~~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 Proverbs 19:27: “The fear of the Lord leads to life; then one rests content, untouched by trouble.”

Let us pray. O God, You wonderfully restored the dignity of human nature. In Your mercy You allow us to live the life of servants to the people of this State. Give these whom You have chosen the strength, integrity, and courage to fulfill their responsibilities to the best of their ability. Bless them with Your favor. Bless our Nation, President, State, Governor, Speaker, and all who labor in these Halls of Government. Protect our defenders of freedom at home and abroad and heal our wounded warriors. 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. LOWE moved that when the House adjourns, it adjourn in memory of Patricia Mayes Hines of Mayesville, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 329:

S. 329 -- Senators Fair and Campsen: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 24 OF THE 1976 CODE BY ADDING SECTION 24-3-580, TO PROHIBIT THE DISCLOSURE OF THE IDENTITY OF MEMBERS OF AN EXECUTION TEAM AND TO ALLOW FOR CIVIL PENALTIES FOR A VIOLATION OF THE SECTION, AND BY ADDING SECTION 24-3-590, TO PROHIBIT LICENSING AGENCIES FROM TAKING ANY ACTION TO REVOKE, SUSPEND, OR DENY A LICENSE TO ANY PERSON WHO PARTICIPATES ON AN EXECUTION TEAM.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 850:

S. 850 -- Senator McGill: A BILL TO AMEND SECTION 12-6-5060 OF THE 1976 CODE, RELATING TO THE DESIGNATION ON AN INCOME TAX RETURN OF A VOLUNTARY CONTRIBUTION TO CERTAIN FUNDS, TO PROVIDE THAT A TAXPAYER MAY CONTRIBUTE TO THE SOUTH CAROLINA FORESTRY COMMISSION FOR USE IN THE STATE FOREST SYSTEM.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 932:

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

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1070:

S. 1070 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING PART VII TO ARTICLE 5, TITLE 62 SO AS TO ENACT THE "UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT", TO DEFINE NECESSARY TERMS, PROVIDE A UNIFORM PROCEDURE FOR JURISDICTION OVER ADULT GUARDIANSHIPS, CONSERVATORSHIPS, AND OTHER PROTECTIVE PROCEEDINGS TO ENSURE ONLY ONE STATE HAS JURISDICTION AT A GIVEN TIME.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1154:

S. 1154 -- Senators Malloy, Knotts, Campsen, McConnell, Fair, Cromer, Ford, Elliott, Scott, Nicholson, Coleman, Massey, Cleary, Hutto, Peeler, Williams, Land, Rose, Campbell, L. Martin, Leventis, Leatherman, Setzler, O'Dell, Hayes and Pinckney: A BILL TO ENACT THE OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010, RELATING TO CRIMINAL OFFENSES, CORRECTIONS, PROBATION, AND PAROLE PROVISIONS, SO AS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT RECOMMENDATIONS PROPOSED BY THE SENTENCING REFORM COMMISSION REPORT OF FEBRUARY 2010.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1434:

S. 1434 -- Senator Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NEWLY CONSTRUCTED REPLACEMENT BRIDGE THAT CROSSES COVE INLET ALONG SOUTH CAROLINA HIGHWAY 703 IN CHARLESTON COUNTY THE "BEN SAWYER MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS

OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "BEN SAWYER MEMORIAL BRIDGE".

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1450:

S. 1450 -- Senators Campsen and Verdin: A CONCURRENT RESOLUTION TO CELEBRATE THE SESQUICENTENNIAL ANNIVERSARY OF THE SOUTH CAROLINA STATE FLAG, TO DECLARE JANUARY 28, 2011, AS "SOUTH CAROLINA FLAG DAY", TO REQUEST THE NATIONAL PARK SERVICE TO CONDUCT APPROPRIATE INTERPRETIVE AND EDUCATIONAL EVENTS AT THE FORT MOULTRIE, A UNIT OF FORT SUMTER NATIONAL MONUMENT, AND TO ENCOURAGE PUBLIC AND PRIVATE INSTITUTIONS TO PARTICIPATE.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**H. 3975--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 3975:

H. 3975 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 50-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER'S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

and asks for a Committee of Conference and has appointed Senators Land, Knotts and S. Martin to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. UMPHLETT, HODGES and M. A. PITTS to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**S. 1027--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to S. 1027:

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50-11-770 TO ENACT THE "RENEGADE HUNTER ACT", TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

Very respectfully,

President

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

Whereupon, the Chair appointed Reps. HIOTT, UMPHLETT and KNIGHT to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 27, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to H. 4244:

H. 4244 -- Rep. Limehouse: A BILL TO AMEND SECTION 59-130-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL TRUSTEE TO BE APPOINTED BY THE COLLEGE OF CHARLESTON ALUMNI ASSOCIATION BOARD OF DIRECTORS, TO SET HIS TERM, AND TO PROVIDE CRITERIA FOR HIS SELECTION.

Very respectfully,

President

**H. 4244--HOUSE RECEDES FROM ITS AMENDMENTS**

On the motion of Rep. LIMEHOUSE, the House receded from its amendments, and a message was ordered sent to the Senate accordingly.

**HOUSE RESOLUTION**

The following was introduced:

H. 5048 -- Reps. Gunn, Funderburk, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Gambrell, Gilliard, Govan, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE LUGOFF-ELGIN HIGH SCHOOL BASEBALL TEAM FOR CAPTURING THE 2010 CLASS AAA STATE CHAMPIONSHIP TITLE, AND TO CONGRATULATE THE TEAM MEMBERS AND COACHES ON AN OUTSTANDING SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5049 -- Reps. Cato, 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, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE NORTH GREENVILLE UNIVERSITY BASEBALL TEAM FOR AN EXCEPTIONAL SEASON AND FOR GARNERING THE NATIONAL CHRISTIAN COLLEGE ATHLETIC ASSOCIATION (NCCAA) WORLD SERIES BASEBALL NATIONAL CHAMPIONSHIP TITLE, AND TO PROCLAIM JUNE 15, 2010, NORTH GREENVILLE UNIVERSITY CRUSADER BASEBALL DAY IN SOUTH CAROLINA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5050 -- Reps. McEachern, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND LILLIE A. BURGESS OF RICHLAND COUNTY, UPON THE OCCASION OF HER SIXTY-SECOND BIRTHDAY, AND TO COMMEND HER FOR A LIFETIME OF SERVICE IN BUILDING GOD'S KINGDOM.

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

**CONCURRENT RESOLUTION**

The following was taken up for immediate consideration:

H. 5051 -- Reps. Govan, Cobb-Hunter, Ott, Sellers, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR WILLIE E. JEFFRIES, HEAD FOOTBALL COACH EMERITUS OF SOUTH CAROLINA STATE UNIVERSITY, UPON BEING ELECTED TO THE COLLEGE FOOTBALL HALL OF FAME.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5052 -- Rep. Toole: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE GRACE BAPTIST CHURCH OF WEST COLUMBIA ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY, AND TO COMMEND THE CHURCH FOR A HALF CENTURY OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5053 -- Reps. Vick and King: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE FUNDERBURK FAMILY REUNION, AND TO CONGRATULATE THE FAMILY MEMBERS UPON THE OCCASION OF THE THEIR THIRTIETH ANNUAL REUNION.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5054 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO SALUTE THE TAMS AND FOUNDING MEMBER CHARLES POPE FOR THEIR SIGNIFICANT CONTRIBUTION TO BEACH MUSIC, THE OFFICIAL POPULAR MUSIC OF THE PALMETTO STATE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5055 -- Rep. Lowe: A HOUSE RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH CAROLINA UPON THE DEATH OF PATRICIA MAYES HINES OF SUMTER COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND TO HER MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1478 -- Senators Campsen, Campbell, Elliott, Rankin, Land, Setzler, Cromer, McGill, Rose, Cleary, Leventis, Grooms, Davis and L. Martin: A CONCURRENT RESOLUTION CALLING UPON THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF NATURAL RESOURCES, IN COORDINATION WITH THE GOVERNOR, TO IMMEDIATELY BEGIN DEVELOPING A CONTINGENCY PLAN IN THE EVENT THE OIL LEAKING FROM THE DEEPWATER HORIZON IN THE GULF OF MEXICO IS SWEPT BY CURRENTS UP THE SOUTHEASTERN SEABOARD; IN DEVELOPING THIS PLAN THEY SHOULD ASSESS THE ACTIONS BEING TAKEN TO COMBAT THIS CRISIS AND DETERMINE WHAT SOLUTIONS ARE SUCCESSFUL AND WHAT ARE NOT AND IDENTIFY THE BEST PRACTICES AVAILABLE TO ADDRESS THIS PROBLEM AND THE RESOURCES NECESSARY TO CARRY OUT THIS PLAN.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1481 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 176 AND INTERSTATE HIGHWAY 95 IN ORANGEBURG COUNTY "CORPORAL WILLIAM HOWELL, JR. INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "CORPORAL WILLIAM HOWELL, JR. INTERCHANGE".

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1482 -- Senator Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR WILLIE E. JEFFRIES, HEAD FOOTBALL COACH EMERITUS OF SOUTH CAROLINA STATE UNIVERSITY, UPON BEING ELECTED TO THE COLLEGE FOOTBALL HALL OF FAME.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1483 -- Senator Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR PASTOR D. E. GREENE, JR., OF ORANGEBURG COUNTY, AND TO COMMEND HIM FOR MANY YEARS OF DEVOTED SERVICE TO HIS CHURCH AND FOR HIS DISTINGUISHED LEADERSHIP IN THE COMMUNITY.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1484 -- Senator Grooms: A CONCURRENT RESOLUTION TO EXPRESS THE APPRECIATION OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR THE EVERGREEN COMPANY'S COMMITMENT TO OUR STATE, AND TO COMMEND THE COMPANY FOR THIRTY-FIVE YEARS OF EXCEPTIONAL SERVICE, LEADERSHIP, AND GROWTH IN THE PORT OF CHARLESTON AND BEYOND.

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:

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, June 1.

|  |  |
| --- | --- |
| Leon Stavrinakis | Denny Neilson |
| Timothy E. Scott | Ted Vick |
| Douglas Jennings | Jackie Hayes |
| Patsy Knight | Thad Viers |
| Michael Thompson | Terry Alexander |
| Vida Miller | Thomas R. Young, Jr. |
| Leon Howard |  |

**Total Present--119**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. T. R. YOUNG a temporary leave of absence.

**STATEMENT OF ATTENDANCE**

Reps. HART and WHITMIRE 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, May 27.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Boyd Gillespie of Charleston was the Doctor of the Day for the General Assembly.

**R. 246, H. 4828--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 28, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4828, R. 246, which authorizes the Irmo Fire District to adopt rules and regulations to ensure that buildings within the district are maintained properly and do not present a fire or safety hazard. The Bill also gives the Irmo Fire Chief, or his designee, the same authority that an officer of the peace has to enforce the district’s regulations.

On behalf of the entire administration, I thank firefighters and fire chiefs for their hard work and dedication in protecting their respective communities. Their work is important and admirable, but we must still veto this Bill because it violates the constitutional prohibition against local legislation and because we believe this Bill embodies an unwise public policy.

Under Article 3 § 34 of the South Carolina Constitution, the General Assembly generally may not pass special, local legislation in place of a generally applicable law. On numerous occasions, the Supreme Court has struck down laws similar to H. 4828 because they violated the constitutional prohibition on local legislation. Nonetheless, H. 4828 empowers only the Irmo Fire District to take certain regulatory and enforcement actions relating to fire safety. Specifically, H. 4828 gives the District authority unilaterally to adopt rules and regulations and gives the Irmo fire chief law enforcement authority that no other fire chief in the state possesses. Because H. 4828 plainly violates the constitutional prohibition on local legislation, we are compelled to veto this Bill.

Additionally, as a policy matter, we believe that local fire districts should not have authority to create unique building regulations. We also believe that fire station personnel should not have the same law enforcement authority as an officer of the peace. Currently, the state’s Building Codes Council creates building safety regulations that apply uniformly throughout the State. Allowing a single county to create additional – and potentially conflicting – building regulations will greatly complicate the lives of both homeowners and homebuilders who must comply with these regulations.

Similarly, we think it is unwise to give a fire chief or his designee the same authority as a police officer for the purposes of enforcing a fire district’s regulations. In South Carolina, law enforcement personnel must successfully complete training at the South Carolina Criminal Justice Academy prior to serving as police officers. Then, throughout the police officers’ careers, they must complete continuous training in the areas of firearms use, driving maneuvers, handling domestic violence cases, and updates on criminal procedure and legal issues. By contrast, no fire department personnel – including fire chiefs – are required to have formal law enforcement training. Because law enforcement personnel receive unique training which fire department personnel do not, we believe that the task of enforcing the laws should be left to local police. If the General Assembly were to give fire department personnel the authority to enforce the laws, they should do so on a uniform, statewide basis – not in piecemeal form as contemplated in this legislation.

For these reasons, we are therefore vetoing and returning without my approval H. 4828, R. 246.

Sincerely,

Mark Sanford

Governor

**R. 246, H. 4828--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R246) H. 4828 -- Rep. Huggins: AN ACT TO AMEND ACT 387 OF 1963, AS AMENDED, RELATING TO THE IRMO FIRE DISTRICT, SO AS TO AUTHORIZE THE BOARD OF FIRE CONTROL TO ADOPT RULES AND REGULATIONS TO ENSURE THAT A BUILDING WITHIN THE DISTRICT IS MAINTAINED PROPERLY AND DOES NOT PRESENT A FIRE OR SAFETY HAZARD; AND TO CONVEY TO A FIRE CHIEF OR HIS DESIGNEE THE SAME AUTHORITY THAT A PEACE OFFICER HAS TO ENFORCE REGULATIONS AND OTHER LAWS PROMULGATED OR ADOPTED BY THE DISTRICT.

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

Yeas 2; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Ballentine | Huggins |  |

**Total--2**

Those who voted in the negative are:

**Total--0**

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

**R. 238, H. 3536--ORDERED PRINTED IN THE JOURNAL**

The SPEAKER ordered the following Veto printed in the Journal:

May 28, 2010

The Honorable Robert W. Harrell, Jr.

Speaker of the House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3536, R. 238, which requires that candidates for county coroner satisfy specific training or experience qualifications prior to running for office. Although we recognize the need to ensure candidates for public office are properly qualified, ultimately we believe this Bill will serve mainly to protect incumbent coroners from being challenged by new candidates. We also believe that the people of our State are capable of making the determination on who might best serve the county without a prescription in this instance by the General Assembly.

H. 3536 requires candidates for county coroner to have higher education or experience to meet its requirements. The provision in H. 3536 that troubles us is the Bill’s exemption for incumbents from the training and experience requirements that the Bill imposes on all new candidates – with no guidance as to when or whether incumbents must eventually satisfy the requirements. If a Bill dictates a statewide standard, it should be common to all. By carving out incumbents, this exemption gives incumbent coroners a distinct advantage over new candidates as it shrinks the pool of potential challengers.

