~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Psalm 31:5: “Into your hands I commit my spirit, redeem me, O Lord, the God of truth.”

Let us pray. Almighty God, commit to these Representatives the ability to discern the important items that need to be debated and acted upon. We trust ourselves to Your everlasting care in guiding the agenda for the good of Your people. Bless each in doing the work they have been called to do. Look in favor upon our Nation, State, and her leaders. 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 Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. HARRISON moved that when the House adjourns, it adjourn in memory of Thomas S. Linton, Sr., of Columbia, former Director of Legislative Council, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of former Director of Legislative Council Thomas S. Linton, Sr.

**SILENT PRAYER**

The House stood in silent prayer for the family of Representative Bowen in the death of his mother.

**REGULATION RESUBMITTED**

Document No. 4077

Agency: Alcoholic Beverages, Beer and Wine

Statutory Authority: 1976 Code Sections 12-4-320 and 61-2-60

Premises

Received by Speaker of the House of Representatives

February 19, 2010

Referred to Judiciary Committee

Legislative Review Expiration June 19, 2010

**REGULATIONS WITHDRAWN AND RESUBMITTED**

Document No. 4067

Agency: South Carolina Criminal Justice Academy

Statutory Authority: 1976 Code Sections 23-23-20 et seq., and 23-47-20

Law Enforcement Officer and E-911 Officer Training & Certification

Received by Speaker of the House of Representatives

June 3, 2009

Referred to Judiciary Committee

Legislative Review Expiration May 10, 2010

Document No. 4063

Agency: Public Service Commission

Statutory Authority: 1976 Code Section 58-3-140

Workers' Compensation Insurance and Use of Leased Vehicles

Received by Speaker of the House of Representatives

January 12, 2010

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 12, 2010

**MESSAGE FROM THE SENATE**

Columbia, S.C., April 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at 1:30 p.m. on Tuesday, April 20, 2010, for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. MILLWOOD the invitation was accepted.

**MESSAGE FROM THE SENATE**

Columbia, S.C., April 15, 2010

Mr. Speaker and Members of the House of Representatives:

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

Anderson County Master-in-Equity

Term Commencing: June 30, 2010

Term Expiring: June 30, 2016

Seat: Master-in-Equity

Reappointment

The Honorable Ellis B. Drew, Jr.

Anderson County Courthouse

Post Office Box 8002

Anderson, South Carolina 29622

Respectfully,

President of the Senate

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 160, H. 3707 by a vote of 35 to 7:

(R160) H. 3707 -- Reps. T. R. Young, Cato, Cobb-Hunter, Toole, Ott, Cooper, Gambrell, Bowen, Agnew, McLeod, J. H. Neal, Gunn, Hayes, Stewart, Thompson, White, Duncan, D. C. Moss, H. B. Brown, Knight, Frye, Spires, Neilson, Vick, Hutto, Sellers and Rice: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-41-235 SO AS TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE ALL GRADES OF PETROLEUM PRODUCTS SUITABLE FOR SUBSEQUENT BLENDING WITH ETHANOL; TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE ALL GRADES OF DIESEL FUEL SUITABLE FOR BLENDING TO PRODUCE BIODIESEL OR BIODIESEL BLENDS; TO PROHIBIT THE SALE OF AN UNBLENDED PRODUCT WITHOUT NECESSARY ADDITIVES; TO PROHIBIT THE DENIAL OF A DISTRIBUTOR OR RETAILER FROM BEING THE BLENDER OF RECORD; TO REQUIRE THE UTILIZATION OF THE RENEWABLE IDENTIFICATION NUMBER SYSTEM; TO DECLARE A VIOLATION OF THIS SECTION AN UNFAIR TRADE PRACTICE AND TO PROVIDE A PENALTY; TO REQUIRE WHOLESALER PURCHASERS TO ENSURE THEIR ACTIVITIES RESULT IN PRODUCTS THAT MEET CERTAIN STANDARDS; TO PROVIDE FOR LIABILITY FOR DAMAGES ARISING FROM THE BLENDING OF GASOLINE, GASOLINE BLENDING STOCK, OR DIESEL; AND TO REQUIRE NOTICE OF THE ENTITY THAT PERFORMED THE BLENDING IN CERTAIN LOCATIONS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has overridden the Veto by the Governor on R. 170, H. 4728 by a vote of 3 to 0:

(R170) H. 4728 -- Reps. Norman, Simrill and Delleney: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

Very respectfully,

President

Received as information.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4860 -- Reps. McEachern and Neilson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND KEITH V. EUBANKS OF COLUMBIA, CHESS MASTER, FOR HIS OUTSTANDING ACCOMPLISHMENTS IN THE GAME OF CHESS AND FOR HIS MANY YEARS OF TEACHING THE GAME TO THE YOUNG PEOPLE OF THE PALMETTO STATE.

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

**INTRODUCTION OF BILLS**

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

H. 4861 -- Reps. Wylie, Stavrinakis, Norman, Bedingfield, Allison, Simrill, Hiott, Daning, Stringer, Sottile, Millwood, Hamilton, Bowen, Parker, Nanney, Frye, G. R. Smith, Hutto, Limehouse, R. L. Brown, Forrester, Gambrell, Herbkersman, Littlejohn, Loftis, Long, V. S. Moss, Rice, Sandifer, J. R. Smith and Umphlett: A BILL TO AMEND SECTION 23-3-535, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACES WHERE A SEX OFFENDER MAY RESIDE, SO AS TO EXPAND THE LIST OF OFFENSES COMMITTED BY A SEX OFFENDER THAT PRECLUDES HIM FROM RESIDING WITHIN THE PROXIMITY OF A SCHOOL, DAYCARE CENTER, RECREATIONAL FACILITY, PARK, OR PLAYGROUND.

Referred to Committee on Judiciary

H. 4864 -- Reps. Loftis, Wylie, Stringer, Daning, Gunn, Gilliard, Sottile, Erickson, Millwood, Stavrinakis, Norman, Dillard, Clyburn, Edge, Hamilton, Hardwick, Herbkersman, Horne, Hosey, Limehouse, Littlejohn, Rice, Stewart, Willis and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGISLATIVE AUDIT COUNCIL, SO AS TO DESIGNATE SECTIONS 2-15-10 THROUGH 2-15-120, CHAPTER 15, TITLE 2 AS ARTICLE 1; AND BY ADDING ARTICLE 3 TO CHAPTER 15, TITLE 2 SO AS TO ESTABLISH THE OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY AND TO PROVIDE FOR THE DUTIES AND FUNCTIONS OF THIS OFFICE.

Referred to Committee on Ways and Means

H. 4865 -- Rep. Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-674 SO AS TO DESIGNATE THE SOUTH CAROLINA PECAN FESTIVAL IN FLORENCE COUNTY AS THE OFFICIAL STATE PECAN FESTIVAL.

Referred to Committee on Invitations and Memorial Resolutions

H. 4866 -- Rep. H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-17-170 SO AS TO PROVIDE THAT AT LEAST SIXTY-FIVE PERCENT OF THE EDUCATION OPERATIONAL EXPENDITURES OF EACH SCHOOL DISTRICT MUST BE USED FOR CLASSROOM INSTRUCTIONAL EXPENDITURES, TO PROVIDE THAT EACH SCHOOL DISTRICT SHALL SUBMIT ITS PROPOSED BUDGET TO THE STATE SUPERINTENDENT OF EDUCATION WITH THE ACTUAL PERCENTAGE OF ITS EDUCATION OPERATIONAL EXPENDITURES USED FOR CLASSROOM INSTRUCTION, TO PROVIDE FOR A WAIVER, TO PROVIDE THAT THE GOVERNING BODY IN A COUNTY MAY AMEND THE FISCAL YEAR BUDGET OF A SCHOOL DISTRICT WITHIN THE COUNTY UPON A FINDING BY THE STATE SUPERINTENDENT OF EDUCATION THAT A SCHOOL DISTRICT HAS DEMONSTRATED BLATANT DISREGARD FOR THESE REQUIREMENTS, TO PROVIDE THAT THE SUPERINTENDENT OF EDUCATION SHALL DEVELOP MODEL PLANS AND THE STATE BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS TO AID IN THE IMPLEMENTATION OF THESE REQUIREMENTS, AND TO DEFINE CERTAIN TERMS.

Referred to Committee on Education and Public Works

H. 4867 -- Rep. H. B. Brown: A BILL TO AMEND SECTION 7-5-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS FOR REGISTERING TO VOTE, SO AS TO PROVIDE THAT A REGISTERED SEX OFFENDER IS DISQUALIFIED FROM REGISTERING TO VOTE.

Referred to Committee on Judiciary

H. 4868 -- Rep. H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-3-15 SO AS TO PROHIBIT A REGISTERED SEX OFFENDER FROM BEING APPOINTED TO A PUBLIC OFFICE.

Referred to Committee on Judiciary

H. 4869 -- Rep. H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-25 SO AS TO PROHIBIT A REGISTERED SEX OFFENDER FROM BEING EMPLOYED BY THE STATE.

Referred to Committee on Judiciary

S. 1065 -- Senators Hayes, Malloy, Lourie, Thomas, Sheheen, Fair and Anderson: A BILL TO AMEND SECTION 37-3-501, AS AMENDED, OF THE 1976 CODE, RELATING TO THE DEFINITION OF SUPERVISED LOAN, TO PROVIDE THAT CERTAIN CLOSED-END CREDIT TRANSACTIONS ARE NOT SUPERVISED LOANS; AND TO AMEND SECTION 37-3-503, RELATING TO A LICENSE TO MAKE SUPERVISED LOANS, TO PROVIDE THAT CERTAIN LICENSED DEFERRED PRESENTMENT PROVIDERS MAY NOT CONDUCT THE BUSINESS OF MAKING SUPERVISED LOANS, TO PROVIDE PENALTIES, AND TO PROVIDE NECESSARY DEFINITIONS.

Referred to Committee on Labor, Commerce and Industry

S. 1330 -- Senators Peeler and Land: A JOINT RESOLUTION TO PROVIDE THAT IN 2011 AND 2012, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN SUCH MANUFACTURER'S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SIX HUNDRED NINETY-NINE DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

Referred to Committee on Education and Public Works

**HOUSE RESOLUTION**

The following was introduced:

H. 4862 -- Reps. Hutto, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE FOLLY BEACH COUNCILMAN TIM GOODWIN ON THE OCCASION OF HIS RECENT ELECTION AS MAYOR OF FOLLY BEACH AND TO WISH HIM ALL THE BEST AS HE TAKES UP HIS NEW DUTIES AS MAYOR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4863 -- Rep. Rutherford: A HOUSE RESOLUTION TO RECOGNIZE BENEDICT COLLEGE FOR THE QUALITY EDUCATION IT PROVIDES TO ITS STUDENTS AND THE SERVICE IT OFFERS THE SURROUNDING COMMUNITY, CONGRATULATE THE COLLEGE UPON THE OCCASION OF ITS ONE HUNDRED FORTIETH ANNIVERSARY, AND WISH ITS STUDENTS, FACULTY, ADMINISTRATION, AND ALUMNI MUCH CONTINUED SUCCESS IN COMING YEARS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4870 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO CONGRATULATE FULLARD ISAAC OF LEE COUNTY ON THE OCCASION OF HIS NINETY-FIRST BIRTHDAY, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was taken up for immediate consideration:

S. 1370 -- Senator Cromer: A CONCURRENT RESOLUTION TO RECOGNIZE THE FORTIETH ANNIVERSARY OF EARTH DAY ON APRIL 22, 2010, AND TO CELEBRATE FORESTRY IN THE PALMETTO STATE.

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 | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | 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 |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Stringer | Toole |
| Umphlett | Weeks | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**STATEMENT OF ATTENDANCE**

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

|  |  |
| --- | --- |
| Paul Agnew | Kris Crawford |
| Wendell Gilliard | Anne Parks |
| James E. Smith | Leon Stavrinakis |
| Thad Viers | Jackson "Seth" Whipper |

**Total Present--118**

**STATEMENTS OF ATTENDANCE**

Reps. BANNISTER and JENNINGS signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Thursday, April 15.

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Melanie Thomas of Charleston was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4049 |
| Date: | ADD: |
| 04/20/10 | LOFTIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4542 |
| Date: | ADD: |
| 04/20/10 | MCLEOD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4636 |
| Date: | ADD: |
| 04/20/10 | MITCHELL and GILLIARD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4823 |
| Date: | ADD: |
| 04/20/10 | LOFTIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4840 |
| Date: | ADD: |
| 04/20/10 | BEDINGFIELD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4270 |
| Date: | ADD: |
| 04/20/10 | HUTTO |

**H. 3561--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Thursday, April 22, which was adopted:

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

**H. 3854--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, April 22, 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. 3988--DEBATE ADJOURNED**

Rep. FUNDERBURK moved to adjourn debate upon the following Bill until Wednesday, April 21, which was adopted:

H. 3988 -- Rep. Funderburk: A BILL TO AMEND SECTION 39-20-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENFORCEMENT OF A LIEN IN CONNECTION WITH A SELF-SERVICE STORAGE FACILITY, SO AS TO PROVIDE FOR ANOTHER PROCEDURE FOR ENFORCEMENT OF A LIEN AGAINST A TITLED VEHICLE.

**H. 4212--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4212 -- Reps. Jennings, Clemmons, Harrison, Kirsh, G. M. Smith, Wylie, Viers, Hart and Weeks: A BILL TO AMEND SECTION 16-17-420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF DISTURBING SCHOOLS, SO AS TO PROVIDE THAT VIOLATIONS OF THE STATUTE MUST BE TRIED IN SUMMARY COURT.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7788AHB10), which was adopted:

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

/ SECTION 1. Section 16‑17‑420 of the 1976 Code is amended to read:

“Section 16‑17‑420. (A) It ~~shall be~~ is unlawful~~:~~

~~(1)~~ ~~For any person wilfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon; or~~

~~(2)~~ ~~For any person to (a) enter upon any such school or college premises or (b) loiter around the premises, except on business, without the permission of the principal or president in charge~~ for a person who is not a student to wilfully interfere with, disrupt, or disturb the normal operations of a school or college in this State by:

(1) entering upon school or college grounds or property without the permission of the principal or president in charge;

(2) loitering upon or about school or college grounds or property, after notice is given to vacate the grounds or property and after having reasonable opportunity to vacate;

(3) initiating a physical assault on, or fighting with, another person on school or college grounds or property;

(4) being loud or boisterous on school or college grounds or property after instruction by school or college personnel to refrain from the conduct;

(5) threatening physical harm to a student or school or college employee while on school or college grounds or property; or

(6) threatening the use of deadly force on school or college property or involving school or college grounds or property when the person has the present ability, or is reasonably believed to have the present ability, to carry out the threat.

For the purposes of this subsection, ‘person who is not a student’ means a person who is not enrolled in, or who is suspended or expelled from, the school or college that the person interferes with, disrupts, or disturbs at the time the interference, disruption, or disturbance occurs.

(B) ~~Any~~ A person ~~violating any of the provisions~~ who violates a provision of this section ~~shall be~~ is guilty of a misdemeanor and, ~~on~~ upon conviction ~~thereof~~, ~~shall pay a fine of~~ must be fined not less than one hundred dollars nor more than ~~one~~ two thousand dollars or ~~be~~ imprisoned ~~in the county jail for~~ not less than ~~thirty~~ ninety days nor more than ~~ninety days~~ one year.

(C) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, and 22‑3‑550, a violation of the provisions of this section must be tried exclusively in summary court, unless the juvenile is under the jurisdiction of the family court.”

SECTION 2. Section 63‑19‑1020 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63‑19‑1020. (A) The parent or custodian of a child, an official of a child welfare board, a public official charged by law with the care of the poor, the recognized agents of an agency, association, society, or institution, a person having knowledge or information of a nature which convinces the person that a child is delinquent or that a child, by reason of his own acts in accordance with this chapter, is subject to the jurisdiction of the court, any person who has suffered injury through the delinquency of a child, or an officer having an arrested child in charge, may institute a proceeding respecting the child.

(B) However, prior to the Department of Juvenile Justice accepting a referral for the status offense of incorrigibility or the filing of a petition against a child for incorrigibility, the party seeking to institute a proceeding against a child for incorrigibility shall provide documentation indicating that family counseling involving the parent, guardian, or custodian and the child previously was sought in an attempt to address the incorrigible behavior of the child. This family counseling may be obtained from a variety of community resources including, but not limited to, family or individual counseling with a licensed therapist, counselor, or clergy member; parent improvement classes; or other family therapy services that evidence a previous reasonable effort by the parent, guardian, or custodian to resolve the challenges confronting the family unit. If no prior assistance was sought, the department shall refer the parent or guardian to assistance that is available locally in their home community or shall provide this assistance to the family.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

Rep. RICE proposed the following Amendment No. 2 (COUNCIL\MS\1192AHB10), which was adopted:

Amend the bill, as and if amended, Section 16‑17‑420, as contained in SECTION 1, page 4212‑2, by inserting after line 30 an appropriately lettered subsection to read:

/ ( ) The provisions of this section do not apply to school sponsored athletic events.” /

Renumber sections to conform.

Amend title to conform.

Rep. RICE explained the amendment.

The amendment was then adopted.

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

**S. 382--DEBATE ADJOURNED**

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

S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-2-805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT'S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

**S. 372--DEBATE ADJOURNED**

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

S. 372 -- Senators Hayes and Ford: A BILL TO AMEND SECTION 62-2-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, SO AS TO CLARIFY THAT AN INTEREST AS A BENEFICIARY IN A TESTAMENTARY TRUST OR IN PROPERTY PASSING TO AN INTER VIVOS TRUST THROUGH THE DECEDENT'S WILL IS A BENEFICIAL INTEREST CHARGEABLE TO THE ELECTIVE SHARE; AND TO AMEND SECTION 62-7-401, AS AMENDED, RELATING TO CREATION OF A TRUST, SO AS TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE'S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

**H. 4572--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4572 -- Reps. J. E. Smith, Bannister, Weeks and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-960 SO AS TO ALLOW HOLDERS OF RETAIL PERMITS AUTHORIZING THE SALE OF BEER OR WINE FOR OFF-PREMISES CONSUMPTION TO HOLD A LIMITED NUMBER OF BEER TASTINGS AT THE RETAIL LOCATION EACH YEAR UNDER CERTAIN CIRCUMSTANCES.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7792AHB10), which was adopted:

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

/ SECTION 1. Article 9, Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑960. (A) Notwithstanding another provision of law or regulation, the holder of a retail permit authorizing the sale of beer for off‑premises consumption whose primary product is beer or wine may conduct, in accordance with department rulings or regulations, not more than twenty‑four beer tastings at any one retail location in a calendar quarter, provided that:

(1) at least ten days before the tasting, a notice detailing the specific date and hours of the tasting must be sent by first class mail or by electronic mail to the State Law Enforcement Division;

(2) the tastings must be conducted by the retailer or an agent or independent contractor of the retailer and may not be conducted by a wholesaler or manufacturer or an employee, agent, or independent contractor of a wholesaler or manufacturer. Nothing in this subsection prohibits a manufacturer or employee, agent, or independent contractor of a manufacturer from attending a tasting to provide information and offer educational material on the products to be sampled. For purposes of this subsection, a wholesaler is not considered an employee, agent, or independent contractor of a manufacturer;

(3) the products must be supplied by the retailer and may not be donated or otherwise supplied at no or reduced cost by the manufacturer or wholesaler;

(4) a sample may not be offered from more than eight products at any one tasting;

(5) no more than one container of each of the products to be sampled may be open at any time. Open containers must be visible at all times and must be removed at the conclusion of a tasting;

(6) the tasting must be held in a designated tasting area of the retail store;

(7) samples must be no more than two ounces for each product sampled as defined in Section 61‑4‑10(1);

(8) samples must be no more than one ounce for each product sampled as defined in Section 61‑4‑10(2), provided that no more than two of the total eight samples may contain more than ten percent of alcohol by weight;

(9) a person may not be served more than one sample of each product;

(10) a sample may not be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty‑one years. A person tasting a sample may not be allowed to loiter on the store premises;

(11) a sampling may not be offered for more than four hours;

(12) the tasting may not be held in conjunction with a wine tasting pursuant to Section 61‑4‑737;

(13) a retailer, pursuant to this section, may not offer more than one sampling per day; and

(14) the tasting may not be held in conjunction with a tasting in a retail alcoholic liquor store pursuant to Section 61‑6‑1035 that is adjacent to and licensed in the same name of the retail permit authorizing the sale of beer.

(B) A person who violates the provisions of this section must be assessed a fine of one hundred dollars for each violation. The revenue from these fines must be directed to the Department of Revenue for supplementing funds required for the department’s activities concerning licensure and regulation of alcohol.”

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

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

The amendment was then adopted.

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

**S. 170--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 170 -- Senators Cleary and Rose: A BILL TO AMEND TITLE 63, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-17-385 TO AUTHORIZE THE FAMILY COURT TO ISSUE A RULE TO SHOW CAUSE UPON THE FILING OF AN AFFIDAVIT THAT A PARENT HAS FAILED TO PAY COURT-ORDERED SUPPORT, OTHER THAN PERIODIC PAYMENT OF FUNDS FOR THE SUPPORT OF THE CHILD, TO PROVIDE FOR SERVICE BY REGULAR MAIL, TO PROVIDE THAT THE AFFIDAVIT AND CERTAIN OTHER DOCUMENTATION IS PRIMA FACIE EVIDENCE OF NONPAYMENT, SHIFTING THE BURDEN OF PROOF, AND TO PROVIDE A DEFENSE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12081AC10), which was adopted:

Amend the bill, as and if amended, Section 63-17-385(A) on page 1, by deleting lines 30 through 33 and inserting:

/Where a court order requires a parent to provide monetary support for a child in the form of payment of health, medical, educational, or other expenses, excluding periodic child support payments, and the/

So, when amended, the first paragraph of subsection (A) reads:

/Where a court order requires a parent to provide monetary support for a child in the form of payment of health, medical, educational, or other expenses, excluding periodic child support payments, and the parent fails to do so, the other parent or the child’s custodial guardian may petition the court for relief using an authorized affidavit and supporting documents setting forth the existence of the expense and the failure of the parent to pay the required support./

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

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

**H. 4540--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Wednesday, April 21, which was adopted:

H. 4540 -- Reps. Brady, Erickson, Harrison, Hardwick, Bowen, Cato, Harvin, Hearn, Scott, T. R. Young, Horne, Clemmons, Bedingfield, Nanney, G. R. Smith and Weeks: A BILL TO AMEND SECTION 63-7-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM TRYING TO PRESERVE AND REUNIFY A FAMILY, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN FAMILY PRESERVATION AND REUNIFICATION IS NO LONGER REQUIRED; TO AMEND SECTION 63-7-1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST THAT THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY THE FAMILY; TO AMEND SECTION 63-7-1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1700, RELATING TO THE FAMILY COURT REVIEWING A CHILD'S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT IN SOME INSTANCES A PARENT'S CONDUCT INVOLVING A CHILD, OTHER THAN A CHILD OF THE PARENT, MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-9-60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; AND BY ADDING SECTION 63-9-70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION.

**ORDERED TO THIRD READING**

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

S. 196 -- Senator McConnell: A BILL TO AMEND CHAPTER 3, TITLE 15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CIVIL ACTIONS, SO AS TO LIMIT LIABILITY FOR CERTAIN LIQUEFIED PETROLEUM GAS PROVIDERS FOR INJURIES OR DAMAGES PROXIMATELY CAUSED BY ALTERATIONS, MODIFICATIONS, OR REPAIRS OF LIQUEFIED PETROLEUM GAS EQUIPMENT THE LIQUEFIED PETROLEUM GAS PROVIDER COULD NOT HAVE DISCOVERED, OR WHEN LIQUEFIED PETROLEUM GAS EQUIPMENT IS USED IN A MANNER OR FOR A PURPOSE OTHER THAN THAT WHICH THE EQUIPMENT WAS INTENDED TO BE USED, OR COULD REASONABLY HAVE BEEN FORESEEN TO BE USED FOR, AND TO PROVIDE AN EFFECTIVE DATE.

Rep. DELLENEY explained the Bill.

**H. 3924--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3924 -- Reps. Harrison, Miller, Harrell, Clemmons and Weeks: A BILL TO AMEND SECTION 48-34-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO REFERENCE OTHER SPECIFIC STATUTORY AND REGULATORY REQUIREMENTS; AND TO AMEND SECTION 48-34-50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT NO PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE MAY BE HELD LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN AND TO DEFINE GROSS NEGLIGENCE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12084AC10):

Amend the bill, as and if amended, by deleting SECTION 2 in its entirety and inserting:

/SECTION 2. Section 48‑34‑50 of the 1976 Code is amended to read:

“Section 48‑34‑50. ~~No~~ A property owner or lessee or his agent or employee conducting a prescribed fire pursuant to this chapter is not liable for damage, injury, or loss caused by fire, resulting smoke, or other consequences of the prescribed fire unless negligence is ~~proven~~ found by the finder of fact. There is a rebuttable presumption that any landowner, lessee, employee, or agent that has conducted a prescribed fire in compliance with Section 48-34-10 has not acted negligently.”/

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

Rep. DELLENEY moved to adjourn debate on the Bill, which was agreed to.

**H. 3249--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3249 -- Reps. G. M. Smith and Viers: A BILL TO AMEND SECTIONS 15-78-30 AND 15-78-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIABILITY PURSUANT TO THE TORT CLAIMS ACT, SO AS TO FURTHER DEFINE THE DEFINITIONS OF THE TERMS "SCOPE OF OFFICIAL DUTY" AND "SCOPE OF STATE EMPLOYMENT" AND TO EXPRESSLY PROVIDE FOR IMMUNITY OF CERTAIN GOVERNMENTAL EMPLOYEES WHEN INVESTIGATING POTENTIAL WRONGDOING OR DISCIPLINING ANOTHER EMPLOYEE UNDER CERTAIN CIRCUMSTANCES.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7786AHB10), which was adopted:

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

/ SECTION 1. Chapter 1, Title 8 of the 1976 Code is amended by adding:

“Section 8‑1‑195. (A) If the State, an agency, a political subdivision, or an employee of these governmental entities is sued for civil conspiracy based in part upon a personnel or employment action or decision regarding a state employee, the court, prior to trial, must make a determination whether the action or decision giving rise to the suit was made by the employee within the scope of official duty. If the court finds that the employee was acting within the scope of the employee’s official duties, the State, an agency, a political subdivision, or an employee of these governmental entities is immune from suit, liability, and damages from the civil conspiracy claim. The immunity granted by this section does not limit any claim available at law, other than civil conspiracy, which challenges personnel or employment action of a governmental entity.

(B) When applicable, the terms used in this section have the same meaning as the terms defined in Section 15‑78‑30.”

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

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

The amendment was then adopted.

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

**H. 4215--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4215 -- Reps. Harrison, McLeod and Weeks: A BILL TO AMEND SECTION 18-3-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A DECISION OF A MAGISTRATE, SO AS TO PROVIDE THAT AN APPELLANT MUST SERVE A NOTICE OF APPEAL OF A DECISION OF A MAGISTRATE UPON THE OFFICER OR ATTORNEY WHO PROSECUTED THE CASE IN ADDITION TO THE MAGISTRATE WHO TRIED THE CASE.

Rep. DELLENEY explained the Bill.

Reps. SIMRILL, A. D. YOUNG, RUTHERFORD, TOOLE, DUNCAN, MERRILL, DANING, CRAWFORD, WEEKS, G. M. SMITH, J. E. SMITH, J. H. NEAL, JEFFERSON, LOFTIS, HUTTO, KING and KNIGHT requested debate on the Bill.

**H. 4452--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4452 -- Rep. D. C. Moss: A BILL TO AMEND SECTION 56-3-2150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER PUBLIC OFFICIALS, SO AS TO PROVIDE THAT A CORONER MAY BE ISSUED TWO SPECIAL LICENSE PLATES.

Rep. LIMEHOUSE proposed the following Amendment No. 1 (COUNCIL\SWB\8034CM10), which was adopted:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. Chapter 3, Title 56 of the 1976 code is amended by adding:

“Article 108

Citadel Alumni Association ‘Big Red’ Special License Plate

Section 56‑3‑10810. (A) The Department of Motor Vehicles may issue Citadel Alumni Association ‘Big Red’ special license plates to owners of private passenger‑carrying motor vehicles as defined in Section 56‑3‑630, and motorcycles as defined in Section 56‑3‑20, registered in their names. The fee for each special license plate is seventy‑five dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month the special license plate is issued.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the Citadel Alumni Association.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.” /

Renumber sections to conform.

Amend title to conform.

Rep. LIMEHOUSE explained the amendment.

The amendment was then adopted.

Rep. BRANHAM explained the Bill.

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

**H. 4243--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4243 -- Reps. Owens, Harrell, Cato, Duncan, Harrison, Sandifer, Whitmire, Allison, Skelton, E. H. Pitts, Bowen, Wylie, Rice, G. R. Smith, Limehouse, Daning, Long, Littlejohn, Hutto, A. D. Young, Simrill, Loftis, Stewart, D. C. Smith and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE MUST DETERMINE APPLICATION COMPLIANCE; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-210, AS AMENDED, RELATING TO CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL, SO AS TO ALLOW A PRIVATE SCHOOL TO DISSOLVE AND IMMEDIATELY SEEK TO FORM A CHARTER SCHOOL; AND TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP.

