~~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 41:12: “In my integrity you uphold me and set me in your presence forever.”

Let us pray. Mighty One, direct the service of these Representatives and staff as they strive to do Your will and satisfy the desires of their people. Uphold them in their decisions and debates that what they do be to Your honor and glory. Bless and protect our Nation, President, State, Governor, Speaker, staff, and all who labor in these Halls of Government. Protect our defenders of freedom as they protect us. Heal the wounds, those seen and those unseen, of our brave warriors. Hear us, O Lord. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. J. M. NEAL moved that when the House adjourns, it adjourn in memory of Richard Rowell of Lancaster, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of Cynthia Lee, a House staff member, whose mother passed away.

**R. 3, H. 3321--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

February 2, 2011

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
Post Office Box 11867  
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3321, R. 3.

Let me begin by laying out my policy regarding local legislation so that going forward both the House and Senate clearly understand how I plan to act on local bills before they come to my desk.

This Bill is unconstitutional. Local legislation like H. 3321 violates the home rule provisions of our State Constitution. Every member of the General Assembly is expected to vote on all legislation, including local bills. I believe members who fail to vote are supporting the violation of our Constitution. Having served in the House of Representatives, I will accept full responsibility for following what I thought were “local bill procedures” whereby each delegation voted on bills affecting their county which in many cases was clearly unconstitutional legislation. I believe my former colleagues will agree that, as legislators, we simply follow the “traditions” of the General Assembly and yet in doing so we fail to understand that these traditions are clear violations of our constitution which we have sworn to uphold. Therefore, I ask that you stop the practice of passing local legislation and help preserve and protect our State Constitution by sustaining this veto.

With the exception of local laws affecting public schools, our State Constitution clearly prohibits the General Assembly from enacting laws affecting a specific county and enacting specific laws where a general law can be made applicable. Article VIII, Section 7 provides in pertinent part that “…no laws for a specific county shall be enacted …” Article III, Section 34 (IX) provides that “where a general law can be made applicable, no special law shall be enacted.” At the same time, Article XI, Section 3 clearly gives the General Assembly the responsibility “for the maintenance and support of a system of free public schools …” which has been interpreted to mean that local laws affecting public school districts are not unconstitutional.

Given these clear constitutional rules and my belief that the best government is that closest to the people, I will veto any local legislation I believe is clearly unconstitutional.

H. 3321, R. 3 is unconstitutional special legislation that is intended to apply to one individual in Aiken County to prohibit her from serving as both an employee of a water and sewer district and concurrently serving as an elected commissioner of that district. While I agree with the sponsor of this legislation that an individual should not be placed in a position where he/she is faced with very frequent and unavoidable conflicts of interests, current general law does not prohibit this conduct. In fact, Section 8-13-735 of the State Ethics Act specifically permits service on any state or local governing body *and* employment with the same body so long as the office-holder abstains from voting on a matter that affects his/her economic interests.

Here a general law could have been enacted – or Section 8-13-735 could have been amended – that applies to all similarly situated individuals statewide which would not violate our State Constitution’s ban on enacting special laws where a general law can be made applicable and enacting laws that affect a specific county.

For these reasons, I am vetoing H. 3321, R. 3.

Sincerely,

Nikki R. Haley

Governor

**HOUSE RESOLUTION**

The following was introduced:

H. 3577 -- Rep. Sabb: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR PHILLIP JERYL LEMMON, SR., OF WILLIAMSBURG COUNTY, FOR TEN YEARS OF DEDICATED SERVICE AS MINISTER OF MUSIC AT ST. MICHAEL UNITED METHODIST CHURCH.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 3578 -- Rep. Anthony: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 13 AND 14, 2011, BY THE STUDENTS OF UNION COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL

SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3579 -- Reps. Ballentine, Simrill, Hamilton, Bedingfield, Viers, Stringer, Norman, Clemmons, Ryan, Pope, G. R. Smith and Huggins: A BILL TO AMEND ACT 291 OF 2010, RELATING TO THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2010-2011, SO AS TO PROVIDE THAT, UNLESS OTHERWISE PROHIBITED BY LAW AND NOTWITHSTANDING THE AMOUNTS OF "OTHER FUNDS" APPROPRIATED BY ACT 291 OF 2010, AN AMOUNT EQUAL TO TEN PERCENT OF "OTHER FUNDS" IS TRANSFERRED TO THE GENERAL FUND OF THE STATE AND TO APPROPRIATE THE TRANSFERRED FUNDS FOR SPECIFIED PURPOSES.

