND SECTION 12-44-50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FEE AGREEMENT UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 12-44-130, AS AMENDED, RELATING TO MINIMUM INVESTMENTS TO QUALIFY FOR A FEE AND OTHER REQUIREMENTS, SO AS TO CORRECT A REFERENCE; AND TO REPEAL SECTION 12-6-3450 RELATING TO AN INCOME TAX CREDIT FOR PERSONS TERMINATED FROM EMPLOYMENT AS A RESULT OF THE CLOSING OR REALIGNMENT OF A FEDERAL MILITARY INSTALLATION, SECTION 12-10-88 RELATING TO REDEVELOPMENT FEES IN REGARD TO CLOSED OR REALIGNED MILITARY INSTALLATIONS, SECTIONS 12-14-30, 12-14-40, 12-14-50, AND 12-14-70 RELATING TO ECONOMIC IMPACT ZONES AND ALLOWABLE DEDUCTIONS AGAINST SOUTH CAROLINA TAXABLE INCOME IN REGARD TO THESE ECONOMIC IMPACT ZONES.

**H. 4551--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill, which was adopted:

H. 4551 -- Reps. Sandifer, Thompson, Bedingfield, Hayes, Brady, Mack, Harrell, Cato, Ott, Harrison, Duncan, J. R. Smith, White, Cooper, Hutto, Horne, Cobb-Hunter, Anderson, Hodges, Harvin, Skelton and Gunn: A BILL TO AMEND SECTION 23-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITION OF TERMS ASSOCIATED WITH THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO REVISE THE DEFINITION OF SEVERAL EXISTING TERMS AND TO PROVIDE DEFINITIONS FOR SEVERAL NEW TERMS; TO AMEND SECTION 23-47-20, AS AMENDED, RELATING TO 911 SYSTEM SERVICE REQUIREMENTS, SO AS TO DELETE "A CAPABILITY TO HAVE CELLULAR PHONES ROUTED TO 911" AS A SYSTEM REQUIREMENT AND TO ADD "ROUTING AND CAPABILITIES TO RECEIVE AND PROCESS CMRS SERVICE AND VOIP SERVICE CAPABLE OF MAKING 911 CALLS" AS A SYSTEM REQUIREMENT; TO AMEND SECTION 23-47-50, RELATING TO SUBSCRIBER BILLING OR 911 SERVICE, SO AS TO PROVIDE THAT FOR THE BILLING OF 911 CHARGES FOR LOCAL EXCHANGE ACCESS FACILITIES THAT ARE CAPABLE OF SIMULTANEOUSLY CARRYING FIVE OR MORE OUTGOING 911 VOICE CALLS, TO REVISE THE 911 CHARGE THAT PREPAID WIRELESS TELECOMMUNICATIONS SERVICE IS SUBJECT TO AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-47-65, RELATING TO THE CMRS EMERGENCY TELEPHONE ADVISORY COMMITTEE, SO AS TO REVISE THE NAME OF THE COMMITTEE AND ITS MEMBERSHIP, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE COMMITTEE AND THE STATE BUDGET AND CONTROL BOARD ARE AUTHORIZED TO REGULATE PREPAID WIRELESS SELLERS; BY ADDING SECTION 23-47-67 SO AS TO IMPOSE A VOIP 911 CHARGE ON EACH LOCAL EXCHANGE ACCESS FACILITY, AND TO PROVIDE FOR THE COLLECTION OF THE CHARGE AND ITS DISTRIBUTION; BY ADDING SECTION 23-47-68 SO AS TO IMPOSE A PREPAID WIRELESS 911 CHARGE, AND TO PROVIDE FOR ITS COLLECTION AND DISTRIBUTION; BY ADDING SECTION 23-47-69 SO AS TO LIMIT THE CHARGES THAT MAY BE IMPOSED FOR 911 SERVICE; AND TO AMEND SECTION 23-47-70, RELATING TO LIABILITY FOR DAMAGES THAT MAY OCCUR FROM A GOVERNMENTAL AGENCY PROVIDING 911 SERVICE, SO AS TO PROVIDE FOR LIABILITY WHEN 911 SERVICE IS PROVIDED AND WHEN IT IS NOT PROVIDED PURSUANT TO TARIFFS ON FILE WITH THE PUBLIC SERVICE COMMISSION AND TO MAKE A TECHNICAL CHANGE.

**H. 4282--DEBATE ADJOURNED**

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

H. 4282 -- Reps. D. C. Smith, Owens, Littlejohn, Gilliard, Daning, Hosey, 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.

**H. 3489--INTERRUPTED 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.

Rep. SELLERS moved to adjourn debate on the Bill until Saturday, January 1, 2011.

Rep. HARRISON moved to table the motion.

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

Yeas 93; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| G. A. Brown | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Erickson | Forrester |
| Frye | Gambrell | Govan |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hayes | Hearn |
| Hiott | Horne | Howard |
| Huggins | Hutto | Jennings |
| Kelly | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lucas | McEachern |
| McLeod | Miller | Millwood |
| D. C. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--93**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Bowers |
| Brantley | R. L. Brown | Gilliard |
| Hart | Hosey | Jefferson |
| Kennedy | King | Mack |
| Mitchell | M. A. Pitts | Rutherford |
| Sellers | J. E. Smith | Weeks |
| Whipper |  |  |

**Total--19**

So, the motion to adjourn debate was tabled.

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

Rep. HARRISON moved to table the motion.

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

Yeas 85; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| G. A. Brown | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Erickson | Forrester | Frye |
| Gambrell | Govan | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Hiott | Horne |
| Huggins | Hutto | Kelly |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lucas |
| McEachern | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--85**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Bowers |
| Brantley | R. L. Brown | Gilliard |
| Hart | Hosey | Jefferson |
| Jennings | Kennedy | King |
| Mack | Mitchell | J. H. Neal |
| Rutherford | Sellers | J. E. Smith |
| Weeks | Whipper | Williams |

**Total--21**

So, the motion to recommit the Bill was tabled.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7683AHB10):

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

/ SECTION 1. This act may be cited as the “South Carolina Fairness in Civil Justice Act of 2010”.

SECTION 2. Chapter 32, Title 15 of the 1976 Code is amended by adding:

“Article 5

Punitive Damages

Section 15‑32‑510. (A) A claim for punitive damages must be specifically prayed for in the complaint.

(B) The plaintiff shall not specifically plead an amount of punitive damages, only that punitive damages are sought in the action.

Section 15‑32‑520. (A) All actions tried before a jury involving punitive damages, if requested by any defendant against which punitive damages are sought, must be conducted in a bifurcated manner before the same jury.

(B) In the first stage of a bifurcated trial, the jury shall determine liability for compensatory damages and the amount of compensatory or nominal damages. Evidence relevant only to the issues of punitive damages is not admissible at this stage.

(C) Punitive damages may be considered if compensatory damages have been awarded in the first stage of the trial. An award of nominal damages cannot support an award of punitive damages.

(D) Punitive damages may only be awarded if the plaintiff proves by clear and convincing evidence that his harm was the result of the defendant’s wilful, wanton, or reckless conduct.

(E) In the second stage of a bifurcated trial, the jury shall determine if a defendant is liable for punitive damages and, if determined to be liable, the amount of punitive damages. In determining the amount of punitive damages, the jury may consider all relevant evidence, including, but not limited to:

(1) the defendant’s degree of culpability;

(2) the severity of the harm caused by the defendant;

(3) the extent to which the plaintiff’s own conduct contributed to the harm;

(4) the duration of the conduct, the defendant’s awareness, and any concealment by the defendant;

(5) the existence of similar past conduct;

(6) the profitability of the conduct to the defendant;

(7) the defendant’s ability to pay;

(8) the likelihood the award will deter the defendant or others from like conduct;

(9) the awards of punitive damages against the defendant in any state or federal court action alleging harm from the same act or course of conduct complained of by the plaintiff;

(10) any criminal penalties imposed on the defendant as a result of the same act or course of conduct complained of by the plaintiff; and

(11) the amount of any civil fines assessed against the defendant as a result of the same act or course of conduct complained of by the plaintiff.

(F) If punitive damages are awarded, the trial court shall review the jury’s decision, considering all relevant evidence, including the factors identified in subsection (E), to ensure that the award is not excessive or the result of passion or prejudice.

(G) In an action with multiple defendants, a punitive damages award must be specific to each defendant, and each defendant is liable only for the amount of the award made against that defendant.

Section 15‑32‑530. (A) An award of punitive damages may not exceed three times the amount of the plaintiff’s compensatory damages award or three hundred fifty thousand dollars, whichever is greater.

(B) The limitations provided in subsection (A) do not apply in the following situations, when the:

(1) fact finder determines that at the time of the plaintiff’s injury the defendant pursued a course of conduct that the defendant knew or should have known would cause injury or damage;

(2) defendant pleads guilty to or is convicted of a felony arising out of the same act or course of conduct complained of by the plaintiff and that act or course of conduct is the proximate cause of the plaintiff’s damages; or

(3) fact finder determines that the defendant acted or failed to act while under the influence of alcohol, drugs, other than lawfully prescribed drugs administered in accordance with a prescription, or any intentionally consumed glue, aerosol, or other toxic vapor to the degree that defendant’s judgment is substantially impaired.

(C) The limitations provided in subsection (A) may not be disclosed to the jury. If the jury returns a verdict for punitive damages in excess of the maximum amount specified in subsection (A) and the exemptions in subsection (B) do not apply, the court shall reduce the award and enter judgment for punitive damages in the maximum amount allowed in subsection (A).”

SECTION 3. Article 5, Chapter 7, Title 1 of the 1976 Code is amended by adding:

“Section 1‑7‑750. (A) This section may be cited as the ‘Private Attorney Retention Sunshine Act’.