Reps. WHITMIRE, KENNEDY, HARVIN, WEEKS, DANING, WHITE, J. H. NEAL, OWENS, SKELTON, HIOTT, R. L. BROWN, CHALK, WYLIE, BRANTLEY, ERICKSON, ALLEN, DILLARD, KING and JEFFERSON requested debate on the Bill.

**H. 4346--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4346 -- Reps. Barfield, Alexander, Jefferson, Lowe, Toole, Sellers, Brantley, Sottile, G. A. Brown, Parker, Govan, Duncan, Willis, Anthony, Cato, Chalk, Cobb-Hunter, Agnew, Clyburn, Miller, Frye, Simrill, Jennings, Williams, Harvin, Mitchell, Stringer, Sandifer, Vick, Viers, G. M. Smith, Hutto, Stavrinakis, Bales, Battle, Bedingfield, Bowen, Bowers, Brady, Branham, Crawford, Daning, Delleney, Dillard, Edge, Forrester, Funderburk, Gambrell, Gunn, Hamilton, Hardwick, Harrell, Harrison, Hayes, Hearn, Hodges, Hosey, Howard, Huggins, Kelly, Limehouse, Littlejohn, Long, McEachern, V. S. Moss, J. M. Neal, Norman, Ott, M. A. Pitts, Rice, Spires, Thompson, Umphlett, Weeks, White and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE DISABLED VETERAN SPECIAL LICENSE PLATES.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\SWB\8024CM10), which was adopted:

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

/ SECTION 1. Section 56‑3‑10410 of the 1976 Code as added by Act 297 is amended to read:

“Section 56‑3‑10410. (A) The department may issue a ‘Veteran’ special motor vehicle license plate for use on a private passenger motor vehicle or motorcycle registered in a person’s name in this State who served in the United States Armed Forces, active or reserve components, and who was honorably discharged from service. An application for this special motor vehicle license plate must include official military documentation showing the applicant was honorably discharged from service. Only two plates may be issued to a person.

(B) The requirements for production and distribution of the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title. The Department of Motor Vehicles shall imprint the special license plates with the word ‘Veteran’, with numbers the department may determine.

(C) A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and being approved by the Department of Motor Vehicles. It is unlawful for a person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

(D) The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to those other provisions. A person violating the provisions of this article or a person who (1) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (2) conceals a material fact, or (3) otherwise commits fraud in the application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.

(E) If a person who qualifies for the special license plate issued under this section also meets all requirements for the handicapped license plate issued pursuant to Section 56‑3‑1910 (B), then the license plate issued pursuant to this section shall also include the distinguishing wheelchair symbol used on license plates issued pursuant to Section 56‑3‑1910(B).

(F) If a person who qualifies for a special license plate issued under this section also is certified by the Veteran’s Administration or County Veteran Affairs officer with a service related disability, then the license plate issued under this section shall also include the word ‘disabled’.

SECTION 2. This act takes effect six months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BRANHAM explained the amendment.

The amendment was then adopted.

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

**H. 4187--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4187 -- Reps. White and Kirsh: A BILL TO AMEND SECTION 55-9-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS THAT AN ENTITY HAS TO ESTABLISH AN AIRPORT OR LANDING FIELD OR ACQUIRE, LEASE, OR SET APART PROPERTY FOR THAT PURPOSE, SO AS TO DELETE A PROVISION THAT LIMITS THE TERM OF A LEASE OF AIRPORTS OR LANDING FIELDS TO PRIVATE PARTIES FOR OPERATION.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\SWB\8025CM10), which was adopted:

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

/ SECTION 1. Section 55‑9‑190(3) of the 1976 Code is amended to read:

“(3) Lease for a term ~~not exceeding twenty‑five years~~ such airports or landing fields to private parties for operation or lease or assign for a term ~~not exceeding twenty‑five years~~ to private parties for operation space, area, improvements and equipment on such airports or landing fields, provided in each case that in so doing the public is not deprived of its rightful, equal and uniform use thereof.”

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

Renumber sections to conform.

Amend title to conform.

Rep. BRANHAM explained the amendment.

The amendment was then adopted.

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

**H. 4510--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4510 -- Reps. Harrison, Battle, Chalk, Crawford, Delleney, Pinson, Vick and Viers: A BILL TO AMEND SECTION 59-121-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE BOARD OF VISITORS OF THE CITADEL, SO AS TO REVISE THE MANNER IN WHICH THE MEMBERS OF THE BOARD ELECTED BY THE GENERAL ASSEMBLY ARE SELECTED, AND FURTHER PROVIDE FOR THEIR TERMS OF OFFICE AND OTHER APPLICABLE PROVISIONS PERTAINING TO THEIR SERVICE ON THE BOARD.

The Committee on Education and Public Works proposed the following Amendment No. 1 (COUNCIL\AGM\19906BH10), which was adopted:

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

/ SECTION 1. Section 59‑121‑20 of the 1976 Code is amended to read:

“Section 59‑121‑20. (A) One member of the board of visitors elected by the General Assembly must be elected from each congressional district of this State and in addition to all other qualifications must be a resident of that congressional district. One member of the board of visitors elected by the General Assembly must be elected from the State at large. All members elected by the General Assembly shall serve terms of six years each and until their successors are elected and qualified; provided that of the members first elected as provided in this subsection, the members elected from the first and sixth congressional districts shall serve initial terms of two years each, the members elected from the second and fifth congressional districts shall serve initial terms of four years each, and the members elected from the third and fourth congressional districts and the at‑large member shall serve initial terms of six years each. Vacancies in these offices elected by the General Assembly shall be filled in the manner of original election for the remainder of the unexpired term.

(B) The terms of the seven present members of the board of visitors elected by the General Assembly expire on June 30, 2011, at which time their successors elected in the manner provided by subsection (A) take office.

(C) ~~The regular terms of office of the elected members in office on April 18, 1947, who are still in office shall end on the last day of June in the years stated in the table in Act 108 of the regular session of 1947 (Acts 1947, p. 144).~~ The ~~regular~~ terms of office of ~~the elected members who were not in office on that date and of~~ all other elected members ~~hereafter elected~~ ~~shall be~~ also are six years~~; provided, that the third member authorized to be elected by the Association of Citadel Men shall serve an initial term of four years~~. All elected terms shall begin on the first day of July and end on the last day of June~~; provided, however, that each incumbent shall be~~ and other elected members and the member appointed by the Governor is entitled to hold office until his successor is duly elected or appointed and qualified. In electing members of the board, the General Assembly shall elect members based on merit regardless of race or economic status and shall strive to ~~assure~~ ensure that the membership of the board is representative of all citizens of the State of South Carolina.

The term of office of the at‑large trustee appointed by the Governor ~~shall be~~ is effective upon certification to the Secretary of State and ~~shall be~~ is six years. Vacancies in these other offices must be filled for the remainder of the unexpired term in the manner of original selection.”

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

Renumber sections to conform.

Amend title to conform.

Rep. SKELTON explained the amendment.

The amendment was then adopted.

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

**H. 4636--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4636 -- Reps. Govan, Harrison, Mitchell and Gilliard: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL MEMBER TO THE BOARD TO BE APPOINTED BY THE NATIONAL ALUMNI ASSOCIATION OF THE UNIVERSITY.

The Committee and Education and Public Works proposed the following Amendment No. 1 (COUNCIL\AGM\19965BH10), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 59‑127‑20(A), as contained in SECTION 1, pages 1 and 2, and inserting:

/ (A) South Carolina State University is managed and controlled by a board of trustees, composed of ~~thirteen~~ fourteen members, twelve of whom are elected by the General Assembly, one member from each congressional district and six at large for terms of four years each and until their successors are elected and qualify. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to ~~assure~~ ensure that the membership of the board is representative of all citizens of the State of South Carolina. The Governor of the State or his designee is ex officio, the thirteenth member of the board of trustees. One member must be elected by the National Alumni Association of the university by the means and methods as may be determined by the association, the result of the election to be certified by the president of the association to the Secretary of State. The member elected by the association shall serve as the fourteenth member of the board of trustees. The member elected by the association must be a graduate of South Carolina State University and shall serve for a term of four years, beginning on July 1, 2010, until his successor is elected and qualifies. In case of a vacancy on the board, the Governor may fill it by appointment until the next session of the General Assembly. Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively, one corresponding in number to each congressional district and Seats 7‑12 at large. The Governor or his designee occupies Seat 13. The member elected by the National Alumni Association of the university occupies Seat 14. Of the three present members of the board who reside in the sixth congressional district, the member with the longest remaining current term ~~shall~~ must be the resident member selected from that congressional district occupying Seat 6. The two remaining members not determined to be the resident member from the sixth congressional district ~~shall be~~ are considered at‑large members of the board occupying Seats 8 and 12, respectively. The terms of each of these three members ~~shall~~ are not ~~be~~ affected by the provisions of this paragraph.

The terms of the present members of the board who are elected by the General Assembly expire on the thirtieth day of June of the year in which the terms are scheduled to expire. The General Assembly shall elect successors to the elective trustees not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired. /

Renumber sections to conform.

Amend title to conform.

Rep. SKELTON explained the amendment.

The amendment was then adopted.

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

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

**H. 3815--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. HIOTT moved to adjourn debate on the motion to reconsider until Wednesday, April 21, 2010.

**OBJECTION TO RECALL**

Rep. HARRISON asked unanimous consent to recall H. 4856 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. FORRESTER asked unanimous consent to recall S. 812 from the Committee on Education and Public Works.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. BALLENTINE asked unanimous consent to recall H. 4506 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. DUNCAN asked unanimous consent to recall S. 950 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. CRAWFORD asked unanimous consent to recall H. 4323 from the Committee on Judiciary.

Rep. KENNEDY objected.

**H. 4838--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. COOPER, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Ways and Means:

H. 4838 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE EDUCATION LEVEL AND YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2009-2010 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2009-2010 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2009-2010; AND TO DEFINE CERTAIN TERMS.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall S. 391 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. HARRISON asked unanimous consent to recall S. 1172 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. CLEMMONS asked unanimous consent to recall H. 4808 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 4710 from the Committee on Rules.

Rep. WHITE objected.

**RATIFICATION OF ACTS**

At 1:30 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R171, H. 3395) -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A.D. Young, Edge, Bedingfield, J.R. Smith, G.R. Smith, D.C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E.H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T.R. Young and Wylie: AN ACT TO AMEND SECTION 11‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE AND MANNER OF REPLENISHMENT OF THAT AMOUNT; TO AMEND SECTION 11‑11‑320, AS AMENDED, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH REVENUES IN THE FUND MUST BE USED IN EACH FISCAL YEAR INCLUDING A REQUIREMENT THAT THE CAPITAL RESERVE FUND MAY NOT BE USED TO OFFSET A MIDYEAR BUDGET REDUCTION; TO AMEND SECTION 11‑9‑890, RELATING TO THE DELINEATION OF FISCAL YEAR REVENUE ESTIMATES BY QUARTERS AND ACTIONS REQUIRED TO AVOID YEAR‑END DEFICITS, SO AS TO REVISE PROCEDURES REQUIRED TO REDUCE GENERAL FUND APPROPRIATIONS AND EXPENDITURES AND THE CRITERIA WHICH REQUIRES SUCH REDUCTIONS; TO AMEND SECTION 1‑11‑495, RELATING TO MONITORING REVENUES AND EXPENDITURES TO DETERMINE YEAR‑END DEFICITS, SO AS TO FURTHER PROVIDE FOR WHEN REDUCTIONS BY THE STATE BUDGET AND CONTROL BOARD MAY BE ORDERED, TO PROVIDE THAT THE REDUCTIONS ARE SUBJECT TO ANY BILL OR RESOLUTION ENACTED BY THE GENERAL ASSEMBLY, AND TO ADD A REQUIREMENT THAT TO RECOGNIZE A DEFICIT REQUIRES FOUR VOTES OF THE MEMBERS OF THE STATE BUDGET AND CONTROL BOARD; TO REPEAL SECTION 11‑11‑325 RELATING TO BUDGET SHORTFALLS AND THE REQUIREMENT THAT THE STATE BUDGET AND CONTROL BOARD FIRST MUST REDUCE THE CAPITAL RESERVE FUND BEFORE MANDATING CUTS TO OPERATING APPROPRIATIONS IF A REVENUE SHORTFALL IS PROJECTED; AND TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE PROVISIONS TAKE EFFECT.

(R172, H. 3396) -- Reps. Harrell, Thompson, Scott, Cooper, Erickson, Bingham, A.D. Young, Edge, J.R. Smith, G.R. Smith, Bedingfield, Whitmire, Hiott, D.C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Horne, Long, Nanney, Parker, E.H. Pitts, Rice, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T.R. Young and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT IN INCREMENTS OF ONE‑HALF OF ONE PERCENT OVER FOUR FISCAL YEARS THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND AND THE MANNER THE FIVE PERCENT REQUIREMENT SHALL BE MAINTAINED; AND PROPOSING ANOTHER AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF THIS STATE, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO PROVIDE THAT MONIES IN THE CAPITAL RESERVE FUND IN ANY YEAR THE GENERAL RESERVE FUND DOES NOT HAVE THE REQUIRED PERCENTAGE OF GENERAL FUND REVENUE FIRST MUST BE USED TO FULLY REPLENISH THE APPLICABLE PERCENTAGE AMOUNT IN THE GENERAL RESERVE FUND BEFORE BEING USED FOR OTHER AUTHORIZED PURPOSES WHICH DOES NOT INCLUDE OFFSETTING MIDYEAR BUDGET REDUCTIONS.

(R173, H. 4048) -- Reps. M.A. Pitts, Duncan and Willis: AN ACT 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.

(R174, H. 4514) -- Rep. Cooper: AN ACT TO AMEND SECTION 12‑44‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE THE DEFINITION OF “TERMINATION DATE”; AND TO AMEND SECTION 12‑6‑590, AS AMENDED, RELATING TO TREATMENT OF “S” CORPORATIONS FOR TAX PURPOSES, SO AS TO PROVIDE THAT A SPECIFIED AMOUNT OF INCOME TAXES PAID BY RESIDENT AND NONRESIDENT SHAREHOLDERS OF CERTAIN “S” CORPORATIONS ENGAGED IN MANUFACTURING MUST BE DEPOSITED INTO A SPECIAL FUND AND DISTRIBUTED BY THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT AS GRANTS FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS, WHICH DIRECTLY SUPPORT THE PROJECTS, AND TO PROVIDE FOR GUIDELINES TO ADMINISTER THE FUND AND APPLICATIONS FOR THE GRANTS.

(R175, H. 4531) -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4070, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R176, H. 4692) -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS; DEFINITIONS AND GENERAL REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4085, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R177, H. 4693) -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4080, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R178, H. 4755) -- Reps. Miller and Anderson: AN ACT TO PROVIDE THAT THE SCHOOL DISTRICT OF GEORGETOWN COUNTY FOR FISCAL YEAR 2010‑2011 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUE FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS.

Rep. LIMEHOUSE moved that the House recede until 2:45 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:45 p.m. the House resumed, Acting Speaker ALEXANDER in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 137, S. 19 by a vote of 27 to 15:

(R137) S. 19 -- Senator Fair: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-116-45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59-116-10, 59-116-20, 59-116-30, 59-116-50, 59-116-60, 59-116-80, 59-116-100, AND 59-116-120, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS "CAMPUS" AND "CAMPUS POLICE OFFICER", AND TO DEFINE THE TERM "CAMPUS SECURITY OFFICER", TO PROVIDE THAT THESE PROVISIONS APPLY TO PRIVATE INSTITUTIONS, TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CAMPUS SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER'S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; TO AMEND SECTION 59-116-50, RELATING TO THE RANKS AND GRADES OF CAMPUS POLICE OFFICERS, SO AS TO DELETE THE TERM "PUBLIC SAFETY DIRECTOR" AND REPLACE IT WITH THE TERM "CHIEF LAW ENFORCEMENT EXECUTIVE", TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE INSTITUTIONS; TO AMEND SECTION 59-116-60, RELATING TO CAMPUS POLICE VEHICLES AND RADIO SYSTEMS, SO AS TO SUBSTITUTE THE TERM "CAMPUS POLICE DEPARTMENT" FOR THE TERM "SAFETY AND SECURITY DEPARTMENT"; TO AMEND SECTION 59-116-80, RELATING TO IMPERSONATING A CAMPUS POLICE OFFICER, SO AS TO SUBSTITUTE THE TERM "CAMPUS SECURITY DEPARTMENT" FOR THE TERM "SAFETY AND SECURITY DEPARTMENT"; TO PROVIDE THAT THIS PROVISION APPLIES TO A PRIVATE COLLEGE OR UNIVERSITY, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 59-116-100, RELATING TO THE PROCESSING OF A PERSON ARRESTED BY A CAMPUS POLICE OFFICER, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE ARREST OF A PERSON BY A CAMPUS SECURITY OFFICER; TO AMEND SECTION 59-116-120, RELATING TO COLLEGES AND UNIVERSITIES EMPLOYING SECURITY PERSONNEL, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE COLLEGES AND UNIVERSITIES, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTION 59-116-70 RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 15, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has reconsidered the vote whereby the Veto by the Governor was sustained on R. 137, S. 19, and has sustained the Veto on R. 137, S. 19, by a vote of 13 to 26:

(R137) S. 19 -- Senator Fair: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-116-45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59-116-10, 59-116-20, 59-116-30, 59-116-50, 59-116-60, 59-116-80, 59-116-100, AND 59-116-120, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS "CAMPUS" AND "CAMPUS POLICE OFFICER", AND TO DEFINE THE TERM "CAMPUS SECURITY OFFICER", TO PROVIDE THAT THESE PROVISIONS APPLY TO PRIVATE INSTITUTIONS, TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CAMPUS SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER'S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; TO AMEND SECTION 59-116-50, RELATING TO THE RANKS AND GRADES OF CAMPUS POLICE OFFICERS, SO AS TO DELETE THE TERM "PUBLIC SAFETY DIRECTOR" AND REPLACE IT WITH THE TERM "CHIEF LAW ENFORCEMENT EXECUTIVE", TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE INSTITUTIONS; TO AMEND SECTION 59-116-60, RELATING TO CAMPUS POLICE VEHICLES AND RADIO SYSTEMS, SO AS TO SUBSTITUTE THE TERM "CAMPUS POLICE DEPARTMENT" FOR THE TERM "SAFETY AND SECURITY DEPARTMENT"; TO AMEND SECTION 59-116-80, RELATING TO IMPERSONATING A CAMPUS POLICE OFFICER, SO AS TO SUBSTITUTE THE TERM "CAMPUS SECURITY DEPARTMENT" FOR THE TERM "SAFETY AND SECURITY DEPARTMENT"; TO PROVIDE THAT THIS PROVISION APPLIES TO A PRIVATE COLLEGE OR UNIVERSITY, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 59-116-100, RELATING TO THE PROCESSING OF A PERSON ARRESTED BY A CAMPUS POLICE OFFICER, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE ARREST OF A PERSON BY A CAMPUS SECURITY OFFICER; TO AMEND SECTION 59-116-120, RELATING TO COLLEGES AND UNIVERSITIES EMPLOYING SECURITY PERSONNEL, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE COLLEGES AND UNIVERSITIES, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTION 59-116-70 RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

Very respectfully,

President

Received as information.

**REPORTS OF STANDING COMMITTEES**

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report on:

H. 4233 -- Rep. Harrison: A BILL TO AMEND SECTION 12-21-1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE BEER AND WINE LICENSE TAX, SO AS TO CONFORM THE DEFINITION OF "BEER" FOR PURPOSES OF THIS LICENSE TAX TO THE REVISED DEFINITION FOR "BEER" PROVIDED BY LAW FOR THE REGULATION OF BEER AND WINE SALES AND CONSUMPTION.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

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

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4871 -- Reps. Ballentine, Huggins, 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, 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, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE DUTCH FORK MIDDLE SCHOOL BOYS BASKETBALL C-TEAM FOR ITS UNDEFEATED SEASON AND FOR CAPTURING THE 2010 PALMETTO ATHLETIC CONFERENCE CHAMPIONSHIP TITLE,

AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4872 -- 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, 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, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE GARY ALLEN QUICK, SR., OF MARLBORO COUNTY FOR HIS DEDICATED SERVICE AS MAYOR OF MCCOLL AND HIS COMMITMENT TO THE CITIZENS OF THAT TOWN.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was taken up for immediate consideration:

S. 1374 -- Senator Lourie: A CONCURRENT RESOLUTION TO DESIGNATE MAY 2010 AS "CHILDHOOD STROKE AWARENESS MONTH" IN SOUTH CAROLINA.

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:

S. 418 -- Senator L. Martin: A BILL TO AMEND SECTION 7-17-220 OF THE 1976 CODE, RELATING TO MEETINGS OF THE BOARD OF STATE CANVASSERS, TO PROVIDE THAT A MEETING MAY BE CONVENED BY TELEPHONE OR ELECTRONIC COMMUNICATION INSTEAD OF IN PERSON AT THE OFFICE OF THE STATE ELECTION COMMISSION; AND TO AMEND SECTION 7-17-510, RELATING TO THE CONVENING OF THE COUNTY COMMISSIONERS OF ELECTION AS COUNTY BOARDS OF CANVASSERS, TO PROVIDE THAT ANY REQUIRED MEETINGS MAY BE CONVENED BY TELEPHONE OR ELECTRONIC COMMUNICATION.

Referred to Committee on Judiciary

S. 1030 -- Senators Hayes, Mulvaney, Coleman, Verdin, S. Martin, Bryant, O'Dell, Davis, Campsen and Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-714 SO AS TO DESIGNATE THE MARSH TACKY AS THE OFFICIAL STATE HERITAGE HORSE OF SOUTH CAROLINA.

Referred to Committee on Invitations and Memorial Resolutions

S. 1097 -- Senators Alexander, L. Martin, Sheheen, O'Dell, Land, Mulvaney and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-21-110 TO CHAPTER 21, TITLE 41 SO AS TO ENACT THE "FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA" AND TO ESTABLISH THE JUNIOR FIREFIGHTERS PROGRAM.

Referred to Committee on Labor, Commerce and Industry

S. 1120 -- Senators Lourie, Pinckney, Williams, Leventis, Anderson, Land and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-1360 SO AS TO PROHIBIT HEALTH CARE PROVIDERS FROM ENGAGING IN DEBT COLLECTION ACTIVITIES RELATING TO MEDICAL TREATMENT RECEIVED IN CONNECTION WITH A CLAIM FOR COMPENSATION OF A VICTIM OF CRIME UNTIL AN AWARD IS MADE OR A CLAIM IS DENIED AND TO STAY THE STATUTE OF LIMITATIONS FOR THE COLLECTION OF THIS DEBT UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Judiciary

S. 1164 -- Senator Rose: A BILL TO AMEND SECTION 12-43-220 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, RELATING TO CLASSIFICATIONS FOR ASSESSMENT RATIOS, SO AS TO PROVIDE THAT THE LEGAL RESIDENCE AND NOT MORE THAN FIVE CONTIGUOUS ACRES THERETO LOCATED ON THE HEIRS' PROPERTY ALSO QUALIFIES FOR THE FOUR PERCENT ASSESSMENT PROVIDED BY THIS SUBSECTION AS LONG AS THE LEGAL RESIDENCE IS OWNED AND OCCUPIED BY ONE OR MORE OF THE COLLECTIVE OWNERS OF THE HEIRS' PROPERTY.

Referred to Committee on Ways and Means

S. 1339 -- Senators Peeler and Reese: A BILL TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 55 TO ESTABLISH THE "I-85 CHEROKEE-SPARTANBURG CORRIDOR AUTHORITY ACT" AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

Referred to Committee on Education and Public Works

S. 1351 -- Senators Grooms, Campbell and Campsen: A BILL TO AMEND SECTION 7-7-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO CREATE NEW PRECINCTS, REDESIGNATE AND RENAME CERTAIN PRECINCTS, AND CHANGE THE MAP DESIGNATION ON WHICH THE LINES OF THOSE PRECINCTS ARE DELINEATED.

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

S. 1355 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE AMENDMENTS TO THE RULES OF PROCEDURE OF THE ADMINISTRATIVE LAW COURT, PURSUANT TO THE PROVISIONS OF ARTICLE V OF THE SOUTH CAROLINA CONSTITUTION AND ARTICLE 5, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Judiciary

S. 1356 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4116, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Education and Public Works

**S. 382--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Wednesday, April 21, which was adopted:

S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-2-805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT'S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

**S. 372--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Wednesday, April 21, which was adopted:

S. 372 -- Senators Hayes and Ford: A BILL TO AMEND SECTION 62-2-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, SO AS TO CLARIFY THAT AN INTEREST AS A BENEFICIARY IN A TESTAMENTARY TRUST OR IN PROPERTY PASSING TO AN INTER VIVOS TRUST THROUGH THE DECEDENT'S WILL IS A BENEFICIAL INTEREST CHARGEABLE TO THE ELECTIVE SHARE; AND TO AMEND SECTION 62-7-401, AS AMENDED, RELATING TO CREATION OF A TRUST, SO AS TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE'S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

**H. 3924--DEBATE ADJOURNED**

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

H. 3924 -- Reps. Harrison, Miller, Harrell, Clemmons and Weeks: A BILL TO AMEND SECTION 48-34-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO REFERENCE OTHER SPECIFIC STATUTORY AND REGULATORY REQUIREMENTS; AND TO AMEND SECTION 48-34-50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT NO PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE MAY BE HELD LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN AND TO DEFINE GROSS NEGLIGENCE.

**H. 4663--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4663 -- Reps. Sandifer, Bales, Cobb-Hunter, Cato, McEachern, Hamilton, Loftis, G. R. Smith, Wylie, Stringer, Willis, Clemmons, Barfield, Ballentine, Whitmire, White, Toole, Huggins, Pinson, Gunn, Norman, Millwood, Simrill, Delleney, Owens, Bannister, Rice, Erickson, D. C. Moss, Stewart, Mitchell, Bowen, J. E. Smith, Dillard, Herbkersman, Chalk, Haley, Viers, Anderson, T. R. Young and Nanney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-9-55 SO AS TO PROVIDE THAT A BUILDING CODE PROVISION THAT REQUIRES AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM BE INSTALLED IN A NEW ONE-FAMILY OR TWO-FAMILY DWELLING MAY NOT BE ENFORCED, TO PROVIDE CERTAIN PROSPECTIVE HOMEOWNERS MAY CHOOSE WHETHER TO HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED, TO MAKE THE INSTALLATION OF AN AUTOMATIC SPRINKLER SYSTEM APPROVED BY THE INTERNATIONAL RESIDENTIAL CODE AVAILABLE WHERE REQUIRED BY THAT CODE, AND TO PROVIDE WHERE THE PROVISIONS OF THIS SECTION CONTROL EVEN WHEN THEY CONFLICT WITH ANOTHER LAW OR LOCAL ORDINANCE.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19961AB10):

Amend the bill, as and if amended, by striking Section 6‑9‑55(C) and (D) in their entirety, as contained in SECTION 1, page 2, lines 1‑6, and inserting:

/(C) A residential builder or general contractor of a one‑family or two‑family dwelling in a jurisdiction in which an automatic fire sprinkler system is required by the International Residential Code must inform the prospective homeowner that automatic fire sprinkler systems are available, offer the prospective homeowner the option of installing an approved automatic fire sprinkler system in accordance with the International Residential Code, and provide the prospective homeowner with an estimate of the total cost of installing a system.

(D) If a builder constructs a home in anticipation of selling it to an unknown homebuyer, the builder shall notify a prospective homebuyer if an approved automatic fire sprinkler in accordance with the International Residential Code is not installed in the home. /

Renumber sections to conform.

Amend title to conform.

Rep. BALES explained the amendment.

Reps. KENNEDY, COBB-HUNTER, OTT, UMPHLETT, RUTHERFORD, SANDIFER, GAMBRELL, FUNDERBURK, WHITMIRE, J. H. NEAL, GOVAN, HARVIN, JEFFERSON, CLYBURN, MACK, BALES, GILLIARD, ERICKSON, HERBKERSMAN, PARKER, KIRSH and KING requested debate on the Bill.

**S. 337--DEBATE ADJOURNED**

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

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44-7-130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44-7-150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44-7-160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO REVISE, ELIMINATE, AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44-7-180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44-7-200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44-7-210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44-7-220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44-7-230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44-7-270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44-7-280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44-7-225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44-7-285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44-7-296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44-7-185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

**H. 4784--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4784 -- Rep. Rutherford: A BILL TO AMEND SECTION 57-25-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S ISSUANCE OF PERMITS THAT ALLOW THE INSTALLATION AND MAINTENANCE OF BENCHES UPON WHICH COMMERCIAL ADVERTISEMENTS MAY BE PLACED, SO AS TO PROVIDE THAT THE PERMITS MUST BE RENEWED ANNUALLY INSTEAD OF TERMINATED ON JULY 1, 2010.

