~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Jeremiah 31:33: “This is the covenant I will make, declared the Lord. I will put my law on their minds and write it on their hearts.”

Let us pray. Almighty God, as we approach the end of this Legislative year, continue to guide the hearts and minds of these Representatives, as they labor to accomplish the work of the people. Continue to give them strength, courage, wisdom, and integrity in all that they do. Guide our Nation, President, State, Governor, Speaker, and all who serve in these Halls of Government. Protect 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.

**MOTION ADOPTED**

Rep. HART moved that when the House adjourns, it adjourn in memory of Harriet Gardin Fields of Columbia, which was agreed to.

**COMMUNICATION**

The following was received:

May 19, 2009

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 writing to inform you that I am vetoing and returning without my approval H. 3616, R. 51, a bill that would create Enterprise Campus Authorities at five of our technical colleges across the state.

Let me start by saying that we support the technical colleges and their mission to educate students and train them for the workforce. In the past, we have allowed similar pieces of legislation to become law; however, since that time there have been instances where public investment hasn’t drawn private capital or anything nearing a commensurate level of private investment, which has given us pause for concern.

First, we would point to the University of South Carolina, where millions of public funds have been poured into buildings at Innovista. The problem here is that many of these buildings still remain vacant, and USC lacks the additional private funding needed to complete the project. To date, this project has not drawn down enough private capital to make this a worthwhile expenditure of public funds, as the promise of private funding was the justification for public funding. We are concerned that supporting this bill would put our state in the position of putting more public funds toward research buildings without any ready-to-go private tenants or accompanying private investments. On projects like these we believe it is time to replace involuntary taxpayer capital with voluntary private capital.

Second, we can look to the “Restorative Institute” that has already received more than $13 million of our tax dollars in Charleston. Under this program with Clemson, restoration of the Hunley is now being financed by taxpayers. In our many deliberations with Clemson, representatives have assured us that private monies would be forthcoming. This “assurance” of private matching dollars has proven to be nothing more than an illusion, and we have consistently made the counterpoint that there is not a big market in restoring Confederate-era submarines. We believe it is dangerous for us to get into the practice Kevin Costner used in the movie *Field of Dreams*, with the approach of building it in the hope that “they will come.” Costner’s character hoped for the return of long dead baseball players, and in our current situation, private capital may appear just as ephemeral in these “research” enterprises if all of us are not vigilant in looking at quantifiable returns on these significant public investments.

We would also question whether we should expand this concept to other technical colleges during the difficult budget times in which we live. Given the current fiscal climate – and no solid assurance that the situation will dramatically improve within the next year or so – we believe that schools should be focusing their resources towards fulfilling their core mission – educating students – rather than, what has been in some cases, speculative investment with public dollars.

Having laid out our concerns, we would support a similar bill in the future if certain assurances from private investors existed prior to the construction of facilities. We would want a cost-benefit analysis proposal performed prior to the investment of public funds, as well as a dedicated revenue source in hand before a project was started. This would ensure that taxpayers would not fund the construction of a research facility through direct appropriations or through a hike in student tuition, and allow for a greater return on taxpayers’ investment instead of what USC has done by constructing buildings in a speculative fashion. While we are encouraged by the provision in this bill that calls for an annual report on the development and use of the enterprise campus to be submitted no later than six months *after* the end of each fiscal year, we would prefer that this information be presented upfront detailing what the commitments of the private investors will be.

While we cannot support the current legislation, we do applaud the goals that the bill is attempting to achieve and would be willing to reconsider our position if the assurances outlined above are met.

For the reasons above, I am vetoing and returning without my approval H. 3616, R. 51.

Sincerely,

Mark Sanford

Governor

**R. 51, H. 3616--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 51) H. 3616 -- Rep. Simrill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 53, TITLE 59 SO AS TO ENACT THE "STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION ACT"; TO CREATE THE AIKEN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE ORANGEBURG-CALHOUN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY, AND THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY; TO PROVIDE THAT EACH AUTHORITY MUST BE GOVERNED BY A BOARD, AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE BOARD; TO PROVIDE FOR LEASE AND LEASE PURCHASE AGREEMENT APPROVAL; TO PROVIDE THAT THE POWERS GRANTED TO AN AUTHORITY MUST COMPLY WITH THE PROCUREMENT CODE; TO PROVIDE FOR THE ISSUANCE OF BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS BY AN AUTHORITY; TO PROVIDE REPORTING REQUIREMENTS; TO PROVIDE THAT AN AUTHORITY IS NOT REQUIRED TO PAY TAXES AND ASSESSMENTS, AND THAT BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS ISSUED BY AN AUTHORITY MAY NOT BE TAXED; TO REQUIRE A COMMISSION TO DESIGNATE THE AREA THAT COMPRISES THE ENTERPRISE CAMPUS, AND TO FURTHER PROVIDE COMMISSION POWERS AND DUTIES WITH RESPECT TO ENTERPRISE CAMPUS PROPERTY.

Rep. SIMRILL explained the Veto.

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

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | R. L. Brown | Cato |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Gullick |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hearn |
| Herbkersman | Hiott | Hodges |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| M. A. Pitts | Rice | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Thompson |
| Toole | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 19, 2009

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. 345:

S. 345 -- Senator Leatherman: A BILL TO AMEND SECTION 8-11-65 OF THE 1976 CODE, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS SHALL BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; AND TO AMEND SECTION 8-11-120, RELATING TO THE POSTING OF JOB VACANCIES BEFORE THE VACANCY IS FILLED, TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR THE NOTICE.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**S. 304--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., May 14, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to S. 304:

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

Very respectfully,

President

On motion of Rep. COOPER, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. EDGE, COBB-HUNTER and LOFTIS to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**REPORTS OF STANDING COMMITTEE**

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

H. 4053 -- Reps. Edge, Hardwick, Hearn and Barfield: A CONCURRENT RESOLUTION TO DESIGNATE AND PROVIDE THAT COASTAL CAROLINA UNIVERSITY SHALL BE THE HOME OF THE BEACH MUSIC HALL OF FAME.

Ordered for consideration tomorrow.

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

H. 4054 -- Rep. Edge: A CONCURRENT RESOLUTION TO URGE THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EDUCATE PARENTS ON THE IMPORTANCE OF ADOLESCENT WELL PHYSICALS TO PREVENT CHRONIC DISEASES, APPROPRIATELY INTERVENE TO BETTER TREAT CHRONIC DISEASE, AND UPDATE IMMUNIZATIONS FOR ADOLESCENTS OF THIS STATE AND NATION.

Ordered for consideration tomorrow.

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

H. 4078 -- Reps. Clyburn, T. R. Young and J. R. Smith: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF UNITED STATES HIGHWAY 19 THAT RUNS THROUGH THE CITY OF AIKEN "DR. MARTIN LUTHER KING, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "DR. MARTIN LUTHER KING, JR. MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

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

S. 815 -- Senator Bryant: A CONCURRENT RESOLUTION TO JOIN THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE IN RECOGNIZING THE WEEK OF MAY 11-15, 2009, AS "NATIONAL LAW ENFORCEMENT WEEK".

Ordered for consideration tomorrow.

**INTRODUCTION OF BILLS**

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

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

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

H. 4088 -- Rep. Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-11-735 SO AS TO PROVIDE FOR COVERAGE UNDER THE STATE HEALTH AND DENTAL INSURANCE PLAN FOR STATE EMPLOYEES WHO IN A PERSONNEL ACTION HAVE BEEN SUSPENDED WITHOUT PAY.

Referred to Committee on Ways and Means

H. 4091 -- Reps. Gilliard, Anderson, Whipper, Mack and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-640 SO AS TO CREATE THE HATE CRIME OF ASSAULT AND BATTERY UPON A HOMELESS PERSON AND PROVIDE A TWO-TIERED PENALTY.

Referred to Committee on Judiciary

H. 4093 -- Reps. Loftis, Mitchell, H. B. Brown, Bedingfield, Anthony, G. A. Brown, Crawford, Dillard, Harvin, Hiott, Knight, Lowe, J. R. Smith, Toole and D. C. Moss: 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.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4096 -- Rep. A. D. Young: A BILL TO AMEND SECTION 41-29-170, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCLOSURE OF CERTAIN INFORMATION TO ENSURE THAT A CLAIMANT, OR HIS LEGAL REPRESENTATIVE, BE SUPPLIED WITH RECORDS IN ORDER TO MAKE A CLAIM, SO AS TO ADD A PROVISION TO PROVIDE UNEMPLOYMENT INFORMATION NECESSARY FOR WORKFORCE IMPROVEMENT AND PROGRAM EVALUATION TO THE AGENCY ADMINISTERING THE WORKFORCE INVESTMENT ACT, AND TO REQUIRE THE COMMISSION TO RESPOND TO A REQUEST FROM AN AGENCY DESIGNATED BY THE GOVERNOR TO ENHANCE ECONOMIC DEVELOPMENT AND CREATE JOBS WITH INFORMATION OBTAINED PURSUANT TO THE PROVISIONS OF CHAPTERS 27 THROUGH 42 CONSIDERED NECESSARY TO THE REQUESTING AGENCY FOR ECONOMIC DEVELOPMENT AND WORKFORCE IMPROVEMENT; TO AMEND SECTION 41-35-50, RELATING TO THE MAXIMUM POTENTIAL BENEFITS OF AN INSURED WORKER, SO AS TO CHANGE THE FORMULA FOR CALCULATING THE BENEFIT; TO AMEND SECTION 41-35-120, AS AMENDED, RELATING TO DISQUALIFICATION OF BENEFITS, SO AS TO ADD A PROVISION PROVIDING FOR "GROSS MISCONDUCT" AND CONFORMING THE TERM "MOST RECENT BONA FIDE EMPLOYER" TO ITS DEFINITION IN SECTION 41-35-110(5), AND TO REQUIRE THE DEDUCTION OF SEVERANCE PAY FROM UNEMPLOYMENT COMPENSATION PAYMENTS.

Referred to Committee on Labor, Commerce and Industry

**HOUSE RESOLUTION**

The following was introduced:

H. 4089 -- Reps. Miller, 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, Gullick, 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, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, 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 ACKNOWLEDGE AND COMMEND THE WACCAMAW HIGH SCHOOL TENNIS TEAM OF GEORGETOWN COUNTY, AND TO CONGRATULATE THE ATHLETES, COACHES, AND SCHOOL OFFICIALS FOR WINNING THE 2009 SOUTH CAROLINA CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

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

H. 4090 -- Reps. Miller, 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, Gullick, 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, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE WACCAMAW HIGH SCHOOL VARSITY GOLF AND TENNIS TEAMS, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASONS AND FOR GARNERING THEIR RESPECTIVE 2009 CLASS AA STATE CHAMPIONSHIP TITLES.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Waccamaw High School varsity golf and tennis teams, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding seasons and for garnering their respective 2009 Class AA Division State Championship titles.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4092 -- Reps. Miller, 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, Gullick, 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, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE WACCAMAW HIGH SCHOOL GOLF TEAM OF GEORGETOWN COUNTY, AND TO CONGRATULATE THE PLAYERS, COACHES, AND SCHOOL OFFICIALS FOR CAPTURING THE 2009 SOUTH CAROLINA CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4094 -- Reps. Pinson, Parks, M. A. Pitts, 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, Gullick, 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, Ott, Owens, Parker, E. H. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE MEMBERS OF THE GREENWOOD HIGH SCHOOL TENNIS TEAM FOR ITS OUTSTANDING SEASON, AND TO CONGRATULATE THE PLAYERS AND COACH FOR CAPTURING THE 2009 CLASS AAAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

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

H. 4095 -- Reps. Pinson, Parks, M. A. Pitts, 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, Gullick, 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, Ott, Owens, Parker, E. H. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE GREENWOOD HIGH SCHOOL TENNIS TEAM, COACH, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2009 CLASS AAAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Greenwood High School tennis team, coach, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2009 Class AAAA State Championship title.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 860 -- Senator Knotts: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SERGEANT SILLER ANDERSON, UPON THE OCCASION OF HIS RETIREMENT, AFTER TWENTY-FIVE YEARS OF FAITHFUL SERVICE TO THE COUNTY OF LEXINGTON, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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 | Bales |
| Ballentine | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | 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 | Ott | Owens |
| Parker | Parks | Pinson |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, May 20.

|  |  |
| --- | --- |
| Douglas Jennings | Ted Vick |
| Bruce Bannister | Leon Stavrinakis |
| Michael A. Pitts | Jerry Govan |
| G. Murrell Smith | Edward H. "Ted" Pitts |
| Todd Rutherford | H.B. "Chip" Limehouse |
| Boyd Brown | Paul Agnew |

**Total Present--122**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CLYBURN a leave of absence for the day due to illness.

**STATEMENT OF ATTENDANCE**

Rep. VICK signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, May 19.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Otis Engelman of Summerville was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Reps. KNIGHT, HARRELL, HORNE and A. D. YOUNG presented to the House the Summerville High School "Green Wave" 2009 Scholastic Class A Winter Guard Champions, their coach and other school officials.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SPECIAL PRESENTATION**

Rep. HARRELL presented to the House the First Baptist School "Hurricanes" Varsity Baseball Team, the 2009 South Carolina Independent School Association Class AA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3662 |
| Date: | ADD: |
| 05/20/09 | R. L. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4093 |
| Date: | ADD: |
| 05/20/09 | SELLERS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4022 |
| Date: | ADD: |
| 05/20/09 | VIERS and VICK |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3279 |
| Date: | ADD: |
| 05/20/09 | VIERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3280 |
| Date: | ADD: |
| 05/20/09 | VIERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3746 |
| Date: | ADD: |
| 05/20/09 | VIERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4005 |
| Date: | ADD: |
| 05/20/09 | BALES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4093 |
| Date: | ADD: |
| 05/20/09 | D. C. MOSS |

**SENT TO THE SENATE**

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

H. 4051 -- Reps. Pinson, M. A. Pitts and Parks: A BILL TO AUTHORIZE THE TRANSFER FROM THE SINKING FUND OF GREENWOOD SCHOOL DISTRICT 52 TO ITS GENERAL FUND A SPECIFIED SUM OF MONEY TO REIMBURSE THE DISTRICT FOR AMOUNTS PAID BY IT FROM ITS GENERAL FUND FOR DEBT SERVICE ON A GENERAL OBLIGATION BOND OF THE DISTRICT.

H. 4048 -- Reps. M. A. Pitts, Duncan and Willis: A BILL TO AMEND SECTION 22-2-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY JURY AREA DESIGNATIONS FOR USE IN MAGISTRATES COURTS, SO AS TO REVISE THE JURY AREAS FOR LAURENS COUNTY TO PROVIDE FOR ONE JURY AREA COUNTYWIDE.

H. 4055 -- Reps. Hardwick, Hearn, Barfield, Clemmons and Edge: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF HORRY COUNTY AND 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. 3719 -- Reps. Clemmons, Weeks, Willis and Dillard: A BILL TO AMEND SECTION 23-3-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON, MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23-3-250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY; TO AMEND SECTION 23-3-270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTERS TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23-3-330 SO AS TO ESTABLISH A STATEWIDE SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION REGARDING A MISSING PERSON WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

**S. 537--DEBATE ADJOURNED**

Rep. HALEY moved to adjourn debate upon the following Joint Resolution, which was adopted:

S. 537 -- Senator Setzler: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS RESIDING IN SCHOOL DISTRICTS THAT CLOSED DUE TO SNOW ON MARCH 2, 2009, IS WAIVED FOR STUDENTS IN LEXINGTON SCHOOL DISTRICTS ONE, TWO, THREE, AND FOUR.

**S. 759--TABLED**

The following Bill was taken up:

S. 759 -- Senator Hayes: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT FOR THE PURPOSE OF PAYING COSTS OF OPERATION AND MAINTENANCE OF CERTAIN ELEMENTARY SCHOOLS, TO REQUIRE THESE BONDS TO MATURE IN NO MORE THAN FIVE YEARS, TO REQUIRE THAT THE BONDS BE AUTHORIZED BY RESOLUTION OF THE BOARD OF TRUSTEES AFTER AN AUTHORIZATION BY A FAVORABLE VOTE OF THE QUALIFIED ELECTORS OF THE DISTRICT, TO PROVIDE THAT THE BONDS MAY BE SOLD BY PUBLIC OR PRIVATE SALE, AND TO PROVIDE OTHER MATTERS RELATED TO THE AUTHORIZATION AND SALE OF THE BONDS.

Rep. KIRSH explained the Bill.

Rep. Kirsh moved to table the Bill, which was agreed to by a division of 5 to 2.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill and Joint Resolutions were read the third time, passed and, having received three readings in both Houses, it was ordered that the title of each be changed to that of an Act, and that they be enrolled for ratification:

S. 727 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO PHYTOPHTHORA RAMORUM QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4062, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 390 -- Senator Hayes: A BILL TO ENACT THE "MENTAL HEALTH PARITY AND ADDICTION ACT OF 2009"; AND TO AMEND SECTION 38-71-880, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL AND SURGICAL BENEFITS AND MENTAL BENEFITS COVERAGE, SO AS TO ADD PROVISIONS RELATING TO SUBSTANCE USE DISORDER COVERAGE, FINANCIAL REQUIREMENTS, AND TREATMENT LIMITATIONS AND TO PROVIDE FOR DEFINITIONS.

S. 166 -- Senator Campsen: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT A HIGHWAY BEAUTIFICATION PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE.

**H. 3561--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Joint Resolution until Thursday, May 21, 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, 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. 3603--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3603 -- Reps. Gullick and M. A. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-1-65 SO AS TO PROVIDE A PERSON WHO POLLUTES THE WATERS OF THIS STATE AS DEFINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL GIVE PUBLIC-NOTICE OF THE POLLUTION IN A MANNER PRESCRIBED BY THE DEPARTMENT; TO PROVIDE THE BOARD OF THE DEPARTMENT SHALL PRESCRIBE THIS PUBLIC-NOTICE PROCEDURE; TO PROVIDE CERTAIN SPECIFICATIONS THE BOARD MUST INCLUDE IN THIS PUBLIC NOTICE PROCEDURE; AND TO PROVIDE A VIOLATION IS A MISDEMEANOR SUBJECT TO A FINE, IMPRISONMENT, OR BOTH.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GJK\20362SD09), which was adopted:

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

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

“Section 48‑1‑65. (A) Any publicly owned treatment works or privately owned treatment works treating domestic sewage which is responsible for a spill greater than one thousand gallons, as soon as practicable within twelve hours, shall give public notice of the location and extent of the spill.

(B) The board shall prescribe a procedure for this public notice, including a procedure for notification to radio, television, newspaper, and other news outlets by the permit holder, including their website, and notification by publication in a newspaper of general circulation, and other notification considered appropriate by the board including emergency notification of local media outlets, posting relevant notification information on the department’s Internet website, and provision of notice by email to a member of the public who has requested this information.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars for each day’s violation, or imprisoned not more than thirty days, or both.”

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

Renumber sections to conform.

Amend title to conform.

Rep. AGNEW explained the amendment.

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

**S. 323--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 323 -- Senator Thomas: A BILL TO AMEND SECTION 38-90-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING OF A CAPTIVE INSURANCE COMPANY, SO AS TO PROHIBIT A CAPTIVE INSURANCE COMPANY FROM WRITING WORKERS’ COMPENSATION INSURANCE ON A DIRECT BASIS, AND TO AUTHORIZE AN ADDITIONAL PROCESSING FEE FOR AN APPLICATION TO BE CHARGED AS DETERMINED APPROPRIATE BY THE DIRECTOR OR HIS DESIGNEE GIVEN THE NATURE OF THE APPLICATION BEING INVESTIGATED; TO AMEND SECTION 38-90-40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO AUTHORIZE A REDUCTION IN REQUIRED TRUST FUNDS FOR A BRANCH CAPTIVE INSURANCE COMPANY THAT POSTS SECURITY FOR LOSS RESERVES ON BRANCH BUSINESS TO A FRONT COMPANY; TO AMEND SECTION 38-90-55, RELATING TO INCORPORATION OF A CAPTIVE REINSURANCE COMPANY, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS OF CERTAIN TYPE OF CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38-90-70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO AUTHORIZE THE DIRECTOR TO GRANT AN EXTENSION OR WAIVE THE REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 38-90-75, RELATING TO DISCOUNTING OF LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO PROVIDE THE SECTION APPLIES TO A CAPTIVE INSURANCE COMPANY, DELETE THE MANNER IN WHICH THE RESERVES WERE DISCOUNTED, AND PROVIDE THAT THIS PROCESS MAY BE ACCOMPLISHED WITH PRIOR WRITTEN APPROVAL BY THE DIRECTOR; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL OF THE INSPECTIONS AND EXAMINATIONS AND AUTHORIZE THE DIRECTOR TO WAIVE THE REQUIREMENT FOR A VISIT TO CERTAIN COMPANIES; TO AMEND SECTION 38-90-90, RELATING TO SUSPENSION OR REVOCATION OF THE LICENSE OF A CAPTIVE INSURANCE COMPANY, SO AS TO AUTHORIZE THE DIRECTOR TO IMPOSE A FINE INSTEAD OF REVOKING OR SUSPENDING A LICENSE; TO AMEND SECTION 38-90-130, RELATING TO THE PROHIBITION OF A CAPTIVE INSURANCE COMPANY FROM PARTICIPATING IN A PLAN, POOL, ASSOCIATION, OR GUARANTY OR INSOLVENCY FUND, SO AS TO AUTHORIZE A COMPANY TO PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE THE PROVISIONS OF CHAPTERS 26 AND 27 APPLICABLE TO CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-440, AS AMENDED, RELATING TO LICENSING OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO PROVIDE THE BASIS FOR CALCULATING A PROCESSING FEE, AND CLARIFY THAT SIX THOUSAND DOLLARS BASED ON A MINIMUM FEE OF TWELVE THOUSAND DOLLARS IS PAYABLE UPON FILING OF THE APPLICATION; TO AMEND SECTION 38-90-450, AS AMENDED, RELATING TO THE ORGANIZATION REQUIREMENTS OF A SPECIAL PURPOSE FINANCIAL CAPTIVE, SO AS TO CHANGE FROM MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR WHEN ISSUING A CERTIFICATE; AND TO AMEND SECTION 38-90-560, RELATING TO EXAMINATIONS BY THE DIRECTOR OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL THAT A COMPANY MUST BE INSPECTED AND DELETE THE AUTHORITY OF THE DIRECTOR TO ENLARGE THE PERIOD OF INSPECTION UNDER CERTAIN CIRCUMSTANCES.

Rep. BRADY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | A. D. Young | T. R. Young |

**Total--108**

Those who voted in the negative are:

**Total--0**

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

**SPEAKER IN CHAIR**

**S. 636--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 636 -- Senators Thomas and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 64 TO TITLE 38 SO AS TO ENACT THE "LIFE SETTLEMENTS ACT"; TO PROVIDE FOR THE REGULATION OF A LIFE SETTLEMENT CONTRACT; TO PROVIDE FOR THE PROTECTION OF PERSONS ENTERING INTO THESE AGREEMENTS REGARDING CONTRACTUAL AND PROPERTY RIGHTS OF A LIFE INSURANCE POLICY OWNER AND AUTHORIZE THE DIRECTOR OF INSURANCE TO ENFORCE THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR THE LICENSING OF A BROKER OR PRODUCER TO ENTER INTO LIFE SETTLEMENT CONTRACTS; TO PROVIDE FOR THE SUSPENSION, REVOCATION, OR REFUSAL TO RENEW THESE LICENSES; TO PROVIDE FOR CONTRACT REQUIREMENTS, REPORTING AND PRIVACY REQUIREMENTS; TO AUTHORIZE THE DIRECTOR TO EXAMINE THE BUSINESS AND AFFAIRS OF A LICENSEE OR APPLICANT, PROVIDE FOR EXAMINATION REPORTS AND CONFIDENTIALITY OF EXAMINATION INFORMATION, PROHIBIT CONFLICT OF INTEREST BY AN EXAMINER, AND PROVIDE FOR IMMUNITY FROM LIABILITY; TO PROVIDE FOR ADVERTISING REQUIREMENTS OF A BROKER OR LICENSED PROVIDER; TO PROVIDE FOR CERTAIN DISCLOSURES TO AN OWNER; TO PROVIDE DISCLOSURE BY A PROPOSED OWNER OF A LIFE INSURANCE POLICY IF THE OWNER INTENDS TO PAY PREMIUMS WITH THE ASSISTANCE OF FINANCING FROM A LENDER THAT WILL USE THE POLICY AS COLLATERAL TO SUPPORT THE FINANCING; TO REQUIRE A PROVIDER ENTERING INTO A LIFE SETTLEMENT CONTRACT WITH AN OWNER OF THE POLICY WHERE THE INSURED IS TERMINALLY OR CHRONICALLY ILL TO OBTAIN CERTAIN INFORMATION; TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS TO IMPLEMENT AND EFFECTUATE THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR PROHIBITIVE PRACTICES, FRAUD PREVENTION, AND CONTROL; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Reps. HARRISON, CATO, BANNISTER, J. R. SMITH, G. R. SMITH, BEDINGFIELD, LIMEHOUSE, BRANHAM, BRADY, HUTTO, OTT, COBB-HUNTER, HOSEY, LONG, KENNEDY, WEEKS, CRAWFORD, LOWE, DANING, SCOTT, MERRILL and SANDIFER requested debate on the Bill.

**H. 3976--RECOMMITTED**

The following Bill was taken up:

H. 3976 -- Rep. G. M. Smith: A BILL TO AMEND SECTIONS 24-13-1530 AND 24-13-1590, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO ELIGIBILITY FOR OFFENDERS TO BE PLACED ON HOME DETENTION, SO AS TO ALLOW CERTAIN DRUG AND CONTROLLED SUBSTANCE OFFENDERS TO PARTICIPATE IN THE HOME DETENTION PROGRAM UNDER CERTAIN CIRCUMSTANCES.

Rep. HARRISON moved to recommit the Bill to the Committee on Judiciary, which was agreed to.

**H. 3798--DEBATE ADJOURNED**

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

H. 3798 -- Reps. Bannister, Harrison and King: A BILL TO AMEND SECTION 17-15-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPOSIT OF A CASH PERCENTAGE INSTEAD OF A BOND, ASSIGNMENT OF THE DEPOSIT, AND RESTITUTION TO THE VICTIM, SO AS TO PROVIDE FOR THE DEPOSIT OF A CASH AMOUNT BY THE DEFENDANT THROUGH AN ACCOMMODATION BONDSMAN, TO INCREASE THE CASH AMOUNT PERCENTAGE TO NOT LESS THAN TWENTY-FIVE PERCENT, AND TO REQUIRE THE ACCOMMODATION BONDSMAN TO PAY A HANDLING FEE TO THE CLERK OF COURT EQUAL TO FOUR PERCENT OF THE AMOUNT OF THE BOND SET.

**ORDERED TO THIRD READING**

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

S. 756 -- Senator Hayes: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF YORK COUNTY AND 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.

S. 155 -- Senators Campsen, Rose, Hayes and Lourie: A BILL TO AMEND CHAPTER 7, TITLE 20 OF THE 1976 CODE BY ADDING ARTICLE 33 TO ENACT THE "MILITARY PARENT EQUAL PROTECTION ACT", TO PROVIDE THAT A MILITARY PARENT'S MILITARY SERVICE SHALL NOT BE CONSIDERED A CHANGE IN CIRCUMSTANCE FOR PURPOSES OF CHILD CUSTODY AND VISITATION, TO PROVIDE THAT THE CUSTODIAL NON-MILITARY PARENT MUST REASONABLY ACCOMMODATE THE MILITARY PARENT'S LEAVE SCHEDULE, TO PROVIDE THAT THE FAMILY COURT MAY HOLD AN EXPEDITED TEMPORARY HEARING TO ENSURE THAT THE MILITARY PARENT HAS ACCESS TO A MINOR CHILD, AND TO PROVIDE THAT ANY INCREASE OR DECREASE IN EARNING CAPACITY DUE TO MILITARY SERVICE IS NOT CONSIDERED A PERMANENT CHANGE; AND TO AMEND CHAPTER 1, TITLE 15, BY ADDING SECTION 15-1-340, TO PROVIDE THAT A SERVICE MEMBER ENTITLED TO A STAY PURSUANT TO THE SERVICE MEMBERS CIVIL RELIEF ACT MAY SEEK RELIEF AND PROVIDE TESTIMONY BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS.

Rep. J. E. SMITH explained the Bill.

H. 4005 -- Reps. Sellers, Bingham, Ott, A. D. Young and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-13-1335 SO AS TO MAKE IT UNLAWFUL FOR AN INDIVIDUAL SEEKING ELECTION TO MEMBERSHIP ON THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING FILLED BY A VOTE OF THE GENERAL ASSEMBLY TO MAKE OR OFFER TO MAKE A CONTRIBUTION TO A CANDIDATE FOR THE GENERAL ASSEMBLY OR HOST OR SPONSOR ANY FUNDRAISING EVENT FOR SUCH A CANDIDATE FROM THE TIME THE INDIVIDUAL FILES THE NOTICE OF INTENTION TO SEEK MEMBERSHIP ON THE BOARD THROUGH THE DATE THE OFFICE IS FILLED.

Rep. SELLERS explained the Bill.

S. 793 -- Senators Pinckney and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 37 TO TITLE 6, SO AS TO PROVIDE FOR THE BEAUFORT JASPER WATER AND SEWER AUTHORITY TO REMOVE CERTAIN RESTRICTIONS ON THE AREAS IN WHICH THE AUTHORITY PROVIDES SERVICES, TO FURTHER PRESCRIBE THE AUTHORITY’S FUNCTIONS AND POWERS REGARDING WATER AND WASTE WATER SERVICES, TO PRESCRIBE THE CONDITIONS AND TERMS UPON WHICH MUNICIPAL CORPORATIONS AND OTHER PUBLIC BODIES OR AGENCIES OPERATING WATER DISTRIBUTION AND WASTE WATER SYSTEMS IN BEAUFORT, JASPER, HAMPTON, AND COLLETON COUNTIES MAY ACQUIRE SERVICES FROM THE AUTHORITY, AND TO CHANGE THE NAME OF THE AUTHORITY TO THE BEAUFORT JASPER WATER AND SEWER AUTHORITY.

Rep. HERBKERSMAN explained the Bill.

**H. 3853--RECOMMITTED**

The following Bill was taken up:

H. 3853 -- Rep. Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 29 TO TITLE 14 SO AS TO ENACT THE "MIDDLE COURT PROCESSES ACT", TO REQUIRE THE CREATION AND ADMINISTRATION OF A MIDDLE COURT PROCESS IN EACH JUDICIAL CIRCUIT BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE APPOINTMENT, POWERS, AND DUTIES OF A MIDDLE COURT JUDGE, TO PROVIDE REQUIREMENTS FOR AN OFFENDER TO QUALIFY FOR ADMISSION TO A MIDDLE COURT PROCESS, AND TO REQUIRE FUNDING OF THE MIDDLE COURT PROCESS BY THE GENERAL ASSEMBLY TO THE JUDICIAL DEPARTMENT, THE OFFICE OF THE ATTORNEY GENERAL, AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES.

Rep. HART explained the Bill.

Rep. HARRISON moved to recommit the Bill to the Committee on Judiciary, which was agreed to.

**H. 4022--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4022 -- Reps. E. H. Pitts, G. M. Smith, G. R. Smith, Millwood, Hamilton, Nanney, Bedingfield, Duncan, M. A. Pitts, Simrill, V. S. Moss, Gambrell, Rice, Owens, Vick and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE "SOUTH CAROLINA FIREARMS FREEDOM ACT", TO PROVIDE THAT A FIREARM, FIREARM ACCESSORY, OR AMMUNITION MANUFACTURED AND RETAINED IN SOUTH CAROLINA IS EXEMPT FROM FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE CONSTITUTION OF THE UNITED STATES.

Rep. DUNCAN explained the Bill.

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

Yeas 113; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| 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 | 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 | 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 |
| A. D. Young | T. R. Young |  |

**Total--113**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

As the primary sponsor of H. 4022, I wholeheartedly support the Bill. Please let the record show that though I missed the recorded vote, which was unanimous, I support the measure.

Rep. Ted Pitts

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 4022. If I had been present, I would have voted in favor of the Bill.

Rep. Patsy Knight

**OBJECTION TO RECALL**

Rep. HARRISON asked unanimous consent to recall S. 186 from the Committee on Judiciary.

Rep. HART objected.

**OBJECTION TO RECALL**

Rep. LOFTIS asked unanimous consent to recall S. 405 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. HARRISON asked unanimous consent to recall S. 186 from the Committee on Judiciary.

Rep. G. M. SMITH objected.

**OBJECTION TO RECALL**

Rep. OWENS asked unanimous consent to recall H. 4037 from the Committee on Judiciary.

Rep. HARRISON objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3952 from the Committee on Judiciary.

Rep. VIERS objected.

**OBJECTION TO RECALL**

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

Rep. WHITMIRE objected.

**S. 186--RECALLED FROM COMMITTEE ON JUDICIARY**

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

S. 186 -- Senators McConnell and Campsen: A BILL TO AMEND SECTION 15-77-300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALLOWANCE OF ATTORNEY'S FEES IN STATE-INITIATED ACTIONS, SO AS TO LIMIT THE FEE TO A REASONABLE TIME EXPENDED AT A REASONABLE RATE.

**R. 26, S. 540--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 6, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my approval S. 540, R. 26, a Joint Resolution waiving the requirement for Oconee County schools to make up a school day missed on March 2, 2009, due to snow.

Time is always limited. For this reason we have long believed it was not in the best interest of South Carolinians for the General Assembly to spend days passing bills on school days missed on the coast due to hurricanes, snow in the Upstate, ice storms in other parts of the state, or a variety other natural disasters. In the first year of this administration, we worked with the General Assembly to enact legislation requiring all school districts to set aside three days to make up for lost time due to inclement weather. Prior to this administration, every time a school district closed for inclement weather they would ask the General Assembly to waive the 180 day requirement and grant them the day off. The law recognized there would be unusual circumstances that would affect one or just a few schools in a given district and, in those unusual cases, the make-up day requirement could indeed be waived by the General Assembly.

Unfortunately, the Oconee County School District has asked for legislative relief, even though all schools in the district closed and two scheduled make up days – April 10 and April 13 – took place after the missed school day on March 2.

This legislation is also unnecessary given the recent enactment of H. 3583 over my objection. As you might recall, H. 3583 waived up to three instructional days for every school district in the state. While we objected to passage of the legislation, it is the law now. Enacting S. 540, simply adds more time out of the classroom for students in Oconee County than students in many other school districts.

Since the enactment of Act 89 in 2003, very few school districts have sought legislative relief except in extremely unusual circumstances. For example, I just signed legislation that exempts three schools in the Greenville County School District from the make-up requirement because of a power outage affecting only those schools. Like Oconee, Greenville schools were also closed on March 2 due to snow, but in contrast, schools in Greenville made up that day missed due to bad weather. Last year, I signed a bill exempting one elementary school in Richland School District One closed due to a collapsed ceiling. This year, Richland One also made up all missed days when the entire district closed due to bad weather this year. Power outages and collapsed ceilings represent the type of extremely unusual circumstances that should justify the need for a waiver because it is burdensome for the school district to open up transportation and food services for only a few schools in the district.

This legislation is precisely the reason we worked so closely with the General Assembly to require scheduled days to make up missed time. This bill excuses Oconee County schools time off, while other districts, such as Greenville and Richland make up those lost days. While some may appreciate not having to make up the school day, we believe it is bad public policy to arbitrarily waive the 180 day requirement for some school districts – and not others when there was legislation passed just a few years ago to deal directly with this issue. In addition, the state has set a length of time for instruction and that should be honored in all but the most unusual of cases. Given the fact that so many other districts complied with the spirit of the law, we would ask Oconee County to do the same.

For these reasons, I am vetoing S. 540, R. 26.

Sincerely,

Mark Sanford

Governor

**R. 26, S. 540--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R. 26) S. 540 -- Senator Alexander: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY THE STUDENTS OF THE SCHOOL DISTRICT OF OCONEE COUNTY ON MARCH 2, 2009, DUE TO SNOW, IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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 2; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Sandifer | Whitmire |  |

**Total--2**

Those who voted in the negative are:

**Total--0**

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

**H. 3022--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3022 -- Reps. Kirsh, Wylie, G. M. Smith, Weeks and Mitchell: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT OF THE CHARGE, SO AS TO SPECIFICALLY INCLUDE THAT A CIRCUIT SOLICITOR'S OFFICE OR CLERK OF COURT MAY NOT CHARGE A FEE FOR THE DESTRUCTION OR EXPUNGEMENT OF RECORDS OR FOR THE APPLICATION PROCESS REGARDING THE DESTRUCTION OR EXPUNGEMENT OF RECORDS UNDER CERTAIN CIRCUMSTANCES.

Rep. E. H. PITTS proposed the following Amendment No. 1A (COUNCIL\MS\7390AHB09), which was tabled:

Amend the bill, as and if amended, SECTION 3, page 6, by deleting line 43 and inserting:

/ proceedings except when an action, complaint, or inquiry has been initiated. Information retained by a local or state detention or /

Renumber sections to conform.

Amend title to conform.

Rep. E. H. PITTS moved to table the amendment, which was agreed to.