We appreciate the General Assembly’s attempt to “grandfather in” current coroners, but we cannot support a Bill that does not include a time period by which incumbent coroners must meet the same qualification standards as every other candidate for office. We recognize the important role county coroners play in the law enforcement community, but setting standards that do not apply to incumbents should have no part in a fair, democratic process.

For these reasons, I am vetoing and returning without my approval H. 3536, R. 238.

Sincerely,

Mark Sanford

Governor

**R. 238, H. 3536--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R238) H. 3536 -- Reps. J. E. Smith and McLeod: AN ACT TO AMEND SECTION 17-5-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS TO HAVE OBTAINED CERTAIN LEVELS OF EDUCATION COMBINED WITH VARYING DEGREES OF EXPERIENCE IN THE FIELD, TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON'S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN; AND BY ADDING SECTION 17-15-115 SO AS TO PROVIDE CONDITIONS UPON WHICH A DEPUTY CORONER MAY BE TRAINED TO ENFORCE THE LAWS AND RETAIN HIS LAW ENFORCEMENT STATUS.

Rep. COOPER 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 78; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Hardwick |
| Harrell | Harrison | Hearn |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| Lowe | Lucas | McEachern |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Rice | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Toole | Umphlett | Weeks |
| Whipper | White | Whitmire |
| Williams | Wylie | A. D. Young |

**Total--78**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bedingfield | Frye |
| Haley | Hamilton | King |
| Kirsh | Littlejohn | Loftis |
| Long | Nanney | Norman |
| Parker | Pinson | M. A. Pitts |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Stewart | Willis |  |

**Total--20**

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

**S. 337--NONCONCURRENCE IN SENATE AMENDMENTS**

The Senate returned to the House with amendments the following:

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.

Rep. HARRISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 0; Nays 93

Those who voted in the affirmative are:

**Total--0**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cole |
| Cooper | Crawford | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Gunn |
| Haley | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hearn | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Kirsh |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | McEachern |
| Merrill | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. M. Neal |
| Neilson | Norman | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Weeks |
| Whipper | White | Whitmire |
| Willis | Wylie | A. D. Young |

**Total--93**

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

**S. 1372--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1372 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATION OF SUMTER SCHOOL DISTRICTS 2 AND 17, SO AS TO EXTEND THE TERM OF OFFICE FOR MEMBERS THAT ARE SET TO EXPIRE IN 2010; TO PROVIDE THAT THE SUPERINTENDENT OF THE CONSOLIDATED SCHOOL DISTRICT SHALL SELECT AND APPOINT AN ASSISTANT SUPERINTENDENT; AND TO AUTHORIZE THE BOARDS OF TRUSTEES OF SUMTER SCHOOL DISTRICTS 2 AND 17 TO ISSUE GENERAL OBLIGATION BONDS OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES UP TO THE CONSTITUTIONAL DEBT LIMIT OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES, TO PROVIDE 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 BONDS.

Rep. WEEKS proposed the following Amendment No. 1 (COUNCIL\NBD\12421BH10), which was adopted:

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

/ SECTION 1. Act 387 of 2008, as last amended by Act 112 of 2009, is further amended to read:

“SECTION 1. (A) Effective July 1, 2011, Sumter County shall consist of one school district to be known as the Sumter School District.

(B) The present School Districts 2 and 17 of the county must be abolished on July 1, 2011, and the powers and duties of the respective boards of trustees of each district devolved upon the board of trustees for the school district except as established in this act.

SECTION 2. (A) The school district must be governed by a board of trustees of seven members, one of whom must be elected from each district from which members of the Sumter County Council are elected. The members of the board must be elected in nonpartisan elections to be held beginning in 2010. A member of the board must be a resident of the school district and the election district from which he is elected. The members of the board shall elect a chairman and other officers they consider necessary to serve for terms of ~~one~~ ~~year~~ two years in these capacities. The 2010 nonpartisan election must be held at the same time as the general election. After the 2010 election, members of the board must be elected at nonpartisan elections conducted on the first Tuesday after the first Monday of November every two or four years thereafter ~~as applicable~~ beginning in 2012. Members of the board must be elected for four‑year terms and until their successors are elected and qualify, except that of the seven members of the board elected in 2010, the members elected from Election Districts 1, 2, 3, and 4 shall serve for initial terms to expire in November 2014, when their successors elected at the 2014 election qualify and take office, and the members elected from Election Districts 5, 6, and 7 shall serve for initial terms to expire in November 2012, when their successors elected at the 2012 election qualify and take office. In the event of a vacancy on the board occurring for a reason other than expiration of a term, the board shall call a special election to fill the unexpired term, so long as the vacancy does not occur within one hundred eighty days of a regular trustee election. In this case, the vacancy must be filled for the unexpired term through appointment by the Governor. All members of the board shall serve until their successors are elected and qualify. The Sumter Registration and Election Commission shall conduct and supervise the elections for members of the board in the manner as for the election of the Sumter County Council, subject to the election laws of this State, mutatis mutandis. The commissioners shall prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the elections, including the counting of ballots and declaring the results. The commission shall publish notices of the elections in the same manner provided in Section 7‑13‑35 of the 1976 Code. The results of the elections must be determined by the nonpartisan plurality method as contained in Section 5‑15‑61 of the 1976 Code. The members of the board elected in these nonpartisan elections shall take office one week following certification of their election as provided in Section 59‑19‑315 of the 1976 Code.

(B) The school board shall select and appoint a superintendent to serve as superintendent of the school district. The superintendent is the chief operating officer of the district and is responsible to the board for the proper administration of all affairs of the district and subject to all other provisions of law relating to his duties. He shall:

(1) appoint and, when necessary for the good of the district, remove an appointive officer or employee of the district and fix the salaries of these officers and employees, unless otherwise provided by law and except as he may authorize the head of a department or office to appoint and remove subordinates in the department or office;

(2) prepare the budget annually, submit it to the board, and be responsible for its administration after adoption;

(3) prepare and submit to the board at the end of each fiscal year a complete annual report on the finances and administrative activities of the board for the preceding year and make other financial reports from time to time as may be required by the board or by law;

(4) keep the board advised of the financial condition and future needs of the district and make recommendations as he considers desirable;

(5) perform other duties as may be prescribed by law or required of him by the board not inconsistent with a provision of law; ~~and~~

(6) centralize all administrative functions including, but not limited to, human resources, accounting, procurement, transportation, school bus services, and maintenance~~.~~; and

~~(C)~~(7) ~~The board and the newly appointed superintendent shall~~ select and appoint an assistant superintendent for programs and policy whose duties include overseeing curriculum and making recommendations for program changes.

SECTION 3. (A) Budget authority is hereby vested in the school district except that, if the board of trustees of the school district deems it necessary to increase its tax millage, the county council shall, by a majority vote, approve the increase before it is levied. The district must submit the budget it has approved to the county council for consideration prior to May twentieth of each year for the succeeding budget year.

(B) The board shall hold a public hearing before its final approval of the budget for the district. Notice of these public hearings must be placed in a newspaper of general circulation in the district at least fifteen days before the public hearing.

(C) For purposes of determining the previous year’s millage of the district upon its creation, the millage levy for the district must be determined and calculated by the Department of Revenue based on the 2010 levy of Districts 2 and 17 and the value of a mill in each district. Beginning in 2011, the amount levied by the district by way of millage is subject to millage limitations provided by general law and local law, and beginning in 2011, any increase over the 2010 millage as computed above must be approved by the governing body of Sumter County.

SECTION 4. The board of trustees of the district has the power, duty, and responsibility as provided by law including the authority to:

(1) establish other administrative departments upon the recommendation of the superintendent;

(2) adopt the proposed budget of the school district;

(3) have the power to inquire into the conduct of an office, department, or agency of the school district;

(4) adopt and modify attendance zones of schools within the school district;

(5) provide for an independent annual audit of the books and business affairs of the school district and for a general survey of school district business;

(6) cooperate to establish and maintain a central purchasing system for the purchase of contractual services, equipment, and supplies;

(7) cooperate to establish and maintain educational consortia; and

(8) be responsible for policymaking action and the review of regulations established to put these policies into operation.

SECTION 5. (A) On July 1, 2011, the assets and liabilities of the present School Districts 2 and 17 must be transferred to the district. The records and employees of those present school districts must be transferred to and, if applicable, assumed by the school district. Entities that are jointly owned or operated between Districts 2 and 17 also become property of the school district.

(B) The constitutional debt limitation on the issuance of general obligation bonds applicable to the district is to be computed according to the law of this State and based on the assessed value of all taxable property in the district minus that bonded indebtedness of each of the present school districts made a part of the district that was includable against the constitutional debt limit of those present school districts.

SECTION 6. (A) The Boards of Trustees of Sumter School Districts 2 and 17 may on or before July 1, 2011, issue, without an election, general obligation bonds of the respective school districts within the constitutional debt limitation applicable to the respective school districts for school operating purposes. Bonds issued pursuant to this section must be transferred to the consolidated district on July 1, 2011.

(B) Bonds issued pursuant to this section mature on the dates the board prescribes.

(C) Bonds issued pursuant to this section may be issued with a provision for their redemption prior to their maturity at par and accrued interest, plus a redemption premium as may be prescribed by the board, but no bond is redeemable before maturity, unless it contains a statement to that effect. In the proceedings authorizing the issuance of the bonds, provision must be made specifying the manner of call and the notice of call must be given.

(D) Bonds issued pursuant to this section must be in the form of fully registered bonds or notes payable upon conditions as the board may prescribe.

(E) Bonds issued pursuant to this section must be in a denomination and must be made payable at a place, within or without the State, as the board prescribes.

(F) Bonds issued pursuant to this section bear interest at a rate or rates determined by the board.

(G) Bonds must be executed in a manner as the board prescribes by resolution.

(H) Bonds issued pursuant to this section must be sold at a price of not less than par and accrued interest, if any, to the date of their respective deliveries. Bonds authorized by this act may be sold at private or public sale upon the terms prescribed by the board.

(I) For the payment of principal of and interest on all bonds issued pursuant to this section, as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the school district must be irrevocably pledged, and there may be levied annually by the Auditor of Sumter County, and collected by the Treasurer of Sumter County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the school district sufficient to pay the principal of and interest on the bonds as they respectively mature and to create a sinking fund as may be necessary therefor.

(J) The principal of and interest on bonds issued pursuant to this section have the tax‑exempt status prescribed by Section 12‑2‑50 of the 1976 Code.

(K) The proceeds derived from the sale of any bonds issued pursuant to this section must be paid to the Treasurer of Sumter County, to be deposited in a bond account fund for the school district and must be expended and made use of by the board as follows:

(1) any accrued interest must be applied to the payment of the first installment of interest to become due on the bonds;

(2) any premium must be applied to the payment of the first installment of principal on the bonds;

(3) if any balance remains, it must be held by the Treasurer of Sumter County in a special fund to be used to effect the retirement of bonds.

(L) The powers and authorizations conferred upon the board by this section are in addition to all other powers and authorizations previously vested in the board and may be availed of pursuant to action taken at any regular or special meeting of the board by a resolution to take effect immediately upon its adoption.

(M) No elections prescribed as a condition precedent to the issuance of the bonds and no action other than that prescribed in this act need to be taken to effect the issuance of bonds nor are required to obtain the approval of any other public agency to any action taken pursuant to the authorizations by this section.

SECTION 7. In creating the district, it is anticipated that there will be savings in the total district level administrative costs from the former individual districts; therefore, district level administrative costs in the district must be less than the combined district level administrative costs of both districts by July 1, 2012. Administrative costs shall be those defined in the State Department of Education financial analysis model.

SECTION ~~7~~8. (A) The present School Districts 2 and 17 of Sumter County are abolished on July 1, 2011, at which time the school district must be established as provided in this act. The terms of all members of the boards of trustees of the two present school districts of the county expire on this date. However, the members of the board of trustees of the school district elected at the 2010 nonpartisan election shall take office one week following certification of their elections as provided in Section 59‑19‑315 of the 1976 Code. From this date and until July 1, 2011, the board may organize, begin planning for the changeover to the district, enter into contracts to effectuate these purposes, and perform other related matters pertaining to it, except that the responsibility and authority to manage the schools of the county rests solely with the individual boards for the two present districts until July 1, 2011, and the board may not interfere with this authority.

(B) Funding for the activities of the board from the date the members assume office until July 1, 2011, shall be provided ~~by the county council~~ from ~~the millage levy for school operations~~ funds available to the individual school districts for operating purposes.

(C) A member of one of the present school boards of Districts 2 and 17 may seek election to the school district board in 2010. However, if he is elected to that office, before assuming the duties of that board, he must first resign as a member of his present board. In this event and notwithstanding another provision of law, the vacancy on the present board he is vacating must be filled for the remainder of the unexpired term by appointment by the Governor.

SECTION ~~8~~9. (A) There shall be created within thirty days of the effective date of this act the Sumter Consolidation Transition Committee whose purpose is to coordinate the consolidation of Districts 2 and 17 into the Sumter School District. The committee is composed of the following:

(1) three members of the District 2 Board, or their designees, appointed by the District 2 Board;

(2) three members of the District 17 Board, or their designees, appointed by the District 17 Board;

(3) three members of the Sumter City Council, or their designees, appointed by the city council;

(4) three members of the county council, or their designees, appointed by the county council; and

(5) thirteen members appointed by the Sumter County Legislative Delegation, with consideration given to geographic, economic, and demographic segments of the community.

(B) Appointments by the school boards, city council, and county council must be submitted to the Sumter County Legislative Delegation within thirty days of the act being signed by the Governor. The Sumter County Legislative Delegation shall designate two chairmen from among the thirteen members appointed by the Sumter County Legislative Delegation. A vacancy on the committee must be filled for the unexpired term through appointment by the group that appointed the committee member whose departure from the committee created the vacancy.

(C) The committee may organize, begin planning for the changeover to the district, enter into contracts to effectuate these purposes, and perform other related matters pertaining to it.

(D) By no later than May first of each year, the Sumter Consolidation Transition Committee shall prepare a budget to be submitted to the Sumter County Legislative Delegation. When approved by the delegation, the budget must be funded by the school districts, each paying half, from funds provided by the districts from their respective budgets. County council may increase the budgets to meet these requirements.

(E) The committee shall be insured and indemnified in the same manner as School Districts 2 and 17 are insured and indemnified.

(F) Members of the committee shall receive per diem allowed by law for members of state boards, committees, or commissions, but are not entitled to mileage and subsistence.

(G) The committee must be abolished when the members of the board are elected at the 2010 election, qualify for office, and take office.