Rep. RUTHERFORD proposed the following Amendment No. 1 (COUNCIL\SWB\8030CM10), which was adopted:

Amend the bill, as and if amended, Section 57‑25‑40, as contained in SECTION 1, by inserting before the period on line 37, page 1:

/ upon payment of the annual permit fee /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

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

**H. 3755--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3755 -- Rep. Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF "SOUTH CAROLINA EDUCATOR" SPECIAL LICENSE PLATES.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\MS\7796AHB10), which was adopted:

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

/ SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 77

I Support Libraries Special License Plates

Section 56‑3‑7890. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names which must have imprinted on the plate ‘I Support Libraries’. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be equally distributed between the South Carolina Association of School Librarians and the South Carolina Library Association.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 2. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 79

South Carolina Educator Special License Plates

Section 56‑3‑7930. The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names which must have imprinted on the plate ‘South Carolina Educator’. This application for this special license plate must include proof that the applicant is a public or private kindergarten through twelfth grade school teacher. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 3. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 108

Raccoon Hunters License Plates

Section 56‑3‑10810. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names which must have imprinted on the plate ‘Raccoon Hunters’.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the South Carolina State Coon Hunters Association Youth Fund.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 4. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 108

Beach Music Special License Plates

Section 56‑3‑10810. (A) The Department of Motor Vehicles may issue ‘Beach Music’ special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630 and motorcycles registered in their names which may have imprinted on the plate an emblem, a seal, or other symbol chosen by the department in consultation with the South Carolina Arts Commission reflecting the status of beach music as the official state popular music pursuant to Section 1‑1‑689. License plate number ‘one’ for the beach music license plate is reserved for the president of the Beach Music Association International or its successor organization if that individual is otherwise eligible to register a qualifying motor vehicle in this State. License plate number ‘two’ for the beach music license plate is reserved for the Chairman of the board of trustees of Coastal Carolina University if that individual is otherwise eligible to register a motor vehicle in this State. The special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state’s general fund.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 5. Section 56‑3‑1240 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

Section 56‑3‑1240 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

“Section 56‑3‑1240. License plates issued for motor vehicles must be attached to the outside rear of the vehicle, open to view. However, on truck tractors and road tractors the plates must be attached to the outside front of the vehicle provided that single unit commercial motor vehicles with a gross vehicle weight rating in excess of twenty‑six thousand pounds may have the license plate on either the outside front or rear of the vehicle. Every license plate, at all times, must be fastened securely in a horizontal and upright position to the vehicle for which it was issued so as to prevent the plate from swinging. However, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate must be mounted vertically with its top fastened along the right vertical edge. The bottom of the plate must be at a height of not less than twelve inches from the ground in a place and position clearly visible as provided in Section 56‑5‑4530, and it must be maintained free from foreign materials and in a clearly legible condition. No other license plate, lighting equipment, except as permitted in Section 56‑5‑4530, tag, sign, monogram, tinted cover, or inscription of metal or other material may be displayed above, ~~around,~~ or upon the plate other than that which is authorized and issued by the Department of Motor Vehicles for the purpose of validating the plate. It is not unlawful to place a decal or a frame on the license plate if it does not obscure any letters or numbers. A motor vehicle owner may attach a trailer hitch to a motor vehicle provided the hitch does not obscure more than two inches of the license plate issued to the motor vehicle. It is unlawful to operate or drive a motor vehicle with the license plate missing and a person who is convicted for violating this section must be punished as provided by Section 56‑3‑2520.”

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BRANHAM explained the amendment.

The amendment was then adopted.

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

**ORDERED TO THIRD READING**

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

H. 4807 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4117, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. ALLISON explained the Joint Resolution.

H. 4823 -- Reps. Cooper, Owens, J. R. Smith and Loftis: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2010 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEYS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END-OF-COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

Rep. COOPER explained the Joint Resolution.

H. 4438 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 32-8-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION, SO AS TO ALSO PERMIT A PERSON NAMED IN THE DECEDENT'S UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93) OR ITS SUCCESSOR FORM, IF THE DECEDENT DIED WHILE SERVING IN ANY BRANCH OF THE UNITED STATES ARMED SERVICES AS DEFINED IN 10 U.S.C. SECTION 1481 AND COMPLETED SUCH FORM.

Rep. J. E. SMITH explained the Bill.

**H. 4560--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4560 -- Reps. Gambrell, D. C. Moss, J. R. Smith, Bales, Agnew, Govan, Knight, Jefferson, H. B. Brown, Cooper, Bowen, Frye, Spires, Clyburn, Gilliard, McEachern, Hosey, Williams, Allen, Crawford, Whitmire, Daning, Stavrinakis, Dillard, Hardwick, Hodges, Mack, G. R. Smith, White, Willis and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-21-110 SO AS TO ENACT THE “FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA” AND TO ESTABLISH THE JUNIOR FIREFIGHTERS PROGRAM.

Rep. GAMBRELL proposed the following Amendment No. 1 (COUNCIL\NBD\12256AC10), which was adopted:

Amend the bill, as and if amended, SECTION 41-21-110(A) page 1, line 28 by deleting /shall/ and inserting /may/

Renumber sections to conform.

Amend title to conform.

Rep. GAMBRELL explained the amendment.

The amendment was then adopted.

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

**H. 4505--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4505 -- Rep. Nanney: A BILL TO AMEND SECTION 14-1-214, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF FINES, FEES, AND COURT COSTS BY CREDIT OR DEBIT CARD, SO AS TO INCLUDE REGISTERS OF DEEDS IN THE LIST OF PERSONS ASSOCIATED WITH THE COURTS WHO MAY ACCEPT PAYMENT BY CREDIT OR DEBIT CARD.

Rep. NANNEY explained the Bill.

Reps. KENNEDY, OTT, COBB-HUNTER, HUTTO, JEFFERSON, CLYBURN, R. L. BROWN, NANNEY, ALLISON, J. R. SMITH and MILLWOOD requested debate on the Bill.

**S. 217--DEBATE ADJOURNED**

Rep. J. E. SMITH moved to adjourn debate upon the following Bill until Wednesday, April 21, which was adopted:

S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PLACES OF CONFINEMENT FOR INMATES, SO AS TO SUBSTITUTE THE TERM "REGIONAL COUNTY OR MUNICIPAL JAIL" FOR THE TERM "COUNTY JAIL", AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24-3-27, RELATING TO THE ESTABLISHMENT OF LOCAL REGIONAL CORRECTIONAL FACILITIES, SO AS TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED; TO AMEND SECTION 24-3-30, RELATING TO DESIGNATION OF PLACES OF CONFINEMENT, SO AS TO REVISE THE LIST OF PERSONS FROM WHICH THE STATE MUST OBTAIN CONSENT BEFORE AN INMATE MAY BE PLACED IN A FACILITY MAINTAINED BY A LOCAL GOVERNMENTAL ENTITY; TO AMEND SECTION 24-3-50, RELATING TO THE PENALTY FOR A PRISONER WHO FAILS TO REMAIN WITHIN THE EXTENDED LIMITS OF HIS CONFINEMENT, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PRISONER CONFINED IN A LOCAL FACILITY, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-60, RELATING TO THE CLERKS OF COURT PROVIDING NOTICE TO THE DEPARTMENT OF CORRECTIONS OF THE NUMBER OF CONVICTS SENTENCED TO IMPRISONMENT IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-70, RELATING TO ALLOWABLE EXPENSES INCURRED FOR THE TRANSPORTATION OF CONVICTS TO THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-80, RELATING TO THE DETENTION OF A PRISONER BY COMMITMENT AUTHORIZED BY THE GOVERNOR, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-81, RELATING TO CONJUGAL VISITS WITHIN THE STATE PRISON SYSTEM, SO AS TO PROVIDE THAT NO PRISONER IN THE STATE PRISON SYSTEM OR WHO IS BEING DETAINED IN A LOCAL GOVERNMENTAL FACILITY IS PERMITTED TO HAVE CONJUGAL VISITS; TO AMEND SECTION 24-3-130, RELATING TO THE USE OF INMATE LABOR ON PUBLIC WORKS PROJECTS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-131, RELATING TO THE SUPERVISION OF INMATES USED ON PUBLIC PROJECTS, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-140, RELATING TO THE USE OF CONVICT LABOR AT THE STATE HOUSE, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-160, RELATING TO THE COST OF MAINTAINING CONVICTS BY STATE INSTITUTIONS, SO AS TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-170, RELATING TO THE USE OF CONVICTS BY CLEMSON UNIVERSITY, SO AS TO SUBSTITUTE THE TERMS "FEE" FOR THE TERM "HIRE", "INMATES" FOR THE TERM "CONVICTS", "EMPLOYEES" FOR THE TERM "GUARDS", AND "PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-180, RELATING TO THE PROVISION OF TRANSPORTATION AND CLOTHING FOR CONVICTS WHO HAVE BEEN DISCHARGED, SO AS TO SUBSTITUTE THE TERMS "INMATE" FOR THE TERM "CONVICT" AND THE TERM "STATE PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-190, RELATING TO APPROPRIATION OF CLOSE OF THE YEAR BALANCES FOR THE SUPPORT OF THE PENITENTIARY, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "PENITENTIARY" AND THE TERM "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-310, RELATING TO THE GENERAL ASSEMBLY'S INTENT FOR ESTABLISHING A PRISON INDUSTRIES PROGRAM, SO AS TO SUBSTITUTE THE TERM "PRISON" FOR THE TERM "CONVICT", AND "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-320, RELATING TO THE PURCHASE OF EQUIPMENT AND MATERIALS AND EMPLOYMENT OF PERSONNEL FOR THE ESTABLISHMENT AND MAINTENANCE OF PRISON INDUSTRIES, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS" AND TO DELETE THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-330, RELATING TO THE PURCHASE OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-340, RELATING TO THE STATE'S PURCHASE OF PRODUCTS THAT ARE NOT PRODUCED BY CONVICT LABOR, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-37-370, RELATING TO THE PRIORITY OF DISTRIBUTION OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-400, RELATING TO THE PRISON INDUSTRIES ACCOUNT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-420, RELATING TO PENALTIES FOR VIOLATIONS OF THE PROVISIONS RELATING TO THE PRISON INDUSTRIES PROGRAM, SO AS TO DELETE THE TERM "JAIL"; TO AMEND SECTION 24-3-520, RELATING TO THE TRANSPORTATION OF A PERSON SENTENCED TO DEATH, SO AS TO REVISE THIS PROVISION AND PROVIDE THAT THE FACILITY MANAGER WHO HAS CUSTODY OF THE INMATE HAS THE AUTHORITY TO TRANSFER HIM TO THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 24-3-540, RELATING TO THE DEATH CHAMBER AND THE TRANSPORTING OF A PERSON TO A PLACE TO BE ELECTROCUTED, SO AS TO SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-550, RELATING TO WITNESSES THAT MAY BE PRESENT DURING AN EXECUTION, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-560, RELATING TO THE CERTIFICATION OF THE EXECUTION OF A PERSON, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-570, RELATING TO THE DISPOSITION OF THE BODY OF A PERSON WHO HAS BEEN EXECUTED, SO AS TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-710, RELATING TO THE INVESTIGATION OF THE MISCONDUCT THAT OCCURS IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND PROVIDE THAT THE DIRECTOR OF THE STATE PRISON SYSTEM'S AUTHORITY TO INVESTIGATE MISCONDUCT IN THE STATE PRISON SYSTEM IS THE SAME AUTHORITY THAT AN OFFICIAL IN CHARGE OF A LOCAL FACILITY MAY EXERCISE; TO AMEND SECTION 24-3-720, RELATING TO ENLISTING THE AID OF CITIZENS TO SUPPRESS PRISON RIOTS AND DISORDERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-740, RELATING TO THE COMPENSATION OF A PERSON WHO ASSISTS THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-750, RELATING TO PROVIDING IMMUNITY TO A PERSON WHO ASSISTS THE DEPARTMENT OF CORRECTIONS IN SUPPRESSING DISORDER, RIOT, OR INSURRECTION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-760, RELATING TO THE POWERS OF THE KEEPER WHEN THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS ABSENT, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-920, AS AMENDED, RELATING TO REWARDS FOR THE CAPTURE OF AN ESCAPED CONVICT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-930, RELATING TO EXEMPTING CERTAIN PERSONS EMPLOYED BY THE PENITENTIARY FROM SERVING ON JURIES AND MILITARY OR STREET DUTY, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY" AND THE TERM "OTHER EMPLOYEES" FOR THE TERM "OTHER OFFICERS"; TO AMEND SECTION 24-3-940, RELATING TO PROHIBITING PRISONERS FROM GAMBLING, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-951, RELATING TO THE POSSESSION OR USE OF MONEY BY PRISONERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-965, RELATING TO THE TRIAL OF CERTAIN OFFENSES RELATED TO CONTRABAND IN MAGISTRATES COURT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO PROVIDE THAT THIS PROVISION APPLIES TO REGIONAL DETENTION FACILITIES AND PRISON CAMPS, AND TO DEFINE THE TERM CONTRABAND; TO AMEND SECTION 24-5-10, RELATING TO A SHERIFF'S RESPONSIBILITIES AS THE CUSTODIAN OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER" AND MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-5-12, RELATING TO COUNTIES THAT ASSUME CERTAIN RESPONSIBILITIES WITH REGARD TO THE CUSTODY OF COUNTY JAILS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO PROVIDE THE CIRCUMSTANCES IN WHICH A COUNTY CAN DEVOLVE ITS POWER TO OPERATE A JAIL UPON A SHERIFF; TO AMEND SECTION 24-5-20, RELATING TO THE EMPLOYMENT OF A JAILER, SO AS TO DELETE THE PROVISION THAT ALLOWS A SHERIFF WHO DOES NOT LIVE IN A JAIL TO APPOINT A JAILER, TO PROVIDE THAT A SHERIFF WHO HAS CONTROL OF A JAIL SHALL APPOINT A FACILITY MANAGER WHO HAS CONTROL AND CUSTODY OF THE JAIL UNDER THE SUPERVISION OF THE SHERIFF, AND TO PROVIDE THAT IN CASES WHERE THE SHERIFF DOES NOT CONTROL A JAIL, THE COUNTY'S GOVERNING BODY SHALL APPOINT THE FACILITY MANAGER; TO AMEND SECTION 24-5-50, RELATING TO A SHERIFF'S KEEPING OF PRISONERS COMMITTED BY A CORONER, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGERS" FOR THE TERM "JAILERS", AND TO PROVIDE THIS PROVISION ALSO APPLIES TO GOVERNING BODIES THAT HAVE CUSTODY OF A JAIL TECHNICAL CHANGE; TO AMEND SECTION 24-5-60, RELATING TO SHERIFFS AND JAILERS KEEPING PRISONERS COMMITTED BY THE UNITED STATES GOVERNMENT, SO AS TO SUBSTITUTE THE TERM "GOVERNING BODIES" FOR THE TERM "JAILERS", AND TO PROVIDE THAT A SHERIFF OR FACILITY MANAGER MAY CHARGE A FEE FOR KEEPING THESE PRISONERS; TO AMEND SECTION 24-5-80, RELATING TO PROVIDING BLANKETS AND BEDDING TO PRISONERS, SO AS TO REVISE THE ITEMS THAT A PRISONER MUST BE FURNISHED TO INCLUDE SUFFICIENT FOOD, WATER, CLOTHING, HYGIENE PRODUCTS, BEDDING, AND SHELTER; TO AMEND SECTION 24-5-90, RELATING TO THE UNLAWFUL DISCRIMINATION IN THE TREATMENT OF PRISONERS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO REVISE THE PENALTY FOR A VIOLATION OF THIS PROVISION; TO AMEND SECTION 24-5-110, RELATING TO THE RETURN TO COURT BY A SHERIFF OF THE NAMES OF PRISONERS WHO ARE CONFINED ON THE FIRST DAY OF THE TERM OF GENERAL SESSIONS COURT, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF", AND TO PROVIDE THAT THE USE OF ELECTRONIC RECORDS SATISFIES THIS REQUIREMENT; TO AMEND SECTION 24-5-120, RELATING TO A SHERIFF'S ANNUAL REPORT ON THE CONDITION OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF"; TO AMEND SECTION 24-5-170, RELATING TO THE REMOVAL OF PRISONERS FROM A JAIL THAT MAYBE DESTROYED, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO A JAIL THAT IS RENDERED UNINHABITABLE, AND TO REVISE THE PROCEDURES TO TRANSFER THESE PRISONERS TO ANOTHER FACILITY; TO AMEND SECTIONS 24-5-300, 24-5-310, 24-5-320, AS AMENDED, 24-5-330, 24-5-350, 24-5-360, AS AMENDED, 24-5-370, 24-5-380, AND 24-5-390, ALL RELATING TO DEFINITIONS, AND THE APPOINTMENT, TRAINING, PHYSICAL COMPETENCE, DUTIES, IDENTIFICATION CARDS, UNIFORMS, AND WORKERS' COMPENSATION BENEFITS FOR RESERVE DETENTION OFFICERS, SO AS TO DELETE THE TERM "JAILER"; TO AMEND SECTION 24-7-60, RELATING TO THE CARE OF CONVICTS SENTENCED TO LABOR ON A COUNTY PUBLIC WORKS PROJECT, SO AS TO MAKE TECHNICAL CHANGES, AND TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "GENERAL FUND" FOR THE TERM "ROAD FUND"; TO AMEND SECTION 24-7-110, RELATING TO THE HEALTH OF CONVICTS IN A COUNTY'S CUSTODY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "MEDICAL PERSONNEL" FOR THE TERM "PHYSICIAN", "INMATES" FOR THE TERM "CONVICTS", "COUNTY JAIL, DETENTION FACILITY, PRISON CAMP, OR OTHER LOCAL FACILITIES" FOR THE TERM "CHAIN GANG", AND TO REVISE THE PROCEDURE TO PROVIDE AND PAY FOR HEALTH CARE SERVICES FOR INMATES IN A COUNTY'S CUSTODY; TO AMEND SECTION 24-7-120, RELATING TO THE INCARCERATION OF CONVICTS BY MUNICIPAL AUTHORITIES, SO AS TO PROVIDE STANDARDS THAT A MUNICIPAL AUTHORITY MUST MAINTAIN WHEN IT SUPERVISES PERSONS SENTENCED TO A PUBLIC WORK DETAIL, OR OPERATES A JAIL, AND TO REVISE THIS PROVISION TO ALLOW A MUNICIPALITY TO ENTER INTO AGREEMENTS TO HOUSE THEIR PRISONERS IN COUNTY FACILITIES; TO AMEND SECTION 24-7-155, RELATING TO THE PROHIBITION OF CONTRABAND IN A COUNTY OR MUNICIPAL PRISON, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO MULTI-JURISDICTIONAL FACILITIES, TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO DELETE A REFERENCE TO THE TERM "SUPERINTENDENT OF THE FACILITY", AND TO PROVIDE THAT THE FACILITY MAY DESIGNATE ADDITIONAL ITEMS OF CONTRABAND THAT ARE PROHIBITED; TO AMEND SECTION 24-9-30, RELATING TO MINIMUM STANDARDS THAT MUST BE MET BY FACILITIES THAT HOUSE PRISONERS OR PRETRIAL DETAINEES, SO AS TO DELETE THE PROVISION THAT REQUIRES A COPY OF CERTAIN INSPECTION REPORTS BE SENT TO CERTAIN JUDGES OF THE JUDICIAL CIRCUIT IN WHICH THE FACILITY IS LOCATED, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-9-35, RELATING TO REPORTS OF DEATHS OF INCARCERATED PERSONS, SO AS TO MAKE TECHNICAL CHANGES, PROVIDE THAT THIS PROVISION APPLIES TO MULTI-JURISDICTIONAL FACILITIES AND TO SUBSTITUTE THE TERM "FACILITY MANGER" FOR THE TERM "JAILER"; TO AMEND SECTION 24-9-40, RELATING TO THE CERTIFICATION OF ARCHITECTURAL PLANS BEFORE A CONFINEMENT FACILITY IS CONSTRUCTED, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO THE RENOVATION OF CONFINEMENT FACILITIES; TO AMEND SECTIONS 24-13-10, 24-13-20, 24-13-30, 24-13-40, 24-13-50, 24-13-80, 24-13-125, 24-13-150, 24-13-210, 24-13-230, 24-13-235, 24-13-260, 24-13-410, 24-13-420, 24-13-430, 24-13-440, 24-13-450, 24-13-460, 24-13-470, 24-13-640, 24-13-660, 24-13-910, 24-13-915, 24-13-940, AND 24-13-1540, ALL RELATING TO THE INCARCERATION OF PRISONERS, THE REDUCTION IN A PRISONER'S SENTENCE, PRISONER OFFENSES, THE PRISON WORK RELEASE PROGRAM, FURLOUGHS, THE SHOCK INCARCERATION PROGRAM, AND THE HOME DETENTION PROGRAM, SO AS TO SUBSTITUTE THE TERM "LOCAL DETENTION FACILITIES" FOR THE TERM "CHAIN GANGS", SUBSTITUTE THE TERMS "INMATES" AND "CONVICTS" FOR THE TERM "PRISONERS", TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "OFFICIAL", TO REVISE THE DEFINITION OF THE TERM "DETENTION FACILITY", TO REVISE THE TYPE AND COST OF MEDICAL SERVICES THAT MAYBE PAID FROM AN INMATE'S ACCOUNT, TO PROVIDE THAT IT IS UNLAWFUL FOR A PRISONER TO ESCAPE FROM CUSTODY OR TO POSSESS ITEMS THAT MAY BE USED TO FACILITATE AN ESCAPE, AND TO DELETE A REFERENCE TO THE TERM "LOCAL CORRECTIONAL FACILITY"; TO AMEND SECTION 16-7-140, RELATING TO PENALTIES FOR VIOLATING PROVISIONS THAT PROHIBIT THE WEARING OF MASKS AND PLACING A BURNING CROSS ON A PROPERTY WITHOUT ITS OWNER'S PERMISSION, SO AS TO DELETE A REFERENCE TO THE TERM "COUNTY JAIL"; TO AMEND SECTION 63-3-620, AS AMENDED, RELATING TO PENALTIES FOR A PERSON'S FAILURE TO OBEY CERTAIN ORDERS OF A COURT AND STATUTES RELATING TO THE CHILDREN'S CODE OF LAW, SO AS TO SUBSTITUTE THE TERM "DETENTION FACILITY" FOR THE TERM "CORRECTIONAL FACILITY", AND TO DELETE A PROVISION THAT PLACES RESTRICTIONS ON WHO MAY PARTICIPATE IN A WORK/PUNISHMENT PROGRAM; TO REPEAL SECTIONS 24-3-150, 24-3-200, 24-5-30, 24-5-70, 24-5-100, 24-5-140, 24-5-150, 24-5-160, 24-7-70, 24-7-80, 24-7-130, 24-7-140, AND 24-7-150 RELATING TO THE TRANSFER OF CONVICTS TO A COUNTY CHAIN GANG, THE TRANSFER OF A PRISONER TO A COUNTY OTHER THAN THE COUNTY WHERE HE WAS SENTENCED, THE APPOINTMENT OF A JAILER BY A SHERIFF, THE USE OF FEDERAL PRISONERS BY A COUNTY, A SHERIFF'S IMPRESSING A SUFFICIENT NUMBER OF GUARDS TO SECURE A PRISONER WHO IS ACCUSED OF A CAPITAL OFFENSE, THE HOUSING OF FEMALE CONVICTS, THE CONFINEMENT OF PERSONS CHARGED WITH A CRIME IN A PRISON LOCATED IN AN INDUSTRIAL COMMUNITY, THE LEASE OF COUNTY CONVICTS, THE DIETING AND CLOTHING AND MAINTENANCE OF CERTAIN PRISONERS BY LOCAL GOVERNMENTAL AUTHORITIES, AND THE COLLECTION AND DISPOSITION OF MONEY BY A COUNTY FOR THE HIRING OF CONVICTS; BY ADDING ARTICLE 2 TO CHAPTER 5, TITLE 24 SO AS TO ENACT THE LOCAL DETENTION FACILITY MUTUAL AID AND ASSISTANCE ACT TO ALLOW LOCAL DETENTION FACILITIES TO ASSIST EACH OTHER IN PROVIDING SAFE AND SECURE HOUSING OF INMATES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 24-21-560, RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES COMMUNITY SUPERVISION PROGRAM, SO AS TO REVISE THE MAXIMUM AGGREGATE AMOUNT OF TIME A PRISONER MAY BE REQUIRED TO BE INCARCERATED WHEN SENTENCED FOR SUCCESSIVE COMMUNITY SUPERVISION PROGRAM REVOCATIONS.

**S. 144--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 144 -- Senators Campsen and Ford: A BILL TO RATIFY AN AMENDMENT TO SECTION 33, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROVISION PROVIDING THAT NO UNMARRIED WOMAN UNDER THE AGE OF FOURTEEN YEARS OLD MAY LEGALLY CONSENT TO SEXUAL INTERCOURSE, SO AS TO DELETE THAT PROVISION.

Rep. DELLENEY explained the Bill.

Reps. KENNEDY, OTT, WEEKS, JEFFERSON, DUNCAN, HARDWICK and MACK requested debate on the Bill.

**S. 652--DEBATE ADJOURNED**

Rep. DELLENEY moved to adjourn debate upon the following Bill until Wednesday, April 21, which was adopted:

S. 652 -- Senators Knotts, Elliott, Ford and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-56-75 SO AS TO REQUIRE PROFESSIONAL FUNDRAISING COUNSEL, PROFESSIONAL SOLICITORS, AND COMMERCIAL CO-VENTURERS TO MAINTAIN LISTS OF DONORS FROM CAMPAIGNS AND SOLICITATIONS CONDUCTED BY THE SOLICITOR; TO PROVIDE THAT THESE LISTS ARE THE PROPERTY OF THE CHARITABLE ORGANIZATION; TO RESTRICT THE USE OF DONOR LISTS BY THE CAMPAIGN SOLICITOR; AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.

**S. 481--AMENDED AND INTERRUPTED DEBATE**

The following Joint Resolution was taken up:

S. 481 -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19967BH10), which was adopted:

Amend the joint resolution, as and if amended, by deleting SECTION 1(B) in its entirety, as found on page 2, lines 1‑19, and inserting:

/ (B) THE FOUNDATION IS COMPOSED OF ELEVEN MEMBERS. THE MEMBERS MUST BE APPOINTED AS FOLLOWS:

(1) ONE MEMBER APPOINTED BY THE SOUTH CAROLINA MEDICAL ASSOCIATION;

(2) ONE MEMBER APPOINTED BY THE SOUTH CAROLINA HOSPITAL ASSOCIATION;

(3) ONE MEMBER APPOINTED BY THE HIGH SCHOOL LEAGUE;

(4) ONE MEMBER APPOINTED BY THE SOUTH CAROLINA ATHLETIC TRAINERS ASSOCIATION;

(5) ONE MEMBER OF ATHLETIC TRAINERS’ ADVISORY COMMITTEE AS ESTABLISHED PURSUANT TO SECTION 44‑75‑30;

(6) ONE MEMBER APPOINTED BY THE CHAIRMAN OF THE SENATE EDUCATION COMMITTEE;

(7) ONE MEMBER APPOINTED BY THE CHAIRMAN OF THE HOUSE EDUCATION AND PUBLIC WORKS COMMITTEE;

(8) ONE MEMBER APPOINTED BY THE SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION;

(9) ONE MEMBER APPOINTED BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS;

(10) ONE MEMBER APPOINTED BY THE SOUTH CAROLINA TRAUMA ADVISORY COUNCIL; AND

(11) THE SUPERINTENDENT OF EDUCATION, OR HIS DESIGNEE, TO SERVE EX OFFICIO. /

Renumber sections to conform.

Amend title to conform.

Rep. WHITMIRE explained the amendment.

The amendment was then adopted.

Rep. WHITMIRE proposed the following Amendment No. 2 (COUNCIL\AGM\19974BH10):

Amend the joint resolution, as and if amended, by deleting SECTION 1(B) in its entirety, as contained on page 2, lines 1‑19, and inserting:

/ (B) The foundation is composed of eleven members. The members must be appointed as follows:

(1) one member appointed by the South Carolina Medical Association;

(2) one member appointed by the South Carolina Hospital Association;

(3) one member appointed by the High School League;

(4) one member appointed by the South Carolina Athletic Trainers Association;

(5) one member appointed by the Athletic Trainers’ Advisory Committee as established pursuant to Section 44‑75‑30;

(6) one member appointed by the Chairman of the Senate Education Committee;

(7) one member appointed by the Chairman of the House Education and Public Works Committee;

(8) one member appointed by the South Carolina School Boards Association;

(9) one member appointed by the South Carolina Association of School Administrators;

(10) one member appointed by the South Carolina Trauma Advisory Council; and

(11) the Superintendent of Education, or his designee, to serve ex officio. /

Renumber sections to conform.

Amend title to conform.

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

**OBJECTION TO RECALL**

Rep. FORRESTER asked unanimous consent to recall S. 812 from the Committee on Education and Public Works.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. MCLEOD asked unanimous consent to recall H. 4837 from the Committee on Judiciary.

Rep. DELLENEY objected.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3492 from the Committee on Ways and Means.

Rep. FORRESTER objected.

**OBJECTION TO RECALL**

Rep. CRAWFORD asked unanimous consent to recall H. 4323 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. DUNCAN asked unanimous consent to recall S. 950 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

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

Rep. KENNEDY objected.

**R. 145, S. 964--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R145) S. 964 -- Senators Pinckney and Davis: AN ACT TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

Rep. SKELTON 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 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bingham |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | King | Knight |
| Limehouse | Littlejohn | 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 | M. A. Pitts |
| Rice | Sandifer | Scott |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Toole | Umphlett |
| Weeks | White | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--103**

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.