(B) Except as provided in Section 1‑7‑760, when the Attorney General or a circuit solicitor retains, engages, associates, hires, or otherwise obtains a private attorney, attorneys, or law firm as outside counsel for any reason, the outside counsel is required to enter into a contract that is governed by the following terms, provisions, or conditions:

(1) the Attorney General or circuit solicitor, in his sole discretion has the right to appoint a designated assistant, who must be an assistant attorney general or assistant solicitor, to oversee the litigation or other matter for which outside counsel has been retained, which appointment the Attorney General or circuit solicitor may modify at will;

(2) the Attorney General or circuit solicitor may provide attorneys and other staff members to assist outside counsel with the litigation. The identity and responsibilities of personnel assigned to assist must be determined solely by the Attorney General or circuit solicitor. All pleadings, motions, briefs, formal documents, and agreements must bear the signature of the Attorney General or circuit solicitor or his designated assistant;

(3) outside counsel shall coordinate the provision of legal services with the Attorney General or circuit solicitor or his designated assistant, other personnel of the Office of the Attorney General or circuit solicitor, and other persons the Attorney General or circuit solicitor may appoint as outside counsel. All pleadings, motions, briefs, and other material which may be filed with the court must first be approved by the Attorney General or circuit solicitor and provided to his office in draft form in a reasonable and timely manner for review;

(4) outside counsel will render services as an independent contractor. Neither outside counsel nor an employee of outside counsel is regarded as employed by, or as an employee of, the Attorney General, a circuit solicitor, or the State. An attorney‑client relationship exists between the Attorney General or circuit solicitor and outside counsel;

(5) detailed time and cost records reflecting all work must be maintained by outside counsel and presented monthly to the Attorney General or circuit solicitor;

(6) the Attorney General or circuit solicitor or his designated assistant shall approve in advance all aspects of the litigation or other matter for which outside counsel is retained and must be included in settlement discussions. Outside counsel agrees that all settlements must receive the Attorney General’s or circuit solicitor’s express prior approval in writing;

(7) any material, data, files, discs, or documents created, produced, or gathered by outside counsel, or in outside counsel’s possession in furtherance of the litigation or other matter for which outside counsel has been retained, or which fulfills an obligation of the appointment, is considered the exclusive property of the State. Outside counsel agrees to adhere to the South Carolina Freedom of Information Act, pursuant to Chapter 4, Title 30, and maintain all public records concerning the matter in accordance with state law provided; however, that outside counsel shall consult with, and obtain the approval of, the Attorney General or circuit solicitor before responding to a public records request. The contract of retention that satisfies this section is considered a public document. At the conclusion of the litigation or other matter for which outside counsel has been retained, all time records and monthly statements maintained or presented by outside counsel are public documents;

(8) in contingent fee cases, outside counsel may not receive compensation for services rendered unless the State receives a settlement or damage award in connection with the litigation. If the State receives an award, outside counsel will be compensated as follows:

(a) outside counsel may not be paid, not including punitive or exemplary damages, more than the following percentages corresponding to the amount of the judgment or settlement:

(i) twenty‑three percent of the judgment or settlement up to and including the first $5,000,000;

(ii) nineteen percent of that portion of the judgment or settlement in excess of $5,000,000 up to $10,000,000;

(iii) fifteen percent of that portion of the judgment or settlement in excess of $10,000,000 up to $25,000,000;

(iv) eleven percent of that portion of the judgment or settlement in excess of $25,000,000 up to $50,000,000;

(v) seven percent of that portion of the judgment or settlement in excess of $50,000,000 but less than $100,000,000; and

(vi) four percent of that portion of the judgment or settlement in excess of $100,000,000.

Provided, that the Attorney General or circuit solicitor shall retain ten percent of outside counsel’s fees awarded pursuant to this subitem;

(b) the remaining net settlement or judgment proceeding, but not including punitive or exemplary damages, must be paid or applied to or for the State or the people of South Carolina or the victims in a manner to be determined by the Attorney General or circuit solicitor in his sole discretion; and

(c) outside counsel may not be paid more than the following percentages corresponding to the amount of punitive or exemplary damages:

(i) ten percent of the damages up to and including the first $10,000,000;

(ii) five percent of that portion of the damages in excess of $10,000,000 up to $100,000,000; and

(iii) three percent of that portion of the damages in excess of $100,000,000.

Provided, that the Attorney General or circuit solicitor shall retain ten percent of outside counsel’s fees awarded pursuant to this subitem;

(d) the remaining amount of punitive and exemplary damages must be paid or applied to or for the State or the people of South Carolina or the victims in a manner to be determined by the Attorney General or circuit solicitor in his sole discretion;

(e) all settlement or judgment proceeds shall be paid by or on behalf of any defendant to the Attorney General or circuit solicitor’s office for distribution; and

(f) the fee schedule required by this section applies to all settlements or judgments, whether the settlement or judgment is entirely monetary in nature or is combined with nonmonetary relief. Should the litigation be resolved by settlement or judgment involving a combination of monetary and nonmonetary relief, such as injunctive relief, nonmonetary payment, the provision of goods or services or other in kind terms, or a combination of these, the Attorney General or circuit solicitor shall determine the monetary value to the State;

(9) outside counsel must be reimbursed solely from the gross recovery of the litigation or other matter for which outside counsel has been retained as approved by the Attorney General or circuit solicitor for reasonable expenses and costs. Proper documentation by receipts or otherwise must be submitted with all invoices and all documentation must be retained by outside counsel for at least one year following the agreement’s termination. All expenses must be itemized and no reimbursement may be applied for or requested for miscellaneous listings. The Attorney General or circuit solicitor in his sole discretion may decline to reimburse outside counsel for improperly documented, unnecessary, or unreasonable costs or expenses. In addition:

(a) outside counsel must be reimbursed for the retention of experts, including fees and other reasonable costs, only when expressly authorized by the Attorney General or circuit solicitor; and

(b) for reimbursements of expenses for lodging, travel, or mileage, receipts are required and these expenses must be expressly authorized in advance by the Attorney General or circuit solicitor; and

(10) outside counsel may not speak to any representative of a television station, radio station, newspaper, magazine, or other media outlet concerning the work outlined or contemplated in the contract of retention without first obtaining approval of the Attorney General or circuit solicitor. Outside counsel is specifically prohibited from speaking on behalf of the Attorney General or circuit solicitor or the State of South Carolina to any representative of the news media.

Section 1‑7‑760. The provisions of Section 1‑7‑750 may be suspended only under certain conditions when the Attorney General or the circuit solicitor, in his discretion, decides that exceptional circumstances exist which warrant departure from the requirements of Section 1‑7‑750 and in his judgment that departure is absolutely necessary and in the best interests of the State. If the Attorney General or the circuit solicitor decides to invoke the provisions of this section, he must specifically state in writing those provisions of Section 1‑7‑750 that he intends to depart from and must delineate the exceptional circumstances that he finds exists as they relate to each provision. This information is considered public information and is subject to disclosure pursuant to the Freedom of Information Act as provided in Chapter 4, Title 30.”

SECTION 4. Section 15‑3‑670 of the 1976 Code is amended to read:

“Section 15‑3‑670. (A) The limitation provided by Sections 15‑3‑640 through 15‑3‑660 may not be asserted as a defense by ~~any~~ a person in actual possession or control, as owner, tenant, or otherwise, of the improvement at the time the defective or unsafe condition constitutes the proximate cause of the injury or death for which it is proposed to bring an action, in the event ~~such~~ the person in actual possession or control knows, or reasonably should have known, of the defective or unsafe condition. The limitations provided by Sections 15‑3‑640 through 15‑3‑660 are not available as a defense to ~~any~~ a person guilty of fraud, gross negligence, or recklessness in providing components in furnishing materials, in developing real property, in performing or furnishing the design, plans, specifications, surveying, planning, supervision, testing or observation of construction, construction of, or land surveying, in connection with such an improvement, or to ~~any~~ a person who conceals any such cause of action.

(B) For the purposes of subsection (A), the violation of a building code of a jurisdiction or political subdivision does not constitute per se fraud, gross negligence, or recklessness but this type of violation may be admissible as evidence of fraud, negligence, gross negligence, or recklessness.

(C) The limitation provided by Section 15‑3‑640 may not be asserted as a defense to ~~any~~ an action for personal injury, including a personal injury resulting in death, or property damage which is:

~~(i)~~(1) by its nature not discoverable in the exercise of reasonable diligence at the time of its occurrence; and

~~(ii)~~(2) the result of ingestion of or exposure to some toxic or harmful or injury producing substance, element, or particle, including radiation, over a period of time as opposed to resulting from a sudden and fortuitous trauma.”

SECTION 5. Section 18‑9‑130(A)(1) of the 1976 Code, as last amended by Act 216 of 2004, is further amended to read:

“(1) A notice of appeal from a judgment directing the payment of money does not stay the execution of the judgment unless the presiding judge before whom the judgment was obtained grants a stay of execution. If the presiding judge grants a stay of execution and requires a bond or other surety to guarantee the payment of the judgment pending the appeal, the amount of the bond or other surety may not exceed the amount of the judgment or:

(a) twenty‑five million dollars, whichever is less, for a business entity that employs more than fifty persons and has gross revenues exceeding five million dollars for the previous tax year; or

(b) one million dollars, whichever is less, for all other entities or individuals.”

SECTION 6. Section 56‑5‑6540 of the 1976 Code, as last amended by Act 147 of 2005, is further amended to read:

“Section 56-5-6540. (A) A person who is adjudicated to be in violation of the provisions of this article must be fined not more than twenty‑five dollars, no part of which may be suspended. ~~No~~ Court costs, assessments, or surcharges may not be assessed against a person who violates a provision of this article. A person ~~must~~ may not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this article. A custodial arrest for a violation of this article ~~must~~ may not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this article does not constitute a criminal offense. Notwithstanding the provisions of Section 56‑1‑640, a violation of this article ~~must~~ may not be:

(1) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(2) reported to the offender’s motor vehicle insurer.

(B) A law enforcement officer ~~must~~ may not issue a citation to a driver or a passenger for a violation of this article when the stop is made in conjunction with a driver’s license check, safety check, or registration check conducted at a checkpoint established to stop all drivers on a certain road for a period of time, except when the driver is cited for violating another motor vehicle law. The driver and any passenger ~~shall~~ must be required to buckle up before departing the checkpoint and should the driver or the passenger refuse, then the person refusing may be charged with a primary violation.

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

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

~~(E)~~(D) A law enforcement officer ~~must~~ may not stop a driver for a violation of this article except when the officer has probable cause that a violation has occurred based on his clear and unobstructed view of a driver or an occupant of the motor vehicle who is not wearing a safety belt or is not secured in a child restraint system as required by Article 47 ~~of this chapter~~.

~~(F)~~(E) A person charged with a violation of this article may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person was not wearing a safety belt at the time of the incident, the penalty is a civil fine pursuant to the provisions of Section 56‑5‑6540. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person was not wearing a safety belt, no penalty ~~shall~~ may be assessed.

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

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. 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 , 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 9. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Article III, Section 17 of the South Carolina Constitution, 1895, in that each provision relates directly to or in conjunction with other sections to the subject of fairness in civil justice.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 10. This act takes effect July 1, 2010, and applies to all actions filed on or after this date. /

Renumber sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. WHIPPER spoke against the amendment.