Reps. G. M. SMITH and E. H. PITTS proposed the following Amendment No. 4A (COUNCIL\MS\7393AHB09), which was adopted:

Amend the bill, as and if amended, by deleting Section 17-1-40(A), as contained in SECTION 3, pages 6 and 7, and inserting:

/ “(A) A person who after being charged with a criminal offense and the charge is discharged, proceedings against the person are dismissed, or the person is found ~~to be innocent~~ not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge may be retained by any municipal, county, or state law enforcement agency. Provided, however, that local and state detention and correctional facilities may retain booking records, identifying documentation and materials, and other institutional reports and files under seal, on all persons who have been processed, detained, or incarcerated, for a period not to exceed three years from the date of the expungement order to manage their statistical and professional information needs and, where necessary, to defend such facilities during litigation proceedings except when an action, complaint, or inquiry has been initiated. Information retained by a local or state detention or correctional facility as permitted under this section after an expungement order has been issued is not a public document and is exempt from disclosure. Such information may only be disclosed by judicial order, pursuant to a subpoena filed in a civil action, or as needed during litigation proceedings. A person who otherwise intentionally retains the arrest and booking record, files, mugshots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed pursuant to this section is guilty of contempt of court.” /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 3A (COUNCIL\MS\7392AHB09), which was adopted:

Amend the bill, as and if amended, Section 17‑22‑940(A), as contained in SECTION 2, page 2, on lines 29 and 32, by deleting / two hundred fifty / and inserting / one hundred fifty /

Amend the bill further, Section 17‑22‑940(H), as contained in SECTION 2, page 4, on line 37, by deleting / two hundred fifty / and inserting / one hundred fifty /

Amend the bill further, Section 17‑22‑940(J), as contained in SECTION 2, page 5, on line 7, by deleting / two hundred fifty / and inserting / one hundred fifty /

Amend the bill further, Section 17‑22‑940(K), as contained in SECTION 2, page 5, on line 12, by deleting / two hundred fifty / and inserting / one hundred fifty /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

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

**S. 184--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 184 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 40-27-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS; TO AMEND SECTION 40-27-40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56-5-5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS OR MORE TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56-5-5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON'S NAME AND ADDRESS AND THE YEAR, MAKE, MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| 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 | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Dillard | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Hiott |
| Hodges | Horne | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | E. H. Pitts |
| M. A. Pitts | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--103**

Those who voted in the negative are:

**Total--0**

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

**H. 3677--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3677 -- Rep. Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "VIOLENCE AGAINST WOMEN FEDERAL COMPLIANCE ACT" TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS BY AMENDING SECTION 16-3-740 RELATING TO TESTING CERTAIN CRIMINALS FOR HEPATITIS B AND THE HUMAN IMMUNODEFICIENCY VIRUS AT THE REQUEST OF A VICTIM, SO AS TO REVISE THE DEFINITION OF "OFFENDER" TO INCLUDE ADULTS AND JUVENILES, TO CLARIFY PROCEDURES FOR DISCLOSING TEST RESULTS, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL ADVISE THE VICTIM OF AVAILABLE TREATMENT OPTIONS, AND UPON REQUEST OF THE VICTIM PROVIDE TESTING AND POST-TESTING COUNSELING; BY ADDING SECTION 16-3-750 SO AS TO PROHIBIT LAW ENFORCEMENT AND PROSECUTING OFFICERS FROM ASKING OR REQUIRING A VICTIM OF AN ALLEGED CRIMINAL SEXUAL CONDUCT OFFENSE TO SUBMIT TO A POLYGRAPH EXAMINATION AND TO PROVIDE THAT REFUSAL OF A VICTIM TO SUBMIT TO SUCH AN EXAMINATION DOES NOT PREVENT THE INVESTIGATION, CHARGING, OR PROSECUTION OF THE OFFENSE; TO AMEND SECTION 16-3-1350 RELATING TO MEDICOLEGAL EXAMINATIONS FOR VICTIMS OF CRIMINAL SEXUAL CONDUCT OR CHILD SEX ABUSE, SO AS TO DELETE THE PROVISION REQUIRING SUCH A VICTIM TO FILE AN INCIDENT REPORT WITH A LAW ENFORCEMENT AGENCY IN ORDER TO RECEIVE A MEDICOLEGAL EXAMINATION WITHOUT CHARGE; TO AMEND SECTION 16-3-177, AS AMENDED, RELATING TO THE FORM AND CONTENT OF A RESTRAINING ORDER, SO AS TO PROVIDE CIRCUMSTANCES UNDER WHICH A PERSON SUBJECT TO A RESTRAINING ORDER MAY NOT SHIP, TRANSPORT, OR POSSESS A FIREARM; BY ADDING SECTION 16-25-30 SO AS TO PROVIDE THAT A PERSON CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE MUST BE NOTIFIED IN WRITING THAT IT IS UNLAWFUL FOR SUCH A DEFENDANT TO SHIP, TRANSPORT, OR POSSESS A FIREARM; AND TO AMEND SECTION 20-4-60, AS AMENDED, RELATING TO THE FORM AND CONTENT OF AN ORDER OF PROTECTION FROM DOMESTIC VIOLENCE, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON SUBJECT TO AN ORDER OF PROTECTION TO SHIP, TRANSPORT, OR POSSESS A FIREARM.

Rep. KELLY explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 117; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| 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 | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| 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 | 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. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | A. D. Young | T. R. Young |

**Total--117**

Those who voted in the negative are:

**Total--0**

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

**H. 3187--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3187 -- Reps. Chalk and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-5-26 SO AS TO DEFINE THE TERM "LANDSCAPE SERVICE" AND TO PROVIDE THAT A PERSON WHO PROVIDES A LANDSCAPE SERVICE ON A PARCEL OR REAL ESTATE BY VIRTUE OF AN AGREEMENT WITH THE OWNER OF THE REAL ESTATE, AND TO WHOM A DEBT IS DUE FOR HIS PERFORMANCE OF THE LANDSCAPING SERVICE, HAS A MECHANICS' LIEN ON THE REAL ESTATE TO SECURE PAYMENT OF DEBT DUE TO HIM.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Limehouse |
| 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 | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Rutherford | Scott |
| 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 | A. D. Young | T. R. Young |

**Total--111**

Those who voted in the negative are:

**Total--0**

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

**H. 3794--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3794 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-11-2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT AREAS, SO AS TO SPECIFY ADDITIONAL PROHIBITED ACTIVITIES; TO AMEND SECTION 50-11-2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50-11-2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; AND BY ADDING SECTION 50-11-2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL.

Rep. DUNCAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Mack | McEachern |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Willis |
| A. D. Young | T. R. Young |  |

**Total--107**

Those who voted in the negative are:

**Total--0**

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

**H. 3022--AMENDMENT NO. 3A--**

**RECONSIDERED AND TABLED**

Rep. G. M. SMITH moved to reconsider the vote whereby Amendment No. 3A to H. 3022 was adopted, which was agreed to.

Rep. G. M. SMITH moved to table the amendment, which was agreed to.

Rep. LOFTIS moved that the House recede until 2:00 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:00 p.m. the House resumed, Acting Speaker D. C. MOSS in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 3018--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3018 -- Reps. E. H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G. M. Smith, Lowe, Vick, H. B. Brown, R. L. Brown, Viers, Clemmons, Ballentine, Mitchell and M. A. Pitts: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS OCCUPIED, OR THE SECOND PROPERTY TAX YEAR ENDING DECEMBER THIRTY-FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED.

Rep. MERRILL explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parker |
| Pinson | E. H. 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 | Vick |
| Weeks | White | Whitmire |
| Williams | A. D. Young | T. R. Young |

**Total--99**

Those who voted in the negative are:

**Total--0**

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

**H. 3804--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3804 -- Reps. Bedingfield, Wylie, Cato, Allen, Bannister, Hamilton and Stringer: A BILL TO AMEND SECTION 7-7-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENVILLE COUNTY AND 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.

The yeas and nays were taken resulting as follows:

Yeas 21; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Bales | Ballentine |
| Bannister | Bedingfield | Dillard |
| Hamilton | Loftis | Long |
| Lucas | Miller | Nanney |
| J. H. Neal | Neilson | Rice |
| G. M. Smith | G. R. Smith | Stringer |
| White | Whitmire | Willis |

**Total--21**

Those who voted in the negative are:

**Total--0**

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

**H. 3615--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3615 -- Reps. Sandifer, Parks, King and Weeks: A BILL TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40-19-290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS RECEIVING PAYMENTS FOR PRENEED FUNERAL CONTRACTS, SO AS TO CHANGE "STATE BOARD OF FINANCIAL INSTITUTIONS" TO "SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS".

Rep. SANDIFER proposed the following Amendment No. 1 (COUNCIL\DKA\3762AC09), which was adopted:

Amend the bill, as and if amended, Section 40-19-290(E), SECTION 2, page 14, by striking lines 39, 40, and 41 and inserting:

/ merchandise is delivered for use as provided in the contract in accordance with the sales agreement or in the physical possession of the purchaser. Upon its own initiative or upon receipt of a /.

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

Rep. KENNEDY moved to commit the Bill to the Committee on Labor, Commerce and Industry.

Rep. SANDIFER moved to table the motion.

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

Yeas 86; Nays 16

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Gambrell | Haley |
| Hardwick | Harrell | Hayes |
| Hearn | Hiott | Horne |
| Huggins | Hutto | Jennings |
| Kelly | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Long | Lowe | Mack |
| McEachern | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | 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 |
| White | Whitmire | Willis |
| A. D. Young | T. R. Young |  |

**Total--86**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brantley | R. L. Brown | Gilliard |
| Gunn | Hart | Harvin |
| Hodges | Hosey | Jefferson |
| Kennedy | Loftis | J. H. Neal |
| Sellers | Vick | Whipper |
| Williams |  |  |

**Total--16**

So, the motion to commit the Bill was tabled.

Rep. KENNEDY spoke against the amendment.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Chalk | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Haley |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| 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. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--106**

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. 3543--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill until Thursday, May 21, which was adopted:

H. 3543 -- Reps. Brady, Mitchell and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-490 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING THEIR OWN POLICIES FOR REPORTING AND RESPONDING TO DATING VIOLENCE, TO PROVIDE WHAT MUST BE INCLUDED IN THE POLICIES, TO PROVIDE REPORTING AND PUBLICATION REQUIREMENTS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM PARENTS AND GUARDIANS OF THE POLICY AND TO PROVIDE PARENTS WITH A COPY OF THE POLICY UPON REQUEST.

**SENT TO THE SENATE**

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

H. 3199 -- Reps. Harrison, Allison, G. M. Smith, Weeks, Hutto, A. D. Young and Anderson: A BILL TO AMEND SECTION 1-30-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, TO ENACT THE BEHAVIORAL HEALTH SERVICES ACT OF 2009, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 1-30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO PROVIDE THAT THE POWER AND DUTIES OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL HEALTH ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF MENTAL HEALTH; BY ADDING SECTION 1-30-72 SO AS TO PLACE THE DEPARTMENT OF MENTAL HEALTH AND THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES UNDER THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES COMPRISED OF THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DIVISION OF MENTAL HEALTH AND TO PROVIDE FOR THE DEPARTMENT'S POWERS AND DUTIES, INCLUDING DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF BEHAVIORAL HEALTH SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF BEHAVIORAL HEALTH SERVICES; TO AMEND CHAPTERS 9, 11, 13, and 15 OF TITLE 44, RELATING, AMONG OTHER THINGS, TO THE ORGANIZATION AND OPERATION OF THE DEPARTMENT OF MENTAL HEALTH AND ITS FACILITIES, THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, AND LOCAL MENTAL HEALTH PROGRAMS AND BOARDS, SO AS TO CONFORM THESE CHAPTERS TO THE PROVISIONS OF THIS ACT AND TO PROVIDE THAT THE MENTAL HEALTH COMMISSION IS AN ADVISORY BOARD TO THE DIVISION OF MENTAL HEALTH; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE DIVISION; AND TO AMEND SECTIONS 44-52-10, 44-52-165, 44-52-200, AND 44-52-210, RELATING, AMONG OTHER THINGS, TO ALCOHOL AND DRUG ABUSE COMMITMENTS AND PROGRAMS FOR CHEMICALLY DEPENDENT PERSONS, SO AS TO CONFORM THESE SECTIONS TO THE PROVISIONS OF THIS ACT.

**MOTION PERIOD**

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

**H. 3279--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Joint Resolution until Thursday, May 21, which was adopted:

H. 3279 -- Reps. T. R. Young, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Daning, Horne, Funderburk, Wylie, Bedingfield, Hart, Harrell, A. D. Young and Viers: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

**H. 3280--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Joint Resolution until Thursday, May 21, 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, Hart, Harrell, A. D. Young and Viers: 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 SENATE 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.

**H. 3746--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill until Thursday, May 21, which was adopted:

H. 3746 -- Reps. Clemmons and Viers: A BILL TO AMEND SECTION 7-11-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOMINATION OF CANDIDATES BY A PETITION, SO AS TO PROVIDE THAT NO QUALIFIED ELECTOR WHO VOTED IN A PRIMARY ELECTION IS ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO RUN FOR AN OFFICE TO BE FILLED AT THE GENERAL ELECTION FOLLOWING THAT PRIMARY AND TO PROVIDE THAT A QUALIFIED ELECTOR OTHERWISE ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT MAY NOT SIGN MORE THAN ONE PETITION PER GENERAL ELECTION PER OFFICE; BY ADDING SECTION 7-11-75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST HAVE FIRST NOTIFIED THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY THE BEGINNING DATE OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, AND TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION; TO AMEND SECTION 7-11-80, AS AMENDED, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO REQUIRE ALL THE SIGNATURES TO BE LEGIBLE SO THAT THE NAME OF THE VOTER CAN BE IDENTIFIED BEYOND A REASONABLE DOUBT; TO AMEND SECTION 7-11-85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO REQUIRE THE REGISTRATION BOARD TO VERIFY THE VOTER IS A QUALIFIED ELECTOR IN THAT JURISDICTION; BY ADDING SECTION 7-11-95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION IF, AFTER A HEARING, THE ENTITY FINDS THAT BY A PREPONDERANCE OF THE EVIDENCE FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION, AND TO PROVIDE THAT THE VALIDATION OF THE SIGNATURES ON A PETITION AND THE DETERMINATION OF WHETHER OR NOT FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION MUST BE CONDUCTED IN PUBLIC AFTER NOTICE; AND BY ADDING SECTION 7-11-100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY TO WHICH A PETITION MUST BE FILED MAY BE APPEALED TO THE STATE ELECTION COMMISSION AND THEREAFTER TO A COURT OF COMPETENT JURISDICTION IN THE MANNER IN WHICH APPEALS FROM THE STATE ELECTION COMMISSION MAY BE TAKEN.

**H. 3608--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill until Thursday, May 21, which was adopted:

H. 3608 -- Reps. Mack, Alexander, Allen, R. L. Brown, Williams and Weeks: 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. 4033--DEBATE ADJOURNED**

Rep. CLEMMONS moved to adjourn debate upon the following Bill until Thursday, May 21, which was adopted:

H. 4033 -- Reps. Clemmons, Harrell, Gunn, Anderson, Gullick, Limehouse, Hardwick, Merrill, Ott, Rutherford, Bales, V. S. Moss, Duncan, Owens, Bowen, Stavrinakis, Hutto, Allison, Barfield, Battle, Bingham, Branham, H. B. Brown, Cato, Cole, Cooper, Crawford, Delleney, Dillard, Gambrell, Harrison, Harvin, Hayes, Hearn, Herbkersman, Horne, Hosey, Howard, Jefferson, Jennings, Kennedy, King, Kirsh, Lowe, Lucas, Mack, McLeod, Miller, D. C. Moss, J. M. Neal, Neilson, M. A. Pitts, Rice, Sandifer, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Thompson, Weeks, White, Williams, Willis, A. D. Young, Sellers and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "TRANSPORTATION INFRASTRUCTURE FUNDING FLEXIBILITY ACT" BY ADDING ARTICLE 3 TO CHAPTER 3, TITLE 57 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY SOLICIT AND ENTER INTO CERTAIN PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES AND TO PROVIDE THE PROCEDURE WHEREBY PUBLIC-PRIVATE INITIATIVES ARE SOLICITED, APPROVED, AND IMPLEMENTED; BY ADDING ARTICLE 9 TO CHAPTER 3, TITLE 57 SO AS TO PROVIDE THE CIRCUMSTANCES WHEREBY TOLLS MAY BE IMPOSED AND COLLECTED ALONG THE STATE'S HIGHWAYS, TO PROVIDE FOR THE PROJECTS THAT MAY BE FINANCED BY TOLL REVENUES, TO PROVIDE PENALTIES FOR A PERSON WHO FAILS TO PAY A TOLL, AND TO PROVIDE THAT THE DEPARTMENT MAY IMPLEMENT AN ELECTRONIC TOLL SYSTEM; BY ADDING SECTION 11-35-3075 SO AS TO PROVIDE THAT THE PROVISIONS THAT ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES ARE SUBJECT TO CERTAIN PORTIONS OF THE CONSOLIDATED PROCUREMENT CODE AND TO CERTAIN EXPANDED DISCUSSIONS AND PROPOSAL REVISIONS; TO AMEND SECTION 11-35-710, AS AMENDED, RELATING TO THE PURCHASE OF CERTAIN ITEMS THAT ARE EXEMPT FROM THE PROVISIONS CONTAINED IN THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE THAT THE PURCHASE OF ITEMS ASSOCIATED WITH DEPARTMENT OF TRANSPORTATION PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES ARE NOT EXEMPT FROM THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO THE APPLICATION OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE AN ENTITY THAT UTILIZES A FEDERAL GRANT TO PROCURE AN ITEM MUST COMPLY WITH ALL APPLICABLE LAWS THAT ARE NOT CONTAINED IN THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 57-5-1625, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AWARDING OF CONTRACTS THAT USE THE DESIGN-BUILD PROCEDURE, SO AS TO REVISE THE DEFINITION OF THE TERM "DESIGN-BUILD CONTRACT"; TO AMEND SECTION 57-5-1310, RELATING TO THE GENERAL ASSEMBLY'S INTENT WHEN IT PROVIDED THE DEPARTMENT OF TRANSPORTATION THE AUTHORITY TO CONSTRUCT TURNPIKE PROJECTS, SO AS TO PROVIDE THAT THE DEPARTMENT ALSO HAS THE AUTHORITY TO IMPROVE THESE FACILITIES PURSUANT TO THIS PROVISION; TO AMEND SECTION 57-5-1320, RELATING TO THE DEFINITION OF TERMS REGARDING TURNPIKE PROJECTS, SO AS TO REVISE THE DEFINITION OF THE TERM "TURNPIKE FACILITY"; TO AMEND SECTION 57-5-1330, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S AUTHORITY TO DESIGNATE, ESTABLISH, PLAN, IMPROVE, CONSTRUCT, OPERATE, AND REGULATE TURNPIKE FACILITIES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DESIGNATE AS A TURNPIKE FACILITY ANY TRANSPORTATION FACILITY THAT IS FUNDED IN PART BY A LOCAL OPTION SALES AND USE TAX; TO AMEND SECTION 40-11-360, RELATING TO THE ENTITIES THAT ARE EXEMPT FROM THE PROVISIONS THAT REGULATE LICENSED CONTRACTORS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 57-5-1660, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S REQUIREMENT THAT CERTAIN CONTRACTORS MUST FURNISH A BOND FOR CERTAIN CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO CERTAIN PUBLIC-PRIVATE INITIATIVES TO CONSTRUCT TRANSPORTATION FACILITIES AND PROVIDE THAT WHEN THE DEPARTMENT UTILIZES THE DESIGN-BUILD DELIVERY METHOD FOR A HIGHWAY CONSTRUCTION PROJECT, THE AMOUNT OF THE PERFORMANCE AND INDEMNITY BOND AND PAYMENT BONDS REQUIRED BY THIS PROVISION RELATE ONLY TO THE PORTION OF THE CONTRACT CONCERNING CONSTRUCTION; AND TO REPEAL SECTIONS 12-28-2920, 57-3-200, 57-3-615, 57-3-618, 57-5-1490, AND 57-5-1495 RELATING TO THE CONSTRUCTION OF TOLL ROADS BY THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT'S AUTHORITY TO ENTER INTO AGREEMENTS WITH VARIOUS ENTITIES TO CONSTRUCT, OPERATE, AND MAINTAIN HIGHWAY FACILITIES, THE PROJECTS THAT MAY BE CONSTRUCTED WITH TOLL REVENUES, THE IMPOSITION AND COLLECTION OF A TOLL ALONG INTERSTATE 73, THE PENALTY FOR FAILURE TO PAY A TOLL, AND THE COLLECTION OF TOLLS.

**S. 673--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 673 -- Senators Thomas and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT", BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34-1-20, AS AMENDED, RELATING TO APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BANKERS ASSOCIATION; TO AMEND SECTION 34-1-110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37-1-301, 37-3-105, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTIONS 37-23-40, 37-23-45, AND 37-23-75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH-COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29-4-20, RELATING TO THE DEFINITION OF "REVERSE MORTGAGE", SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19479MM09), which was adopted:

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

/ SECTION 1. This act may be cited as the “South Carolina Mortgage Lending Act”.

SECTION 2. Title 37 of the 1976 Code is amended by adding:

“CHAPTER 22

Mortgage Lending

Section 37‑22‑110. The following definitions apply in this chapter:

(1) ‘Act as a mortgage broker’ means to act, for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, by: (i) soliciting, processing, placing, or negotiating a mortgage loan for a borrower from a mortgage lender or depository institution or offering to process, place, or negotiate a mortgage loan for a borrower from a mortgage lender or depository institution, (ii) engaging in tablefunding of mortgage a loan, or (iii) acting as a loan correspondent, as that term is defined in 24 C.F.R. Part 202 et seq., whether those acts are done by telephone, by electronic means, by mail, or in person with the borrowers or potential borrowers. ‘Act as a mortgage broker’ also includes bringing a borrower and lender together to obtain a mortgage loan or rendering a settlement service as described in 12 U.S.C. 2602(3) and 24 C.F.R. Part 3500.2(b).

(2) ‘Act as a mortgage lender’ means to engage in the business of making or servicing a mortgage loan for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, including soliciting, processing, placing, or negotiating a mortgage loan.

(3) ‘Administrator’ means the administrator of the Department of Consumer Affairs (department) or the administrator’s designees.

(4) ‘Advertising’ means a commercial message in a medium that promotes, either

directly or indirectly, a mortgage loan transaction.

(5) ‘Affiliate’ means a company that controls, is controlled by, or is under common control with another company, as set forth in the Bank Holding Company Act of 1956 (12 U.S.C. Section 1841, et seq.). For purposes of this item, the term ‘control’ means ownership of all of the voting stock or comparable voting interest of the controlled person.

(6) ‘Board’ means the State Board of Financial Institutions as that term is used in Chapter 1, Title 34.

(7) ‘Borrower’ means a natural person in whose dwelling a security interest is or is intended to be retained or acquired if that person’s ownership interest in the dwelling is or is to be subject to the security interest.

(8) ‘Branch manager’ means the natural person who is in charge of and who is responsible for the business operations of a branch office of a licensee.

(9) ‘Branch office’ means an office of the licensee that is separate and distinct from the licensee’s principal office.

(10) ‘Clerical or support duties’ mean administrative functions after the receipt of an application by a licensed mortgage originator or lender, such as gathering information, requesting information, word processing, sending correspondence, or assembling files, and may include:

(a) The receipt, collection, and distribution common for the processing or underwriting of a residential mortgage loan; or

(b) Any communication with a borrower to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include taking a residential mortgage loan application, offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(11) ‘Commissioner’ means the designee of the State Board of Financial Institutions for purposes of licensing and regulation of mortgage lenders and mortgage loan originators pursuant to this chapter.

(12) ‘Control’, except as provided in item (5), means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person is presumed to have ‘control’ of a company if that person, (i) is a director, general partner or executive officer, (ii) directly or indirectly has the right to vote ten percent or more of a class of a voting security or has the power to sell or direct the sale of ten percent or more of a class of voting securities, (iii) in the case of an LLC, is the managing member, or (iv) in the case of a partnership, has the right to receive upon dissolution, or has contributed, ten percent or more of the capital.

(13) ‘Depository institution’ has the same meaning as in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. Section 1811, et. seq.), and includes a credit union.

(14) ‘Dwelling’ means the same as the term ‘dwelling’ means in Section 226.2(a)19 of Title 12 of the Code of Federal Regulations and the Federal Reserve Board’s Official Staff Commentary to that section.

(15) ‘Employee’ means a natural person who has an employment relationship, acknowledged by both the natural person and the mortgage lender, and is treated like an employee for purposes of compliance with the federal income tax laws.

(16) ‘Escrow account’ means an account that a mortgage lender establishes or controls on behalf of a borrower to pay taxes, insurance premiums including flood insurance, or other charges with respect to a mortgage loan, including charges that the borrower and mortgage lender have voluntarily agreed that the mortgage lender collects and pays. The definition encompasses an account established for this purpose. For purposes of this item, the term ‘escrow account’ excludes an account that is under the borrower’s total control.

(17) ‘Escrow funds’ means money entrusted to a mortgage lender by a borrower for the purpose of payment of taxes and insurance or other payments to be made in connection with the servicing of a mortgage loan.

(18) ‘Exempt person’ means:

(a) an employee of a licensee whose responsibilities are limited to clerical or support duties for the employer and who does not solicit borrowers, accept applications, or negotiate the terms of loans on behalf of the employer;

(b) a depository institution or a subsidiary that is wholly owned and controlled by the depository institution and regulated by a federal banking agency or an institution regulated by the Farm Credit Administration. This chapter does not apply to the exempt persons described in this subitem;

(c) an officer, registered loan originator or employee of an exempt person described in subitem (b) of this section when acting in the scope of employment for the exempt person;

(d) a person who offers or negotiates terms of a mortgage loan with or on behalf of an immediate family member of the individual;

(e) an individual who offers or negotiates terms of a mortgage loan secured by a dwelling that served as the person’s residence;

(f) a natural person who sells residential real estate and who lends or services, in one calendar year, no more than five purchase money notes secured by mortgages, deeds of trust, or other security instruments on the real estate sold as security for the purchase money obligation, unless the United States Department of Housing and Urban Development or a court of competent jurisdiction determines that this exemption is not in compliance with the SAFE Act pursuant to Section 1508 of Title V of The Housing and Economic Recovery Act of 2008, Public Law 110‑289;

(g) an employee whose employment as a processor or underwriter is undertaken pursuant to the direction and supervision of a licensee or exempt person except when the processor or underwriter is working as an independent contractor;

(h) an attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney’s representation of the client, unless the attorney is compensated by a mortgage lender, a mortgage broker, or other mortgage loan originator or by an agent of the mortgage lender, mortgage broker, or other mortgage loan originator;

(i) an attorney who works for a mortgage lender, pursuant to a contract, for loss mitigation efforts or third party independent contractor who is HUD‑certified, Neighborworks‑certified, or similarly certified, who works for a mortgage lender, pursuant to a contract, for loss mitigation efforts; or

(j) a manufactured home retailer and its employees if performing only clerical or support duties in connection with the sale or lease of a manufactured home and the manufactured home retailer and its employees receive no compensation or other gain from a mortgage lender or a mortgage broker for the performance of the clerical or support duties.

(19) ‘Federal banking agencies’ means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(20) ‘Financial Services or financial services related’ means pertaining to securities, commodities, banking, insurance, consumer lending, or real estate including, but not limited to, acting as or being associated with a bank or savings association, credit union, mortgage lender, mortgage servicer, mortgage broker, real estate broker, real estate salesperson or agent, closing agent, title company, or escrow agent.

(21) ‘Immediate family member’ means a spouse, child, sibling, parent, grandparent, or grandchild including stepparents, stepchildren, stepsiblings, and adoptive relationships.

(22) ‘Individual servicing a mortgage loan’ means an employee of a mortgage lender licensed in this State, that:

(a) collects or receives payments including payments of principal, interest, escrow amounts, and other amounts due on existing obligations due and owing to the licensed mortgage lender for a mortgage loan when:

(i) the borrower is in default; or

(ii) the borrower is in reasonably foreseeable likelihood of default;

(b) works with the borrower and the licensed mortgage lender, collects data, and makes decisions necessary to modify, either temporarily or permanently, certain terms of those obligations; or

(c) otherwise finalizes collection through the foreclosure process.

(23) ‘Licensee’ means a person who is licensed pursuant to this chapter.

(24) ‘Loan commitment’ or ‘commitment’ means a statement, written or electronic, by the mortgage lender setting forth the terms and conditions upon which the mortgage lender is willing to make a particular mortgage loan to a particular borrower.

(25) ‘Loan originator’ means a natural person who, in exchange for compensation or gain or in the expectation of compensation or gain as an employee of a licensed mortgage lender, solicits, negotiates, accepts, or offers to accept applications for mortgage loans, including electronic applications, or includes direct contact with, or informing mortgage loan applicants of, the rates, terms, disclosures, and other aspects of the mortgage loan. The definition of ‘loan originator’ does not include an exempt person described in item (18) of this section or a person solely involved in extensions of credit relating to timeshare plans, as that term is defined in Section 101(53D) of Title 11, United States Code. The definition of loan originator does not apply to an individual servicing a mortgage loan as that term is defined in this chapter until July 31, 2011, unless the United States Department of Housing and Urban Development or a court of competent jurisdiction determines before that time that those individuals servicing mortgage loans are ‘loan originators’ as that term is defined in the SAFE Act pursuant to Section 1508 of Title V of The Housing and Economic Recovery Act of 2008, Public Law 110‑289. Solely acquiring and reviewing a credit report does not constitute acting as a loan originator.

(26) ‘Make a mortgage loan’ means to close a mortgage loan, advance funds, offer to advance funds, or make a commitment to advance funds to a borrower under a mortgage loan.

(27) ‘Managing principal’ means a natural person who meets the requirements of Section 37‑22‑140(C) and who agrees to be primarily responsible for the operations of a licensed mortgage lender.

(28) ‘Mortgage broker’ means a person who acts as a mortgage broker, as that term is defined in subitem (1) of this section.

(29) ‘Mortgage lender’ means a person who acts as a mortgage lender as that term is defined in subitem (2) of this section or engages in the business of servicing mortgage loans for others or collecting or otherwise receiving mortgage loan payments directly from borrowers for distribution to another person. This definition does not include engaging in a tablefunded transaction.

(30) ‘Mortgage loan’ means a loan made to a natural person primarily for personal, family, or household use, primarily secured by a mortgage, deed of trust, or other security interest on residential real property or security interest arising under an installment sales contract or equivalent security interest against the borrower’s dwelling and: (i) located in South Carolina, (ii) negotiated, offered or otherwise transacted within this State, in whole or in part, or (iii) made or extended within this State.

(31) ‘Nationwide Mortgage Licensing System and Registry’ means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators of licensees licensed pursuant to this chapter.

(32) ‘Nontraditional mortgage product’ means a mortgage product other than a thirty‑year fixed rate mortgage loan.

(33) ‘Person’ means a natural person, partnership, limited liability company, limited partnership, corporation, association, or other group engaged in joint business activities, however organized.

(34) ‘Processor or underwriter’ means an employee of a mortgage broker, mortgage lender, or exempt person who performs clerical or support duties at the direction of and subject to the supervision and instruction of a licensee or exempt person and may include direct contact with applicants but does not include soliciting, negotiating, accepting, or offering to accept applications that include personal identifying information as defined in Section 16‑13‑510(D) for mortgage loans including electronic applications or informing applicants of the rates, terms, disclosures, and other aspects of the mortgage loan.

(a) For purposes of this item only, clerical or support duties may include after the receipt of an application: (i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a mortgage loan, and (ii) communication with a consumer to obtain the information necessary for the processing or underwriting of a mortgage loan, to the extent that the communication does not include offering or negotiating loan rates or terms or counseling consumers about mortgage loans.

(b) A person engaging solely in loan processor or underwriter activities may not represent to the public, through advertising or other means of communicating or providing information including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items that the person may or will perform any of the activities of a loan originator.

(c) A processor or underwriter who is an independent contractor may not engage in the activities of a processor or underwriter unless the independent contractor processor or underwriter obtains and maintains a license as provided by rule or regulation pursuant to Section 37‑22‑270.

(35) ‘Registered loan originator’ means a natural person who meets the definition of loan originator and is an employee of a depository institution or a subsidiary that is wholly owned and controlled by the depository institution and regulated by a federal banking agency or an institution regulated by the Farm Credit Administration and is registered with and maintains a unique identifier through the Nationwide Mortgage Licensing System and Registry.

(36) ‘Residential real property’ means real property located in the State of South Carolina upon which there is located or is to be located one or more single‑family dwellings or dwelling units that are to be occupied as the owner’s dwelling, and includes real estate and residential manufactured home (land/home) transactions.

(37) ‘RESPA’ means the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. Section 2601, et seq. and regulations adopted pursuant to it by the Department of Housing and Urban Development.

(38) ‘Soliciting, processing, placing, or negotiating a mortgage loan’ means, for compensation or gain or in the expectation of compensation or gain, either directly or indirectly, accepting or offering to accept an application for a mortgage loan, assisting or offering to assist in the processing of an application for a mortgage loan, soliciting or offering to solicit a mortgage loan, or negotiating or offering to negotiate the terms or conditions of a mortgage loan.

(39) ‘Tablefunding’ means a settlement at which a loan is funded by a contemporaneous advance of loan funds and an assignment of the loan to the person advancing the funds.

(40) ‘TILA’ means the Truth in Lending Act, 15 U.S.C. Section 1601, et seq. and regulations adopted pursuant to it by the Board of Governors of the Federal Reserve System.

(41) ‘Unique identifier’ means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry.

Section 37‑22‑120. (A) Without first obtaining a license pursuant to this chapter it is unlawful for a person, other than an exempt person, doing business in this State to:

(1) act as a mortgage lender or, directly or indirectly, engage in the business of a mortgage lender under any name or title; or

(2) circulate or use advertising, including electronic means, make a representation or give information to a person which indicates or reasonably implies activity within the scope of this chapter.

(B) It is unlawful for a person to employ, compensate, or appoint as its agent a loan originator unless the loan originator is licensed as a loan originator pursuant to this chapter. An exempt person is not subject to this subsection.

(C) The license of a loan originator is not effective during a period that the person is not employed by a mortgage lender licensed pursuant to this chapter.

(D) If a loan originator ceases to be employed by a mortgage lender licensed pursuant to this chapter, the loan originator and the mortgage lender by whom that person is employed promptly shall notify the commissioner in writing. The mortgage lender’s notice must include a statement of the specific reason or reasons for the termination of the loan originator’s employment. The reason for termination is confidential information and must not be released to the public.

(E) A loan originator must not be employed simultaneously by more than one mortgage lender licensed pursuant to this chapter.

(F) Independent contractors, except for exempt persons, must be separately licensed. Processors and underwriters who are independent contractors must be licensed as provided in Section 37‑22‑110(33)(c).

Section 37‑22‑130. (A) A person aggrieved by an administrative order issued by the commissioner may request a contested case hearing before the Administrative Law Court in accordance with the court’s rules of procedure. If the person fails to request a contested case hearing within the time provided in the court’s rules of procedure, the administrative order becomes final and the commissioner may bring an action to enforce its order pursuant to Chapter 23, Title 1. This section does not limit utilization of, or the scope of judicial review available under, other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate action or ruling of the Administrative Law Court is reviewable immediately if review of the final decision of the Administrative Law Court would not provide an adequate remedy.

(B) Contested case proceedings are instituted by filing a request for a contested case hearing with the Administrative Law Court according to the rules of procedure of the Administrative Law Court. Copies of the request for a contested case hearing must be served upon the commissioner and all parties of record. The final decision of the administrative law judge may be appealed as provided in Section 1‑23‑380 and 1 23‑610 or Chapter 23, Title 1.

Section 37‑22‑140. (A) A person desiring to obtain a license pursuant to this chapter shall make application for licensure to the commissioner on forms prescribed by the commissioner. The application must contain the information the commissioner considers necessary including, but not limited to, the applicant’s:

(1) name, address, and social security number or if applicable Employer Identification Number (EIN);

(2) form and place of organization, if applicable;

(3) proposed method of and locations for doing business, if applicable;

(4) qualifications and business history and, if applicable, the business history of any partner, officer, or director, a person occupying a similar status or performing similar functions, or a person directly or indirectly controlling the applicant, including: (i) a description of any injunction or administrative order by a state or federal authority to which the person is or has been subject, including denial, suspension or revocation of a financial services or financial services related license or registration; (ii) a conviction, or plea of guilty or nolo contendere to a misdemeanor within the last ten years involving financial services or a financial services related business or any fraud, false statements or omissions, theft or wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, money laundering, breach of trust or a conspiracy to commit any of these offenses; and (iii) a conviction of, or plea of guilty or nolo contendere to, a felony;

(5) financial condition, credit history, and business history, with respect to an application for licensing as a mortgage lender; and credit history and business history, with respect to the application for licensing as a loan originator; and

(6) consent to a national and state fingerprint‑based criminal history record check pursuant to Section 37‑22‑240 and submission of a set of the applicant’s fingerprints in a form acceptable to the commissioner. In the case of an applicant that is a corporation, partnership, limited liability company, association, or trust, each natural person who has control of the applicant or who is the managing principal or a branch manager shall consent to a national and state fingerprint‑based criminal history record check pursuant to Section 37‑22‑240 and submit a set of that natural person’s fingerprints pursuant to this item. Refusal to consent to a criminal history record check constitutes grounds for the commissioner to deny licensure to the applicant as well as to any entity (i) by whom or by which the applicant is employed, (ii) over which the applicant has control, or (iii) as to which the applicant is the current or proposed managing principal or a current or proposed branch manager.

(B) In addition to the requirements imposed by the commissioner in subsection (A), each applicant for licensure as a loan originator shall:

(1) have attained the age of at least eighteen years of age;

(2) work for a licensed mortgage lender;

(3) have satisfactorily completed pre‑licensing education of at least twenty hours and a written examination approved pursuant to 12 U.S.C. 5101, et seq. To satisfy the twenty hours of prelicensing education, an applicant may show proof of the equivalent of twenty or more semester hours of satisfactorily completed course work in real estate finance or real estate law or course work that is equivalent to the education requirements in the SAFE Act pursuant to Section 1508 of Title V of The Housing and Economic Recovery Act of 2008, Public Law 110‑289 if the course work counts toward the successful completion of a degree that is baccalaureate level or more advanced with a major or minor in finance, accounting, business administration, real estate finance economics, or similar baccalaureate or more advanced degree, approved by the commissioner, from an accredited college or university. The coursework must be approved pursuant to 12 U.S.C. 5101, et seq.;

(4) have never had a loan originator license revoked in any governmental jurisdiction; and

(5) have not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court (i) during the ten‑year period preceding the date of the application for licensing or (ii) at any time, if the felony involved an act of fraud, dishonesty, breach of trust, or money laundering.