**R. 140, S. 191--GOVERNOR'S VETO SUSTAINED**

The Veto on the following Act was taken up:

(R140) S. 191 -- Senators McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2010" SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 63-19-1820, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 63-19-1850, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO AN ELIGIBLE INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

Rep. HARRISON explained the Veto.

Rep. CRAWFORD spoke in favor of the Veto.

Rep. M. A. PITTS spoke in favor of the Veto.

Rep. PARKER spoke against the Veto.

Rep. DUNCAN spoke in favor of the Veto.

Rep. GILLIARD spoke against the Veto.

Rep. STAVRINAKIS spoke against 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 58; Nays 53

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Brady | R. L. Brown | Cato |
| Chalk | Clemmons | Cole |
| Forrester | Frye | Gambrell |
| Gilliard | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Jennings | Kelly | Kirsh |
| Limehouse | Long | Lucas |
| McEachern | McLeod | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | J. M. Neal | Owens |
| Parker | Pinson | Rice |
| Sandifer | Scott | Skelton |
| D. C. Smith | J. R. Smith | Sottile |
| Stavrinakis | Stewart | Stringer |
| Toole | Whitmire | Wylie |
| T. R. Young |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bedingfield |
| Branham | Brantley | G. A. Brown |
| Clyburn | Cobb-Hunter | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Funderburk | Govan | Gunn |
| Hart | Harvin | Hodges |
| Hosey | Howard | Jefferson |
| Kennedy | King | Littlejohn |
| Loftis | Lowe | Mack |
| Mitchell | Nanney | J. H. Neal |
| Neilson | Ott | Parks |
| M. A. Pitts | Rutherford | Sellers |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Spires | Umphlett | Viers |
| Weeks | Whipper | White |
| Willis | A. D. Young |  |

**Total--53**

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

**S. 191--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. WEEKS moved to reconsider the vote whereby the veto was sustained on the following Bill:

(R140) S. 191 -- Senators McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2010" SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 63-19-1820, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 63-19-1850, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO AN ELIGIBLE INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

Rep. A. D. YOUNG moved to adjourn debate on the motion to reconsider.

Rep. CRAWFORD moved to table the motion.

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

Yeas 52; Nays 62

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bedingfield | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Govan |
| Gunn | Hart | Harvin |
| Hodges | Hosey | Howard |
| Jefferson | Kennedy | King |
| Littlejohn | Loftis | Lowe |
| Mack | McEachern | Mitchell |
| Nanney | J. H. Neal | Neilson |
| Ott | Parks | M. A. Pitts |
| Rutherford | Sellers | G. M. Smith |
| G. R. Smith | J. E. Smith | Spires |
| Viers | Weeks | Whipper |
| Willis |  |  |

**Total--52**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Brady | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Huggins | Hutto | Jennings |
| Kelly | Kirsh | Limehouse |
| Long | Lucas | McLeod |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | J. M. Neal |
| Owens | Parker | Pinson |
| Rice | Sandifer | Scott |
| Skelton | D. C. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stewart |
| Stringer | Toole | Umphlett |
| White | Whitmire | Wylie |
| A. D. Young | T. R. Young |  |

**Total--62**

So, the House refused to table the motion to adjourn debate.

The question recurred to the motion to adjourn debate on the motion to reconsider, which was agreed to.

**ACTING SPEAKER HARRISON IN CHAIR**

**H. 3418--DEBATE ADJOURNED**

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

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

Rep. CLEMMONS moved to adjourn debate on the Senate Amendments until Wednesday, April 21, which was agreed to.

**H. 4444--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4444 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, INCLUDING WEAKFISH CYNOSCION, SO AS TO PROVIDE THAT A PERSON ONLY MAY TAKE OR POSSESS ONE, RATHER THAN TEN, SUCH WEAKFISH IN ANY ONE DAY.

Rep. UMPHLETT explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Bingham | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Govan | Gunn |
| Hamilton | Hardwick | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | 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 | Rutherford |
| Sandifer | Scott | Sellers |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Umphlett | Viers | Whipper |
| White | Willis | Wylie |

**Total--96**

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. 3720--DEBATE ADJOURNED**

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

H. 3720 -- Rep. Clemmons: A BILL TO AMEND SECTION 15-9-720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE ON UNKNOWN PARTIES BY PUBLICATION IN CERTAIN ACTIONS CONCERNING REAL PROPERTY, SO AS TO PROVIDE FOR SERVICE OF ALL COURT REQUIRED DOCUMENTS BY PUBLICATION AND, FURTHER, IN AN ACTION INVOLVING MULTIPLE UNITS IN A SINGLE HORIZONTAL PROPERTY REGIME, FOR SERVICE BY PUBLICATION BY CONSOLIDATING THE SERVICES INTO A SINGLE SERVICE THAT IDENTIFIES EACH APARTMENT INCLUDED IN THE ACTION BASED ON THE APARTMENT’S DESCRIPTION IN THE MASTER DEED.

Rep. CLEMMONS moved to adjourn debate upon the Senate Amendments until Wednesday, April 21, which was agreed to.

**H. 4575--SENATE AMENDMENTS CONCURRED IN**

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

H. 4575 -- Rep. D. C. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 5 IN YORK COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO THE YORK-CHEROKEE COUNTY LINE THE "REPRESENTATIVE ARTHUR LINDSAY BLACK MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "REPRESENTATIVE ARTHUR LINDSAY BLACK MEMORIAL HIGHWAY".

The yeas and nays were taken resulting as follows:

Yeas 29; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Anthony |
| Bales | G. A. Brown | Cole |
| Cooper | Delleney | Harvin |
| Hayes | Hiott | Jefferson |
| Jennings | Kelly | King |
| Limehouse | Littlejohn | Loftis |
| McEachern | Miller | D. C. Moss |
| J. M. Neal | Neilson | Pinson |
| Rice | Skelton | J. E. Smith |
| Sottile | Spires |  |

**Total--29**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were concurred in and a message was ordered sent to the Senate accordingly.

**H. 4299--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4299 -- Reps. Cooper and Owens: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER CERTAIN FUNDS AMONG APPROPRIATED REVENUES, EDUCATION IMPROVEMENT ACT FUNDS, EDUCATION LOTTERY ACT FUNDS, AND FUNDS RECEIVED FROM THE CHILDREN'S EDUCATION ENDOWMENT FUND IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING FISCAL YEAR 2010-2011 AND TO PROVIDE THAT A SCHOOL DISTRICT MAY NOT TRANSFER FUNDS REQUIRED FOR DEBT SERVICE OR BONDED INDEBTEDNESS, TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEAR 2010-2011 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS AND EXPENDITURE REGULATIONS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, TO NEGOTIATE SALARIES FOR CERTAIN RETIRED TEACHERS BELOW THE SCHOOL DISTRICT SALARY SCHEDULE, AND TO FURLOUGH TEACHERS FOR UP TO FIVE NONINSTRUCTIONAL DAYS, PROVIDED THAT DISTRICT ADMINISTRATORS ARE FURLOUGHED FOR TWICE THE NUMBER OF DAYS, TO PROVIDE FURTHER MEASURES SCHOOL DISTRICTS AND EDUCATION-RELATED ENTITIES ARE ENCOURAGED TO TAKE TO MAXIMIZE RESOURCES, TO PROVIDE DISTRICT REPORTING REQUIREMENTS FOR COST-SAVING MEASURES UNDERTAKEN BY THE DISTRICT, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE TO PUBLIC CHARTER SCHOOLS PUPIL ALLOCATION FOR EACH CATEGORICAL PROGRAM BEFORE IMPLEMENTING THESE FLEXIBILITY PROVISIONS, TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS, TO ALLOW SCHOOL DISTRICTS TO SUSPEND TEXTBOOK ADOPTIONS, AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR FISCAL YEAR 2010-2011, TO REQUIRE SCHOOL DISTRICTS FOR FISCAL YEAR 2010-2011 TO UTILIZE AT LEAST SIXTY-FIVE PERCENT OF THEIR PER PUPIL EXPENDITURES WITHIN PROVIDED CATEGORIES OF INSTRUCTION WITH CERTAIN CONDITIONS AND TO PROVIDE REPORTING REQUIREMENTS, TO REQUIRE SCHOOL DISTRICTS FOR FISCAL YEAR 2010-2011 TO MAINTAIN A TRANSACTION REGISTER THAT RECORDS CERTAIN EXPENDED FUNDS, TO PROVIDE WHAT THE REGISTER MUST INCLUDE, TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THEIR CREDIT CARD STATEMENTS ON THEIR WEBSITES, AND TO REQUIRE THE COMPTROLLER GENERAL TO PUBLISH ON ITS WEBSITE CREDIT CARD INFORMATION OF SCHOOL DISTRICTS THAT DO NOT MAINTAIN THEIR OWN WEBSITES; AND TO SUSPEND SECTION 59-21-1030 OF THE 1976 CODE FOR THE 2010-2011 FISCAL YEAR.

Rep. COOPER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 83; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Brady |
| H. B. Brown | Cato | Clemmons |
| Clyburn | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gunn | Hamilton |
| Hardwick | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Hosey | Howard |
| Huggins | Hutto | Jennings |
| Kelly | King | Limehouse |
| Littlejohn | Loftis | Long |
| Mack | McEachern | McLeod |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Owens | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Scott |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Umphlett |
| Viers | White | Willis |
| Wylie | T. R. Young |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Whipper |  |  |

**Total--1**

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. 3245--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 3245 -- Reps. Delleney, Nanney, Simrill, G. R. Smith, G. M. Smith, Lucas, Cooper, Stringer, Parker, Allison, Pinson, Hamilton, Erickson, J. R. Smith, Clemmons, Bedingfield, E. H. Pitts, Owens, Rice, Hiott, Littlejohn, Stewart, Viers, Willis, Loftis, Toole, Wylie, Vick, Millwood, Haley, Duncan, Ballentine, Frye and Barfield: A BILL TO AMEND SECTION 44-41-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO PREREQUISITES TO PERFORMING AN ABORTION, SO AS TO PROVIDE THAT IF AN ULTRASOUND IS PERFORMED, AN ABORTION MUST NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN SIXTY MINUTES, FOLLOWING THE COMPLETION OF THE ULTRASOUND, TO REQUIRE THE WOMAN TO BE INFORMED OF THE PROCEDURE TO BE INVOLVED AND THE PROBABLE GESTATIONAL AGE OF THE EMBRYO OR FETUS, AND TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN ONE HOUR, AFTER THE WOMAN RECEIVES CERTAIN WRITTEN MATERIALS.

Rep. DELLENEY explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 16; Nays 71

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Bales | R. L. Brown |
| Cobb-Hunter | Dillard | Funderburk |
| Gilliard | Harvin | Hutto |
| Jefferson | Kennedy | Mack |
| McLeod | Parks | J. E. Smith |
| Whipper |  |  |

**Total--16**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | G. A. Brown | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Erickson | Forrester | Frye |
| Gambrell | Gunn | Hamilton |
| Hardwick | Hayes | Hearn |
| Herbkersman | Hiott | Horne |
| Howard | Huggins | Kelly |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | McEachern |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Owens |
| Parker | Pinson | Rice |
| Rutherford | Sandifer | Scott |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Umphlett | Viers | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--71**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

RECORD FOR VOTING

I intended to vote to concur with the Senate Amendments to H. 3245.

Rep. Todd Rutherford

**LEAVE OF ABSENCE**

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

**H. 4511--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4511 -- Reps. Clyburn, Harrison, Wylie, Bales, Brantley, Cobb‑Hunter, Ott, Hosey, Hodges, Battle, Whipper, Alexander, Gilliard, Kennedy, Skelton, Jefferson, Merrill, Frye, King, Anderson, J.R. Smith, McEachern, Mitchell, Rice, A.D. Young, J.H. Neal, Allen, Hardwick, Williams, Harrell, Clemmons, G.M. Smith, Vick, Bingham, Branham, H.B. Brown, R.L. Brown, Cooper, Dillard, Duncan, Gunn, Hart, Hayes, Hearn, Littlejohn, V.S. Moss, J.M. Neal, Neilson, Rutherford, Thompson, Weeks, White, Willis, T.R. Young and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE “SOUTH CAROLINA RURAL INFRASTRUCTURE ACT”, TO ESTABLISH THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

Rep. CLYBURN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Brady | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Gunn |
| Hamilton | Hardwick | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Mack |
| McEachern | McLeod | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Ott | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Rutherford | Sandifer |
| Scott | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Viers | Whipper |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--96**

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. 4248--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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

Rep. HORNE explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Brady |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gilliard | Gunn |
| Hamilton | Hardwick | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Limehouse |
| Littlejohn | Long | Lowe |
| Mack | McEachern | McLeod |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parks |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Viers | Whipper |
| White | Whitmire | Willis |
| A. D. Young | T. R. Young |  |

**Total--92**

Those who voted in the negative are:

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

**Total--1**

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.

**RECURRENCE TO THE MORNING HOUR**

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4873 -- Reps. Miller, Anderson, Knight, Gilliard, Hutto, Stavrinakis, Alexander, J. M. Neal, Huggins, Spires, Anthony, R. L. Brown, Gambrell, Gunn, Littlejohn, Long, Mack and D. C. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE AND HIGHLIGHT THE IMPORTANCE OF STUDENT ATHLETE SAFETY AND TO ENCOURAGE ALL SCHOOL DISTRICTS IN THE PALMETTO STATE TO ENSURE SAFETY FOR THEIR STUDENT ATHLETES.

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

**HOUSE RESOLUTION**

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

H. 4874 -- Reps. McLeod and Neilson: A HOUSE RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA SILVER HAIRED LEGISLATURE TO USE THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES ON TUESDAY THROUGH THURSDAY, SEPTEMBER 14 THROUGH SEPTEMBER 16, 2010, PROVIDED THE HOUSE IS NOT IN SESSION, AND TO PROVIDE FOR THE USE OF THE HOUSE CHAMBER ON ALTERNATE DATES AND TIMES AS MAY BE SELECTED BY THE SPEAKER.

The Resolution was adopted.

**INTRODUCTION OF BILL**

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

H. 4875 -- Reps. Edge and Harrison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 21, TITLE 5 SO AS TO ENACT THE "MUNICIPAL FINANCE OVERSIGHT ACT OF 2010" TO CREATE THE MUNICIPAL FINANCE OVERSIGHT COMMISSION; PROVIDE FOR ITS COMPOSITION, POWERS, DUTIES, AND RESPONSIBILITIES; REQUIRE MUNICIPALITIES TO SUBMIT ANNUAL FINANCIAL REPORTS AND ANNUAL AUDITS, PROVIDE FOR THE FORMULATION AND IMPLEMENTATION OF A PLAN BY THE COMMISSION TO ENSURE THAT A MUNICIPALITY DOES NOT PRACTICE ACTIONS OF FISCAL MISMANAGEMENT OR MATTERS WHICH COULD LEAD TO IMPENDING FISCAL INSTABILITY, PROVIDE FOR THE FORFEITURE OF OFFICE OR EMPLOYMENT OF AN OFFICIAL OR EMPLOYEE OF A MUNICIPALITY WHO PERSISTS IN FAILING OR REFUSING TO COMPLY WITH THE PROVISIONS OF ARTICLE 9, CHAPTER 21, TITLE 5, PROVIDE FOR ORIENTATION PROGRAMS, APPROVED BY THE COMMISSION, WHICH MUNICIPAL OFFICIALS ARE REQUIRED TO COMPLETE; TO AMEND SECTION 5-7-200, RELATING TO GROUNDS FOR FORFEITURE OF OFFICE OF A MAYOR OR COUNCIL MEMBER, SO AS TO INCLUDE THE VIOLATION OF THE PROVISIONS OF CHAPTERS 1 TO 21, TITLE 5 WITHIN THE REASONS FOR FORFEITURE; TO AMEND SECTION 5-7-240, RELATING TO THE REQUIREMENT FOR A MUNICIPAL COUNCIL TO PROVIDE AN ANNUAL INDEPENDENT AUDIT OF FINANCIAL STATEMENTS, RECORDS, AND TRANSACTIONS, SO AS TO PROVIDE WHEN THE AUDIT MUST BE PERFORMED, PROVIDE THAT CERTAIN AUDITING STANDARDS MUST BE USED, REQUIRE AN AUDIT BE DONE BY AN INDEPENDENT ACCOUNTANT RATHER THAN BY A CERTIFIED PUBLIC ACCOUNTANT, REQUIRE THE PRODUCTION OF BOOKS AND RECORDS REQUESTED BY THE AUDITOR, AND PROVIDE PENALTIES FOR VIOLATIONS; AND TO AMEND SECTION 5-21-50, RELATING TO THE REQUIREMENT OF MUNICIPALITIES WITH A POPULATION OVER TWO HUNDRED TO PUBLISH FINANCIAL STATEMENTS, SO AS TO REQUIRE ALL MUNICIPALITIES TO PREPARE A QUARTERLY STATEMENT OF FINANCES TO INCLUDE A CASH BALANCE REPORT AND A STATEMENT OF ACCOUNTS WITH COMPARISONS OF ACTUAL TO BUDGETED REVENUES AND EXPENDITURES, AND PROVIDE THAT THE STATEMENT MUST BE PROVIDED TO THE MUNICIPAL COUNCIL AND, UPON REQUEST, TO MEMBERS OF THE PUBLIC OR INTERESTED ORGANIZATION.

Referred to Committee on Judiciary

**S. 337--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44-7-130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44-7-150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44-7-160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO REVISE, ELIMINATE, AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44-7-180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44-7-200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44-7-210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44-7-220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44-7-230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44-7-270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44-7-280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44-7-225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44-7-285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44-7-296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44-7-185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

The Medical, Military, Public and Municipal Affairs Committee proposed the following Amendment No. 1 (COUNCIL\NBD\ 12080AC10):

Amend the bill, as and if amended, beginning on page 3, line 28 by deleting Section 44‑1‑60(E), (F), and (G) and inserting:

/“(E)(1) Notice of ~~the~~ a department decision must be sent by certified mail, returned receipt requested to the applicant, permittee, licensee, and affected persons who have ~~asked~~ requested in writing to be notified ~~by certified mail, return receipt requested~~. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of staff decisions for which a department decision is not required pursuant to subsection (D) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, and affected persons who have requested in writing to be notified.

(2) The ~~department~~ staff decision becomes the final agency decision fifteen calendar days after notice of the ~~department~~ staff decision has been mailed to the applicant, unless a written request for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person.

(3) The filing fee must be in the amount of one hundred dollars unless the department establishes a fee schedule by regulation after complying with the requirements of Article 1, Chapter 23, Title 1. This fee must be retained by the department in order to help defray the costs of the proceedings and legal expenses.

(F) No later than sixty calendar days after the date of receipt of a request for final review, a final review conference must be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. If the board declines in writing to schedule a final review conference or if a final review conference is not conducted within sixty calendar days, the ~~department~~ staff decision becomes the final agency decision, and an applicant, permittee, licensee, or affected person ~~may request~~ requests pursuant to subsection (G) a contested case hearing before the Administrative Law Court~~, in accordance with the Administrative Procedures Act, within thirty days after the deadline for the final review conference~~. The department shall set the place, date, and time for the conference; give the applicant and affected persons at least ten calendar days’ written notice of the conference; and advise the applicant that evidence may be presented at the conference. The final review conference must be held as follows:

(1) Final review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the moving party. During the course of the final review conference, the ~~department~~ staff must explain the ~~department~~ staff decision and the materials relied upon in the administrative record to support the ~~department~~ staff decision. The applicant or affected party shall state the reasons for protesting the ~~department~~ staff decision and may provide evidence to support amending, modifying, or rescinding the ~~department~~ staff decision. The ~~department~~ staff may rebut information and arguments presented by the applicant or affected party and the applicant or affected party may rebut information and arguments presented by the ~~department~~ staff. Any final review conference officer may request additional information and may question the applicant or affected party, the ~~department~~ staff, and anyone else providing information at the conference.

(2) After the ~~administrative~~ final review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue a written final agency decision based upon the evidence presented. The decision may be announced orally at the conclusion of the ~~administrative~~ final review conference or it may be reserved for consideration. The written decision must explain the bases for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. In either event, the written decision must be mailed to the parties no later than thirty calendar days after the date of the ~~administrative~~ final review conference. Within thirty calendar days after the receipt of the decision an applicant, permittee, licensee, or affected person desiring to contest the final agency decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. The court shall give consideration to the provisions of Section 1‑23‑330 regarding the department’s specialized knowledge.

(3) Prior to the initiation of the final review conference, an applicant, permittee, licensee, or affected person must be notified of their right to request a transcript of the proceedings of the final review conference. If a transcript is requested, the applicant, permittee, licensee, or affected person making the request ~~must be~~ is responsible for all costs.

(G) An applicant, permittee, licensee, or affected person may file a request with the Administrative Law Court for a contested case hearing within thirty calendar days after:

(1) notice is mailed to the applicant, permittee, licensee, and affected persons that the board declined to hold a final review conference; or

(2) the sixty calendar day deadline to hold the final review conference lapses and no conference has been held; or

(3) the final agency decision resulting from the final review conference is received by the parties./

Amend the bill further, Section 44‑7‑130(10), page 6, by deleting lines 23 and 24 and inserting:

/intermediate care facilities for the mentally retarded, and/

So when amended Section 44‑7‑130(10) reads:

/(10) ‘Health care facility’ means acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, ~~methadone treatment facilities, tuberculosis hospitals,~~ nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, ~~habilitation centers for mentally retarded persons or persons with related conditions~~ intermediate care facilities for the mentally retarded, and any other facility for which Certificate of Need review is required by federal law./

Amend the bill further, Section 44‑7‑210~~(D)~~(C), page 15, line 37 before /Certificate/ by inserting /staff decision on/

So, when amended, Section 44‑7‑210~~(D)~~(C) reads:

/~~(D)~~(C) On the basis of staff review of the application, the staff ~~of the department~~ shall make a ~~proposed~~ staff decision to grant or deny the Certificate of Need and the staff shall issue a decision in accordance with Section 44‑1‑60(D). Notice of the ~~proposed department~~ decision must be sent to the applicant and affected persons who have asked to be notified. The ~~proposed department~~ decision becomes the final agency decision ~~within ten days after the receipt of a notice of the proposed decision by the applicant~~ unless a timely written request for a final review is filed with the department as provided for in Section 44‑1‑60(E). However, a person may not file a request for final review in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.

~~(1)~~ ~~a reconsideration by the staff of the department is requested in writing within the ten‑day period by an affected person showing good cause for reconsideration of the proposed decision; or~~

~~(2)~~ ~~a contested case hearing before the board, or its designee, regarding the grant or denial of the Certificate of Need is requested in writing within the ten‑day period by the applicant or other affected person with standing to contest the grant or denial of the application.~~

~~Reconsideration by the staff must occur within thirty days from receipt of the request~~./

Amend the bill further, Section 44‑7‑210(G), page 17, line 26 by deleting /twelve/ and inserting /eighteen/

So, when amended, Section 44‑7‑210(G) reads:

/(G) Notwithstanding any other provision of law, in a contested case arising from the department’s decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44‑7‑170, or the issuance of a determination regarding the applicability of Section 44‑7‑160, the Administrative Law Court shall file a final decision no later than eighteen months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension.”/

Amend the bill further, by deleting Section 22 on page 23 and inserting:

/SECTION 22. “Section 44‑7‑295. The department is authorized to enter at all times in or on the property of any facility or service, whether public or private, licensed by the department or unlicensed, for the purpose of inspecting and investigating conditions relating to a violation of this article or regulations of the department. The department’s authorized agents may examine and copy any records or memoranda pertaining to the operation of a licensed or unlicensed facility or service to determine compliance with this article. However, if such entry or inspection is denied or not consented to and no emergency exists, the department is empowered to obtain a warrant to enter and inspect the property and its records from the magistrate in the jurisdiction in which the property is located. The magistrate may issue these warrants upon a showing of probable cause for the need for entry and inspection. The department shall furnish a written copy of the results of the inspection or investigation to the owner or operator of the property.”/

Amend the bill further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. 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./

Amend the bill further, by deleting Section 24 and inserting:

/SECTION 24. This act takes effect January 1, 2011./

Renumber sections to conform.

Amend title to conform.

Rep. HARVIN explained the amendment.

Reps. HIOTT, LOFTIS, LITTLEJOHN, PARKER, FORRESTER, KIRSH, MILLWOOD, G. R. SMITH, J. R. SMITH, CRAWFORD, TOOLE, FRYE, HUGGINS, BEDINGFIELD, HAMILTON, V. S. MOSS and A. D. YOUNG requested debate on the Bill.

**S. 481--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Joint Resolution, the pending question being the consideration of amendments.

S. 481 -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE.

Rep. WHITMIRE proposed the following Amendment No. 2 (COUNCIL\AGM\19974BH10), which was adopted:

Amend the joint resolution, as and if amended, by deleting SECTION 1(B) in its entirety, as contained on page 2, lines 1‑19, and inserting:

/ (B) The foundation is composed of eleven members. The members must be appointed as follows:

(1) one member appointed by the South Carolina Medical Association;

(2) one member appointed by the South Carolina Hospital Association;

(3) one member appointed by the High School League;

(4) one member appointed by the South Carolina Athletic Trainers Association;

(5) one member appointed by the Athletic Trainers’ Advisory Committee as established pursuant to Section 44‑75‑30;

(6) one member appointed by the Chairman of the Senate Education Committee;

(7) one member appointed by the Chairman of the House Education and Public Works Committee;

(8) one member appointed by the South Carolina School Boards Association;

(9) one member appointed by the South Carolina Association of School Administrators;

(10) one member appointed by the South Carolina Trauma Advisory Council; and

(11) the Superintendent of Education, or his designee, to serve ex officio. /

Renumber sections to conform.

Amend title to conform.

Rep. WHITMIRE explained the amendment.

The amendment was then adopted.

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

**ORDERED TO THIRD READING**

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

H. 4405 -- Reps. Edge, Cobb-Hunter, Crawford, Harvin, Pinson, Alexander, Gunn, Hutto and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-70 SO AS TO DEFINE CERTAIN TERMS, AND TO PROVIDE FOR THE DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER.

Rep. PARKS explained the Bill.

H. 4621 -- Reps. Harvin and Weeks: A BILL TO AMEND SECTION 44-39-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIABETES INITIATIVE OF SOUTH CAROLINA BOARD, SO AS TO MODIFY THE BOARD'S MEMBERSHIP COMPOSITION AND TERMS OF ITS MEMBERS.

Rep. HARVIN explained the Bill.

**S. 907--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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

The Medical, Military, Public and Municipal Affairs Committee proposed the following Amendment No. 1 (COUNCIL\NBD\ 12253AC10), which was adopted:

Amend the bill, as and if amended, by deleting Section 44-61-30 (C) on page 8, line 13-39 and inserting:

/(C) An Emergency Medical Services Advisory Council must be established composed of representatives of the Department of Health and Environmental Control, the South Carolina Medical Association, the South Carolina ~~Committee on~~ Trauma Advisory Council, the South Carolina Hospital Association, the South Carolina Heart Association, Medical University of South Carolina, University of South Carolina School of Medicine, South Carolina College of Emergency Physicians, South Carolina Emergency Nurses Association, Emergency Management Division of the Office of the Adjutant General, South Carolina Emergency Medical Services Association, State Board for Technical and Comprehensive Education, Governor’s Office of Highway Safety, Department of Health and Human Services, four regional Emergency Medical Services councils, and one EMT first responder agency. Membership on the council must be by appointment by the board. Three members of the advisory council must be members of organized rescue squads operating in this State, three members shall represent the private emergency services systems, and three members shall represent the county emergency medical services systems. The advisory council shall serve without compensation, mileage, per diem, or subsistence.”/

Renumber sections to conform.

Amend title to conform.

Rep. HARVIN explained the amendment.

The amendment was then adopted.

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

**S. 897--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 897 -- Senators McConnell, Leatherman, Peeler, Setzler, Rose, Elliott, Courson, Sheheen, Campbell, Campsen and Bryant: A JOINT RESOLUTION TO CREATE THE COMMISSION ON STREAMLINING GOVERNMENT AND REDUCTION OF WASTE AND PROVIDE FOR THE MEMBERSHIP, POWERS, DUTIES, AND FUNCTIONS OF THE COMMISSION; TO PROVIDE A PROCEDURE FOR THE SUBMISSION, CONSIDERATION, APPROVAL, AND IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMISSION; TO PROVIDE FOR STAFF SUPPORT AND FINANCES FOR THE COMMISSION; TO PROVIDE FOR COOPERATION WITH AND SUPPORT FOR THE COMMISSION; TO PROVIDE FOR THE APPLICABILITY OF OTHER LAWS; AND TO PROVIDE FOR ITS TERMINATION.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3972DW10), which was adopted:

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

/ Part I

Commission Created

SECTION 1. (A) The State of South Carolina faces a severe decline in revenues at least through fiscal year 2012 which, if no corrective action is taken, will leave a significant funding gap in state government expenditures and will create serious sustainability issues in financing of state obligations.

(B) It is essential that the State act now to reduce the cost of state government, through all means available, including efficiencies, economies, greater effectiveness, and other means to streamline government in order to overcome the projected severe revenue reductions occurring through 2012 and to ensure that available state tax dollars are being spent efficiently and effectively. Many state agencies were created years ago and a review of all agencies and its activities, functions, programs, and services is needed to determine whether the purpose served by the agency or activity, function, program, or service continues to be relevant.