Rep. WHIPPER spoke against the amendment.

Rep. KENNEDY moved that the House recede until 2:30 p.m.

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

Yeas 16; Nays 76

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Gilliard | Hart |
| Harvin | Hosey | Jennings |
| Kennedy | Mack | McLeod |
| Miller | Rutherford | Sellers |
| Spires | Stavrinakis | Thompson |
| Vick |  |  |

**Total--16**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Brantley | G. A. Brown | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Erickson |
| Forrester | Funderburk | Gambrell |
| Govan | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Hiott | Huggins |
| Hutto | Jefferson | Kelly |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Lucas |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Stewart |
| Stringer | Toole | Umphlett |
| Viers | Weeks | White |
| Whitmire | Willis | Wylie |
| T. R. Young |  |  |

**Total--76**

So, the House refused to recede.

Rep. SELLERS spoke against the amendment.

Rep. JENNINGS spoke against the amendment.

Rep. JENNINGS spoke against the amendment.

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

Further proceedings were interrupted by the House receding, the pending question being consideration of amendments.

**THE HOUSE RESUMES**

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

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 3489--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of amendments:

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.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7683AHB10), which was adopted:

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

/ SECTION 1. This act may be cited as the “South Carolina Fairness in Civil Justice Act of 2010”.

SECTION 2. Chapter 32, Title 15 of the 1976 Code is amended by adding:

“Article 5

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(C) Punitive damages may be considered if compensatory damages have been awarded in the first stage of the trial. An award of nominal damages cannot support an award of punitive damages.

(D) Punitive damages may only be awarded if the plaintiff proves by clear and convincing evidence that his harm was the result of the defendant’s wilful, wanton, or reckless conduct.

(E) In the second stage of a bifurcated trial, the jury shall determine if a defendant is liable for punitive damages and, if determined to be liable, the amount of punitive damages. In determining the amount of punitive damages, the jury may consider all relevant evidence, including, but not limited to:

(1) the defendant’s degree of culpability;

(2) the severity of the harm caused by the defendant;

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(11) the amount of any civil fines assessed against the defendant as a result of the same act or course of conduct complained of by the plaintiff.

(F) If punitive damages are awarded, the trial court shall review the jury’s decision, considering all relevant evidence, including the factors identified in subsection (E), to ensure that the award is not excessive or the result of passion or prejudice.

(G) In an action with multiple defendants, a punitive damages award must be specific to each defendant, and each defendant is liable only for the amount of the award made against that defendant.

Section 15‑32‑530. (A) An award of punitive damages may not exceed three times the amount of the plaintiff’s compensatory damages award or three hundred fifty thousand dollars, whichever is greater.

(B) The limitations provided in subsection (A) do not apply in the following situations, when the:

(1) fact finder determines that at the time of the plaintiff’s injury the defendant pursued a course of conduct that the defendant knew or should have known would cause injury or damage;

(2) defendant pleads guilty to or is convicted of a felony arising out of the same act or course of conduct complained of by the plaintiff and that act or course of conduct is the proximate cause of the plaintiff’s damages; or

(3) fact finder determines that the defendant acted or failed to act while under the influence of alcohol, drugs, other than lawfully prescribed drugs administered in accordance with a prescription, or any intentionally consumed glue, aerosol, or other toxic vapor to the degree that defendant’s judgment is substantially impaired.

(C) The limitations provided in subsection (A) may not be disclosed to the jury. If the jury returns a verdict for punitive damages in excess of the maximum amount specified in subsection (A) and the exemptions in subsection (B) do not apply, the court shall reduce the award and enter judgment for punitive damages in the maximum amount allowed in subsection (A).”

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(1) the Attorney General or circuit solicitor, in his sole discretion has the right to appoint a designated assistant, who must be an assistant attorney general or assistant solicitor, to oversee the litigation or other matter for which outside counsel has been retained, which appointment the Attorney General or circuit solicitor may modify at will;

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(3) outside counsel shall coordinate the provision of legal services with the Attorney General or circuit solicitor or his designated assistant, other personnel of the Office of the Attorney General or circuit solicitor, and other persons the Attorney General or circuit solicitor may appoint as outside counsel. All pleadings, motions, briefs, and other material which may be filed with the court must first be approved by the Attorney General or circuit solicitor and provided to his office in draft form in a reasonable and timely manner for review;

(4) outside counsel will render services as an independent contractor. Neither outside counsel nor an employee of outside counsel is regarded as employed by, or as an employee of, the Attorney General, a circuit solicitor, or the State. An attorney‑client relationship exists between the Attorney General or circuit solicitor and outside counsel;

(5) detailed time and cost records reflecting all work must be maintained by outside counsel and presented monthly to the Attorney General or circuit solicitor;

(6) the Attorney General or circuit solicitor or his designated assistant shall approve in advance all aspects of the litigation or other matter for which outside counsel is retained and must be included in settlement discussions. Outside counsel agrees that all settlements must receive the Attorney General’s or circuit solicitor’s express prior approval in writing;

(7) any material, data, files, discs, or documents created, produced, or gathered by outside counsel, or in outside counsel’s possession in furtherance of the litigation or other matter for which outside counsel has been retained, or which fulfills an obligation of the appointment, is considered the exclusive property of the State. Outside counsel agrees to adhere to the South Carolina Freedom of Information Act, pursuant to Chapter 4, Title 30, and maintain all public records concerning the matter in accordance with state law provided; however, that outside counsel shall consult with, and obtain the approval of, the Attorney General or circuit solicitor before responding to a public records request. The contract of retention that satisfies this section is considered a public document. At the conclusion of the litigation or other matter for which outside counsel has been retained, all time records and monthly statements maintained or presented by outside counsel are public documents;

(8) in contingent fee cases, outside counsel may not receive compensation for services rendered unless the State receives a settlement or damage award in connection with the litigation. If the State receives an award, outside counsel will be compensated as follows:

(a) outside counsel may not be paid, not including punitive or exemplary damages, more than the following percentages corresponding to the amount of the judgment or settlement:

(i) twenty‑three percent of the judgment or settlement up to and including the first $5,000,000;

(ii) nineteen percent of that portion of the judgment or settlement in excess of $5,000,000 up to $10,000,000;

(iii) fifteen percent of that portion of the judgment or settlement in excess of $10,000,000 up to $25,000,000;

(iv) eleven percent of that portion of the judgment or settlement in excess of $25,000,000 up to $50,000,000;

(v) seven percent of that portion of the judgment or settlement in excess of $50,000,000 but less than $100,000,000; and

(vi) four percent of that portion of the judgment or settlement in excess of $100,000,000.

Provided, that the Attorney General or circuit solicitor shall retain ten percent of outside counsel’s fees awarded pursuant to this subitem;

(b) the remaining net settlement or judgment proceeding, but not including punitive or exemplary damages, must be paid or applied to or for the State or the people of South Carolina or the victims in a manner to be determined by the Attorney General or circuit solicitor in his sole discretion; and

(c) outside counsel may not be paid more than the following percentages corresponding to the amount of punitive or exemplary damages:

(i) ten percent of the damages up to and including the first $10,000,000;

(ii) five percent of that portion of the damages in excess of $10,000,000 up to $100,000,000; and

(iii) three percent of that portion of the damages in excess of $100,000,000.

Provided, that the Attorney General or circuit solicitor shall retain ten percent of outside counsel’s fees awarded pursuant to this subitem;

(d) the remaining amount of punitive and exemplary damages must be paid or applied to or for the State or the people of South Carolina or the victims in a manner to be determined by the Attorney General or circuit solicitor in his sole discretion;

(e) all settlement or judgment proceeds shall be paid by or on behalf of any defendant to the Attorney General or circuit solicitor’s office for distribution; and

(f) the fee schedule required by this section applies to all settlements or judgments, whether the settlement or judgment is entirely monetary in nature or is combined with nonmonetary relief. Should the litigation be resolved by settlement or judgment involving a combination of monetary and nonmonetary relief, such as injunctive relief, nonmonetary payment, the provision of goods or services or other in kind terms, or a combination of these, the Attorney General or circuit solicitor shall determine the monetary value to the State;

(9) outside counsel must be reimbursed solely from the gross recovery of the litigation or other matter for which outside counsel has been retained as approved by the Attorney General or circuit solicitor for reasonable expenses and costs. Proper documentation by receipts or otherwise must be submitted with all invoices and all documentation must be retained by outside counsel for at least one year following the agreement’s termination. All expenses must be itemized and no reimbursement may be applied for or requested for miscellaneous listings. The Attorney General or circuit solicitor in his sole discretion may decline to reimburse outside counsel for improperly documented, unnecessary, or unreasonable costs or expenses. In addition:

(a) outside counsel must be reimbursed for the retention of experts, including fees and other reasonable costs, only when expressly authorized by the Attorney General or circuit solicitor; and

(b) for reimbursements of expenses for lodging, travel, or mileage, receipts are required and these expenses must be expressly authorized in advance by the Attorney General or circuit solicitor; and

(10) outside counsel may not speak to any representative of a television station, radio station, newspaper, magazine, or other media outlet concerning the work outlined or contemplated in the contract of retention without first obtaining approval of the Attorney General or circuit solicitor. Outside counsel is specifically prohibited from speaking on behalf of the Attorney General or circuit solicitor or the State of South Carolina to any representative of the news media.

Section 1‑7‑760. The provisions of Section 1‑7‑750 may be suspended only under certain conditions when the Attorney General or the circuit solicitor, in his discretion, decides that exceptional circumstances exist which warrant departure from the requirements of Section 1‑7‑750 and in his judgment that departure is absolutely necessary and in the best interests of the State. If the Attorney General or the circuit solicitor decides to invoke the provisions of this section, he must specifically state in writing those provisions of Section 1‑7‑750 that he intends to depart from and must delineate the exceptional circumstances that he finds exists as they relate to each provision. This information is considered public information and is subject to disclosure pursuant to the Freedom of Information Act as provided in Chapter 4, Title 30.”