(C) In addition to the requirements of subsection (A) of this section, each applicant for licensure as a mortgage lender at the time of application and at all times after that shall comply with the following requirements:

(1) If the applicant is a sole proprietor, the applicant shall have at least three years of experience in financial services or financial services related business or other experience or competency requirements as the commissioner may impose.

(2) If the applicant is a general or limited partnership, at least one of its general partners shall have the experience described in item (1).

(3) If the applicant is a corporation, at least one of its principal officers shall have the experience described in item (1).

(4) If the applicant is a limited liability company, at least one of its members or managers shall have the experience described in item (1).

(5) Instead of a showing of three years’ experience, an applicant may show proof of three years’ employment with a federally insured depository institution or a VA, FHA, or HUD‑approved mortgagee.

(D) Each applicant shall identify one person meeting the requirements of subsections (B) and (C) to serve as the applicant’s managing principal.

(E) Every applicant for initial licensure shall pay a filing fee of one thousand dollars for licensure as a mortgage lender or fifty dollars for licensure as a loan originator, in addition to the actual cost of obtaining credit reports and national and state fingerprint‑based criminal history record checks. If a licensed loan originator changes employment, a new license must be issued and a fee of twenty‑five dollars must be paid.

(F) A mortgage lender shall post and maintain a surety bond in an amount determined by the commissioner, based on the total dollar amount of mortgage loans originated in a calendar year in this State pursuant to the following: (i) dollar volume of mortgage loans from $0 to $49,999,999, surety bond of $50,000; (ii) dollar volume of mortgage loans from $50,000,000 to $249,999,999, surety bond of $100,000; (iii) dollar volume of mortgage loans greater than $250,000,000 surety bond of $150,000. In no case is the surety bond less than one hundred fifty thousand dollars. The surety bond must be executed by a surety company authorized by the laws of this State to transact business within this State. The surety bond must be in a form satisfactory to the commissioner, must be executed to the commissioner, and must be for the use of the State for the recovery of expenses, fines, and fees, or any of them, levied pursuant to this chapter and for consumers who have losses or damages as a result of noncompliance with this chapter by the mortgage lender. The full amount of the surety bond must be in effect at all times. The license of a licensee expires upon the termination of the bond by the surety company, unless a new bond is filed with the commissioner before the termination of the previous bond. If the license expires based on bond termination, all licensed activity must cease and the person must apply for a license pursuant to subsection (A).

(G) Any sole proprietor, general partner, member or manager of a limited liability company, or officer of a corporation who meets individually the requirements of subsection (B), upon payment of the applicable fee, meets the qualifications for licensure as a loan originator subject to the provisions of subsection (I).

(H) Each principal office and each branch office of a licensed mortgage lender at which business is conducted must be licensed pursuant to this chapter and must be issued a separate license. A licensed mortgage lender shall file with the commissioner an application on a form prescribed by the commissioner which identifies the address of the principal office and each branch office and branch manager. A licensing fee of one hundred fifty dollars must be assessed by the commissioner for each branch office issued a license.

(I) If the commissioner determines that an applicant meets the qualifications for licensure and finds that the financial responsibility, character, and general fitness of the applicant are such as to command the confidence of the community and to warrant belief that the business is to be operated honestly, fairly, and efficiently according to the purposes of this chapter and in accordance with all applicable state and federal laws, the commissioner shall issue a license to the applicant. If the commissioner does not make that determination, the commissioner shall refuse to license the applicant and shall notify him of the denial.

(J) Issuance of a license does not indicate approval or acceptance of any contract, agreement or other document submitted in support of the application. A licensee may not represent that its services or contracts are approved by the State or state agency.

(K) A person who obtains a license as a mortgage lender, upon notice to the commissioner on a form prescribed by the commissioner, may act as a mortgage broker as defined in Section 37‑22‑110(1). The commissioner shall provide to the administrator notification of which mortgage lenders are also acting as brokers. A mortgage lender who also acts as a mortgage broker is not required to obtain a license as a mortgage broker pursuant to Chapter 58, Title 40 and is not subject to regulation by the administrator, except that the mortgage lender acting as a mortgage broker must comply with Sections 40‑58‑70, 40‑58‑75, and 40‑58‑78.

(L)(1) A person with three years’ experience as a loan originator who applies for a license as a loan originator and who has completed and filed with the Nationwide Mortgage Licensing System and Registry all information, documents, and requirements for licensure pursuant to this chapter and who has been assigned a unique identifier by the Registry must be provided a provisional license as a loan originator before the commissioner takes action on his application if the applicant is employed by a mortgage lender licensed pursuant to this chapter and a senior officer or managing principal of that licensee attests to the commissioner that:

(a) the applicant, within the six‑month period before the date of application for licensure, has not been acting as a registered loan originator or a state‑licensed loan originator in another state under provisions of Section 1507 of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, and:

(i) the applicant has never had a loan originator license denied, revoked, or suspended in any governmental jurisdiction;

(ii) the applicant during the previous five years, ending on the date of the filing of the current application, has not had an application for a professional license denied, a professional license revoked, or any adverse action taken on a professional license;

(iii) the applicant has not been convicted of a felony that would otherwise authorize the commissioner to deny a license;

(iv) the application meets all of the applicable requirements of this chapter for licensure; and

(v) the licensee will be responsible for the acts of the applicant during the period that such application is pending; or

(b) the applicant is currently, or has within the six‑month period before the date of the application, been acting as a registered loan originator or a state‑licensed loan originator in another state under provisions of Section 1507 of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 and the applicant has never had a loan originator license denied, revoked, or suspended in any governmental jurisdiction and has not been convicted of a felony that would otherwise authorize the commissioner to deny a license.

(2) A provisional license issued pursuant to this section expires on the earlier of the following:

(a) the date upon which the commissioner issues or denies the permanent license applied for; or

(b) ninety days from the date the provisional license is issued.

(3) The commissioner may deny or suspend the rights of a licensee pursuant to this chapter to employ a loan originator acting under item (1) of this subsection if the commissioner finds that the licensee, the senior officer, or managing principal does not make the certification or undertaking set forth in item (1)(b) of the subsection in good faith.

(M) If the information contained in a document filed with the commissioner is or becomes inaccurate or incomplete, the licensee promptly shall file a correcting amendment to the information contained in the document.

(N) All advertisements of mortgage loans must comply with the Truth in Lending Act, 15 U.S.C. 1601, et seq. and the South Carolina Consumer Protection Code, Title 37.

Section 37‑22‑150. (A) All licenses issued by the commissioner pursuant to this chapter expire annually on the thirty‑first day of December or on another date that the commissioner may determine. The license is invalid after that date unless renewed. The renewal period for all licensees is from November first through December thirty‑first annually or on another date the commissioner may determine. A licensee desiring to renew its license must submit an application to the commissioner on forms and containing information the commissioner requires. Applications received after December thirty‑first or another date the commissioner determines, are late and the late fees in subsection (B) apply. A license may be renewed by compliance with this section and by paying to the commissioner, in addition to the actual cost of obtaining credit reports and national and state fingerprint‑based criminal history record checks as the commissioner may require, a renewal fee as prescribed by the Board for each of the following:

(1) for a licensed mortgage lender, an annual renewal fee of no more than eight hundred dollars and no more than one hundred fifty dollars for each branch office; and

(2) for a licensed loan originator, an annual fee of no more than fifty dollars.

(B) If a license of a licensed mortgage lender is not renewed during the renewal period, a late fee of not more than five hundred dollars as prescribed by the board, in addition to the renewal fee in subsection (A)(1), must be assessed. If a license of a licensed loan originator is not renewed during the renewal period, a late fee of not more than one hundred dollars as prescribed by the board, in addition to the renewal fee in subsection (A)(2) of this section, must be assessed as a late fee to a renewal. If a licensee fails to renew its license within thirty days after the date the license expires or otherwise fails to maintain a valid license, the commissioner shall require the licensee to comply with the requirements for the initial issuance of a license pursuant to this chapter, in addition to paying any fee that has accrued.

(C) At any time required by the commissioner, each person described in Section 37‑22‑140 shall furnish to the commissioner consent to a national and state fingerprint‑based criminal history record check and a set of fingerprints in a form acceptable to the commissioner. Refusal to consent to a criminal history record check may constitute grounds for the commissioner to deny renewal of the license of the person as well as the license of another person by which he is employed, over which he has control, or as to which he is the current or proposed managing principal or a current or proposed branch manager.

(D) A license issued pursuant to this chapter is not assignable or transferable. Control of a licensee must not be acquired through a stock purchase or other device without the prior written consent of the commissioner. The commissioner may not give written consent if the commissioner finds that any of the grounds for denial, revocation, or suspension of a license pursuant to Section 37‑22‑200 are applicable to the acquiring person.

Section 37‑22‑160. (A) As a condition of license renewal, a licensee must complete at least eight hours of continuing professional education annually for the purpose of enhancing professional competence and responsibility. The continuing professional education completed must be reported to the commissioner annually. Documentation of courses completed must be maintained by all licensees. This documentation is subject to inspection by the commissioner for up to two years after the date of course completion.

(B) Continuing education credit may be granted only for the year in which the class is taken and may not be granted for the same course in successive years.

(C) If a licensee fails to complete the continuing professional education before the license expiration date, his license expires and he shall pay a penalty of not more than one hundred dollars, in addition to other fees or penalties that have accrued, to reinstate the license.

(D) All prelicensing education, continuing education, and written examinations must be approved through the Nationwide Mortgage Licensing System and Registry, pursuant to 12 U.S.C. 5101, et seq. before credit can be awarded. Applicants and licensees that successfully complete education or testing approved through the Nationwide Mortgage Licensing System and Registry fulfill the requirements of this State.

Section 37‑22‑170. A mortgage lender licensed pursuant to this chapter shall have a managing principal who operates the business under that manager’s full charge, control, and supervision. A mortgage lender may operate a branch office subject to the requirements of this chapter. Each principal and branch office of a mortgage lender licensed pursuant to this chapter shall have a branch manager who meets the requirements of Section 37‑22‑140(B) and (C)(1). Each mortgage lender licensed pursuant to this chapter shall file a form prescribed by the commissioner indicating the business’s designation of managing principal and branch manager for each branch and their acceptance of the responsibility. The managing principal for a licensee’s business also may serve as the branch manager of one of the licensee’s branch offices. A mortgage lender licensed pursuant to this chapter shall notify the commissioner of a change in its managing principal or any branch manager. The license of a licensee who does not comply with this provision must be suspended pursuant to Section 37‑22‑200 until the licensee complies with this section. A licensee who operates as a sole proprietorship is a managing principal for the purposes of this chapter.

Section 37‑22‑180. (A) A licensee shall report to the commissioner a change of address of the principal place of business or a branch office at least seven days before the change. Change of address notification of a licensed location must be accompanied by a fee of twenty‑five dollars.

(B) A mortgage lender licensed pursuant to this chapter shall display in plain view in its principal office and in each branch the license issued by the commissioner. A loan originator licensed pursuant to this chapter shall display in each branch office in which mortgage loans are originated a copy of the license issued by the commissioner.

Section 37‑22‑190. (A) In addition to the activities prohibited by other provisions of state or federal law, it is unlawful for a person licensed pursuant to this chapter, in the course of a mortgage loan origination, to:

(1) misrepresent or conceal the material facts or make false promises likely to influence, persuade, or induce an applicant for a mortgage loan or a mortgagor to take a mortgage loan, or to pursue a course of misrepresentation through agents or otherwise;

(2) refuse improperly or fail to issue a satisfaction of a mortgage pursuant to Section 29‑3‑310;

(3) fail to account for or deliver to a person entitled to receive them funds, documents, or other things of value obtained in connection with a mortgage loan including money provided by a borrower for a real estate appraisal or a credit report, which the mortgage lender or loan originator is not entitled to retain under the circumstances;

(4) pay, receive, or collect in whole or in part any commission, fee, or other compensation for a mortgage loan origination in violation of this chapter including any unlicensed person other than an exempt person;

(5) charge or collect a fee or rate of interest or to make or service a mortgage loan with terms or conditions or in a manner contrary to the provisions of this chapter;

(6) advertise mortgage loans including rates, margins, discounts, points, fees, commissions, or other material information including material limitations on the loans, unless the person is able to make the mortgage loans available as advertised to qualified applicants;

(7) fail to disburse funds in good faith and in accordance with a written commitment or agreement to make a mortgage loan that has been accepted by the borrower;

(8) engage in a transaction, practice, or course of business in connection with the making or servicing of, or purchase or sale of, a mortgage loan that is not in good faith or fair dealing, that is unconscionable, as set forth in Section 37‑5‑108, or that constitutes a fraud upon a person;

(9) fail to pay reasonable fees within a reasonable time to a licensed third party for services that are:

(a) requested from the third party in writing by the mortgage lender or an employee of the mortgage lender; and

(b) performed by the third party in connection with the origination or closing of a mortgage loan for a customer or mortgage lender;

(10) influence or attempt to influence through coercion, extortion, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with a mortgage loan. This item does not prohibit a mortgage lender or servicer from asking the appraiser to do one or more of the following:

(a) consider additional appropriate property information;

(b) provide further detail, substantiation, or explanation for the appraiser’s value conclusion; or

(c) correct errors in the appraisal report;

(11) fail to comply with the mortgage loan servicing transfer, escrow account administration, or borrower inquiry response requirements imposed by Sections 6 and 10 of the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. Section 2605 and Section 2609, and regulations adopted pursuant to them by the Secretary of the Department of Housing and Urban Development and state law;

(12) fail to provide within a reasonable time, upon written request of a borrower, a payment history statement in a form easily understood by the borrower including payment dates and amounts and charges within the twelve months preceding the month in which the request is received and the total amount unpaid as of the end of the period covered by the statement. The statement must be provided without charge once during each year of the term of the obligation. If additional statements are requested, the borrower may be charged a reasonable fee, not to exceed five dollars for each additional statement;

(13) take a security interest in a borrower’s principal dwelling where the amount of the mortgage loan is less than five thousand dollars;

(14) fail to provide disclosures as required by state or federal law or collect any fee before providing required disclosures;

(15) fail to comply with this chapter or other state or federal law including rules and regulations applicable to business regulated by this chapter;

(16) falsely advertise or misuse names in violation of 18 U.S.C. Section 709 or state law; or

(17) use any trade name or insignia of membership in an organization of which the licensee is not a member or advertise falsely through any material including, but not limited to, business card, stationary, or signage concerning a designation or certification of special education, credentials, trade organization membership, or business.

(B) A violation of a state or federal law applicable to a business covered by this chapter is a violation of this chapter and may be enforced by the commissioner.

Section 37‑22‑200. (A) The commissioner, by order, may deny, suspend, revoke, or refuse to issue or renew a license of a licensee or applicant pursuant to this chapter or may restrict or limit the activities relating to mortgage loans of a licensee or a person who owns an interest in or participates in the business of a licensee, if the commissioner finds that both:

(1) the order is in the public interest; and

(2) the applicant, licensee, or any partner, member, manager, officer, director, loan originator, managing principal, or other person occupying a similar status or performing similar functions or a person directly or indirectly controlling the applicant or licensee:

(a) has filed an application for license that, as of its effective date or as of a date after filing, contained a statement that, in light of the circumstances under which it was made, is false or misleading with respect to a material fact;

(b) has violated or failed to comply with a provision of this chapter or order of the commissioner;

(c) within the past ten years has been convicted of, or pled guilty or nolo contendere to, a misdemeanor involving financial services or financial services related business or an offense involving breach of trust or fraudulent or dishonest dealing, or money laundering or has been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court;

(d) is permanently or temporarily enjoined by a court of competent jurisdiction from engaging in or continuing conduct or practice involving financial services or financial services related business;

(e) is the subject of an order of the commissioner denying, suspending, or revoking that person’s license;

(f) is the subject of an order entered by the authority of a governmental entity with jurisdiction over the financial services or financial services related industry denying or revoking that person’s license;

(g) does not meet the qualifications or the financial responsibility, character, or general fitness requirements, or a bond or capital requirements, pursuant to this chapter;

(h) has been the executive officer or controlling shareholder or owned a controlling interest in a financial services or financial services related business that has been subject to an order or injunction described in subitems (d), (e), or (f);

(i) has failed to pay the proper filing or renewal fee pursuant to this chapter or a fine, penalty, or fee imposed by any governmental entity. However, the commissioner may enter only a denial order pursuant to this subitem, and the commissioner shall vacate the order when the deficiency is corrected; or

(j) has falsely certified attendance or completion of hours at an approved education course.

(B) The commissioner, by order, summarily may postpone or suspend the license of a licensee pending final determination of a proceeding pursuant to this section. Upon entering the order, the commissioner shall notify promptly the applicant or licensee that the order has been entered, the reasons for the order, and the procedure for requesting a hearing before the Administrative Law Court. If a licensee does not request a hearing and the commissioner does not request a hearing, the order remains in effect until it is modified or vacated by the commissioner.

(C) The commissioner, by order, may impose an administrative penalty upon a licensee or any member, partner, officer, director, or other person occupying a similar status or performing similar functions on behalf of a licensee for a violation of this chapter. The administrative penalty may not exceed ten thousand dollars for each violation of this chapter by a licensee. The commissioner may impose an administrative penalty that may not exceed ten thousand dollars for each violation of this chapter by a person other than a licensee or exempt person.

(D) In addition to other powers pursuant to this chapter, upon finding that an action of a person is in violation of this chapter, the commissioner may order the person to cease from the prohibited action. If the person subject to the order fails to request a contested case hearing in accordance with Section 37‑22‑130, or if the person requests the hearing and it is denied or dismissed, and the person continues to engage in the prohibited action in violation of the commissioner’s order, the person is subject to an administrative penalty that may not exceed twenty‑five thousand dollars for each violation of the commissioner’s order. The penalty provision of this section is in addition to and not instead of another provision of law for failure to comply with an order of the commissioner.

(E) Unless otherwise provided, all actions and hearings pursuant to this chapter are governed by Chapter 23, Title 1.

(F) If a licensee is accused of any act, omission, or misconduct that subjects the licensee to disciplinary action, the licensee, with the consent and approval of the commissioner, may surrender the license and the rights and privileges pertaining to it and is not eligible to receive, or to submit an application for, licensure for a period of time established by the commissioner.

(G) If the commissioner has reasonable grounds to believe that a licensee or other person has violated this chapter or that facts exist that would be the basis for an order against a licensee or other person, the commissioner, either personally or by a person duly designated by the commissioner, at any time may investigate or examine the loans and business of the licensee and examine the books, accounts, records, and files of the licensee or other person relating to the complaint or matter under investigation. The reasonable cost of this investigation or examination must be charged against the licensee. The commissioner may require the licensee or other person to submit a consent to a national and state fingerprint‑based criminal history record check and a set of that person’s fingerprints in a form acceptable to the commissioner in connection with an examination or investigation. Refusal to submit the requested criminal history record check or a set of fingerprints is grounds for disciplinary action.

(H) The commissioner may subpoena documents and witnesses and compel their production and attendance, to examine under oath all persons whose testimony the commissioner considers relative to the person’s business and require the production of books, papers, or other materials.

(I) The commissioner, at the licensee’s expense, may conduct routine examinations of the books and records of a licensee to determine compliance with this chapter.

(J) The commissioner shall cooperate and share information with an agency of this State, other states, or the federal government concerning activity regulated by this chapter. The commissioner shall accept or participate in examinations conducted by one of these agencies.

(K) In addition to the authority described in this section, the commissioner may require a person to pay to a borrower or other natural person amounts received by the person or its employees in violation of this chapter.

(L) If the commissioner finds that the managing principal, branch manager, or loan originator of a licensee had knowledge of, or reasonably should have had knowledge of, or participated in an activity that results in the entry of an order suspending or withdrawing the license of a licensee, the commissioner may prohibit the branch manager, managing principal, or loan originator from serving as a branch manager, managing principal, or loan originator for the period of time the commissioner considers necessary.

(M) Orders issued by the commissioner or by the Administrative Law Court pursuant to this chapter must be reported by the commissioner to the Nationwide Mortgage Licensing System and Registry.

Section 37‑22‑210. (A) The commissioner shall keep a list of all applicants for licensure pursuant to this chapter which includes the date of application, name, and place of residence and whether the license was granted or refused.

(B) The commissioner shall keep a current roster containing the names and places of business of all licensees and containing their respective loan originators. The rosters must: (i) be kept on file in the office of the commissioner; (ii) contain information regarding all orders or other action taken against the licensees, loan originators, and other persons; and (iii) be open to public inspection.

(C)(1) A licensee shall make and keep the accounts, correspondence, memoranda, papers, books, and other records prescribed by the commissioner. Records must be preserved for three years unless the commissioner prescribes otherwise for particular types of records. A licensee should develop, maintain, and test disaster recovery plans for all records that are maintained. The recordkeeping requirements imposed by the commissioner or this subsection must not be greater than those imposed by applicable state or federal law. Licensee’s records may be maintained electronically, if approved by the commissioner, so long as they are readily accessible for examination by the commissioner.

(2) Beginning on January 1, 2010, in addition to the records required to be maintained by licensees pursuant to subitem (1), each licensee shall maintain a mortgage log that contains these specific data elements: (i) credit score of the borrower, (ii) adjustable or fixed type of the loan, (iii) term of the loan, (iv) annual percentage rate of the loan, and (v) appraised value of the collateral. Each licensee shall submit to the commissioner by March thirty‑first of each year its mortgage log data and the data identified in 12 C.F.R. Part 203, et seq., in a form determined by the commissioner. The licensee shall pay a fine of one hundred dollars a day for late or incomplete data submissions. Data collected by the commissioner pursuant to this section is confidential and may be released to the public only in composite form. The commissioner annually shall submit to the department, in a form prescribed by the department and no later than April thirtieth, the data that it collected. The department shall prepare and make available to the public a report based on the data. The report must be available by June thirtieth each year.

(D) If the information contained in a document filed with the commissioner is or becomes inaccurate or incomplete in a material respect, the licensee promptly shall file a correcting amendment to the information contained in the document.

(E) A licensee shall maintain in a segregated escrow fund or trust account funds that come into the licensee’s possession, but which are not the licensee’s property and which the licensee is not entitled to retain under the circumstances. The escrow fund or trust account must be held on deposit in a federally insured financial institution. Escrow funds must be accounted for in compliance with the rules under RESPA.

(F) A licensee clearly shall display the unique identifier assigned by the Nationwide Mortgage Licensing System and Registry on all mortgage loan forms, solicitations, or advertisements including business cards or websites and any other documents furnished in connection with a mortgage loan transaction.

(G) A licensee ceasing activities regulated by this chapter and desiring no longer to be licensed shall inform the commissioner at least seven days in advance. The licensee shall include with the notification a plan of withdrawal that includes a timetable for the disposition of the business, the location of the books, records, and accounts until the end of the retention period, and certification of the proper disposal of those records after that.

Section 37‑22‑220. (A) A licensee shall maintain records in conformity with generally accepted accounting principles and practices in a manner that will enable the commissioner to determine if the licensee is complying with the provisions of this chapter and other state and federal laws. The recordkeeping system of a licensee is sufficient if it makes the required information reasonably available. The records need not be kept in the place of business where loans are made if the commissioner is given free access to the records wherever located and the licensee pays the reasonable cost of their examination.

(B) On or before March thirty‑first each year, a licensee shall file with the commissioner an annual report in the form prescribed by the commissioner relating to all mortgage loans made, serviced, or brokered by it. The licensee shall pay a fine of one hundred dollars a day for each late or incomplete annual reports.

(C) The mortgage loan report shall include, but is not limited to, the total number and dollar amounts in connection with all mortgage loans, of:

(1) first and subordinate lien loans originated by licensee and closed in the name of another party;

(2) first and subordinate lien loans originated by another party and closed in the name of the licensee;

(3) first and subordinate lien loans originated by and closed in the name of the licensee;

(4) first and subordinate lien loans originated by and closed in the name of another party but funded by licensee;

(5) loans purchased by licensee;

(6) first and subordinate lien loans serviced by licensee;

(7) loans owned with and without servicing rights;

(8) loans sold with and without servicing rights;

(9) loans paid off before and at maturity;

(10) unpaid loans at the beginning and end of the reporting year;

(11) delinquent loans that are 30‑59, 60‑89, and ninety days or more delinquent, of all the loans the licensee owned as of December thirty‑first;

(12) loans in foreclosure as of December thirty‑first and foreclosed in the previous calendar year by licensee;

(13) mortgage loans charged against reserve for loan losses as a result of foreclosures during the reporting year; and

(14) loans repurchased during the previous calendar year.

(D) The annual report also must include the total gross revenue earned in this State under this license, the total dollar amount of points paid to the licensee by borrowers on first and subordinate lien mortgage loans, the total dollar amount of points paid to brokers by the licensee on first and subordinate lien mortgage loans, including yield spread premiums, and the lending institution, maximum amount available, outstanding balance, and expiration date of licensee’s four largest warehouse lines of credit during the previous calendar year.

(E) Information contained in annual reports is confidential and may be published only in composite form.

(F) The commissioner annually shall submit to the department, in a form prescribed by the Department of Consumer Affairs and no later than April thirtieth, the data that it collected. The department shall prepare and make available to the public a report based on the data. The report must be available by June thirtieth each year.

Section 37‑22‑230. A person who wilfully violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both, for each violation. Each transaction involving the unlawful making or servicing of a mortgage loan is a separate offense.

Section 37‑22‑240. (A) The South Carolina Law Enforcement Division (SLED) shall provide a criminal history record check to the commissioner for a person who has applied for or holds a mortgage lender or loan originator license through the commissioner pursuant to this chapter.

(B) In addition, if a person described in subsection (A) is a corporation, partnership, limited liability company, association, or trust, SLED shall provide a criminal history record check to the commissioner for a person who has control of that person, or who is the managing principal or a branch manager of that person.

(C) The commissioner shall provide to SLED, along with the request, the fingerprints of the person, additional information required by SLED, records check fees required by SLED and the Federal Bureau of Investigation (FBI), and a form signed by the person consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the state or national repositories. Using the information supplied by the commissioner to SLED, the applicant must undergo a state criminal records check, supported by fingerprints, by SLED, and a national criminal records check, supported by fingerprints, by the FBI. The results of these criminal records checks must be reported to the commissioner. SLED is authorized to retain the fingerprints for certification purposes and for notification of the commissioner regarding subsequent criminal charges which may be reported to SLED or the FBI or both. The commissioner shall keep all information pursuant to this section privileged, in accordance with applicable state and federal guidelines.

Section 37‑22‑250. All funds specified in this chapter must be paid to the commissioner, must be used to implement the provisions of this chapter, and are nonrefundable.

Section 37‑22‑260. (A) The commissioner may promulgate regulations necessary to effectuate the purposes of this chapter.

(B) For the purpose of participating in the Nationwide Mortgage Licensing System and Registry, the commissioner may waive or modify, in whole or in part, by rule, regulation, or order, any or all of the requirements of this chapter and establish new requirements as reasonably necessary to participate in the Nationwide Mortgage Licensing System and Registry.

(C) For the purposes of implementing an orderly and efficient licensing process, the commissioner may establish licensing rules or regulations and interim procedures for licensing and acceptance of applications. For previously registered or licensed individuals, the commissioner may establish expedited reviews, expedited licensing procedures, and grandfather provisions.

Section 37‑22‑270. (A) The commissioner may participate in a Nationwide Mortgage Licensing System and Registry and may:

(1) facilitate and participate in the establishment and implementation of the Nationwide Mortgage Licensing System and Registry;

(2) enter into agreements and contracts including cooperative, coordinating, and information sharing agreements;

(3) contract with third parties to process, maintain and store information collected by the Nationwide Mortgage Licensing System and Registry;

(4) authorize the Nationwide Mortgage Licensing System and Registry to collect fingerprints on the commissioner’s behalf in order to receive national and state criminal history background records checks from the FBI and SLED and furnish the fingerprints to SLED to retain for certification purposes and for notification of the commissioner regarding subsequent criminal charges which may be reported to SLED, or the FBI or both in accordance with Sections 37‑22‑140 and 37‑22‑240;

(5) authorize the Nationwide Mortgage Licensing System and Registry to collect credit reports on the commissioner’s behalf for all licensees in accordance with Section 37‑22‑140;

(6) require persons that must be licensed by this chapter to utilize the Nationwide Mortgage Licensing System and Registry;

(7) require all applicants and licensees to pay all applicable funds provided for in this chapter through the Nationwide Mortgage Licensing System and Registry;

(8) provide information to and receive information from the Nationwide Mortgage Licensing System and Registry;

(9) authorize a third party to collect funds associated with licensure on behalf of the commissioner; and

(10) authorize the Nationwide Mortgage Licensing System and Registry to collect and disburse consumer complaints.

(B) Persons required to be licensed pursuant to this chapter must be required to pay all applicable fees to utilize the Nationwide Mortgage Licensing System and Registry and consent to utilizing the Nationwide Mortgage Licensing System and Registry to obtain fingerprint‑based criminal history background records checks and credit reports.

(C) The commissioner shall provide licensees with written notice sent to the address of record on file with the commissioner through the United States Postal Service the date the Nationwide Mortgage Licensing System and Registry will be available for their use. Licensees shall have one hundred and twenty days from the date the system is available for use to enter all their licensing information into the Nationwide Mortgage Licensing System and Registry. All filings required by the commissioner pursuant to this chapter after the date the system is available for use must be made through the Nationwide Mortgage Licensing System and Registry, except for exempt persons.

(D) All licensees licensed through the Nationwide Mortgage Licensing System and Registry must use the unique identifier assigned in all advertising and on all mortgage loan documents.

(E) Notwithstanding another provision of law to the contrary, the Nationwide Mortgage Licensing System and Registry is not intended to and does not replace or affect the commissioner’s authority to grant, suspend, revoke, or deny a license required pursuant to this chapter.

(F) The Commissioner shall develop a plan that ensures an orderly transition to the Nationwide Mortgage Licensing System and Registry. This transition plan must address issues of prelicensing education, written examinations, credit reports, and national and state fingerprint‑based criminal histories and record checks.”

SECTION 3.A. Section 34‑1‑20 of the 1976 Code, as last amended by Act 252 of 2006, is further amended to read:

“Section 34‑1‑20. The State Board of Financial Institutions is composed of ~~ten~~ eleven members, one of whom is the State Treasurer as an ex officio member and as the chairman. The remaining ~~nine~~ ten members must be appointed by the Governor with the advice and consent of the Senate. Four must be engaged in banking and recommended by the South Carolina Bankers Association, one must be recommended by the association of supervised lenders, one must be engaged in the mortgage lending business and recommended by the Mortgage Bankers Association of the Carolinas, one must be engaged in the licensed consumer finance business as a restricted lender or a supervised lender and recommended by the Independent Consumer Finance Association, two must be engaged in the cooperative credit union business and recommended by the State Cooperative Credit Union League, and one must be unaffiliated with a financial organization and serve as a representative of the consumer of the State. The terms of the present members are not affected. Each member shall represent the best interests of the public and shall not serve more than two consecutive four‑year terms. The association which is to provide a member to fill a vacancy on the board, except for a consumer representative, shall submit three names, from three different institutions, from which the Governor shall select one.”

B. Section 34‑1‑110(A) of the 1976 Code, as last amended by Act 42 of 1999, is further amended to read:

“(A) Notwithstanding any other provision of law and in addition to all of the powers granted under Chapters 1 through 31 ~~of~~ , Title 34 and Chapter 3 ~~of~~ , Title 37, the State Board of Financial Institutions, by regulation or by issuing operational instructions, may permit:

(1) state‑chartered banks to engage in any activity authorized for national banks by federal law or regulation of the Comptroller of the Currency or for state‑chartered savings and loan associations by this title or regulation or operational instruction of the State Board of Financial Institutions;

(2) state‑chartered savings and loan associations to engage in any activity authorized for federally~~‑~~chartered savings and loan associations by federal law or regulation of the Office of Thrift Supervision or for state‑chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions;

(3) cooperative credit unions to engage in any activity authorized for federally~~‑~~chartered credit unions by federal law or by regulation of the National Credit Union Administration; ~~and~~

(4) consumer finance companies operating pursuant to a license to make supervised loans as provided in Part 5, Chapter 3, Title 37, to engage in any lending activity authorized for supervised financial organizations by law or by regulation of an agency given supervisory authority over those institutions, except where otherwise restricted by statute~~.~~ ; and

(5) mortgage lenders and loan originators operating pursuant to a license to make mortgage loans as provided in Chapter 22, Title 37, to engage in a mortgage lending activity authorized for licensed mortgage lenders and loan originators by law or by regulation of an agency given supervisory authority over those institutions, except where otherwise restricted by statute.”

SECTION 4.A. Section 37‑1‑301(29) of the 1976 Code is amended to read:

“(29) ‘Licensee’ means ~~a supervised lender licensed under Section 37‑3‑503~~ a person licensed pursuant to this title.”

B. Section 37‑3‑105(3) of the 1976 Code is amended to read:

“(3) Loans excluded from the definition of a ‘consumer loan’ pursuant to subsection (1) also are subject to the provisions of Chapter 7, Chapter 10, Chapter 22, and Chapter 23 of this title.”

C. Section 37‑3‑501(1) of the 1976 Code is amended to read:

“(1) ‘Supervised loan’ means a consumer loan in which the rate of the loan finance charge exceeds twelve percent per year as determined according to the provisions on the loan finance charge for consumer loans (Section 37‑3‑201). A supervised loan does not include a mortgage loan as defined in Section 37‑22‑110(29).”

D. Section 37‑23‑20(9), (10) and (12) of the 1976 Code, as added by Act 42 of 2003, is amended to read:

“(9) ‘High‑cost home loan’ means:

(a) a loan, other than an open‑end credit plan or a reverse mortgage transaction, in which the:

~~(a)~~(i) principal amount of the loan does not exceed the conforming loan size limit for a single‑family dwelling as established from time to time by the Federal National Mortgage Association;

~~(b)~~(ii) borrower is a natural person;

~~(c)~~(iii) debt is incurred by the borrower primarily for personal, family, or household purposes;

~~(d)~~(iv) loan is secured by either a security interest in a residential manufactured home, as defined in Section 37‑1‑301(24) which is to be occupied by the borrower as the borrower’s principal dwelling, or a mortgage on real estate upon which there is located or there is to be located a structure designed principally for occupancy from one to four families and which is or is to be occupied by the borrower as the borrower’s principal dwelling; and

~~(e)~~(v) terms of the loan exceed one or more of the ~~threshold~~ thresholds as defined in item (15) of this section~~.~~; or

(b) an adjustable rate mortgage at the fully indexed rate assuming a fully amortizing repayment schedule that would exceed one or more of the thresholds as defined in item (15) of this section.

(10) ‘Lender’ includes, but is not limited to, a mortgage broker ~~or a mortgage banker~~ originating a loan in a tablefunded loan transaction in which the broker ~~or banker~~ is identified as the original payee of the note.

(12) ‘Originator’ or ‘loan originator’ means an employee of a mortgage ~~loan~~ broker or mortgage lender whose primary job responsibilities include direct contact with ~~and~~ or informing loan applicants of the rates, terms, disclosure, ~~and~~ or other aspects of the mortgage. It does not mean an employee whose primary job responsibilities are clerical in nature, such as processing the loan.”

E. Section 37‑23‑20 of the 1976 Code, as added by Act 42 of 2003, is amended by adding:

“(17) An adjustable rate mortgage (ARM) is a mortgage in which the interest rate and monthly payment may vary over time.”

F. Section 37‑23‑40(2) of the 1976 Code, as added by Act 42 of 2003, is amended to read:

“(2) make a high‑cost home loan unless the lender reasonably believes at the time the loan is consummated that one or more of the obligors, when considered individually or collectively, is able to make the scheduled payments to repay the obligation based upon a consideration of their current and expected income, current obligations, employment status, and other financial resources other than the borrower’s equity in the dwelling that secures repayment of the loan. If the loan is an adjustable rate mortgage (ARM), the analysis of the obligor must include an evaluation of the ability to repay by final maturity at the fully indexed rate assuming a fully amortizing repayment schedule. An obligor is presumed to be able to make the scheduled payments to repay the obligation if, at the time the loan is consummated, the obligor’s total monthly debts, including amounts owed pursuant to the loan including, but not limited to, principal, interest, current property taxes, and current insurance, do not exceed fifty percent of the obligor’s monthly gross income as verified by the credit application, ~~the obligor’s financial statement, a credit report, financial information provided to the lender by or on behalf of the obligor, or another authoritative means~~ a credit report, and information provided to a lender by a third party, including the Internal Revenue Service (IRS). A presumption of inability to make the scheduled payments to repay the obligation does not arise solely from the fact that, at the time the loan is consummated, the obligor’s total monthly debts, including amounts owed under the loan, exceed fifty percent of the obligor’s monthly gross income;”

G. Section 37‑23‑45 of the 1976 Code, as added by Act 42 of 2003, is amended by adding:

“(4) for a loan that is an ARM as defined in Section 37‑23‑20(17), a listing of the schedule when the loan may be reset, for each and every reset, and a listing of the monthly payment that is owed for each change that is allowed by the terms of the contract. If the consumer escrows the insurance and taxes with each monthly payment, it must be reflected in the payment listed.”

H. Section 37‑23‑75 of the 1976 Code, as added by Act 42 of 2003, is amended by adding:

“(4) for a loan that is an ARM as defined in Section 37‑23‑20(17), a listing of the schedule when the loan may be reset, for each and every reset, and a listing of the monthly payment that is owed for each change that is allowed by the terms of the contract. If the consumer escrows the insurance and taxes with each monthly payment, it must be reflected in the payment listed.”