SECTION 2. As used in this joint resolution, unless the context requires otherwise:

(1) “Activity” means a distinct subset of functions or services within a program.

(2)(a) “Agency” means and includes any office, department, board, commission, institution, division, instrumentality, or functional group, existing before or created after the enactment of this joint resolution, that is authorized to exercise, or that does exercise, a function in the executive branch of state government.

(b) “Agency” does not mean a public institution of postsecondary education, a postsecondary education governing or management board, an entity under the control of a public institution of postsecondary education or postsecondary education governing or management board, or an entity whose operating budget is not appropriated by the South Carolina General Assembly through the annual appropriations bill.

(3) “Commission” means the Commission on Streamlining Government and Reduction of Waste.

(4) “Functions” means duties, jurisdiction, powers, rights, and obligations, conferred or imposed upon, or vested in, an agency by law, or exercised, performed, or discharged by an agency without contravention of a provision of law.

(5) “Objective” is a specific and measurable target for achievement which describes the exact results sought, which is expressed in an outcome‑oriented statement that may reflect effectiveness, efficiency, or quality of work, and which may be either numeric or nonnumeric.

(6) “Performance indicator” means a statement identifying an activity, input, output, outcome, achievement, ratio, efficiency, or quality to be measured relative to a particular goal or objective in order to assess an agency’s performance. Performance indicator also means measurement of another aspect of performance.

(7) “Performance standard” means the expected level of performance associated with a particular performance indicator for a particular period.

(8) “Program” means a grouping of activities directed toward the accomplishment of a clearly defined objective or set of objectives.

(9) “Quality” means degree or grade of excellence.

SECTION 3. (A) There is created the Commission on Streamlining Government and Reduction of Waste to examine each agency’s constitutional and statutory activities, functions, programs, services, powers, duties, and responsibilities to determine, in an effort to reduce the size of state government, which of these activities, functions, programs, services, powers, duties, and responsibilities may be:

(1) eliminated;

(2) streamlined;

(3) consolidated;

(4) privatized; or

(5) outsourced.

(B) The commission shall target agencies whose activities, functions, programs, or services may be consolidated or eliminated, in addition to identifying opportunities for privatizing and outsourcing current state activities, functions, programs, or services.

(C) The commission shall examine the necessity and performance of activities, functions, programs, and services to ensure that they are meeting current performance standards effectively and efficiently and they are meeting the needs of South Carolina citizens.

(D) The commission is composed of:

(1) the Speaker of the House of Representatives, or his designee;

(2) the President *Pro Tempore* of the Senate, or his designee;

(3) the Chairman of the House Ways and Means Committee, or his designee;

(4) the Chairman of the Senate Finance Committee, or his designee;

(5) two individuals, appointed by the Governor;

(6) one individual, appointed by the Speaker of the House of Representatives; and

(7) one individual, appointed by the President *Pro Tempore* of the Senate.

(E) The members of the commission are entitled to receive per diem as is allowed by law for legislative members of boards, committees, and commissions when engaged in the exercise of their duties as members of the commission. This must be paid from approved accounts of their respective appointing authorities.

(F)(1) The commission may hold public hearings as part of its evaluation process and may appoint advisory groups to conduct studies, research, or analyses, and make reports and recommendations with respect to a matter within the jurisdiction of the commission. At least one member of the commission shall serve on each advisory group.

(2) At the first meeting, the members of the commission shall elect from their membership a chairman and vice chairman and other officers as necessary. The President *Pro Tempore* of the Senate or his designee shall preside over the commission until a chairman is elected.

SECTION 4. (A) Reports submitted by the commission pursuant to this section may include recommendations:

(1) to eliminate, streamline, consolidate, privatize, or outsource constitutional and statutory agency activities, functions, programs, services, powers, duties, and responsibilities to provide the same or greater type and quality of activity, function, program, or service that results in cost reduction or greater efficiency or effectiveness;

(2) to ensure that agency activities, functions, programs, and services are not duplicative and are necessary, meeting or exceeding performance standards, and meeting the needs of South Carolina citizens;

(3) for the elimination, consolidation, privatization, or outsourcing of an agency to provide a more cost efficient or more effective manner of providing an activity, function, program, or service;

(4) providing for the use of alternative resources to the operation of agencies, activities, functions, programs, and services to provide a more cost‑effective manner without impacting the quality or availability of needed services; and

(5) for standards, processes, and guidelines for agencies to use in order to review and evaluate government activities, functions, programs, and services to eliminate, streamline, consolidate, privatize, or outsource.

(B)(1) The commission shall submit an initial report of its recommendations, including recommendations requiring legislation or administrative action, to the Governor, the President *Pro Tempore* of the Senate, and the Speaker of the House of Representatives no later than December 15, 2010.

(2) The commission shall submit the recommendations in the report as a reorganization plan and submit the plan to the Governor, the Senate Judiciary Committee, and the House Ways and Means Committee by January 3, 2011. The committees shall review the plan by February 8, 2011.

(3) Executive and legislative action should be taken to implement the portions of the reorganization plan that are either approved or modified as soon as possible.

(C) The commission shall submit a report before January 1, 2012, consisting of the status and implementation of the reorganization plan to the Governor, the President *Pro Tempore* of the Senate, and the Speaker of the House of Representatives. Upon request by the Governor, President *Pro Tempore* of the Senate, or the Speaker of the House of Representatives, the commission must submit an updated report of the status and implementation of the reorganization plan. A request for an updated report must be submitted no later than July first, and the report submitted by January first of the following year.

SECTION 5. The staffs of the Senate, House of Representatives, and State Budget and Control Board may provide staff support and otherwise assist the commission as requested by the commission. The commission may submit a written request to the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, or the State Budget and Control Board for specific support and assistance to be provided by the staffs of their respective agencies.

SECTION 6. (A) Each agency and political subdivision shall furnish aid, services, and assistance as may be requested by the commission.

(B) To the extent permitted by and in accordance with applicable laws, each officer, agency, and political subdivision shall make available all facts, records, information, and data requested by the commission and in all ways cooperate with the commission in carrying out the functions and duties imposed by this joint resolution.

(C) All information requested by the commission must be submitted to the commission within fifteen business days after the date of the request. The commission chairman may extend this time period for good cause shown.

SECTION 7. The commission may apply for, contract for, receive, and expend for purposes of this joint resolution any appropriation or grant from the State, its political subdivisions, the federal government, or any other public or private source to carry out duties and responsibilities.

SECTION 8. Part I of this joint resolution is repealed January 12, 2014.

Part II

Citation

SECTION 9. Parts II through VI of this joint resolution are known and may be cited as the “South Carolina Restructuring Act”.

Part III

Department of Administration

SECTION 10. Section 1‑30‑10(A) of the 1976 Code is amended by adding a new item to be appropriately numbered at the end:

“\_\_\_. Department of Administration”

SECTION 11. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑125. Effective July 1, 2011, the following offices, divisions, or components of the State Budget and Control Board, Office of the Governor, or other agencies are transferred to, and incorporated into, the Department of Administration, a department of the executive branch of state government headed by a director appointed by the Governor as provided in Section 1‑30‑10(B)(1)(i) except that this appointment must be upon the advice and consent of the General Assembly rather than the Senate:

(1) Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;

(2) Office of Human Resources;

(3) Office of Executive Policy and Programs, except for the State Ombudsman and Children’s Services programs which are contained within this office;

(4) Office of Economic Opportunity;

(5) Developmental Disabilities Council;

(6) Continuum of Care as established by Section 20‑7‑5610;

(7) Children’s Foster Care as established by Section 20‑7‑2379;

(8) Veterans Affairs as established by Section 25‑11‑10;

(9) Commission on Women as established by Section 1‑15‑10;

(10) Victims Assistance as established by Article 13, Chapter 3, Title 16;

(11) Small and Minority Business as established by Section 11‑35‑5270;

(12) Procurement Services Division of the State Budget and Control Board;

(13) State Energy Office as established by Section 48‑52‑410; and

(14) Division of State Chief Information Officer of the State Budget and Control Board.”

SECTION 12. (A) Where the provisions of this act transfer offices, or portions of offices, of the Budget and Control Board, Office of the Governor, or other agencies to the new Department of Administration, the employees, authorized appropriations, and assets and liabilities of the transferred offices are also transferred to and become part of the Department of Administration. All classified or unclassified personnel employed by these offices on the effective date of this act, either by contract or by employment at will, shall become employees of the Department of Administration, with the same compensation, classification, and grade level, as applicable. The Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

(B) Regulations promulgated by these transferred offices as they formerly existed under the Budget and Control Board, Office of the Governor, or other agencies are continued and are considered to be promulgated by these offices under the newly created Department of Administration.

(C) The Code Commissioner is directed to change or correct all references to these offices of the Budget and Control Board in the 1976 Code, Office of the Governor, or other agencies to reflect the transfer of them to the Department of Administration. References to the names of these offices in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references. This authority shall not be construed to remove any authority from the Budget and Control Board for approval of statewide policies, procedures, regulations, rates and fees, or specific actions requiring board approval.

Part IV

Legislative Oversight of Executive Departments

SECTION 13. Title 2 of the 1976 Code is amended by adding:

“CHAPTER 2

Legislative Oversight of Executive Departments

Section 2‑2‑5. The General Assembly finds and declares the following to be the public policy of the State of South Carolina:

(1) Section 1 of Article XII of the constitution of this State requires the General Assembly to provide for appropriate agencies to function in the areas of health, welfare, and safety and to determine the activities, powers, and duties of these agencies and departments.

(2) This constitutional duty is a continuing and ongoing obligation of the General Assembly that is best addressed by periodic review of the programs of the agencies and departments and their responsiveness to the needs of the state’s citizens by the standing committees of the State Senate or House of Representatives.

Section 2‑2‑10. As used in this chapter:

(1) ‘Agency’ means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive or judicial departments of state government, including administrative bodies. ‘Agency’ includes a body corporate and politic established as an instrumentality of the State. ‘Agency’ does not include:

(a) the legislative department of state government; or

(b) a political subdivision.

(2) ‘Investigating committee’ means any standing committee or subcommittee of a standing committee exercising its authority to conduct an oversight study and investigation of an agency within the standing committee’s subject matter jurisdiction.

(3) ‘Program evaluation report’ means a report compiled by an agency at the request of an investigating committee that may include, but is not limited to, a review of agency management and organization, program delivery, agency goals and objectives, compliance with its statutory mandate, and fiscal accountability.

(4) ‘Request for information’ means a list of questions that an investigating committee serves on a department or agency under investigation. The questions may relate to any matters concerning the department or agency’s actions that are the subject of the investigation.

(5) ‘Standing committee’ means a permanent committee with a regular meeting schedule and designated subject matter jurisdiction that is authorized by the Rules of the Senate or the Rules of the House of Representatives.

Section 2‑2‑20. (A) Beginning January 1, 2011, each standing committee shall conduct oversight studies and investigations on all agencies within the standing committee’s subject matter jurisdiction at least once every five years in accordance with a schedule adopted as provided in this chapter.

(B) The purpose of these oversight studies and investigations is to determine if agency laws and programs within the subject matter jurisdiction of a standing committee:

(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The oversight studies and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee’s subject matter jurisdiction.

Section 2‑2‑30. (A) The procedure for conducting the oversight studies and investigations is provided in this section.

(B)(1) The President *Pro Tempore* of the Senate, upon consulting with the chairmen of the standing committees in the Senate and the Clerk of the Senate, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed five‑year review schedule must be published in the Senate Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for an agency.

(C)(1) The Speaker of the House of Representatives, upon consulting with the chairmen of the standing committees in the House of Representatives and the Clerk of the House of Representatives, shall determine the agencies for which each standing committee shall conduct oversight studies and investigations. A proposed five‑year review schedule must be published in the House Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee shall schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for the agency.

(D) The chairman of an investigating committee may vest the standing committee’s full investigative power and authority in a subcommittee. A subcommittee conducting an oversight study and investigation of an agency:

(1) shall make a full report of its findings and recommendations to the standing committee at the conclusion of its oversight study and investigation, and

(2) shall not consist of fewer than three members.

Section 2‑2‑40. (A) In addition to the scheduled five‑year oversight studies and investigations, a standing committee of the Senate or the House of Representatives may by one‑third vote of the standing committee’s membership initiate an oversight study and investigation of an agency within its subject matter jurisdiction. The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation.

(B) Nothing in the provisions of this chapter prohibits or restricts the President *Pro Tempore* of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies’ functions, duties, and activities.

Section 2‑2‑50. When an investigating committee conducts an oversight study and investigation or a legislative investigation is conducted pursuant to Section 2‑2‑40(B), evidence or information related to the investigation may be acquired by any lawful means, including, but not limited to:

(A) serving a request for information on the agency being studied or investigated. The request for information must be answered separately and fully in writing under oath and returned to the investigating committee within forty‑five days after being served upon the department or agency. The time for answering a request for information may be extended for a period to be agreed upon by the investigating committee and the agency for good cause shown. The head of the department or agency shall sign the answers verifying them as true and correct. If any question contains a request for records, policies, audio or video recordings, or other documents, the question is not considered to have been answered unless a complete set of records, policies, audio or video recordings or other documents is included with the answer;

(B) deposing witnesses upon oral examination. A deposition upon oral examination may be taken from any person that the investigating committee has reason to believe has knowledge of the activities under investigation. The investigating committee shall provide the person being deposed and the agency under investigation with no less than ten days notice of the deposition. The notice to the agency shall state the time and place for taking the deposition and name and address of each person to be examined. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena must be attached to or included in the notice. The deposition must be taken under oath administered by the chairman of the investigating committee or his designee. The testimony must be taken stenographically or recorded by some other means and may be videotaped. A person may be compelled to attend a deposition in the county in which he resides or in Richland County;

(C) issuing subpoenas and subpoenas duces tecum pursuant to Chapter 69 of this title; and

(D) requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee. The investigating committee shall specify the agency program or programs or agency operations that it is studying or investigating and the information to be contained in the program evaluation report.

Section 2‑2‑60. (A) An investigating committee’s request for a program evaluation report must contain:

(1) the agency program or operations that it intends to investigate;

(2) the information that must be included in the report; and

(3) the date that the report must be submitted to the committee.

(B) An investigating committee may request that the program evaluation report contain any of the following information:

(1) enabling or authorizing law or other relevant mandate, including any federal mandates;

(2) a description of each program administered by the agency identified by the investigating committee in the request for a program evaluation report, including the following information:

(a) established priorities, including goals and objectives in meeting each priority;

(b) performance criteria, timetables, or other benchmarks used by the agency to measure its progress in achieving its goals and objectives;

(c) an assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet them in the future;

(3) organizational structure, including a position count, job classification, and organization flow chart indicating lines of responsibility;

(4) financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the last ten years;

(5) identification of areas where the agency has coordinated efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements;

(6) identification of the constituencies served by the agency or program, noting any changes or projected changes in the constituencies;

(7) a summary of efforts by the agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives;

(8) identification of emerging issues for the agency;

(9) a comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program;

(10) agency policies for collecting, managing, and using personal information over the Internet and nonelectronically, information on the agency’s implementation of information technologies;

(11) a list of reports, applications, and other similar paperwork required to be filed with the agency by the public. The list must include:

(a) the statutory authority for each filing requirement;

(b) the date each filing requirement was adopted or last amended by the agency;

(c) the frequency that filing is required;

(d) the number of filings received annually for the last five years and the number of anticipated filings for the next five years;

(e) a description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication;

(12) any other relevant information specifically requested by the investigating committee.

(C) All information contained in a program evaluation report must be presented in a concise and complete manner.

(D) The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report and report its findings to the investigating committee. The chairman also may direct the Legislative Audit Council to perform its own audit of the program or operations being studied or investigated by the investigating committee.

(E) A state agency that is vested with revenue bonding authority may submit annual reports and annual external audit reports conducted by a third party in lieu of a program evaluation report.

Section 2‑2‑70. All testimony given to the investigating committee must be under oath.

Section 2‑2‑80. Any witness testifying before or deposed by the investigating committee may have counsel present to advise him. The witness or his counsel may, during the time of testimony or deposition, object to any question detrimental to the witness’ interests and is entitled to have a ruling by the chairman on any objection. In making his ruling, the chairman of the investigating committee shall follow as closely as possible the procedures and rules of evidence observed by the circuit courts of this State.

Section 2‑2‑90. A witness shall be given the benefit of any privilege which he may have claimed in court as a party to a civil action.

Section 2‑2‑100. Any person who appears before a committee or subcommittee of either house, pursuant to this chapter, and willfully gives false, misleading, or incomplete testimony under oath is guilty of a felony and must be fined within the discretion of the court or imprisoned for not more than five years, or both.

Section 2‑2‑110. Whenever any person violates Section 2‑2‑100 it is the duty of the chair of the committee or subcommittee before which the false, misleading, or incomplete testimony was given, to notify the Attorney General of South Carolina who shall cause charges to be filed in the appropriate county.”

Part V

Conforming and Miscellaneous Amendments

SECTION 14. A. Section 1‑11‑20 of the 1976 Code, as last amended by Act 164 of 2005, is further amended to read:

“Section 1‑11‑20. (A) The functions of the State Budget and Control Board must be performed, exercised, and discharged under the supervision and direction of the board through three divisions, the Finance Division (embracing the work of the State Auditor, the former State Budget Commission, the former State Finance Committee and the former Board of Claims for the State of South Carolina), the Purchasing and Property Division (embracing the work of the former Commissioners of the Sinking Fund, the former Board of Phosphate Commissioners, the State Electrician and Engineer, the former Commission on State House and State House Grounds, the central purchasing functions, the former Surplus Procurement Division of the State Research, Planning and Development Board and the Property Custodian) and the Division of Personnel Administration (embracing the work of the former retirement board known as the South Carolina Retirement System and the administration of all laws relating to personnel), each division to consist of a director and clerical, stenographic and technical employees necessary, to be employed by the respective directors with the approval of the board. The directors of the divisions must be employed by the State Budget and Control Board for that time and compensation as may be fixed by the board in its judgment.

(B)(1) Notwithstanding subsection (A), as of July 1, 2011, the Division of General Services of the State Budget and Control Board including Facilities Management, Business Services together with Fleet Management, and Property Services as well as the Procurement Services Division, Division of State Chief Information Officer, State Energy Office, Office of Human Resources, and the other offices or divisions of the State Budget and Control Board specified in Section 1‑30‑125 are transferred to, and incorporated into, the South Carolina Department of Administration.

(2) Notwithstanding another provision of law, if the State Budget and Control Board maintains any responsibility related to a program administered by the Department of Administration, whether the responsibility is regulatory, oversight, approval, or other, the board may receive and expend revenues generated by the programs to support the board’s responsibilities related to the programs. The funds may be retained and expended in subsequent fiscal years.

(3) The Department of Administration shall use the existing resources of each division transferred to the department including, but not limited to, funding, personnel, equipment, and supplies to carry out each division’s responsibilities. ‘Funding’ means state, federal, and other funds. Vacant FTE’s at the State Budget and Control Board also may be used to fill needed positions at the department. No new FTE’s may be assigned to the department without authorization from the General Assembly.

(C) Notwithstanding subsection (A), as of July 1, 2011, the State Budget and Control Board also contains an additional division, known as the State House, Legislative, and Judicial Facilities Operations Division, responsible for the operations and management of the State House, Blatt Office Building, Gressette Office Building, Supreme Court Building, Calhoun Office Building, and Capitol Complex grounds. The division shall use existing resources in the General Services Division and the State Budget and Control Board including, but not limited to, funding, personnel, equipment, supplies, and tools to carry out the responsibilities of the division. No new FTE’s may be assigned to the State House, Legislative, and Judicial Facilities Operations Division without authorization from the General Assembly. The division also shall divide or share, or both, existing equipment, tools, and supplies with the General Services Division to carry out the responsibilities of the division. The division shall not purchase new equipment, tools, or supplies unless approved by the Executive Director of the State Budget and Control Board.”

B. Section 1‑11‑22 of the 1976 Code is amended to read:

“Section 1‑11‑22. (A) Notwithstanding any other provision of law, the Budget and Control Board may organize its staff as it ~~deems~~ considers most appropriate to carry out the various duties, responsibilities and authorities assigned to it and to its various divisions and management and organizational entities.

(B) To the extent that any provision of law divides any responsibilities of any division, office, or program of the Budget and Control Board between the board and one or more state agencies, the transfer must not proceed until a realignment plan for the allocation of staff, assets, and resources is prepared and presented by the board’s executive director, and approved by the board. Upon the board’s approval, the Office of the Executive Director must provide for the allocation as specified in the realignment plan as soon as practicable.

(C) Notwithstanding any other provision of law, wherever the Budget and Control Board maintains any responsibility related to a program administered by the Department of Administration, whether the responsibility be regulatory, oversight, approval, or other, the board is authorized to expend revenues generated by the programs to support the board’s responsibilities related to the programs. The funds may be retained and expended in subsequent fiscal years.”

C. Sections 1‑11‑55, 1‑11‑56, and 1‑11‑58 of the 1976 Code are amended to read:

“Section 1‑11‑55. (1) ‘Governmental body’ means a state government department, commission, council, board, bureau, committee, institution, college, university, technical school, ~~legislative body,~~ government corporation, or other establishment or official of the executive~~, judicial, or legislative branches~~ branch of this State. Governmental body excludes the General Assembly, Legislative Council, the Office of Legislative Printing, Information and Technology Systems, the Judicial Department, and all local political subdivisions such as counties, municipalities, school districts, or public service or special purpose districts.

(2) The ~~Budget and Control Board~~ South Carolina Department of Administration, Division of General Services, is hereby designated as the single central broker for the leasing of real property for governmental bodies. No governmental body shall enter into any lease agreement or renew any existing lease except in accordance with the provisions of this section.

(3) When any governmental body needs to acquire real property for its operations or any part thereof and state‑owned property is not available, it shall notify the ~~Office~~ Division of General Services of its requirement on rental request forms prepared by the ~~office~~ division. Such forms shall indicate the amount and location of space desired, the purpose for which it shall be used, the proposed date of occupancy and such other information as General Services may require. Upon receipt of any such request, General Services shall conduct an investigation of available rental space which would adequately meet the governmental body’s requirements, including specific locations which may be suggested and preferred by the governmental body concerned. When suitable space has been located which the governmental body and the ~~office~~ division agree meets necessary requirements and standards for state leasing as prescribed in procedures of the ~~board~~ department as provided for in subsection (5) of this section, General Services shall give its written approval to the governmental body to enter into a lease agreement. All proposed lease renewals shall be submitted to General Services by the time specified by General Services.

(4) The ~~board~~ department shall adopt procedures to be used for governmental bodies to apply for rental space, for acquiring leased space, and for leasing state‑owned space to nonstate lessees. Before implementation, these procedures must be submitted to the Budget and Control Board for approval.

(5) Any participant in a property transaction proposed to be entered who maintains that a procedure provided for in this section has not been properly followed, may request review of the transaction by the ~~Director~~ director of the ~~Office~~ Division of General Services of the Department of Administration or his designee.

Section 1‑11‑56. The ~~State Budget and Control Board~~ Department of Administration, Division of General Services, in an effort to ensure that funds authorized and appropriated for rent are used in the most efficient manner, is directed to develop a program to manage the leasing of all public and private space of state agencies. The department must submit regulations for the implementation of this section to the General Assembly as provided in the Administrative Procedures Act, Chapter 23 of Title 1. The ~~board’s`~~ department regulations, upon General Assembly approval, shall include procedures for:

(1) assessing and evaluating agency needs, including the authority to require agency justification for any request to lease public or private space;

(2) establishing standards for the quality and quantity of space to be leased by a requesting agency;

(3) devising and requiring the use of a standard lease form (approved by the Attorney General) with provisions which assert and protect the state’s prerogatives including, but not limited to, a right of cancellation in the event of:

(a) a nonappropriation for the renting agency~~,~~;

(b) a dissolution of the agency~~,~~; and

(c) the availability of public space in substitution for private space being leased by the agency;

(4) rejecting an agency’s request for additional space or space at a specific location, or both;

(5) directing agencies to be located in public space, when available, before private space can be leased;

(6) requiring the agency to submit a multi‑year financial plan for review by the ~~board’s budget office~~ Budget and Control Board’s Office of State Budget with copies sent to Ways and Means Committee and Senate Finance Committee, before any new lease for space is entered into; and requiring prior review by the Joint Bond Review Committee and the requirement of Budget and Control Board approval before the adoption of any new lease that commits more than one million dollars in a five‑year period; and

(7) requiring prior review by the Joint Bond Review Committee and ~~the requirement of Budget and Control Board~~ departmental approval before the adoption of any new lease that commits more than one million dollars in a five‑year period.

Section 1‑11‑58. (1) Every state agency, as defined by Section 1‑19‑40, shall annually perform an inventory and prepare a report of all residential and surplus real property owned by it. The report shall be submitted to the ~~State Budget and Control Board~~ Department of Administration, ~~Office~~ Division of General Services, on or before June thirtieth and shall indicate current use, current value, and projected use of the property. Property not currently being utilized for necessary agency operations shall be made available for sale and funds received from the sale of the property shall revert to the general fund.

(2) The ~~Office~~ Division of General Services ~~will~~ shall review the annual reports addressing real property submitted to it and determine the real property which is surplus to the State. A central listing of such property will be maintained for reference in reviewing subsequent property acquisition needs of agencies.

(3) Upon receipt of a request by an agency to acquire additional property, the ~~Office~~ Division of General Services shall review the surplus property list to determine if the agency’s needs ~~can~~ may be met from existing state‑owned property. If such property is identified, the ~~Office~~ division ~~of General Services~~ shall act as broker in transferring the property to the requesting agency under terms and conditions that are mutually agreeable to the agencies involved.

(4) The ~~Budget and Control Board~~ department may authorize the ~~Office~~ Division of General Services to sell any unassigned surplus real property. The ~~Office of General Services~~ division shall have the discretion to determine the method of disposal to be used, which possible methods include: auction, sealed bids, listing the property with a private broker or any other method determined by the ~~Office of General Services~~ division to be commercially reasonable considering the type and location of property involved.”

D. Sections 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, and 1‑11‑110 of the 1976 Code are amended to read:

“Section 1‑11‑65. (A) All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State, must be recommended by the Department of Administration and approved by and recorded with the State Budget and Control Board. Upon approval of the transaction by the Budget and Control Board, there must be recorded simultaneously with the deed, a certificate of acceptance, which acknowledges the board’s approval of the transaction. The county recording authority cannot accept for recording any deed not accompanied by a certificate of acceptance. The board may exempt a governmental body from the provisions of this subsection.

(B) All state agencies, departments, and institutions authorized by law to accept gifts of tangible personal property shall have executed by its governing body an acknowledgment of acceptance prior to transfer of the tangible personal property to the agency, department, or institution.

Section 1‑11‑67. The State Budget and Control Board and the Department of Administration shall assess and collect a rental charge from all state departments and agencies that occupy ~~State Budget and Control Board~~ space in state‑controlled office buildings under their jurisdiction. The amount charged each department or agency must be calculated on a square foot, or other equitable basis of measurement, and at rates that will yield sufficient total annual revenue to cover the annual principal and interest due or anticipated on the Capital Improvement Obligations for projects administered or planned by the ~~Office of General Services~~ board or by the department, and maintenance and operation costs of State Budget and Control Board‑controlled or department‑controlled office buildings ~~under the supervision of the Office of General Services~~. The amount collected must be deposited in a special account and must be expended only for payment on Capital Improvement Obligations and maintenance and operations costs of the buildings under the supervision of the ~~Office of General Services~~ board or department.

All departments and agencies against which rental charges are assessed and whose operations are financed in whole or in part by federal or other nonappropriated funds are both directed to apportion the payment of these charges equitably among all funds to ensure that each bears its proportionate share.

Section 1‑11‑70. All vacant lands and lands purchased by the former land commissioners of the State ~~shall be~~ are subject to the directions of the ~~State Budget and Control Board~~ Department of Administration.

Section 1‑11‑80. The State Budget and Control Board, after consultation with the South Carolina Department of Administration, is authorized to grant easements and rights of way to any person for construction and maintenance of power lines, pipe lines, water and sewer lines and railroad facilities over, on or under such vacant lands or marshland as are owned by the State, upon payment of the reasonable value thereof.

Section 1‑11‑90. The State Budget and Control Board, after consultation with the South Carolina Department of Administration, may grant to agencies or political subdivisions of the State, without compensation, rights of way through and over such marshlands as are owned by the State for the construction and maintenance of roads, streets and highways or power or pipe lines, if, in the judgment of the Budget and Control Board, the interests of the State will not be adversely affected thereby.

Section 1‑11‑100. Deeds or other instruments conveying such rights of way or easements over such marshlands or vacant lands as are owned by the State shall be executed by the Governor in the name of the State, when recommended by the South Carolina Department of Administration and authorized by resolution of the Budget and Control Board, duly recorded in the minutes andrecords of such board and when duly approved by the office of the Attorney General; deeds or other instruments conveying such easements over property in the name of or under the control of State agencies, institutions, commissions or other bodies shall be executed by the majority of the governing body thereof, shall name both the State of South Carolina and the institution, agency, commission or governing body as grantors, and shall show the written approval of the majority of the members of the State Budget and Control Board.