(H) Beginning with the 2008‑2009 school year, the committee may make recommendations to each present board concerning attendance zones for a school in the county without being constrained by existing district lines and each board shall consider the recommendations of the committee in determining attendance at schools in the county without being constrained by existing district lines, as defined by Act 155 of 2007. In the event a board creates a new attendance zone that encompasses portions of Districts 2 and 17, a person residing in the new attendance zone may attend a school within that attendance zone without regard to whether the school is located in the district in which the person resides. A school in District 2 or 17 may not bear a financial impact or impose a financial charge if a person attends a school within a new attendance zone but not in the district in which he resides.

~~( )~~(I) If a member of the Sumter Consolidation Transition Committee is dismissed, suspended from his position, demoted, or forced to accept a change in the terms and conditions at his current employment, or if he receives any threats, direct or indirect, in connection with his decisions or actions on behalf of the committee, the member may institute a nonjury civil action against Sumter School District 2 or Sumter School District 17 or their successors for:

(1) reinstatement to his former position;

(2) lost wages from positions of employment other than his service as a member of the Sumter Consolidation Transition Committee;

(3) actual damages;

(4) treble damages;

(5) reasonable attorney’s fees as determined by the court; and

(6) injunctive relief from a change in the terms and conditions of his employment.

This cause of action exists for any such retaliatory action that takes place during a member’s employment or term of service with Sumter School District 2 or 17. The action must be brought in the Court of Common Pleas of Sumter County.

SECTION ~~9~~10. Any local act pertaining to a school district of Sumter County inconsistent with the provisions of this act is repealed as of July 1, 2011, because the General Assembly’s intent is to have this act and the general law constitute the only provisions of law governing the school district of the county.

SECTION ~~10~~11. If a provision of this act is held by a court of competent jurisdiction to be unconstitutional or invalid, the holding will not affect the constitutionality or validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act and each and every provision herein irrespective of the fact that a provision of this act may be ~~declare~~ declared unconstitutional, invalid, or otherwise ineffective.”

SECTION 12. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

Rep. KENNEDY proposed the following Amendment No. 2 (COUNCIL\AGM\18087BH10), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. A. Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59‑17‑160. (A) On July 1, 2011, the area of each county of this State also must be constituted as a school district and a county may not have multiple school districts within its boundaries, provided that nothing in this section prevents a portion of a county from being a part of a school district in another county.

(B) The General Assembly by local law before July 1, 2011, shall provide for the governance, fiscal authority, and administrative and operational responsibilities for a countywide school district where no provisions of law now apply.”

B. All acts or parts of acts relating to a school district that is not a countywide school district required by Section 59‑17‑160 of the 1976 Code are repealed on July 1, 2011. /

Renumber sections to conform.

Amend title to conform.

**POINT OF ORDER**

Rep. WEEKS raised the Point of Order that Amendment No. 2 was out of order in that it was not germane to the Bill because House Rule 9.6 prohibited local bills from being amended in a statewide manner.

SPEAKER HARRELL stated that while the Bill dealt with the consolidation of Sumter County school districts only, the amendment dealt with the consolidation of school districts statewide. 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, by a division vote of 3-2.

**ORDERED TO THIRD READING**

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

H. 5047 -- Reps. Parks, M. A. Pitts and Pinson: A BILL TO VEST TITLE IN GREENWOOD COUNTY OF CERTAIN PROPERTY FORMERLY BELONGING TO THE GREENWOOD RECREATION COMMISSION WHICH WAS CREATED BY ACT 338 OF 1949 AND DISSOLVED BY ACT 1352 OF 1968, AND TO DIRECT THE CLERK OF COURT FOR GREENWOOD COUNTY TO EXECUTE DEEDS OF CONVEYANCE ON BEHALF OF THE GREENWOOD RECREATION COMMISSION.

S. 950 -- Senator Elliott: A BILL TO AMEND SECTIONS 5-37-20, 5-37-35, 5-37-40, AS AMENDED, 5-37-50, AS AMENDED, AND 5-37-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT DISTRICT ACT, SO AS TO CLARIFY THAT AN EASEMENT FOR MAINTENANCE IN CHANNELS, CANALS, OR WATERWAYS IS SUFFICIENT PROPERTY INTEREST TO PROCEED WITH AN ASSESSED DISTRICT; TO AUTHORIZE SOME PORTION OF THE BONDS ISSUED TO FUND ASSESSMENTS MAY BE BACKED BY THE TAXING POWER OF A MUNICIPALITY; AND TO PROVIDE AN EXCEPTION OF AN OWNER OF RESIDENTIAL PROPERTY TO BE REQUIRED TO CONSENT TO INCLUSION IN AN IMPROVEMENT DISTRICT WHEN THE SOLE IMPROVEMENTS ARE THE WIDENING AND DREDGING OF CANALS.

Rep. EDGE explained the Bill.

**S. 1054--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 1054 -- Senators Pinckney, Malloy, Matthews, Anderson and Nicholson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO EXTRAORDINARY COMMERCIAL FACILITIES, BY ADDING SECTION 4-1-180 TO ALLOW COUNTIES THAT CREATE A MULTICOUNTY BUSINESS PARK TO DESIGNATE A PORTION OR ALL OF THAT PARK AS A DESIGNATED ECONOMIC DEVELOPMENT SITE FOR EXTRAORDINARY COMMERCIAL FACILITIES.

Rep. HERBKERSMAN proposed the following Amendment No. 1 (COUNCIL\BBM\9805HTC10):

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

/ SECTION 1. Chapter 10, Title 4 of the 1976 Code is amended by adding:

“Article 11

Local Option Extraordinary Commercial Facilities Fee

Section 4‑10‑1110. This article may be cited as the ‘Local Option Extraordinary Commercial Facilities Fee Act’.

Section 4‑10‑1120. For purposes of this article:

(1) ‘Designated economic development site’ means a geographic area which has been designated as part of a multicounty park pursuant Article VIII, Section 13 of the South Carolina Constitution, 1895, and Section 4‑1‑170. The municipality or the county making a designation of a designated economic development site shall notify the South Carolina Department of Revenue of the boundaries of the designated economic development site.

(2) ‘Fee’ means the local option extraordinary commercial facilities fee allowed to be imposed as provided in this article.

(3) ‘Infrastructure’ means Infrastructure as described in and consistent with the provisions of Section 4–29–68(A).

(4) ‘Municipality’ means a municipal corporation created pursuant to Chapter 1, Title 5 or a municipal government as the use of the term dictates, located in a county as defined by subsection (1).

(5) ‘Imposing jurisdiction’ means the municipality or county enacting the imposition ordinance for the fee or its governing body, as appropriate.

Section 4‑10‑1125. (A) If the designated economic development site is located in jurisdictions with separate and distinct stormwater ordinances, the standards and controls of the most stringent ordinance apply in the entire site. Similarly, if the site is within a single jurisdiction for purposes of a stormwater ordinance and stormwater from the site is discharged into watercourses in adjoining jurisdictions, the most stringent stormwater ordinance of the adjoining jurisdictions apply in the entire site.

(B) An applicant for the reimbursement provisions of this article must submit a fully developed stormwater plan/model demonstrating its compliance with the applicable stormwater ordinance and the plan/model must be certified by the applicable jurisdiction’s stormwater authority.

(C) An applicant for the reimbursement provisions of this chapter shall pay for third party compliance monitoring of stormwater discharges, both water quality and quantity, for twenty years following completion of construction and initial occupancy of retail space. This responsibility remains with the original developer or its assigns for the twenty years and its duty under this requirement may not be assigned or transferred. The third party monitor selected by the developer must be approved by the oversight commission.

(D) Failure to meet stormwater discharges as modeled by the applicant and approved by the applicable jurisdiction results in the loss of the reimbursement provisions set out in this article if so determined by the oversight commission.

(E) The South Carolina Department of Health and Environmental Control shall enforce compliance with subsection (C) with respect to monitoring requirements and as modeled pursuant to subsection (B) with respect to stormwater discharges.

Section 4‑10‑1130. (A) Subject to the requirements of this article, a municipality or county by ordinance may impose exclusively in the proposed designated economic development site a fee on all retailers located in the site not to exceed one percent for not more than twenty years. The fee shall be imposed on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, for the purposes provided in Section 4‑10‑1160 upon approval of a majority of qualified electors voting in a referendum held pursuant to this section.

(B)(1) Upon the enactment of an ordinance imposing the fee and providing for a referendum, the appropriate election commission shall conduct a referendum in the imposing jurisdiction on the first Tuesday ninety days after the adoption of the ordinance. The state election laws apply to the referendum, mutatis mutandis. The election commission shall publish the results of the referendum and certify them to the imposing jurisdiction. The fee must not be imposed in the designated economic development site, unless a majority of the qualified electors voting in the referendum approve the question.

(2) The ballot must read substantially as follows:

‘Must a one percent fee on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, be levied for twenty years within the \_\_\_\_\_ designated economic development site for the purpose of providing funding to defray the cost of infrastructure at the \_\_\_\_\_\_\_\_\_ designated economic development site?

Yes 

No ’

(3) If the question is not approved at the initial referendum, the imposing jurisdiction by ordinance may provide for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty‑four month period on the Tuesday following the first Monday in November in even‑numbered years.

(4) Two weeks before the referendum, the imposing jurisdiction shall publish in a newspaper of general circulation within the jurisdiction a description of and the uses for the fee and a copy of the referendum question.

(C) The imposition date of the fee allowed pursuant to this article is the first day of the first month beginning more than sixty days after the imposing jurisdiction files a certified copy of the imposition ordinance and the certification of the results of the referendum with the South Carolina Department of Revenue.

(D) Once the filings required pursuant to subsection (C) are filed with the Department of Revenue, for the period of imposition provided, the department may not accept as filed any additional ordinance or referendum results from the imposing jurisdiction that in any way relates to the fee allowed to be imposed pursuant to this article except an ordinance enacted by a supermajority of the imposing jurisdiction which must be at least two‑thirds of the members of the governing body or results of a referendum conducted with the same requirements set forth in subsection (B) rescinding the existing fee. The Department of Revenue shall accept for filing a certified copy of an ordinance or referendum results rescinding the fee and such rescission shall apply in the manner provided in Section 4‑10‑1130 for imposition.

(E) The imposing jurisdiction shall rescind the fee on all, or a portion of, the site upon written petition of all of the property owners in the entire site.

Section 4‑10‑1140. (A) The fee imposed pursuant to this article must be administered and collected by the Department of Revenue in the same manner that sales and use taxes are collected. The department may prescribe amounts that may be added to the sales price because of the fee.

(B) The fee authorized by this article is in addition to all other state and local sales and use taxes and applies to the gross proceeds of sales in the designated economic development site that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12.

(C) The provisions of subsections (C), (D), (E), (F), and (G) of Section 4‑10‑350 apply for fee payors and the fee allowed to be imposed pursuant to this article, including further identification of point of sale jurisdictions, mutatis mutandis.

(D) The revenues of the fee imposed pursuant to this article must be remitted to the Department of Revenue and placed on deposit with the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of the revenues, the State Treasurer shall distribute the revenues and interest quarterly to the treasurer of the imposing jurisdiction and the revenues must be used only for the purposes provided in Section 4‑10‑1160. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of code errors must be corrected prospectively.

Section 4‑10‑1150. The Department of Revenue shall furnish data to the State Treasurer and to the treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to imposing jurisdictions upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12‑54‑240. A person violating this section is subject to the penalties provided in Section 12‑54‑240.

Section 4‑10‑1160. (A) All fee revenues and interest on the fee revenues must be used exclusively for infrastructure located in the designated economic development site from which such fees were collected.

(B) An imposing jurisdiction may treat such fees as revenue~~s~~ from a multicounty park pursuant to Article VIII, Section 13 of the South Carolina Constitution, 1895, and Section 4‑1‑170. The imposing jurisdiction may use the fees as provided in Section 4‑1‑175 as if such fees were revenues from payment in lieu of taxes, provided that the fees may only be used for the purposes specified in this section.

(C) Fee revenues from a designated economic development site may be used to reimburse an owner of property located in the designated economic development site for its investment in infrastructure only if: (a) the owner shall have actually expended in qualifying infrastructure not less than such amount to be reimbursed, and (b) the Department of Revenue certifies that (i) the items or activities for which such reimbursement is requested qualify as infrastructure as defined in this article, and (ii) the amount actually expended by the owner on eligible infrastructure is accurate and eligible for reimbursement.

(D) In addition to other requirements, reimbursement of infrastructure costs requires ‘Preferred Treatment’ to local and state vendors. Contracts between the private entity and vendors performing reimbursed infrastructure work must go to local vendors within a forty‑five mile radius of the ‘Trade Area’ as first priority, state vendors as a second priority, and all others as third priority. To qualify for ‘Preferred Treatment’, the vendor’s bid must be qualified and within (1) ten percent of the lowest qualified bid for amounts less than five million dollars, (2) five percent on amounts five million to fifteen million dollars, and (3) the lesser of three percent or one million dollars on amounts above fifteen million dollars. Reimbursed infrastructure work that is specialized and not normally performed in the ‘Trade Area’ is exempt from this requirement.

(E) There is established the Designated Economic Development Site Oversight Commission consisting of three members appointed as follows:

(1) a resident of the imposing jurisdiction in which the designated economic development site is located, appointed by the mayor if the site is wholly within the municipality, otherwise appointed by the county council;

(2) one member appointed by the Speaker of the House of Representatives; and

(3) one member appointed by the President *Pro Tempore* of the Senate.

Members shall serve at the pleasure of their appointing authority. In addition to other duties assigned to the commission pursuant to this article, no funds derived from the Local Option Extraordinary Commercial Facilities Fee may be disbursed unless the commission certifies in writing to the governing body of the entity imposing the fee that the members of the commission have examined the request for reimbursement and determined unanimously that all requirements imposed by this article with respect to the request have been complied with.

Any changes in definitions or requirements provided in this article may not be administratively waived or revised without the unanimous approval of commission.

Section 4‑10‑1170. If any provision of this Article is determined to be invalid or unenforceable for any reason, then such provision shall be struck but the balance of this Article shall continue in full force and effect. In particular, if any provision is determined to be invalid or unenforceable by virtue of the commerce clause of the United States Constitution or as violative of the separation of powers provisions of the South Carolina Constitution, such provisions are hereby determined to be not required for the enforcement of the balance of the provisions hereof.” /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

Reps. CRAWFORD, G. R. SMITH, BEDINGFIELD, SIMRILL, NORMAN, WYLIE, BRANTLEY, ERICKSON, HIOTT, CATO, RICE, FORRESTER, MILLWOOD, KING, GUNN, LOFTIS, HERBKERSMAN, CLEMMONS, J. M. NEAL, AGNEW, LONG and TOOLE requested debate on the Bill.