Referred to Committee on Ways and Means

H. 3580 -- Reps. Ballentine, Simrill, Hamilton, G. R. Smith, Bedingfield, Viers, Clemmons, Ryan, Stringer, Pope, Norman and Huggins: A BILL TO AMEND SECTION 1-11-497, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACROSS-THE-BOARD REDUCTION IN EXPENDITURES, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROHIBITED BY LAW, ANY ACROSS-THE-BOARD REDUCTION IN APPROPRIATIONS MUST BE APPLIED TO ALL APPROPRIATED FUNDS INCLUDING STATE GENERAL FUND APPROPRIATIONS AND, EXCEPT FOR FEDERAL FUNDS, ALL "OTHER FUNDS" APPROPRIATIONS; TO AMEND SECTION 2-7-75, RELATING TO APPROPRIATING OF FUNDS, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROHIBITED BY LAW, IF THE GENERAL ASSEMBLY MANDATES ANY ACROSS-THE-BOARD PERCENTAGE REDUCTION OF ANY APPROPRIATED FUNDS, THE REDUCTION APPLIES IN THE SAME PERCENTAGE TO "OTHER FUNDS", EXCEPT FOR FEDERAL FUNDS; TO AMEND SECTION 2-65-40, RELATING TO, OVERSIGHT AND EXPENDITURE OF "OTHER FUNDS", SO AS TO PROVIDE THAT UNLESS OTHERWISE PROHIBITED BY LAW, IF THE GENERAL ASSEMBLY MANDATES ANY ACROSS-THE-BOARD PERCENTAGE REDUCTION OF ANY APPROPRIATED FUNDS, THE REDUCTION APPLIES IN THE SAME PERCENTAGE TO "OTHER FUNDS", EXCEPT FOR FEDERAL FUNDS; AND TO AMEND SECTION 11-11-160, RELATING TO TRANSFERS OF APPROPRIATIONS AND REDUCTION OF APPROPRIATIONS, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROHIBITED BY LAW, IF THE GENERAL ASSEMBLY MANDATES ANY ACROSS-THE-BOARD PERCENTAGE REDUCTION OF ANY APPROPRIATED FUNDS, THE REDUCTION APPLIES IN THE SAME PERCENTAGE TO "OTHER FUNDS", EXCEPT FOR FEDERAL FUNDS.

Referred to Committee on Ways and Means

H. 3582 -- Rep. Harrison: A BILL TO AMEND SECTION 17-22-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR A TRAFFIC EDUCATION PROGRAM, SO AS TO PROVIDE THAT A PERSON MAY BE CONSIDERED FOR THE PROGRAM IF HE HAS NO SIGNIFICANT HISTORY OF TRAFFIC VIOLATIONS.

Referred to Committee on Judiciary

H. 3583 -- Rep. Cooper: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2010.

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

H. 3584 -- Reps. Sandifer and Gambrell: A BILL TO AMEND SECTION 58-37-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FINANCING AGREEMENTS FOR THE INSTALLATION OF CERTAIN ENERGY-EFFICIENCY AND CONSERVATION IMPROVEMENTS, SO AS TO CORRECT AN ERRONEOUS CROSS-REFERENCE, AND TO PROVIDE WHERE AN ELECTRICITY OR NATURAL GAS PROVIDER CONTRACTS WITH A THIRD PARTY TO PERFORM CERTAIN FUNCTIONS, THE LIABILITY OF THE THIRD PARTY IS LIMITED IN A SPECIFIC MANNER.