Section 1‑11‑110. (1) The State Budget and Control Board, after consultation with the South Carolina Department of Administration, is authorized to acquire real property, including any estate or interest therein, for, and in the name of, the State of South Carolina by gift, purchase, condemnation or otherwise.

(2) The State Budget and Control Board, after consultation with the South Carolina Department of Administration, shall make use of the provisions of the Eminent Domain Procedure Act (Chapter 2 of Title 28) if it is necessary to acquire real property by condemnation. The actions must be maintained by and in the name of the board. The right of condemnation is limited to the right to acquire land necessary for the development of the Capitol Complex ~~mall~~ grounds in the City of Columbia.”

E. Section 1‑11‑180 of the 1976 Code is amended to read:

“Section 1‑11‑180. (A) In addition to the powers granted the ~~Budget and Control Board~~ South Carolina Department of Administration under this chapter or any other provision of law, the ~~board~~ department may:

(1) survey, appraise, examine, and inspect the condition of state property to determine what is necessary to protect state property against fire or deterioration and to conserve the use of the property for state purposes;

(2) ~~approve the destruction or disposal of state agency records;~~

~~(3)~~ ~~require submission and approval of plans and specifications for permanent improvements by a state department, agency, or institution before a contract is awarded for the permanent improvement;~~

~~(4)~~ approve blanket bonds for a state department, agency, or institution including bonds for state officials or personnel. However, the form and execution of blanket bonds must be approved by the Attorney General;

~~(5)~~(3) contract to develop an energy utilization management system for state facilities under its control and to assist other agencies and departments in establishing similar programs. However, this does not authorize capital expenditures.

(B) The ~~Budget and Control Board~~ South Carolina Department of Administration ~~may~~ shall promulgate regulations necessary to carry out this section.”

F. Chapter 11 of Title 1 of the 1976 Code is amended by adding:

“Section 1‑11‑185. (A) In addition to the powers granted the Budget and Control Board pursuant to this chapter or another provision of law, the board may require submission and approval of plans and specifications for permanent improvements by a state department, agency, or institution before a contract is awarded for the permanent improvement.

(B) The Budget and Control Board may promulgate regulations necessary to carry out its duties.

(C) The respective divisions of the Budget and Control Board are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which must be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and those funds may be retained and expended for the same purposes.”

G. (1) Section 1‑11‑220 of the 1976 Code, as last amended by Act 203 of 2008, is further amended to read:

“Section 1‑11‑220. There is hereby established within the ~~Budget and Control Board~~ South Carolina Department of Administration, ~~the~~ Division of ~~Motor Vehicle Management~~ General Services, Program of Fleet Management headed by ~~a Director, hereafter referred to as~~ the ‘State Fleet Manager’ appointed by and reporting directly to the ~~Budget and Control Board~~ department~~, hereafter referred to as the Board~~. The ~~Board~~ department shall develop a comprehensive state Fleet Management Program. The program shall address acquisition, assignment, identification, replacement, disposal, maintenance, and operation of motor vehicles.

The ~~Budget and Control Board~~ department shall, through ~~their~~ its policies and regulations, seek to ~~achieve the following objectives~~:

(a) ~~to~~ achieve maximum cost‑effectiveness management of state‑owned motor vehicles in support of the established missions and objectives of the agencies, boards, and commissions~~.~~;

(b) ~~to~~ eliminate unofficial and unauthorized use of state vehicles~~.~~;

(c) ~~to~~ minimize individual assignment of state vehicles~~.~~;

(d) ~~to~~ eliminate the reimbursable use of personal vehicles for accomplishment of official travel when this use is more costly than use of state vehicles~~.~~;

(e) ~~to~~ acquire motor vehicles offering optimum energy efficiency for the tasks to be performed~~.~~;

(f) ~~to~~ insure motor vehicles are operated in a safe manner in accordance with a statewide Fleet Safety Program;

(g) ~~to~~ improve environmental quality in this State by decreasing the discharge of pollutants.”

(2) Section 1‑11‑225 of the 1976 Code is amended to read:

“Section 1‑11‑225. The ~~Division of Operations~~ South Carolina Department of Administration shall establish a cost allocation plan to recover the cost of operating the comprehensive statewide Fleet Management Program. The division shall collect, retain, and carry forward funds to ensure continuous administration of the program.”

(3) Sections 1‑11‑250, 1‑11‑260, 1‑11‑270(A), 1‑11‑280, 1‑11‑290; 1‑11‑300, 1‑11‑310, as last amended by Act 203 of 2008, 1‑11‑315, 1‑11‑320; 1‑11‑335, and 1‑11‑340 of the 1976 Code are amended to read:

“Section 1‑11‑250. For purposes of Sections 1‑11‑220 to 1‑11‑330:

(a) ‘State agency’ means all officers, departments, boards, commissions, institutions, universities, colleges, and all persons and administrative units of state government that operate motor vehicles purchased, leased, or otherwise held with the use of state funds, pursuant to an appropriation, grant or encumbrance of state funds, or operated pursuant to authority granted by the State.

(b) ‘~~Board~~ Department’ means ~~State Budget and Control Board~~ the South Carolina Department of Administration.

Section 1‑11‑260. (A) The Fleet Manager shall report annually to the ~~Budget and Control Board~~ department and the General Assembly concerning the performance of each state agency in achieving the objectives enumerated in Sections 1‑11‑220 through 1‑11‑330 and include in the report a summary of the ~~division’s~~ program’s efforts in aiding and assisting the various state agencies in developing and maintaining their management practices in accordance with the comprehensive statewide ~~Motor Vehicle~~ Fleet Management Program. This report also shall contain recommended changes in the law and regulations necessary to achieve these objectives.

(B) The ~~board~~ department, after consultation with state agency heads, shall promulgate and enforce state policies, procedures, and regulations to achieve the goals of Sections 1‑11‑220 through 1‑11‑330 and shall recommend administrative penalties to be used by the agencies for violation of prescribed procedures and regulations relating to the Fleet Management Program.

Section 1‑11‑270. (A) The ~~board~~ department shall establish criteria for individual assignment of motor vehicles based on the functional requirements of the job, which shall reduce the assignment to situations clearly beneficial to the State. Only the Governor, statewide elected officials, and agency heads are provided a state‑owned vehicle based on their position.

Section 1‑11‑280. The ~~Board~~ department shall develop a system of agency‑managed and interagency motor pools which are, to the maximum extent possible, cost beneficial to the State. All motor pools shall operate according to regulations promulgated by the ~~Budget and Control Board~~ department. Vehicles shall be placed in motor pools rather than being individually assigned except as specifically authorized by the ~~Board~~ department in accordance with criteria established by the ~~Board~~ department. ~~The motor pool operated by the Division of General Services shall be transferred to the Division of Motor Vehicle Management.~~ Agencies utilizing motor pool vehicles shall utilize trip log forms approved by the ~~Board~~ department for each trip, specifying beginning and ending mileage and the job function performed.

The provisions of this section shall not apply to school buses and service vehicles.

Section 1‑11‑290. The ~~Board~~ department in consultation with the agencies operating maintenance facilities shall study the cost‑effectiveness of such facilities versus commercial alternatives and shall develop a plan for maximally cost‑effective vehicle maintenance. The ~~Budget and Control Board~~ department shall promulgate rules and regulations governing vehicle maintenance to effectuate the plan.

The State Vehicle Maintenance program shall include:

(a) central purchasing of supplies and parts;

(b) an effective inventory control system;

(c) a uniform work order and record‑keeping system assigning actual maintenance cost to each vehicle; and

(d) preventive maintenance programs for all types of vehicles.

All motor fuels shall be purchased from state facilities except in cases where such purchase is impossible or not cost beneficial to the State.

All fuels, lubricants, parts, and maintenance costs including those purchased from commercial vendors shall be charged to a state credit card bearing the license plate number of the vehicle serviced and the bill shall include the mileage on the odometer of the vehicle at the time of service.

Section 1‑11‑300. In accordance with criteria established by the ~~board~~ department, each agency shall develop and implement a uniform cost accounting and reporting system to ascertain the cost per mile of each motor vehicle used by the State under their control. Agencies presently operating under existing systems may continue to do so provided that ~~board~~ departmental approval ~~shall be~~ is required and that the existing systems ~~shall be~~ are uniform with the criteria established by the ~~board~~ department. All expenditures on a vehicle for gasoline and oil shall be purchased in one of the following ways:

(1) from state‑owned facilities and paid for by the use of Universal State Credit Cards except where agencies purchase these products in bulk;

(2) from any fuel outlet where gasoline and oil are sold regardless of whether the outlet accepts a credit or charge card when the purchase is necessary or in the best interest of the State; and

(3) from a fuel outlet where gasoline and oil are sold when that outlet agrees to accept the Universal State Credit Card.

These provisions regarding purchase of gasoline and oil and usability of the state credit card also apply to alternative transportation fuels where available. The ~~Budget and Control Board Division of Operations~~ department shall adjust the budgetary appropriation ~~in Part IA, Section 63B,~~ for ‘Operating Expenses‑‑Lease Fleet’ to reflect the dollar savings realized by these provisions and transfer such amount to other areas of the State Fleet Management Program. The ~~Board~~ department shall promulgate regulations regarding the purchase of motor vehicle equipment and supplies to ensure that agencies within a reasonable distance are not duplicating maintenance services or purchasing equipment that is not in the best interest of the State. The ~~Board~~ department shall develop a uniform method to be used by the agencies to determine the cost per mile for each vehicle operated by the State.

Section 1‑11‑310. (A) The ~~State Budget and Control Board~~ South Carolina Department of Administration shall purchase, acquire, transfer, replace, and dispose of all motor vehicles on the basis of maximum cost‑effectiveness and lowest anticipated total life cycle costs.

(B) The standard state fleet sedan or station wagon must be no larger than a compact model and the special state fleet sedan or station wagon must be no larger than an intermediate model. The ~~director of the Division of Motor Vehicle Management~~ State Fleet Manager shall determine the types of vehicles which fit into these classes. Only these classes of sedans and station wagons may be purchased by the State for nonlaw enforcement use.

(C) The State shall purchase police sedans only for the use of law enforcement officers, as defined by the Internal Revenue Code. Purchase of a vehicle under this subsection must be concurred in by the ~~director of the Division of Motor Vehicle Management~~ State Fleet Manager and must be in accordance with regulations promulgated or procedures adopted under Sections 1‑11‑220 through 1‑11‑340 which must take into consideration the agency’s mission, the intended use of the vehicle, and the officer’s duties. Law enforcement agency vehicles used by employees whose job functions do not meet the Internal Revenue Service definition of ‘Law Enforcement Officer’ must be standard or special state fleet sedans.

(D) All state motor vehicles must be titled to the State and must be received by and remain in the possession of the ~~Division~~ Program of ~~Motor Vehicle~~ Fleet Management pending sale or disposal of the vehicle.

(E) Titles to school buses and service vehicles operated by the State Department of Education and vehicles operated by the South Carolina Department of Transportation must be retained by those agencies.

(F) Exceptions to requirements in subsections (B) and (C) must be approved by the ~~director of the Division of Motor Vehicle Management~~ State Fleet Manager. Requirements in subsection (B) do not apply to the State Development Board.

(G) Preference in purchasing state motor vehicles must be given to vehicles assembled in the United States with at least seventy‑five percent domestic content as determined by the appropriate federal agency.

(H) Preference in purchasing state motor vehicles must be given to hybrid, plug‑in hybrid, bio‑diesel, hydrogen, fuel cell, or flex‑fuel vehicles when the performance, quality, and anticipated life cycle costs are comparable to other available motor vehicles.

Section 1‑11‑315. The ~~State Budget and Control Board~~ South Carolina Department of Administration, Division of General Services, Program of ~~Motor Vehicle~~ Fleet Management, shall determine the extent to which the state vehicle fleet can be configured to operate on alternative transportation fuels. This determination must be based on a thorough evaluation of each alternative fuel and the feasibility of using such fuels to power state vehicles. The state fleet must be configured in a manner that will serve as a model for other corporate and government fleets in the use of alternative transportation fuel. By March 1, 1993, the ~~Division~~ Program of ~~Motor Vehicle~~ Fleet Management must submit a plan to the General Assembly for the use of alternative transportation fuels for the state vehicle fleet that will enable the state vehicle fleet to serve as a model for corporate and other government fleets in the use of alternative transportation fuel. This plan must contain a cost/benefit analysis of the proposed changes.

Section 1‑11‑320. The ~~Board~~ department shall ensure that all state‑owned motor vehicles are identified as such through the use of permanent ~~state‑government~~ state government license plates and either state or agency seal decals. No vehicles shall be exempt from the requirements for identification except those exempted by the ~~Board~~ department.

This section shall not apply to vehicles supplied to law enforcement officers when, in the opinion of the ~~Board~~ department after consulting with the Chief of the State Law Enforcement Division, those officers are actually involved in undercover law enforcement work to the extent that the actual investigation of criminal cases or the investigators’ physical well‑being would be jeopardized if they were identified. The ~~Board~~ department is authorized to exempt vehicles carrying human service agency clients in those instances in which the privacy of the client would clearly and necessarily be impaired.

Section 1‑11‑335. The respective divisions of the Budget and Control Board and the South Carolina Department of Administration are authorized to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments, goods and services, as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.

Section 1‑11‑340. The ~~Board~~ department shall develop and implement a statewide Fleet Safety Program for operators of state‑owned vehicles which shall serve to minimize the amount paid for rising insurance premiums and reduce the number of accidents involving state‑owned vehicles. The ~~Board~~ department shall promulgate ~~rules and~~ regulations requiring the establishment of an accident review board by each agency and mandatory driver training in those instances where remedial training for employees would serve the best interest of the State.”

H. Section 1‑11‑435 of the 1976 Code is amended to read:

“Section 1‑11‑435. To protect the state’s critical information technology infrastructure and associated data systems in the event of a major disaster, whether natural or otherwise, and to allow the services to the citizens of this State to continue in such an event, the ~~Office~~ Division of the Office of the State Chief Information Officer in the Budget and Control Board (CIO) should develop a Critical Information Technology Infrastructure Protection Plan devising policies and procedures to provide for the confidentiality, integrity, and availability of, and to allow for alternative and immediate online access to critical data and information systems including, but not limited to, health and human services, law enforcement, and related agency data necessary to provide critical information to citizens and ensure the protection of state employees as they carry out their disaster‑related duties. All state agencies and political subdivisions of this State are directed to assist the Office of the State CIO in the collection of data required for this plan.”

I. Section 2‑13‑240(a) of the 1976 Code is amended by adding at the end:

“(89) Department of Administration, six.”

J. Section 2‑13‑240(a)(58) of the 1976 Code is amended to read:

“(58) Budget and Control Board:

(a) Auditor, six;

(b) General Services Division, six;

(c) Personnel Division, one;

(d) Research and Statistical Services Division, one;

(e) Retirement System, one~~.~~;

(f) Statehouse, Legislative, and Judicial Facilities Operations Division, one.”

K. Chapter 9, Title 3 of the 1976 Code is amended to read:

“CHAPTER 9

Acquisition and Distribution of Federal Surplus Property

Section 3‑9‑10. (a) The Division of General Services of the ~~State Budget and Control Board~~ South Carolina Department of Administration is authorized:

(1) to acquire from the United States of America under and in conformance with the provisions of Section 203 (j) of the Federal Property and Administrative Services Act of 1949, as amended, hereafter referred to as the ‘act,’ such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for purposes of education, public health or civil defense, including research for any such purpose, and for such other purposes as may now or hereafter be authorized by federal law;

(2) to warehouse such property; and

(3) to distribute such property within the State to tax‑supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges and universities within the State, to other nonprofit medical institutions, hospitals, clinics, health centers, schools, colleges and universities which are exempt from taxation under Section 501 (c)(3) of the United States Internal Revenue Code of 1954, to civil defense organizations of the State, or political subdivisions and instrumentalities thereof, which are established pursuant to State law, and to such other types of institutions or activities as may now be or hereafter become eligible under Federal law to acquire such property.

(b) The Division of General Services of the Department of Administration is authorized to receive applications from eligible health and educational institutions for the acquisition of Federal surplus real property, investigate the applications, obtain expression of views respecting the applications from the appropriate health or educational authorities of the State, make recommendations regarding the need of such applicant for the property, the merits of its proposed program of utilization, the suitability of the property for the purposes, and otherwise assist in the processing of the applications for acquisition of real and related personal property of the United States under Section 203 (k) of the act.

(c) For the purpose of executing its authority under this chapter, the Division of General Services is authorized to adopt, amend or rescind rules and regulations and prescribe such requirements as may be deemed necessary; and take such other action as is deemed necessary and suitable, in the administration of this chapter, to assure maximum utilization by and benefit to health, educational and civil defense institutions and organizations within the State from property distributed under this chapter.

(d) The ~~Budget and Control Board~~ South Carolina Department of Administration is authorized to appoint advisory boards or committees, and to employ such personnel and prescribe their duties as are deemed necessary and suitable for the administration of this chapter.

(e) The Director of the Division of General Services is authorized to make such certifications, take such action and enter into such contracts, agreements and undertakings for and in the name of the State (including cooperative agreements with any Federal agencies providing for utilization of property and facilities by and exchange between them of personnel and services without reimbursement), require such reports and make such investigations as may be required by law or regulation of the United States of America in connection with the receipt, warehousing, and distribution of personal property received by him from the United States of America.

(f) The Division of General Services is authorized to act as clearinghouse of information for the public and private nonprofit institutions, organizations and agencies referred to in subparagraph (a) of this section and other institutions eligible to acquire federal surplus personal property, to locate both real and personal property available for acquisition from the United States of America, to ascertain the terms and conditions under which such property may be obtained, to receive requests from the above‑mentioned institutions, organizations, and agencies and to transmit to them all available information in reference to such property, and to aid and assist such institutions, organizations, and agencies in every way possible in the consummation of acquisitions or transactions hereunder.

(g) The Division of General Services, in the administration of this chapter, shall cooperate to the fullest extent consistent with the provisions of the act~~,~~ and with the departments or agencies of the United States of America, ~~and shall~~ file a State plan of operation, and operate in accordance therewith, ~~and~~ take such action as may be necessary to meet the minimum standards prescribed in accordance with the act, ~~and~~ make such reports in such form and containing such information as the United States of America or any of its departments or agencies may from time to time require, and ~~it shall~~ comply with the laws of the United States of America and the rules and regulations of any of the departments or agencies of the United States of America governing the allocation, transfer, use or accounting for, property donable or donated to the State.

Section 3‑9‑20. The Director of the Division of General Services may delegate such power and authority as he deems reasonable and proper for the effective administration of this chapter. The ~~State Budget and Control Board~~ South Carolina Department of Administration may require bond of any person in the employ of the Division of General Services receiving or distributing property from the United States under authority of this chapter.

Section 3‑9‑30. Any charges made or fees assessed by the Division of General Services for the acquisition, warehousing, distribution, or transfer of any property of the United States of America for educational, public health, or civil defense purposes, including research for any such purpose, or for any purpose which may now be or hereafter become eligible under the act, shall be limited to those reasonably related to the costs of care and handling in respect to its acquisition, receipt, warehousing, distribution, or transfer.

Section 3‑9‑40. The provisions of this chapter shall not apply to the acquisition of property acquired by agencies of the State under the priorities established by Section 308 (b), Title 23, United States Code, Annotated.”

L. Section 10‑1‑10, Section 10‑1‑30, as last amended by Act 628 of 1988, and Section 10‑1‑40 of the 1976 Code are amended to read:

“Section 10‑1‑10. (A) The State Budget and Control Board shall keep, landscape, cultivate, and beautify the State House and State House grounds with authority to expend such amounts as may be annually appropriated therefor. The board shall employ all help and labor in policing, protecting, and caring for the State House and State House grounds and shall have full authority over them.

(B) The State Budget and Control Board shall keep and maintain the State House, Blatt Office Building, Gressette Office Building, Supreme Court Building, Calhoun Office Building, and the grounds of the Capitol Complex with authority to expend amounts as may be appropriated annually therefor and shall have full authority over the buildings. The board shall employ all help and labor in policing, protecting, and caring for the State House, and its grounds and shall have full authority over it.

Section 10‑1‑30. (A) The ~~Director of the Division of General Services of the~~ State Budget and Control Board may authorize the use of ~~the State House lobbies,~~ the State House steps and grounds~~,~~ and other public buildings and grounds in accordance with ~~regulations promulgated~~ restrictions set by the board.

(B) The Budget and Control Board may authorize the use of the State House lobbies and the Gressette and Blatt Office Buildings in accordance with restrictions set by the board. The ~~director~~ board shall obtain the approval of the Clerk of the Senate before authorizing any use of the Gressette Building and shall obtain the approval of the Clerk of the House of Representatives before authorizing any use of the Blatt Building.

(C) The ~~regulations~~ restrictions upon the use of the buildings and grounds must contain provisions to ~~insure~~ ensure that the public health, safety, and welfare ~~will be~~ are protected in the use of the areas including reasonable time, place, and manner restrictions and application periods before use. If sufficient measures ~~cannot be~~ are not taken to protect the public health, safety, and welfare, the ~~director~~ Budget and Control Board shall deny the requested use. Other restrictions may be imposed on the use of the areas as are necessary for the conduct of business in those areas and the maintenance of the dignity, decorum, and aesthetics of the areas.

Section 10‑1‑40. There is hereby established a committee to be known as the ‘State House Committee’, consisting of five members of the Senate, appointed by the Lieutenant Governor and five members of the House of Representatives, appointed by the Speaker, whose duties shall be to review all proposals for alterations and/or renovations to the State House. No alterations or renovations shall be undertaken without the approval of this committee.”

M. Section 10‑1‑130 of the 1976 Code is amended to read:

“Section 10‑1‑130. The trustees or governing bodies of state institutions and agencies may grant easements and rights of way over any property under their control, upon the recommendation of the Department of Administration and the concurrence and acquiescence of the State Budget and Control Board, whenever it appears that such easements ~~will~~ do not materially impair the utility of the property or damage it and, when a consideration is paid therefor, any ~~such~~ amounts ~~shall~~ must be placed in the State Treasury to the credit of the institution or agency having control of the property involved.”

N. Section 10‑1‑190 of the 1976 Code, as added by Act 145 of 1995, is amended to read:

“Section 10‑1‑190. As part of the approval process relating to trades of state property for nonstate property, the ~~Budget and Control Board~~ South Carolina Department of Administration is authorized to approve the application of any net proceeds resulting from such a transaction to the improvement of the property held by the ~~board~~ department, subject to the approval of the Budget and Control Board.”

O. Chapter 9, Title 10 of the 1976 Code is amended to read:

“CHAPTER 9

Minerals and Mineral Interests

in Public Lands

Article 1

General Provisions

Section 10‑9‑10. The Public Service Authority may, through its board of directors, make and execute leases of gas, oil, and other minerals and mineral rights, excluding phosphate and lime and phosphatic deposits, over and upon the lands and properties owned by said authority; and the ~~State Budget and Control Board~~ South Carolina Department of Administration and the forfeited land commissions of the ~~several~~ counties of this State may, with the approval of the Attorney General, make and execute such leases over and upon the lands and waters of the State and of the ~~several~~ counties under the ownership, management, or control of ~~such Board~~ the department and commissions respectively.

Section 10‑9‑20. No such lease shall provide for a royalty of less than twelve and one‑half per cent of production of oil and gas from the lease.

Section 10‑9‑30. Nothing contained in this article shall estop the State from enacting proper laws for the conservation of the oil, gas and other mineral resources of the State and all leases and contracts made under authority of this article shall be subject to such laws; provided, that the ~~State Budget and Control Board~~ South Carolina Department of Administration may negotiate for leases of oil, gas, and other mineral rights upon all of the lands and waters of the State, including offshore marginal and submerged lands.

Section 10‑9‑35. In the event that the State of South Carolina is the recipient of revenues derived from offshore oil leases within the jurisdictional limits of the State such revenues shall be deposited with the State Treasurer in a special fund and shall be expended only by authorization of the General Assembly.

Funds so accumulated shall be expended only for the following purposes:

(1) to retire the bonded indebtedness incurred by South Carolina;

(2) for capital improvement expenditures.

Section 10‑9‑40. The authority conferred upon the Public Service Authority, the ~~State Budget and Control Board~~ South Carolina Department of Administration, and the forfeited land commissions by this article shall be cumulative and in addition to the rights and powers heretofore vested by law in such authority, ~~such State Budget and Control Board~~ the South Carolina Department of Administration, and such commissions, respectively.

Article 3

Phosphate

Section 10‑9‑110. The ~~State Budget and Control Board~~ South Carolina Department of Administration shall be charged with the exclusive control and protection of the rights and interest of the State in the phosphate rocks and phosphatic deposits in the navigable streams and in the marshes thereof.

Section 10‑9‑120. The ~~Board~~ department may inquire into and protect the interests of the State in and to any phosphatic deposits or mines, whether in the navigable waters of the State or in land marshes or other territory owned or claimed by other parties, and in the proceeds of any such mines and may take such action for, or in behalf of, the State in regard thereto as it may find necessary or deem proper.

Section 10‑9‑130. The ~~Board~~ department may issue to any person who applies for a lease or license granting a general right to dig, mine, and remove phosphate rock and phosphatic deposits from all the navigable streams, waters, and marshes belonging to the State and also from such of the creeks, not navigable, lying therein as may contain phosphate rock and deposits belonging to the State and not previously granted. Such leases or licenses may be for such terms as may be determined by the ~~Board~~ department. The annual report of the ~~Board~~ department to the General Assembly shall include a list of all effective leases and licenses. The ~~Board~~ department may make a firm contract for the royalty to be paid the State which shall not be increased during the life of the license. Provided, that prior to the grant or issuance of any lease or license, the ~~Board~~ department shall cause to be published a notice of such application in a newspaper having general circulation in the county once a week for three successive weeks prior to the grant or issuance. ~~Provided, further~~ However, the lessee or licensee ~~may~~ shall not take possession if there ~~be~~ is an adverse claim and the burden of proving ownership in the State shall be placed upon the lessee or licensee.

Section 10‑9‑140. I In every case in which ~~such~~ an application ~~shall be~~ is made to the ~~Board~~ department for a license, the ~~Board~~ department may grant or refuse the license as it ~~may deem~~ considers best for the interest of the State and the proper management of the interests of the State in ~~such~~ those deposits.

Section 10‑9‑150. As a condition precedent to the right to dig, mine, and remove the rocks and deposits granted by ~~any such~~ a license, each licensee shall enter into bond, with security, in the penal sum of five thousand dollars, conditioned for the making at the end of every month of true and faithful returns to the Comptroller General of the number of tons of phosphate rock and phosphatic deposits so dug or mined and the punctual payment to the State Treasurer of the royalty provided at the end of every quarter or three months. ~~Such~~ The bond and sureties ~~thereon shall be~~ are subject to the approval required by law for the bonds of state officers.

Section 10‑9‑160. Whenever the ~~Board~~ department shall have reason to doubt the solvency of any surety whose name appears upon any bond executed for the purpose of securing the payment of the phosphate royalty by any person digging, mining and removing phosphate rock or phosphatic deposits in any of the territory, the property of the State, under any grant or license, the ~~Board~~ department shall forthwith notify the person giving such bond and the sureties thereon and require that one or more sureties, as the case may be, shall be added to the bond, such surety or sureties to be approved by the ~~Board~~ department.

Section 10‑9‑170. The ~~Board~~ department, upon petition filed by any person who is surety on any such bond as aforesaid and who considers himself in danger of being injured by such suretyship, shall notify the person giving such bond to give a new bond with other sureties and upon failure of such person to do so within thirty days shall cause such person to suspend further operations until a new bond be given. ~~But in~~ In no case shall the sureties on the old bond be discharged from liability thereon until the new bond has been executed and approved, and such sureties shall not be discharged from any antecedent liability by reason of such suretyship.

Section 10‑9‑180. The ~~Board~~ department is hereby vested with full and complete power and control over all mining in the phosphate territory belonging to this State and over all persons digging or mining phosphate rock or phosphatic deposit in the navigable streams and waters or in the marshes thereof, with full power and authority, subject to the provisions of Sections 10‑9‑130 and 10‑9‑190 to fix, regulate, raise, or reduce such royalty per ton as shall from time to time be paid to the State by such persons for all or any such phosphate rock dug, mined, removed, and shipped or otherwise sent to the market therefrom. ~~But six~~ Six months’ notice shall be given all persons at such time digging or mining phosphate rock in such navigable streams, waters, or marshes before any increase shall be made in the rate of royalty theretofore existing.

Section 10‑9‑190. Each person to whom a license shall be issued must, at the end of every month, make to the Comptroller General a true and lawful return of the phosphate rock and phosphatic deposits he may have dug or mined during such month and shall punctually pay to the State Treasurer, at the end of every quarter or three months, a royalty of five cents per ton upon each and every ton of the crude rock (not of the rock after it has been steamed or dried), the first quarter to commence to run on the first day of January in each year.

Section 10‑9‑200. The ~~State Budget and Control Board~~ South Carolina Department of Administration ~~shall~~, within twenty days after the grant of any license as aforesaid, shall notify the Comptroller General of the issuing of such license, with the name of the person to whom issued, the time of the license, and the location for which it was issued.

Section 10‑9‑210. Every person who shall dig, mine, or remove any phosphate rock or phosphatic deposit from the beds of the navigable streams, waters, and marshes of the State without license therefor previously granted by the State to such person shall be liable to a penalty of ten dollars for each and every ton of phosphate rock or phosphatic deposits so dug, mined, or removed, to be recovered by action at the suit of the State in any court of competent jurisdiction. One half of such penalty shall be for the use of the State and the other half for the use of the informer.