SECTION 4. Section 15‑3‑670 of the 1976 Code is amended to read:

“Section 15‑3‑670. (A) The limitation provided by Sections 15‑3‑640 through 15‑3‑660 may not be asserted as a defense by ~~any~~ a person in actual possession or control, as owner, tenant, or otherwise, of the improvement at the time the defective or unsafe condition constitutes the proximate cause of the injury or death for which it is proposed to bring an action, in the event ~~such~~ the person in actual possession or control knows, or reasonably should have known, of the defective or unsafe condition. The limitations provided by Sections 15‑3‑640 through 15‑3‑660 are not available as a defense to ~~any~~ a person guilty of fraud, gross negligence, or recklessness in providing components in furnishing materials, in developing real property, in performing or furnishing the design, plans, specifications, surveying, planning, supervision, testing or observation of construction, construction of, or land surveying, in connection with such an improvement, or to ~~any~~ a person who conceals any such cause of action.

(B) For the purposes of subsection (A), the violation of a building code of a jurisdiction or political subdivision does not constitute per se fraud, gross negligence, or recklessness but this type of violation may be admissible as evidence of fraud, negligence, gross negligence, or recklessness.

(C) The limitation provided by Section 15‑3‑640 may not be asserted as a defense to ~~any~~ an action for personal injury, including a personal injury resulting in death, or property damage which is:

~~(i)~~(1) by its nature not discoverable in the exercise of reasonable diligence at the time of its occurrence; and

~~(ii)~~(2) the result of ingestion of or exposure to some toxic or harmful or injury producing substance, element, or particle, including radiation, over a period of time as opposed to resulting from a sudden and fortuitous trauma.”

SECTION 5. Section 18‑9‑130(A)(1) of the 1976 Code, as last amended by Act 216 of 2004, is further amended to read:

“(1) A notice of appeal from a judgment directing the payment of money does not stay the execution of the judgment unless the presiding judge before whom the judgment was obtained grants a stay of execution. If the presiding judge grants a stay of execution and requires a bond or other surety to guarantee the payment of the judgment pending the appeal, the amount of the bond or other surety may not exceed the amount of the judgment or:

(a) twenty‑five million dollars, whichever is less, for a business entity that employs more than fifty persons and has gross revenues exceeding five million dollars for the previous tax year; or

(b) one million dollars, whichever is less, for all other entities or individuals.”

SECTION 6. Section 56‑5‑6540 of the 1976 Code, as last amended by Act 147 of 2005, is further amended to read:

“Section 56-5-6540. (A) A person who is adjudicated to be in violation of the provisions of this article must be fined not more than twenty‑five dollars, no part of which may be suspended. ~~No~~ Court costs, assessments, or surcharges may not be assessed against a person who violates a provision of this article. A person ~~must~~ may not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this article. A custodial arrest for a violation of this article ~~must~~ may not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this article does not constitute a criminal offense. Notwithstanding the provisions of Section 56‑1‑640, a violation of this article ~~must~~ may not be:

(1) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(2) reported to the offender’s motor vehicle insurer.

(B) A law enforcement officer ~~must~~ may not issue a citation to a driver or a passenger for a violation of this article when the stop is made in conjunction with a driver’s license check, safety check, or registration check conducted at a checkpoint established to stop all drivers on a certain road for a period of time, except when the driver is cited for violating another motor vehicle law. The driver and any passenger ~~shall~~ must be required to buckle up before departing the checkpoint and should the driver or the passenger refuse, then the person refusing may be charged with a primary violation.

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

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

~~(E)~~(D) A law enforcement officer ~~must~~ may not stop a driver for a violation of this article except when the officer has probable cause that a violation has occurred based on his clear and unobstructed view of a driver or an occupant of the motor vehicle who is not wearing a safety belt or is not secured in a child restraint system as required by Article 47 ~~of this chapter~~.

~~(F)~~(E) A person charged with a violation of this article may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person was not wearing a safety belt at the time of the incident, the penalty is a civil fine pursuant to the provisions of Section 56‑5‑6540. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person was not wearing a safety belt, no penalty ~~shall~~ may be assessed.

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

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. 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 , 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 9. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Article III, Section 17 of the South Carolina Constitution, 1895, in that each provision relates directly to or in conjunction with other sections to the subject of fairness in civil justice.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 10. This act takes effect July 1, 2010, and applies to all actions filed on or after this date. /

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

Reps. HARRISON, HARRELL, CATO, J. E. SMITH, BANNISTER, STAVRINAKIS, HORNE, JENNINGS, HEARN, T. R. YOUNG and CRAWFORD proposed the following Amendment No. 2 (COUNCIL\MS\7693AHB10), which was adopted:

Amend the bill, as and if amended, by deleting Section 15-32-530(B)(1), as contained in SECTION 2, page 3489-3, lines 11 through 13, and inserting:

/ (1) fact finder determines that at the time of the plaintiff’s injury the defendant pursued an intentional course of conduct that the defendant knew or should have known would cause injury or damage; /

Renumber sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

The amendment was then adopted.

Rep. JENNINGS proposed the following Amendment No. 3 (COUNCIL\MS\7707AHB10), which was tabled:

Amend the bill, as and if amended, Section 15-32-530(A), as contained in SECTION 2, page 3489-3, line 6, by deleting / three / and inserting / six /

Renumber sections to conform.

Amend title to conform.

Rep. JENNINGS explained the amendment.

Rep. JENNINGS spoke in favor of the amendment.

Rep. SKELTON spoke upon the amendment.

Rep. HARRISON moved to table the amendment.

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

Yeas 69; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Barfield | Battle | Bedingfield |
| Bingham | Brady | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cole | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Limehouse | Littlejohn | Loftis |
| Long | Lucas | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Clyburn | Dillard | Funderburk |
| Gilliard | Gunn | Hart |
| Hodges | Hosey | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Mack |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Parks | Sellers | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | Williams |  |

**Total--38**

So, the amendment was tabled.

Rep. JENNINGS proposed the following Amendment No. 4 (COUNCIL\MS\7711AHB10), which was tabled:

Amend the bill, as and if amended, Section 15-32-530(A), as contained in SECTION 2, page 3489-3, line 6, by deleting / three / and inserting / five /

Renumber sections to conform.

Amend title to conform.

Rep. JENNINGS explained the amendment.

Rep. HARRISON moved to table the amendment, which was agreed to by a division vote of 54-37.

Rep. JENNINGS proposed the following Amendment No. 5 (COUNCIL\MS\7712AHB10), which was tabled:

Amend the bill, as and if amended, Section 15-32-530(A), as contained in SECTION 2, page 3489-3, line 6, by deleting / three / and inserting / five /

Renumber sections to conform.

Amend title to conform.

Rep. JENNINGS explained the amendment.

Rep. JENNINGS spoke in favor of the amendment.

Rep. HART spoke in favor of the amendment.

Rep. HARRISON moved to table the amendment.

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

Yeas 73; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | H. B. Brown | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Hiott | Horne |
| Huggins | Kelly | Knight |
| Limehouse | Littlejohn | Long |
| Lucas | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Norman |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | 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--73**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Clyburn | Dillard | Funderburk |
| Gilliard | Gunn | Hart |
| Harvin | Hodges | Hosey |
| Hutto | Jefferson | Jennings |
| King | Kirsh | Mack |
| McLeod | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Parks | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--37**

So, the amendment was tabled.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Amendment No. 5 to H. 3489. If I had been present, I would have voted to table this Amendment.

Rep. Eric Bedingfield

Rep. JENNINGS proposed the following Amendment No. 6 (COUNCIL\MS\7713AHB10), which was tabled:

Amend the bill, as and if amended, Section 15-32-530(A), as contained in SECTION 2, page 3489-3, line 7, by deleting / three hundred fifty / and inserting / five hundred /

Renumber sections to conform.

Amend title to conform.

Rep. JENNINGS explained the amendment.

Rep. HARRISON moved to table the amendment.

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

Yeas 75; Nays 32

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Brady |
| H. B. Brown | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lucas |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Toole | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Dillard | Funderburk | Gilliard |
| Gunn | Hart | Harvin |
| Hosey | Hutto | Jefferson |
| Jennings | Kennedy | King |
| McLeod | Miller | J. H. Neal |
| Neilson | Parks | Rutherford |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--32**

So, the amendment was tabled.

Rep. JENNINGS proposed the following Amendment No. 7 (COUNCIL\MS\7714AHB10), which was tabled:

Amend the bill, as and if amended, Section 15-32-530(A), as contained in SECTION 2, page 3489-3, line 7, by deleting / three hundred fifty / and inserting / five hundred /

Renumber sections to conform.

Amend title to conform.

Rep. JENNINGS explained the amendment.

Rep. HARRISON moved to table the amendment.

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

Yeas 73; Nays 36

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | H. B. Brown | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Horne |
| Huggins | Kelly | Kennedy |
| Kirsh | Limehouse | Loftis |
| Long | Lucas | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Ott | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Toole | Umphlett |
| Viers | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--73**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bowers | Brantley |
| G. A. Brown | R. L. Brown | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Gunn | Hart | Hodges |
| Hosey | Hutto | Jefferson |
| Jennings | King | Knight |
| Littlejohn | McLeod | Miller |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Parks | Sellers |
| J. E. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Williams |

**Total--36**

So, the amendment was tabled.

Rep. JENNINGS proposed the following Amendment No. 8 (COUNCIL\MS\7715AHB10), which was tabled:

Amend the bill, as and if amended, by deleting in its entirety Section 15‑32‑530(B)(3), as contained in SECTION 2, page 3489‑3, lines 18 through 23, and inserting:

/ (3) fact finder determines that the defendant acted or failed to act while under the influence of alcohol, drugs, or any intentionally consumed glue, aerosol, or other toxic vapor to the degree that defendant’s judgment is materially impaired. /

Renumber sections to conform.

Amend title to conform.

Rep. JENNINGS explained the amendment.

Rep. HARRISON moved to table the amendment.

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

Yeas 66; Nays 32

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Cooper | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Hiott | Horne | Huggins |
| Kelly | Kennedy | Kirsh |
| Limehouse | Loftis | Lucas |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Norman | Ott |
| Parker | Pinson | Sandifer |
| Scott | Simrill | Skelton |
| 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--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bowers | Brantley |
| G. A. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Hart | Harvin |
| Hosey | Hutto | Jefferson |
| Jennings | King | Knight |
| Miller | Mitchell | Neilson |
| Parks | Rice | Sellers |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--32**

So, the amendment was tabled.

Rep. JENNINGS proposed the following Amendment No. 9 (COUNCIL\MS\7716AHB10), which was tabled:

Amend the bill, as and if amended, by deleting in its entirety SECTION 10, page 3489‑10, lines 26 through 27, and inserting:

/ SECTION 10. This act takes effect July 1, 2010, and applies to all torts occurring on or after this date. /

Renumber sections to conform.

Amend title to conform.