Referred to Committee on Labor, Commerce and Industry

H. 3586 -- Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer: A BILL TO AMEND SECTION 48-39-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO DELETE FROM THE EXEMPTIONS CERTAIN PIERS AND ASSOCIATED STRUCTURES, PUBLIC AND PRIVATE, EXISTING ON SEPTEMBER 21, 1989.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3587 -- Reps. Edge, Viers, Hardwick, Hearn, Clemmons and Barfield: A BILL TO AMEND SECTION 48-39-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, SO AS TO ADD AN EXEMPTION FOR MAINTENANCE DREDGING BY COUNTIES OR MUNICIPALITIES OF CERTAIN CANALS IF THE DREDGING IS AUTHORIZED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT ALL OTHER DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3588 -- Rep. Sellers: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10 AND 11, 2011, BY THE STUDENTS OF DENMARK OLAR SCHOOL DISTRICT TWO OF BAMBERG COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Rep. SELLERS, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 3589 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 79 TO TITLE 2, ENACTING THE "SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT ACT" SO AS TO ESTABLISH AND PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT COMMISSION, TO PROVIDE THAT THIS COMMISSION SHALL ACT TO ENHANCE THE VALUE OF MILITARY FACILITIES LOCATED IN THIS STATE AND ASSIST DEFENSE COMMUNITIES WITH THIS VALUE ENHANCEMENT, TO ESTABLISH THE SOUTH CAROLINA MILITARY VALUE REVOLVING LOAN ACCOUNT TO PROVIDE LOANS TO ASSIST DEFENSE COMMUNITIES TO ENHANCE THE VALUE OF MILITARY FACILITIES, AND TO PROVIDE FOR OTHER METHODS AND INCENTIVES TO ACCOMPLISH THESE PURPOSES.

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

H. 3590 -- Reps. J. E. Smith and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 97 TO TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA BEVERAGE CONTAINER RECYCLING ACT"; TO PROVIDE FOR THE RECYCLING OF BEVERAGE CONTAINERS BY CONSUMERS; TO REQUIRE DEPOSIT BEVERAGE DISTRIBUTORS THAT OPERATE WITHIN THE STATE TO REGISTER WITH THE DEPARTMENT OF REVENUE AND MAINTAIN CERTAIN RECORDS; TO REQUIRE DEPOSIT BEVERAGE DISTRIBUTORS TO PAY A CONTAINER RECOVERY FEE AND A DEPOSIT FOR EACH DEPOSIT BEVERAGE CONTAINER SOLD IN THE STATE; TO REQUIRE DEPOSIT BEVERAGE DISTRIBUTORS TO CHARGE DEALERS OR CONSUMERS A DEPOSIT EQUAL TO THE REFUND VALUE OF THE BEVERAGE CONTAINER; TO PRESCRIBE BEVERAGE CONTAINER REFUND VALUES AND TO REQUIRE REFUND VALUES TO BE AFFIXED TO BEVERAGE CONTAINERS; TO CREATE THE "DEPOSIT BEVERAGE CONTAINER FUND" WITHIN THE DEPARTMENT OF REVENUE, TO PROVIDE WHICH FUNDS ARE TO BE DEPOSITED IN THE FUND AND HOW THE FUND IS TO BE USED; TO REQUIRE THE BUREAU OF LAND AND WASTE MANAGEMENT OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ADMINISTER THE PROGRAM; TO REQUIRE THE COMPTROLLER GENERAL TO CONDUCT AN AUDIT OF THE PROGRAM DURING CERTAIN FISCAL YEARS; TO AUTHORIZE THE BUREAU TO ADOPT RULES AND PROMULGATE REGULATIONS TO EFFECTUATE PROVISIONS OF THIS CHAPTER; TO REQUIRE DEALERS TO POST SIGNS THAT INDICATE INFORMATION ABOUT REDEMPTION CENTERS; TO REQUIRE THE BUREAU TO DEFINE UNDERSERVED AREAS AND WORK TO PUT CERTIFIED REDEMPTION CENTERS IN THESE AREAS; TO REQUIRE PROSPECTIVE REDEMPTION CENTERS AND PROSPECTIVE PROCESSORS TO REGISTER WITH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO PROVIDE REQUIREMENTS FOR THE ISSUANCE OF CERTIFICATION; TO PRESCRIBE THE USE OF REVERSE VENDING MACHINES IN THE COLLECTION OF BEVERAGE CONTAINERS; TO PROVIDE SITUATIONS IN WHICH A CERTIFIED REDEMPTION CENTER MAY REFUSE TO PAY THE REFUND VALUE ON A DEPOSIT BEVERAGE CONTAINER; TO PROVIDE FOR THE PAYMENT OF HANDLING FEES BY THE DEPARTMENT OF REVENUE TO CERTIFIED REDEMPTION CENTERS UPON CERTAIN CONDITIONS; TO PROVIDE FOR THE PAYMENT OF ADMINISTRATIVE FEES BY THE DEPARTMENT OF REVENUE TO PROCESSORS UPON CERTAIN CONDITIONS; TO REQUIRE PROCESSORS TO SUBMIT INVOICES TO THE DEPARTMENT OF REVENUE CONCERNING REFUND VALUES AND ASSOCIATED FEES; TO REQUIRE DISTRIBUTORS, REDEMPTION CENTERS, AND PROCESSORS TO MAKE RECORDS AVAILABLE UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT OF REVENUE TO COMPILE AND PUBLISH A REPORT ON THE PROGRAM EACH FISCAL YEAR; TO PROVIDE FOR THE MEMBERSHIP AND DUTIES OF AN ADVISORY COMMITTEE TO THE BUREAU; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS CHAPTER.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3591 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATIONS OF PROPERTY AND ASSESSMENT RATIOS, SO AS TO PROVIDE THAT SOLAR ENERGY REAL PROPERTY IS CONSIDERED AGRICULTURAL PROPERTY.