**S. 1148--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1148 -- Senator Cleary: A BILL TO AMEND CHAPTER 65, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS, SO AS TO CONFORM THIS CHAPTER TO THE ORGANIZATIONAL STATUTORY FRAMEWORK ESTABLISHED FOR PROFESSIONS AND OCCUPATIONS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE THAT PERSONS ENGAGING IN PROFESSIONAL SOIL CLASSIFICATION MUST BE LICENSED, RATHER THAN REGISTERED; TO REVISE QUALIFICATIONS FOR LICENSURE; TO PROVIDE GRANDFATHERING PROVISIONS FOR REGISTERED PROFESSIONAL SOIL CLASSIFIERS TO BECOME LICENSED PROFESSIONAL SOIL CLASSIFIERS UPON THE NEXT RENEWAL OF THE PERSON'S REGISTRATION; AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\AGM\18094AB10), which was adopted:

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

/ SECTION 1. Chapter 28, Title 40 of the 1976 Code is amended to read:

“CHAPTER 28

Landscape Architects

~~Section 40‑28‑10.~~ ~~Unless the context or subject matter otherwise requires:~~

~~(a) “Landscape architect” means a person who is licensed to practice landscape architecture in this State.~~

~~(b) “Landscape architecture” means the performance of professional services, such as consultation, investigation, research, planning, design, preparation of drawings and specifications, and responsible inspection in connection with the development of land areas where, and to the extent that, the dominant purpose of the services is the preservation, enhancement, or determination of proper site design, natural land features, planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, the setting of grades and determining drainage and providing for drainage structures, and the consideration and determining of environmental problems. This practice includes the design of tangible objects, drainage structures and systems, and features as are incidental and necessary to an overall or ongoing landscape plan and site design, and the landscape architect may certify the design of the tangible objects, drainage structures and systems, features as to structural soundness and as to compliance with all requirements and standards of a government or subdivision of it. This practice does not include the design of structures, drainage structures and systems, and features which are not incidental and necessary to an overall landscape plan and site design and which have separate and self‑contained purposes such as are ordinarily included in the practice of engineering or architecture and does not include the making of land surveys or final plats for official approval or recordation. Nothing contained in this definition precludes a duly licensed landscape architect from performing the services described in the first sentence of this definition in connection with the settings, approaches, or environment for buildings, structures, or facilities. Nothing contained in this chapter may be construed as authorizing a landscape architect to engage in the practice of architecture, engineering, or land surveying as these terms are defined in Section 40‑28‑150 of this chapter, except that a landscape architect may prepare and certify all design, grading, drainage, and construction plans for roads and site‑related projects which are incidental and necessary to an overall or ongoing landscape plan and site design.~~

~~(c) “Department” shall mean the Department of Natural Resources.~~

~~(d) “Council” shall mean a body of five qualified professional landscape architects appointed by the department to serve as advisors to the department, as provided for in Sections 40‑28‑30 through 40‑28‑70.~~

~~(e) “Responsible charge” shall mean direct control and personal supervision of landscape architecture.~~

~~Section 40‑28‑20. In order to safeguard public welfare, health and property and to promote public good, any person practicing or offering to practice landscape architecture, privately or in public service, shall be required to submit evidence that he is qualified to practice and shall become registered as hereinafter provided. It shall be unlawful for any person to practice landscape architecture or to use the term or title “Landscape Architect” unless duly licensed under the provisions of this chapter.~~

~~Section 40‑28‑30.~~  ~~The department shall serve as the board of registration for landscape architects and shall administer the provisions of this chapter. The department shall appoint a council of five qualified professional landscape architects who shall have the qualifications required in the following section to recommend certification of those eligible to become registered landscape architects. The five members of the council shall be appointed for five years and until their successors have been appointed and qualify; provided, that the initial terms shall be made so that the term of one member shall expire on June thirtieth of each year.~~

~~Section 40‑28‑40.~~  ~~Each member of the council must be a registered landscape architect who has been actively engaged in the practice of landscape architecture for a period of at least five years and who has been in responsible charge of landscape architecture for at least three years.~~

~~Section 40‑28‑50.~~ ~~Each member of the council may receive an amount as provided for in the annual General Appropriations Act for each day actually and reasonably engaged in the services of the department and must be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this chapter. These expenses must be paid from general appropriations to the department.~~

~~Section 40‑28‑60.~~ ~~Vacancies in the membership of the council shall be filled for the unexpired portion of the term in the manner of the original appointments.~~

~~Section 40‑28‑70.~~ ~~The council shall hold at least two regular meetings each year. Special meetings may be held as the bylaws of the council provide. The council shall elect annually a chairman, a vice chairman and a secretary. A quorum of the council shall consist of three members.~~

~~Section 40‑28‑80.~~ ~~The department shall have the following powers:~~

~~(a) To adopt and amend bylaws, rules of procedure and regulations to administer and carry out the provisions of this chapter and for the conduct of its affairs and functions consistent with the Constitution and laws of this State or this chapter which may be reasonably necessary for the performance of its duties and the regulation of its proceedings, meetings, records, examinations and the conduct thereof, and to adopt and promulgate a code of ethics which shall be binding upon all persons registered under or subject to this chapter.~~

~~(b) To affix its official seal to each numbered certificate or license issued.~~

~~(c) To apply in the name of the state for relief by injunction to enforce the provisions of this chapter or to restrain any violation thereof. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The members of the department shall not be personally liable under this proceeding.~~

~~Section 40‑28‑90.~~  ~~All funds derived under the provisions of this chapter shall be remitted to the State Treasurer as collected. Such funds may be expended as directed by the department upon warrant requisitions directed to the Comptroller General who shall, after being satisfied of the propriety of payment, issue his warrant on the State Treasurer.~~

~~Section 40‑28‑100. The department shall keep a record of its proceedings and of all applications for registration, which records shall show the name, age, and last known address of each applicant, the place of business of applicant, education, experience, and other qualifications, type of examination required, whether or not a license was granted, whether or not the applicant was denied a license, the date of the action of the department, and other information considered necessary by the department. The record of the department is evidence of the proceedings of the department and a transcript duly certified by the secretary under seal is admissible as evidence with the same force and effect as the original.~~

~~Section 40‑28‑110. To be eligible for registration and licensing as a professional landscape architect in South Carolina an applicant shall read and write the English language and:~~

~~(1) be a graduate of an accredited landscape architectural curriculum approved by the department and have had two years of varied landscape architectural experience under the supervision of a landscape architect registered under this chapter or other qualified person, or experience approved by the department, and satisfactorily pass a written examination as prescribed by the department; or~~

~~(2) be a high school graduate or have an equivalent education as determined by the department and, in addition, at least eight years of varied landscape architectural experience under the supervision of a landscape architect registered under this chapter or other qualified person or experience approved by the department, and satisfactorily pass a written examination as prescribed by the department;~~

~~A maximum of three years of the experience requirement contained in subsection (2) of this section may be satisfied by proof of education or nonaccredited degree, as considered appropriate by the department; or~~

~~(3) hold a license or certification to practice landscape architecture issued to him upon examination by a legally constituted board of examiners of another state or the District of Columbia, or a territory or possession of the United States and if requirements of the state, district, territory, or possession in which the applicant is licensed or registered are substantially equivalent to those of this State; or~~

~~(4) submit certification documents from the Council of Landscape Architectural Registration Boards (CLARB) verifying his qualifications for registration, and an individual holding such a certification may be accepted at the discretion of the department.~~

~~Section 40‑28‑120.~~  ~~Examinations must be offered at least annually, the time and place to be established by the department.~~

~~At the discretion of the department, the written examination may be administered to candidates who are eligible for registration under Section 40‑28‑110. The department may admit to the examination a person who may complete the experience requirements within ninety days after the examination.~~

~~Administration and evaluation of the examination must be conducted in a manner prescribed by the department.~~

~~Candidates shall retain credit for any parts of the examination passed and may be permitted to retake a failed part of the examination.~~

~~Upon proper application, the department, at its discretion, may credit to a candidate a prescribed part of the examination successfully passed and properly attested to by another state, territory, or possession of the United States or the District of Columbia. The candidate then may take the remaining examination parts and, if successfully completed, may be registered and licensed by the department. The department shall accept the transfer of grades only from the state of original application.~~

~~Section 40‑28‑130.~~ ~~The department, subject to the provisions of this chapter and the rules and regulations of the department promulgated thereunder prescribing the qualifications for a landscape architect license, may permit the practice of landscape architecture in this State under a landscape architect license issued under the laws of any other state, upon payment of the current fee established by the department, and upon submission of evidence satisfactory to the department:~~

~~(1) That the other state maintains a system and standard of qualifications and examinations for a landscape architect license which were substantially equivalent to those required in this State at the time the license was issued by the other state;~~

~~(2) That the other state gives similar recognition and endorsement to landscape architect licenses of this State.~~

~~Section 40‑28‑140.~~ ~~Each landscape architect, upon registration, shall obtain a seal of the design authorized by the department, bearing the name of the registrant, number of certificate or license, and the legend “South Carolina Registered Landscape Architect”. The seal may be used only while the registrant’s certificate or license is in full force and effect. Certificates of registration, licenses, and identification cards must be signed by the chairman of the department and the secretary of the council. Nothing in this chapter may be construed to authorize the use or acceptance of the seal of the landscape architect in lieu of the seal of an architect, engineer, or land surveyor.~~

~~Section 40‑28‑150.~~ ~~This chapter shall not be construed to require licensing in the following cases:~~

~~(a) the practice of landscape architecture by any person who acts under the supervision of a registered landscape architect or by an employee of a person lawfully engaged in the practice of landscape architecture and who in either event does not assume responsible charge of design or supervision;~~

~~(b) the practice of architecture by a duly registered professional architect and the performing of landscape architectural work by a registered architect or by an employee under supervision of a registered architect, when such work is incidental to their practice;~~

~~(c) the practice of engineering by a duly registered professional engineer and the performing of landscape architectural work by a registered engineer or by an employee under supervision of a registered engineer, when such work is incidental to their practice;~~

~~(d) the practice of surveying by a duly registered professional land surveyor and the performing of landscape architectural work by a registered professional land surveyor or by an employee under supervision of a registered professional land surveyor, when such work is incidental to their practice;~~

~~(e) the practice of landscape architecture by employees of the United States or South Carolina Government while engaged within this State in the practice of landscape architecture for the government or projects sanctioned by or totally sponsored by the Government;~~

~~(f) the practice of planning as customarily done by regional or urban planners;~~

~~(g) the practice of arborists, foresters, gardeners, home builders or horticulturists;~~

~~(h) the practice of any nurseryman, general or landscape contractor, such practice to include design, planning, location and arrangements of plantings or other ornamental features.~~

~~Section 40‑28‑160.~~ ~~The right to engage in the practice of landscape architecture is a personal right, based upon the qualifications of the individual evidenced by his license.~~

~~(1) The license is not transferable. All final drawings, specifications, plans, reports or other papers or documents involving the practice of landscape architecture, as defined in Section 40‑28‑10, when issued, or filed for public record, must be dated, and bear the name and seal of the landscape architect or landscape architects who prepared or approved them.~~

~~(2) Partnerships and corporations which meet the following conditions may be formed as a vehicle for the practice of landscape architecture:~~

~~(a) The practice of or offer to practice landscape architecture for others as defined in Section 40‑28‑10 by individual landscape architects licensed under this chapter through a corporation as officer, employees, or agents, or through a partnership as partners, officers, employees, or agents, or the offering or rendering of landscape architecture services by corporation or partnership through individual landscape architects licensed under this chapter is permitted, subject to the provisions of this chapter if (i) one or more of the corporate officers in the case of a corporation, or one or more of the partners in the case of a partnership, are designated as being responsible for the professional services described in Section 40‑28‑10 of the corporation or partnership and are landscape architects under this chapter; and (ii) all personnel of the corporation or partnership, who act in its behalf as landscape architects, are licensed under this chapter; and (iii) the corporation or partnership has been issued a certificate of authorization by the department. The requirements of this chapter do not prevent a corporation and its employees from performing landscape architectural services for the corporation or subsidiary or affiliated corporations.~~

~~(b) A corporation or partnership issued a Certificate of Authorization to provide or offer to provide landscape architectural services to the public in this State shall:~~

~~(1) submit an initial fee and file with the department, on a form prescribed by the department, a listing of names and addresses of all principals and officers, as well as all principals, officers, agents, and employees, who are in responsible charge of the practice in this State and are licensed to practice landscape architecture in this State;~~

~~(2) insure that all documents involving the practice of landscape architecture which are prepared for the use of the corporation or partnership bear the signature and seal of a landscape architect registered and licensed in this State;~~

~~(3) advise the department in writing within thirty days of a change in status of a principal, officer, agent, or employee registered and licensed under this chapter;~~

~~(4) have a resident landscape architect duly registered to practice in this State in responsible charge of a place of business maintained in this State for the purpose of providing or offering to provide landscape architectural services to the public;~~

~~(5) file a form giving current information, as prescribed in (1) above, with the annual renewal fee to be determined by the department.~~

~~(c) No corporation or partnership is relieved of responsibility for conduct or acts of its agents, employees, or officers by reason of its compliance with the provisions of this section nor is an individual practicing landscape architecture as defined in Section 40‑28‑10 relieved of responsibility of landscape architectural services performed by reason of his employment or relationship with the corporation or partnership.~~

~~(d) Disciplinary action against a corporation or partnership must be administered in the same manner and on the same grounds as disciplinary action against a registered landscape architect.~~

~~Section 40‑28‑170. A person who, without possessing a valid, unrevoked certificate or license as required by this chapter, uses the title or term “Landscape Architect” in a sign, card, listing, advertisement, or in any other manner states that he is a landscape architect, as defined in this chapter, is guilty of a misdemeanor and, upon conviction, fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not exceeding six months or both.~~

~~Section 40‑28‑180.~~ ~~Each of the following facts constitutes a ground for disciplinary action against a holder of a license or certificate:~~

~~(1) he is practicing in violation of the provisions of this chapter;~~

~~(2) he has obtained the certificate or license by fraud or misrepresentation;~~

~~(3) he is impersonating a landscape architect or a former landscape architect of the same or similar name, or is practicing under an assumed, fictitious, or corporate name;~~

~~(4) he has aided or abetted, in the practice of landscape architecture, a person not authorized to practice landscape architecture under the provisions of this chapter;~~

~~(5) in the practice of landscape architecture, he has been guilty of fraud or deceit, negligence, wilful misconduct, or gross incompetence;~~

~~(6) he has affixed his seal to plans, drawings, specifications, or other instruments of service which have not been prepared by him or under his immediate and responsible direction or has permitted his name to be used for the purpose of assisting a person, not a landscape architect, to evade the provisions of this chapter.~~

~~Section 40‑28‑190.~~  ~~The department annually shall prescribe reasonable fees, not to exceed the following prescribed limits, in an amount sufficient to pay for the costs of administering the provisions of this chapter in the following categories:~~

~~(1)~~ ~~Initial license fee~~ ~~50.00~~

~~(2)~~ ~~Annual license renewal fee~~ ~~100.00~~

~~(3)~~ ~~Initial certificate of authorization fee~~ ~~200.00~~

~~(4)~~ ~~Annual certificate of authorization renewal fee~~ ~~200.00~~

~~(5)~~ ~~Temporary license fee~~ ~~100.00~~

~~(6)~~ ~~Initial examination fee Cost of exam +~~ ~~200.00~~

~~(7)~~ ~~Examination retake fee Cost of section(s)~~ + ~~100.00~~

~~(8)~~ ~~File transfer fee~~ ~~50.00~~

~~(9)~~ ~~Duplicate license/certificate fee~~ ~~25.00~~

~~(10)~~ ~~Late fee~~ ~~20.00~~

~~An additional amount not to exceed one hundred dollars may be charged each out‑of‑state applicant in each of the above categories.~~

~~Section 40‑28‑200.~~ ~~(A) Every landscape architect shall pay an annual license fee to the department. The fee is due and payable on the first day of January of each year and becomes delinquent after the thirty‑first day of January.~~

~~(B) If the annual license fee is not paid before it becomes delinquent, a penalty of twenty dollars must be added to the amount of the fee.~~

~~(C) If the annual certificate or license fee and penalty are not paid within ninety days of the expiration date, the landscape architect’s certificate or license must be suspended after the expiration of thirty days from the date of mailing of notice of the delinquency by registered or certified mail, return receipt requested, postage prepaid and addressed to the landscape architect at his address as it appears in the records of the department. The notice of delinquency must state that upon the expiration of time allowed his certificate or license must be suspended unless, within time allowed, the annual certificate or license fee and penalty are remitted.~~

~~(D) After the certificate or license has been suspended, it may be reinstated upon the payment of the annual renewal fee for each delinquent year, plus the penalty for each year, and such proof of the landscape architect’s qualification as required by the department. A landscape architect whose license has been suspended and who was registered by methods other than prescribed in Sections 40‑28‑110 and 40‑28‑130, is required to pass a written examination prescribed by the department.~~

~~(E) The department shall issue a receipt to each landscape architect promptly upon payment of the annual certificate or license fee.~~

~~Section 40‑28‑210.~~ ~~The Attorney General shall act as legal advisor to the department and render such legal assistance as may be necessary in carrying out the provisions of this chapter.~~

Section 40‑28‑5. Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to the profession regulated under this chapter.