Rep. JENNINGS explained the amendment.

Rep. HARRISON moved to table the amendment.

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

Yeas 69; Nays 33

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | H. B. Brown | Cato |
| Clemmons | Cole | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Hiott | Horne |
| Huggins | Kelly | Kennedy |
| Limehouse | Loftis | Long |
| Lucas | McEachern | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Ott | Owens |
| Parker | Rice | Sandifer |
| Scott | Simrill | Skelton |
| 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--69**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Bowers | Brantley |
| G. A. Brown | R. L. Brown | Clyburn |
| Dillard | Funderburk | Gilliard |
| Hart | Hayes | Hosey |
| Hutto | Jefferson | Jennings |
| King | Littlejohn | McLeod |
| Miller | J. H. Neal | J. M. Neal |
| Neilson | Parks | Sellers |
| J. E. Smith | Stavrinakis | Vick |
| Weeks | Whipper | Williams |

**Total--33**

So, the amendment was tabled.

The question then recurred to the passage of the Bill, as amended, on second reading.

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

Yeas 104; Nays 9

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | G. A. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hayes | Hearn |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lucas | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | 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 | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--104**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brantley | Gilliard | Hart |
| Jennings | King | Mack |
| J. H. Neal | Rutherford | Whipper |

**Total--9**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3489. If I had been present, I would have voted in favor of the Bill.

Rep. Nikki Haley

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3489. If I had been present, I would have voted in favor of the Bill.

Rep. Liston Barfield

**H. 4434--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4434 -- Reps. Nanney, Clemmons, Horne and Sellers: A BILL TO AMEND SECTION 7-13-35, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF ELECTION GIVEN BY THE AUTHORITY CHARGED BY LAW WITH CONDUCTING AN ELECTION, SO AS TO DELETE THE REQUIREMENT THAT THE NOTICE BE PUBLISHED IN A NEWSPAPER AND THAT INSTEAD IT BE POSTED ON THE WEBSITE OF THE STATE ELECTION COMMISSION, AND TO PROVIDE THAT THIS NOTICE BE POSTED FORTY-FIVE DAYS INSTEAD OF SIXTY DAYS BEFORE AN ELECTION.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3916DW10), which was adopted:

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

/ SECTION 1. Section 7‑13‑35 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑13‑35. (A) The authority charged by law with conducting an election must publish ~~two notices~~ notice of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. The notice only must include the date, time, and type of election to be held, as well as the date by which a voter shall register in order to vote in the election. The notice must direct readers to the website of the State Election Commission for further information.

(B) The authority charged by law with conducting an election shall cause to be posted on the website of the State Elections Commission a notice of general, municipal, special, and primary elections held in the county. Included in each notice must be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return‑addressed envelopes containing absentee ballots may begin at ~~2:00 p.m.~~ 9:00 a.m. on election day at a place designated in the notice by the authority charged with conducting the election.

(C) The ~~first~~ notice must appear, in a paper of general circulation and on the State Elections Commission website, not later than ~~sixty~~ forty‑five days before the election ~~and the second notice must appear not later than two weeks after the first notice~~.

(D) The authority charged by law with conducting an election also shall caused to be posted on either the county or municipal board of election website, as appropriate, a conspicuous link to the website of the State Elections Commission. Nothing in the this section, must be construed to require a county or municipal board of election to create or maintain a website.” /

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

The question then recurred to the passage of the Bill, as amended, on second reading.

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

Yeas 80; Nays 32

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Kelly | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lucas | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | Neilson | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--80**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Bowers |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Gilliard | Govan |
| Gunn | Hart | Harvin |
| Hodges | Hosey | Hutto |
| Jefferson | Kennedy | King |
| Mack | McEachern | McLeod |
| Mitchell | J. H. Neal | J. M. Neal |
| Norman | Ott | Parks |
| Stavrinakis | Vick |  |

**Total--32**

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

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., March 3, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 19:

S. 19 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-116-45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59-116-10, 59-116-20, 59-116-30, 59-116-50, 59-116-60, 59-116-80, 59-116-100, AND 59-116-120, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS "CAMPUS" AND "CAMPUS POLICE OFFICER", AND TO DEFINE THE TERM "CAMPUS SECURITY OFFICER", TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CONSTABLE AND SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER'S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; AND TO REPEAL SECTION 59-116-70, RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 4674 -- Reps. Hutto, 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, 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 CONGRATULATE MARGARET "MARGIE" MILLER OF JAMES ISLAND UPON BEING NAMED PRESIDENT-ELECT OF THE NATIONAL EXCHANGE CLUB, AND TO WISH HER WELL AS SHE BEGINS HER WORK AS PRESIDENT IN 2010.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4675 -- Reps. Horne, Stavrinakis, J. E. Smith, Bannister, Cole, Funderburk, McLeod, Rutherford, T. R. Young, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, 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, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie and A. D. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR JOANNE HEITING UPON THE OCCASION OF HER RETIREMENT FROM TWENTY-FIVE YEARS OF FAITHFUL SERVICE AT THE UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW, AND TO WISH HER MUCH HAPPINESS IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4676 -- Reps. Brady, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, 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 CONGRATULATE THE CARDINAL NEWMAN SCHOOL WRESTLING TEAM FOR ITS EXCELLENT SEASON AND FOR PINNING DOWN THE 2010 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4677 -- Reps. Brantley, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, 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 CONGRATULATE MRS. ALICE LAW STEPHENSON OF RIDGELAND ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4678 -- Reps. Gilliard, Barfield, Mack, 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, 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, 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 HONOR KALYN LEWIS AND AMY LEWIS, BOTH OF CHARLESTON COUNTY, FOR THEIR EXCEPTIONAL SPELLING PROWESS, TO CONGRATULATE KALYN FOR CAPTURING THE 2010 CHARLESTON COUNTY SCHOOL DISTRICT SPELLING BEE CHAMPIONSHIP TITLE AND EARNING THE RIGHT TO COMPETE IN THE SPELLBOUND! REGIONAL SPELLING BEE ON MARCH 11, 2010, AND TO CONGRATULATE AMY FOR EARNING FIRST RUNNER-UP HONORS IN THE DISTRICT SPELLING BEE.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4679 -- Reps. Sandifer, Whitmire, 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, 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, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR CAPTAIN NEAL BROWN OF THE SOUTH CAROLINA HIGHWAY PATROL, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-THREE YEARS OF DEDICATED SERVICE, AND TO WISH HIM SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was taken up for immediate consideration:

S. 1209 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 18, 2010.

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

**INTRODUCTION OF BILLS**

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

H. 4680 -- Rep. Huggins: A BILL TO AMEND SECTION 44-53-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATERIALS, COMPOUNDS, MIXTURES, AND PREPARATIONS CLASSIFIED AS SCHEDULE I DRUGS, SO AS TO ADD SALVIA DIVINORUM AND SALVINORIN A TO THE LIST OF SCHEDULE I DRUGS.

Referred to Committee on Judiciary

H. 4681 -- Rep. Funderburk: A BILL TO AMEND SECTION 42-5-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PENALTY FOR FAILURE OF AN EMPLOYER TO SECURE WORKERS' COMPENSATION INSURANCE FOR ITS EMPLOYEES, SO AS TO REQUIRE THE WORKERS' COMPENSATION COMMISSION TO SEND A LETTER TO THE EMPLOYER GIVING HIM THIRTY DAYS BEFORE A PENALTY SHALL APPLY WHILE A CLAIM IS PENDING, AND PROVIDE THAT THE COMMISSION MAY PROMULGATE REGULATIONS BY WHICH AN EMPLOYER NOT ACTING IN GOOD FAITH WHILE FAILING TO SECURE WORKERS' COMPENSATION INSURANCE SHALL NOT BE OFFERED THE BENEFITS OF THE THIRTY-DAY GRACE PERIOD PROVIDED ABOVE.

Referred to Committee on Labor, Commerce and Industry

H. 4682 -- Reps. Erickson, Herbkersman, Chalk, Bowen, Brady, Gambrell, Harrison and Sandifer: A BILL TO AMEND SECTION 59-10-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESIGNATION OF PHYSICAL ACTIVITY DIRECTORS, SO AS TO PROVIDE THAT DANCE INSTRUCTION THAT MEETS CERTAIN STANDARDS MAY BE USED TO SATISFY ONE-HALF OF THE REQUIRED PHYSICAL EDUCATION MINUTES.

Referred to Committee on Education and Public Works

H. 4683 -- Reps. Erickson, Herbkersman, Chalk, Wylie, Sottile, Bowen, Bannister, Brady, Harrison and Stringer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 39 TO TITLE 6 SO AS TO CREATE THE "SOUTH CAROLINA RENEWABLE ENERGY AND ENERGY EFFICIENCY FINANCING DISTRICT ACT"; TO PROVIDE DEFINITIONS; TO AUTHORIZE A MUNICIPALITY OR A COUNTY TO ESTABLISH A DISTRICT TO PROMOTE, ENCOURAGE, AND FACILITATE RENEWABLE ENERGY AND ENERGY DEVELOPMENT WITH A MUNICIPALITY OR COUNTY; TO AUTHORIZE THE IMPOSITION OF AN ASSESSMENT FOR THE PURPOSE OF FINANCING RENEWABLE ENERGY TECHNOLOGY AND ENERGY EFFICIENCY IMPROVEMENTS; TO AUTHORIZE THE ISSUANCE OF SPECIAL DISTRICT BONDS OR REVENUE BONDS; AND TO REQUIRE CERTAIN PROVISIONS IN ORDINANCES AUTHORIZING THE CREATION OF A DISTRICT.

Referred to Committee on Ways and Means

H. 4684 -- Rep. Anthony: A BILL TO AMEND ACT 848 OF 1946, AS AMENDED, RELATING TO THE CREATION OF THE UNION HOSPITAL DISTRICT, SO AS TO ADD THREE ADVISORY MEMBERS TO THE DISTRICT'S BOARD OF TRUSTEES, AND TO DELETE PROVISIONS MAKING THE UNION COUNTY TREASURER THE BOARD'S TREASURER, PROHIBITING A TRUSTEE FROM RECEIVING COMPENSATION, ALLOWING REIMBURSEMENT TO A TRUSTEE FOR ACTUAL CASH EXPENDITURES MADE BY HIM AS A TRUSTEE, AND CONCERNING A SEAL AND CERTAIN OFFICE PROCEDURES OF THE DISTRICT.