Referred to Committee on Ways and Means

H. 3592 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 12-6-3415, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDIT FOR RESEARCH AND DEVELOPMENT, SO AS TO PROVIDE THAT A TAXPAYER WITH LESS THAN ONE HUNDRED FIFTY FULL-TIME EMPLOYEES MAY CLAIM THE ENTIRE CREDIT IN ONE YEAR AND IF THE CREDIT EXCEEDS THE TAXPAYER'S LIABILITY, THE DEPARTMENT OF REVENUE SHALL REFUND A CERTAIN REMAINING PORTION OF THE CREDIT.

Referred to Committee on Ways and Means

H. 3593 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3417 SO AS TO ALLOW A TAX CREDIT FOR INCREASING RESEARCH ACTIVITIES RELATED TO SOLAR LIQUID FUEL, TO ALLOW A TAX CREDIT FOR THE PRODUCTION OF SOLAR LIQUID FUEL IN COMMERCIAL QUANTITIES, TO ALLOW A TAX CREDIT FOR COSTS INCURRED TO CONVERT OR MODIFY EXISTING MOTOR VEHICLE FUEL SERVICE STATIONS FOR THE RETAIL SALE OF SOLAR LIQUID FUEL, AND TO PROVIDE LIMITATIONS.

Referred to Committee on Ways and Means

H. 3594 -- Rep. Crawford: A BILL TO AMEND CHAPTER 21, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT, CREATION, AND OPERATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES AND AUTHORITY STATUTORILY EXERCISED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO THE DEPARTMENT OF CORRECTIONS, AND TO CREATE A DIVISION OF PROBATION, PAROLE AND PARDON SERVICES WITHIN THE DEPARTMENT OF CORRECTIONS; AND TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63, RELATING TO THE ESTABLISHMENT, CREATION, AND OPERATION OF THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES AND AUTHORITY STATUTORILY EXERCISED BY THE DEPARTMENT OF JUVENILE JUSTICE TO THE DEPARTMENT OF CORRECTIONS AND TO CREATE A DIVISION OF JUVENILE JUSTICE WITHIN THE DEPARTMENT OF CORRECTIONS.