Section 40‑28‑10. (A) There is created the Board of Landscape Architectural Examiners. The Department of Labor, Licensing and Regulation shall administer the provisions of this chapter.

(B) The Governor shall appoint a board of five licensed landscape architects and two members of the general public.

(C) A professional member of the board must be a licensed landscape architect who has been actively engaged in the practice of landscape architecture for a period of at least five years and who has been responsible for landscape architecture for at least three years. The two members of the public may not be engaged in the practice of landscape architecture, have no financial interest in the profession of landscape architecture, and have no immediate family member in the profession of landscape architecture.

(D) At the end of their respective terms, successors must be selected in the same manner and appointed for terms of four years and until their successors are appointed and qualify. The Governor may replace a board member for cause. An appointment to fill a vacancy on the board is for the balance of the unexpired term in the manner of the original appointment.

Section 40‑28‑20. In addition to the definitions provided in Section 40‑1‑20, as used in this chapter, unless the context indicates otherwise:

(1) ‘Board’ shall mean the Board of Landscape Architectural Examiners.

(2) ‘Department’ shall mean the Department of Labor, Licensing and Regulation.

(3) ‘Emeritus landscape architect’ means a landscape architect who has been licensed for ten consecutive years or longer and who is sixty‑five years of age or older and who is not engaging or offering to engage in the practice of landscape architecture as defined in this section.

(4) ‘Firm’ means a business entity functioning as a sole proprietorship, partnership, limited liability partnership, professional association, professional corporation, business corporation, limited liability company, joint venture, or other legally constituted organization that practices or offers to practice landscape architecture.

(5) ‘Landscape architect’ means a person licensed to practice landscape architecture in this State.

(6) ‘Landscape architecture’ means the performance of professional services, such as consultation, investigation, research, planning, design, preparation of drawings and specifications, and responsible inspection in connection with the development of land areas where, and to the extent that, the dominant purpose of the services is the preservation, enhancement, or determination of proper site design, natural land features, planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, the setting of grades and determining drainage and providing for drainage structures, and the consideration and determining of environmental problems. This practice includes the design of tangible objects, drainage structures and systems, and features as are incidental and necessary to an overall or ongoing landscape plan and site design, and the landscape architect may certify the design of the tangible objects, drainage structures and systems, features as to structural soundness and as to compliance with all requirements and standards of a government or subdivision of it. This practice does not include the design of structures, drainage structures and systems, and features which are not incidental and necessary to an overall landscape plan and site design and which have separate and self‑contained purposes such as are ordinarily included in the practice of engineering or architecture and does not include the making of land surveys or final plats for official approval or recordation. Nothing contained in this definition precludes a duly licensed landscape architect from performing the services described in the first sentence of this definition in connection with the settings, approaches, or environment for buildings, structures, or facilities. Nothing contained in this chapter may be construed as authorizing a landscape architect to engage in the practice of architecture, engineering, or surveying as these terms are defined in Section 40‑28‑40 of this chapter, except that a landscape architect may prepare and certify all design, grading, drainage, and construction plans for roads and site‑related projects which are incidental and necessary to an overall or ongoing landscape plan and site design.

(7) ‘Related field’ means architecture, civil engineering, horticulture, or other field as determined appropriate by the board.

(8) ‘Responsible charge’ means direct control and personal supervision of landscape architecture.

Section 40‑28‑30. (A) In order to safeguard public welfare, health, and property and to promote public good, a person practicing or offering to practice landscape architecture privately or in public service must submit evidence that he is qualified to practice and must become licensed as provided in this chapter. It is unlawful for a person to practice landscape architecture or to use the term or title ‘Landscape Architect’ unless duly licensed under the provisions of this chapter.

(B) To be licensed as a landscape architect in this State an applicant must be able to read and write the English language and:

(1) be a graduate of an accredited landscape architectural curriculum approved by the department and have had two years of varied landscape architectural experience under the supervision of a landscape architect licensed under this chapter or other qualified person, or experience approved by the board, and satisfactorily pass the written examination administered by the Council of Landscape Architectural Registration Boards or an equivalent examination;

(2) be a graduate of a nonaccredited curriculum or a four‑year college with a degree in an related field, as considered appropriate by the board and have had at least five years of varied landscape architectural experience under the supervision of a landscape architect licensed under this chapter, or other qualified person, or experience approved by the board, and satisfactorily pass the written examination administered by the Council of Landscape Architectural Registration Boards or an equivalent examination;

(3) hold a license to practice landscape architecture issued upon examination by a legally constituted board of examiners of another state or the District of Columbia, or a territory or possession of the United States and if requirements of the state, district, territory, or possession in which the applicant is licensed are substantially equivalent to those of this State; or

(4) submit certification documents from the Council of Landscape Architectural Registration Boards (CLARB) verifying his qualifications for licensure, and an individual holding such a certification may be accepted at the discretion of the department.

Section 40‑28‑40. The department shall prescribe and furnish an application for licensure that an applicant must use to apply for a license under this chapter.

Section 40‑28‑50. A landscape architect, upon licensure, shall obtain a seal of the design authorized by the board, bearing the name of the licensee, number of certificate or license, and the legend ‘South Carolina Registered Landscape Architect’ or ‘South Carolina Licensed Landscape Architect’. The seal only may be used while the licensee’s certificate or license is in full force and effect. Nothing in this chapter may be construed to authorize the use or acceptance of the seal of the landscape architect in lieu of the seal of an architect, engineer, or surveyor.

Section 40‑28‑60. (A) A license issued under this chapter must be renewed every two years on or before a date set by the department upon the payment of a renewal fee pursuant to Section 40‑28‑80 and evidence of twenty hours of continuing education as established by the board in regulation. An emeritus landscape architect is exempt from these continuing education requirements.

(B) A licensee who allows his or her license to lapse for less than one year by failing to renew the license in accordance with this section may be reinstated by the department upon satisfactory explanation by the licensee of failure to renew the license and upon payment of a payment of a reinstatement fee and the current renewal fee, as established by Section 40‑28‑80.

(C) If a license has lapsed for more than two years, the applicant must reapply for licensure. A person practicing as a landscape architect in this State during the time that his or her license has lapsed has engaged in unlicensed practice and is subject to penalties provided for in this chapter.

(D) An emeritus landscape architect who wishes to return to active practice shall complete continuing education requirements for an exempted renewal period, not to exceed a total of forty hours of continuing education and upon payment of a reinstatement fee and the current renewal fee, as established by Section 40‑28‑80.

Section 40‑28‑70. (A) The practice of or offer to practice landscape architecture through a firm is permitted only through entities holding a valid certificate of authorization issued by the board. For the purposes of this section, a certificate of authorization is also required for a firm practicing in this State under a fictitious name. However, when an individual is practicing landscape architecture in his name as individually licensed, that person is not required to obtain a certificate of authorization.

(B) The practice or offer to practice of landscape architecture by an individual licensed under this chapter through a firm offering landscape architecture services to the public is permitted if:

(1) one or more of the corporate officers, in the case of a corporation, or one or more of the principal owners, or a full‑time employee, in the case of other firms, are designated as being responsible for the professional services regulated by the board and are licensed under this chapter;

(2) all personnel of the firm who act on behalf of the firm as landscape architects in this State are licensed under this chapter; and

(3) the firm has been issued a certificate of authorization by the board as required by this section.

(C) Before the issuance of a certificate of authorization, the board must be in receipt of the firm’s appropriate documentation issued by the Secretary of State.

(D) A firm desiring a certificate of authorization shall file with the board an application on forms provided by the board accompanied by the registration fee as provided in Section 40‑28‑80. A certificate of authorization must be renewed biennially. A renewal form provided by the board must be completed and submitted with the biennial registration fee, the fee being an amount as provided in Section 40‑28‑80.

(E) A disciplinary action against a firm must be administered in the same manner and on the same grounds as disciplinary action against an individual. A firm may not be relieved of responsibility for the conduct or acts of its agents, officers, or employees by reason of its compliance with this section, and an individual practicing landscape architecture is not relieved of responsibility for professional services performed by reason of his employment or relationship with the firm.

(F) Nothing in this section may be construed to prohibit firms from joining together to offer landscape architectural services to the public, if each separate entity providing the services in this State otherwise meets the requirements of this section. For firms practicing as a professional corporation under the laws of this State, the joint practice of landscape architecture with the professions of architecture, engineering, surveying, and geology is specifically approved by the board.

(G) If the requirements of this section are met, the board shall issue a certificate of authorization to the firm, and the firm may contract for and collect fees for professional landscape architectural services. The board, however, may refuse to issue a certificate or suspend or revoke an existing certificate for due cause. A person or firm aggrieved by an adverse determination of the board may file an appeal as provided for in this chapter.

(H) Nothing in this section may be construed to mean that a firm may practice or offer to practice landscape architecture without meeting individual licensure.

Section 40‑28‑80. (A) The program for licensure of landscape architects must be administered by the Department of Labor, Licensing and Regulation in accordance with Section 40‑1‑50.

(B) The department annually shall prescribe reasonable fees, not to exceed the following prescribed limits, in an amount sufficient to pay for the costs of administering the provisions of this chapter in the following categories:

(1) Initial license fee 50.00

(2) Annual license renewal fee 100.00

(3) Initial certificate of authorization fee 200.00

(4) Annual certificate of authorization renewal fee 200.00

(5) Temporary license fee 100.00

(6) Initial examination fee Cost of exam + 200.00

(7) Examination retake fee Cost of section(s) + 100.00

(8) File transfer fee 50.00

(9) Duplicate license/certificate fee 25.00

(10) Late fee 20.00

An additional amount not to exceed one hundred dollars may be charged each out‑of‑state applicant in each of the above categories.

Section 40‑28‑90. The board may promulgate regulations necessary to carry out the provisions of this chapter.

Section 40‑28‑100. In addition to the powers provided in Title 40, Chapter 1, the board or department may apply in the name of the State for relief by injunction to enforce the provisions of this chapter or to restrain a violation of this section. In these proceedings, the party seeking injunctive relief need not allege or prove that no adequate remedy at law exists or that substantial or irreparable damage would result from the continued violation. A member of the board or employee of the department may not be personally liable under this proceeding.

Section 40‑28‑110. An investigation must be conducted in accordance with Section 40‑1‑80.

Section 40‑28‑120. Cease and desist orders and equitable relief may be obtained in accordance with Section 40‑1‑100.

Section 40‑28‑130. In addition to the grounds provided in Section 40‑1‑110, a person holding a license or certificate under this chapter may be subject to discipline for:

(1) practicing in violation of the provisions of this chapter;

(2) obtaining the certificate or license by fraud or misrepresentation;

(3) aiding or abetting, in the practice of landscape architecture, a person not authorized to practice landscape architecture under the provisions of this chapter;

(4) being found guilty of fraud or deceit, negligence, willful misconduct, or gross incompetence in the practice of landscape architecture; or

(5) affixing his seal to a plan, drawing, specification, or other instrument of service that has not been prepared by him or under his immediate and responsible direction or has permitted his name to be used for the purpose of assisting a person, not a landscape architect, to evade the provisions of this chapter.

Section 40‑28‑140. Upon determination by the board that one or more of the grounds for discipline exists, the board may impose a sanction person pursuant to Sections 40‑1‑110 and 40‑1‑120.

Section 40‑28‑150. The board may deny licensure to an applicant based on:

(1) the same grounds for which it may take disciplinary action against a licensee; and

(2) his prior criminal record as provided in Section 40‑1‑140.

Section 40‑28‑160. A licensee under investigation for a violation of this chapter or a regulation promulgated under this chapter may voluntarily surrender the license to practice in accordance with and subject to the provisions of Section 40‑1‑150.

Section 40‑28‑170. A person found in violation of this chapter or a regulation promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case pursuant to Section 40‑1‑170.

Section 40‑28‑180. A cost and fine imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Section 40‑1‑180. A person against whom a cost or fine is levied may not be eligible for the issuance or reinstatement of an authorization to practice until the cost or fine has been paid in full.

Section 40‑28‑190. An investigation and proceeding conducted under this chapter is confidential and all communications are privileged as provided in Section 40‑1‑190.

Section 40‑28‑200. The department, in addition to instituting a criminal proceeding, may institute a civil action through the Administrative Law Court, in the name of the State, for injunctive relief against a person violating this chapter or a regulation promulgated under this chapter. For a violation the administrative law judge may impose a fine of no more than ten thousand dollars.