I. Section 29‑4‑20(1) and (3) of the 1976 Code is amended to read:

“(1) provides cash advances to a borrower based on the equity or future appreciation in value in a borrower’s owner‑occupied principal residence;

(3) is made by a lender authorized to engage in business as a bank, savings institution, or credit union under the laws of the United States or of South Carolina, or ~~authorized seller‑servicers selling mortgage loans to the Federal National Mortgage Association or to the Federal Home Loan Mortgage Corporation, or supervised lenders regulated by the State Board of Financial Institutions.~~ a mortgage lender licensed pursuant to Chapter 22, Title 37.”

SECTION 5. Chapter 58, Title 40 of the 1976 Code is amended to read:

“CHAPTER 58

~~Registration~~ Licensing of Mortgage ~~Loan~~ Brokers

Section 40‑58‑10. (A) This chapter may be cited as the Licensing of Mortgage Brokers ~~Requirements~~ Act ~~of Certain Brokers of Mortgages on Residential Real Property~~.

(B) ~~No~~ A person~~, partnership, corporation, banking organization, or other organization~~ ~~shall~~ may not broker a ~~residential~~ mortgage loan as defined in this chapter unless the broker of the mortgage loan:

(1) is an exempt person ~~or organization~~ as defined by Section 40‑58‑20(15); or

(2) has complied with the provisions of this chapter.

Section 40‑58‑20. As used in this chapter:

~~(1)~~ ~~‘Mortgage’ means a loan to a natural person made primarily for personal, family, or household use primarily secured by a mortgage on residential real property.~~

~~(2)~~ ~~‘Residential real property’ means real property located in this State upon which there is located or there is to be located one or more single family, owner‑occupied dwellings or dwelling units.~~

~~(3)~~ ~~‘Mortgage broker’ means a person or organization in the business of soliciting, processing, placing, or negotiating mortgages for others or offering to process, place, or negotiate mortgages for others. Mortgage broker also includes a person or organization who brings borrowers or lenders together to obtain mortgages or renders a settlement service as described in 24 CFR Part 3500.2(a)(16)(ii).~~

~~(4)~~ ~~‘Soliciting, processing, placing, or negotiating a mortgage loan’ means for compensation or gain, either directly or indirectly, accepting or offering to accept an application for a mortgage, assisting or offering to assist in the processing of an application for a mortgage, soliciting or offering to solicit a mortgage on behalf of a third party, or negotiating or offering to negotiate the terms or conditions of a mortgage with a lender on behalf of a third party.~~

~~(5)~~ ~~‘Exempt person or organization’ means:~~

~~(a)~~ ~~a bank, bank holding company, credit union, savings and loan association, savings and loan association holding company, their affiliates and subsidiaries, a supervised licensed lender under Title 37 and a restricted lender under Title 34 and their affiliates and subsidiaries, a Department of Housing and Urban Development or Federal Housing Administration approved mortgagee authorized, chartered, licensed, or approved under the laws of this State or of the United States or an instrumentality of them; or persons or organizations which sell or place all of their conventional mortgages on real property with federally insured and/or regulated financial institutions including, but not limited to, banks, savings and loan associations, and credit unions.~~

~~(b)~~ ~~an attorney at law licensed to practice law in South Carolina who is not engaged principally in negotiating mortgages when the attorney renders services in the course of his practice as an attorney at law;~~

~~(c)~~ ~~a person employed by an organization defined in subitem (a) of this item;~~

~~(d)~~ ~~title company which is qualified to issue title insurance, directly or through its agents.~~

~~(6)~~ ~~‘Licensee’ means a person or organization who is licensed pursuant to Section 40‑58‑50 which engages in the business of soliciting, processing, placing, or negotiating mortgages for others or offering to process, place, or negotiate mortgages for others. Licensee includes mortgage brokers as defined in item (3) and originators as defined in item (14).~~

~~(7)~~ ~~‘Administrator’ means the administrator of the Department of Consumer Affairs of this State.~~

~~(8)~~ ~~‘RESPA’ means the Real Estate Settlement Procedures Act of 1974, 12 USC Section 2601 et seq., as amended.~~

~~(9)~~ ~~‘Recasting’ means a promise for an individual to recoup a home sold to a third party with the intent of the original seller to rent back the property for a specific time at which the original seller will have the option to purchase the property back at a specific price. The specific period of time would normally be one year.~~

~~(10)~~ ~~‘HUD’ means the Department of Housing and Urban Development.~~

~~(11)~~ ~~‘Department’ means the South Carolina Department of Consumer Affairs.~~

~~(12)~~ ~~‘Regular business hours’ means open for business not less than thirty hours a week, Monday through Friday.~~

~~(13)~~ ~~‘Satellite office’ means a location at which a mortgage broker may conduct mortgage broker business other than at a location that is open for regular business hours and is not required to be staffed full time by one or more employees who have the authority to contract on behalf of the broker and to accept service on behalf of the broker.~~

~~(14)~~ ~~‘Originator’ means an employee of a mortgage broker whose primary job responsibilities include direct contact with and informing mortgage applicants of the rates, terms, disclosure, and other aspects of the mortgage, including accepting or offering to accept applications for mortgages. It does not mean an employee, including processors, whose job responsibilities are limited to clerical and administrative tasks and who does not solicit borrowers or negotiate the rates, terms, disclosure, or other aspects of a mortgage on behalf of the employer which do not require licensure.~~

~~(15)~~ ~~‘Processor’ means an employee of a mortgage broker whose primary job responsibilities are mortgage processing and may include direct contact with applicants but does not include informing applicants of rates, terms, disclosure, or solicitation of mortgages.~~

(1) ‘Act as a mortgage broker’ means to act, for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, by: (i) soliciting, processing, placing, or negotiating a mortgage loan for a borrower from a mortgage lender or depository institution or offering to process, place, or negotiate a mortgage loan for a borrower from a mortgage lender or depository institution, (ii) engaging in tablefunding of mortgage a loan, or (iii) acting as a loan correspondent, as that term is defined in 24 C.F.R. Part 202 et seq., whether those acts are done by telephone, by electronic means, by mail, or in person with the borrowers or potential borrowers. ‘Act as a mortgage broker’ also includes bringing a borrower and lender together to obtain mortgage loan or rendering a settlement service as described in 12 U.S.C. 2602(3) and 24 C.F.R. Part 3500.2(b).

(2) ‘Act as a mortgage lender’ means to engage in the business of making or servicing mortgage loan for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, including soliciting, processing, placing, or negotiating a mortgage loan.

(3) ‘Administrator’ means the administrator of the Department of Consumer Affairs (department) or the administrator’s designees.

(4) ‘Advertising’ means a commercial message in a medium that promotes, either directly or indirectly, a mortgage loan transaction.

(5) ‘Affiliate’ means a company that controls, is controlled by, or is under common control with another company, as set forth in the Bank Holding Company Act of 1956 (12 U.S.C. Section 1841, et seq.). For purposes of this item, the term ‘control’ means ownership of all of the voting stock or comparable voting interest of the controlled person.

(6) ‘Borrower’ means a natural person in whose dwelling a security interest is or is intended to be retained or acquired if that person’s ownership interest in the dwelling is or is to be subject to the security interest.

(7) ‘Branch manager’ means the natural person who is in charge of and who is responsible for the business operations of a branch office of a licensee.

(8) ‘Branch office’ means an office of the licensee that is separate and distinct from the licensee’s principal office.

(9) ‘Clerical or support duties’ mean administrative functions after the receipt of an application by a licensed mortgage originator or broker, such as gathering information, requesting information, word processing, sending correspondence, or assembling files, and may include:

(a) The receipt, collection, and distribution common for the processing or underwriting of a residential mortgage loan; or

(b) Any communication with a borrower to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include taking a residential mortgage loan application, offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(10) ‘Control’, except as provided in item (5), means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person is presumed to have ‘control’ of a company if that person, (i) is a director, general partner or executive officer, (ii) directly or indirectly has the right to vote ten percent or more of a class of a voting security or has the power to sell or direct the sale of ten percent or more of a class of voting securities, (iii) in the case of an LLC, is the managing member, or (iv) in the case of a partnership, has the right to receive upon dissolution, or has contributed, ten percent or more of the capital.

(11) ‘Depository institution’ has the same meaning as in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. Section 1811, et. seq.), and includes a credit union.

(12) ‘Dwelling’ means the same as the term ‘dwelling’ means in Section 226.2(a)19 of Title 12 of the Code of Federal Regulations and the Federal Reserve Board’s Official Staff Commentary to that section.

(13) ‘Employee’ means a natural person who has an employment relationship, acknowledged by both the natural person and the mortgage broker, and is treated like an employee for purposes of compliance with the federal income tax laws.

(14) ‘Escrow account’ means an account that a mortgage lender establishes or controls on behalf of a borrower to pay taxes, insurance premiums including flood insurance, or other charges with respect to a mortgage loan, including charges that the borrower and mortgage lender have voluntarily agreed that the mortgage lender collects and pays. The definition encompasses an account established for this purpose. For purposes of this item, the term ‘escrow account’ excludes an account that is under the borrower’s total control.

(15) ‘Escrow funds’ means money entrusted to a mortgage lender by a borrower for the purpose of payment of taxes and insurance or other payments to be made in connection with the servicing of a mortgage loan.

(16) ‘Exempt person’ means:

(a) an employee of a licensee whose responsibilities are limited to clerical or support duties for the employer and who does not solicit borrowers, accept applications, or negotiate the terms of loans on behalf of the employer;

(b) a depository institution or a subsidiary that is wholly owned and controlled by the depository institution and regulated by a federal banking agency or an institution regulated by the Farm Credit Administration. This chapter does not apply to the exempt persons described in this subitem;

(c) an officer, registered loan originator or employee of an exempt person described in subitem (b) of this section when acting in the scope of employment for the exempt person;

(d) a person who offers or negotiates terms of a mortgage loan with or on behalf of an immediate family member of the individual;

(e) an individual who offers or negotiates terms of a mortgage loan secured by a dwelling that served as the person’s residence;

(f) a natural person who sells residential real estate and who lends or services, in one calendar year, no more than five purchase money notes secured by mortgages, deeds of trust, or other security instruments on the real estate sold as security for the purchase money obligation, unless the United States Department of Housing and Urban Development or a court of competent jurisdiction determines that this exemption is not in compliance with the SAFE Act pursuant to Section 1508 of Title V of The Housing and Economic Recovery Act of 2008, Public Law 110‑289;

(g) an employee whose employment as a processor or underwriter is undertaken pursuant to the direction and supervision of a licensee or exempt person except when the processor or underwriter is working as an independent contractor;

(h) an attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney’s representation of the client, unless the attorney is compensated by a mortgage lender, a mortgage broker, or other mortgage loan originator or by an agent of the mortgage lender, mortgage broker, or other mortgage loan originator;

(i) an attorney who works for a mortgage lender, pursuant to a contract, for loss mitigation efforts or third party independent contractor who is HUD‑certified, Neighborworks‑certified, or similarly certified, who works for a mortgage lender, pursuant to a contract, for loss mitigation efforts; or

(j) a manufactured home retailer and its employees if performing only clerical or support duties in connection with the sale or lease of a manufactured home and the manufactured home retailer and its employees receive no compensation or other gain from a mortgage lender or a mortgage broker for the performance of the clerical or support duties.

(17) ‘Federal banking agencies’ means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(18) ‘Financial Services or financial services related’ means pertaining to securities, commodities, banking, insurance, consumer lending, or real estate including, but not limited to, acting as or being associated with a bank or savings association, credit union, mortgage lender, mortgage servicer, mortgage broker, real estate broker, real estate salesperson or agent, closing agent, title company, or escrow agent.

(19) ‘Immediate family member’ means a spouse, child, sibling, parent, grandparent, or grandchild including stepparents, stepchildren, stepsiblings, and adoptive relationships.

(20) ‘Individual servicing a mortgage loan’ means an employee of a mortgage lender licensed in this State, that:

(a) collects or receives payments including payments of principal, interest, escrow amounts, and other amounts due on existing obligations due and owing to the licensed mortgage lender for a mortgage loan when:

(i) the borrower is in default; or

(ii) the borrower is in reasonably foreseeable likelihood of default;

(b) works with the borrower and the licensed mortgage lender, collects data, and makes decisions necessary to modify, either temporarily or permanently, certain terms of those obligations; or

(c) otherwise finalizes collection through the foreclosure process.

(21) ‘Licensee’ means a person who is licensed pursuant to this chapter.

(22) ‘Loan commitment’ or ‘commitment’ means a statement, written or electronic, by the mortgage lender setting forth the terms and conditions upon which the mortgage lender is willing to make a particular mortgage loan to a particular borrower.

(23) ‘Loan originator’ means a natural person who, in exchange for compensation or gain or in the expectation of compensation or gain as an employee of a licensed mortgage broker, solicits, negotiates, accepts, or offers to accept applications for mortgage loans, including electronic applications, or includes direct contact with, or informing mortgage loan applicants of, the rates, terms, disclosures, and other aspects of the mortgage loan. The definition of ‘loan originator’ does not include an exempt person described in item (16) of this section or a person solely involved in extensions of credit relating to timeshare plans, as that term is defined in Section 101(53D) of Title 11, United States Code. The definition of loan originator does not apply to an individual servicing a mortgage loan as that term is defined in this chapter until July 31, 2011, unless the United States Department of Housing and Urban Development or a court of competent jurisdiction determines before that time that those individuals servicing mortgage loans are ‘loan originators’ as that term is defined in the SAFE Act pursuant to Section 1508 of Title V of The Housing and Economic Recovery Act of 2008, Public Law 110‑289. Solely acquiring and reviewing a credit report does not constitute acting as a loan originator.

(24) ‘Make a mortgage loan’ means to close a mortgage loan, advance funds, offer to advance funds, or make a commitment to advance funds to a borrower under a mortgage loan.

(25) ‘Managing principal’ means a natural person who meets the requirements of Section 40‑58‑50(B) and who agrees to be primarily responsible for the operations of a licensed mortgage broker.

(26) ‘Mortgage broker’ means a person who acts as a mortgage broker, as that term is defined in subitem (1) of this section.

(27) ‘Mortgage lender’ means a person who acts as a mortgage lender as that term is defined in subitem (2) of this section or engages in the business of servicing mortgage loans for others or collecting or otherwise receiving mortgage loan payments directly from borrowers for distribution to another person. This definition does not include engaging in a tablefunded transaction.

(28) ‘Mortgage loan’ means a loan made to a natural person primarily for personal, family, or household use, primarily secured by a mortgage, deed of trust, or other security interest on residential real property or security interest arising under an installment sales contract or equivalent security interest against the borrower’s dwelling and: (i) located in South Carolina, (ii) negotiated, offered or otherwise transacted within this State, in whole or in part, or (iii) made or extended within this State.

(29) ‘Nationwide Mortgage Licensing System and Registry’ means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators of licensees licensed pursuant to this chapter.

(30) ‘Nontraditional mortgage product’ means a mortgage product other than a thirty‑year fixed rate mortgage loan.

(31) ‘Person’ means a natural person, partnership, limited liability company, limited partnership, corporation, association, or other group engaged in joint business activities, however organized.

(32) ‘Processor or underwriter’ means an employee of a mortgage broker, mortgage lender, or exempt person who performs clerical or support duties at the direction of and subject to the supervision and instruction of a licensee or exempt person and may include direct contact with applicants but does not include soliciting, negotiating, accepting, or offering to accept applications that include personal identifying information as defined in Section 16‑13‑510(D) for mortgage loans including electronic applications or informing applicants of the rates, terms, disclosures, and other aspects of the mortgage loan.

(a) For purposes of this item only, clerical or support duties may include after the receipt of an application: (i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a mortgage loan, and (ii) communication with a consumer to obtain the information necessary for the processing or underwriting of a mortgage loan, to the extent that the communication does not include offering or negotiating loan rates or terms or counseling consumers about mortgage loans.

(b) A person engaging solely in loan processor or underwriter activities may not represent to the public, through advertising or other means of communicating or providing information including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items that the person may or will perform any of the activities of a loan originator.

(c) A processor or underwriter who is an independent contractor may not engage in the activities of a processor or underwriter unless the independent contractor processor or underwriter obtains and maintains a license as provided by rule or regulation pursuant to Section 40‑58‑100.

(33) ‘Registered loan originator’ means a natural person who meets the definition of loan originator and is an employee of a depository institution or a subsidiary that is wholly owned and controlled by the depository institution and regulated by a federal banking agency or an institution regulated by the Farm Credit Administration and is registered with and maintains a unique identifier through the Nationwide Mortgage Licensing System and Registry.

(34) ‘Residential real property’ means real property located in the State of South Carolina upon which there is located or is to be located one or more single‑family dwellings or dwelling units that are to be occupied as the owner’s dwelling, and includes real estate and residential manufactured home (land/home) transactions.

(35) ‘RESPA’ means the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. Section 2601, et seq. and regulations adopted pursuant to it by the Department of Housing and Urban Development.

(36) ‘Soliciting, processing, placing, or negotiating a mortgage loan’ means, for compensation or gain or in the expectation of compensation or gain, either directly or indirectly, accepting or offering to accept an application for a mortgage loan, assisting or offering to assist in the processing of an application for a mortgage loan, soliciting or offering to solicit a mortgage loan, or negotiating or offering to negotiate the terms or conditions of a mortgage loan.

(37) ‘Tablefunding’ means a settlement at which a loan is funded by a contemporaneous advance of loan funds and an assignment of the loan to the person advancing the funds.

(38) ‘TILA’ means the Truth in Lending Act, 15 U.S.C. Section 1601, et seq. and regulations adopted pursuant to it by the Board of Governors of the Federal Reserve System.

(39) ‘Unique identifier’ means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry.

Section 40‑58‑30. (A) A ~~mortgage broker, as defined in Section 40‑58‑20(3), or an originator, as defined in Section 40‑58‑20(14)(13),~~ person may not ~~engage in the business of processing, placing, or negotiating a mortgage or offering to process, place, or negotiate a mortgage~~ act as a mortgage broker in this State without first being licensed with the administrator. A person, required to be licensed pursuant to this chapter, may not do business without a license under any name or title, or circulate or use advertising, including electronic means, or make a representation or give information to any person, which indicates or reasonably implies activity within the scope of this chapter unless that person has a license.

(B) It is unlawful for a person to employ, to compensate, or to appoint as its agent ~~an~~ a loan originator unless the loan originator is licensed pursuant to this chapter. The license of ~~an~~ a loan originator is not effective during any period when that person is not employed by a mortgage broker licensed pursuant to this chapter. When ~~an~~ a loan originator ceases to be employed by a licensed mortgage broker, the loan originator and the mortgage broker by whom that person was employed shall promptly notify the ~~department~~ administrator in writing. The mortgage broker’s notice must include a statement of the specific reason or reasons for the termination of the loan originator’s employment. The reason for termination is confidential information and must not be released to the public. ~~An~~ A loan originator must not be employed simultaneously by more than one mortgage broker. If a licensed loan originator changes employment, a new license must be issued and a fee of twenty‑five dollars must be paid for issuance of the new license.

(C) Notwithstanding subsection (A) of this section, the provisions of this chapter do not apply to an exempt person ~~or organization as defined in Section 40‑58‑20(5)~~ .

(D) Independent contractors, including processors and underwriters. must be separately licensed.

Section 40‑58‑40. ~~A person or organization may not offer or agree to offer mortgage brokerage services in this State without first depositing and continuously maintaining the amount of ten thousand dollars in cash or securities approved by the administrator or a bond in the amount of ten thousand dollars executed by a surety company authorized by the laws of this State to transact business within this State. Continuously maintaining a bond may be considered evidence of financial responsibility for a person or organization that offers or agrees to offer mortgage brokerage services. The bond must be executed to the State of South Carolina and must be for the use of the State and for any consumers who may have a cause of action against the mortgage broker.~~ A mortgage broker shall post and maintain a surety bond in an amount determined by the administrator that is based on the total dollar amount of mortgage loans originated in a calendar year pursuant to the following: (1) dollar volume of mortgage loans from $0 to $49,999,999 surety bond of $25,000, (2) dollar volume of mortgage loans from $50,000,000 to $99,999,999 surety bond of $40,000, (3) dollar volume of mortgage loans greater than $100,000,000 surety bond of $55,000. In no case will the surety bond be less than the amount of twenty five thousand dollars. The surety bond must be executed by a surety company authorized by the laws of this State to transact business within this State. The surety bond must be in a form satisfactory to the administrator, must be executed to the administrator, and must be for the use of the State for the recovery of expenses, fines, and/or fees levied pursuant to this chapter and for consumers who have losses or damages as a result of noncompliance with this chapter by the mortgage broker. The full amount of the surety bond must be in effect at all times. The license of a licensee expires upon the termination of the bond by the surety company, unless, a new bond has been filed with the administrator before the termination of the previous bond. In the event that the license expires based on bond termination, all licensed activity must cease and the person must apply for a license pursuant to Section 40‑58‑50.

Section 40‑58‑50. (A) An application to become licensed as a mortgage broker or ~~an~~ loan originator must be in writing, under oath, and in a form prescribed by the ~~department~~ administrator. The application must contain any information the administrator deems necessary including the name and complete business and residential address or addresses, and social security number or if applicable Employer Identification Number (EIN) of the applicant. If the applicant for a mortgage broker license is a partnership, association, limited liability company, corporation, or other form of business organization, the names and complete business and residential addresses of each member, director, and principal officer and a list of all employees who engage in direct brokerage activity including, but not limited to, loan originators.

(B)(1) The application for a mortgage broker license must include an affirmation of financial solvency noting bonding requirements required by the ~~department~~ administrator and the descriptions of the business activities, credit history, financial responsibility, educational background, and general character and fitness of the applicant and any partner, officer, or director, a person occupying a similar status or performing similar functions, or a person directly or indirectly controlling the applicant as required by this chapter, including consent to a national and state criminal history records check and a set of the applicant’s fingerprints in a form acceptable to the administrator. The application must be accompanied by a nonrefundable fee, payable to the department, of five hundred fifty dollars, in addition to the actual cost of obtaining credit reports and national and state criminal history record checks by the Federal Bureau of Investigation (FBI) and the South Carolina Law Enforcement Division (SLED). Using the information supplied by the administrator to SLED, the applicant must undergo a state criminal records check, supported by fingerprints, by SLED, and a national criminal records check, supported by fingerprints, by the FBI. The results of these criminal records checks must be reported to the administrator. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the administrator regarding criminal charges. The administrator shall keep all information pursuant to this section privileged, in accordance with applicable state and federal guidelines.

(2) An applicant for a mortgage broker’s license must have at least ~~two~~ three years’ experience ~~working as an originator under the supervision of a mortgage broker~~ in financial services or financial services related business or other experience or competency requirements the administrator may impose before an initial license is issued.

(a) ~~In lieu~~ Instead of a showing of ~~two~~ three years’ experience, an applicant may show proof of ~~two~~ three years’ employment with a federally insured depository institution, or a VA, FHA, or HUD approved mortgagee ~~during which the applicant was actively engaged in originating residential mortgages.~~

(b) ~~In lieu~~ Instead of one of the required year’s experience, an applicant may show proof of the equivalent of six or more semester hours of satisfactorily completed course work in real estate finance, real estate law, or similar course work counting toward the successful completion of a degree that is baccalaureate level or more advanced with a major or minor in finance, accounting, business administration, real estate finance, economics, or similar baccalaureate or more advanced degree, approved by the administrator or the administrator’s designee, from an accredited college or university.

(c) ~~However, all mortgage loan brokers properly licensed as a mortgage loan broker before October 1, 1998, may act as mortgage brokers after that date without regard to the experience or education requirement of this subsection if they maintain compliance with the continuing professional education requirements of Section 40‑58‑67 and otherwise comply with this chapter~~

(3) If the applicant is a partnership, limited liability company (LLC), or corporation, at least one partner, member‑manager, or principal officer shall have the experience required for the applicant. Each applicant shall identify the person meeting the experience requirement to serve as the applicant’s managing principal. The managing principal shall operate the business under his full charge, control, and supervision. The managing principal also may serve as the branch manager of a licensee branch office. Each main and branch office of a mortgage broker licensed pursuant to this chapter must have a branch manager who meets the experience requirements of subsection (B)(2). The mortgage broker licensee must designate a managing principal in writing and notify the administrator of any changes in managing principal. The managing principal and each branch manager must meet the requirements in subsection (C) of this section.

(C) The application for ~~an~~ a loan originator license must designate the employing mortgage broker and must include descriptions of the business activities, credit history, financial responsibility, educational background, and general character and fitness of the applicant as required by this chapter, including consent to a national and state criminal history records check and a set of the applicant’s fingerprints in a form acceptable to the administrator. The application must be accompanied by a nonrefundable fee, payable to the department, of fifty dollars, in addition to the actual cost of obtaining credit reports and national and state criminal history record checks by the ~~South Carolina Law Enforcement Division~~ FBI and SLED. Using the information supplied by the administrator to SLED, the applicant must undergo a state criminal records check, supported by fingerprints, by SLED, and a national criminal records check, supported by fingerprints, by the FBI. The results of these criminal records checks must be reported to the administrator. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the administrator regarding criminal charges. The administrator shall keep all information pursuant to this section privileged, in accordance with applicable state and federal guidelines. Additionally, the applicant must:

(1) complete satisfactorily a pre‑licensing educational course of at least twenty hours and a written examination approved pursuant to 12 U.S.C. 5101, et seq.;

(2) have never had a loan originator license revoked in any governmental jurisdiction;

(3) have not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court (i) during the ten‑year period preceding the date of application for licensing, or (ii) at any time if the felony involved an act of fraud, dishonesty, breach of trust, or money laundering; and

(4) be at least eighteen years of age and otherwise comply with this chapter.

(D) ~~An applicant for an originator’s license must be at least eighteen years of age and must have at least six months of experience in residential mortgage lending or complete eight hours of continuing education within ninety days of employment. Additionally, all originators properly licensed before April 1, 2005, may act as originators after that date without regard to the experience or education requirement of this subsection if they maintain compliance with the continuing professional education requirements of Section 40‑58‑67 and otherwise comply with this chapter.~~ Any sole proprietor, general partner, member or manager of a limited liability company, or officer of a corporation who meets individually the requirements of subsection (C) of this section, upon payment of the applicable fee, meets the qualifications for licensure as a loan originator subject to the provisions of Section 40‑58‑60 of this chapter.

Section 40‑58‑55. ~~(A)~~ ~~Upon request for a contested case hearing by a person whose application for a license or renewal of a license has been denied, the Administrative Law Court may review the determination by the department that the applicant or his agent has:~~

~~(1)~~ ~~violated a provision of this chapter or an order of the department;~~

~~(2)~~ ~~withheld material information in connection with an application for a license or its renewal, or made a material misstatement in connection with the application;~~

~~(3)~~ ~~been convicted of a felony or of an offense involving breach of trust, moral turpitude, fraud, or dishonest dealing within the past ten years.~~

~~(B)~~ ~~A person who was in business as a mortgage broker or is an agent of a broker before October 1, 1998, and who has been convicted of a felony or an offense involving breach of trust, moral turpitude, fraud, or dishonest dealing within the past ten years may continue in business as a mortgage broker or agent, but if a mortgage broker or an agent of a broker is convicted of an offense enumerated in item (3) of subsection (A) on or after October 1, 1998, that person is subject to the provisions of this chapter.~~ (Reserved)

Section 40‑58‑60. (A) Upon the filing of an application for a license, if the ~~department~~ administrator finds that the financial responsibility, experience, character, and general fitness of the applicant, and of the members if the applicant is a ~~copartnership~~ partnership, association, or limited liability company, and of the officers and directors if the applicant is a corporation, are such as to command the confidence of the community and to warrant belief that the business may be operated honestly, fairly, and efficiently according to the purposes of this chapter and in accordance with all applicable state and federal laws, it shall license the applicant and issue a license. If the ~~department~~ administrator does not so find, it shall refuse to license the applicant and shall notify him of the denial.

(B) Upon the receipt of the license, the licensee is authorized to engage in the business for which the license was issued.

(C) Each license issued to a licensee must state the address ~~or addresses~~ at which the business is to be conducted and must state fully the name of the licensee and the date of the license. A ~~copy of the~~ license must be posted prominently in each place of business of the licensee. The license is not transferable or assignable.

(D) Issuance of a license does not indicate approval or acceptance of any contract, agreement, or other document submitted in support of the application. A licensee may not represent that its services or contracts are approved by the State or a state agency.

(E) If the information contained in any document filed with the administrator is or becomes inaccurate or incomplete in a material respect, the licensee promptly shall file a correcting amendment to the information contained in the document.

(F) All advertisements of mortgage loans must comply with the Truth in Lending Act, 15 U.S.C. 1601, et seq. and the South Carolina Consumer Protection Code, Title 37.

Section 40‑58‑65. (A) A mortgage broker licensed pursuant to this chapter must maintain at his usual place of business books, records, and documents pertaining to the business conducted, to enable the ~~department~~ administrator to determine compliance with this chapter, and shall include a mortgage loan log that contains these specific data elements: (i) credit score of the borrower, (ii) adjustable or fixed type of loan, (iii) term of the loan, (iv) annual percentage rate of the loan, and (v) appraised value of the collateral. Each licensee shall submit its mortgage loan log data and the data identified in 12 C.F.R. Part 203, et seq., in a form determined by the administrator by March thirty‑first of each year. The licensee shall pay a fine of one hundred dollars a day for late or incomplete data submissions. Data collected by the administrator pursuant to this section is confidential and may be released only in composite form. The administrator shall prepare and make available to the public a report based on the above data. The report must be available by June thirtieth of each year. The mortgage loan log must be completed with information known at the time of review by the administrator and must include loans in process, closed loans, turndowns, denials, and withdrawals. A mortgage broker with two or more licensed offices may consolidate the records at any one of the licensed offices so long as the administrator is notified of the location of the records. The records must be available for examination to the administrator or his designee upon request. Books and records must be maintained for at least three years. A licensee’s records may be maintained electronically, if approved by the administrator, so long as they are readily accessible for examination by the administrator.

(B) A mortgage broker doing business in this State shall maintain a sufficient physical presence in this State and his records must be maintained at the licensed location in this State. At a minimum, the broker shall maintain an official place of business open during regular business hours, staffed by one or more licensees who have the authority to contract on behalf of the broker and to accept service on behalf of the broker. If the official place of business is not open for business within the hours of 8:30 AM until 5:00 PM, Monday through Friday, the broker shall notify the ~~department~~ administrator in writing ~~of the business hours maintained by the broker’s official place of business~~.

(C) A licensed mortgage broker with an official place of business within South Carolina also may maintain one or more branch ~~or satellite~~ offices if the:

(1) mortgage broker notifies the ~~department~~ administrator in writing ~~ten~~ seven days before the opening of a branch ~~satellite~~ office of the location of the branch ~~or satellite~~ office, the branch manager for each branch location, and ~~notifies the department~~ that all records from the branch ~~or satellite~~ office are stored in a main or branch location in this State which is staffed by one or more ~~employees~~ licensees during regular business hours;

(2) records of any pending mortgage loan application or records in which a loan closing is still in process are made available at the mortgage broker’s main or branch location as provided in item (1) to the administrator ~~or his designee~~ within ~~two~~ seven business days of a written request delivered by facsimile transmission, mail, or hand‑delivery by the administrator ~~or his designee~~;

(3) broker notifies the ~~department~~ administrator in writing within ~~two~~ seven business days of closing a branch ~~or satellite~~ office~~.~~;

(4) mortgage broker licensee is responsible and accountable for the activities of all licensed locations, branch managers, and loan originators. Compliance reviews must include examination of all facts and circumstances of branch operations to ensure this responsibility and accountability.

(D) The ~~department~~ administrator may examine the books and records of a mortgage broker and other ~~specified~~ documents and records to determine whether there has been substantial compliance with this chapter. Unless there is reason to believe a violation of this chapter has occurred, examinations must be limited to one each year. Records and information obtained by the ~~department~~ administrator during an examination are confidential and the ~~department~~ administrator must certify that it is in compliance with the Right to Financial Privacy Act (RFPA).

(E) The administrator may cooperate and share information with an agency of this State, other states, or the federal government. The administrator may accept or participate in examinations conducted by one of these agencies.

~~(E)~~(F) If the mortgage broker fails to notify the ~~department~~ administrator of the existence or closing of a branch ~~or satellite~~ office, the actual operating hours of the main or branch offices where records are kept, or the whereabouts of its records, the broker is subject to ~~a penalty of not less than fifty dollars and not more than two hundred fifty dollars. If after the assessment of a fine within a one‑year period, the administrator finds that additional violations of this section are both intentional and repeated, the mortgage broker is subject to all of the remedies for violations of this chapter~~ penalties as set forth in Section 40‑58‑80.

(G) A mortgage broker licensee who ceases doing business in this State must notify the administrator at least seven days in advance. The notification must include a withdrawal plan that includes a timetable for disposition of the business, the location of the books, records, and accounts until the end of the retention period, and certification of the proper disposal of those records.

(H) A mortgage broker licensee may develop, maintain, and test disaster recovery plans for all records that are maintained.

Section 40‑58‑67. (A)(1) ~~Effective for license years beginning after September 30, 1998, for licensed mortgage brokers and after March 31, 2005, for licensed originators,~~ Licensees must complete at least eight hours of continuing professional education annually. Continuing education credit may be granted only for the year in which the class is taken and may not be granted for the same course in successive years. ~~If the licensed mortgage broker is a sole proprietorship or partnership, any owners and partners must complete the required eight hours of continuing professional education annually. If the licensed mortgage broker is a limited liability company or corporation, any member or president, chief executive officer, or other officer who has ownership interest of twenty‑five percent or greater and who actively participates in the broker entity must complete the required eight hours of continuing professional education annually.~~ ~~Up to eight hours of continuing professional education may be carried forward from one year to the next year. for the license year beginning October 1, 1998, up to eight hours of continuing professional education taken in the preceding twelve months may be carried forward~~. The continuing professional education completed must be reported to the ~~department~~ administrator annually ~~on a form approved by it showing the date and title of the courses taken, the teacher or sponsor of the course taken, and the hours of continuing professional education claimed for the course~~. ~~If the course is taught in a classroom setting, fifty minutes of classroom contact equal one hour of continuing professional education.~~ Course ~~sponsors~~ providers must maintain records of attendees for two years after the course. ~~As used in this chapter, ‘actively participates’ means engaging in direct brokering activity as defined in Section 40‑58‑20(3) and (4).~~

(2) Documentation of ~~attendance at the courses or correspondence~~ courses completed must be maintained by the mortgage broker for all licensees and shall consist of a certificate of completion issued by the ~~teacher or sponsor~~ provider of the course showing the recommended number of hours of continuing professional education. This documentation is subject to inspection by the ~~department~~ administrator for up to two years after the date of the course. ~~Courses offered by the National Association of Mortgage Brokers, the South Carolina Mortgage Brokers Association, or the department or courses related to real estate law or related law topics, appraisals, mortgage lending, financial management, financial planning, or mortgage processing qualify for continuing professional education. The department shall offer continuing professional education courses to assist mortgage brokers in obtaining the continuing professional education required by this chapter.~~

~~(B)~~ ~~The department shall appoint two mortgage brokers and one representative of the department to a panel for two‑year terms to approve any courses questioned as to their qualifications as continuing professional education. The panel may conduct its meetings via conference call. The department shall develop a questionnaire to ascertain the interest and background of potential members of this panel.~~

~~(C)~~(B) If a licensee fails to complete his continuing professional education ~~in a timely manner~~ prior to renewal, his license shall expire and the licensee shall pay a penalty ~~not in excess~~ of one hundred dollars in order to renew the license.

~~(D)~~ ~~However, the licensee may request an administrative hearing to appeal the expiration of his license for failure to complete continuing professional education requirements. A license may be renewed without penalty within thirty days after the expiration if the licensee completes his professional education requirements.~~

(C) All prelicensing education, continuing education and written examinations must be approved through the Nationwide Mortgage Licensing System and Registry pursuant to 12 U.S.C. 5101, et seq before credit may be awarded. Applicants and licensees that successfully complete education or testing approved through the Nationwide Mortgage Licensing System and Registry shall fulfill the requirements of this State.

Section 40‑58‑70. ~~A licensee may not~~ In addition to the activities prohibited by other provisions of state or federal law, it is unlawful for a person in the course of a mortgage loan transaction to:

(1) misrepresent the material facts or make false promises likely to influence, persuade, or induce an applicant for a mortgage loan or a mortgagor to take a mortgage loan. This includes presenting the broker in the guise of a lender or pursuing a course of misrepresentation through agents or otherwise;

(2) intentionally misrepresent or conceal a material factor, term, or condition of a transaction to which he is a party, pertinent to an applicant for a mortgage loan or a mortgagor;

(3) engage in a transaction, practice, or course of business which is unconscionable ~~in light of the regular practices of a mortgage broker~~, as provided in Section 37‑5‑108, or which operates a fraud upon a person~~,~~ in connection with the making of or purchase or sale of a mortgage loan;

(4) fail to use due diligence and make reasonable efforts ~~to procure~~ in procuring a mortgage loan on behalf of a borrower;

(5) collect any allowable third party fees excluding appraisals or credit reports before a conditional mortgage loan commitment is obtained by the mortgage broker ~~with the exception of normal processing expenses associated with the making of mortgages as authorized or allowed by FNMA, FHLMC, FHA, VA, or any additional fees authorized or allowed by the department~~;

(6) ~~engage in recasting unless the applicant obtains the advice and counsel of a licensed attorney who is independent to the transaction. A party to a transaction, other than the consumer, may not recommend, retain, or influence the selection of independent counsel. An applicant for recasting shall provide to the broker a document identifying the applicant, provide a brief summary of the proposed transaction, and a written statement from an attorney certifying that the applicant has been advised of the potential consequences of recasting.~~ influence or attempt to influence through coercion, extortion, or bribery the development, reporting, result, or review of a real estate appraisal sought in connection with a mortgage loan. This item does not prohibit a mortgage broker or mortgage lender from asking the appraiser to do one or more of the following:

(a) consider additional appropriate property information;

(b) provide further detail, substantiation, or explanation for the appraiser’s value conclusion; or

(c) correct errors in the appraisal report;

(7) fail to pay reasonable fees within a reasonable time to a licensed third party for services that are:

(a) requested from the third party in writing by the mortgage broker or an employee of the mortgage broker; and

(b) performed by the third party in connection with the origination or closing of a mortgage loan for a customer or mortgage lender;

(8) advertise mortgage loans, including rates, margins, discounts, points, fees, commissions, or other material information, including material limitations on the loans, unless the person is able to make the mortgage loans as advertised available to qualified applicants;

(9) fail to provide disclosures as required by state or federal law or collect any fee prior to providing required disclosures;

(10) fail to comply with this chapter or any other state or federal law including rules and regulations applicable to a business regulated by this chapter;

(11) falsely advertise or misuse names in violation of 18 U.S.C. Section 709 or state law; or

(12) use any trade name or insignia of membership in any organization of which the licensee is not a member or advertise falsely through any material including, but not limited to, any business card, stationary, or signage concerning a designation or certification of special education, credentials, trade organization membership, or business.