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

H. 4685 -- Reps. Sellers, Williams and Hosey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-25-125 SO AS TO PROVIDE THAT A PERSON WHO APPLIES FOR A CERTIFICATE TO BECOME A TEACHER IN THIS STATE SHALL REGISTER TO VOTE IN ORDER TO RECEIVE A TEACHING CERTIFICATE.

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

Rep. A. D. YOUNG objected.

Referred to Committee on Education and Public Works

S. 932 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 50-16-25 OF THE 1976 CODE, RELATING TO THE RELEASE OF PIGS FOR HUNTING PURPOSES, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, RELEASE, OR TRANSPORT FOR THE PURPOSE OF RELEASE A MEMBER OF THE SUIDAE FAMILY FOR HUNTING OR TO SUPPLEMENT A FREE ROAMING POPULATION, TO PROVIDE THAT IT IS UNLAWFUL TO REMOVE A LIVE HOG FROM A TRAP OR FROM THE WOODS, FIELDS, OR MARSHES OF THIS STATE, AND TO CLARIFY THAT THIS SECTION DOES NOT APPLY TO ACCEPTED FARMING PRACTICES RELATED TO MEMBERS OF THE SUIDAE FAMILY.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 964 -- Senators Pinckney and Davis: A BILL TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL

COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

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

S. 974 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-20 OF THE 1976 CODE, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE THAT ANNUAL HUNTING AND FISHING LICENSES SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE AND TO PROVIDE THAT THREE-YEAR HUNTING AND FISHING LICENSES SHALL BE VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE; BY ADDING SECTION 50-9-560, TO PROVIDE THAT THE DEPARTMENT MAY ISSUE THREE-YEAR COMBINATION LICENSES, SPORTSMAN LICENSES, JUNIOR SPORTSMAN LICENSES, BIG GAME PERMITS, AND WILDLIFE MANAGEMENT AREA PERMITS; TO AMEND SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, TO ESTABLISH THE THREE-YEAR HUNTING AND FISHING LICENSE FUND, TO PROVIDE THAT THREE-YEAR LICENSE FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE THIRD OF THE FUND MUST BE DISTRIBUTED TO THE GAME PROTECTION FUND, TO ESTABLISH THE THREE-YEAR WILDLIFE MANAGEMENT AREA PERMIT FUND, TO PROVIDE THAT THREE-YEAR WILDLIFE MANAGEMENT AREA PERMIT FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE-THIRD OF THE FUND MUST BE DISTRIBUTED TO THE WILDLIFE ENDOWMENT FUND; AND TO MAKE CONFORMING AMENDMENTS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1116 -- Senators Fair and Anderson: A BILL TO EXPAND THE AUTHORITY OF THE RENEWABLE WATER RESOURCES OF GREENVILLE COUNTY, ORIGINALLY CREATED AS THE GREATER GREENVILLE SEWER DISTRICT PURSUANT TO THE PROVISIONS OF ACT 362 OF 1925, TO USE THE BY-PRODUCTS OF WASTE TREATMENT FACILITIES FOR ALTERNATE ENERGY PRODUCTION.

Referred to Greenville Delegation

**H. 4248--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4248 -- Reps. Horne, Allison, Daning, Long, Littlejohn, Wylie, Gunn, Ballentine, Clemmons and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-19-115 SO AS TO REQUIRE A SUBSTITUTE TEACHER HIRED BY A LOCAL SCHOOL DISTRICT TO UNDERGO A CRIMINAL RECORD SEARCH, TO REQUIRE EACH SCHOOL DISTRICT TO DEVELOP A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCH, TO PROVIDE WHAT THE POLICY MUST INCLUDE, AND TO REQUIRE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROVIDE TRAINING TO APPROPRIATE SCHOOL DISTRICT PERSONNEL; AND TO AMEND SECTION 23-3-115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO FIX THE FEE AT EIGHT DOLLARS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

The Education and Public Works Committee proposed the following Amendment No. 1 (LEGWORK\HOUSE\COMBINED\_COUNCIL\_ AMENDMENTS\19900BH10KRL), which was adopted:

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

/ SECTION 1. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑115. An individual hired by a local school district board of trustees to serve as a substitute teacher shall undergo a name-based South Carolina criminal record search conducted by the local school district using records maintained by the State Law Enforcement Division pursuant to regulations contained in Subarticle 1, Article 3, Chapter 73 of the Code of Regulations, at no charge to the school district. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts substitute teacher hiring decisions. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 to serve as substitute teachers and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in criminal record searches.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HORNE explained the amendment.

The amendment was then adopted.

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

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 4533 from the Committee on Labor, Commerce and Industry.

Rep. BOWEN objected.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3340 from the Committee on Education and Public Works.

Rep. OWENS objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 4534 from the Committee on Labor, Commerce and Industry.

Rep. BRADY objected.

**OBJECTION TO RECALL**

Rep. V. S. MOSS asked unanimous consent to recall S. 1131 from the Committee on Ways and Means.

Rep. SELLERS objected.

**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. COOPER moved to adjourn debate on the Senate Amendments, 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. COOPER moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 4478--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, March 4, which was adopted:

H. 4478 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D. C. Moss, Horne, Skelton, V. S. Moss, Bannister, Whitmire, Toole, J. R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Gilliard, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hosey, Hutto, Jefferson, Kelly, Huggins, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J. M. Neal, Norman, Ott, Parker, Parks, Pinson, M. A. Pitts, Rice, Scott, Sellers, Simrill, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A. D. Young, T. R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE "SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010" INCLUDING PROVISIONS TO AMEND SECTION 2-75-30, AS AMENDED, RELATING TO RESEARCH CENTERS OF EXCELLENCE MATCHING ENDOWMENTS, SO AS TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 2-75-50, AS AMENDED, RELATING TO APPLICATION REQUIREMENTS FOR AN AWARD FROM THE CENTERS OF EXCELLENCE MATCHING ENDOWMENT, SO AS TO CLARIFY WHAT THE CONTENTS OF AN APPLICATION TO THE REVIEW BOARD MUST CONTAIN; TO AMEND SECTION 4-12-30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-67, AS AMENDED, 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, AND TO DELETE A PROVISION REQUIRING THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4-29-68, AS AMENDED, RELATING TO SPECIAL SOURCE REVENUE BONDS WHICH MAY BE ISSUED BASED ON THE RECEIPT OF CERTAIN REVENUES, SO AS TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR THE ALLOCATION, REALLOCATION, AND ISSUANCE OF FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 4-29-10, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO INDUSTRIAL DEVELOPMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF "PROJECT" TO INCLUDE RECOVERY ZONE PROPERTY AS DEFINED BY FEDERAL LAW; TO AMEND SECTION 12-6-530, RELATING TO THE CORPORATE INCOME TAX, SO AS TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN-YEAR PERIOD IN INTERVALS OF ONE-HALF PERCENT PER YEAR; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO JOB TAX CREDITS, SO AS TO REVISE THE DESIGNATION TERMINOLOGY FOR COUNTIES COMING WITHIN SPECIFIC CLASSIFICATIONS, TO FURTHER PROVIDE FOR THE CRITERIA FOR DETERMINING HOW COUNTIES FALL WITHIN CERTAIN TIERS, AND TO REVISE SPECIFIC TERMS OR DEFINITIONS USED FOR PURPOSES OF THIS SECTION; TO AMEND SECTION 12-6-3375, AS AMENDED, RELATING TO TAX CREDITS FOR PORT CARGO VOLUME INCREASES, SO AS TO REVISE THE MANNER IN WHICH TAX CREDIT ALLOCATIONS ARE DETERMINED AND THE AMOUNT OF THE CREDITS WHICH MAY BE ALLOCATED TO A QUALIFYING TAXPAYER; TO AMEND SECTION 12-10-30, AS AMENDED, RELATING TO DEFINITIONS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THE DEFINITIONS OF "EMPLOYEE" AND "PROJECT"; TO AMEND SECTION 12-10-50, AS AMENDED, RELATING TO QUALIFICATIONS FOR BENEFITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THESE QUALIFICATIONS AND TO FURTHER PROVIDE FOR WHAT A BUSINESS MUST DO TO MEET THESE QUALIFICATIONS; TO AMEND SECTION 12-10-60, AS AMENDED, RELATING TO REVITALIZATION AGREEMENTS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO FURTHER PROVIDE FOR THE TERMS, CONDITIONS, AND APPLICATION OF THESE REVITALIZATION AGREEMENTS, PROVIDE FOR WHEN SUCH AN AGREEMENT MUST BE EXECUTED, AND PERMIT THE ASSIGNMENT OF ENTERPRISE PROGRAM BENEFITS UNDER CERTAIN CONDITIONS; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO EXPAND ELIGIBLE EXPENDITURES WHICH QUALIFY FOR THE CREDIT, TO CAP THE AMOUNT OF THE CREDITS PER JOB PER YEAR, TO REVISE CERTAIN TERMINOLOGY TO CONFORM TO EARLIER CHANGES HEREIN, TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN THESE CREDITS MAY BE CLAIMED AND THE MANNER OF THE DETERMINATION OF CERTAIN FACTORS NECESSARY TO QUALIFY FOR THE CREDITS, AND TO PROVIDE FOR THE SUSPENSION OF THE CREDITS UNDER CERTAIN CONDITIONS AND FOR WHEN THE CREDITS MAY BE CLAIMED; TO AMEND SECTION 12-10-85, AS AMENDED, RELATING TO THE PURPOSE AND USE OF STATE RURAL INFRASTRUCTURE FUNDS, SO AS TO REVISE THE PURPOSES FOR WHICH THESE FUNDS MAY BE USED AND THEIR AVAILABILITY; TO AMEND SECTION 12-14-20, RELATING TO THE PURPOSES OF THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THESE PURPOSES; TO AMEND SECTION 12-14-60, AS AMENDED, RELATING TO INVESTMENT TAX CREDITS UNDER THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THE AMOUNT OF THE CREDITS, THE QUALIFYING CRITERIA FOR THE CREDITS, AND FOR THE APPLICABILITY OF CERTAIN PROVISIONS TO THESE CREDITS; TO AMEND SECTION 12-15-10, RELATING TO THE CITATION OF THE SOUTH CAROLINA LIFE SCIENCES ACT, SO AS TO CHANGE THE CITATION; TO AMEND SECTION 12-15-20, RELATING TO DEFINITIONS UNDER THE RENAMED LIFE SCIENCES AND RENEWABLE ENERGY MANUFACTURING ACT, SO AS TO DEFINE THE TERM "RENEWABLE ENERGY MANUFACTURING FACILITY"; TO AMEND SECTION 12-15-30, RELATING TO QUALIFICATIONS OF CERTAIN EXPENSES UNDER THE ENTERPRISE ZONE ACT, PROCEDURES FOR WAIVERS, AND THE DURATION OF THESE PROVISIONS, SO AS TO EXPAND THE TYPES OF FACILITIES THAT QUALIFY AND THE DURATION OF THESE PROVISIONS; TO AMEND SECTION 12-15-40, RELATING TO INCOME TAX ALLOCATION AND APPORTIONMENT AGREEMENTS BETWEEN THE DEPARTMENT OF REVENUE AND TAXPAYERS ESTABLISHING A LIFE SCIENCES FACILITY, SO AS TO EXPAND THE TYPES OF FACILITIES TO WHICH THIS PROVISION APPLIES; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO CREDITS AGAINST ITS CORPORATE LICENSE TAX LIABILITY FOR A COMPANY WHO PAYS CASH FOR INFRASTRUCTURE FOR AN ELIGIBLE PROJECT, SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY FOR THE CREDIT UNDER CERTAIN CIRCUMSTANCES OR THE CONTINUATION OF THE CREDIT; TO AMEND SECTION 12-28-2910, AS AMENDED, RELATING TO THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO AUTHORIZE THE COUNCIL TO EXPEND CERTAIN FUNDS FOR SPECIFIED PURPOSES UNDER SPECIFIED CONDITIONS; TO AMEND SECTION 12-37-930, RELATING TO VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES AND DEPRECIATION ALLOWANCES FOR MANUFACTURERS, MACHINERY, AND EQUIPMENT, SO AS TO INCLUDE MACHINERY AND EQUIPMENT OF A RENEWABLE ENERGY MANUFACTURING FACILITY WITHIN THE DEPRECIATION ALLOWANCES ALLOWED FOR MACHINERY AND EQUIPMENT OF A LIFE SCIENCES FACILITY, AND TO DEFINE WHAT IS A QUALIFYING FACILITY; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSIFICATION OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES, SO AS TO PROVIDE THAT REAL PROPERTY OWNED BY OR LEASED TO A MANUFACTURER AND USED PRIMARILY RATHER THAN EXCLUSIVELY FOR WAREHOUSING AND WHOLESALE DISTRIBUTION IS NOT CONSIDERED USED BY THE MANUFACTURER IN THE CONDUCT OF ITS BUSINESS FOR PROPERTY TAX CLASSIFICATION PURPOSES; 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; 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; TO AMEND SECTION 12-44-50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FEE AGREEMENT UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 12-44-130, AS AMENDED, RELATING TO MINIMUM INVESTMENTS TO QUALIFY FOR A FEE AND OTHER REQUIREMENTS, SO AS TO CORRECT A REFERENCE; AND TO REPEAL SECTION 12-6-3450 RELATING TO AN INCOME TAX CREDIT FOR PERSONS TERMINATED FROM EMPLOYMENT AS A RESULT OF THE CLOSING OR REALIGNMENT OF A FEDERAL MILITARY INSTALLATION, SECTION 12-10-88 RELATING TO REDEVELOPMENT FEES IN REGARD TO CLOSED OR REALIGNED MILITARY INSTALLATIONS, SECTIONS 12-14-30, 12-14-40, 12-14-50, AND 12-14-70 RELATING TO ECONOMIC IMPACT ZONES AND ALLOWABLE DEDUCTIONS AGAINST SOUTH CAROLINA TAXABLE INCOME IN REGARD TO THESE ECONOMIC IMPACT ZONES.