Section 40‑28‑210. This chapter may not be construed to require a license under this chapter for:

(1) the practice of landscape architecture by a person who acts under the supervision of a licensed landscape architect or by an employee of a person lawfully engaged in the practice of landscape architecture and who in either event does not assume responsible charge of design or supervision;

(2) the practice of architecture by a duly licensed professional architect and the performing of landscape architectural work by a licensed architect or by an employee under supervision of a licensed architect, when this work is incidental to their practice;

(3) the practice of engineering by a duly licensed professional engineer and the performing of landscape architectural work by a licensed engineer or by an employee under supervision of a licensed engineer, when this work is incidental to their practice;

(4) the practice of surveying by a duly licensed professional surveyor and the performing of landscape architectural work by a licensed professional surveyor or by an employee under supervision of a licensed professional surveyor, when this work is incidental to their practice;

(5) the practice of landscape architecture by an employee of the United States or South Carolina Government while engaged within this State in the practice of landscape architecture for the government or projects sanctioned by or totally sponsored by the government;

(6) planning as customarily done by regional or urban planners;

(7) an arborist, forester, gardener, home builder, or horticulturist; and

(8) a nurseryman, general or landscape contractor, such practice to include design, planning, location, and arrangements of plantings or other ornamental features.

Section 40‑28‑220. The functions, powers, duties, responsibilities, and authority statutorily exercised by the Department of Natural Resources concerning the registration and regulation of landscape architects are transferred to the board.”

SECTION 2. A. Chapter 65, Title 40 of the 1976 Code is amended to read:

“CHAPTER 65

Soil Classifiers

~~Section 40‑65‑10. Definitions.~~  ~~Unless the context or subject matter otherwise requires:~~

~~(a) ‘Soil classifier’ shall mean a professional soil classifier as defined in subsection (b) of this section.~~

~~(b) ‘Professional soil classifier’ shall mean a person who by reason of his special knowledge of the physical, chemical and biological sciences applicable to soils as natural bodies and of the methods and principles of soil classification as acquired by soils education and soil classification experience in the formation, morphology, description and mapping of soils is qualified to practice soil classifying and who has been duly registered by the State Board of Registration for professional soil classifiers.~~

~~(c) ‘Soil‑classifier‑in‑training’ shall mean a person who complies with the requirements for education and character and who has passed an examination in the fundamental soil and related subjects as provided for in Sections 40‑65‑100, 40‑65‑110, 40‑65‑120 and 40‑65‑130.~~

~~(d) ‘Soil’ is all of the groups of natural bodies occupying the unconsolidated portion of the earth’s surface capable of supporting plant life and having properties due to the combined effect of climate and living organisms, as modified by topography and time, upon parent materials.~~

~~(e) ‘Kind of soil’ is a group of natural bodies that has a discrete combination landscape, morphological, chemical and physical properties.~~

~~(f) ‘Soil classification’ is plotting the boundaries, describing and evaluating the kinds of soil as to their behavior and response to management under the various uses.~~

~~(g) ‘Practice of soil classifying and practice of professional soil classifying’ shall mean any service or work the adequate performance of which requires education in the physical, chemical, biological and soil sciences, training and experience in the application of the special knowledge of these sciences to soil classification, the soil classification by accepted principles and methods, investigation, evaluation and consultation on the effect of measured, observed and inferred soil properties upon the various uses, the preparation of soil descriptions, maps and reports and interpretive drawings, maps and reports of soil properties and the effect of soil properties upon the various uses, and the effect of the various uses upon kinds of soil, any of which embraces such service or work either public or private incidental to the practice of soil classifying.~~

~~A person shall be construed to practice or offer to practice soil classifying within the meaning and intent of this chapter who by verbal claim, sign, advertisement, letterhead, card or use of some other title represent himself to be a soil classifier, but shall not mean or include the practice of soil classifying by persons exempt under the provisions of Section 40‑65‑240 nor the work ordinarily performed by persons who sample and test soil for fertility status or construction materials and engineering surveys and soundings to determine soil properties influencing the design and construction of engineering and architectural projects. Notwithstanding the foregoing provisions, a person shall not be construed to practice soil classifying unless he offers soil classifying services to or performs such soil classifying for the public.~~

~~(h) ‘Department’ shall mean the Department of Natural Resources.~~

~~(i) ‘Responsible charge’ shall mean direct control and personal supervision of soil classification.~~

~~Section 40‑65‑20.~~  ~~The department shall serve as the agency of registration for professional soil classifiers and added to its duties shall be the administration of the provisions of this chapter. The department shall appoint an advisory council of five qualified professional soil classifiers who shall have the qualifications required in Section 40‑65‑30 to recommend certification of those eligible to become registered soil classifiers. One of these five persons shall be the chief soil scientist of the department. The other four members of the advisory council shall be appointed for five years and until their successors have been appointed and qualify, provided that the initial terms shall be made so that the term of one member shall expire on June thirtieth of each year.~~

~~Section 40‑65‑30.~~  ~~Each member of the advisory council shall be a professional soil classifier who has been actively engaged in the practice of professional soil classifying for a period of at least ten years and who shall have been in responsible charge of soil classification for at least six years.~~

~~Section 40‑65‑40.~~  ~~Each member of the advisory council may receive twenty‑five dollars for each day actually engaged in the services of the department and shall be reimbursed for all actual travelling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter. These expenses shall be paid from general appropriations of the department.~~

~~Section 40‑65‑50.~~  ~~Vacancies in the membership of the advisory council shall be filled for the unexpired term by appointment by the department as provided in Section 40‑65‑20.~~

~~Section 40‑65‑60.~~  ~~The advisory council shall hold at least two regular meetings each year. Special meetings may be held as the bylaws of the council provide. The council shall elect annually a chairman and a vice‑chairman. The chief soil scientist, SCLRCC, shall serve as secretary‑treasurer of the council. A quorum of the council shall consist of three members.~~

~~Section 40‑65‑70.~~ ~~The department shall have the following powers:~~

~~(a) To adopt and amend all bylaws, rules of procedure and regulations to administer and carry out the provisions of this chapter and for the conduct of its affairs and functions consistent with the Constitution and laws of this State or this chapter which may be reasonably necessary for the performance of its duties and the regulation of its proceedings, meetings, records, examinations and the conduct thereof, and to adopt and promulgate a code of ethics which shall be binding upon all persons registered under or subject to this chapter.~~

~~(b) To affix its official seal to each numbered certificate issued.~~

~~(c) To hold hearings, administer oaths, take and record testimony and under the hand of its chairman and the seal of the department subpoena witnesses and compel their attendance and to require the submission of books, papers, documents or other pertinent data in any disciplinary matters or in any case wherever a violation of this chapter or of the rules or regulations promulgated by the department is alleged, and to make findings, orders and determinations which shall have the force and effect of law which shall be subject to review by the courts of this State in the manner provided by law from decisions of other boards and commissions. Upon failure or refusal of any person to comply with any such order of the department, or to honor its subpoena, the department may apply to an administrative law judge of any jurisdiction to enforce compliance with same.~~

~~(d) To apply in the name of the state for relief by injunction without bond, to enforce the provisions of this chapter or to restrain any violation thereof. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The members of the department shall not be personally liable under this proceeding.~~

~~Section 40‑65‑80.~~  ~~All funds derived under the provisions of this chapter shall be remitted to the State Treasurer as collected. Such funds may be expended as directed by the department upon warrant requisitions directed to the Comptroller General who shall, after being satisfied of the propriety of payment, issue his warrant on the State Treasurer.~~

~~Section 40‑65‑90.~~  ~~The department shall keep a record of its proceedings and of all applications for registration which record shall show the name, age and last known address of each applicant, the place of business of such applicant, his education, experience and other qualifications, type of examination required, whether or not a certificate of registration was granted, whether or not the applicant was rejected, the date of the action of the department, and such other information as may be deemed necessary by the department which record of the department shall be prima facie evidence of the proceeding of the department and a transcript thereof duly certified by the secretary under seal shall be admissible as evidence with the same force and effect as if the original were produced.~~

~~Section 40‑65‑100.~~ ~~To be eligible for registration as a professional soil classifier or certification as a soil‑classifier‑in‑training, an applicant must be of good character and reputation and shall submit a written application to the department containing such information as the department may require, together with five references, three of which shall be professional soil classifiers having personal knowledge of his soil classifying experience; or in the case of an application for certification as a soil‑classifier‑in‑training, by three character references.~~

~~Section 40‑65‑110.~~ ~~An applicant otherwise qualified shall be admitted to registration as a professional soil classifier without examination within one year after July 1, 1974 if he is:~~

~~(a) A person of good character who has been a resident of this State for at least one year immediately preceding the date of his application and was a practicing soil classifier on July 1, 1974, and meets the requirements of this chapter and has performed work of a character satisfactory to the department; or,~~

~~(b) A person holding a certificate of registration in the practice of soil classifying on the basis of comparable qualifications issued to him by a proper authority of another state, possession or territory of the United States and who in the opinion of the department meets the requirements of this chapter.~~

~~Section 40‑65‑120.~~  ~~An applicant otherwise qualified must be admitted to registration as a professional soil classifier if he has fifteen or more semester hours of approved soil courses as recognized by the department, has successfully passed an examination in the principles and practice of soil classifying as prescribed by the department, has completed two or more years of training under the supervision of a registered soil classifier or someone who meets the minimum academic and experience requirements of a registered soil classifier, and has one of the following additional qualifications:~~

~~(a) is a person who has earned a bachelor’s degree or equivalent in a curriculum approved by the department and with a specific record of two years or more of experience of a grade and character which indicates to the department that the applicant is competent to practice soil classifying; or~~

~~(b) is a person who has earned a bachelor’s degree or equivalent in one of the natural sciences and has six years or more of experience in soil classifying work of a character and grade which indicates to the department that the applicant is competent to practice soil classifying; or~~

~~(c) is a person who holds a valid soil‑classifier‑in‑training certificate with a specific record of two years or more experience as a soil‑classifier‑in‑training of a grade and character which indicates to the department that the applicant is competent to practice soil classifying; or~~

~~(d) is a person who is an extension specialist, researcher, or teacher of soils in a college or university and has two or more years of soil classifying experience of a character and grade which indicates to the department that the applicant is competent to practice soil classifying.~~

~~Section 40‑65‑130.~~  ~~Unless otherwise qualified, a person must be admitted to certification as a soil‑classifier‑in‑training, which certification is valid for two years, if he is a person who is:~~

~~(a) a person who has earned a bachelor’s degree or equivalent in a curriculum approved by the department and has passed an examination in the fundamentals of soil classification; or~~

~~(b) an applicant who has completed a curriculum not approved by the department and who has a specific record of four years of soil classification experience of which two years must be under the supervision of a registered soil classifier or someone who meets the minimum academic and experience requirements of a registered soil classifier and who passes an examination in the fundamentals of soil classification.~~

~~Section 40‑65‑140.~~ ~~Application for registration as a professional soil classifier and for certification as a soil‑classifier‑in‑training shall be on a form prescribed and furnished by the department, shall contain statements made under oath showing the applicant’s education, a detailed summary of his experience, and references as required by this chapter and shall be accompanied by an application fee established by the department of not less than five nor more than twenty‑five dollars.~~

~~Section 40‑65‑150.~~ ~~Registration shall be established by the department subject to the following limitations:~~

~~(a) The registration fee for professional soil classifiers shall be in an amount not less than twenty nor more than one hundred dollars;~~

~~(b) The registration fee for soil‑classifier‑in‑training certification or enrollment shall be established by the department in an amount not less than ten nor more than fifty dollars;~~

~~(c) Should the department deny the issuance of a certificate to an applicant, the fee paid shall be retained as an application fee.~~

~~Section 40‑65‑160.~~  ~~Examinations shall be held at such times and places as the department shall determine. Examinations required on fundamental soil subjects may be taken at any time prescribed by the department. The final examinations may not be taken until the applicant has completed a period of soil classifying experience as provided in this chapter. The passing grade on any examination shall not be less than seventy percent. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the department of not less than ten nor more than twenty‑five dollars. Any candidate for registration having an average grade of less than fifty percent may not apply for reexamination for a period of one year from the date of such examination.~~

~~Section 40‑65‑170.~~  ~~The department shall issue a certificate of registration upon payment of the registration fee as provided for in this chapter to an applicant who in the opinion of the department has met the requirements of this chapter. Enrollment cards must be issued to those who qualify as soil‑classifiers‑in‑training. Certificates of registration must carry the designation ‘professional soil classifier’, show the full name of the registrant without any titles, be numbered, and be signed by the executive director of the department. The issuance of a certificate of registration by the department is prima facie evidence that the person named is entitled to all rights and privileges of a professional soil classifier during the term for which the certificate is valid if it has not been revoked or suspended.~~

~~Section 40‑65‑180.~~ ~~Certificates of registration shall expire on the last day of the month of December following their issuance and shall become invalid after that date unless renewed. It shall be the duty of the secretary of the department to notify every person registered under this chapter of the date of the expiration of the certificate of registration and the amount of the fee required for its renewal. Such notice shall be mailed to the registrant at his last‑known address at least one month in advance of the expiration of such certificate. Renewal may be effected at any time prior to or during the month of December by the payment of a fee established by the department not to exceed the fees established for registration. Renewal of an expired certificate may be effected under rules promulgated by the department regarding requirements for reexamination and penalty fees.~~

~~Section 40‑65‑190.~~  ~~A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the department. A reasonable charge shall be made for such issuance.~~

~~Section 40‑65‑200.~~  ~~The department shall cause to have prepared and shall adopt a code of ethics a copy of which shall be delivered to every registrant and applicant for registration under this chapter. Such delivery shall constitute due notice to all registrants. The department may revise and amend this code of ethics from time to time and shall forthwith notify each registrant in writing of such revisions and amendments. Such code of ethics when adopted shall apply to all certificate holders.~~

~~Section 40‑65‑210.~~  ~~The department shall have the power to suspend, refuse to renew or revoke the certificate of registration of, or reprimand any registrant who is guilty of: the practice of fraud or deceit in obtaining a certificate of registration, any gross negligence, incompetence or misconduct in the practice of soil classifying, any felony or crime involving moral turpitude or violation of the code of ethics adopted and promulgated by the department.~~

~~Section 40‑65‑220.~~  ~~Any person may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct or violation of the code of ethics against any individual registrant. Such charges shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the secretary of the department. All charges unless dismissed by the department as unfounded or trivial shall be heard by the department within three months after the date on which they shall have been preferred. The time and place for such hearing shall be fixed by the department and a copy of the charges, together with a notice of the time and place of hearing, shall be served upon the accused either personally or sent by registered or certified mail to the last‑known address of such individual registrant at least thirty days before the date fixed for hearing. At any hearing the accused registrant shall have the right to appear in person or by counsel, or both, to cross‑examine witnesses appearing against the accused, and to produce evidence and witnesses in defense of the accused. If the accused person fails or refuses to appear, the department may proceed to hear and determine the validity of the charges. If after such hearing a majority of the department votes in favor of sustaining the charges, the department shall make findings of fact, draw its conclusions and issue its order therein and serve the same upon the accused. In such order the department may reprimand, suspend, refuse to renew, or revoke the accused individual’s certificate of registration. Any person who feels aggrieved by any action of the department in denying, suspending, refusing to renew, or revoking his certificate of registration may appeal therefrom an administrative law judge to within thirty days after receipt of the order of the department. The hearing by the court shall be de novo.~~

~~Section 40‑65‑230.~~  ~~No resident or nonresident shall practice or offer to practice professional soil classifying as defined by this chapter unless such person is duly registered to practice under the provisions of this chapter.~~

~~Section 40‑65‑240.~~  ~~This chapter shall not be construed to prevent or affect:~~

~~(a) The work of an employee or subordinate of a person holding a certificate of registration under this chapter or an employee of a person practicing lawfully under subsection (a) of this section, provided such work does not include final soil classifying decisions and is done under the direct supervision of and verified by a person holding a certificate of registration under this chapter or a person practicing lawfully under subsection (a) of this section.~~

~~(b) The practice of any other legally recognized profession or trade.~~

~~(c) The practice of soil classifying by a person who is regularly employed to perform soil classifying services solely for his employer or for a subsidiary or affiliated corporation of his employer, providing the soil classifying is performed on the real property of his employer.~~

~~Section 40‑65‑260.~~  ~~Any person who shall practice or offer to practice professional soil classifying in this State without being registered in accordance with the provisions of this chapter, or any person, firm, partnership, organization, association, corporation or other entity using or employing the words ‘soil classifier’ or ‘professional soil classifier’ or any modification or derivative thereof in its name or form of business or activity except as authorized in this chapter, or any person presenting or attempting to use the certificate of registration of another, or any person who shall give any false or forged evidence of any kind to the department or to any member thereof in obtaining or attempting to obtain a certificate of registration or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked or nonexistent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he is registered under this chapter, or any person, partnership, corporation or other entity who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars or be imprisoned for not more than three months. Each violation shall constitute a separate offense. It shall be the duty of all duly constituted officers of the state and all political subdivisions thereof to enforce the provisions of this chapter and to prosecute any persons violating same.~~

Section 40‑65‑5. Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to professional soil classifiers regulated pursuant to this chapter.