Section 40‑58‑75. (A) Within three business days of the receipt of an application for a mortgage loan, the broker must provide a mortgage broker fee agreement that discloses ~~in a statement~~ the total estimated charges to the borrower for the mortgage loan and an itemization of the charges provided if required under ~~RESPA~~, federal or state law. The disclosure is considered delivered when deposited with United States Postal Service for first class delivery.

(B) A person may not earn, charge or collect a mortgage ~~broker’s~~ broker or processing fee unless the person meets the requirements of this chapter, is authorized to conduct mortgage brokerage services by this chapter, or is exempt from the requirements of this chapter.

(C) All fees earned for services rendered as a mortgage broker must be disclosed to the applicant by the mortgage broker as required by ~~RESPA~~, federal or state law .

(D) A mortgage broker fee agreement must be in writing and include the current name, address, and telephone number of the mortgage broker’s branch office, the account number, if any, the date of the agreement, the name of the borrower or proposed borrower, signature of the borrower and mortgage broker, the amount of any fees, and the nature of services provided to the borrower. A copy of the completed agreement must be provided to the borrower by the mortgage broker. The mortgage broker agreement may provide for a signed acknowledgement by the borrower of receipt of a copy of the agreement. If a mortgage broker co‑brokers mortgage loans, the mortgage broker agreement must contain a statement advising the applicant that the loan may be co‑brokered. Within three days of making a final decision to co‑broker a loan, the broker must provide the applicant with written notice of co‑brokering, including the name and street and mailing address of the co‑broker as well as which broker is to be contacted regarding progress of the mortgage brokers’ services provided to the applicant. Each broker in a co‑brokering arrangement must be licensed with the administrator.

(E) Additional disclosure requirements exist and must be complied with pursuant to Chapter 10 and Chapter 23, Title 37.

Section 40‑58‑78. (A) A ~~loan~~ mortgage broker fee agreement with a mortgage broker or loan originator must contain an explicit statement that:

(1) the mortgage broker or loan originator is acting as the agent of the borrower in providing brokerage services to the borrower;

(2) when acting as agent for the borrower, it owes to that borrower a duty of utmost care, honesty, and loyalty in the transaction, including the duty of full disclosure of all material facts. If the mortgage broker or loan originator is authorized to act as an agent for any other person, the ~~brokerage~~ mortgage broker fee agreement must contain a statement of that fact and identification of that person;

(3) a detailed description of the services the mortgage broker or loan originator agrees to perform for the borrower, and a good faith estimate of any fees the mortgage broker or loan originator will receive for those services, whether paid by the borrower, the institutional lender, or both; and

(4) a clear and conspicuous statement of the conditions under which the borrower is obligated to pay for the services rendered under the agreement.

(B) If a mortgage broker or loan originator violates the provisions of subsection (A), the borrower may recover from the mortgage broker or loan originator charged with the violation:

(1) a penalty in an amount determined by the court of not less than one thousand five hundred dollars and not more than seven thousand five hundred dollars for each loan transaction;

(2) fees paid by the borrower to the mortgage broker or loan originator for services rendered by the agreement; and

(3) actual costs, including attorney’s fees, for enforcing the borrower’s rights under the agreement.

(C) ~~No~~ A mortgage broker or loan originator charged with the violation ~~may~~ must not be held liable in an action brought under this section for a violation if the mortgage broker or loan originator charged with the violation shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error.

Section 40‑58‑80. ~~Cease and desist orders; penalties; revocation of license.~~

~~(A)~~ ~~Upon a finding that an action of a licensee may be in violation of this chapter, or of a law or regulation of this State or of the federal government or an agency of either, the department may file a request for a contested case hearing with the Administrative Law Court seeking an order to require the licensee to cease and desist from the action.~~

~~(B)~~ ~~If an administrative law judge issues an order requiring the licensee to cease and desist from the action and the licensee fails to appeal the cease and desist order and continues to engage in the action in violation of the order, the licensee is subject to a penalty of not less than one thousand or more than two thousand five hundred dollars for each action the licensee takes in violation of the order. The penalty provision of this section is in addition to and not instead of other provisions of law applicable to a licensee.~~

~~(C)~~ ~~The administrative law judge, upon a finding that a licensee has engaged intentionally or repeatedly in a course of conduct in violation of this chapter, may revoke the license temporarily or permanently in its discretion after reasonable notice and an opportunity to be heard and may increase the mortgage broker’s required bond up to a maximum of twenty‑five thousand dollars to ensure that the public is protected adequately. The administrative law judge also may impose upon persons violating the provisions of this chapter administrative fines of not more than five hundred dollars for each offense or not more than five thousand dollars for the same set of transactions or occurrences. Each violation constitutes a separate offense. If it is determined that the required bond must be increased, the administrative law judge shall state in writing the reasons for the increase and immediately serve it upon the mortgage broker and the department. The mortgage broker shall provide the new bond within thirty days or the department shall revoke the license of the mortgage broker.~~

~~(D)~~ ~~A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both.~~

~~(E)~~ ~~Nothing in this chapter limits a statutory or common law right of a person to bring an action in a court for an act or the right of the State to punish a person for a violation of a law.~~

~~(F)~~ ~~The administrator of the department may suspend the right of an individual to engage in mortgage broker activity after finding that an originator or other employee of a licensed mortgage broker has failed to comply with a provision of this chapter. After an action by the administrator pursuant to this section, the originator or other employee of a licensed mortgage broker may request a contested case hearing before the Administrative Law Court.~~

(A) The administrator, by order, may deny, suspend, revoke, or refuse to issue or renew a license of a licensee or applicant pursuant to this chapter or may restrict or limit the activities relating to mortgage loans of a licensee or a person who owns an interest in or participates in the business of a licensee, if the administrator finds that both:

(1) the order is in the public interest; and

(2) any of the following circumstances apply to the applicant, licensee, or any partner, member, manager, officer, director, loan originator, managing principal, or other person occupying a similar status or performing similar functions or a person directly or indirectly controlling the applicant or licensee. The person:

(a) has filed an application for license that, as of its effective date or as of a date after filing, contained a statement that, in light of the circumstances under which it was made, is false or misleading with respect to a material fact;

(b) has violated or failed to comply with any provision of this chapter or order of the administrator;

(c) has been convicted of, or pled guilty or nolo contendere to, a felony, or, within the past ten years, a misdemeanor involving financial services or financial services related business, or an offense involving breach of trust or fraudulent or dishonest dealing, or money laundering in a domestic, foreign, or military court;

(d) is enjoined permanently or temporarily by a court of competent jurisdiction from engaging in or continuing any conduct or practice involving financial services or financial services related business;

(e) is the subject of an order of the administrator denying, suspending, or revoking that person’s license;

(f) is the subject of an order entered by the authority of a governmental entity with jurisdiction over the financial services or financial services related industry denying or revoking that person’s license;

(g) does not meet the qualifications or the financial responsibility, character, or general fitness requirements, or bond or capital requirements, pursuant to this chapter;

(h) has been the executive officer or controlling shareholder or owned a controlling interest in a financial services or financial services related business that has been subject to an order or injunction described in subitem (d),(e), or (f) of this item;

(i) has failed to pay the proper filing or renewal fee pursuant to this chapter or any fine or fee imposed by any governmental entity. However, the administrator may enter only a denial order pursuant to this subitem, and the administrator shall vacate the order when the deficiency is corrected; or

(j) has falsely certified attendance or completion of hours at an approved education course.

(B) The administrator, by order, summarily may postpone or suspend the license of a licensee pending final determination of a proceeding pursuant to this section. Upon entering the order, the administrator shall notify promptly the applicant or licensee that the order has been entered, the reasons for the order, and the procedure for requesting a hearing before the Administrative Law Court. If a licensee does not request a hearing and the administrator does not request a hearing, the order remains in effect until it is modified or vacated by the administrator.

(C) The administrator, by order, may impose an administrative penalty upon a licensee or any partner, member, officer, director, or other person occupying a similar status or performing similar functions on behalf of a licensee for a violation of this chapter. The administrative penalty may not exceed ten thousand dollars for each violation. The administrator may impose an administrative penalty that may not exceed ten thousand dollars for each violation of this chapter by a person other than a licensee or exempt person.

(D) In addition to other powers pursuant to this chapter, upon finding that an action of a person is in violation of this chapter, the administrator may order the person to cease and desist from the prohibited action. If the person subject to the order fails to request a contested case hearing in accordance with Section 40‑58‑90, or if the person requests the hearing and it is denied or dismissed, and the person continues to engage in the prohibited action in violation of the administrator’s order, the person is subject to an administrative penalty that may not exceed twenty‑five thousand dollars for each violation of the administrator’s order. The penalty provision of this section is in addition to and not instead of another provision of law for failure to comply with an order of the administrator.

(E) Unless otherwise provided, all actions and hearings pursuant to this chapter are governed by Chapter 23, Title 1.

(F) When a licensee is accused of any act, omission, or misconduct that subjects the licensee to disciplinary action, the licensee, with the consent and approval of the administrator, may surrender the license and the rights and privileges pertaining to it and is not eligible to receive, or to submit an application for, licensure for a period of time established by the administrator.

(G) If the administrator has reasonable grounds to believe that a licensee or other person has violated this chapter or that facts exist that would be the basis for an order against a licensee or other person, the administrator, either personally or by a person duly designated by the administrator, at any time may investigate or examine the loans and business of the licensee and examine the books, accounts, records, and files of the licensee or other person relating to the complaint or matter under investigation. The reasonable cost of this investigation or examination must be charged against the licensee. The administrator may require the licensee or other person to submit a consent to a national and state fingerprint‑based criminal history record check and a set of that person’s fingerprints in a form acceptable to the administrator in connection with an examination or investigation. Refusal to submit the requested criminal history record check or a set of fingerprints is grounds for disciplinary action.

(H) The administrator may subpoena documents and witnesses, and compel their production and attendance, to examine under oath all persons whose testimony the administrator considers relative to the person’s business, and require the production of books, papers, or other materials.

(I) The administrator may conduct routine examinations of the books and records of a licensee to determine compliance with this chapter.

(J) The administrator may cooperate and share information with an agency of this State, other states, or the federal government. The administrator may accept or participate in examinations conducted by one of these agencies.

(K) In addition to the authority described in this section, the administrator may require a person to pay to a borrower or other natural person amounts received by the person or its employees in violation of this chapter.

(L) If the administrator finds that the managing principal, branch manager, or loan originator of a licensee had knowledge of, or reasonably should have had knowledge of, or participated in any activity that results in the entry of an order suspending or withdrawing the license of a licensee, the administrator may prohibit the branch manager, managing principal, or loan originator from serving as a branch manager, managing principal, or loan originator for the period of time the administrator considers necessary.

(M) A person who wilfully violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both, for each offense. Each violation is considered a separate offense.

(N) Orders issued by the administrator or by the Administrative Law Court pursuant to this chapter must be reported by the administrator to the Nationwide Mortgage Licensing System and Registry.

(O) Nothing in this chapter limits a statutory or common law right of a person to bring an action in a court for an act or the right of the State to punish a person for a violation of a law.

Section 40‑58‑90. (A) ~~All appeals are to be made pursuant to the Administrative Procedures Act and the rules governing practice before the Administrative Law Court.~~ A person aggrieved by an administrative order issued by the administrator may request a contested case hearing before the Administrative Law Court in accordance with the court’s rules of procedure. If the person fails to request a contested case hearing within the time provided in the court’s rules of procedure, the administrative order becomes final and the administrator may bring an action to enforce its order pursuant to Chapter 23, Title 1. This section does not limit utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate action or ruling of the Administrative Law Court is reviewable immediately if review of the final decision of the Administrative Law Court would not provide an adequate remedy.

(B) Contested case proceedings are instituted by filing a request for a contested case hearing with the Administrative Law Court according to the rules of procedure of the Administrative Law Court. Copies of the request for a contested case hearing must be served upon the administrator and all parties of record. The final decision of the administrative law judge may be appealed as provided in Chapter 23, Title 1.

Section 40‑58‑100. The ~~department~~ administrator may promulgate regulations necessary to effectuate the purposes of this chapter.

Section 40‑58‑110. (A)(1) In addition to the initial nonrefundable license application fee of five hundred fifty dollars required by Section 40‑58‑50, first time mortgage broker licensees also shall pay a one‑time, nonrefundable processing fee of two hundred dollars. Thereafter, a mortgage broker licensee shall pay an annual nonrefundable renewal fee of five hundred fifty dollars. A mortgage broker licensee shall pay an initial nonrefundable fee of one hundred fifty dollars and, thereafter, a nonrefundable renewal fee of one hundred fifty dollars for each branch ~~or satellite~~ location.

(2) The initial nonrefundable license fee is fifty dollars for ~~an~~ a loan originator license, and fifty dollars, nonrefundable, for a renewal license. In addition, all licensees must pay the cost of obtaining credit reports and national and state criminal history record checks as the ~~department~~ administrator may require. The broker shall notify the ~~department~~ administrator in writing ten days before opening a new~~, official branch or satellite~~ location or changing the address of a licensed location. ~~No initial~~ A fee of twenty‑five dollars is required when the licensee notifies the ~~department~~ administrator of a change in address for ~~an official branch or satellite~~ a licensed location.

(B)(1) The term of each license is one year. Licenses issued ~~under~~ pursuant to this chapter expire on ~~September thirtieth each year for mortgage brokers and March thirty‑first for originators~~ December thirty‑first annually or another date that the administrator may determine and must be renewed in accordance with the provisions of this section.

(2) The renewal period for all licensees is from November first through December thirty‑first annually or on any other dates that the administrator may determine.

(3) Applications received after December thirty‑first, or any other date the administrator may determine, are late and late fees apply.

(C) ~~Failure to renew a license within thirty days of its expiration results in the license being canceled by the department requiring the licensee to complete the initial licensing process, including a criminal records check. A license renewed within thirty days of expiration must be accompanied by a late penalty of two hundred fifty dollars for mortgage brokers and twenty‑five dollars for originators in addition to the nonrefundable renewal fee.~~ If a license of a licensed mortgage broker is not renewed before the dates in subsection (B), five hundred dollars in addition to the renewal fee pursuant to subsection (A) must be assessed as a late fee to any renewal. If a license of a licensed loan originator is not renewed before the dates in subsection (B), one hundred dollars in addition to the renewal fee pursuant to subsection (A) of this section must be assessed as a late fee to any renewal. If a licensee fails to renew his license within thirty days after the date the license expires or otherwise maintain a valid license, the administrator shall require the licensee to comply with the requirements for the initial issuance of a license pursuant to this chapter, in addition to paying any fee that has accrued. All ~~renewable~~ renewal applications must contain information required by the ~~department~~ administrator. All ~~fees~~ funds collected by the department pursuant to this chapter must be used to implement the provisions of this chapter and are nonrefundable.

Section 40‑58‑120. (A) A licensee shall maintain records in conformity with generally accepted accounting principles and practices in a manner that will enable the administrator to determine whether the licensee is complying with this chapter. The recordkeeping system of a licensee is sufficient if he makes the required information reasonably available.

(B) On or before March thirty‑first each year a licensee shall file with the administrator a composite annual report in the form prescribed by the administrator relating to all mortgage loans made or brokered by him. The licensee shall pay a fine of one hundred dollars each day for late or incomplete annual reports.

(C) The report must include, but is not limited to, the volume and amounts of first and second lien mortgage loans originated by licensee and closed in the name of another party and the volume and amounts of first and second lien mortgage loans originated and closed in the name of the licensee.

(D) The annual report also must include the total gross revenue earned in this State under this license.

(E) Information contained in annual reports is confidential and may be published only in composite form.

Section 40‑58‑130. (A) The administrator may participate in a Nationwide Mortgage Licensing System and Registry, may take all actions necessary and appropriate to that end including, but not limited to, the following:

(1) facilitating and participating in the establishment and implementation of the Nationwide Mortgage Licensing System and Registry;

(2) entering into agreements and contracts including cooperative, coordinating and information sharing agreements;

(3) contracting with third parties to process, maintain and store information collected by the Nationwide Mortgage Licensing System and Registry;

(4) authorizing the Nationwide Mortgage Licensing System and Registry to collect fingerprints on the administrator’s behalf in order to receive national and state criminal history background records check from the FBI and SLED and furnishing the fingerprints to SLED to retain for certification purposes and for notification of the administrator regarding subsequent criminal charges which may be reported to SLED, or the FBI or both in accordance with Section 40‑58‑50;

(5) authorizing the Nationwide Mortgage Licensing System and Registry to collect credit reports on the administrator’s behalf for all licensees;

(6) requiring persons that must be licensed by this chapter to utilize the Nationwide Mortgage Licensing System and Registry;

(7) requiring all applicants and licensees to pay all applicable funds provided for in this Chapter through the Nationwide Mortgage Licensing System and Registry;

(8) providing information to and receiving information from the Nationwide Mortgage Licensing System and Registry;

(9) authorizing a third party to collect funds associated with licensure on behalf of the administrator; and

(10) authorizing the Nationwide Mortgage Licensing System and Registry to collect and disburse consumer complaints.

(B) Persons required to be licensed pursuant to this chapter shall pay all applicable fees to utilize the Nationwide Mortgage Licensing System and consent to utilizing the Nationwide Mortgage Licensing System and Registry to obtain fingerprint‑based criminal history background records checks and credit reports.

(C) The administrator shall provide licensees with written notice sent to the address of record on file with the administrator through the United States Postal Service the date the Nationwide Mortgage Licensing System will be available for their use. Licensees have one hundred and twenty days from the date the system is available for use to enter all their licensing information into the Nationwide Mortgage Licensing System. All filings required by the administrator pursuant to this chapter after the date the system is available for use must be made through the Nationwide Mortgage Licensing System.

(D) All licensees licensed through the Nationwide Mortgage Licensing System and Registry must use the unique identifier assigned in all advertising and on all mortgage loan documents.

(E) Notwithstanding another provision of law, the Nationwide Mortgage Licensing System is not intended to and does not replace or affect the administrator’s authority to grant, suspend, revoke, or deny a license required pursuant to this chapter.”

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. Any provision of this act deemed by HUD to conflict with its interpretation of the SAFE Act, provided for in Section 1508 of Title V of The Housing and Economic Recovery Act of 2008, Public law 110‑289, must be interpreted, applied, or amended in such a way so as to comply with HUD’s interpretation of the SAFE Act. The regulating authority shall adopt emergency regulations or take other actions necessary to ensure compliance with the SAFE Act and the regulating authority’s continued jurisdiction over and supervision of the mortgage business in this State.

SECTION 7. Except as otherwise provided herein, this act is effective January 1, 2010, except that the definition of ‘mortgage loan originator’ does not include an individual servicing a mortgage loan as that term is defined in Section 37‑22‑110(21) and Section 40‑58‑20(19) until July 31, 2011. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

Rep. SANDIFER proposed the following Amendment No. 2 (LEGWORK\HOUSE\19491MM09KRL), which was adopted:

Amend the bill, as and if amended, SECTION 7, page 673‑63, lines 24 and 25, by deleting (21) and (19) and inserting (22) and (20) respectively.

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

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

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Govan | Gullick | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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 S. 673. If I had been present, I would have voted in favor of adopting the Bill.

Rep. Dennis Moss

STATEMENT FOR THE JOURNAL

To avoid any perceived conflict of interest, I did not participate in the vote on S. 673.

Rep. Nathan Ballentine

**R. 49, H. 3560--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 19, 2009

The Honorable Robert W. Harrell, Jr., Speaker

South Carolina House of Representatives

508 Blatt Building

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am vetoing in its entirety and returning without my approval Part IA and Part III of H. 3560, R. 49, the Fiscal Year 2009-10 General Appropriations Bill. Additionally, I am returning Part IB with individual line-item vetoes detailed later in this message.

We’ve chosen this course for two main reasons. One, legislative budget writers spent $348 million in State Fiscal Stabilization Funds while failing to pay down, or even address, an equal amount of state debt. Two, this budget misses a prime opportunity to take meaningful steps toward restructuring state government, eliminating waste, making tough choices, and setting the spending priorities needed to put our state on firmer financial footing for what we believe will be a protracted economic downturn. By vetoing effectively all $5.7 billion in state funding, I am giving the General Assembly one more opportunity to start over and send me an appropriations bill that meets the above criteria that I think fits with where taxpaying South Carolinians really stand on the common sense notion of paying down debt when afforded the chance to do so. This is particularly the case given the American Recovery and Reinvestment Act does not require stimulus funds that have been certified, but not applied for, be immediately shipped off to some other state – and for the way taking a different course of action would enable our state to avoid a potentially $920 million financial hole in two years that would come in dedicating these funds to recurring needs of this state.

Before I go into further detail on these points, I think it is important to give some background that led me to my decision today.

**I. Veto of Part IA and Part III**

***How We Got Here***

South Carolina families are facing the most challenging economic times in recent memory. The collapse of the credit, housing, and stock markets, and in turn, the drop in tax revenues has negatively impacted government’s ability to provide services. But even absent the global economic slowdown, let’s be absolutely clear – the situation we find ourselves in was predictable, preventable, and guaranteed based on the run-up in government spending over the past several years.

Prior to the mid-year budget reductions in FY 2008-09, state government grew by 43 percent in just four years. In FY 2006-07 and FY 2007-08 combined, the General Assembly spent an additional $1.3 billion in surplus revenues, *which does* *not include revenues dedicated to tax cuts* – leading the Southeast in state government spending growth at 29.2 percent. As far back as 2004, our administration pointed to the need for legislators to put a statutorily enforceable cap on government spending growth to counteract the political bias to spend every dime possible without heed for a rainy day. Given the business cycle that man has known about since Biblical times, a downturn was inevitable. Gravity always works, and what goes up must come down.

What is happening to our budget matches what has happened before. In 1999 and 2000, spending grew by 11.4 percent and 12.2 percent respectively – almost 25 percent in two years. After that, when the tech bubble burst, the economy slowed, and state tax revenues could not keep pace with government spending already set in place. Consequently, in 2001 the Budget and Control Board had to make painful and incredibly disruptive mid-year budget cuts – hurting “the very least of these” that agencies like the Department of Juvenile Justice and programs like Medicaid are called to serve.

Had the Legislature adopted a population-plus-inflation spending cap, sustained more of the vetoes we have laid out, or adopted more of the cost-savings recommendations we have proposed, we may have been spared yet another budgetary roller-coaster ride. Still, we are where we are, and while nothing can undo what irresponsible budgeting and a souring economy has brought, we continue to believe that setting spending limits now – and sticking to them – can go a long way toward avoiding this very real pain now being endured by state government and will continue in future years.

***Actions Have Consequences***

It’s a reasonable question to ask where the state would be now if the Legislature had set aside a large portion of the FY 2006-07 $1 billion surplus and the FY 2007-08 $1.5 billion in new money for a rainy day. In our 2006 veto message, responding to unprecedented 13 percent growth in state spending that year, we made the following points:

*We have gone down this road before and paid the price. In 1999 and 2000, state government spending grew by 11.4 percent and 12.2 percent, respectively – an almost 25 percent increase in government spending over a two-year period. When the economy slowed, as it inevitably always does based on the business cycle, the revenues collected by the state could not keep pace with the needs of the government programs funded in the good years, and the Budget and Control Board had to make painful and incredibly disruptive mid-year budget cuts. …*

*We will have failed the people of South Carolina if we head back down the road of unsustainable growth and increase the likelihood of future mid-year budget cuts – but that is precisely where the Budget takes us.*

And it is precisely where we are today, but in far worse shape. Even the Senate Finance Chairman recognized – but did nothing to prevent – the harmful levels of spending in 2006 as discussed in our veto message:

*On January 7, 2006, in a news story titled “Senate Finance panel chief envisions rivers of red ink,” it was reported that the Senate Finance Committee Chairman predicted that the full state coffers would “soon be replaced by years of deficits” and that “within three years, flat revenues will send the state's budget back into the red.” The chairman was further quoted as saying the prospect of having to deal with flat revenues in the future “scared the pants off of him.” The chairman concluded, according to that news story, by saying that “the looming lean times will force legislators to control spending.”*

*Regrettably, however, as the state’s economy continued to improve throughout the legislative session and the hundreds of millions of unanticipated new taxpayer dollars poured into state coffers and were certified, the commitment of many legislators to a spending limit went out the window. Forced to choose between spending the new revenues or remaining true to their pledge to limit state government spending to a reasonable and sustainable level, most chose to spend. The “looming lean times” that the Senate Finance Chairman said would “force legislators to control spending” suddenly became irrelevant in the face of the chance to spend an unprecedented amount of new money.*

Those “looming lean times” are indeed no longer looming – and legislative leaders must to some degree be held accountable for the missed opportunities over the last five years to prepare for just this rainy day.

Today, with this appropriations bill, legislative leaders have failed once again to learn from past mistakes and have missed glaring opportunities to make long-lasting reforms. This lack of foresight and financial planning will continue to harm those working in state government and those served by it now and in future years.

All that said, I’d like briefly to offer five reasons why we feel compelled to veto Parts IA and III in their entirety and ask the General Assembly to start over and send me a new budget that takes these points into consideration.

**1. Inclusion of State Fiscal Stabilization Funds Without Corresponding Debt Relief**

For several months, I have laid out a clear marker for the General Assembly about where our administration is with regard to federal stimulus funds coming to our state: dedicate $700 million of state revenue to pay down state debt and I will apply for the equivalent amount in State Fiscal Stabilization Funds (SFS Funds). Unfortunately, the majority in the General Assembly failed to meet our marker, or for that matter, failed to even attempt to meet us part of the way. Instead, they have ignored the requirements of the American Recovery and Reinvestment Act (ARRA), opinions of the Obama Administration, the Congressional Research Service and our state Attorney General, which have upheld the Governor’s discretionary authority to apply for SFS Funds, and now, with H. 3560, are unconstitutionally attempting to force me to apply for the funds.

This is not the case with the growing and vocal group of legislators who understand the gravity of the problems that lie ahead in spending money we don’t have and actually *won’t* have in 24 months. I commend them for their support.

Our administration has remained steadfast and consistent over the past six years on the need for fiscal restraint and prudence. Our message on the use of stimulus funds is no different: spending an unprecedented amount of one-time federal funds on core, recurring needs without making sustainable budgetary and financial reforms, including paying down our high state debt load, allows the General Assembly to avoid the responsibility of making tough decisions. For this reason, explained in detail below, I am vetoing Part III of H. 3560 – appropriation of the State Fiscal Stabilization Fund.

***Taking a Measured Approach***

I did everything within my power to impede the federal stimulus legislation as it moved through Congress because I, along with almost every Republican Member of Congress in Washington, was concerned with the disastrous long-term consequences that would come from spending money we don’t have – and in issuing yet more debt to solve a problem that was created in the first place by too much debt. We lost that fight, and Congress passed the American Recovery and Reinvestment Act which would allow a total stimulus package of roughly $8 billion to come to our state.

Out of this $8 billion, we took what we believed was a reasonable and measured approach by asking both the Obama Administration and then the South Carolina General Assembly to use a small fraction – around 10 percent – to pay down our state’s high debt load. Again, while some in the Legislature would prefer the public to forget this fact, 90 percent of stimulus funds are reaching South Carolina – going to tax relief, building roads, and supporting schools.

We think it makes sense that when you get a financial windfall, it’s worth setting aside a small amount to pay down debt. If a prudent family were to win the lottery, the family wouldn’t go out and spend every dollar, but instead likely dedicate a portion of their winnings to paying down credit card debt or their mortgage, or in fact setting some aside for a rainy day.

It should not be any different for a state – particularly in South Carolina’s case where we are first in the Southeast, and fourth in the entire nation, in the percentage of tax revenue that goes *not* to teachers or health care, but debt repayment, according to a recent report by the American Legislative Exchange Council. *Eleven percent of every dollar* in yearly state tax revenue goes to paying down debt, and we have $20 billion on top of that in unfunded long-term political promises and commitments. Paying down debt would give us greater financial flexibility in 24 months when the federal gravy train runs out, at which time we could then use these saved funds to avert further cuts, increase spending on core functions, or set aside more for the tough times that are sure to come. In our case, it would also pay dividends well beyond the first 24 months because $162 million would be saved in debt service during this time and another $100 million in interest savings would occur over the next 13 years.

***Avoiding the Inevitable Questions***

Part III of this bill appropriates $348 million in non-recurring federal stimulus funds for core recurring needs – like the base student cost, higher education and public safety funding. *What happens in 24 months when this funding stream ends?* Will teachers and law enforcement officers lose their jobs then? These are questions that have not been answered by the General Assembly, and hoping things will have turned around by then is not a realistic or acceptable strategy. As United States Army General Gordon Sullivan tells us, ***hope is not a method***.

Our answers have been the same for the past six years – implement budgetary reforms like spending caps, restructuring, retirement limits, and prioritize spending so that frontline services provided by teachers and police officers are adequately funded. Doing this requires that cuts be made to other non-core governmental programs, which I have proposed in each of our administration’s executive budgets and which the General Assembly has time and again failed to adopt.

The tough decisions that should have been made in this unparalleled budget year will once again be put off for another time, or possibly not at all, in the hopes that the economy will suddenly recover and our revenue stream will become flush with cash. This strategy has been used by the General Assembly time and again – the leadership waits for the Board of Economic Advisors to release a higher financial estimate or surprisingly finds a new, unsustainable revenue source and then they look like they have saved the day.

But this financial decline is much steeper and the recovery is likely to be much slower. Rather than continue the “let’s wait and see” method of appropriation, it is incumbent upon those of us in seats of responsibility to make wise – and sometimes tough – decisions to protect priority government services in the long term. On this front, I believe the Legislature has fallen far short yet again.

***Pulling Back the Curtain***

Some have argued that without federal stimulus funds, education and law enforcement will be severely cut, and no other way exists to replenish their funding. This has certainly resonated in terms of making a political point and scoring a public relations victory, as opponents to fiscal responsibility have chosen to perpetuate disingenuous doomsday scenarios as the result of dedicating a portion of the stimulus dollars to paying down debt.

The truth is less clear-cut and, perhaps, far less dramatic. Indeed, Part III of this appropriations bill dedicates the majority of State Fiscal Stabilization funds to education and law enforcement while at the same time gutting general fund expenditures for those areas so that, without this section of the budget, these core services will be drastically cut. As several more forthright legislators have pointed out, this strategy, by Senator Leatherman in particular, is meant to ensure that our administration is perceived as allowing draconian cuts to be made to these services by not applying for the last 10 percent of the stimulus monies. The doomsayers’ argument is disingenuous and without merit.

Budget writers in both the House and Senate could have done many things to sustain basic education, health care and law enforcement funding without using any of the $348 million in stimulus funds by (1) heeding our six-year call for sustainable government spending growth; (2) heeding our six-year call to prioritize spending so that core government services are adequately funded and other nonessential services are cut – because not all spending is created equal; and (3) working from the Ryberg-Davis alternative budget which would have limited expansions in unsustainable health care spending and increased funding for teachers and law enforcement agencies.

Legislative budget writers clearly missed several opportunities to put our financial house on a more solid foundation. Now, the same budget writers have once again missed a critical opportunity to correct their previous missteps by failing to send me a budget and legislative reforms that could alleviate future budget crises. Paying down our state’s high debt load will save millions, $162 million in the first two years alone; restructuring state government will remove duplicative costs; capping spending will reduce the high cost of government; and reforming the State Retirement System will lessen our liabilities. All of these reforms will help put our fiscal house in order, and not undertaking them represents a missed opportunity of monumental proportions.

Without these reforms or a down payment on our state’s $20 billion in unfunded liabilities, I cannot apply for State Fiscal Stabilization Funds, and I believe forcing me to do so with this legislation is legally invalid and unconstitutional. The General Assembly is taking this unprecedented step to undo federal law which clearly gives power only to governors to apply for SFS Funds and, in doing so, tramples on basic principles of separation of powers which requires the governor to carry out executive acts – in this case administering and applying for stimulus funds.

1. **Core Functions of State Government are Inadequately Funded in Part IA**

We are vetoing Part IA in its entirety because – as a stand-alone – Part IA inadequately funds core functions of state government. For several of these functions, General Fund levels were dangerously cut and backfilled with stimulus funds that will run dry in two years.

The result of this purely political maneuver – the so-called “Chaos Budget” – served its purpose: to scare the general public into believing teachers would be fired, troopers would be taken off the road, and health care would be slashed. An honest and responsible budget, following along the lines of the Ryberg-Davis alternative budget, would have fully funded the base student cost as well as law enforcement, and found a way to pay down debt.

***Inadequate Funding for K-12 Education***

Let me emphasize once again: budget writers’ purpose was seemingly to induce fear that would cause people to lobby our office to change its mind, and it’s disappointing, yet not entirely surprising, that those holding the legislative purse strings would prefer fear-mongering to responsible budgeting.

Such is the case with education, since budget writers consistently said that education could not be properly funded without every last stimulus dollar. Yet the alternative budget proposed by Senators Ryberg and Davis, and a handful of House Members, demonstrated that it was indeed possible to adequately fund K-12 education without using $348 million in State Fiscal Stabilization Funds while at the same time setting aside $200 million to pay down debt. In fact, the Ryberg-Davis budget would not have forced one teacher to lose his or her job.

It’s also important to remember that the debate over the 10 percent we believe should be dedicated to debt relief in no way impacts over $200 million in stimulus funds that are already flowing directly to local school districts from the federal government, or the full flexibility that local districts were given in how they opt to utilize funds coming from Columbia.

Too few are asking what we believe to be a vital question: What happens to education funding in our state in two years when all of the stimulus funds are gone? At that point the state must find a way to plug the $185 million hole that will exist on the Education Finance Act (EFA) line in the budget because, prior to supplementing the EFA line with $185 million in SFS Funds, the General Assembly opted to cut $85 million from the EFA budget. Having vetoed Part III of the budget, we could not simply veto individual lines in Part IA because vital state functions – like K-12 education – would be underfunded.

***Inadequate Funding for Law Enforcement Agencies***

As part of the “Chaos Budget,” law enforcement agencies were also drastically cut before the addition of stimulus dollars. For example:

* The Department of Corrections would be left with a $22 million deficit without the use of SFS Funds.
* SLED received a $3 million cut before SFS Funds were added to its budget.
* The Department of Probation, Parole and Pardon Services received a $3 million cut before SFS Funds were added to its budget.
* The Department of Public Safety received a $12.7 million cut before SFS Funds were added to its budget.
* The Prosecution Coordination Commission received a $1.9 million cut and received no SFS Funds to offset this reduction in funds. Interestingly, at the same time, the Commission on Indigent Defense received an increase in funding of $3.3 million.

Since Day 1, we’ve put a priority on public safety as one of the core functions of state government and an integral part of quality of life in South Carolina. With the passage of this budget, our state’s public safety agencies have now seen their base budgets reduced by as much as 31 percent over the course of the last year. And just as with K-12 funding, the question becomes how these agencies are going to be funded in two years after the stimulus funds run dry?

Also on the law enforcement front, this budget fails to adequately fund the South Carolina Illegal Immigration Act. Just last year we applauded the General Assembly for working with our administration to pass this important legislation. Many members of the Legislature called this legislation “the toughest illegal immigration bill in the country.” What a difference a year makes. While the Department of Labor, Licensing and Regulation (LLR), the agency tasked with enforcing the new law, requested $2 million to ensure that the agency has adequate funding to carry out its mandate once the law becomes fully effective, the General Assembly chose to provide merely $750,000 in funding to the agency. The agency has been very clear that while this level of funding will allow them to do some enforcement, it falls well short of the funding needed to carry out the full mandate of the law when the Act becomes fully effective. We believe that this program needs to be fully funded in this year’s budget.

1. **Budget wastes chance to make long overdue reforms**

There has been much discussion about the roughly $1 billion in budget reductions that state government has experienced over the past year. What has not been publicized nearly as much is the fact that the budget passed by the General Assembly includes over $1 billion in federal stimulus funds. This $1 billion in stimulus funds effectively removes any incentive for the General Assembly to consider changes to the structural deficiencies that exist in our state’s government or consider other cost savings that are long overdue. In fact, the budget passed by the General Assembly actually increases funding from the current budget from $5.6 billion to $5.7 billion.

However, when looking at the state budget it is important to focus not only on the general funds appropriated by the General Assembly, but also on the total funds (which include general funds, fees and federal funds) spent in the state each year. When one looks at total funds, there will be over a $1 billion increase in the growth in the state’s budget in FY 2009-10. *Not including SFS Funds*, total funds will increase from $19.7 billion in FY 2008-09 to $21 billion in FY 2009-10 – roughly a 7 percent increase. This increase occurred at a time when the people of the state have seen their personal incomes drop. Why should government grow faster than the incomes of the households that fund it?