Referred to Committee on Judiciary

H. 3595 -- Reps. G. M. Smith, D. C. Moss, Norman, Simrill, G. R. Smith, Ballentine, Pope and Young: A BILL TO AMEND SECTION 8-13-1120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONTENTS OF A PERSON'S STATEMENT OF ECONOMIC INTERESTS, SO AS TO PROVIDE FOR CERTAIN OTHER DISCLOSURES WHICH MUST BE MADE BY A FILER ON HIS STATEMENT OF ECONOMIC INTERESTS.

Referred to Committee on Judiciary

S. 213 -- Senators McConnell, Campsen and Knotts: A BILL TO DIRECT THE SOUTH CAROLINA CODE COMMISSIONER TO INCLUDE BEGINNING WITH THE 2011 CUMULATIVE SUPPLEMENT TO THE CODE OF LAWS OF SOUTH CAROLINA, 1976, CERTAIN REPORTER'S COMMENTS IN REGARD TO VARIOUS PROVISIONS OF THE SOUTH CAROLINA PROBATE CODE IN TITLE 62, AMENDED BY ACT 244 OF 2010.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 3581 -- Reps. Bowers, Hodges, R. L. Brown, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND COLLETON COUNTY COUNCILMAN FLOYD BUCKNER FOR HIS MANY YEARS OF OUTSTANDING PUBLIC SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3585 -- Reps. McCoy, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE THE KREWE OF CHARLESTON FOR BRINGING THE GREAT TRADITION AND CULTURE OF MARDI GRAS TO SOUTH CAROLINA, AND TO HONOR ITS MEMBERS FOR

THEIR SUPPORT OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA CHILDREN'S HOSPITAL.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 489 -- Senators O'Dell and Nicholson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE WORK OF ROGER STEVENSON, M.D., UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-SEVEN YEARS AS DIRECTOR OF THE GREENWOOD GENETIC CENTER.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 495 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO EXTEND THE CONGRATULATIONS OF THE SOUTH CAROLINA GENERAL ASSEMBLY TO LEROY RAVENELL ON THE OCCASION OF HIS BEING ELECTED SHERIFF OF ORANGEBURG COUNTY, AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT AS HE TAKES UP HIS NEW DUTIES.

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

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bikas |
| Bingham | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Umphlett | Weeks | White |
| Williams | Willis | Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, February 3.

|  |  |
| --- | --- |
| Paul Agnew | Jackson "Seth" Whipper |
| Don Bowen | Thad Viers |
| William R. "Bill" Whitmire | Dan Hamilton |
| Tracy Edge | Todd Rutherford |
| Anne Parks | David Mack |
| Ted Vick | Jerry Govan |
| Richard “Rick” Quinn | Joseph Neal |
| Harold Mitchell |  |

**Total Present--120**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BEDINGFIELD a leave of absence due to family illness.

**STATEMENT OF ATTENDANCE**

Rep. PITTS signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Wednesday, February 2.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Rob Morgan of Greenville was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. TOOLE presented to the House the White Knoll High School Marching Band, the 2010 AAAA Champions, their director 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. 3246 |
| Date: | ADD: |
| 02/03/11 | BARFIELD, JEFFERSON, WILLIAMS and ALEXANDER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3332 |
| Date: | ADD: |
| 02/03/11 | CLEMMONS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3344 |
| Date: | ADD: |
| 02/03/11 | CLEMMONS and WEEKS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3287 |
| Date: | ADD: |
| 02/03/11 | HODGES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3301 |
| Date: | ADD: |
| 02/03/11 | R. L. BROWN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3375 |
| Date: | ADD: |
| 02/03/11 | EDGE and ANDERSON |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3509 |
| Date: | REMOVE: |
| 02/03/11 | HIXON |