Section 40‑65‑10. (A) The department shall serve as the agency of licensure for professional soil classifiers and shall administer the provisions of this chapter.

(B) The department shall appoint an advisory council of five qualified professional soil classifiers, who must have the qualifications required in Section 40‑65‑30, to recommend licensure for those applicants eligible to become licensed soil classifiers and to recommend certification for those applicants eligible to become soil‑classifier‑in‑training. Each member of the council must be a professional soil classifier who has been actively engaged in the practice of soil classifying for a period of at least ten years and must have been in responsible charge of soil classification for at least six years.

Section 40‑65‑20. In addition to the definitions provided in Section 40‑1‑20, as used in this chapter, unless the context or subject matter indicates otherwise:

(1) ‘Department’ means the Department of Labor, Licensing and Regulation.

(2) ‘Kind of soil’ means a group of natural bodies that has a discrete combination landscape, morphological, chemical, and physical properties.

(3) ‘Practice of soil classifying’ and ‘practice of professional soil classifying’ means any service or work, the adequate performance of which requires education in the physical, chemical, biological, and soil sciences, training and experience in the application of the special knowledge of these sciences to soil classification, soil classification by accepted principles and methods, investigation, evaluation and consultation on the effect of measured, observed, and inferred soil properties upon various uses, the preparation of soil descriptions, maps and reports and interpretive drawings, maps and reports of soil properties and the effect of soil properties upon various uses, and the effect of various uses upon kinds of soil, any of which embraces this service or work, either public or private, incidental to the practice of soil classifying.

A person is construed to practice or offer to practice soil classifying within the meaning and intent of this chapter if the person, by verbal claim, sign, advertisement, letterhead, card or use of some other title, represents himself to be a soil classifier; however, this does not mean or include the practice of soil classifying by persons exempt under the provisions of Section 40‑65‑40 or the work ordinarily performed by persons who sample and test soil for fertility status or construction materials and engineering surveys and soundings to determine soil properties influencing the design and construction of engineering and architectural projects. Notwithstanding the provisions of this paragraph, a person must not be construed to practice soil classifying unless he offers soil classifying services to or performs soil classifying for the public.

(4) ‘Responsible charge’ means direct control and personal supervision of soil classification.

(5) ‘Soil’ means all of the groups of natural bodies occupying the unconsolidated portion of the earth’s surface capable of supporting plant life and having properties due to the combined effect of climate and living organisms, as modified by topography and time, upon parent materials.

(6) ‘Soil classification’ means plotting the boundaries and describing and evaluating the kinds of soil as to their behavior and response to management under various uses.

(7) ‘Soil classifier’ and ‘professional soil classifier’ means a person who, by reason of his special knowledge of the physical, chemical, and biological sciences applicable to soils as natural bodies and of the methods and principles of soil classification as acquired by soil education and soil classification experience in the formation, morphology, description, and mapping of soils, is qualified to practice soil classifying, who has been licensed by the Department of Labor, Licensing and Regulation, and who has passed an examination in the fundamental soil and related subjects as provided for in this chapter.

(8) ‘Soil‑classifier‑in‑training’ means a person who complies with the requirements for education and character and who has passed an examination in the fundamental soil and related subjects as provided for in this chapter.

Section 40‑65‑30. (A) A person must not practice or offer to practice professional soil classifying in this State unless the person is licensed to practice under the provisions of this chapter.

(B) To be eligible for licensure as a professional soil classifier or to be certified as a soil‑classifier‑in‑training, an applicant must be of good character and reputation and shall submit a written application to the department containing information the department may require.

(C) To be licensed as a professional soil classifier an applicant must have:

(1) fifteen or more semester hours of approved soil courses as recognized by the department;

(2) successfully passed an examination in the principles and practice of soil classifying as prescribed by the department;

(3) completed two or more years of training under the supervision of a registered or licensed soil classifier or someone who meets the minimum academic and experience requirements of a licensed soil classifier; and

(4) one of the following additional qualifications:

(a) a bachelor’s degree or equivalent in a curriculum approved by the department and two years or more of experience of a grade and character which indicates to the department that the applicant is competent to practice soil classifying;

(b) a bachelor’s degree or equivalent in one of the natural sciences and six years or more of experience in soil classifying work of a character and grade which indicates to the department that the applicant is competent to practice soil classifying;

(c) a soil‑classifier‑in‑training certificate with two years’ or more experience as a soil‑classifier‑in‑training of a grade and character which indicates to the department that the applicant is competent to practice soil classifying; or

(d) employment as an extension specialist, researcher, or teacher of soils in a college or university and has two or more years of soil classifying experience of a character and grade which indicates to the department that the applicant is competent to practice soil classifying.

(D) To be certified as a soil‑classifier‑in‑training, which certification is valid for two years, an applicant must have:

(1) a bachelor’s degree or equivalent in a curriculum approved by the department and have passed an examination in the fundamentals of soil classification; or

(2) completed a curriculum not approved by the department, have passed an examination in the fundamentals of soil classification, and have four years of soil classification experience, of which two years must be under the supervision of a registered or licensed soil classifier or someone who meets the minimum academic and experience requirements of a licensed soil classifier.

Section 40‑65‑32. Applications for licensure as a professional soil classifier and for certification as a soil‑classifier‑in‑training must be on forms prescribed and furnished by the department.

Section 40‑65‑34. Examinations must be held at such times and places as the department determines.

Section 40‑65‑36. (A)(1) The department shall issue a license upon payment of the license fee, pursuant to subsection (C), to an applicant who in the opinion of the department has met the requirements of this chapter.

(2) The issuance of a license by the department is prima facie evidence that the person named is entitled to all rights and privileges of a professional soil classifier during the term for which the license is valid if the license has not been revoked or suspended.

(B) The department shall issue a certificate as a soil‑classifier‑in‑training upon payment of the certificate fee, pursuant to subsection (C), to an applicant who in the opinion of the department has met the requirements of this chapter.

(C)(1) The application for a license as a professional soil classifier or for certification as a soil‑classifier‑in‑training shall be on a form prescribed and furnished by the department, shall contain statements made under oath showing the applicant’s education, a detailed summary of his experience, and references as required by this chapter, and shall be accompanied by an application fee established by the department of not less than five nor more than twenty‑five dollars.

(2) Licenses shall be established by the department subject to the following limitations:

(a) The license fee for professional soil classifiers shall be in an amount not less than twenty nor more than one hundred dollars.

(b) The certification fee for soil‑classifier‑in‑training certification or enrollment shall be established by the department in an amount not less than ten nor more than fifty dollars.

(c) Should the department deny the issuance of a license to an applicant, the fee paid shall be retained as an application fee.

(3) Examinations shall be held at such times and places as the department shall determine. Examinations required on fundamental soil subjects may be taken at any time prescribed by the department. The final examinations may not be taken until the applicant has completed a period of soil classifying experience as provided in this chapter. The passing grade on any examination shall not be less than seventy percent. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the department of not less than ten nor more than twenty‑five dollars. Any candidate for registration having an average grade of less than fifty percent may not apply for reexamination for a period of one year from the date of such examination..

(D) An applicant otherwise qualified shall be admitted to registration as a professional soil classifier without examination if he holds a certificate of registration in the practice of soil classifying awarded on the basis of comparable qualifications and issued to him by a proper authority of another state, possession, or territory of the United States and who in the opinion of the department meets the requirements of this chapter.

Section 40‑65‑38. (A) A licensee shall file an application for renewal every two years on or before a date designated by the department. The application for renewal must include:

(1) current contact information;

(2) renewal fee;

(3) acceptable continuing education promulgated by the department in regulation, upon consultation with the advisory council; and

(4) other information the department may request.

(B) A licensee who allows a license to lapse by failing to renew, as provided for in subsection (A), may reinstate the license within three years from the date the license lapsed by filing a reinstatement application and paying the required fees. After three years from the date the licensed lapsed, the person must apply for a new license, meeting all requirements for licensure in effect at the time of applying.

Section 40‑65‑40. This chapter must not be construed to prevent or affect:

(1) the work of an employee or subordinate of a person licensed pursuant to this chapter or an employee of a person practicing lawfully pursuant to this chapter, if the work does not include final soil classifying decisions and is done under the direct supervision of and verified by a person licensed pursuant to this chapter or a person practicing lawfully pursuant to this chapter;

(2) the practice of any other legally recognized profession or trade;

(3) the practice of soil classifying by a person who is regularly employed to perform soil classifying services solely for his employer or for a subsidiary or affiliated corporation of his employer, if the soil classifying is performed on the real property of his employer.

Section 40‑65‑45. An applicant otherwise qualified shall be admitted to registration as a professional soil classifier without examination if he holds a certificate of registration in the practice of soil classifying awarded on the basis of comparable qualifications and issued to him by a proper authority of another state, possession, or territory of the United States and who in the opinion of the department meets the requirements of this chapter.

Section 40‑65‑50. The department shall administer the program of soil classifiers in accordance with Section 40‑1‑50, this chapter, and regulations promulgated pursuant to this chapter.

Section 40‑65‑60. In addition to the powers provided for in Chapter 1, the department may promulgate regulations pursuant to the Administrative Procedures Act including, but not limited to, a code of ethics for licensees.

Section 40‑65‑70. In addition to the powers provided for in Chapter 1, the department may apply in the name of the State for relief by injunction to enforce the provisions of this chapter or to restrain any violation of this chapter. In these proceedings it is not necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation. The director, employees, or agents of the department may not be held personally liable for bringing an action pursuant to this section.

Section 40‑65‑80. Investigations must be conducted in accordance with Section 40‑1‑80. Any person may file a complaint, which must be in writing, alleging fraud, deceit, gross negligence, incompetence, misconduct, or violation of the code of ethics against a licensee or a person holding a certification.

Section 40‑65‑100. Cease and desist orders and equitable relief may be obtained in accordance with Section 40‑1‑100.

Section 40‑65‑110. In addition to the grounds provided in Section 40‑1‑110, the advisory council may cancel, fine, suspend, revoke, or restrict the license or certification to practice soil classifying of a person who is guilty of:

(1) the practice of fraud or deceit in obtaining a license or certification;

(2) any gross negligence, incompetence, or misconduct in the practice of soil classifying;

(3) any felony or crime involving moral turpitude or violation of the code of ethics promulgated by the department in regulation.

Section 40‑65‑120. A person aggrieved by a decision of the advisory council may file an appeal in accordance with the Administrative Procedures Act.

Section 40‑65‑130. As provided in Section 40‑1‑130, the department may deny licensure or certification to an applicant based on the same grounds for which the advisory council may take disciplinary action against a licensee or a holder of certification.

Section 40‑65‑140. A license or certification may be denied based on a person’s prior criminal record only as provided in Section 40‑1‑140.

Section 40‑65‑150. A licensee or a person holding a certification under investigation for a violation of this chapter or a regulation promulgated pursuant to this chapter may voluntarily surrender the license or certification in accordance with and subject to the provisions of Section 40‑1‑150.

Section 40‑65‑170. A person found in violation of this chapter or regulations promulgated pursuant to this chapter may be required to pay costs associated with the investigation and prosecution of the case in accordance with Section 40‑1‑170.

Section 40‑65‑180. All costs and fines imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Section 40‑1‑180. No person against whom a cost or fine is levied is eligible for the issuance or reinstatement of a license or certification until the cost or fine has been paid in full.

Section 40‑65‑190. Investigations conducted pursuant to this chapter are confidential and all communications are privileged as provided in Section 40‑1‑190.

Section 40‑65‑200. A person who practices or offers to practice professional soil classifying in this State without being licensed in accordance with the provisions of this chapter or a person, firm, partnership, organization, association, corporation, or other entity using or employing the words ‘soil classifier’ or ‘professional soil classifier’, or any modification or derivative of these terms, in its name or form of business or activity, except as authorized in this chapter, or any person presenting or attempting to use the license of another, or any person who shall give any false or forged evidence of any kind to the department in obtaining or attempting to obtain a license or any person who shall falsely impersonate a licensee of like or different name, or any person who attempts to use an expired or revoked or nonexistent license, or who practices or offers to practice when not qualified, or any person who falsely claims that he is licensed under this chapter, or any person, partnership, corporation, or other entity who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three months. Each violation constitutes a separate offense. It is the duty of all constituted officers of the State and all political subdivisions of the State to enforce the provisions of this chapter and to prosecute any person violating this chapter.

Section 40‑65‑210. The department, in addition to instituting a criminal proceeding, may institute a civil action through the Administrative Law Court, in the name of the State, for injunctive relief against a person violating this chapter, a regulation promulgated under this chapter, or an order of the advisory council. For each violation an administrative law judge may impose a fine of no more than ten thousand dollars.

Section 40‑65‑220. If a provision of this chapter or the application of a provision of this chapter to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this statute which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.”