Beyond the numbers, it’s worth looking at this notion that tough decisions are often only made when times are indeed tough. For in the same way one could very reasonably argue that the restructuring essential to the long-term survival and prosperity of General Motors was only postponed by federal monies, I believe these stimulus monies – and subsequently, this budget – would postpone changes essential to South Carolina becoming more competitive in the global economy and thereby degrade the long-term economic prospects of our citizens. On this point it is interesting to note that though GM said federal money was key to its survival, it has now come back just months later laying out the choice of either bankruptcy or more federal aid from taxpayers. Though certainly well-intended to address real needs that do exist in this and other states, the debilitating thing about federal monies like these is the necessary, but hard, choices they forestall.

***Need to Make Tough Decisions***

When we released our Executive Budget in January, we included $266 million in cost savings – a record total. While many of these savings required difficult belt-tightening in some areas of government bureaucracy, we believe government should ultimately make some of the same types of tough decisions that families and small businesses are making all across South Carolina.

For over six years now, our administration has advocated structural reforms that would make state government leaner, more productive, and better able to serve what the Bible calls “the least of these.” One example of a program we believe needs to be reformed, or indeed eliminated for new entrants, is the Teacher and Employee Retention Incentive (TERI) program. This program was initially created to encourage some outstanding teachers to remain in the classroom after they have met the threshold number of years of service to allow them to retire with full state benefits. After this program was implemented, a court decision changed the law and required that all employees in every agency of state government be allowed to participate. The result of this ruling is a program that costs the state over $17 million per year that could have been sent to schools or law enforcement.

We’ve also consistently pointed out the need to restructure many of the agencies in our state government – with a potential $21 million in savings. While we would give credit to the House of Representatives for passing the legislation creating a Department of Administration, the General Assembly has once again, barring some last minute heroics, allowed a session to slip by without moving forward on serious restructuring.

Just as we have seen the downturn in the economy force the automobile companies in Detroit to restructure and change the way they do business, the same should happen with our state government. The automobile companies have the potential to make some structural changes in their respective companies and emerge in a position that is more competitive in a global marketplace. Likewise, if South Carolina was to make long overdue changes in our structure of government, we could emerge from the current economic downturn better able to attract new industry to South Carolina.

***Wasteful Spending Continues***

In a year when most agencies have taken budget reductions or, in best case scenarios maintained their currently reduced budget levels, the General Assembly not only continues to ignore making tough decisions, but ignores the easy ones as well. A few examples are provided below.

In light of recent budget cuts, the Department of Commerce proposed downsizing the operations of the state plane and maintenance team to avoid cuts in airport planning or using one-time accounts to pay for ongoing services. The total savings associated with this proposal were $363,503. Instead of realizing these savings, the General Assembly chose to block this proposal by moving the Aeronautics Commission out of the Department of Commerce to the Budget and Control Board.

The Department of Public Safety spent $983,133 last year on taxpayer-funded traffic control for football games and horse races.Rather than the General Assembly allowing the Highway Patrol to recoup its costs from event organizers and the universities, which reap millions in revenue from broadcast contracts, each year it costs the taxpayers nearly $1 million to provide this service for special events across the state. When events like these produce big profits, does it make sense for one arm of government – and by extension taxpayers – to subsidize another arm of government reaping a windfall as a result of the event?

Another example is the $500,000 per year that the state spends to maintain two golf courses, when South Carolina has over 460 golf courses. The private sector has demonstrated that it is perfectly capable of maintaining golf courses in this state, so why should the taxpayers be asked to subsidize two of them?

Finally, the Budget and Control Board has managed to receive an increase in funding of $823,993. Part of this funding is for repayment of a hydrogen loan and part of it is for “deferred maintenance.” It is perplexing that the General Assembly would opt to fund “deferred maintenance” at the Budget and Control Board, but not increase funding for some of the law enforcement agencies or other vital activities. This just doesn’t seem like the right year to be funding maintenance projects, no matter how worthy the projects may be. However, even if the maintenance is necessary, we feel confident the Budget and Control Board can find the resources in the massive amount of carry forward funds retained by the agency to cover the costs of any needed maintenance. The General Assembly had no problem raiding LLR’s carry forward funds for nearly $10 million, why should we not ask the Budget and Control Board to contribute $1.8 million for maintenance?

1. **Annualizations at Highest Levels Ever**

The level of annualizations in this budget have passed the point of being troublesome and become truly mind-boggling. For years we have talked about the need to put our state’s fiscal house in order by putting an end to the practice of annualizations – using one-time money to fund recurring needs. Annualizations represent borrowing from Peter to pay Paul and, ultimately, serve only to delay tough decisions by putting off budget pain for another year. Never have we seen annualization totals anywhere close to the record levels seen in this budget. The Office of State Budget estimates the annualization total for FY 2010-11 to be $270 million – a difficult scenario that we will be facing this time next year. However, the challenge that this figure presents is small, relative to the potential ***$920 million*** in annualizations that the state will confront in FY 2011-12 after all stimulus funds have stopped flowing from Washington.

We recognize that, to some degree, annualizations are inevitable when incorporating over $650 million in increased FMAP rate funds from Washington that the state will have access to during FY 2009-10. However, when these funds are spent to fund, expand, or in some cases create new programs, a monumental hole is left to fill in the future. What is even more troubling is that nearly all of this money was appropriated for health programs that our state’s most vulnerable citizens will come to rely upon – even though the Centers for Medicare and Medicaid Services (CMS) said that these funds could be used in other parts of state budgets. Next year, after citizens have come to rely upon these new programs, the General Assembly will be forced to make some tough choices when, instead of having $657 million in increased FMAP rate funds to appropriate, they are left with only $200 million. Unless the economy picks up dramatically – which no one is predicting – the Legislature will be forced to cut these health programs once again, redirect funds from other parts of the budget, or raise taxes to fund the difference. We do not find any of these options palatable – especially when this scenario is preventable. We would encourage the General Assembly to take another look at how the FMAP stimulus funds are appropriated in the budget and the impact that will be felt next year when the state has $450 million less coming in from Washington to fund health care expansions created this year.

As previously discussed, the SFS Funds also create an annualizations problem in two years when these funds have likewise stopped flowing from Washington. One of the reasons that we have been adamant in our request for a corresponding amount of debt repayment before we accept these funds is the havoc that these funds will have on our budget if they are spent on recurring items. Our fears were confirmed and the General Assembly chose to spend nearly all of the $348 million on recurring items.

Finally, not only did the Legislature rely upon stimulus funds to balance this budget, but they also raided reserve accounts. The General Assembly shifted $15 million from the Unclaimed Property Fund at the Treasurer’s Office to, among other things, pay off Hydrogen Fuel Station Loans at the Budget and Control Board. The budget also takes $37 million from the Insurance Reserve Fund – money that would be needed should a catastrophic event, such as a hurricane, hit South Carolina. As the Chairman of Senate Finance pointed out on the Senate floor during the budget debate a couple of weeks ago, raiding these reserve funds does not represent sound budgeting practices. We agree and encourage the General Assembly to reconsider the use of these funds in the budget.

The FMAP stimulus funds were going to inevitably present a difficult annualization scenario for future state budgets. Had a corresponding amount of general funds been set aside for debt repayment to offset the inclusion of SFS Funds, and not relied on one-time funds raided from trust funds, in two years the state would not need to dig itself out of an even larger hole. As it stands now, future budget writers will potentially confront a $920 million time bomb in two years.

**5. Budget Does Not Provide Debt Relief or Sufficiently Address Unfunded Liabilities**

At the end of the day, we believe legislative budget writers missed a tremendous opportunity this year to not only enact substantive reforms, but considerably reduce our state’s debt load. It is plain and simply foolish to unsustainably grow government without first paying down debt, and it’s equally foolish to make yet more political promises to increase retiree benefits that later must be paid for through tax increases.

The most notable debt that we have incurred is the over $20 billion in unfunded retiree pension benefits and health care costs. The Retirement System’s unfunded liability has grown in the past 10 years from $178 million in 1999 to $10.964 billion in 2008, which means that our Retirement System’s funding level has decreased from 99 percent to 69 percent in ten years. These numbers do not even reflect the huge losses – over $16 billion – that our retirement investments have suffered during the past year.

We’ve proposed changes to significantly reduce our liabilities, but these reforms have been largely rejected by the Legislature. For example, eliminating the TERI program would have not only generated $17 million in recurring savings for the general fund, but according to the Retirement System’s actuary, could have also reduced our unfunded liability by up to $550 million. Other proposals include increasing the amount of service years for retirement and taking a longer salary period for determining benefit payments would lead to annual savings. In our Executive Budget, we proposed reducing the employer surcharge for retiree health care costs and increasing retiree contributions for their insurance costs. Our proposal would have freed up to $62 million annually that could have been allocated to the retiree health care unfunded liability, lowering it by $2 billion. We believed that this was a reasonable measure given the fact that South Carolina taxpayers pay an average of $348 per month for retiree health care costs while the state of Florida pays a maximum of only $150 per month for their retiree health care costs.

We’d be remiss to not give legislators some credit for committing $3.2 million to the OPEB trust fund in this year’s budget. Unfortunately, this down payment falls significantly short of the $314 million that we needed to keep our unfunded liabilities from growing even larger.

This budget also does nothing to reduce our bonded indebtedness. According to ALEC, we rank fourth highest in the nation with regard to annual debt service as a percentage of state tax revenue. This is an important figure because it not only accounts for our state’s general obligation debt but also includes the total amount of local government and school district debt that must be paid by taxpayers in the form of property and local option taxes. Given the sizable amount of debt that we owe on a state and local basis, we believe that it is the responsible approach to use just 10 percent of the federal stimulus funds that South Carolina will receive to pay down outstanding bonds. One of our proposals would have reduced our state’s debt service by $162 million over the next two years and saved over $100 million in interest payments over the next thirteen years. This proposal would have freed up millions of dollars that could have been spent on essential government services on a recurring basis.

We believe we have laid out several reasonable and compelling arguments upon which to ask the General Assembly to take a second look at crafting a responsible budget. I urge legislators to limit the costly effects to state services and taxpayers that will inevitably come in one, two or even ten years by acting responsibly now. Let’s not miss another opportunity to get it right.

For the reasons set forth in the above sections, I am vetoing the following parts of the FY 2009-10 General Appropriations Bill:

**Veto 1** Fiscal Year 2009-10 General Appropriation Act Part IA Funding, in its entirety, pages 1 - 281.

**Veto 2** Part III Fiscal Year 2009-10 State Stabilization Fund, in its entirety, pages 484 - 487.

**II. Vetoes of Part IB Temporary Provisos**

We have taken a targeted approach to Part IB by using our line-item veto authority on the following provisos because, unlike Part IA, provisos typically contain one specific purpose and do not roll up large blocks of money used for many purposes on one line. The General Assembly's practice of making large appropriations on individual lines for general rather than specific purposes makes it impossible to veto individual items in a targeted way. In contrast, provisos include the necessary details regarding spending that are needed for accountable budgeting. Accordingly, we are able to use our veto pen on those provisos that we disagree with most. We would also point out one common theme throughout many of these objectionable provisos is that most are permanent laws that blatantly violate not only the original purpose and intent of a proviso - to be related to funding matters and have a temporary effect - but also violate a Senate Rule that prohibits a proviso from temporarily or permanently changing the general permanent laws of the state. If the General Assembly wants to pass a law that is clearly intended to be permanent, then it should go through the deliberative process in both bodies so that the public has reasonable notice and opportunity to voice their opinion. We object to the following provisos not only for specific policy reasons, but also because many of these provisos are clearly permanent in nature and did not receive the needed deliberation afforded to permanent laws of this state.

Finally, this year we have chosen not to veto some items we have historically vetoed in the past in an effort to focus our objections on those truly flawed items that generally fall into the following egregious categories: (1) violating the state constitution; (2) permanently altering state government by temporary proviso; (3) raiding trust funds; and (4) unnecessarily micromanaging executive branch functions.

**Veto 3 Part IB; Section 21.11; Page 342; Department of Health and Human Services; Chiropractic Services.**

This proviso directs the Department of Health and Human Services (HHS) to provide coverage for chiropractic services. While there are obvious merits to chiropractic care, we are vetoing this proviso because in its present form we believe this coverage is abused at the younger end of the scale and thereby reduces the agency’s flexibility to provide more crucial medical care.

Under federal rules, this proviso forces HHS to provide chiropractic coverage to literally every beneficiary regardless of age. Last year, HHS spent almost $221,000 to provide chiropractic services to nearly 1,500 children younger than the age of 12 even though there is not medical research supporting the benefits of those treatments for young children.

**Veto 4** **Part IB; Section 21.13; Page 342; Department of Health and Human Services; Medically Fragile Children's Programs.**

This proviso requires that only the Children’s Hospitals in South Carolina can provide the Medically Fragile Children’s Program (MFCP). We are vetoing this proviso, as requested by HHS, because MFCP no longer exists. As of December 31, 2008, Centers for Medicare and Medicaid Services terminated MFCP and replaced it with a new Medically Complex Children’s Waiver that serves the same participants in the MFCP.

**Veto 5 Part IB; Section 21.36; Page 346; Department of Health and Human Services; Prior Authorization -Formulary Changes.**

This proviso requires HHS to fund certain mental health medications without the patient receiving prior authorization. We are vetoing this proviso for two reasons. First, mental health drugs were “carved out” of the preferred drug list – which was originally set up by the General Assembly to encourage responsible prescribing and to allow HHS to negotiate supplemental rebates with drug manufacturers. If all mental health drugs are available, there is no reason for a company to provide a supplemental rebate.

Second, we believe that the HHS director should have flexibility to determine the best way to administer drug coverage without being restricted by the demands of special interests. Additionally, the State Health Plan and other commercial plans in South Carolina are not legally required to waive prior authorization for more expensive drugs as this proviso directs HHS. In contrast to our neighboring states, Georgia and North Carolina do not allow this special carve-out.

**Veto 6 Part IB; Section 22.49; Page 355; Department of Health and Environmental Control; Rural Hospital Grants.**

This proviso directs DHEC to administer rural hospital grants to areas whose largest town has a population of less than 25,000. We are vetoing this proviso for two reasons.

First, these grants are not equitably distributed to all of the state’s rural hospitals because only 13 of the 23 designated rural hospitals in our state receive them. This creates the perception that the receipt of these grants is more dependent on political influence than need. Accordingly, we cannot support the continued disbursement of these grants without more objective criteria for grant eligibility. Second, the program does not have any standards for determining whether the grants are effectively implemented. These grants are awarded without accounting for how the funds are spent, and therefore, we cannot continue to support this program without checks to ensure that taxpayer money achieves quality health care.

It comes as no surprise this proviso was moved from HHS to the Department of Health and Environmental Control after this administration imposed standards on the grants awarded. In FY 2008-2009, HHS required that hospitals submit grant applications based on criteria and made awards based on the merits of the proposal. This left some of the hospitals without taxpayer support, so the former HHS director, who has lobbied to keep this in the budget throughout the years, convinced budget writers that DHEC would simply cut checks and not ask for accountability.

**Veto 7 Part IB; Section 37.1; Page 371; Department of Natural Resources; County Funds.**

**Veto 8 Part IB; Section 37.2; Page 371; Department of Natural Resources; County Game Funds/Equipment Purchase.**

These provisos allow the Department of Natural Resource’s county funds and equipment to be spent or sold only upon approval of the respective county delegation. We are vetoing these two provisos because in *Knotts v. SCDNR* the Supreme Court found similar legislative involvement by county delegations in executive matters to be unconstitutional. The Founding Fathers’ governmental philosophy was in large measure based on the separation of powers. These two provisos ignore that principle by having a legislative body execute the laws. In *Knotts*, the Supreme Court found that the legislature “may not undertake both to pass laws and to execute them by bestowing upon its own members functions belonging to other branches of government.” But that is exactly what this proviso requires by granting county legislative delegations executive approval authority.

**Veto 9 Part IB; Section 37.15; Page 373; Department of Natural Resources; Sale of Existing Offices.**

This proviso gives the Joint Bond Review Committee, rather than the Budget & Control Board, ultimate authority over approving the sale of the Department of Natural Resource’s property. We are vetoing this proviso because it unconstitutionally gives a legislative committee the executive authority to approve and veto property transactions. This is not a proper legislative function and constitutes a violation of the separation of powers doctrine. In *State ex rel. McLeod v. McInnis* and *Knotts v. DNR*, the South Carolina Supreme Court ruled that vesting this type of executive power in a legislative committee is unconstitutional. Therefore, we must veto yet another usurpation of executive authority by the General Assembly.

**Veto 10 Part IB; Section 39.4; Page 373-374; Parks, Recreation and Tourism; State Park Privatization Approval.**

This proviso prohibits the Department of Parks, Recreation and Tourism (PRT) from privatizing any portion of Cheraw State Park or Hickory Knob State Park without the General Assembly’s approval. We are vetoing this proviso because it restrains PRT from pursuing public-private partnerships that will save taxpayers money. This is especially troublesome because the parks in question have continually been unprofitable. For example, Cheraw State Park lost $293,008 in FY 2007-08, and Hickory Knob State Park lost $204,095 in FY 2007-08.

Given the substantial losses incurred by these parks, we’re surprised that a Republican-controlled legislature is resisting the idea of privatization, particularly considering the positive results it has yielded in other cases. For instance, PRT outsourced the state parks’ reservation system to a private contractor who vastly improved services, lowered costs for taxpayers, and generated higher revenue. We strongly believe that officials at PRT should be free to pursue other similar arrangements to provide better services at lower costs without having to go through the timely and politically-driven legislative process.

**Veto 11 Part IB; Section 40.37; Page 379; Department of Commerce; Aeronautics Assets and Funds.**

**Veto 12 Part IB; Section 80A.63; Page 436; Budget and Control Board; Carry Forward Sale of Aircraft Proceeds.**

**Veto 13 Part IB; Section 80A.64; Page 436-437; Budget and Control Board; Aviation Grants.**

**Veto 14 Part IB; Section 89.127; Page 473; General Provisions; Transfer Division of Aeronautics.**

These provisos transfer the Division of Aeronautics from the Department of Commerce to the Budget and Control Board and prohibit Commerce from selling or transferring any property belonging to the Aeronautics Division. These provisos were apparently intended to prevent Commerce’s attempt to save money at the Aeronautics Division by cutting pilots, relocating operations, and contracting out maintenance work – which would have saved over $360,000 annually. Disappointingly, we have seen a pattern of this type of thing from the legislative body as the executive branch will come up with a cost saving – only to have the function taken from the executive branch after change has been proposed.

We are vetoing these provisos because they will prevent Commerce from implementing cost-saving measures and will further weaken the executive branch by taking power away from the Governor’s cabinet. This move makes no sense because the Budget and Control Board has no expertise or experience in managing our state’s aerial resources. Rather, these provisos only reinforce our state’s antiquated structure that prevents us from making real changes that save taxpayer money. Accordingly, we must veto these provisos to ensure that the Aeronautics Division remains accountable for its spending and operations.

**Veto 15 Part IB; Section 40.38; Page 379-380; Department of Commerce; Railway Transfer.**

This proviso requires all railroad tracks, structures, and equipment on the Old Navy Base site in North Charleston to be transferred to the Division of Public Railways within the Department of Commerce. This transfer is to facilitate the development of an intermodal transportation facility that will provide CSX and Norfolk Southern railroad companies with access to transporting port cargo to and from the new State Ports Authority (SPA) terminal planned for the Base.

First, I am vetoing this proviso because it undermines the Memorandum of Agreement between the SPA and the City of North Charleston, in which those two parties agreed that the SPA would not grant railroad access on the northern section of the Base. The principle here is a simple one, your word is your bond – and this proviso would break with the words given that facilitated the SPA move from Daniel Island to North Charleston. Were it not for that agreement the port would likely have never come to this site in the first place. It isn’t right to some years later and try and change the deal that got you were you are.

This agreement seems to have been sloppily arranged as from a legal standpoint, and the SPA had no legal authority to bind the Department of Commerce, Division of Public Railways or other areas of state government. This, however, does not change the spirit of the agreement – particularly since the same legislative principals like Senator Leatherman or McConnell who were there in negotiating this original agreement are now party to this proviso that would change it.

There is also an especially troubling pattern in the SPA seemingly not negotiating in good faith. This is evidenced in the heirs’ property belonging to long-time families on the Cainhoy Peninsula still being held by the SPA, or in the disingenuous email from an employee of the SPA with regard to this contemplated rail line. These kinds of dealings highlight the lunacy of making the SPA board protected – as it would move it from what some would consider an arrogant or pushy entity to an imperial one.

Second, I am vetoing this proviso because we have doubts over whether the Division of Public Railways could enter into a public-private partnership for the operation of any intermodal facility that was built on property obtained through condemnation as this proviso potentially directs. The railroads that this proviso seeks to transfer is claimed to be private property and is the subject of pending litigation. If a court ruled that these railroads were private property, then the state would have to use the power of eminent domain to obtain them. In *Georgia Dept. of Transport. v. Jasper County,* the South Carolina Supreme Court held that the taking of private property to build a port facility that would be financed, designed, and operated by a private company was impermissible because our Constitution forbids the taking of private property by the state for private use without the owner’s consent. Thus, in this case, the Division of Public Railways would likely be prohibited from entering into a public-private partnership for the operation of an intermodal facility on property that was obtained through eminent domain.

Although we are vetoing this proviso, let me be equally clear that we support the development of an intermodal facility that provides access to both CSX and Norfolk Southern. From a business perspective, northern access probably makes the most sense and is, therefore, important for the way it could enhance the new port terminal and lower the cost of doing business in the port. From a taxpayer standpoint, we also think it makes the most sense to use what we have in the old Navy Base to create a world-class port operation. We are squandering the blessing of deepwater access with frivolous pursuits like Clemson’s so called “restorative institute,” and we believe we would be far better off using lands like this for port operations. I just don’t think we should use edict from state law to get there. We think it is important that the interested parties pursue options in good faith. We believe a compromise workable to the people of North Charleston, the state and the SPA can be found when they know they don’t have state law there to obviate the need for negotiation.

**Veto 16 Part IB; Section 49.1; Page 390; Department of Public Safety; Special Events Traffic Control.**

This proviso prohibits the Department of Public Safety (DPS) from charging fees for traffic control at special events, such as college football games, NASCAR and horse races, fairs, and golf tournaments. We are vetoing this proviso because colleges, universities, and other entities that use these services from DPS should pay for the costs from the revenue generated by the respective events. DPS will spend more than $980,000, including $567,450 for football games, in the next fiscal year on providing traffic control. DPS’s budget has already been cut by $26 million, or 16 percent, since last year, and the agency should not be forced to subsidize traffic control for the entities that use this service, especially since the universities are achieving record revenue from the television broadcasts of athletic games. For example, the University of South Carolina will be using its additional television revenue to finance a $49.9 million athletic facilities project. If USC and other colleges can afford to begin multi-million dollar athletic infrastructure projects, then they can certainly afford to pay for the traffic control at the events that bring in this substantial revenue.

**Veto 17 Part IB; Section 49.15; Page 391; Department of Public Safety; Hunley Security.**

This proviso requires DPS to provide two officers for security services for the H. L. Hunley. We are vetoing this proviso because we believe that the Hunley Commission should be a self-sustaining entity that can provide for its own private security with private donations and admission fees rather than using taxpayer funded DPS officers. Furthermore, this proviso includes no requirement that the Hunley Commission pay DPS for the security that it provides. While we are aware that the Hunley Commission currently pays for DPS’s security services, nothing prevents it from completely stopping payments – in which case DPS could be required to provide security for the Hunley for free.

V**eto 18 Part IB; Section 48.11; Page 389; State Law Enforcement Division; Detective/Security Fee.**

**Veto 19 Part IB; Section 49A.1; Page 391-392; Capitol Police Force; Retention of Private Detective Fees.**

**Veto 20 Part IB; Section 49A.2; Page 392; Capitol Police Force; Commissioned Officers’ Physicals.**

**Veto 21 Part IB; Section 49A.3; Page 392; Capitol Police Force; Meals in Emergency Operations.**

**Veto 22 Part IB; Section 49A.4; Page 392; Capitol Police Force; Carry Forward Authority.**

**Veto 23 Part IB; Section 49A.5(D); Page 393; Capitol Police Force; Dispositions if Agency Not Established.**

**Veto 24 Part IB; Section 68A.13; Page 409-410; Department of Transportation; Shop Road Farmers Market Bypass Carry Forward.**

**Veto 25 Part IB; Section 89.131; Page 474; General Provisions; Capitol Police Force Training.**

**Veto 26 Part IB; Section 89.132; Page 474; General Provisions; Capitol Police Force Storage and Maintenance.**

These provisos relate to the operations (Provisos 49A.1-4 and 89.131-132) and funding (Provisos 48.11, 49A.5(D), and creation 68A.13) of a Capitol Police Force that would perform the security functions currently performed by the Bureau of Protective Services (BPS) within the Department of Public Safety. We are vetoing these provisos, as well as the permanent legislation that authorizes the creation of the Capitol Police Force, for two reasons.

First, we are vetoing these provisos because a Capitol Police Force that is accountable to a committee of legislators and judges will further erode the executive authority in this state without doing anything to make the State House and Capitol grounds safer. The proposed Capitol Police Force is just another example of the General Assembly’s unrelenting contempt for the doctrine of separation of powers. There is no doubt that the provision of security is an executive function, and this new police entity will effectively allow legislators and judges on the Capitol Police Force Committee to execute the law. This is particularly troubling since the Capitol Police Force will have all of SLED’s police powers, including the power to arrest. This means that the legislature and judicial branches will control their own police force without any check from another branch of government. By usurping the authority of the Governor to appoint and manage the security of the State House and Capitol grounds and giving it to a legislatively controlled committee, the General Assembly has further consolidated power for itself at the expense of liberty. As James Madison wrote in *The Federalist No. 47*, “The accumulation of all powers, legislative, executive, and judiciary, whether of one, a few, or many, and whether self-appointed, or elective, may justly be pronounced the very definition of tyranny.” This attempt by the General Assembly to aggrandize executive police power for itself must be opposed, and we are, therefore, vetoing the above provisos.

Second, we are vetoing these provisos because it would effectively eliminate the BPS by transferring much of its resources and manpower to the Capitol Police Force. We believe the debate around the creation of the Capitol Police Force has been incredibly insulting to the law enforcement officers who have always been effective and professional in securing the State House and capitol grounds. The men and women in the BPS have served the state well and deserve better than to be denigrated by the General Assembly merely because legislators disagree with some of the decisions made by this administration regarding security measures in and around the State House. Given the commendable service by the BPS force, we are willing to stand by them by vetoing these provisos.

Finally, it is important to remember the origin of this push for a separate police force. In the view of this administration the General Assembly wasted more than $6 million in the State House security upgrades of several years ago. When confronted with the possibility of putting more good money into a faulty security system that would have required BPS officers to man remote guard shacks rather than actually patrol the state house grounds, we objected and in attempting to administer the optimal amount of security with limited dollars simply said we would not man these stations. This seemed to greatly offend several senior level legislators and they originated this legislation.

**Veto 27 Part IB; Section 49A.5(B); Page 392; Capitol Police Force; Dispositions if agency not established - Amending Part IB; Section 89.89; General Provisions; Lt. Governor Security Detail.**

This proviso requires SLED to provide security detail for the Lieutenant Governor if the legislation creating the Capitol Police Force is not enacted. We are vetoing this proviso because we continue to believe that money directed to the Lt. Governor's Office would be better spent on core functions of the Office on Aging, such as Meals on Wheels. Using this money for that purpose would be a small but important step toward ensuring the program's future funding.

We also have concerns as to whether the Lt. Governor's Office will reimburse SLED for the security services mandated under this proviso. According to various media reports, SLED has been effectively footing the bill for the Lt. Governor's security because the Lt. Governor has failed to reimburse SLED for its security services over the past two years. During tough budget times like these, we believe that SLED should be focused on its essential role of law enforcement rather than subsidizing the personal security of the Lt. Governor.

**Veto 28 Part IB; Section 65.3; Page 405; Department of Labor, Licensing and Regulation; POLA – 110%, Other Funds.**

This proviso transfers $5.3 million from the Department of Labor, Licensing and Regulation’s (LLR) Professional and Occupational Licensing Division to the general fund. We are vetoing this proviso because it will take away funds that LLR needs to implement the Immigration Reform Act that was enacted last year. Immigration reform was a priority for this administration and many in the legislature, and we must maintain last year’s commitment to ensure that LLR has the necessary funds to enforce our immigration laws. Currently, the budget appropriates only $750,000 for immigration enforcement, which will only be enough to hire temporary employees. LLR needs $2 million to hire the necessary staff to fully enforce the new law, and before the General Assembly approved a total raid of $10 million on this agency, it would have been able to meet this need with the funding provided. Accordingly, we ask that the legislature stand by its commitment to adopt meaningful immigration reform by sustaining this veto, which will ensure that LLR has sufficient funding for immigration enforcement.

**Veto 29 Part IB; Section 65.14; Page 406; Department of Labor, Licensing and Regulation; Transfer to General Fund.**

This proviso directs LLR to transfer $4,362,265 in non-recurring dollars to the general fund to support “cultural agencies.” We are vetoing this proviso because it is only a temporary funding solution for our disjointed, uncoordinated cultural agencies which urgently need to be consolidated. In our Executive Budget, we proposed consolidating the State Library, State Museum, Department of Archives and History, and the Arts Commission in order to realize an estimated $1.3 million in annual savings. This would have achieved longer lasting cost savings that cannot be achieved by merely taking money from one agency to give to others.

Also, as stated above, the General Assembly has failed to provide sufficient funds for LLR to fully enforce the Immigration Reform Act. Overall, this budget robs LLR of over $9.6 million that are needed for the agency’s operations and full implementation of immigration reform.\

**Veto 30 Part IB; Section 67.1; Page 407; Employment Security Commission; Salary Level.**

This proviso states that salaries for the Commissioners of the Employment Security Commission shall be no less than the amount agreed to by the United States Department of Labor. We are vetoing this proviso because the ESC Commissioners have been setting their six-figure salaries for years and the United States Department of Labor neither approves nor authorizes the salaries of the ESC Commissioners. The ESC Commissioners’ practice of setting their own salaries without oversight from the legislature, who happens to elect them, reflects the flagrant irresponsibility and unaccountability that has plagued the ESC. It is time that the General Assembly finally exert command over the agency and implement salary controls that prevent the agency heads from determining their own salaries. Therefore, we are vetoing this proviso that tacitly allows the ESC Commissioners to set their own pay.

**Veto 31 Part IB; Section 72.23; Page 418-419; Governor’s Office; OEPP Administration of Cabinet Agencies.**

This proviso requires cabinet agency directors to report to the Chairmen of Senate Finance and House Ways and Means Committees on a monthly basis about any time spent away from their main offices during business hours if that time is not related to their agency’s mission. It also requires the Governor’s Office of Executive Policies and Programs to create a new entity called the Cabinet Agency Administration which must consolidate administrative functions of only cabinet agencies. We are vetoing this proviso because it forces 14 agencies and directors in our cabinet to live by special rules that will not apply to any other agency in state government.

While we are pleased that the General Assembly is finally recognizing the need for restructuring, it is absurd that legislators limit this proviso to our cabinet agencies that have already made numerous internal reforms that have created long-term efficiencies and produced millions in cost savings. Our Department of Motor Vehicles has even returned over $40 million to the general fund that has been re-appropriated to other state agencies. Our newest cabinet agency, the Department of Transportation, has already realized over $26 million in cost savings. Yet, we haven’t seen this level of cost savings in non-cabinet agencies.

It is also remarkably absurd that the General Assembly expects only cabinet agency directors to report to Chairmen Leatherman and Cooper on a monthly basis on their whereabouts, and yet gives a pass to all other state agency directors. What rationale could possibly defend this proviso’s intent to treat cabinet agency heads differently from other state agency heads? If legislators want to know what cabinet heads are doing outside of their agency’s mission during work hours, then shouldn’t they also want to know what other agency heads are doing? Based on this bizarrely selective treatment of cabinet agency heads, it is fair to assume that this proviso is motivated more by ire towards this administration than enacting meaningful reform.

**Veto 32 Part IB; Section 80A.7; Page 427-428; Budget and Control Board; Compensation – Agency Head Salary.**

This proviso gives the legislatively controlled Agency Head Salary Commission final approval authority over all salaries for state agency heads and technical and community college presidents by eliminating the Budget and Control Board's oversight. We are vetoing this proviso because it represents another example of the legislature’s unconstitutional usurpation of executive power. Because of this proviso the executive branch members of the Board will have no role in overseeing agency head salaries and providing a check to the legislative appointees that comprise a majority of the Agency Head Salary Commission. The approval authority exercised by the Agency Head Salary Commission is an executive function, and the vesting of such authority in a legislatively-dominated commission is an unconstitutional violation of the separation of powers doctrine.

**Veto 33 Part IB; Section 80A.25; Page 430; Budget and Control Board; Lawsuit Funding.**

This proviso forgives over $2 million in interagency loans that the House of Representatives and the Senate obtained from the Insurance Reserve Fund (IRF) for legal costs relating to the Abbeville school funding litigation. We are vetoing this proviso because it effectively raids the IRF of funds that the General Assembly promised to repay. The IRF is a necessary reserve fund that the state maintains to insure losses arising from unforeseen events like natural disasters and state employee negligence. It is not intended to be a slush fund for legislators to tap when they run out of money to pay their own debts. We find it shocking and hypocritical that the budget writers in the House and Senate have ridiculed our attempts to provide debt relief to state government with stimulus funds while they’ve knowingly raided trust funds to absolve their respective bodies’ own debt. These actions would suggest to many that the Chairmen of the House Ways and Means and Senate Finance Committees are more concerned about protecting their own legislative fiefdoms than looking out for current and future generations of taxpayers.

**Veto 34 Part IB; Section 80A.27; Page 430; Budget and Control Board; Competitive Grants.**

**Veto 35 Part IB; Section 22.39; Page 354; Department of Health and Environmental Control; Competitive Grants.**

**Veto 36 Part IB; Section 39.3; Page 373; Department of Parks, Recreation and Tourism; Competitive Grants.**

**Veto 37 Part IB; Section 40.20; Page 377; Department of Commerce; Competitive Grants.**

This proviso allows agencies to transfer competitive grant funds to local governments or non-profit organizations upon approval of the now-defunct Competitive Grants Committee. We are vetoing these provisos to finalize the long-deserved abolishment of the Competitive Grants program. It is no secret that this administration has strongly opposed this program, which was arguably nothing more than a politically-driven slush fund for legislators to deliver pork to their districts. We are pleased that the General Assembly finally ended the Competitive Grants program in last year’s Rescission Act, but we fear that leaving these provisos in the budget could prolong the possibility that this program might be revived. Accordingly, we must veto these provisos to ensure that the Competitive Grants program is ended once and for all.

**Veto 38 Part IB; Section 86.6; Page 442; Aid to Subdivisions, State Treasurer; Legislative Delegations.**

This proviso directs county councils to fund their respective counties’ legislative delegation budgets at a certain level or face deductions in their state-funded aid. We are vetoing this proviso because it is an affront to the principle of home rule. This administration has consistently argued that the government that is best is the one closest to the people. This proviso violates this principle by having the state legislature mandate that county governments fund their state legislative delegations even if the counties either do not have the resources to provide proper funding or do not think that funding their legislative delegation is a priority, especially when their budgets have already been cut significantly. If legislators think their county delegations deserve funding, then they should find the funds without putting the funding obligations on the backs of the county governments.

**Veto 39 Part IB; Section 89.96; Page 468-469; General Provisions; Flexibility.**

This proviso allegedly gives state agencies flexibility in determining its funding priorities and transfer funds appropriately to meet those priorities. While we support giving agencies flexibility, we are vetoing this proviso because its application is anything but uniform and it actually hamstrings a number of agencies by making exceptions for certain programs and local interests at the expense of other worthwhile programs. One of the most absurd parts of this proviso is the prohibition imposed on PRT from closing or reducing full-time employees at the State House Gift Shop and the Santee Welcome Center. This prohibition represents the worst example of legislative micro-management of an executive agency in this budget. Even more egregious is the fact that Proviso 39.12requires PRT to close the Governor’s Mansion Gift Shop even though it has lost less revenue than the State House Gift Shop. In response to our request for agencies to submit recommended cuts for non-essential programs, PRT offered potential cuts to the Mansion Gift Shop, the State House Gift Shop, and the Santee Welcome Center. The Mansion Gift Shop employs one full-time employee and lost roughly $35,000 last year. The State House Gift Shop has two full-time employees and spends approximately $40,000 on temporary employees. In FY 2007-08 it lost approximately $125,000.

The Santee Welcome Center is duplicative and is the least productive welcome center on I-95. For example, the Santee Welcome Center had 126,494 visitors and made 832 accommodations during FY 2007-08. By comparison, the Dillon Welcome Center had 222,183 visitors and made 5,246 accommodations and the Hardeeville Welcome Center had 265,065 visitors and made 7,402 accommodations during the same period.

While we are not opposed to PRT closing the Mansion Gift Shop to manage its budget reductions, we find it unbelievable that the General Assembly would give special protection to two other less productive shops in an effort to reward political patronage rather than make responsible budget cuts.

Perhaps the most disturbing example of a carve-out that ties the hands of an agency is the Medicaid program in serving the state’s most needy citizens. This proviso prohibits HHS from making any cuts to Medicaid Adolescent Pregnancy Prevention Services (MAPPS) despite the fact that there are no conclusive evaluations showing that MAPPS is effective in delaying or preventing teen pregnancy. In addition, HHS found that the program is in non-compliance with Medicaid standards. While MAPPS’s intent to prevent teen pregnancy is important, holding this program, as well as provider rates harmless, will not give HHS the flexibility it needs to absorb future cuts – that will inevitably come once FMAP money dries up in two years – without resorting to cutting people from the rolls or cutting services. We find it disturbing that, once again, a political agreement would force the protection of a *counseling* program and potentially cause the reduction in *medical services* to our state’s most needy citizens.