**H. 4551--DEBATE ADJOURNED**

Rep. THOMPSON moved to adjourn debate upon the following Bill until Thursday, March 4, which was adopted:

H. 4551 -- Reps. Sandifer, Thompson, Bedingfield, Hayes, Brady, Mack, Harrell, Cato, Ott, Harrison, Duncan, J. R. Smith, White, Cooper, Hutto, Horne, Cobb-Hunter, Anderson, Hodges, Harvin, Skelton and Gunn: A BILL TO AMEND SECTION 23-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITION OF TERMS ASSOCIATED WITH THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO REVISE THE DEFINITION OF SEVERAL EXISTING TERMS AND TO PROVIDE DEFINITIONS FOR SEVERAL NEW TERMS; TO AMEND SECTION 23-47-20, AS AMENDED, RELATING TO 911 SYSTEM SERVICE REQUIREMENTS, SO AS TO DELETE "A CAPABILITY TO HAVE CELLULAR PHONES ROUTED TO 911" AS A SYSTEM REQUIREMENT AND TO ADD "ROUTING AND CAPABILITIES TO RECEIVE AND PROCESS CMRS SERVICE AND VOIP SERVICE CAPABLE OF MAKING 911 CALLS" AS A SYSTEM REQUIREMENT; TO AMEND SECTION 23-47-50, RELATING TO SUBSCRIBER BILLING OR 911 SERVICE, SO AS TO PROVIDE THAT FOR THE BILLING OF 911 CHARGES FOR LOCAL EXCHANGE ACCESS FACILITIES THAT ARE CAPABLE OF SIMULTANEOUSLY CARRYING FIVE OR MORE OUTGOING 911 VOICE CALLS, TO REVISE THE 911 CHARGE THAT PREPAID WIRELESS TELECOMMUNICATIONS SERVICE IS SUBJECT TO AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-47-65, RELATING TO THE CMRS EMERGENCY TELEPHONE ADVISORY COMMITTEE, SO AS TO REVISE THE NAME OF THE COMMITTEE AND ITS MEMBERSHIP, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE COMMITTEE AND THE STATE BUDGET AND CONTROL BOARD ARE AUTHORIZED TO REGULATE PREPAID WIRELESS SELLERS; BY ADDING SECTION 23-47-67 SO AS TO IMPOSE A VOIP 911 CHARGE ON EACH LOCAL EXCHANGE ACCESS FACILITY, AND TO PROVIDE FOR THE COLLECTION OF THE CHARGE AND ITS DISTRIBUTION; BY ADDING SECTION 23-47-68 SO AS TO IMPOSE A PREPAID WIRELESS 911 CHARGE, AND TO PROVIDE FOR ITS COLLECTION AND DISTRIBUTION; BY ADDING SECTION 23-47-69 SO AS TO LIMIT THE CHARGES THAT MAY BE IMPOSED FOR 911 SERVICE; AND TO AMEND SECTION 23-47-70, RELATING TO LIABILITY FOR DAMAGES THAT MAY OCCUR FROM A GOVERNMENTAL AGENCY PROVIDING 911 SERVICE, SO AS TO PROVIDE FOR LIABILITY WHEN 911 SERVICE IS PROVIDED AND WHEN IT IS NOT PROVIDED PURSUANT TO TARIFFS ON FILE WITH THE PUBLIC SERVICE COMMISSION AND TO MAKE A TECHNICAL CHANGE.

**H. 4282--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4282 -- Reps. D. C. Smith, Owens, Littlejohn, Gilliard, Daning, Hosey, 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.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\BBM\9570HTC10):

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

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

“Section 56‑5‑3890. (A) As contained in this section:

(1) ‘text messaging device’ means an electronic wireless communications device used to manually type, send or read a written communication, including without limitation a text message or an electronic message, or electronic mail, but does not include a device that is physically or electronically integrated into the vehicle’s architecture; and

(2) ‘mobile telephone’ means a device used by subscribers and other users of wireless telephone service to access or respond to such service; and

(3) ‘hands‑free mode’ means the use of a mobile telephone or text messaging device by way of an internal feature or function, or an attachment or addition, whether or not permanently part of such telephone or device, by which a user engages in a conversation or communication without the use of either hand; provided, however, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of such telephone or device.

(B) A person may not use a text messaging device to read, or to manually write or send, a written communication, including without limitation text message, or electronic mail while operating a motor vehicle in motion or in the travel portion of the roadway.

(C) A person may not use a mobile telephone while operating a motor vehicle that is in motion or in the travel portion of the roadway.

(D) This section does not apply to:

(1) an authorized emergency vehicle;

(2) a moving motor vehicle using a mobile telephone or a text messaging device in hands‑free mode; or

(3) a moving motor vehicle using a mobile telephone or a text messaging device to:

(a) report illegal activity;

(b) summon medical or other emergency help; or

(c) prevent injury to a person or property.

(E) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars and have two points assessed against his driving record.

(F) Notwithstanding any other provision of law, all penalties imposed pursuant to this section shall be divided between the South Carolina State Trauma Care Fund to be used by the Department of Health and Environmental Control as established and provided for in Section 44‑61‑540 and the Office of Highway Safety in the Department of Public Safety to fund highway safety education programs highlighting the dangers of distracted driving.

(G) This Section occupies the entire field and preempts any ordinance, resolution, or similar matter adopted by a municipality, county, or other local governmental entity regarding the use of a text messaging device or a mobile telephone, or both, by an operator of a motor vehicle.”

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

“Section 56‑5‑3895. (A) For purposes of this section, the following terms shall mean:

(1) ‘text messaging device’ means text messaging device as defined in Section 56‑5‑3890(A)(1);

(2) ‘mobile telephone’ means mobile telephone as defined in Section 56‑5‑3890(A)(2);

(3) ‘emergency situation’ means circumstances such as medical concerns, unsafe road conditions, matters of public safety, or mechanical problems that create a risk of harm for the operator or passengers of a school bus or intended passengers of a school bus;

(4) ‘school bus’ means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school, the motor vehicle is defined in Section 56‑5‑195 a ‘school bus’ under 49 U.S.C. Section 30125, as defined on April 5, 2000, meeting federal school bus safety standards, as contained in 49 U.S.C. Section 30101, et seq., or any successor statutes, and all applicable federal regulations; and

(5) ‘Great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss of or impairment of the function of a bodily member or organ.

(B) Except as otherwise provided in this section, a person may not use a text messaging device to manually write or send a text message; or a mobile telephone, radio or other communication device whether hands‑free or otherwise; while operating a school bus in motion or in the travel portion of a roadway or while monitoring the loading and unloading of students.

(C) The provisions of subsection (B) of this section shall not apply to the use of a mobile telephone, radio or other communication device whether hands‑free or otherwise, or a text messaging device, for the sole purpose of communicating in an emergency situation. However, this exception applies only if the school bus is not in motion.