**SENT TO THE SENATE**

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

H. 3479 -- Rep. H. B. Brown: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF FAIRFIELD COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3074 -- Reps. Barfield, Toole, Viers, Owens, Bikas and Clemmons: A JOINT RESOLUTION TO REQUEST APPROPRIATE ACTION BY THE CONGRESS OF THE UNITED STATES, ON ITS OWN ACTION BY CONSENT OF TWO-THIRDS OF BOTH HOUSES OR ON THE APPLICATION OF THE LEGISLATURES OF TWO-THIRDS OF THE SEVERAL STATES, TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO REQUIRE THAT THE TOTAL OF ALL FEDERAL APPROPRIATIONS MAY NOT EXCEED THE TOTAL OF ALL ESTIMATED FEDERAL REVENUES IN ANY FISCAL YEAR, WITH CERTAIN EXCEPTIONS.

**ORDERED TO THIRD READING**

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

H. 3530 -- Rep. Vick: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF CHESTERFIELD COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3533 -- Rep. Crawford: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011, BY THE STUDENTS OF FLORENCE COUNTY SCHOOL DISTRICT ONE WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3560 -- Reps. Govan, Sellers, Ott and Cobb-Hunter: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 10, 2011, BY THE STUDENTS OF THE ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FIVE WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3561 -- Reps. Govan, Sellers, Ott and Cobb-Hunter: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 12, 2011, BY THE STUDENTS OF THE ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FOUR WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 3433 -- Reps. Herbkersman and Patrick: A BILL TO AMEND SECTION 7-7-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVIEW AND RENAME CERTAIN VOTING PRECINCTS OF BEAUFORT COUNTY AND TO REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

H. 3551 -- Rep. Harrison: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUMES 4A AND 14 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2011.

**H. 3533--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. CRAWFORD, with unanimous consent, it was ordered that H. 3533 be read the third time tomorrow.

**H. 3560--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. OTT, with unanimous consent, it was ordered that H. 3560 be read the third time tomorrow.

**H. 3561--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. OTT, with unanimous consent, it was ordered that H. 3561 be read the third time tomorrow.

**H. 3433--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HERBKERSMAN, with unanimous consent, it was ordered that H. 3433 be read the third time tomorrow.

**H. 3551--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HARRISON, with unanimous consent, it was ordered that H. 3551 be read the third time tomorrow.

**H. 3441--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3441 -- Reps. Huggins, Bingham, Ballentine, McLeod and Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-845 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 126 IN RICHLAND COUNTY AND INTERSTATE HIGHWAYS 20 AND 26 IN BOTH LEXINGTON AND RICHLAND COUNTIES.

Rep. HUGGINS proposed the following Amendment No. 1 (COUNCIL\SWB\6033CM11), which was adopted:

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

/SECTION 1. Article 17, Chapter 23, Title 57 of the 1976 Code is amended by adding:

“Section 57‑23‑845. Notwithstanding the provisions contained in Section 57‑23‑800, or another provision of law, the Department of Transportation may mow and maintain beyond thirty feet from the pavement roadside vegetation adjacent to Interstate Highway 126 in Richland County and Interstate Highways 20, 26, and 77 in both Lexington and Richland Counties.” /

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

The amendment was then adopted.

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

**H. 3441--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HUGGINS, with unanimous consent, it was ordered that H. 3441 be read the third time tomorrow.

**H. 3373--POINT OF ORDER**

The following Bill was taken up:

H. 3373 -- Reps. Sandifer, Bowers, Bales, Anderson and Pinson: A BILL TO AMEND SECTION 38-77-112, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF AN AUTOMOBILE INSURER FROM THE REQUIREMENT TO WRITE AUTOMOBILE INSURANCE COVERAGE FOR AN APPLICANT OR EXISTING POLICYHOLDER, SO AS TO REMOVE CERTAIN EXEMPTIONS FROM THE APPLICABILITY OF THIS SECTION.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3332--POINT OF ORDER**

The following Bill was taken up:

H. 3332 -- Reps. Sandifer, McLeod, Bowers, Bales, Anderson, Pinson and Clemmons: A BILL TO AMEND SECTION 38-73-736, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN REDUCTIONS IN PREMIUM CHARGES, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS NOT A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS; TO AMEND SECTION 38-73-737, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3344--POINT OF ORDER**