**Veto 40 Part IB; Section 89.118; Part 471-472; General Provisions; ARRA Oversight.**

This proviso establishes a committee, co-chaired and organized by the State Treasurer and Comptroller General, to oversee the spending of federal stimulus dollars in South Carolina. We are vetoing this proviso because this oversight committee is unnecessary, duplicative, and will lead to greater confusion regarding stimulus spending.

In our Executive Order 2009-03, we established the South Carolina Stimulus Oversight, Accountability, and Coordination Task Force (Task Force), which is chaired by the Comptroller General, includes the State Treasurer, has all the power of the oversight committee created by this proviso, and includes every state agency head that will receive significant stimulus funding. The Task Force has already begun working, and under the leadership of the Comptroller General, it has created a website, located at www.stimulus.sc.gov, to track stimulus spending in South Carolina. Importantly, the federal government’s website created for stimulus transparency and oversight provides a link to the Task Force’s website. The creation of another oversight committee with the same participants and powers will only make it more confusing for our citizens to find the information they need to ensure that their government is spending stimulus funds responsibly. Accordingly, we must veto this proviso.

**Veto 41 Part IB; Section 89.136; Page 474; General Provisions; Economic Activity Web-Based Applications.**

This proviso requires the Department of Commerce to transfer $75,000 to the Budget & Control Board to support a web-based application for public concerns about whether state agency regulations overly burden economic activity. We are vetoing this proviso because it unnecessarily transfers valuable funds from Commerce to the Board for functions that are similar to those currently performed by the Small Business Regulatory Review Committee.

The Small Business Regulatory Review Committee, housed within Commerce, has an established process for reviewing the economic impact and burden of state agency regulations, and it is more than capable of handling the web-based applications required by this proviso. Accordingly, the General Assembly should keep these funds at Commerce to support the Small Business Regulatory Review Committee rather than establishing a new bureaucracy within the Budget and Control Board for reviewing agency regulations.

Furthermore, H. 3882, the bill which would authorize the Board to develop the economic activity web-based applications, will not become law in this fiscal year. Thus, this proviso would effectively force Commerce to transfer its funds to the Board to fund a program that does not exist. However, if these funds remain at Commerce we will work with the agency and Small Business Regulatory Review Committee to implement the web-based application program to provide our citizens and small businesses with a more accessible forum to express concerns about heavy-handed state regulations.

**Veto 42 Part IB; Section 89.137; Page 474-475; General Provisions; South Carolina Research Authority Officers.**

This proviso states that the Governor’s appointee to the South Carolina Research Authority (SCRA) board of trustees may not serve as the Chairman of that board during FY 2009-10. Instead the executive committee of the SCRA will appoint the positions of chairman and vice-chairman. We are vetoing this proviso because it removes our administration’s appointee to this board from his current position of Chairman, and thereby, limits his ability to bring needed reform to the SCRA.

We believe that our appointee has served the state very well during the short time that he has been Chairman of the SCRA. While serving on this and other boards, he has been a strong advocate for ensuring that taxpayer dollars are spent on legitimate state government functions in an open, transparent manner. This is nothing less than an attempt by the General Assembly to remove an individual from a position of authority because he has willingly challenged the status quo and asked the tough questions about how the SCRA spends taxpayer money.

A few years ago our administration’s appointee served as the Chairman of the DOT Commission. After asking tough questions about how taxpayer money was being spent in that agency, millions of dollars in waste were uncovered and the structure of the DOT was eventually overhauled. Most agree that this was a positive development, but it would not have occurred if the General Assembly had removed our appointee from the position of Chairman a few months into his term. In like manner, the current chairman of the SCRA deserves the full opportunity to direct the course of this agency without being undermined by this proviso.

**Veto 43 Part IB; Section 90.15; Page 479; Statewide Revenue; State Budget Stabilization Fund.**

**Veto 44 Part IB; Section 90.16; Page 480; Statewide Revenue; ARRA Fund Authorization.**

These provisos express the General Assembly’s intent to accept and authorize the expenditure of all State Fiscal Stabilization (SFS) stimulus funds provided under the American Recovery and Reinvestment Act of 2009 (ARRA). We are vetoing this proviso because the General Assembly has no authority to accept or authorize the expenditure of SFS funds. As explained more fully in Veto 2 of Part III of the Appropriations Act, ARRA grants the governor the exclusive authority to apply for and accept SFS funds. Accordingly, this proviso expresses an intent to violate federal law, and it should not be enacted.

**Veto 45 Part IB; Section 90.19; Page 480-481; Statewide Revenue; Nonrecurring Revenue.**

This proviso raids the Insurance Reserve Fund (IRF) of nearly $37 million that it keeps in reserve to insure losses arising from events like natural disasters and state employee negligence. We are vetoing this proviso because the IRF is not intended to be a rainy day fund that legislators can tap whenever tax revenues fall. It is the height of fiscal irresponsibility for the General Assembly to use the IRF, a trust fund dedicated for damages resulting from unforeseen events, like hurricanes, to plug a revenue shortfall that was almost certain to happen after rapidly expanding government spending over recent years. Despite our repeated calls to reign in spending and implement spending caps, the Legislature has ignored our appeal for responsible budgeting and instead has chosen to expose our state to financial calamity in the unfortunate event of multiple devastating disasters by raiding this trust fund.

As appalling as this action it is, it is worsened by the abandonment of supposed fiscally conservative budgeting principles espoused by the lead Senate budget writer. During the budget debate on the floor of the Senate, the Senate Finance Committee Chairman vowed that he could not condone raiding the IRF as the House did in its budget. In a not-so-stunning reversal, he agreed in closed door meetings with the House Ways and Means Committee Chairman to raid the IRF, and he even voted to shut down debate when other Senators questioned this practice during the Senate’s consideration of whether to concur with the House’s amendments to the Senate version of the budget. If the Senate Finance Chairman is sincere in his opposition to raiding the IRF, we will welcome his efforts to sustain this veto.

**Veto 46 Part IB; Section 90.13; Page 477; Statewide Revenue; Health and Human Services FMAP Funding; Item X; MUSC Transplant Services; $100,000.**

This proviso item directs $100,000 in FMAP stimulus funds to MUSC for transplant services. Historically, these funds have been used for administrative services related to transplants provided to Medicaid recipients. We are vetoing this line item because MUSC has chosen not to provide these administrative services. They are currently provided by HHS. Accordingly, these funds should stay at HHS and not be directed to MUSC.

**Veto 47 Part IB; Section 90.13; Page 478; Statewide Revenue; Health and Human Services FMAP Funding; Item BB; MUSC Rural Dentist Program; $250,000.**

This proviso item is a pass-through from MUSC to the Area Health Education Consortium, which attempts to create incentives to increase the number of dentists serving rural South Carolina. We are vetoing this proviso because although attracting dentists to rural areas is a worthwhile goal, we doubt that the roughly $5,000 per county this program allows for would have little if any impact on dentists' professional locales. Additionally, we'd like to point to the fact that a year ago, more than half of the six dentists receiving these rural grants to repay loans were MUSC dental school faculty members with state salaries averaging more than $110,000.

**Veto 48 Part IB; Proviso 90.13; Page 478; Statewide Revenue; Health and Human Services FMAP Funding; Item R; Rural Hospital Equipment and Facilities; $2,000,000.**

This proviso item is a $2 million pass-through from HHS to DHEC for rural hospital equipment and facilities. Hospitals receiving these funds are the same ones that are selected to receive a different grant through the Rural Hospital Grants proviso (22.49), which we vetoed. We are vetoing this proviso for the same reasons we vetoed 22.49.

This budget increases the Rural Hospital Grant program by 33 percent, going from $3 million to $4 million. In addition, the General Assembly proposes starting an entirely new program with an additional $2 million in the toughest budget year this state has seen in recent history. While scaring the public with threats of teachers and police being laid off, some in the legislature doubled funding for rural hospitals in this year’s budget, while so many other front line services were left cut.

As previously stated, these grants are not equitably distributed to all of the state’s rural hospitals since only 13 of the 23 designated rural hospitals in our state receive them. This creates the perception that the receipt of these grants is more dependent on political influence than need. Accordingly, we cannot support the continued disbursement of these grants without more objective criteria for grant eligibility.

Second, the program does not have any standards for determining whether the grants are effectively implemented. These grants are awarded without accountability for how the funds are spent, and, therefore, we cannot continue to support this program without checks to ensure that taxpayer money achieves quality health care.

**Veto 49 Part IB; Section 90.13; Page 478; Statewide Revenue; Health and Human Services FMAP Funding; Item S; USC Rural Health Clinics; $3,000,000.**

This proviso item is a $3 million pass-through from HHS to DHEC who, in turn, must forward to USC’s School of Medicine, Rural Primary Care Center Network. This network trains physicians who serve the state's underserved population in three rural clinics. We are vetoing this line item because we believe this disportionally funds three rural health clinics and does not provide equal funding to the more than 100 health clinics in our state that may have similar needs. Additionally, we encourage the USC Rural Primary Care Center Network to work with the South Carolina Office of Rural Health. For little or no cost, the South Carolina Office of Rural Health, according to their website, will help financially strapped rural practices and facilitate low-interest loans.

**III. Conclusion**

It is for the reasons above that I'd respectfully offer the vetoes of Parts IA, III, and the line-items individually detailed in Part IB for your consideration. I'd further ask, with current and future taxpayers' interests at heart and in the spirit of responsible budgeting, that you sustain these vetoes and work to craft a prioritized budget that both funds core government services and pays down debt. It's in this hope, and indeed with the knowledge that with great challenges come great opportunities, that I submit to you the position of this administration for your sincere consideration.

Sincerely,

Mark Sanford

Governor

**R. 49, H. 3560--GOVERNOR'S VETO**

The Veto on the following Act was taken up:

(R. 49) H. 3560 -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

**VETO 1-- OVERRIDDEN**

Veto 1. Fiscal Year 2009-10 General Appropriation Act Part IA Funding, in its entirety, pages 1 - 281.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 98; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Sandifer |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | A. D. Young |  |

**Total--98**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Crawford |
| Duncan | Frye | Haley |
| Hamilton | Huggins | Lowe |
| Millwood | Nanney | E. H. Pitts |
| Rice | Scott | G. R. Smith |
| Stewart | Stringer | Thompson |
| T. R. Young |  |  |

**Total--19**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Veto No. 1 of H. 3560, the General Appropriation Bill. If I had been present, I would have voted to override the Governor’s Veto No. 1.

Rep. Jackie Hayes

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Veto No. 1 of H. 3560, the General Appropriation Bill. If I had been present, I would have voted to override the Governor’s Veto No. 1.

Rep. Todd Rutherford

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Veto No. 1 of H. 3560, the General Appropriation Bill. If I had been present, I would have voted to sustain the Governor’s Veto No. 1.

Rep. Thad Viers

STATEMENT FOR THE JOURNAL

I voted to sustain the veto of Part IA of the 2009-2010 budget as currently written because I support funding priorities such as education and law enforcement over other needs in a tough budget year. The alternative budget funded these areas at higher levels than this budget, without stimulus funds. I also believe that we have to make tough choices as to cutting some programs that are not related to education and law enforcement versus funding them with one-time money.

Additionally, when I ran for office last year, I said that I supported spending limitations in state government and that the legislature needs to make hard decisions on prioritized spending rather than across-the-board cuts. Nearly everywhere that I went, the public asked me to take that position. I think that my vote sustaining Veto No. 1 is consistent with that position.

Rep. Tom Young

**VETO 2-- OVERRIDDEN**

Veto 2. Part III Fiscal Year 2009-10 State Stabilization Fund, in its entirety, pages 484 - 487.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 93; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Long | Lucas |
| Mack | McEachern | McLeod |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parks | Pinson | Sellers |
| Simrill | Skelton | D. C. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |

**Total--93**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Crawford |
| Duncan | Frye | Haley |
| Hamilton | Huggins | Lowe |
| Merrill | Millwood | Nanney |
| E. H. Pitts | M. A. Pitts | Rice |
| Scott | G. M. Smith | G. R. Smith |
| Stewart | Stringer | Thompson |
| Viers | T. R. Young |  |

**Total--23**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Veto No. 2 of H. 3560, the General Appropriation Bill. If I had been present, I would have voted to override the Governor’s Veto No. 2.

Rep. Todd Rutherford

STATEMENT FOR THE JOURNAL

I voted to sustain the veto of Part III of the 2009-2010 budget as currently written after much deliberation. We should not appropriate stimulus dollars (1) until we know that the monies will be available; (2) until we have a base budget that prioritizes education and law enforcement and makes tough choices as to cutting some programs versus across-the-board cuts; and (3) until we have a budget that makes an effort to pay down some portion of debt. I also do not support the use of stimulus dollars to pay for local festivals. I support the use of fiscal stabilization stimulus funding in our State’s budget, but only after we have done the above. For these reasons, I voted to sustain Veto No. 2.

Rep. Tom Young

**VETO 3-- OVERRIDDEN**

Veto 3. Part IB; Section 21.11; Page 342; Department of Health and Human Services; Chiropractic Services.

Rep. BALLENTINE spoke upon the Veto.

The question was put, shall the Item 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 105; Nays 14

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cooper | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Thompson | Toole |
| Umphlett | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | A. D. Young |

**Total--105**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Cole |
| Duncan | Haley | Millwood |
| Nanney | Rice | D. C. Smith |
| G. R. Smith | Stewart | Stringer |
| Willis | T. R. Young |  |

**Total--14**

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

**VETO 4-- SUSTAINED**

Veto 4. Part IB; Section 21.13; Page 342; Department of Health and Human Services; Medically Fragile Children's Programs.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 11; Nays 104

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| H. B. Brown | R. L. Brown | Gunn |
| Hart | Harvin | Hodges |
| Jefferson | King | Rutherford |
| J. E. Smith | Vick |  |

**Total--11**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Huggins |
| Hutto | Jennings | Kelly |
| Kennedy | 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 | Owens | Parker |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--104**

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

**VETO 5-- OVERRIDDEN**

Veto 5. Part IB; Section 21.36; Page 346; Department of Health and Human Services; Prior Authorization -Formulary Changes.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 84; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cooper | Crawford |
| Dillard | Edge | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Haley | Hardwick | Harrell |
| Hart | Harvin | Hayes |
| Herbkersman | Hodges | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | King |
| Kirsh | Knight | Limehouse |
| Loftis | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parks | Pinson | M. A. Pitts |
| Rutherford | Sandifer | Sellers |
| Skelton | D. C. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Vick | Weeks | Whipper |
| White | Williams | A. D. Young |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Cole |
| Daning | Delleney | Duncan |
| Erickson | Forrester | Hamilton |
| Harrison | Hearn | Hiott |
| Horne | Kelly | Kennedy |
| Littlejohn | Long | Lowe |
| Lucas | Millwood | D. C. Moss |
| V. S. Moss | Nanney | Parker |
| E. H. Pitts | Rice | Scott |
| Simrill | G. M. Smith | G. R. Smith |
| Stewart | Toole | Umphlett |
| Viers | Whitmire | Willis |
| T. R. Young |  |  |

**Total--37**

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

**VETO 6-- OVERRIDDEN**

Veto 6. Part IB; Section 22.49; Page 355; Department of Health and Environmental Control; Rural Hospital Grants.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 88; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Edge | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Hardwick | Harrell | Hart |
| Harvin | Hayes | Herbkersman |
| Hiott | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Lowe |
| Mack | McEachern | McLeod |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Scott | Sellers |
| Skelton | D. C. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Umphlett |
| Vick | Weeks | Whipper |
| White | Williams | Willis |
| T. R. Young |  |  |

**Total--88**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Chalk | Duncan | Erickson |
| Frye | Haley | Hamilton |
| Harrison | Horne | Huggins |
| Loftis | Long | Lucas |
| Merrill | Millwood | Nanney |
| Owens | Parker | E. H. Pitts |
| Rice | Simrill | G. M. Smith |
| G. R. Smith | J. R. Smith | Stewart |
| Toole | Viers | Whitmire |
| A. D. Young |  |  |

**Total--31**

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

**VETO 7-- OVERRIDDEN**

Veto 7. Part IB; Section 37.1; Page 371; Department of Natural Resources; County Funds.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 95; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Hardwick |
| Harrell | Hart | Harvin |
| Hayes | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Knight | Littlejohn | Loftis |
| Long | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rutherford | Sandifer | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Thompson |
| Toole | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--95**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Ballentine | Bedingfield |
| Crawford | Daning | Duncan |
| Haley | Hamilton | Harrison |
| Huggins | Kennedy | Limehouse |
| Lowe | Lucas | Millwood |
| Nanney | E. H. Pitts | Rice |
| Scott | Stavrinakis | Stewart |
| Stringer | Viers |  |

**Total--23**

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

**VETO 8-- OVERRIDDEN**

Veto 8. Part IB; Section 37.2; Page 371; Department of Natural Resources; County Game Funds/Equipment Purchase.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 90; Nays 25

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Hardwick |
| Harrell | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Littlejohn |
| Loftis | Long | Mack |
| McEachern | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rutherford | Sellers | Simrill |
| Skelton | D. C. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Thompson | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | A. D. Young | T. R. Young |

**Total--90**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Ballentine | Bedingfield |
| Crawford | Daning | Duncan |
| Edge | Gunn | Haley |
| Hamilton | Harrison | Kennedy |
| Lowe | Lucas | Millwood |
| Nanney | E. H. Pitts | Rice |
| Scott | G. M. Smith | G. R. Smith |
| Stavrinakis | Stewart | Stringer |
| Viers |  |  |

**Total--25**

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

**VETO 9-- OVERRIDDEN**

Veto 9. Part IB; Section 37.15; Page 373; Department of Natural Resources; Sale of Existing Offices.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 76; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Bales |
| Bannister | Barfield | Battle |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Delleney | Dillard |
| Edge | Forrester | Gambrell |
| Gilliard | Govan | Gullick |
| Hardwick | Harrell | Harvin |
| Hayes | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Hutto | Jefferson | Jennings |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Long |
| Mack | McEachern | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| M. A. Pitts | Rutherford | Sandifer |
| Sellers | Skelton | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Umphlett | Vick | Weeks |
| Whipper | White | Williams |
| A. D. Young |  |  |

**Total--76**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bedingfield | Bingham | Chalk |
| Crawford | Daning | Duncan |
| Erickson | Frye | Funderburk |
| Gunn | Haley | Hamilton |
| Harrison | Hart | Huggins |
| Kennedy | Lowe | Lucas |
| McLeod | Millwood | Nanney |
| Pinson | E. H. Pitts | Rice |
| Scott | Simrill | G. M. Smith |
| Stewart | Stringer | Thompson |
| Toole | Viers | Willis |
| T. R. Young |  |  |

**Total--37**

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

**VETO 10-- SUSTAINED**

Veto 10. Part IB; Section 39.4; Page 373-374; Parks, Recreation and Tourism; State Park Privatization Approval.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 64; Nays 55

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Barfield |
| Battle | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clemmons | Cobb-Hunter | Cooper |
| Dillard | Edge | Forrester |
| Funderburk | Gilliard | Govan |
| Gullick | Gunn | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hodges |
| Hosey | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Knight | Lucas |
| Mack | McEachern | McLeod |
| Miller | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parker | Parks | Rutherford |
| Sandifer | Sellers | J. E. Smith |
| Sottile | Stavrinakis | Umphlett |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--64**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Bedingfield | Bingham | Cato |
| Chalk | Cole | Crawford |
| Daning | Delleney | Duncan |
| Erickson | Frye | Gambrell |
| Haley | Hamilton | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Kirsh | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Owens | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Spires | Stewart | Stringer |
| Thompson | Toole | Viers |
| White | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--55**

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

**VETO 10--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. E. H. PITTS moved to reconsider the vote whereby Veto No. 10 was sustained.

Rep. COOPER moved to adjourn debate on the motion to reconsider.

Rep. BALLENTINE moved to table the motion to adjourn debate.

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

Yeas 29; Nays 91

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Crawford | Daning | Duncan |
| Erickson | Frye | Hamilton |
| Hiott | Horne | Huggins |
| Kirsh | Long | Lowe |
| Millwood | V. S. Moss | Nanney |
| E. H. Pitts | Rice | Scott |
| G. R. Smith | Stewart | Stringer |
| Thompson | Toole | Viers |
| Willis | T. R. Young |  |

**Total--29**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Delleney |
| Dillard | Edge | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Knight |
| Limehouse | Littlejohn | Loftis |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| A. D. Young |  |  |

**Total--91**

So, the House refused to table the motion to adjourn debate.

The question then recurred to the motion to adjourn debate on the motion to reconsider, which was agreed to.

**VETO 11-- SUSTAINED**

Veto 11. Part IB; Section 40.37; Page 379; Department of Commerce; Aeronautics Assets and Funds.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 75; Nays 42

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Clemmons | Cobb-Hunter | Cooper |
| Dillard | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Hardwick | Harrell | Harvin |
| Hayes | Herbkersman | Hodges |
| Hosey | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| Knight | Limehouse | Loftis |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | Rutherford |
| Sandifer | Sellers | Skelton |
| D. C. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | A. D. Young |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Ballentine | Bedingfield |
| Crawford | Daning | Delleney |
| Duncan | Frye | Gunn |
| Haley | Hamilton | Harrison |
| Hart | Hearn | Hiott |
| Horne | Huggins | King |
| Kirsh | Long | Lowe |
| Lucas | Millwood | D. C. Moss |
| V. S. Moss | Nanney | E. H. Pitts |
| M. A. Pitts | Rice | Scott |
| Simrill | G. M. Smith | G. R. Smith |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Willis | T. R. Young |

**Total--42**

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

**VETO 12-- SUSTAINED**

Veto 12. Part IB; Section 80A.63; Page 436; Budget and Control Board; Carry Forward Sale of Aircraft Proceeds.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 75; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Chalk | Clemmons |
| Cobb-Hunter | Cooper | Dillard |
| Edge | Erickson | Forrester |
| Gambrell | Gilliard | Govan |
| Gullick | Hardwick | Harrell |
| Harvin | Hayes | Herbkersman |
| Hiott | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kelly | King |
| Knight | Limehouse | Loftis |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | Rutherford |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Vick | Weeks | Whipper |
| White | Williams | A. D. Young |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bedingfield | Crawford | Daning |
| Delleney | Duncan | Frye |
| Funderburk | Gunn | Haley |
| Hamilton | Harrison | Hart |
| Hearn | Horne | Huggins |
| Kennedy | Kirsh | Littlejohn |
| Long | Lowe | Lucas |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | E. H. Pitts | M. A. Pitts |
| Rice | Scott | G. M. Smith |
| G. R. Smith | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Whitmire |
| Willis | T. R. Young |  |

**Total--44**

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

**VETO 13-- OVERRIDDEN**

Veto 13. Part IB; Section 80A.64; Page 436-437; Budget and Control Board; Aviation Grants.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 88; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cooper | Crawford | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Hardwick | Harrell | Harvin |
| Hayes | Herbkersman | Hiott |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kelly | King | Knight |
| Limehouse | Loftis | Mack |
| McEachern | McLeod | Merrill |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rutherford | Sandifer |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | A. D. Young |
| T. R. Young |  |  |

**Total--88**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Ballentine | Bedingfield |
| Daning | Duncan | Frye |
| Gunn | Haley | Hamilton |
| Harrison | Hart | Horne |
| Huggins | Kennedy | Kirsh |
| Littlejohn | Long | Lowe |
| Lucas | Millwood | Nanney |
| E. H. Pitts | Rice | Scott |
| G. R. Smith | Stewart | Stringer |
| Thompson | Toole | Viers |
| Willis |  |  |

**Total--31**

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

**VETO 14-- OVERRIDDEN**

Veto 14. Part IB; Section 89.127; Page 473; General Provisions; Transfer Division of Aeronautics.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 84; Nays 36

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Gambrell | Gilliard | Govan |
| Gullick | Hardwick | Harrell |
| Harvin | Hayes | Herbkersman |
| Hiott | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kelly | Kirsh |
| Knight | Limehouse | Loftis |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | A. D. Young |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Ballentine | Bedingfield |
| Crawford | Daning | Duncan |
| Frye | Funderburk | Gunn |
| Haley | Hamilton | Harrison |
| Hart | Hearn | Horne |
| Huggins | Kennedy | King |
| Littlejohn | Long | Lowe |
| Lucas | Millwood | Nanney |
| E. H. Pitts | Rice | Scott |
| G. M. Smith | G. R. Smith | Stewart |
| Stringer | Thompson | Toole |
| Viers | Willis | T. R. Young |

**Total--36**

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

**VETO 15-- SUSTAINED**

Veto 15. Part IB; Section 40.38; Page 379-380; Department of Commerce; Railway Transfer.

Rep. COOPER explained the Veto.

Rep. MERRILL spoke in favor of the Veto.

The question was put, shall the Item 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 112

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | Hodges | Sandifer |
| Vick |  |  |

**Total--4**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Herbkersman |
| Hiott | 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 |
| Neilson | Ott | Owens |
| Parker | Pinson | E. H. 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 | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--112**

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

**VETO 16-- SUSTAINED**

Veto 16. Part IB; Section 49.1; Page 390; Department of Public Safety; Special Events Traffic Control.

Rep. COOPER explained the Veto.

Rep. BALLENTINE spoke in favor of the Veto.

The question was put, shall the Item 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 58; Nays 58

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Bannister | Barfield |
| Bingham | Bowers | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Clemmons |
| Cooper | Edge | Funderburk |
| Gilliard | Govan | Hardwick |
| Harrell | Harvin | Hayes |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Hutto | Jennings | Kelly |
| Knight | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Rutherford | Sandifer | Sellers |
| Skelton | G. M. Smith | J. E. Smith |
| Stavrinakis | Vick | Weeks |
| Whipper | White | Williams |
| A. D. Young |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bedingfield | Bowen | Brady |
| Chalk | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Erickson | Forrester | Frye |
| Gambrell | Gullick | Gunn |
| Haley | Hamilton | Harrison |
| Hart | Hearn | Huggins |
| Jefferson | Kennedy | King |
| Kirsh | Limehouse | Littlejohn |
| Long | Lowe | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | Rice |
| Scott | Simrill | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Whitmire | Willis |
| T. R. Young |  |  |

**Total--58**

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

**VETO 17-- OVERRIDDEN**

Veto 17. Part IB; Section 49.15; Page 391; Department of Public Safety; Hunley Security.

Rep. COOPER explained the Veto.

Rep. SELLERS spoke in favor of the Veto.

Rep. BINGHAM spoke against the Veto.

Rep. HART spoke in favor of the Veto.

Rep. PARKER spoke against the Veto.

The question was put, shall the Item 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 83; Nays 35

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cooper |
| Crawford | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Gilliard | Govan | Hardwick |
| Harrell | Harrison | Harvin |
| Hayes | Hearn | Hodges |
| Horne | Howard | Hutto |
| Jefferson | Jennings | Kelly |
| Knight | Limehouse | Littlejohn |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rutherford | Sandifer | Scott |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Stavrinakis | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | A. D. Young |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Daning | Duncan | Frye |
| Funderburk | Gambrell | Gullick |
| Gunn | Haley | Hamilton |
| Hart | Hiott | Hosey |
| Huggins | Kennedy | King |
| Kirsh | Loftis | Long |
| Lowe | Millwood | D. C. Moss |
| Nanney | Rice | Sellers |
| D. C. Smith | Spires | Stewart |
| Stringer | Thompson | Viers |
| Willis | T. R. Young |  |

**Total--35**

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

**VETO 11-- RECONSIDERED AND OVERRIDDEN**

Veto 11. Part IB; Section 40.37; Page 379; Department of Commerce; Aeronautics Assets and Funds.

Rep. G.M. SMITH moved to reconsider the vote whereby Veto No. 11 was sustained.

Rep. RICE moved to table the motion to reconsider.

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

Yeas 25; Nays 92

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Crawford |
| Duncan | Frye | Gunn |
| Haley | Hamilton | Kennedy |
| Long | Lowe | Lucas |
| Millwood | V. S. Moss | Nanney |
| E. H. Pitts | Rice | Rutherford |
| Scott | G. R. Smith | Stewart |
| Stringer | Thompson | Viers |
| Willis |  |  |

**Total--25**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chalk | Clemmons | Cobb-Hunter |
| Cooper | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Mack |
| McEachern | McLeod | Merrill |
| Miller | Mitchell | D. C. Moss |
| J. H. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Sandifer |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| A. D. Young | T. R. Young |  |

**Total--92**

So, the House refused to table the motion to reconsider.

The question then recurred to the motion to reconsider.

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

Yeas 90; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chalk | Clemmons | Cobb-Hunter |
| Cooper | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Mack | McEachern | McLeod |
| Miller | Mitchell | D. C. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rutherford | Sandifer | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Toole | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | A. D. Young | T. R. Young |

**Total--90**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Crawford |
| Daning | Duncan | Frye |
| Gullick | Gunn | Haley |
| Hamilton | Horne | Kennedy |
| Long | Lowe | Lucas |
| Millwood | V. S. Moss | Nanney |
| E. H. Pitts | Rice | Scott |
| G. R. Smith | Stewart | Stringer |
| Thompson | Umphlett | Viers |
| Willis |  |  |

**Total--28**

So, the motion to reconsider was agreed to.

Rep. HERBKERSMAN spoke against the Veto.

The question was put, shall the Item 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 90; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chalk | Clemmons | Cobb-Hunter |
| Cooper | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Toole | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | A. D. Young |

**Total--90**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Crawford |
| Daning | Duncan | Frye |
| Gunn | Haley | Hamilton |
| Horne | Huggins | Long |
| Lowe | Lucas | Millwood |
| Nanney | E. H. Pitts | Rice |
| Scott | G. M. Smith | G. R. Smith |
| Stewart | Stringer | Thompson |
| Umphlett | Viers | Willis |
| T. R. Young |  |  |

**Total--28**

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

**VETO 12-- RECONSIDERED AND OVERRIDDEN**

Veto 12. Part IB; Section 80A.63; Page 436; Budget and Control Board; Carry Forward Sale of Aircraft Proceeds.

The motion of Rep. G. M. SMITH to reconsider the vote whereby Veto No. 12 was sustained was taken up and agreed to.

Rep. HERBKERSMAN spoke against the Veto.

The question was put, shall the Item 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 88; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Chalk |
| Clemmons | Cobb-Hunter | Cooper |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Gullick |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Mack |
| McEachern | McLeod | Merrill |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rutherford | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Toole | Vick | Weeks |
| Whipper | White | Williams |
| A. D. Young |  |  |

**Total--88**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Crawford | Daning | Duncan |
| Frye | Gunn | Haley |
| Horne | Huggins | Long |
| Lowe | Lucas | Millwood |
| Nanney | E. H. Pitts | Rice |
| Scott | G. R. Smith | Stewart |
| Stringer | Thompson | Umphlett |
| Viers | Whitmire | Willis |
| T. R. Young |  |  |

**Total--28**

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

**VETO 18-- SUSTAINED**

Veto 18. Part IB; Section 48.11; Page 389; State Law Enforcement Division; Detective/Security Fee.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 9; Nays 102

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Brantley | H. B. Brown |
| Hayes | Hodges | Jennings |
| Vick | Whipper | Williams |

**Total--9**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hearn |
| Herbkersman | Hiott | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | Littlejohn | Loftis |
| Long | Lowe | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | 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 | Viers |
| Weeks | White | Whitmire |
| Willis | A. D. Young | T. R. Young |

**Total--102**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Veto No. 18 of H. 3560, the General Appropriation Bill. If I had been present, I would have voted to sustain the Governor’s Veto No. 18.

Rep. Laurie Funderburk

**VETO 19-- SUSTAINED**

Veto 19. Part IB; Section 49A.1; Page 391-392; Capitol Police Force; Retention of Private Detective Fees.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 10; Nays 102

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Battle | Bowers | Brantley |
| H. B. Brown | Hayes | Hodges |
| Jennings | Rutherford | Vick |
| Williams |  |  |

**Total--10**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Herbkersman | Hiott | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | 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 | Ott | Owens |
| Parker | Parks | Pinson |
| E. H. Pitts | M. A. Pitts | Rice |
| 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 | Viers |
| Weeks | Whipper | White |
| Whitmire | Willis | T. R. Young |

**Total--102**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Veto No. 19 of H. 3560, the General Appropriation Bill. If I had been present, I would have voted to sustain the Governor’s Veto No. 19.

Rep. Nathan Ballentine

**VETO 20-- SUSTAINED**

Veto 20. Part IB; Section 49A.2; Page 392; Capitol Police Force; Commissioned Officers’ Physicals.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 9; Nays 103

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Brantley | H. B. Brown |
| Hayes | Hodges | Jennings |
| McLeod | Vick | Williams |

**Total--9**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Herbkersman | Hiott | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Kelly |
| 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 |
| Ott | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | 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 | Weeks | Whipper |
| White | Whitmire | Willis |
| T. R. Young |  |  |

**Total--103**

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

**VETO 21-- SUSTAINED**

Veto 21. Part IB; Section 49A.3; Page 392; Capitol Police Force; Meals in Emergency Operations.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 9; Nays 106

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Brantley | H. B. Brown |
| Hayes | Hodges | Jefferson |
| Jennings | Vick | Williams |

**Total--9**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Huggins |
| Hutto | 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 | Ott | Owens |
| Parker | Parks | Pinson |
| E. H. Pitts | M. A. Pitts | Rice |
| 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 | Viers |
| Weeks | Whipper | White |
| Whitmire | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--106**

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

**VETO 22-- SUSTAINED**

Veto 22. Part IB; Section 49A.4; Page 392; Capitol Police Force; Carry Forward Authority.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 11; Nays 104

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Brantley | H. B. Brown |
| Hayes | Hodges | Jefferson |
| Jennings | Neilson | Rutherford |
| Vick | Williams |  |

**Total--11**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| G. A. Brown | R. L. Brown | Cato |
| Clemmons | Cobb-Hunter | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Howard |
| Huggins | Hutto | 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 |
| Ott | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | 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 | Viers | Whipper |
| White | Whitmire | Willis |
| A. D. Young | T. R. Young |  |

**Total--104**

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

**VETO 23-- SUSTAINED**

Veto 23. Part IB; Section 49A.5(D); Page 393; Capitol Police Force; Dispositions if Agency Not Established.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 10; Nays 105

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Brantley | H. B. Brown |
| Hayes | Hodges | Jefferson |
| Jennings | Rutherford | Vick |
| Williams |  |  |

**Total--10**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| G. A. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hearn |
| Herbkersman | Hiott | Horne |
| Hosey | Howard | Huggins |
| Hutto | 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 | Ott | Owens |
| Parker | Parks | Pinson |
| E. H. Pitts | M. A. Pitts | Rice |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Weeks |
| Whipper | White | Whitmire |
| Willis | A. D. Young | T. R. Young |

**Total--105**

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

**VETO 24-- SUSTAINED**

Veto 24. Part IB; Section 68A.13; Page 409-410; Department of Transportation; Shop Road Farmers Market Bypass Carry Forward.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 8; Nays 105

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bowers | Brantley |
| H. B. Brown | Hodges | Rutherford |
| Vick | Weeks |  |

**Total--8**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gilliard | Gullick |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | 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 | Viers | Whipper |
| White | Whitmire | Williams |
| Willis | A. D. Young | T. R. Young |

**Total--105**

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

**VETO 25-- SUSTAINED**

Veto 25. Part IB; Section 89.131; Page 474; General Provisions; Capitol Police Force Training.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 11; Nays 102

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Brantley | H. B. Brown |
| Hayes | Hodges | Jefferson |
| Jennings | Neilson | Rutherford |
| Vick | Williams |  |

**Total--11**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Gullick | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Hart | Harvin |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Hutto |
| Kelly | 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 | Ott | Owens |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | 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 | Viers | Weeks |
| Whipper | White | Whitmire |
| Willis | A. D. Young | T. R. Young |

**Total--102**

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

**VETO 26-- SUSTAINED**

Veto 26. Part IB; Section 89.132; Page 474; General Provisions; Capitol Police Force Storage and Maintenance.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 7; Nays 101

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bowers | Brantley | H. B. Brown |
| Hayes | Hodges | Jennings |
| Vick |  |  |

**Total--7**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bowen |
| Brady | Branham | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Hart | Harvin | Hearn |
| Herbkersman | Hiott | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Kelly | King |
| Knight | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | Rutherford |
| Scott | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Weeks | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--101**

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

**VETO 27-- SUSTAINED**

Veto 27. Part IB; Section 49A.5(B); Page 392; Capitol Police Force; Dispositions if agency not established - Amending Part IB; Section 89.89; General Provisions; Lt. Governor Security Detail.

Rep. COOPER explained the Veto.

Rep. VIERS spoke in favor of the Veto.