Section 10‑9‑220. It shall be unlawful for any person to purchase or receive any phosphate rock or phosphatic deposit dug, mined, or removed from the navigable streams, waters, or marshes of the State from any person not duly authorized by act of the General Assembly of this State or license of the ~~Board~~ department to dig, mine, or remove such phosphate rock or phosphatic deposit.

Section 10‑9‑230. Any person violating Section 10‑9‑220 shall forfeit to the State the sum of ten dollars for each and every ton of phosphate rock or phosphatic deposit so purchased or received, to be recovered by action in any court of competent jurisdiction. One half of such forfeiture shall be for the use of the State and the other half for the use of the informer.

Section 10‑9‑240. Should any person whosoever interfere with, obstruct, or molest or attempt to interfere with, obstruct, or molest the ~~Board~~ department or anyone by it authorized or licensed hereunder in the peaceable possession and occupation for mining purposes of any of the marshes, navigable streams, or waters of the State, then the ~~Board~~ department may, in the name and on behalf of the State, take such measures or proceedings as it may be advised are proper to enjoin and terminate any such molestation, interference, or obstruction and place the State, through its agents, the ~~Board~~ department or anyone under it authorized, in absolute and practical possession and occupation of such marshes, navigable streams, or waters.

Section 10‑9‑250. Should any person attempt to mine or remove phosphate rock and phosphatic deposits from any of the marshes, navigable waters, or streams, including the Coosaw River phosphate territory, by and with any boat, vessel, marine dredge, or other appliances for such mining or removal, without the leave or license of the ~~Board~~ department thereto first had and obtained, all such boats, vessels, marine dredges, and other appliances are hereby declared forfeited to and property of the State, and the Attorney General, for and in behalf of the State, shall institute proceedings in any court of competent jurisdiction for the claim and delivery thereof, in the ordinary form of action for claim and delivery, in which action the title of the State shall be established by the proof of the commission of any such act of forfeiture by the person owning them, or his agents, in possession of such boats, vessels, marine dredges, or other appliances. In any such action the State shall not be called upon or required to give any bond or obligation such as is required by parties plaintiff in action for claim and delivery.

Section 10‑9‑260. Any person wilfully interfering with, molesting, or obstructing or attempting to interfere with, molest, or obstruct the State or the ~~State Budget and Control Board~~ South Carolina Department of Administration or anyone by it authorized or licensed in the peaceable possession and occupation of any of the marshes, navigable streams, or waters of the State, including the Coosaw River phosphate territory, or who shall dig or mine or attempt to dig or mine any of the phosphate rock or phosphatic deposits of this State without a license so to do issued by the ~~Board~~ department shall be punished for each offense by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not less than one nor more than twelve months, or both, at the discretion of the court.

Section 10‑9‑270. The ~~Board~~ department shall report annually to the General Assembly its actions and doings under this article during the year to the time of the meeting of the assembly, with an itemized account of its expenses for the year incurred in connection with its duties and powers under this article.

Article 5

Geothermal Resources

Section 10‑9‑310. For purposes of this article geothermal resources mean the natural heat of the earth at temperatures greater than forty degrees Celsius and includes:

(1) The energy, including pressure, in whatever form present in, resulting from, created by, or that may be extracted from that natural heat.

(2) The material medium, including the brines, water, and steam naturally present, as well as any substance artificially introduced to serve as a heat transfer medium.

(3) All dissolved or entrained minerals and gases that may be obtained from the material medium but excluding hydrocarbon substances and helium.

Section 10‑9‑320. The ~~State Budget and Control Board (board)~~ South Carolina Department of Administration may lease development rights to geothermal resources underlying surface lands owned by the State. The ~~board~~ department must promulgate regulations regarding the method of lease acquisition, lease terms, and conditions due the State under lease operations. The South Carolina Department of Natural Resources is designated as the exclusive agent for the board in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to geothermal resource leases as may be included herein as responsibilities of the ~~board~~ department.

Section 10‑9‑330. Any lease of rights to drill for and use oil, natural gas, or minerals on public or private lands must not allow drilling for or use of geothermal energy by the lessee unless the instrument creating the lease specifically provides for such use.”

P. Section 10‑11‑50 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 10‑11‑50. (A) It shall be unlawful for anyone to park any vehicle on any of the property described in Section 10‑11‑40 and subsection (2) of Section 10‑11‑80 except in the spaces and manner now marked and designated or that may hereafter be marked and designated by the ~~State Budget and Control Board~~ South Carolina Department of Administration, in cooperation with the Department of Transportation, or to block or impede traffic through the alleys and driveways.

(B) The Department of Administration must ensure that parking spaces are available in the garage below the Capitol Complex, in proximity to the buildings utilized by the legislative, judicial, and executive branches, in the locations in use on the effective date of this subsection, and assigned as follows:

(1) three hundred for the House of Representatives;

(2) two hundred twelve for the Senate;

(3) twenty‑nine for the Judicial Department; and

(4) fifty‑seven for the Office of the Governor.”

Q. Section 10‑11‑90 of the 1976 Code is amended to read:

“Section 10‑11‑90. The watchmen and policemen employed ~~by the Budget and Control Board~~ for the protection of the property described in Sections 10‑11‑30 and 10‑11‑40 and subsection (2) of Section 10‑11‑80 are hereby vested with all of the powers, privileges, and immunities of constables while on this area or in fresh pursuit of those violating the law in this area, provided that such watchmen and policemen take and file the oath required of peace officers, execute and file bond in the form required of state constables, ~~in the amount of one thousand dollars, with the Budget and Control Board,~~ and be duly commissioned by the Governor.”

R. Section 10‑11‑110 of the 1976 Code is amended to read:

“Section 10‑11‑110. In connection with traffic and parking violations only, the watchmen and policemen referred to in Section 10‑11‑90, state highway patrolmen and policemen of the City of Columbia shall have the right to issue and use parking tickets of the type used by the City of Columbia, with such changes as are necessitated hereby, to be prepared and furnished by the ~~Budget and Control Board~~ South Carolina Department of Administration, upon the issuance of which the procedures shall be followed as prevail in connection with the use of parking tickets by the City of Columbia. Nothing herein shall restrict the application and use of regular arrest warrants.”

S. Section 10‑11‑140 of the 1976 Code is amended to read:

“Section 10‑11‑140. Nothing contained in this article shall be construed to abridge the authority of the ~~State Budget and Control Board~~ South Carolina Department of Administration to grant permission to use the State House grounds for educational, electrical decorations, and similar purposes.”

T. Section 10‑11‑330 of the 1976 Code is amended to read:

“Section 10‑11‑330. It shall be unlawful for any person or group of persons ~~willfully~~ wilfully and knowingly: (a) to enter or to remain within the capitol building unless such person is authorized by law or by rules of the House or Senate or of the State Budget and Control Board or the South Carolina Department of Administration, respectively, when such entry is done for the purpose of uttering loud, threatening, and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, or disturb the orderly conduct of any session of the legislature or the orderly conduct within the building or of any hearing before or any deliberation of any committee or subcommittee of the legislature; (b) to obstruct or to impede passage within the capitol grounds or building; (c) to engage in any act of physical violence upon the capitol grounds or within the capitol building; or (d) to parade, demonstrate, or picket within the capitol building.”

U. Sections 11‑9‑610, 11‑9‑620, and 11‑9‑630 of the 1976 Code are amended to read:

“Section 11‑9‑610. The ~~State Budget and Control Board~~ South Carolina Department of Administration shall receive and manage the incomes and revenues set apart and applied to the Sinking Fund of the State. The department must report annually on the financial status of the Sinking Fund to the Budget and Control Board.

Section 11‑9‑620. All ~~moneys~~ monies arising from the redemption of lands, leases, and sales of property or otherwise coming to the ~~State Budget and Control Board~~ South Carolina Department of Administration for the Sinking Fund, ~~shall~~ must be paid into the State Treasury and ~~shall be~~ kept on a separate account by the treasurer as a fund to be drawn upon the warrants of the ~~Board~~ department for the exclusive uses and purposes which have been or shall be declared in relation to the Sinking Fund.

Section 11‑9‑630. ~~The~~ Subject to the approval of the State Budget and Control Board, the South Carolina Department of Administration shall sell and convey, for and on behalf of the State, all such real property, assets, and effects belonging to the State as are not in actual public use, such sales to be made from time to time in such manner and upon such terms as it may deem most advantageous to the State. This shall not be construed to authorize the sale by the ~~Board~~ department of any property held in trust for a specific purpose by the State or the property of the State in the phosphate rocks or phosphatic deposits in the beds of the navigable streams and waters and marshes of the State.”

V. Sections 11‑35‑3810 and 11‑35‑3830, as last amended by Act 153 of 1997, and Sections 11‑35‑3820 and 11‑35‑3840, as last amended by Act 376 of 2006, of the 1976 Code are further amended to read:

“Section 11‑35‑3810. Subject to existing provisions of law, the ~~board~~ Department of Administration shall promulgate regulations governing:

(1) the sale, lease, or disposal of surplus supplies by public auction, competitive sealed bidding, or other appropriate methods designated by such regulations;

(2) the transfer of excess supplies between agencies and departments.

Section 11‑35‑3820. Except as provided in Section 11‑35‑1580 and Section 11‑35‑3830 and the regulations pursuant to them, the sale of all state‑owned supplies, or personal property not in actual public use must be conducted and directed by the ~~designated board office~~ Division of General Services of the South Carolina Department of Administration. The sales must be held at such places and in a manner as in the judgment of the ~~designated board office~~ Division of General Services is most advantageous to the State. Unless otherwise determined, sales must be by either public auction or competitive sealed bid to the highest bidder. Each governmental body shall inventory and report to the ~~designated board office~~ division all surplus personal property not in actual public use held by that governmental body for sale. The ~~designated board office~~ division shall deposit the proceeds from the sales, less expense of the sales, in the state general fund or as otherwise directed by regulation. This policy and procedure applies to all governmental bodies unless exempt by law.

Section 11‑35‑3830 (1) Trade‑in Value. Unless otherwise provided by law, governmental bodies may trade‑in personal property, the trade‑in value of which may be applied to the procurement or lease of like items. The ~~trade‑in~~ trade in value of such personal property shall not exceed an amount as specified in regulations promulgated by the ~~board~~ Department of Administration.

(2) Approval of Trade‑in Sales. When the trade‑in value of personal property of a governmental body exceeds the specified amount, the ~~board~~ Department of Administration shall have the authority to determine whether:

(a) the subject personal property shall be traded in and the value applied to the purchase of new like items; or

(b) the property shall be classified as surplus and sold in accordance with the provisions of Section 11‑35‑3820. The ~~board~~ departmental determination shall be in writing and be subject to the provisions of this chapter.

(3) Record of Trade‑in Sales. Governmental bodies shall submit quarterly to the materials management officer a record listing all trade‑in sales made under subsections (1) and (2) of this section.

Section 11‑35‑3840. The State Budget and Control Board may license for public sale publications, including South Carolina Business Opportunities, materials pertaining to training programs, and information technology products that are developed during the normal course of the board’s activities. The items must be licensed at reasonable costs established in accordance with the cost of the items. All proceeds from the sale of the publications and materials must be placed in a revenue account and expended for the cost of providing the services.”

W. Section 13‑7‑30 of the 1976 Code, as last amended by Act 357 of 2000, is further amended to read:

“Section 13‑7‑30. For purposes of this article, the State Budget and Control Board, upon consultation with the South Carolina Department of Administration, hereinafter in this section referred to as the board, is designated as the agency of the State which shall have the following powers and duties that are in accord with its already established responsibilities for custody of state properties, and for the management of all state sinking funds, insurance, and analogous fiscal matters that are relevant to state properties:

(1) expend state funds in order to acquire, develop, and operate land and facilities. This acquisition may be by lease, dedication, purchase, or other arrangements. However, the state’s functions under the authority of this section are limited to the specific purposes of this article;

(2) lease, sublease, or sell real and personal properties to public or private bodies;

(3) assure the maintenance of insurance coverage by state licensees, lessees, or sublessees as will in the opinion of the board protect the citizens of the State against nuclear incident that may occur on state‑controlled atomic energy facilities;

(4) assume responsibility for extended custody and maintenance of radioactive materials held for custodial purposes at any publicly or privately operated facility located within the State, in the event the parties operating these facilities abandon their responsibility, or when the license for the facility is ultimately transferred to an agency of the State, and whenever the federal government or any agency of the federal government has not assumed the responsibility.

In order to finance such extended custody and maintenance as the board may undertake, the board may collect fees from private or public parties holding radioactive materials for custodial purposes. These fees must be sufficient in each individual case to defray the estimated cost of the board custodial management activities for that individual case. The fees collected for such custodial management activities shall also be sufficient to provide additional funds for the purchase of insurance which shall be purchased for the protection of the State and the general public for the period such radioactive material considering its isotope and curie content together with other factors may present a possible danger to the general public in the event of migration or dispersal of such radioactivity. All such fees, when received by the board, must be transmitted to the State Treasurer. The Treasurer must place the money in a special account, in the nature of a revolving trust fund, which may be designated ‘extended care maintenance fund’, to be disbursed on authorization of the board. Monies in the extended care maintenance funds must be invested by the board in the manner as other state monies. However, any interest accruing as a result of investment must accrue to this extended care maintenance fund. Except as authorized in Section 48‑46‑40(B)(7)(b) and (D)(2), the extended care maintenance fund must be used exclusively for custodial, surveillance, and maintenance costs during the period of institutional control and during any post‑closure and observation period specified by the Department of Health and Environmental Control, and for activities associated with closure of the site. Funds from the extended care maintenance fund shall not be used for site closure activities or for custodial, surveillance, and maintenance performed during the post‑closure observation period until all funds in the decommissioning trust account are exhausted.

(5) Enter into an agreement with the federal government or any of its authorized agencies to assume extended maintenance of lands donated, leased, or purchased from the federal government or any of its authorized agencies and used for development of atomic energy resources or as custodial site for radioactive material.”

X. Section 13‑7‑830 of the 1976 Code, as last amended by Act 357 of 2000, is further amended to read:

“Section 13‑7‑830. The recommendations described in Section 13‑7‑620 shall be made available to the General Assembly, the Governor, ~~and~~ the Budget and Control Board, South Carolina Department of Administration.”

Y. Section 44‑53‑530 of the 1976 Code is amended to read:

“Section 44‑53‑530. (a) Forfeiture of property defined in Section 44‑53‑520 must be accomplished by petition of the Attorney General or his designee or the circuit solicitor or his designee to the court of common pleas for the jurisdiction where the items were seized. The petition must be submitted to the court within a reasonable time period following seizure and shall set forth the facts upon which the seizure was made. The petition shall describe the property and include the names of all owners of record and lienholders of record. The petition shall identify any other persons known to the petitioner to have interests in the property. Petitions for the forfeiture of conveyances shall also include: the make, model, and year of the conveyance, the person in whose name the conveyance is registered, and the person who holds the title to the conveyance. The petition shall set forth the type and quantity of the controlled substance involved. A copy of the petition must be sent to each law enforcement agency which has notified the petitioner of its involvement in effecting the seizure. Notice of hearing or rule to show cause must be directed to all persons with interests in the property listed in the petition, including law enforcement agencies which have notified the petitioner of their involvement in effecting the seizure. Owners of record and lienholders of record may be served by certified mail, to the last known address as appears in the records of the governmental agency which records the title or lien.

The judge shall determine whether the property is subject to forfeiture and order the forfeiture confirmed. If the judge finds a forfeiture, he shall then determine the lienholder’s interest as provided in this article. The judge shall determine whether any property must be returned to a law enforcement agency pursuant to Section 44‑53‑582.

If there is a dispute as to the ~~division~~ allocation of the proceeds of forfeited property among participating law enforcement agencies, this issue must be determined by the judge. The proceeds from a sale of property, conveyances, and equipment must be disposed of pursuant to subsection (e) of this section.

All property, conveyances, and equipment ~~which will~~ not ~~be~~ reduced to proceeds may be transferred to the law enforcement agency or agencies or to the prosecution agency. Upon agreement of the law enforcement agency or agencies and the prosecution agency, conveyances and equipment may be transferred to any other appropriate agency. Property transferred must not be used to supplant operating funds within the current or future budgets. If the property seized and forfeited is an aircraft or watercraft and is transferred to a state law enforcement agency or other state agency pursuant to the provisions of this subsection, its use and retainage by that agency shall be at the discretion and approval of the ~~Budget and Control Board~~ South Carolina Department of Administration.

(b) If the property is seized by a state law enforcement agency and is not transferred by the court to the seizing agency, the judge shall order it transferred to the Division of General Services of the Department of Administration for sale. Proceeds may be used by the division for payment of all proper expenses of the proceedings for the forfeiture and sale of the property, including the expenses of seizure, maintenance, and custody, and other costs incurred by the implementation of this section. The net proceeds from any sale must be remitted to the State Treasurer as provided in subsection (g) of this section. The Division of General Services of the South Carolina Department of Administration may authorize payment of like expenses in cases where monies, negotiable instruments, or securities are seized and forfeited.”

Z. Section 44‑96‑140 of the 1976 Code is amended to read:

“Section 44‑96‑140. (A) Not later than twelve months after the date on which the department submits the state solid waste management plan to the Governor and to the General Assembly, the General Assembly, the ~~Governor’s~~ Office of the Governor, the Judiciary, each state agency, and each state‑supported institution of higher education shall:

(1) establish a source separation and recycling program in cooperation with the department and the Division of General Services of the ~~State Budget and Control Board~~ South Carolina Department of Administration for the collection of selected recyclable materials generated in state offices throughout the State including, but not limited to, high‑grade office paper, corrugated paper, aluminum, glass, tires, composting materials, plastics, batteries, and used oil;

(2) provide procedures for collecting and storing recyclable materials, containers for storing materials, and contractual or other arrangements with collectors or buyers of the recyclable materials, or both;

(3) evaluate the amount of waste paper material recycled and make all necessary modifications to the recycling program to ensure that all waste paper materials are recycled to the maximum extent feasible; and

(4) establish and implement, in cooperation with the department and the Division of General Services of the Department of Administration, a solid waste reduction program for materials used in the course of agency operations. The program shall be designed and implemented to achieve the maximum feasible reduction of solid waste generated as a result of agency operations.

(B) Not later than September fifteen of each year, each state agency and each state‑supported institution of higher learning shall submit to the department a report detailing its source separation and recycling program and a review of all goods and products purchased during the previous fiscal year by those agencies and institutions containing recycled materials using the content specifications established by the ~~Office of Materials Management~~ Division of General Services, Department of Administration.

(C) By November first of each year the department shall submit a report to the Governor and to the General Assembly reviewing all goods and products purchased by the State and determining what percentage of state purchases contain recycled materials using content specifications established by the ~~Office of Materials Management,~~ Division of General Services, Department of Administration. The report also must review existing procurement regulations for the purchase of products and materials and must identify any portions of such regulations that discriminate against products and materials with recycled content and products and materials which are recyclable.

(D) Not later than one year after this chapter is effective, the Division of General Services, Department of Administration shall amend the procurement regulations to eliminate the portions of the regulations identified in its report as discriminating against products and materials with recycled content and products and materials which are recyclable.

(E) Not later than one year after the effective date of the amendments to the procurement regulations, the General Assembly, the ~~Governor’s~~ Office of the Governor, the Judiciary, all state agencies, all political subdivisions using state funds to procure items, and all persons contracting with such agency or political subdivision where such persons procure items with state funds shall procure products and materials with recycled content and products and materials which are recyclable where practicable, as determined by the ~~Office of Materials Management,~~ Division of General Services, Department of Administration. The list of recycled content specifications must be updated annually. It is the goal of the General Assembly for state and local governmental agencies to reflect a twenty‑five percent goal in their procurement policies. The decision not to procure such items shall be based on a determination that such procurement items:

(1) are not available within a reasonable period of time;

(2) fail to meet the performance standards set forth in the applicable specifications; or

(3) are only available at a price that exceeds by more than seven and one‑ half percent the price of alternative items.

(F) Not later than six months after this chapter is effective, and annually thereafter, the Department of Transportation shall submit a report to the Governor and to the General Assembly on the use of:

(1) compost as a substitute for regular soil amendment products in all highway projects;

(2) solid waste including, but not limited to, ground rubber from tires and fly ash or mixtures of them from coal‑fired electrical facilities in road surfacing of subbase materials;

(3) solid waste including, but not limited to, glass aggregate, plastic, and fly ash in asphalt or concrete; and

(4) recycled mixed‑plastic materials for guardrail posts, right‑of‑way fence posts, and sign supports.”

AA. Section 48‑46‑30(4) of the 1976 Code is amended to read:

“(4) ‘Board’ means the South Carolina Budget and Control Board or its designated official, and ‘Department’ means the South Carolina Department of Administration or its designee.”

BB. Section 48‑46‑40 of the 1976 Code is amended to read:

“Section 48‑46‑40. (A)(1) The board, upon consultation with the Department of Administration, shall approve disposal rates for low‑level radioactive waste disposed at any regional disposal facility located within the State. The approval of disposal rates pursuant to this chapter is neither a regulation nor the promulgation of a regulation as those terms are specially used in Title 1, Chapter 23.

(2) The board shall adopt a maximum uniform rate schedule for regional generators containing disposal rates that include the administrative surcharges specified in Section 48‑46‑60(B) and surcharges for the extended custody and maintenance of the facility pursuant to Section 13‑7‑30(4) and that do not exceed the approximate disposal rates, excluding any access fees and including a specification of the methodology for calculating fees for large components, generally applicable to regional generators on September 7, 1999. Any disposal rates contained in a valid written agreement that were applicable to a regional generator on September 7, 1999, that differ from rates in the maximum uniform rate schedule will continue to be honored through the term of such agreement. The maximum uniform rate schedule approved under this section becomes effective immediately upon South Carolina’s membership in the Atlantic Compact. The maximum uniform rate schedule shall be the rate schedule applicable to regional waste whenever it is not superseded by an adjusted rate approved by the board pursuant to paragraph (3) of this subsection or by special disposal rates approved pursuant to paragraphs (5) or (6)(e) of this subsection.

(3) The board may at any time of its own initiative, at the request of a site operator, or at the request of the compact commission, adjust the disposal rate or the relative proportions of the individual components that constitute the overall rate schedule. Except as adjusted for inflation in subsection (4), rates adjusted in accordance with this section, that include the administrative surcharges specified in Section 48‑46‑60(B) and surcharges for the extended custody and maintenance of the facility pursuant to Section 13‑7‑30(4), ~~may~~ shall not exceed initial disposal rates set by the board, upon consultation with the department pursuant to subsection (2).

(4) In March of each year the board shall adjust the rate schedule based on the most recent changes in the most nearly applicable Producer Price Index published by the Bureau of Labor Statistics as chosen by the board or a successor index.

(5) In consultation with the site operator and the department, the board or its designee, on a case‑by‑case basis, may approve special disposal rates for regional waste that differ from the disposal rate schedule for regional generators set by the board pursuant to subsections (2) and (3). Requests by the site operator for such approval shall be in writing to the board. In approving such special rates, the board or its designee, shall consider available disposal capacity, demand for disposal capacity, the characteristics of the waste, the potential for generating revenue for the State, or other relevant factors; provided, however, that the board shall not approve any special rate for an entity owned by or affiliated with the site operator. Special disposal rates approved by the board under this subsection shall be in writing and shall be kept confidential as proprietary business information for one year from the date when the bid or the request for proposal containing the special rate is accepted by the regional generator; provided, however, that such special rates when accepted by a regional generator shall be disclosed to the compact commission and to all other regional generators, which shall, to the extent permitted by applicable law, keep them confidential as proprietary business information for one year from the date when the bid or request for proposal containing this special rate is accepted by the regional generator. Within one business day of a special disposal rate’s acceptance, the site operator shall notify the board, the department, the compact commission, and the regional generators of each special rate that has been accepted by a regional generator, and the board, department, the compact commission, and regional generators may communicate with each other about such special rates. If any special rate approved by the board for a regional generator is lower than a disposal rate approved by the board for regional generators pursuant to subsections (2) and (3) for waste that is generally similar in characteristics and volume, the disposal rate for all regional generators shall be revised to equal the special rate for the regional generator. Regional generators may enter into contracts for waste disposal at such special rates and on comparable terms for a period of not less than six months. An officer of the site operator shall certify in writing to the board and the compact commission each month that no regional generator’s disposal rate exceeds any other regional generator’s special rate for waste that is generally similar in characteristics and volume, and such certification shall be subject to periodic audit by the board and the compact commission.

(6)(a) To the extent authorized by the compact commission, the board, upon consultation with the Department of Administration and on behalf of the State of South Carolina, may enter into agreements with any person in the United States or its territories or any interstate compact, state, U.S. territory, or U.S. Department of Defense military installation abroad for the importation of waste into the region for purposes of disposal at a regional disposal facility within South Carolina. No waste from outside the Atlantic Compact region may be disposed at a regional disposal facility within South Carolina, except to the extent that the board is authorized by the compact commission to enter into agreements for importation of waste.

The board shall authorize the importation of nonregional waste into the region for purposes of disposal at the regional disposal facility in South Carolina so long as nonregional waste would not result in the facility accepting more than the following total volumes of all waste:

(i) 160,000 cubic feet in fiscal year 2001;

(ii) 80,000 cubic feet in fiscal year 2002;

(iii) 70,000 cubic feet in fiscal year 2003;

(iv) 60,000 cubic feet in fiscal year 2004;

(v) 50,000 cubic feet in fiscal year 2005;

(vi) 45,000 cubic feet in fiscal year 2006;

(vii) 40,000 cubic feet in fiscal year 2007;

(viii) 35,000 cubic feet in fiscal year 2008.

After fiscal year 2008, the board shall not authorize the importation of nonregional waste for purposes of disposal.

(b) The board, in consultation with the department may approve disposal rates applicable to nonregional generators. In approving disposal rates applicable to nonregional generators, the board, in consultation with the department may consider available disposal capacity, demand for disposal capacity, the characteristics of the waste, the potential for generating revenue for the State, and other relevant factors.

(c) Absent action by the board under subsection (b) above to establish disposal rates for nonregional generators, rates applicable to these generators must be equal to those contained in the maximum uniform rate schedule approved by the board pursuant to paragraph (2) or (3) of this subsection for regional generators unless these rates are superseded by special disposal rates approved by the board pursuant to paragraph (6)(e) of this subsection.

(d) Regional generators shall not pay disposal rates that are higher than disposal rates for nonregional generators in any fiscal quarter.

(e) In consultation with the site operator and the Department of Administration, the board or its designee, on a case‑by‑case basis, may approve special disposal rates for nonregional waste that differ from the disposal rate schedule for nonregional generators set by the board. Requests by the site operator for such approval shall be in writing to the board. In approving such special rates, the board or its designee shall consider available disposal capacity, demand for disposal capacity, the characteristics of the waste, the potential for generating revenue for the State, and other relevant factors; provided, however, that the board shall not approve any special rate for an entity owned by or affiliated with the site operator. Special disposal rates approved by the board under this subsection shall be in writing and shall be kept confidential as proprietary business information for one year from the date when the bid or request for proposal containing the special rate is accepted by the nonregional generator; provided, however, that such special rates when accepted by a nonregional generator shall be disclosed to the compact commission and to all regional generators, which shall, to the extent permitted by applicable law, keep them confidential as proprietary business information for one year from the date when the bid or request for proposal containing the special rate is accepted by the nonregional generator. Within one business day of a special disposal rate’s acceptance, the site operator shall notify the ~~board~~ department, the compact commission, and the regional generators in writing of each special rate that has been accepted by a nonregional generator, and the board, department, the compact commission, and regional generators may communicate with each other about such special rates. If any special rate approved by the board for a nonregional generator is lower than a disposal rate approved by the board for regional generators for waste that is generally similar in characteristics and volume, the disposal rate for all regional generators shall be revised to equal the special rate for the nonregional generator. Regional generators may enter into contracts for waste disposal at such special rate and on comparable terms for a period of not less than six months. An officer of the site operator shall certify in writing to the board, department and the compact commission each month that no regional generator disposal rate exceeds any nonregional generator’s special rate for waste that is generally similar in characteristics and volume, and such certification shall be subject to periodic audit by the board, department and the compact commission.

(B)(1) Effective upon the implementation of initial disposal rates by the board under Section 48‑46‑40(A), the PSC is authorized and directed to identify allowable costs for operating a regional low‑level radioactive waste disposal facility in South Carolina.

(2) In identifying the allowable costs for operating a regional disposal facility, the PSC shall:

(a) prescribe a system of accounts, using generally accepted accounting principles, for disposal site operators, using as a starting point the existing system used by site operators;

(b) assess penalties against disposal site operators if the PSC determines that they have failed to comply with regulations pursuant to this section; and

(c) require periodic reports from site operators that provide information and data to the PSC and parties to these proceedings. The Office of Regulatory Staff shall obtain and audit the books and records of the site operators associated with disposal operations as determined applicable by the PSC.