The following Bill was taken up:

H. 3344 -- Reps. Brady, Erickson, Sandifer, Allison, Dillard, Henderson, Butler Garrick, Munnerlyn, Funderburk, Horne, Long, Nanney, Bowers, Bales, Anderson, Pinson, Weeks and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT" BY ADDING SECTION 38-57-115 SO AS TO PROVIDE THAT IT IS UNFAIR DISCRIMINATION FOR AN INSURER TO DENY, REFUSE TO ISSUE OR RENEW, CANCEL, RESTRICT OR EXCLUDE COVERAGE, DENY A CLAIM OR LIMIT PAYMENTS, OR ADD A PREMIUM DIFFERENTIAL TO A POLICY OR CERTIFICATE OF COVERAGE ON THE BASIS THAT AN APPLICANT OR INSURED HAS BEEN OR IS PERCEIVED TO HAVE BEEN ABUSED OR MAY BE A SUBJECT OF ABUSE AND TO PROVIDE PENALTIES, INCLUDING FINES UP TO TWO HUNDRED THOUSAND DOLLARS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3301--POINT OF ORDER**

The following Bill was taken up:

H. 3301 -- Reps. Clemmons, Bowers, Bales, Anderson, Pinson and R. L. Brown: A BILL TO AMEND SECTION 23-43-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STANDARDS FOR PLACEMENT OF MODULAR HOMES, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A MODULAR HOME USED AS A DISPLAY MODEL MAY BE PLACED FOR ITS FIRST RESIDENTIAL USE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3246--POINT OF ORDER**

The following Bill was taken up:

H. 3246 -- Reps. Funderburk, Viers, Agnew, Gambrell, Barfield, Jefferson, Williams and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-280 SO AS TO PROHIBIT THE IMPORTATION, PRODUCTION, MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC ENERGY DRINKS AND CAFFEINATED MALT BEVERAGES AND TO PROVIDE PENALTIES.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3104--POINT OF ORDER**

The following Bill was taken up:

H. 3104 -- Rep. Nanney: A BILL TO AMEND SECTION 29-3-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3375--POINT OF ORDER**

The following Bill was taken up:

H. 3375 -- Reps. Harrell, Lucas, Cooper, Hardwick, Harrison, Owens, Sandifer, White, Bingham, Atwater, Parker, Crawford, Loftis, Bowen, G. R. Smith, Bedingfield, Toole, Sottile, V. S. Moss, Forrester, Bikas, Huggins, Brady, Allison, Pinson, Frye, Whitmire, Skelton, Nanney, Henderson, Limehouse, Corbin, Barfield, Battle, Clemmons, Cole, Crosby, Daning, Gambrell, Hamilton, Hiott, Hixon, Horne, Lowe, D. C. Moss, Murphy, Norman, Patrick, Simrill, G. M. Smith, J. R. Smith, Spires, Taylor, Willis, Young, Herbkersman, Ballentine, Thayer, Bannister, McCoy, Tallon, Stringer, Long, Hayes, Ott, J. M. Neal, Vick, G. A. Brown, Branham, Anthony, Bowers, Sellers, Quinn, Hearn, Edge and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011" BY AMENDING ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, SO AS TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTIONS 1-7-750 AND 1-7-760 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, AND TO PROVIDE FOR THE SUSPENSION OF THE LIMITATIONS UNDER CERTAIN EXCEPTIONAL CIRCUMSTANCES; 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 BUT MAY BE ADMISSIBLE AS EVIDENCE; 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; AND TO AMEND SECTION 56-5-6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO DELETE THE PROVISION THAT PROVIDED THAT A VIOLATION FOR FAILURE TO WEAR A SEATBELT IS NOT NEGLIGENCE PER SE OR COMPARATIVE NEGLIGENCE AND IS NOT ADMISSIBLE IN A CIVIL ACTION.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3221--POINT OF ORDER**