(D) A person who violates subsection (A):

(1) for a first offense where no great bodily injury or death resulted from the violation, is guilty of a misdemeanor and, upon conviction, must be fined two hundred and fifty dollars, and loss of the school bus driver’s school bus driving certification issued by the South Carolina Department of Education for a period of one year. The violator shall have two points assessed against his driving record in accordance with Section 56‑1‑720.

(2) for a second or subsequent offense or any offense where great bodily injury or death results from the violation, is guilty of a felony and, upon conviction, must be fined five hundred dollars , and imprisoned for not more than three years. The school bus driver’s school bus driving certification issued by the South Carolina Department of Education is revoked and the person is therefore permanently ineligible to apply for certification. The violator shall have triple the points assessed against his driving record as are otherwise assessed pursuant to Section 56‑1‑720, for using a text messaging device or an otherwise prohibited communications device while driving.

(E) To assist in enforcing this and the state seatbelt laws, all state or district owned school buses, and school buses contracted by school districts for student transportation service, shall have a sticker attached to the interior of the school bus in a location that is clearly readable by the school bus passengers that confirms that the school bus driver is required to wear a seat belt and that use of a mobile telephone, radio or other communication device is prohibited while driving. The sticker should also include the appropriate law citation for each of these requirements and ask the passengers to report violations to a toll free phone number at the South Carolina Department of Education. Upon receipt of a violation report the South Carolina Department of Education shall record the complaint and forward the information to the appropriate school district that employs the school bus driver to initiate an investigation. The South Carolina Department of Education shall design and publish these stickers free of charge to school districts.”

SECTION 3. Section 56‑1‑720 of the 1976 Code is amended to read:

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

VIOLATION POINTS

Reckless driving 6

Passing stopped school bus 6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

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

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

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

Disobedience of any official traffic control device 4

Disobedience to officer directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Failing to give signal or giving improper signal for stopping, turning, or suddenly decreased speed 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing 2

Using a text messaging device or an otherwise prohibited communications device while driving 2.”

SECTION 4. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. D. C. SMITH explained the amendment.

Rep. HART moved to adjourn debate on the Bill until Thursday, March 4.

Rep. D. C. SMITH moved to table the motion.

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

Yeas 60; Nays 47

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Barfield |
| Battle | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Cole | Daning |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Kelly | Kirsh | Limehouse |
| Littlejohn | Lucas | Millwood |
| D. C. Moss | V. S. Moss | J. M. Neal |
| Norman | Owens | Parker |
| Pinson | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stewart |
| Stringer | Thompson | Umphlett |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--60**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Ballentine |
| Bedingfield | Bowers | Branham |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Crawford |
| Delleney | Dillard | Funderburk |
| Gilliard | Govan | Hamilton |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Jefferson |
| Kennedy | King | Knight |
| Loftis | Mack | McEachern |
| McLeod | Miller | Mitchell |
| Nanney | J. H. Neal | Ott |
| Parks | M. A. Pitts | Rutherford |
| Sellers | G. M. Smith | Spires |
| Toole | Vick | Weeks |
| Whipper | Williams |  |

**Total--47**

So, the House refused to adjourn debate.

**SPEAKER IN CHAIR**

Rep. CRAWFORD moved that the House do now adjourn.

Rep. A. D. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 29; Nays 71

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Branham | Clyburn |
| Crawford | Delleney | Dillard |
| Funderburk | Govan | Hamilton |
| Hart | Harvin | Hosey |
| Jefferson | King | Limehouse |
| Loftis | Mack | McLeod |
| Nanney | J. H. Neal | Ott |
| M. A. Pitts | Rutherford | Sellers |
| G. M. Smith | Spires | Vick |
| Weeks | Williams |  |

**Total--29**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Ballentine | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | G. A. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Daning |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Hardwick | Harrell |
| Harrison | Herbkersman | Hiott |
| Hodges | Horne | Huggins |
| Hutto | Kelly | Kennedy |
| Kirsh | Knight | Littlejohn |
| Lucas | McEachern | Millwood |
| D. C. Moss | V. S. Moss | J. M. Neal |
| Norman | Owens | Parker |
| Pinson | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Whipper | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--71**

So, the House refused to adjourn.

Rep. D. C. SMITH moved to adjourn debate on the Bill until Thursday, March 4, which was agreed to.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4686 -- Reps. Gilliard, Agnew, R. L. Brown, Clyburn, Hosey, Jefferson, Long, Sottile, Stavrinakis and Whipper: A HOUSE RESOLUTION TO DECLARE MAY 2010 AS "WATER SAFETY AWARENESS MONTH" AND TO ENCOURAGE PUBLIC SCHOOL DISTRICTS OF THIS STATE TO PROVIDE AT LEAST ONE HOUR OF INSTRUCTION ON WATER SAFETY DURING THE MONTH OF MAY.

The Resolution was ordered referred to the Committee on Education and Public Works.

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 4687 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 56-1-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN APPLICATION FOR A DRIVER'S LICENSE OR PERMIT, SO AS TO PROVIDE THAT A PERSON MAY PRESENT TO THE DEPARTMENT OF MOTOR VEHICLES A VALID BIRTH CERTIFICATE OR UNITED STATES MILITARY IDENTIFICATION WITH HIS APPLICATION TO SATISFY THE REQUIREMENT THAT AN APPLICANT FOR A DRIVER'S LICENSE OR PERMIT MUST PRESENT THE DEPARTMENT WITH ACCEPTABLE PROOF OF DATE AND PLACE OF BIRTH.

Referred to Committee on Education and Public Works

**H. 3395--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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. COOPER proposed the following Amendment No. 1A (COUNCIL\BBM\9583HTC10), which was tabled:

Amend the bill, as and if amended, in Section 11‑11‑310(A), as contained in SECTION 1. A, page 1 by striking lines 34 through 39 and inserting:

/ completed fiscal year. /

Amend further, as and if amended, in Section 11‑11‑310(E)(2), as contained in SECTION 1. A, page 2, line 38, by striking /(C)/ and inserting / (D) /.

Renumber sections to conform.

Amend title to conform.

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

Rep. COOPER proposed the following Amendment No. 2A (COUNCIL\BBM\9618HTC10), which was adopted:

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

/ SECTION 1. A. Section 11‑11‑310 of the 1976 Code, as last amended by Act 385 of 1988, is further amended to read:

“Section 11‑11‑310. (A) The State Budget and Control Board shall provide for a General Reserve Fund. Funds accumulating in excess of the annual operating expenditures must be transferred to the General Reserve Fund and the transfer must continue to be made in succeeding fiscal years until the accumulated total in this reserve reaches an amount equal to ~~three percent~~ the applicable percentage amount of the general fund revenue of the latest completed fiscal year.

(B) If there is a year‑end operating deficit, so much of the General Reserve Fund as is necessary must be used to cover the deficit. The amount so applied must be restored to the General Reserve Fund out of future revenues as provided in Section 36 of Article III of the Constitution of this State and out of funds accumulating in excess of annual operating expenditures as provided in this section until the ~~three percent maximum~~ applicable percentage amount is ~~again~~ reached and actually maintained.

(C) For purposes of this section ‘applicable percentage amount’ means three percent of general fund revenue of the latest completed fiscal year plus an additional cumulative one‑half of one percent of such revenue in each fiscal year succeeding the last state fiscal year to which the three percent limit applied and in which that full three percent balance was actually maintained, until the percentage of such revenue equals five percent, which then and thereafter shall apply.”

SECTION 2. This act takes effect upon ratification of an amendment to Section 36, Article III of the Constitution of this State authorizing its terms submitted to the electors of this State at the general election of 2010 and first applies as provided in that amendment. /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

Rep. A. D. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Ballentine | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | 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 | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lucas |
| Mack | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--108**

Those who voted in the negative are:

**Total--0**

So, the amendment was adopted.

The Senate Amendments, as amended, were then agreed to and the Bill was ordered returned to the Senate.

**H. 3396--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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. COOPER proposed the following Amendment No. 1 (COUNCIL\BBM\9615HTC10), which was adopted:

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

/ SECTION 1. It is proposed that Section 36(A), Article III of the Constitution of this State be amended to read:

“(A) The General Assembly shall provide for a General Reserve Fund of three percent of the general fund revenue of the latest completed fiscal year plus an additional cumulative one half of one percent of such revenue in each fiscal year succeeding the last fiscal year to which the three percent applied and in which the full three percent balance was actually maintained until the percentage of such revenues equals five percent, which shall then and thereafter apply. Funds may be withdrawn from the reserve only for the purpose of covering operating deficits of state government. The General Assembly must provide for the orderly restoration of funds withdrawn from the reserve from future revenues and out of funds accumulating in excess of annual operating expenditures.

(1) The General Assembly shall provide by law for a procedure to survey the progress of the collection of revenue and the expenditure of funds and to authorize and direct reduction of appropriations as may be necessary to prevent a deficit.

(2) In the event of a year‑end operating deficit, so much of the reserve fund as may be necessary must be used to cover the deficit; and the amount must be restored to the reserve fund within three fiscal years out of future revenues until the ~~three~~ full amount required to be maintained in the General Reserve Fund for the fiscal year is again reached and maintained. ~~Provided that~~ However, a minimum of one percent of the general fund revenue of the latest completed fiscal year, if so much is necessary, must be restored to the reserve fund each year following the deficit until the ~~three~~ ~~percent~~ full amount required to be maintained in the General Reserve Fund is restored.”

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

“Must Section 36(A), Article III of the Constitution of this State, relating to the General Reserve Fund, be amended so as to increase from three to five percent in cumulative increments of one half of one percent each fiscal year the amount of state general fund revenue in the latest completed fiscal year required to be maintained in the General Reserve Fund and to provide that the increase begins after the last state fiscal year to which the three percent amount applied and in which that full three percent balance was actually maintained?

Yes 

No 

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

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

Rep. A. D. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Ballentine | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | 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 |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Long | Lucas |
| Mack | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--105**

Those who voted in the negative are:

**Total--0**

The amendment was then adopted.

The Senate Amendments, as amended, were then agreed to and the Joint Resolution was ordered returned to the Senate.

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

**MOTION NOTED**

Rep. CLEMMONS moved to reconsider the vote whereby H. 4479 was rejected and the motion was noted.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4580 -- Rep. Crawford: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON FRIDAY, JUNE 18, 2010, FROM 11:30 A.M. TO 1:00 P.M. FOR ITS ANNUAL STATE HOUSE MEETING.

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.

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.

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.

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.

**ADJOURNMENT**

At 5:45 p.m. the House in accordance with the motion of Rep. HARRISON adjourned to meet at 10:00 a.m. tomorrow.

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