The question was put, shall the Item 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 58; Nays 58

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cobb-Hunter | Cooper | Delleney |
| Dillard | Gambrell | Gullick |
| Harrell | Hart | Harvin |
| Hayes | Herbkersman | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | Kelly |
| King | Limehouse | Littlejohn |
| Loftis | Mack | McEachern |
| Miller | Mitchell | V. S. Moss |
| J. H. Neal | Neilson | Parker |
| Parks | M. A. Pitts | Rutherford |
| Sandifer | Sellers | Simrill |
| Spires | Vick | Weeks |
| Whipper | White | Williams |
| A. D. Young |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bedingfield | Bowen | Cato |
| Chalk | Clemmons | Cole |
| Crawford | Daning | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gilliard |
| Gunn | Haley | Hamilton |
| Hardwick | Harrison | Hearn |
| Hiott | Horne | Huggins |
| Kirsh | Knight | Long |
| Lowe | Lucas | McLeod |
| Millwood | D. C. Moss | Nanney |
| J. M. Neal | Ott | Owens |
| E. H. Pitts | Rice | Scott |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Viers | Whitmire | Willis |
| T. R. Young |  |  |

**Total--58**

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

**VETO 28-- OVERRIDDEN**

Veto 28. Part IB; Section 65.3; Page 405; Department of Labor, Licensing and Regulation; POLA – 110%, Other Funds.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 99; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cooper | Daning | Delleney |
| Dillard | Edge | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Sellers | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | A. D. Young | T. R. Young |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Crawford | Duncan | Erickson |
| Haley | Horne | Littlejohn |
| Lowe | Millwood | Nanney |
| E. H. Pitts | Rice | Scott |
| Simrill | G. R. Smith | Stewart |
| Thompson | Viers |  |

**Total--20**

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

**VETO 29-- OVERRIDDEN**

Veto 29. Part IB; Section 65.14; Page 406; Department of Labor, Licensing and Regulation; Transfer to General Fund.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 79; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Clemmons | Cobb-Hunter |
| Cooper | Daning | Dillard |
| Edge | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Kelly | King | Knight |
| Loftis | Mack | McEachern |
| McLeod | Miller | Mitchell |
| V. S. Moss | J. H. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rutherford | Sandifer | Sellers |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Vick | Weeks |
| White | Whitmire | Williams |
| A. D. Young |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Crawford |
| Delleney | Duncan | Erickson |
| Frye | Haley | Hamilton |
| Hiott | Horne | Huggins |
| Kennedy | Kirsh | Limehouse |
| Littlejohn | Long | Lowe |
| Lucas | Merrill | Millwood |
| D. C. Moss | Nanney | J. M. Neal |
| E. H. Pitts | Rice | Scott |
| Simrill | G. R. Smith | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Willis |
| T. R. Young |  |  |

**Total--37**

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

**VETO 16-- RECONSIDERED AND OVERRIDDEN**

Veto 16. Part IB; Section 49.1; Page 390; Department of Public Safety; Special Events Traffic Control.

The motion of Rep. LIMEHOUSE to reconsider the vote whereby Veto No. 16 was sustained was taken up.

Rep. BALLENTINE spoke against the motion to reconsider.

Rep. SKELTON spoke in favor of the motion to reconsider.

Rep. CLEMMONS spoke in favor of the motion to reconsider.

Rep. JENNINGS spoke in favor of the motion to reconsider.

Rep. RUTHERFORD spoke in favor of the motion to reconsider.

Rep. CRAWFORD spoke against the motion to reconsider.

Rep. M. A. PITTS spoke against the motion to reconsider.

The question then recurred to the motion to reconsider.

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

Yeas 87; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Clemmons | Cobb-Hunter | Cooper |
| Delleney | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Gunn | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Knight | Limehouse | Littlejohn |
| Loftis | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | Rutherford | Sandifer |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | A. D. Young |

**Total--87**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Ballentine | Bedingfield |
| Crawford | Daning | Duncan |
| Frye | Haley | Hamilton |
| Hearn | Kirsh | Long |
| Millwood | Nanney | E. H. Pitts |
| M. A. Pitts | Rice | Scott |
| Simrill | G. R. Smith | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Willis |
| T. R. Young |  |  |

**Total--28**

So, the motion to reconsider was agreed to.

The question was put, shall the Item 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 88; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Clemmons | Cobb-Hunter | Cooper |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gilliard | Govan | Gullick |
| Gunn | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | Knight | Limehouse |
| Littlejohn | Loftis | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | Rutherford | Sandifer |
| Sellers | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| A. D. Young |  |  |

**Total--88**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Ballentine | Bedingfield |
| Crawford | Daning | Duncan |
| Frye | Haley | Hamilton |
| King | Kirsh | Long |
| Millwood | Nanney | E. H. Pitts |
| M. A. Pitts | Rice | Scott |
| Simrill | G. R. Smith | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Viers | Willis |
| T. R. Young |  |  |

**Total--28**

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

**VETO 30-- SUSTAINED**

Veto 30. Part IB; Section 67.1; Page 407; Employment Security Commission; Salary Level.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 8; Nays 100

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | H. B. Brown | Hodges |
| Mack | McLeod | J. H. Neal |
| Rutherford | Vick |  |

**Total--8**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | McEachern | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| E. H. Pitts | M. A. Pitts | Rice |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stewart |
| Thompson | Toole | Umphlett |
| Viers | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--100**

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

**VETO 31-- SUSTAINED**

Veto 31. Part IB; Section 72.23; Page 418-419; Governor’s Office; OEPP Administration of Cabinet Agencies.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 5; Nays 101

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | Hayes | Hodges |
| Rutherford | Vick |  |

**Total--5**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Knight | Littlejohn | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | 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 |
| Viers | Weeks | Whipper |
| White | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--101**

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

**VETO 30-- MOTION TO RECONSIDER TABLED**

Veto 30. Part IB; Section 67.1; Page 407; Employment Security Commission; Salary Level.

The motion of Rep. HOWARD to reconsider the vote whereby Veto No. 30 was sustained was taken up.

Rep. COOPER spoke against the motion to reconsider.

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

**VETO 32-- SUSTAINED**

Veto 32. Part IB; Section 80A.7; Page 427-428; Budget and Control Board; Compensation – Agency Head Salary.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 72; Nays 47

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Brady |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Cooper | Edge | Forrester |
| Gambrell | Gilliard | Gullick |
| Hardwick | Harrell | Harrison |
| Harvin | Hayes | Herbkersman |
| Hiott | Hodges | Hosey |
| Huggins | Hutto | Jennings |
| Kelly | King | Knight |
| Limehouse | Littlejohn | Loftis |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. M. Neal | Neilson | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Sandifer | Sellers |
| Skelton | D. C. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Umphlett | Weeks | Whipper |
| White | Williams | A. D. Young |

**Total--72**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Bowers |
| H. B. Brown | Clemmons | Cobb-Hunter |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Erickson |
| Frye | Funderburk | Govan |
| Gunn | Haley | Hamilton |
| Hart | Hearn | Horne |
| Howard | Jefferson | Kennedy |
| Kirsh | Long | Lowe |
| Millwood | Nanney | J. H. Neal |
| Ott | E. H. Pitts | Rice |
| Rutherford | Scott | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Stewart | Stringer | Thompson |
| Vick | Viers | Whitmire |
| Willis | T. R. Young |  |

**Total--47**

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

**VETO 33-- OVERRIDDEN**

Veto 33. Part IB; Section 80A.25; Page 430; Budget and Control Board; Lawsuit Funding.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 83; Nays 34

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cooper | Daning | Delleney |
| Edge | Erickson | Forrester |
| Gambrell | Gilliard | Gullick |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Hiott | Hodges |
| Horne | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Lucas | McEachern | Merrill |
| Miller | D. C. Moss | V. S. Moss |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rutherford | Sandifer | Sellers |
| Skelton | D. C. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Toole |
| Umphlett | Vick | Whipper |
| White | Whitmire | Williams |
| Willis | T. R. Young |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Ballentine | Bedingfield |
| R. L. Brown | Cobb-Hunter | Crawford |
| Dillard | Duncan | Frye |
| Funderburk | Govan | Gunn |
| Haley | Hart | Hosey |
| Howard | Kennedy | Long |
| Lowe | Mack | McLeod |
| Millwood | Mitchell | Nanney |
| J. H. Neal | Rice | Scott |
| Simrill | G. M. Smith | Stewart |
| Stringer | Thompson | Viers |
| Weeks |  |  |

**Total--34**

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

**VETO 34-- SUSTAINED**

Veto 34. Part IB; Section 80A.27; Page 430; Budget and Control Board; Competitive Grants.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 2; Nays 110

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | H. B. Brown |  |

**Total--2**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Hiott | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| 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 | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | 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 |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--110**

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

**VETO 35-- SUSTAINED**

Veto 35. Part IB; Section 22.39; Page 354; Department of Health and Environmental Control; Competitive Grants.

The question was put, shall the Item 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 7; Nays 99

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | H. B. Brown | Hodges |
| King | Mack | J. H. Neal |
| Rutherford |  |  |

**Total--7**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Ballentine | Bannister |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cooper | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Huggins |
| Jefferson | Jennings | Kelly |
| Kirsh | Knight | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | Rice | 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 | Viers | Weeks |
| Whipper | White | Williams |
| Willis | A. D. Young | T. R. Young |

**Total--99**

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

**VETO 36-- SUSTAINED**

Veto 36. Part IB; Section 39.3; Page 373; Department of Parks, Recreation and Tourism; Competitive Grants.

The question was put, shall the Item 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 100

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | H. B. Brown | Jefferson |
| Williams |  |  |

**Total--4**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Hosey | Huggins | Hutto |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | Nanney | J. H. Neal |
| J. M. Neal | Ott | Owens |
| Parker | Parks | Pinson |
| E. H. Pitts | Rice | Scott |
| Sellers | Simrill | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| Weeks | Whipper | White |
| Whitmire | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--100**

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

**VETO 37-- SUSTAINED**

Veto 37. Part IB; Section 40.20; Page 377; Department of Commerce; Competitive Grants.

The question was put, shall the Item 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 5; Nays 99

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | H. B. Brown | Jefferson |
| Rutherford | Williams |  |

**Total--5**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Gullick |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Herbkersman |
| Hiott | Horne | Hosey |
| Howard | Huggins | Hutto |
| 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. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | Rice |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Viers |
| Weeks | White | Whitmire |
| Willis | A. D. Young | T. R. Young |

**Total--99**

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

**VETO 38-- OVERRIDDEN**

Veto 38. Part IB; Section 86.6; Page 442; Aid to Subdivisions, State Treasurer; Legislative Delegations.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 87; Nays 32

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Chalk |
| Clemmons | Cobb-Hunter | Cooper |
| Edge | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Littlejohn |
| Loftis | Long | Mack |
| McEachern | Merrill | Miller |
| Mitchell | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | Rutherford | Sandifer |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. R. Smith |
| Sottile | Spires | Thompson |
| Toole | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | A. D. Young |

**Total--87**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Cato |
| Cole | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Erickson | Gullick | Haley |
| Hamilton | Horne | Limehouse |
| Lowe | Lucas | McLeod |
| Millwood | D. C. Moss | Nanney |
| E. H. Pitts | Rice | Scott |
| G. R. Smith | J. E. Smith | Stavrinakis |
| Stewart | Stringer | Viers |
| Willis | T. R. Young |  |

**Total--32**

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

**VETO 39-- OVERRIDDEN**

Veto 39. Part IB; Section 89.96; Page 468-469; General Provisions; Flexibility.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 112; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | 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 | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rice | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--112**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

When the South Caroline House of Representatives took up Veto No. 39, I was out of the Chamber discussing an issue with the Department of Revenue on behalf of a constituent. I did not make it back into the Chamber before the roll call vote was cut short, thus missing the vote. For the record, I would have voted to sustain the Governor’s Veto No. 39.

Rep. Jeff Duncan

RECORD FOR VOTING

Due to personal reasons, I was unable to return to my desk prior to the end of the roll call vote, which was cut short. Had I been present, I would have voted to override the Governor’s Veto No. 39.

Rep. Jerry Govan, Jr.

**VETO 27--RECONSIDERED AND OVERRIDDEN**

Veto 27. Part IB; Section 49A.5(B); Page 392; Capitol Police Force; Dispositions if agency not established - Amending Part IB; Section 89.89; General Provisions; Lt. Governor Security Detail.

The motion of Rep. VIERS to reconsider the vote whereby Veto No. 27 was sustained was taken up and agreed to.

Rep. VIERS spoke in favor of the Veto.

Rep. GILLIARD spoke upon the Veto.

Rep. J. E. SMITH spoke upon the Veto.

Rep. G. A. BROWN spoke upon the Veto.

The question was put, shall the Item 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 85; Nays 29

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Clemmons | Cobb-Hunter |
| Cooper | Crawford | Delleney |
| Dillard | Forrester | Funderburk |
| Gambrell | Gilliard | Gullick |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Herbkersman | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Mack |
| McEachern | McLeod | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parker | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Toole | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young |  |  |

**Total--85**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Bedingfield |
| Cato | Cole | Daning |
| Duncan | Edge | Erickson |
| Frye | Haley | Hamilton |
| Kirsh | Lowe | Lucas |
| Merrill | Millwood | Nanney |
| E. H. Pitts | Rice | Scott |
| G. M. Smith | G. R. Smith | Stewart |
| Stringer | Thompson | Umphlett |
| Viers | T. R. Young |  |

**Total--29**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on the reconsideration of Veto No. 27 of H. 3560, the General Appropriation Bill. If I had been present, I would have voted to sustain the Governor’s Veto No. 27.

Rep. Nathan Ballentine

**VETO 40-- OVERRIDDEN**

Veto 40. Part IB; Section 89.118; Part 471-472; General Provisions; ARRA Oversight.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 97; Nays 17

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Cato | Clemmons | Cobb-Hunter |
| Cole | Cooper | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rutherford | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Bedingfield | Crawford |
| Daning | Duncan | Frye |
| Kennedy | Long | Lowe |
| Millwood | Nanney | Rice |
| Scott | G. R. Smith | Stewart |
| Stringer | Thompson |  |

**Total--17**

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

**VETO 41-- OVERRIDDEN**

Veto 41. Part IB; Section 89.136; Page 474; General Provisions; Economic Activity Web-Based Applications.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 84; Nays 34

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cooper |
| Daning | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Hamilton | Hardwick |
| Harrell | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Mack |
| McEachern | McLeod | Miller |
| Mitchell | V. S. Moss | J. H. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rutherford | Sandifer |
| Sellers | Skelton | D. C. Smith |
| J. R. Smith | Sottile | Spires |
| Toole | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | A. D. Young | T. R. Young |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Cobb-Hunter |
| Cole | Crawford | Delleney |
| Duncan | Frye | Gunn |
| Haley | Hart | Horne |
| Huggins | Kirsh | Lowe |
| Lucas | Merrill | Millwood |
| D. C. Moss | Nanney | E. H. Pitts |
| Rice | Scott | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Stavrinakis | Stewart | Stringer |
| Thompson | Viers | Williams |
| Willis |  |  |

**Total--34**

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

**VETO 42-- SUSTAINED**

Veto 42. Part IB; Section 89.137; Page 474-475; General Provisions; South Carolina Research Authority Officers.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 3; Nays 107

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | H. B. Brown | Hayes |

**Total--3**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Hart | Harvin | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| E. H. Pitts | M. A. Pitts | Rice |
| 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 | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--107**

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

**VETO 43-- OVERRIDDEN**

Veto 43. Part IB; Section 90.15; Page 479; Statewide Revenue; State Budget Stabilization Fund.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 97; Nays 18

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Gullick | Gunn |
| Hardwick | Harrell | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Toole | Umphlett | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| T. R. Young |  |  |

**Total--97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Duncan |
| Erickson | Frye | Haley |
| Hamilton | Huggins | Lowe |
| Millwood | Nanney | E. H. Pitts |
| Rice | G. R. Smith | Stewart |
| Stringer | Thompson | Viers |

**Total--18**

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

**VETO 44-- OVERRIDDEN**

Veto 44. Part IB; Section 90.16; Page 480; Statewide Revenue; ARRA Fund Authorization.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 98; Nays 18

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Hardwick |
| Harrell | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Toole |
| Umphlett | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | T. R. Young |  |

**Total--98**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Crawford |
| Duncan | Frye | Haley |
| Hamilton | Huggins | Lowe |
| Millwood | Nanney | E. H. Pitts |
| Rice | G. R. Smith | Stewart |
| Stringer | Thompson | Viers |

**Total--18**

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

STATEMENT FOR THE JOURNAL

I voted to override Veto No. 43 and Veto No. 44 because I support accessing the stimulus funds and putting them to use in the State Budget after the General Assembly passes a budget that prioritizes core functions of state government such as education and law enforcement and pays down some portion of debt.

Rep. Tom Young

**VETO 32-- RECONSIDERED AND OVERRIDDEN**

Veto 32. Part IB; Section 80A.7; Page 427-428; Budget and Control Board; Compensation – Agency Head Salary.

The motion of Rep. CLEMMONS to reconsider the vote whereby Veto No. 32 was sustained was taken up and agreed to.

Rep. COOPER spoke against the Veto.

The question was put, shall the Item 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 86; Nays 33

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cooper | Delleney | Dillard |
| Edge | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Herbkersman | Hiott |
| Hodges | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | Knight |
| Littlejohn | Loftis | Lucas |
| Mack | McEachern | McLeod |
| Miller | Mitchell | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rutherford | Sandifer | Sellers |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Thompson | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Willis | A. D. Young |  |

**Total--86**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Cobb-Hunter |
| Crawford | Daning | Duncan |
| Erickson | Gullick | Gunn |
| Haley | Hamilton | Horne |
| Kennedy | King | Kirsh |
| Limehouse | Long | Lowe |
| Merrill | Millwood | D. C. Moss |
| Nanney | E. H. Pitts | Rice |
| Scott | Simrill | G. M. Smith |
| J. E. Smith | Stewart | Stringer |
| Viers | Williams | T. R. Young |

**Total--33**

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

**VETO 45-- OVERRIDDEN**

Veto 45. Part IB; Section 90.19; Page 480-481; Statewide Revenue; Nonrecurring Revenue.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 100; Nays 16

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Gunn | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Crawford |
| Duncan | Haley | Hamilton |
| Huggins | Millwood | Nanney |
| E. H. Pitts | Rice | Scott |
| Stewart | Stringer | Thompson |
| Viers |  |  |

**Total--16**

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

STATEMENT FOR THE JOURNAL

I voted to override Veto No. 45 because the House leadership advised the body that this money is going to local government and if the veto is not overridden, then local government will be forced to raise taxes back home.

Rep. Tom Young

**VETO 46-- OVERRIDDEN**

Veto 46. Part IB; Section 90.13; Page 477; Statewide Revenue; Health and Human Services FMAP Funding; Item X; MUSC Transplant Services; $100,000.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 109; Nays 10

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Bingham |
| Bowen | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | 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 |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Parks | Pinson | E. H. Pitts |
| M. A. Pitts | Rutherford | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--109**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Duncan |
| Frye | Haley | Millwood |
| Nanney | Rice | G. R. Smith |
| Viers |  |  |

**Total--10**

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

**VETO 47-- OVERRIDDEN**

Veto 47. Part IB; Section 90.13; Page 478; Statewide Revenue; Health and Human Services FMAP Funding; Item BB; MUSC Rural Dentist Program; $250,000.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 109; Nays 9

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | 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 | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--109**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Duncan | Frye |
| Gullick | Millwood | Nanney |
| Rice | G. R. Smith | Stewart |

**Total--9**

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

**VETO 24-- RECONSIDERED AND OVERRIDDEN**

Veto 24. Part IB; Section 68A.13; Page 409-410; Department of Transportation; Shop Road Farmers Market Bypass Carry Forward.

The motion of Rep. HARRISON to reconsider the vote whereby Veto No. 24 was sustained was taken up and agreed to, by a division vote of 67 to 35.

Rep. HARRISON spoke against the Veto.

Rep. BALES spoke against the Veto.

The question was put, shall the Item 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 85; Nays 30

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Bannister |
| Barfield | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Chalk | Clemmons | Cobb-Hunter |
| Cooper | Daning | Delleney |
| Dillard | Edge | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Knight | Littlejohn |
| Loftis | Long | Mack |
| McEachern | McLeod | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams |  |  |

**Total--85**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Bingham | Cato | Crawford |
| Duncan | Erickson | Forrester |
| Frye | Haley | Hamilton |
| Hiott | Horne | Huggins |
| Limehouse | Lowe | Lucas |
| Merrill | Millwood | Nanney |
| E. H. Pitts | Rice | G. M. Smith |
| Stringer | Thompson | Toole |
| Viers | Willis | T. R. Young |

**Total--30**

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

**VETO 48-- OVERRIDDEN**

Veto 48. Part IB; Proviso 90.13; Page 478; Statewide Revenue; Health and Human Services FMAP Funding; Item R; Rural Hospital Equipment and Facilities; $2,000,000.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 96; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Edge |
| Erickson | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Kirsh |
| Knight | Littlejohn | Loftis |
| Long | Lowe | Mack |
| McEachern | McLeod | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rutherford |
| Sandifer | Sellers | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Umphlett | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | A. D. Young | T. R. Young |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Duncan |
| Forrester | Frye | Haley |
| Hamilton | Limehouse | Lucas |
| Merrill | Millwood | Nanney |
| E. H. Pitts | Rice | Scott |
| Simrill | G. R. Smith | Stewart |
| Toole | Viers |  |

**Total--20**

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

**VETO 49-- OVERRIDDEN**

Veto 49. Part IB; Section 90.13; Page 478; Statewide Revenue; Health and Human Services FMAP Funding; Item S; USC Rural Health Clinics; $3,000,000.

Rep. COOPER explained the Veto.

The question was put, shall the Item 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 99; Nays 16

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Barfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Dillard | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Gunn | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Knight |
| Littlejohn | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | E. H. Pitts | M. A. Pitts |
| Rutherford | Sandifer | Scott |
| Sellers | Skelton | D. C. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | A. D. Young | T. R. Young |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Delleney |
| Duncan | Frye | Haley |
| Hamilton | Merrill | Millwood |
| Nanney | Rice | Simrill |
| G. M. Smith | G. R. Smith | Stewart |
| Viers |  |  |

**Total--16**

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

**VETO 10-- RECONSIDERED AND OVERRIDDEN**

Veto 10. Part IB; Section 39.4; Page 373-374; Parks, Recreation and Tourism; State Park Privatization Approval.

The question recurred to the motion to reconsider the vote whereby Veto No. 10 was sustained, which was agreed to.

The question was put, shall the Item 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 89; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bannister | Barfield | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Delleney | Dillard |
| Edge | Erickson | Funderburk |
| Gambrell | Gilliard | Govan |
| Gullick | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Herbkersman | Hodges |
| Horne | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Knight | Littlejohn | Loftis |
| Lucas | Mack | McEachern |
| McLeod | Miller | Mitchell |
| D. C. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rutherford | Sandifer |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Umphlett | Vick |
| Weeks | Whipper | White |
| Williams | A. D. Young |  |

**Total--89**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Bedingfield | Bingham |
| Crawford | Daning | Duncan |
| Forrester | Frye | Haley |
| Huggins | Kirsh | Limehouse |
| Long | Lowe | Millwood |
| V. S. Moss | Nanney | E. H. Pitts |
| Rice | Scott | G. R. Smith |
| Stewart | Stringer | Thompson |
| Toole | Viers | Willis |
| T. R. Young |  |  |

**Total--28**

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

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2009

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 H. 3022:

H. 3022 -- Reps. Kirsh, Wylie, G. M. Smith, Weeks and Mitchell: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT OF THE CHARGE, SO AS TO SPECIFICALLY INCLUDE THAT A CIRCUIT SOLICITOR'S OFFICE OR CLERK OF COURT MAY NOT CHARGE A FEE FOR THE DESTRUCTION OR EXPUNGEMENT OF RECORDS OR FOR THE APPLICATION PROCESS REGARDING THE DESTRUCTION OR EXPUNGEMENT OF RECORDS UNDER CERTAIN CIRCUMSTANCES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

Columbia, S.C., May 20, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to S. 593:

S. 593 -- Senator S. Martin: A BILL TO AMEND SECTION 16-23-430 OF THE 1976 CODE, RELATING TO THE CARRYING OF WEAPONS ON SCHOOL PROPERTY, TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AUTHORIZED TO CARRY A CONCEALED WEAPON WHEN THE WEAPON IS INSIDE A MOTOR VEHICLE.

Very respectfully,

President

**S. 593--HOUSE RECEDES FROM ITS AMENDMENTS**

On motion of Rep. M. A. PITTS, the House receded from its amendments, and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2009

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 H. 3762:

H. 3762 -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, D. C. Moss, Parker, Stringer, Vick, Hodges and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77, CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "OUR FARMS-OUR FUTURE" SPECIAL LICENSE PLATES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2009

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 H. 3615:

H. 3615 -- Reps. Sandifer, Parks, King and Weeks: A BILL TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40-19-290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS RECEIVING PAYMENTS FOR PRENEED FUNERAL CONTRACTS, SO AS TO CHANGE "STATE BOARD OF FINANCIAL INSTITUTIONS" TO "SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS".

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators O'Dell, Mulvaney and McGill of the Committee of Conference on the part of the Senate on:

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2009

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. 774:

S. 774 -- Senator Reese: A BILL TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SPARTANBURG COUNTY AND 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.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**S. 116--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., May 20, 2009

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to S. 116:

S. 116 -- Senators Knotts and McConnell: A BILL TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

Very respectfully,

President

On motion of Rep. COOPER, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. TOOLE, WHITE and NEILSON to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**S. 453--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate returned to the House with amendments the following:

S. 453 -- Senators Verdin and Ford: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

Rep. DUNCAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 4

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Cato | Chalk | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gullick |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | 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. M. Neal | Neilson | 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. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--106**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | J. H. Neal | Stewart |
| Whipper |  |  |

**Total--4**

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

**REPORT OF STANDING COMMITTEE**

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

H. 4082 -- Reps. Bales, J. H. Neal, Ballentine, Brady, Gunn, Harrison, Hart, Howard, McEachern, Rutherford and J. E. Smith: A CONCURRENT RESOLUTION TO ENCOURAGE THE RICHLAND COUNTY COUNCIL BY ORDINANCE TO POSTPONE FOR ONE ADDITIONAL YEAR A COUNTYWIDE PROPERTY TAX EQUALIZATION AND REASSESSMENT PROGRAM OTHERWISE SCHEDULED FOR IMPLEMENTATION BEGINNING FOR PROPERTY TAX YEAR 2009.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4097 -- Reps. Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, 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, Gullick, 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, 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 ALAN B. DAVIS OF IRMO UPON BEING CHOSEN THE 2009 ASSOCIATION EXECUTIVE OF THE YEAR BY THE SOUTH CAROLINA SOCIETY OF ASSOCIATION EXECUTIVES.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4098 -- Rep. Allen: A HOUSE RESOLUTION TO HONOR DR. TONEY C. PARKS, PASTOR OF MT. SINAI MISSIONARY BAPTIST CHURCH IN GREENVILLE, FOR HIS EIGHTEEN YEARS OF MINISTRY AT MT. SINAI, TO CONGRATULATE HIM AND THE MEMBERS OF MT. SINAI UPON THE DEDICATION OF THEIR NEW MULTI-PURPOSE SANCTUARY AND EDUCATION FACILITY, AND TO WISH HE AND HIS CHURCH GOD'S RICHEST BLESSINGS AS THEY CONTINUE TO SERVE THE LORD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4099 -- Rep. Allen: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR RICKY PULLEY, JR., OF GREENVILLE COUNTY FOR HIS LEADERSHIP ROLE AS CAPTAIN ON THE SOUTHSIDE HIGH SCHOOL FORENSICS TEAM, AND TO CONGRATULATE HIM FOR HIS OUTSTANDING SUCCESS IN BEING NAMED THE 2009 SOUTH CAROLINA NATIONAL FORENSICS LEAGUE STUDENT OF THE YEAR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4100 -- Rep. Allen: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE SOUTHSIDE HIGH SCHOOL FORENSICS TEAM OF GREENVILLE COUNTY FOR A SUCCESSFUL SEASON, AND TO CONGRATULATE THE TEAM MEMBERS AND COACH ERICKSON BYNUM FOR THEIR SUPERB SUCCESS IN CAPTURING THE 2009 SOUTH CAROLINA NATIONAL FORENSICS LEAGUE STATE CHAMPIONSHIP TROPHY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4101 -- Rep. Allen: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR ESTHER SILVER-PARKER FOR HER ADVOCACY OF DIVERSITY, AND TO WELCOME HER TO THE PALMETTO STATE TO ADDRESS THE FIRST LADIES OF GOD CONFERENCE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4102 -- Reps. Harvin, G. M. Smith, Weeks and Miller: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR RAY E. CHANDLER, GENERAL COUNSEL TO THE SOUTH CAROLINA STATE FIREFIGHTERS ASSOCIATION, UPON THE OCCASION OF HIS RETIREMENT, TO THANK HIM FOR HIS MANY YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4103 -- Reps. McEachern, 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, Gullick, 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, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, 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 EDDIE L. JONES OF COLUMBIA UPON THE OCCASION OF HIS INDUCTION INTO THE SOUTH CAROLINA COSMETOLOGY HALL OF FAME ON APRIL 6, 2009.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4104 -- Reps. Barfield, Clemmons, 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, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, 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, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR NILA HUTCHINSON OF HORRY COUNTY FOR HER COUNTLESS CONTRIBUTIONS TO COASTAL CAROLINA UNIVERSITY, HER COMMUNITY, AND TO THIS STATE, AND TO WISH HER

HEALTH AND HAPPINESS UPON HER RETIREMENT FROM COASTAL CAROLINA UNIVERSITY.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4105 -- Rep. J. H. Neal: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES CABIN CREEK ALONG CLARKSON ROAD IN RICHLAND COUNTY THE "CANDACY-DARCEL SANDERS CROSSING BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "CANDACY-DARCEL SANDERS CROSSING BRIDGE".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4106 -- Reps. Jennings, 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, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, 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, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOSEPH PLEDGER HODGES OF MARLBORO COUNTY UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA PROBATION, PAROLE AND PARDON SERVICES BOARD, TO COMMEND HIM FOR HIS MANY YEARS OF PUBLIC SERVICE, AND TO OFFER HIM BEST WISHES FOR THE FUTURE.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 829 -- Senators Matthews, Grooms and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE THE CRITICAL IMPORTANCE OF THE GLOBAL LOGISTICS TRIANGLE IN ORANGEBURG COUNTY TO THE SUCCESS AND WELL-BEING OF THE CITIZENS OF OUR STATE AND AS A COMPONENT OF THE GLOBAL LOGISTICS CORRIDOR BEGINNING AT THE PORT OF CHARLESTON AND TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT THIS VITAL COMPONENT OF OUR STATE'S ECONOMIC SYSTEM SHOULD BE DEVELOPED TO ITS FULL POTENTIAL.

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. 865 -- Senator Scott: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE RIDGEWOOD FOUNDATION FOR ITS DEDICATED COMMUNITY SERVICE, AND TO HONOR AND CONGRATULATE THE FOUNDATION'S TOUR COORDINATOR, DR. EZELL PITTMAN, UPON THE OCCASION OF HIS RETIREMENT.

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

**INTRODUCTION OF BILLS**

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

H. 4107 -- Reps. White and Bowen: A JOINT RESOLUTION TO REQUIRE ALL ROAD IMPROVEMENTS NECESSITATED BY SCHOOL CONSTRUCTION PROJECTS IN ANDERSON COUNTY SCHOOL DISTRICT FIVE FUNDED BY THE DISTRICT'S APRIL 2007 ONE HUNDRED FORTY MILLION DOLLAR BOND ISSUE REFERENDUM TO BE PAID FOR SOLELY FROM PROCEEDS OF THAT BOND ISSUE.

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

H. 4108 -- Rep. Gunn: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING SECTION 1B IN ARTICLE III SO AS TO ESTABLISH A SPECIFIED PROCEDURE FOR THE ENACTMENT OR REPEAL OF LAWS BY INITIATIVE PETITION AND REFERENDUM AND TO PROVIDE EXCEPTIONS; AND BY ADDING SECTION 4 IN ARTICLE XVI SO AS TO REQUIRE THE GENERAL ASSEMBLY BY LAW TO PROVIDE A PROCEDURE WHEREBY AMENDMENTS TO THIS CONSTITUTION MAY BE PROPOSED BY AN INITIATIVE PETITION SIGNED BY THE QUALIFIED ELECTORS OF THIS STATE AND ENACTED BY REFERENDUM; TO PROVIDE THE NUMBER OF SIGNATURES REQUIRED AND THE TIME PERIOD OVER WHICH THE SIGNATURES MUST BE COLLECTED; TO REQUIRE IN AN INITIATIVE THE AMOUNT AND SOURCE OF REVENUE FOR IMPLEMENTATION; TO PROVIDE THOSE MATTERS WHICH MAY NOT BE THE SUBJECT OF AN INITIATIVE PETITION; TO REQUIRE A CERTIFIED INITIATIVE TO BE FILED WITH EACH BRANCH OF THE GENERAL ASSEMBLY, WHICH BY MAJORITY VOTE MAY ADOPT, AMEND, OR REJECT THE INITIATIVE, WHICH THEN GOES ON THE BALLOT TOGETHER WITH ANY ALTERNATIVE PROPOSAL BY THE GENERAL ASSEMBLY; TO PROVIDE THAT THE INITIATIVE GOES ON THE BALLOT IF THE GENERAL ASSEMBLY TAKES NO ACTION WITHIN FOUR MONTHS OF FILING; TO PROVIDE THE FORMAT FOR SUBMITTING THE INITIATIVE AND ANY ALTERNATIVE TO THE QUALIFIED ELECTORS, THE MAJORITY REQUIRED, AND THE MEANS OF DEALING WITH CONFLICTING INITIATIVES OR ALTERNATIVES; TO LIMIT INITIATIVES SUBMITTED AT ONE ELECTION TO FIVE; TO PROVIDE THAT AN INITIATIVE APPROVED BY THE QUALIFIED ELECTOR TAKES EFFECT THIRTY DAYS AFTER THE VOTE IS CERTIFIED UNLESS THE INITIATIVE PROVIDES OTHERWISE; AND TO PROVIDE THAT THE LAW IMPLEMENTING THIS SECTION, ONCE ENACTED, MAY NOT BE AMENDED OR REPEALED EXCEPT BY AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE MEMBERS OF EACH BRANCH OF THE GENERAL ASSEMBLY BUT NOT LESS THAN THREE-FIFTHS OF THE TOTAL MEMBERSHIP IN EACH BRANCH.

Referred to Committee on Judiciary

H. 4109 -- Reps. McLeod, Herbkersman and Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 57-3-45 AND 57-3-55 SO AS TO ESTABLISH THE DIVISION OF RAILROAD TRANSPORTATION AS A COMPONENT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PROVIDE FOR ITS FUNCTIONS AND TO REQUIRE RAILROADS AND RAILWAYS ANNUALLY TO REPORT TO THIS DIVISION THEIR ACTIVE, INACTIVE, TO BE ABANDONED, AND ABANDONED RAIL LINES; TO AMEND SECTION 57-3-10, RELATING TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION, SO AS TO ESTABLISH A DIVISION OF RAILROAD TRANSPORTATION AND MAKE A TECHNICAL CHANGE; TO AMEND SECTION 57-3-20, RELATING TO THE DUTIES OF THE DEPARTMENT OF TRANSPORTATION'S DIVISION DEPUTY DIRECTORS, SO AS TO DELETE THE TERM "MASS TRANSIT" AND REPLACE IT WITH THE TERM "PUBLIC TRANSIT", AND TO PROVIDE THE RESPONSIBILITIES OF THE DIVISION DEPUTY DIRECTOR FOR RAILROAD TRANSPORTATION; AND TO AMEND SECTION 57-3-40, RELATING TO THE DEPARTMENT OF TRANSPORTATION DIVISION OF MASS TRANSIT'S POWERS AND DUTIES, SO AS TO DELETE THE TERM "MASS TRANSIT" AND REPLACE IT WITH THE TERM "PUBLIC TRANSIT", AND TO CONFORM THIS PROVISION TO REFLECT THE ESTABLISHMENT OF THE DIVISION OF RAILROAD TRANSPORTATION WITHIN THE DEPARTMENT OF TRANSPORTATION.

Referred to Committee on Education and Public Works

H. 4110 -- Reps. Harrison, Owens, Govan, Miller, Anderson, Weeks, D. C. Moss and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 19-1-75 SO AS TO PROVIDE THAT A CRIMINAL CONVICTION OF A TRANSPORTATION EMPLOYEE OR INDEPENDENT CONTRACTOR IS NOT ADMISSIBLE IN A CIVIL ACTION AGAINST A TRANSPORTATION COMPANY UNDER CERTAIN CIRCUMSTANCES, TO DEFINE THE TERMS "MINOR TRAFFIC VIOLATION" AND "TRANSPORTATION COMPANY", AND TO PROVIDE EXCEPTIONS.

Referred to Committee on Judiciary

H. 4111 -- Rep. King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-53-35 SO AS TO PROVIDE THAT A SURETY IS NOT LIABLE FOR A BAIL BOND AFTER THREE YEARS FROM THE DATE IT IS ISSUED.

Referred to Committee on Judiciary

H. 4112 -- Reps. Kelly, G. R. Smith, Parker, Hiott, Nanney, Sellers, Duncan, Agnew, Hutto, Allen, Bannister, Barfield, Bedingfield, H. B. Brown, Clemmons, Forrester, Gambrell, Hardwick, Hayes, Herbkersman, Jennings, Littlejohn, Mitchell, D. C. Moss, V. S. Moss and M. A. Pitts: A BILL TO AMEND SECTION 23-31-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIST OF PERSONS WHO POSSESS A CONCEALED WEAPONS PERMIT AND MAY CARRY A CONCEALED WEAPON ANYWHERE IN THIS STATE, SO AS TO ADD ACTIVE MEMBERS OF THE GENERAL ASSEMBLY, ACTIVE PUBLIC DEFENDERS AND ASSISTANT PUBLIC DEFENDERS, AND ACTIVE CLERKS OF COURT AND DEPUTY CLERKS OF COURT TO THIS LIST.

Referred to Committee on Judiciary

Rep. J. M. NEAL 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. 4081 -- Reps. Allen, Dillard, Agnew, Alexander, 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, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, 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, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE REVEREND FLORA JOHNSON WINESTOCK OF GREENVILLE COUNTY AND TO CONGRATULATE HER FOR HER SERVICE AS PRESIDENT OF THE BAPTIST MINISTERS FELLOWSHIP OF GREENVILLE AND VICINITY.

H. 4084 -- Reps. Barfield, Clemmons, Hearn, 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, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, 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, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR EDWARD M. "DICK" SINGLETON, COASTAL CAROLINA UNIVERSITY CHANCELLOR EMERITUS, FOR HIS MANY YEARS OF SERVICE AND DEDICATION TO HIS BELOVED UNIVERSITY.

**ADJOURNMENT**

At 6:38 p.m. the House, in accordance with the motion of Rep. HART, adjourned in memory of Harriet Gardin Fields of Columbia, to meet at 10:00 a.m. tomorrow.

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