The following Bill was taken up:

H. 3221 -- Rep. Nanney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-53-45 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO FILE ELECTRONICALLY ALL DOCUMENTS RELATING TO THE ENFORCED COLLECTION OF TAXES DUE THIS STATE WITH COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS IN THOSE COUNTIES WHICH ACCEPT ELECTRONIC FILINGS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3496--RECALLED AND REFERRED TO COMMITTEE ON MEDICAL, MILITARY, PUBLIC**

**AND MUNICIPAL AFFAIRS**

On motion of Rep. WHITMIRE, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works and was referred to the Committee on Medical, Military, Public and Municipal Affairs:

H. 3496 -- Reps. Brady, Butler Garrick and Spires: A BILL TO AMEND SECTION 44-29-135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS, SO AS TO DELETE THE PROVISION REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND SCHOOL NURSE IF A MINOR IS ATTENDING A SCHOOL IN THE DISTRICT AND HAS ACQUIRED IMMUNODEFICIENCY SYNDROME OR IS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; AND BY ADDING SECTION 59-10-220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

**H. 3095--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3095 -- Reps. Clemmons, Erickson, Stavrinakis, McCoy, Bowen, Sandifer, Whitmire, Hixon, J. R. Smith, Allison, Long, Toole, Weeks, Atwater, Hardwick, Agnew, Govan and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-1-70 SO AS TO PROVIDE CERTAIN DEFINITIONS RELATED TO TRANSFER FEE COVENANTS, TO STATE CERTAIN FINDINGS RELATED TO TRANSFER FEE COVENANTS, TO PROVIDE A TRANSFER FEE COVENANT RECORDED AFTER THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN TO THE EXTENT THAT IT PURPORTS TO SECURE THE PAYMENT OF A TRANSFER FEE, IS NOT BINDING ON OR ENFORCEABLE AGAINST THE AFFECTED REAL PROPERTY OR ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE OF ANY INTEREST IN THE PROPERTY, AND TO PROVIDE THE SECTION DOES NOT IMPLY THAT A TRANSFER FEE COVENANT RECORDED BEFORE THE EFFECTIVE DATE OF THIS SECTION IS VALID OR ENFORCEABLE.

Rep. HART moved to adjourn debate on the Bill until Tuesday, February 8, which was agreed to.

**H. 3095--RECONSIDERED AND SENT TO THE SENATE**

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

H. 3095 -- Reps. Clemmons, Erickson, Stavrinakis, McCoy, Bowen, Sandifer, Whitmire, Hixon, J. R. Smith, Allison, Long, Toole, Weeks, Atwater, Hardwick, Agnew, Govan and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-1-70 SO AS TO PROVIDE CERTAIN DEFINITIONS RELATED TO TRANSFER FEE COVENANTS, TO STATE CERTAIN FINDINGS RELATED TO TRANSFER FEE COVENANTS, TO PROVIDE A TRANSFER FEE COVENANT RECORDED AFTER THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN TO THE EXTENT THAT IT PURPORTS TO SECURE THE PAYMENT OF A TRANSFER FEE, IS NOT BINDING ON OR ENFORCEABLE AGAINST THE AFFECTED REAL PROPERTY OR ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE OF ANY INTEREST IN THE PROPERTY, AND TO PROVIDE THE SECTION DOES NOT IMPLY THAT A TRANSFER FEE COVENANT RECORDED BEFORE THE EFFECTIVE DATE OF THIS SECTION IS VALID OR ENFORCEABLE.

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

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3557 -- Reps. G. M. Smith and Weeks: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE THESPIANS OF SUMTER LITTLE THEATRE ON WINNING MULTIPLE TOP HONORS AT THE 2010 SOUTH CAROLINA THEATRE ASSOCIATION CONVENTION.

**ADJOURNMENT**

At 11:08 a.m. the House, in accordance with the motion of Rep. J. M. NEAL, adjourned in memory of Richard Rowell of Lancaster, to meet at 10:00 a.m. tomorrow.

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