(3) Allowable costs include the costs of those activities necessary for:

(a) the receipt of waste;

(b) the construction of disposal trenches, vaults, and overpacks;

(c) construction and maintenance of necessary physical facilities;

(d) the purchase or amortization of necessary equipment;

(e) purchase of supplies that are consumed in support of waste disposal activities;

(f) accounting and billing for waste disposal;

(g) creating and maintaining records related to disposed waste;

(h) the administrative costs directly associated with disposal operations including, but not limited to, salaries, wages, and employee benefits;

(i) site surveillance and maintenance required by the State of South Carolina, other than site surveillance and maintenance costs covered by the balance of funds in the decommissioning trust fund or the extended care maintenance fund;

(j) compliance with the license, lease, and regulatory requirements of all jurisdictional agencies;

(k) administrative costs associated with collecting the surcharges provided for in subsections (B) and (C) of Section 48‑46‑60;

(l) taxes other than income taxes;

(m) licensing and permitting fees; and

(n) any other costs directly associated with disposal operations determined by the PSC to be allowable.

Allowable costs do not include the costs of activities associated with lobbying and public relations, clean‑up and remediation activities caused by errors or accidents in violation of laws, regulations, or violations of the facility operating license or permits, activities of the site operator not directly in support of waste disposal, and other costs determined by the PSC to be unallowable.

(4) Within ninety days following the end of a fiscal year, a site operator may file an application with the PSC to adjust the level of an allowable cost under subsection (3), or to allow a cost not previously designated an allowable cost. A copy of the application must be provided to the Office of Regulatory Staff. The PSC shall process such application in accordance with its procedures. If such application is approved by the PSC, the PSC shall authorize the site operator to adjust allowable costs for the current fiscal year so as to compensate the site operator for revenues lost during the previous fiscal year.

(5) A private operator of a regional disposal facility in South Carolina is authorized to charge an operating margin of twenty‑nine percent. The operating margin for a given period must be determined by multiplying twenty‑nine percent by the total amount of allowable costs as determined in this subsection, excluding allowable costs for taxes and licensing and permitting fees paid to governmental entities.

(6) The site operator shall prepare and file with the PSC a Least Cost Operating Plan. The plan must be filed within forty‑five days of enactment of this chapter and must be revised annually. The plan shall include information concerning anticipated operations over the next ten years and shall evaluate all options for future staffing and operation of the site to ensure least cost operation, including information related to the possible interim suspension of operations in accordance with subsection (B)(7). A copy of the plan must be provided to the Office of Regulatory Staff.

(7)(a) If the board, upon consultation with the Department of Administration and upon the advice of the compact commission or the site operator, concludes based on information provided to the ~~board~~ department, that the volume of waste to be disposed during a forthcoming period of time does not appear sufficient to generate receipts that will be adequate to reimburse the site operator for its costs of operating the facility and its operating margin, then the ~~board~~ department shall direct the site operator to propose to the compact commission plans including, but not necessarily limited to, a proposal for discontinuing acceptance of waste until such time as there is sufficient waste to cover the site operator’s operating costs and operating margin. Any proposal to suspend operations must detail plans of the site operator to minimize its costs during the suspension of operations. Any such proposal to suspend operations must be approved by the Department of Health and Environmental Control with respect to safety and environmental protection.

(b) Allowable costs applicable to any period of suspended operations must be approved by the PSC according to procedures similar to those provided herein for allowable operating costs. During any such suspension of operations, the site operator must be reimbursed by the ~~board~~ department from the extended care maintenance fund for its allowable costs and its operating margin. During the suspension funding to reimburse the ~~board~~ department, the PSC, and the State Treasurer under Section 48‑46‑60(B) and funding of the compact commission under Section 48‑46‑60(C) must also be allocated from the extended care maintenance fund as approved by the ~~board~~ department based on revised budgets submitted by the PSC, State Treasurer, and the compact commission.

(c) Notwithstanding any disbursements from the extended care maintenance fund in accordance with any provision of this act, the ~~board~~ department shall continue to ensure, in accordance with Section 13‑7‑30, that the fund remains adequate to defray the costs for future maintenance costs or custodial and maintenance obligations of the site and other obligations imposed on the fund by this chapter.

(d) The PSC may promulgate regulations and policies necessary to execute the provisions of this section.

(8) The PSC may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at the objective of identifying allowable costs associated with waste disposal. The PSC may consider standards, precedents, findings, and decisions in other jurisdictions that regulate allowable costs for radioactive waste disposal.

(9) In all proceedings held pursuant to this section, the board shall participate as a party representing the interests of the State of South Carolina, and the compact commission may participate as a party representing the interests of the compact states. The Executive Director of the Office of Regulatory Staff and the Attorney General of the State of South Carolina shall be parties to any such proceeding. Representatives from the Department of Health and Environmental Control shall participate in proceedings where necessary to determine or define the activities that a site operator must conduct in order to comply with the regulations and license conditions imposed by the department. Other parties may participate in the PSC’s proceedings upon satisfaction of standing requirements and compliance with the PSC’s procedures. Any site operator submitting records and information to the PSC may request that the PSC treat such records and information as confidential and not subject to disclosure in accordance with the PSC’s procedures.

(10) In all respects in which the PSC has power and authority under this chapter, it shall conduct its proceedings under the South Carolina Administrative Procedures Act and the PSC’s rules and regulations. The PSC is authorized to compel attendance and testimony of a site operator’s directors, officers, agents, or employees.

(11) At any time the compact commission, the board, or any generator subject to payment of rates set pursuant to this chapter may file a petition against a site operator alleging that allowable costs identified pursuant to this chapter are not in conformity with the directives of this chapter or the directives of the PSC or that the site operator is otherwise not acting in conformity with the requirements of this chapter or directives of the PSC. Upon filing of the petition, the PSC shall cause a copy of the petition to be served upon the site operator. The petitioning party has the burden of proving that allowable costs or the actions of the site operator do not conform. The hearing shall conform to the rules of practice and procedure of the PSC for other cases.

(12) The PSC shall encourage alternate forms of dispute resolution including, but not limited to, mediation or arbitration to resolve disputes between a site operator and any other person regarding matters covered by this chapter.

(C) The operator of a regional disposal facility shall submit to the South Carolina Department of Revenue, the PSC, the Office of Regulatory Staff, and the board within thirty days following the end of each quarter a report detailing actual revenues received in the previous fiscal quarter and allowable costs incurred for operation of the disposal facility.

(D)(1) Within 30 days following the end of the fiscal year the operator of a regional disposal facility shall submit a payment made payable to the South Carolina Department of Revenue in an amount that is equal to the total revenues received for waste disposed in that fiscal year (with interest accrued on cash flows in accordance with instructions from the State Treasurer) minus allowable costs, operating margin, and any payments already made from such revenues pursuant to Section 48‑46‑60(B) and (C) for reimbursement of administrative costs to state agencies and the compact commission. The Department of Revenue shall deposit the payment with the State Treasurer.

(2) If in any fiscal year total revenues do not cover allowable costs plus the operating margin, the ~~board~~ department must reimburse the site operator its allowable costs and operating margin from the extended care maintenance fund within thirty days after the end of the fiscal year. The board, in consultation with the department shall as soon as practicable authorize a surcharge on waste disposed in an amount that will fully compensate the fund for the reimbursement to the site operator. In the event that total revenues for a fiscal year do not cover allowable costs plus the operating margin, or quarterly reports submitted pursuant to subsection (C) indicate that such annual revenue may be insufficient, the ~~board~~ department shall consult with the compact commission and the site operator as early as practicable on whether the provisions of Section 48‑46‑40(B)(7) pertaining to suspension of operations during periods of insufficient revenues should be invoked.

(E) Revenues received pursuant to item (1) of subsection (D) must be allocated as follows:

(1) The South Carolina State Treasurer shall distribute the first two million dollars received for waste disposed during a fiscal year to the County Treasurer of Barnwell County for distribution to each of the parties to and beneficiaries of the order of the United States District Court in C.A. No. 1:90‑2912‑6 on the same schedule of allocation as is established within that order for the distribution of ‘payments in lieu of taxes’ paid by the United States Department of Energy.

(2) All revenues in excess of two million dollars received from waste disposed during the previous fiscal year must be deposited in a fund called the ‘Nuclear Waste Disposal Receipts Distribution Fund’. Any South Carolina waste generator whose disposal fees contributed to the fund during the previous fiscal year may submit a request for a rebate of 33.33 percent of the funds paid by the generator during the previous fiscal year for disposal of waste at a regional disposal facility. These requests along with invoices or other supporting material must be submitted in writing to the State Treasurer within fifteen days of the end of the fiscal year. For this purpose disposal fees paid by the generator must exclude any fees paid pursuant to Section 48‑46‑60(C) for compact administration and fees paid pursuant to Section 48‑46‑60(B) for reimbursement of the PSC, the Office of Regulatory Staff, the State Treasurer, and the board for administrative expenses under this chapter. Upon validation of the request and supporting documentation by the State Treasurer, the State Treasurer shall issue a rebate of the applicable funds to qualified waste generators within sixty days of the receipt of the request. If funds in the Nuclear Waste Disposal Receipts Distribution Fund are insufficient to provide a rebate of 33.33 percent to each generator, then each generator’s rebate must be reduced in proportion to the amount of funds in the account for the applicable fiscal year.

(3) All funds deposited in the Nuclear Waste Disposal Receipts Distribution Fund for waste disposed for each fiscal year, less the amount needed to provide generators rebates pursuant to item (2), shall be deposited by the State Treasurer in the ‘Children’s Education Endowment Fund’. Thirty percent of these monies must be allocated to Higher Education Scholarship Grants and used as provided in Section 59‑143‑30, and seventy percent of these monies must be allocated to Public School Facility Assistance and used as provided in Chapter 144 of Title 59.

(F) Effective beginning fiscal year 2001‑2002, there is appropriated annually from the general fund of the State to the Higher Education Scholarship Grants share of the Children’s Education Endowment whatever amount is necessary to credit to the Higher Education Scholarship Grants share an amount not less than the amount credited to that portion of the endowment in fiscal year 1999‑2000. Revenues credited to the endowment pursuant to this subsection, for purposes of Section 59‑143‑10, are deemed to be received by the endowment pursuant to the former provisions of Section 48‑48‑140(C).”

CC. Section 48‑46‑50(A) of the 1976 Code is amended to read:

“(A) The Governor shall appoint two commissioners to the Atlantic Compact Commission and may appoint up to two alternate commissioners. These alternate commissioners may participate in meetings of the compact commission in lieu of and upon the request of a South Carolina commissioner. Technical representatives from the Department of Health and Environmental Control, the board, the Department of Administration, the PSC, and other state agencies may participate in relevant portions of meetings of the compact commission upon the request of a commissioner, alternate commissioner, or staff of the compact commission, or as called for in the compact commission bylaws.”

DD. Section 48‑46‑60 of the 1976 Code is amended to read:

“Section 48‑46‑60. (A) The Governor and the board are authorized to take such actions as are necessary to join the Atlantic Compact including, but not limited to, petitioning the Compact Commission for membership and participating in any and all rulemaking processes. South Carolina’s membership in the Atlantic Compact pursuant to this chapter is effective July 1, 2000, if by that date the Governor certifies to the General Assembly that the Compact Commission has taken each of the actions specified below. If the Compact Commission by July 1, 2000, has not taken each of the actions specified below, then South Carolina’s membership shall become effective as soon thereafter as the Governor certifies that the Atlantic Compact Commission has taken these actions:

(1) adopted a binding regulation or policy in accordance with Article VII(e) of the compact establishing conditions for admission of a party state that are consistent with this act and ordered that South Carolina be declared eligible to be a party state consistent with those conditions;

(2) adopted a binding regulation or policy in accordance with Article IV(i)(11) of the Atlantic Compact authorizing a host state to enter into agreements on behalf of the compact and consistent with criteria established by the compact commission and consistent with the provisions of Section 48‑46‑40(A)(6)(a) and Section 48‑46‑50(D) with any person for the importation of waste into the region for purposes of disposal, to the extent that these agreements do not preclude the disposal facility from accepting all regional waste that can reasonably be projected to require disposal at the regional disposal facility consistent with subitem (5)(b) of this section;

(3) adopted a binding regulation or policy in accordance with Article IV(i)(12) of the Atlantic Compact authorizing each regional generator, at the generator’s discretion, to ship waste to disposal facilities located outside the Atlantic Compact region;

(4) authorized South Carolina to proceed with plans to establish disposal rates for low‑level radioactive waste disposal in a manner consistent with the procedures described in this chapter;

(5) adopted a binding regulation, policy, or order officially designating South Carolina as a volunteer host state for the region’s disposal facility, contingent upon South Carolina’s membership in the compact, in accordance with Article V.b.1. of the Atlantic Compact, thereby authorizing the following compensation and incentives to South Carolina:

(a) agreement, as evidenced in a policy, regulation, or order that the compact commission will issue a payment of twelve million dollars to the State of South Carolina. Before issuing the twelve million‑dollar payment, the compact commission will deduct and retain from this amount seventy thousand dollars, which will be credited as full payment of South Carolina’s membership dues in the Atlantic Compact. The remainder of the twelve million‑dollar payment must be credited to an account in the State Treasurer’s office, separate and distinct from the fund, styled ‘Barnwell Economic Development Fund’. This fund, and earnings on this fund which must be credited to the fund, may only be expended for purposes of economic development in the Barnwell County area including, but not limited to, projects of the Barnwell County Economic Development Corporation and projects of the Tri‑County alliance which includes Barnwell, Bamberg, and Allendale Counties and projects in the Williston area of Aiken County. Economic development includes, but is not limited to, industrial recruitment, infrastructure construction, improvement, and expansion, and public facilities construction, improvement, and expansion. These funds must be spent according to guidelines established by the Barnwell County governing body and upon approval of the board, upon consultation with the department. Expenditures must be authorized by the Barnwell County governing body and with the approval of the board, upon consultation with the department. Upon approval of the Barnwell County governing body and the ~~board~~ department, the State Treasurer shall submit the approved funds to the Barnwell County Treasurer for disbursement pursuant to the authorization;

(b) adopted a binding regulation, policy, or order consistent with the regional management plan developed pursuant to Article V(a) of the Atlantic Compact, limiting Connecticut and New Jersey to the use of not more than 800,000 cubic feet of disposal capacity at the regional disposal facility located in Barnwell County, South Carolina, and also ensuring that up to 800,000 cubic feet of disposal capacity remains available for use by Connecticut and New Jersey unless this estimate of need is later revised downward by unanimous consent of the compact commission;

(c) agreement, as evidenced in a policy or regulation, that the compact commission headquarters and office will be relocated to South Carolina within six months of South Carolina’s membership; and

(d) agreement, as evidenced in a policy or regulation, that the compact commission will, to the extent practicable, hold a majority of its meetings in the host state for the regional disposal facility.

(B) The board, the Department of Administration, the State Treasurer, and the PSC shall provide the required staff and may add additional permanent or temporary staff or contract for services, as well as provide for operating expenses, if necessary, to administer new responsibilities assigned under this chapter. In accordance with Article V.f.2. of the Atlantic Compact the compensation, costs, and expenses incurred incident to administering these responsibilities may be paid through a surcharge on waste disposed at regional disposal facilities within the State. To cover these costs the board shall impose a surcharge per unit of waste received at any regional disposal facility located within the State. A site operator shall collect and remit these fees to the board in accordance with the board’s directions. All such surcharges shall be included within the disposal rates set by the board pursuant to Section 48‑46‑40.

(C) In accordance with Article V.f.3. of the Atlantic Compact, the compact commission shall advise the ~~board~~ department at least annually, but more frequently if the compact commission deems appropriate, of the compact commission’s costs and expenses. To cover these costs the ~~board~~ department shall impose a surcharge per unit of waste received at any regional disposal facility located within the State as determined in Section 48‑46‑40. A site operator shall collect and remit these fees to the ~~board~~ department in accordance with the ~~board~~ department’s directions, and the ~~board~~ department shall remit those fees to the compact commission.”

EE. Section 48‑46‑90(A) of the 1976 Code is amended to read:

“(A) In accordance with Section 13‑7‑30, the ~~board~~ department, or its designee, is responsible for extended custody and maintenance of the Barnwell site following closure and license transfer from the facility operator. The Department of Health and Environmental Control is responsible for continued site monitoring.”

FF. Section 48‑52‑410 of the 1976 Code is amended to read:

“Section 48‑52‑410. There is established the State Energy Office ~~within the State Budget and Control Board~~ Department of Administration which shall serve as the principal energy planning entity for the State. Its primary purpose is to develop and implement a well‑balanced energy strategy and to increase the efficiency of use of all energy sources throughout South Carolina through the implementation of the Plan for State Energy Policy. The State Energy Office must not function as a regulatory body.”

GG. Section 48‑52‑440 of the 1976 Code is amended to read:

“Section 48‑52‑440. (A) There is established the Energy Advisory Committee, whose members ~~are~~ shall be appointed by the ~~State Budget and Control Board~~ Director of the Department of Administration~~, except as provided in item (14) of this section~~. Members shall serve at the pleasure of the ~~State Budget and Control Board~~ director ~~except that those appointed pursuant to item (14) shall serve for a term coterminous with that of their appointing authority~~. The committee is composed as follows:

(1) two representatives of investor‑owned electricity companies;

(2) two representatives of electric cooperatives;

(3) one representative of the South Carolina Public Service Authority, who shall serve ex officio;

(4) one representative of municipally‑owned electric utilities;

(5) one representative of publicly‑owned natural gas companies;

(6) one representative of investor‑owned gas companies;

(7) one representative of oil suppliers or dealers;

(8) one representative of propane suppliers or dealers;

(9) one representative of nonprofit public transportation providers;

(10) two representatives of industrial consumers;

(11) two representatives of commercial consumers;

(12) two representatives of individual consumers; one must be the Executive Director of the Office of Regulatory Staff or his designee, who shall serve ex officio;

(13) two representatives of environmental groups; and

(14) one at‑large member appointed by the ~~Governor~~ director.

The ~~Budget and Control Board~~ Director of the Department of Administration shall ~~elect~~ select one of the committee members to serve as chairman. The members of the Energy Advisory Committee are not eligible for per diem payments or for reimbursement for lodging or meals. The functions of the Energy Advisory Committee are advisory to the State Energy Office. The committee shall meet at least annually and at the call of the chair or at the request of at least six members to receive information on the activities of the State Energy Office and the formulation and implementation of the state energy action plan. It may comment and advise on the activities and the plan as considered appropriate by members of the committee. The State Energy Office may seek advice and guidance from the committee as considered appropriate by the director of the office. Members shall adopt rules governing meeting attendance and abide by these rules.

(B) Members of the Energy Advisory Committee serving in office on July 1, 2011, shall continue to serve until their successors are appointed and qualify.”

HH. Section 48‑52‑460 of the 1976 Code is amended to read:

“Section 48‑52‑460. The establishment of the State Energy Office within the ~~State Budget and Control Board~~ Department of Administration, as provided for in this part, must be evaluated if restructuring or reorganizing of state government takes place so as to identify and provide for the proper placement of the office upon restructuring or reorganizing.”

Part VI

Performance Audit and Effective Date

SECTION 15. During the year 2015, the Legislative Audit Council shall conduct a performance review of the provisions of this act to determine its effectiveness and achievements with regard to the more efficient performance of the functions and duties of the various agencies provided for herein and the cost savings and benefits to the State.

SECTION 16. Part I of this joint resolution takes effect upon approval by the Governor. Unless otherwise provided, Sections 9 through 12 and 14 thorough 16 take effect July 1, 2011, and expires on July 1, 2016, unless reauthorized by the General Assembly for an additional period so specified. Notwithstanding the above, Part IV containing Section 13 relating to the Legislative Oversight of Executive Departments takes effect July 1, 2010, and is not subject to an expiration date. /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

The amendment was then adopted.

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

**H. 4542--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4542 -- Reps. Harrison, Weeks and McLeod: A BILL TO AMEND SECTION 8-13-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3974DW10), which was adopted:

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

/ SECTION 1. Section 8‑13‑320(10)(g) of the 1976 Code, as last amended by Act 387 of 2006, is further amended to read:

“(g) All investigations, inquiries, hearings, and accompanying documents must remain confidential until ~~final disposition of a matter~~ a finding of probable cause or dismissal unless the respondent waives the right to confidentiality. The wilful release of confidential information before a finding of probable cause or dismissal is a misdemeanor, and ~~any~~ a person releasing ~~such~~ confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.”

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

The amendment was then adopted.

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

**H. 4516--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4516 -- Rep. M. A. Pitts: A BILL TO AMEND SECTIONS 61-4-550 AND 61-6-2000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE AND FOR THE SALE OF ALCOHOLIC LIQUORS, RESPECTIVELY, BOTH SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; AND TO REPEAL SECTION 61-6-510 RELATING TO TEMPORARY PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS FOR NONPROFIT ORGANIZATIONS.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7805AHB10), which was adopted:

Amend the bill, as and if amended, by deleting Section 61‑4‑550(A), as contained in SECTION 1, page 1, lines 29 through 42, and inserting:

/ (A) The department may issue permits to nonprofit organizations running for a period not exceeding fifteen days for a fee of ten dollars per day. For purposes of this section, a ‘nonprofit organization’ is an entity which is organized and operated exclusively for charitable, religious, or fraternal purposes which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State. ~~Such~~ These special permits ~~shall~~ may be issued only for locations at fairs and special functions. /

Amend the bill further, by deleting Section 61‑6‑2000(A), as contained in SECTION 2, pages 2 and 3, and inserting:

/ (A) ~~In addition to the licenses authorized pursuant to the provisions of subarticle 1 of this article, the department also may issue a temporary license for a period not to exceed twenty‑four hours to a nonprofit organization which authorizes an organization to purchase and sell at a single social occasion alcoholic liquors by the drink. Notwithstanding another provision of this article, the issuance of this permit authorizes the organization to purchase alcoholic liquors from licensed retail dealers in the same manner that a person with a biennial license is issued pursuant to the provisions of subarticle 1 of this article are authorized to make these purchases. The fee for the permit is thirty‑five dollars payable at the time of application. The permit application must include a statement by the applicant as to the amount of alcoholic liquors to be purchased and the nature and date of the social occasion at which they are to be sold. The issuance or nonissuance of permits authorized pursuant to the provisions of this section is within the discretion of the department.~~ Notwithstanding another provision of this article, the department may issue to a bona fide nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function not open to the general public for a period not to exceed twenty‑four hours. However, a bona fide nonprofit organization may sell tickets at the door if the price of the ticket includes a full membership to the organization. The application for this temporary license must include a statement by the applicant as to the nature and date of the special function at which alcoholic liquor by the drink is to be sold, as well as other information required by the department. The department shall charge a nonrefundable filing fee of thirty‑five dollars for processing each event on the application. The department may deny the application if the completed application and filing fee are not submitted at least fifteen days before the date of the special function. The department in its discretion may specify the terms and conditions of the license. /

Amend the bill further, by deleting Section 61‑6‑2000(D), as contained in SECTION 2, page 3, lines 39 through 41, and inserting:

/ (D) The department may issue no more than twenty‑five temporary licenses on each application for special functions in a twelve‑month period to the same nonprofit organization. /

Amend the bill further, by deleting Section 61‑6‑2000(E)(4), as contained in Section 2, page 4, lines 6 through 8, and inserting:

/ (4) has obtained an exemption from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19); or /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

Reps. MILLER, MCLEOD and J. E. SMITH proposed the following Amendment No. 2 (COUNCIL\AGM\19993AB10), which was ruled out of order:

Amend the bill, as and if amended, by inserting an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 12‑21‑3940 of the 1976 Code, as last amended by Act 172 of 2004, is further amended to read:

“Section 12‑21‑3940. (A) Before conducting a game of bingo, a nonprofit organization shall file with the department a written application in a form prescribed by the department, executed and notarized which must include:

(1) the name, address, and telephone number of the applicant and sufficient facts relating to its incorporation and organization to enable the department to determine whether it is an authorized organization;

(2) a copy of the organization’s corporate charter and the Internal Revenue Service’s statement exempting the applicant from federal income taxes;

(3) the names, addresses, and telephone numbers of the organization’s officers;

(4) the place and time the applicant intends to conduct bingo under the license for which it applied;

(5) the specific purpose to which the bingo net proceeds are to be devoted;

(6) the designation of a ‘promoter’ as defined by this article;

(7) a copy of any contract or lease between a promoter and the nonprofit organization;

(8) the name, address, telephone number, birth date, and Social Security number of each person who will work at the proposed bingo games and receive compensation for the work, the nature of the work to be performed, and a statement as to whether or not the person has been convicted within the last twenty years of a state or federal felony, gambling offense, criminal fraud, or a crime that has a sentence of two or more years; and

(9) other information considered necessary by the department.

(B) Upon application for a license, the department has thirty days to approve or reject the application based on the requirements of this article.

(C) The nonprofit organization does not need to apply for renewal of the license as long as there are no changes in the operation or location of the game. Changes in information supplied on the original application must be forwarded to the department, in writing, within thirty days of the change. In the case of a change in the place and time, notice must be given thirty days before the change.

~~(D)~~ ~~A license must not be issued for conducting a game of bingo at an establishment holding a license pursuant to the provisions of Section 61‑6‑1820.~~” /

Renumber sections to conform.

Amend title to conform.

Rep. MCLEOD explained the amendment.

**POINT OF ORDER**

Rep. G. R. SMITH raised the Point of Order that Amendment No. 2 was out of order in that it was not germane to the Bill.

Rep. MCLEOD argued contra.

ACTING SPEAKER HARRISON stated that the Bill dealt with special permits for the sale of alcoholic beverages so as to allow nonprofit organizations to acquire permits for a limited duration under certain circumstances and limitations. He stated further that the amendment struck current law that allowed bingo parlors to sell alcoholic beverages. Therefore, he sustained the Point of Order and ruled the amendment out of order.

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

**H. 3369--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3369 -- Reps. T. R. Young, Huggins, E. H. Pitts, Ballentine, Bingham, Haley, Cato, Clyburn, Hearn, G. M. Smith, G. R. Smith, J. R. Smith, Spires, Stewart, Viers, Wylie and Weeks: A BILL TO AMEND SECTION 16-15-342, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF CRIMINAL SOLICITATION OF A MINOR, SO AS TO INCREASE THE PENALTY FOR THE OFFENSE.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\BBM\9722AHB10):

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

/ SECTION 1. Section 16‑15‑342 of the 1976 Code, as added by Act 208 of 2004, is amended to read:

“Section 16‑15‑342. (A) A person eighteen years of age or older commits the offense of criminal solicitation of a minor if he knowingly contacts or communicates with, or attempts to contact or communicate with, a person who is under the age of eighteen, or a person reasonably believed to be under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined in Section 16‑15‑375(5) or a violent crime as defined in Section 16‑1‑60, or with the intent to perform a sexual activity in the presence of the person under the age of eighteen, or person reasonably believed to be under the age of eighteen.

(B) Consent is a defense to a prosecution pursuant to this section if the person under the age of eighteen, or the person reasonably believed to be under the age of eighteen, is at least sixteen years old.

(C) Consent is not a defense to a prosecution pursuant to this section if the person under the age of eighteen, or the person reasonably believed to be under the age of eighteen, is under the age of sixteen.

(D) It is not a defense to a prosecution pursuant to this section, on the basis of consent or otherwise, that the person reasonably believed to be under the age of eighteen is a law enforcement agent or officer acting in an official capacity.

(E) A person who violates the provisions of this section: ~~is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than ten years, or both~~

(1) for a first offense, is guilty of a felony and, upon conviction, must be fined not more than twenty‑five thousand dollars or imprisoned for not more than twenty‑five years, or both; and

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than twenty‑five thousand dollars and imprisoned for not less than a mandatory minimum of five years nor more than twenty‑five years, no part of which may be suspended nor probation granted.”

SECTION 2. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑760. (A) For purposes of this section:

(1) ‘Aggravated coercion’ means that the person affiliated with a public or private secondary school in an official capacity threatens to use force or violence of a high and aggravated nature to overcome the student, if the student reasonably believes that the person has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping, or extortion, under circumstances of aggravation, against the student.

(2) ‘Aggravated force’ means that the person affiliated with a public or private secondary school in an official capacity uses physical force or physical violence of a high and aggravated nature to overcome the student or includes the threat of the use of a deadly weapon.

(3) ‘Person affiliated with a public or private secondary school in an official capacity’ means an administrator, teacher, substitute teacher, teacher’s assistant, student teacher, law enforcement officer, school bus driver, guidance counselor, or coach who is affiliated with a public or private secondary school but is not a student enrolled in the school.

(4) ‘Secondary school’ means either a junior high school or a high school.

(5) ‘Sexual battery’ means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes.

(6) ‘Student’ means a person who is enrolled in a school.

(B) If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is sixteen or seventeen years of age and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

(C) If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is eighteen years of age or older and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for thirty days, or both.

(D) This section does not apply if the person affiliated with a public or private secondary school in an official capacity is lawfully married to the student at the time of the act.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

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

Rep. JENNINGS 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. 4860 -- Reps. McEachern and Neilson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND KEITH V. EUBANKS OF COLUMBIA, CHESS MASTER, FOR HIS OUTSTANDING ACCOMPLISHMENTS IN THE GAME OF CHESS AND FOR HIS MANY YEARS OF TEACHING THE GAME TO THE YOUNG PEOPLE OF THE PALMETTO STATE.

**ADJOURNMENT**

At 6:00 p.m. the House, in accordance with the motion of Rep. HARRISON, adjourned in memory of Thomas S. Linton, Sr., former Director of Legislative Council, to meet at 10:00 a.m. tomorrow.

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