B. Notwithstanding another provision of law, a person who holds a certificate of registration as a soil classifier issued by this State on July 10, 2010, has all the duties, responsibilities, and rights provided to licensees pursuant to Chapter 65, Title 44 of the 1976 Code, as amended by SECTION 2 of this act, and upon the first renewal of this person’s certificate after June 30, 2010, the Department of Labor, Licensing and Regulation shall issue the person a license without meeting the requirements set forth in this act.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

The amendment was then adopted.

Reps. CRAWFORD and SANDIFER proposed the following Amendment No. 2 (COUNCIL\AGM\18098AB10), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. The Department of Labor, Licensing and Regulation shall provide to the General Assembly, by July 15, 2010, the following information as to each profession and occupation regulated under Title 40 of the 1976 Code:

(1) A list of the total amount of penalties and fees collected from each profession or occupation in the most recent annual or biannual licensure period for that profession or occupation.

(2) A list of the total cost incurred in administering and regulating each occupation or profession in the most recent annual or biannual licensure period for that profession or occupation.

(3) A list of all occupations and professions for which, in the most recent annual or biannual licensure period, costs incurred in administering and regulating the occupation or profession exceeded the penalty and fee income generated from the profession or occupation. /

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

The amendment was then adopted.

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

**S. 1234--POINT OF ORDER**

The following Bill was taken up:

S. 1234 -- Senator Fair: A BILL TO ESTABLISH A STUDY COMMITTEE TO STUDY AND DEVELOP A PLAN TO CONSOLIDATE THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO PROVIDE FOR THE STUDY COMMITTEE’S DUTIES AND RESPONSIBILITIES.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 1073--RECALLED FROM COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

On motion of Rep. SANDIFER, with unanimous consent, the following Bill was ordered recalled from the Committee on Labor, Commerce and Industry:

S. 1073 -- Senators Thomas, Leventis and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 18 TO TITLE 37, SO AS TO REQUIRE THOSE WHO ENGAGE IN COLLATERAL RECOVERY TO APPLY FOR LICENSURE WITH THE DEPARTMENT OF CONSUMER AFFAIRS, TO PROVIDE WHAT MUST BE INCLUDED IN AN APPLICATION, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR THOSE WHO ENGAGE IN COLLATERAL RECOVERY, TO PROVIDE LICENSE FEES, TO PROVIDE FOR THE INVESTIGATION OF LICENSE APPLICANTS, TO PROVIDE FOR THE FORM, VALIDITY PERIOD, AND RENEWAL OF ISSUED LICENSES, TO PROVIDE CANCELLATION REQUIREMENTS OF ISSUED LICENSES, TO PROVIDE FOR THE TRAINING OF INTERN COLLATERAL RECOVERERS, TO PROVIDE FOR VIOLATIONS AND ASSOCIATED PENALTIES OF THE CHAPTER, TO PROVIDE FOR THE CONFIDENTIALITY OF REQUIRED INVESTIGATIONS, TO ALLOW THE DEPARTMENT ACCESS TO CERTAIN RECORDS FOR INVESTIGATIONS, TO REQUIRE THE DEPARTMENT TO MAINTAIN CERTAIN STATISTICS, TO PROVIDE INVENTORY AND TITLE REQUIREMENTS, AND TO DEFINE CERTAIN TERMS.

**OBJECTION TO RECALL**

Rep. J. E. SMITH asked unanimous consent to recall S. 958 from the Committee on Judiciary.

Rep. LOFTIS objected.

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

**THE HOUSE RESUMES**

At 3:00 p.m. the House resumed, ACTING SPEAKER KNIGHT in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**R. 207, S. 454--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R207) S. 454 -- Senators Peeler and Ford: AN ACT TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO PROVIDE PROCEDURES FOR FILLING A BOARD SEAT THAT IS VACANT FOR SIXTY DAYS, TO PROVIDE THAT MILEAGE, PER DIEM, AND SUBSISTENCE FOR BOARD MEMBERS MUST BE PAID BY THE BOARD RATHER THAN FROM THE STATE GENERAL FUND, TO PROVIDE THAT THE OFFICE OF STATE FIRE MARSHAL WILL PROVIDE ADMINISTRATIVE SUPPORT TO THE BOARD AND THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AMONG OTHER FUNCTIONS, WILL PROVIDE ADMINISTRATIVE, FISCAL, INVESTIGATIVE, AND INSPECTION OPERATIONS AND ACTIVITIES OF THE BOARD, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS AND TO PROVIDE LICENSURE QUALIFICATIONS AND REQUIREMENTS, TO AUTHORIZE THE DEPARTMENT, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS AND TAKE NECESSARY ACTION TO MAINTAIN PUBLIC SAFETY, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION AND SANCTIONS THAT MAY BE IMPOSED, TO PROVIDE PROCEDURES FOR HEARINGS AND APPEALS, TO ESTABLISH REQUIREMENTS FOR FACILITIES FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO PROVIDE REQUIREMENTS FOR A RETAIL FIREWORKS SALES LICENSE, INCLUDING THE REQUIREMENT TO HAVE LIABILITY INSURANCE, TO REQUIRE A WHOLESALE LICENSE TO STORE DISPLAY FIREWORKS, TO REQUIRE THE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS MANUFACTURING, SELLING, OR STORING FIREWORKS; AND TO REPEAL SECTIONS 23-35-10, 23-35-20, 23-35-30, 23-35-40, 23-35-50, 23-35-60, 23-35-70, 23-35-80, 23-35-90, 23-35-100, 23-35-110, 23-35-120, 23-35-140, AND 23-35-160 RELATING TO THE REGULATION, LICENSURE, AND PERMITTING OF FIREWORKS AND EXPLOSIVES.

Rep. SANDIFER 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 62; Nays 6

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anthony | Bales | Ballentine |
| Bannister | Battle | Bowen |
| Brantley | G. A. Brown | Cato |
| Chalk | Clyburn | Cobb-Hunter |
| Cole | Cooper | Daning |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Harrell | Harvin | Hayes |
| Hearn | Hiott | Hodges |
| Hosey | Howard | Jefferson |
| Kelly | Knight | Long |
| Lowe | McEachern | McLeod |
| Millwood | V. S. Moss | J. M. Neal |
| Neilson | Ott | Parker |
| M. A. Pitts | Sandifer | Sellers |
| Skelton | D. C. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stringer | Toole | Umphlett |
| Whipper | White | Williams |
| Willis | Wylie |  |

**Total--62**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Kennedy | Kirsh |
| Norman | Rice | G. R. Smith |

**Total--6**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on the Governor’s Veto of S. 454. If I had been present, I would have voted in favor of overriding the Veto.

Rep. Dennis Moss

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. H. B. BROWN a leave of absence for the remainder of the day in order to attend a previously scheduled meeting in Fairfield County.

**S. 1030--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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.

Rep. HAYES moved to adjourn debate on the Senate Amendments.

Rep. KENNEDY moved to table the motion.

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

Yeas 38; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anthony | Bales |
| Ballentine | Branham | Brantley |
| H. B. Brown | R. L. Brown | Clemmons |
| Clyburn | Cobb-Hunter | Edge |
| Funderburk | Gilliard | Harvin |
| Hodges | Hosey | Howard |
| Jefferson | Kennedy | King |
| Kirsh | Long | Lowe |
| McLeod | Mitchell | J. M. Neal |
| Neilson | Ott | M. A. Pitts |
| Sellers | J. E. Smith | Spires |
| Thompson | Toole | Whipper |
| White | Williams |  |

**Total--38**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Battle |
| Bedingfield | Bowen | Cato |
| Chalk | Cole | Cooper |
| Crawford | Daning | Erickson |
| Forrester | Frye | Gambrell |
| Harrell | Hayes | Hearn |
| Hiott | Kelly | Knight |
| Lucas | Miller | Millwood |
| D. C. Moss | Norman | Parker |
| Pinson | Rice | Sandifer |
| Skelton | G. R. Smith | Sottile |
| Stringer | Umphlett | Viers |
| Willis | Wylie |  |

**Total--38**

So, the House refused to table the motion.

The question then recurred to the motion to adjourn debate.

The House refused to adjourn debate by a division vote of 27-33.

The question then recurred to the concurrence in Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 62; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Bales | Ballentine |
| Battle | Bowen | Brady |
| Branham | Brantley | R. L. Brown |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Edge | Erickson |
| Funderburk | Gambrell | Gilliard |
| Gunn | Harrison | Harvin |
| Hayes | Herbkersman | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Kennedy | King |
| Knight | Long | Lowe |
| Lucas | McEachern | McLeod |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Ott | M. A. Pitts |
| Rutherford | Scott | Sellers |
| Skelton | D. C. Smith | J. E. Smith |
| Spires | Stavrinakis | Thompson |
| Vick | Viers | Whipper |
| White | Williams |  |

**Total--62**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Bedingfield |
| Cato | Cole | Crawford |
| Daning | Forrester | Frye |
| Harrell | Hiott | Horne |
| Kelly | Kirsh | Loftis |
| Merrill | Millwood | Norman |
| Parker | Pinson | Rice |
| Sandifer | G. R. Smith | J. R. Smith |
| Sottile | Stringer | Toole |
| Umphlett | Willis | Wylie |
| A. D. Young |  |  |

**Total--31**

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. 4900--SENATE AMENDMENTS CONCURRED IN**

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

H. 4900 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF S.C. HIGHWAY 38 BUSINESS FROM S.C. HIGHWAY 9 IN BENNETTSVILLE TO THE INTERSECTION OF HIGH STREET (S.C. HIGHWAY 381) IN THE TOWN OF BLENHEIM AS THE "DOUGLAS JENNINGS, JR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "DOUGLAS JENNINGS, JR. HIGHWAY".

The yeas and nays were taken resulting as follows:

Yeas 78; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Bales |
| Bannister | Battle | Bowers |
| Brady | G. A. Brown | R. L. Brown |
| Cato | Clemmons | Clyburn |
| Cole | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | Knight | Lowe |
| Lucas | McEachern | McLeod |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Sellers | Skelton |
| D. C. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Umphlett | Vick | Viers |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |

**Total--78**

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.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 4900. If I had been present, I would have voted in favor of the Bill.

Rep. Steve Parker

**H. 4542--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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.

Rep. HARRISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bowen | Bowers |
| Brady | Branham | Brantley |
| R. L. Brown | Cato | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Govan |
| Gunn | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Sellers | Skelton |
| D. C. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie |  |

**Total--98**

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. 4563--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4563 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-25-115 SO AS TO REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE TO PROMULGATE REGULATIONS RELATING TO PRESCRIBED CONDITIONS FOR THE ISSUANCE OF PERMITS FOR THE MANUFACTURE, PROCESSING, OR PACKAGING OF FOODS UNDER CERTAIN CONDITIONS, AND TO ALLOW AN OFFICER OR EMPLOYEE OF THE COMMISSIONER TO HAVE ACCESS TO A FACTORY OR ESTABLISHMENT OWNED BY A PERMIT HOLDER TO ASCERTAIN COMPLIANCE WITH THE PERMIT CONDITIONS; BY ADDING SECTION 39-25-210 SO AS TO REQUIRE A PERSON ENGAGED IN MANUFACTURING, PROCESSING, OR PACKAGING FOODS TO FIRST OBTAIN A PERMIT FROM THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE RENEWAL OF PERMITS, AND TO PROVIDE PENALTIES FOR FAILURE TO OBTAIN A PERMIT; TO AMEND SECTION 39-25-30, RELATING TO PROHIBITED ACTS, SO AS TO INCLUDE OPERATING WITHOUT A VALID PERMIT; TO AMEND SECTION 39-25-180, RELATING TO PROMULGATION OF REGULATIONS BY THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE, SO AS TO INCLUDE REGULATIONS RELATING TO GOOD MANUFACTURING PRACTICE, THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS, ACIDIFIED FOODS, FISH AND FISHERY PRODUCTS, HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEMS, AND FOOD ALLERGEN AND LABELING; AND TO AMEND SECTION 39-25-190, RELATING TO AUTHORITY TO ENTER AND INSPECT A PREMISES, SO AS TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE MAY PERFORM LABORATORY SERVICES, AND TO PROVIDE FOR THE PAYMENT OF FEES FOR THOSE SERVICES.

Rep. VICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 89; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| Cato | Chalk | Clemmons |
| Clyburn | Cole | Cooper |
| Crawford | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Gunn | Hardwick | Harrell |
| Harvin | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Knight | Limehouse |
| Long | Lowe | Lucas |
| McEachern | McLeod | Merrill |
| Miller | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Ott | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Stavrinakis | Stringer | Thompson |
| Umphlett | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| A. D. Young | T. R. Young |  |

**Total--89**

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. 4888--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4888 -- Reps. Duncan, Ott, Forrester and Mitchell: A JOINT RESOLUTION TO ADOPT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY GREENHOUSE GAS REGULATIONS FOR STATIONARY SOURCES IN ORDER TO GIVE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SUFFICIENT TIME TO PROMULGATE APPROPRIATE REGULATIONS, IF REQUIRED.

Rep. FORRESTER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | R. L. Brown |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Daning |
| Dillard | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hiott | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| T. R. Young |  |  |

**Total--97**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Joint Resolution 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.

**S. 915--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 915 -- Senators Land, Anderson, Nicholson, Leventis, Elliott, Williams, Sheheen and Setzler: A BILL TO AMEND ACT 314 OF 2000, TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2015.

Rep. HERBKERSMAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hiott | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McEachern |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Pinson | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Thompson | Toole |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| T. R. Young |  |  |

**Total--100**

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.

**S. 692--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 692 -- Senators Sheheen, McConnell, Hutto, Knotts, Scott and Coleman: A JOINT RESOLUTION TO EXTEND THE DEADLINE REQUIRING ALL CIRCUIT SOLICITORS TO HAVE A TRAFFIC EDUCATION PROGRAM IN EFFECT FROM JULY 1, 2009, AS PROVIDED IN ACT 176 OF 2008, TO JULY 1, 2010.

Rep. KELLY explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Hearn | Hiott |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | Kirsh | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McEachern |
| McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Pinson |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--95**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were agreed to, and the Joint Resolution 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.

**S. 1296--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 1296 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING, TO PROVIDE THAT COYOTES MAY BE HUNTED AT NIGHT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

Rep. HIOTT explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 90; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hearn | Hiott |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kelly |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | Pinson | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Viers | Weeks | Whipper |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--90**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Daning | White |  |

**Total--2**

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.

**S. 405--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 405 -- Senator Cleary: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS, TO CLARIFY THAT A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY-TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED AS A PRIMARY OR SECONDARY RESIDENCE FOR PROPERTY TAX PURPOSES; TO AMEND SECTION 12-37-224, RELATING TO BOATS AS A PRIMARY OR SECONDARY RESIDENCE, TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, SHALL BE CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF AD VALOREM PROPERTY TAXATION IN THIS STATE; AND TO AMEND SECTION 12-37-714, RELATING TO BOATS WITH A SITUS IN THIS STATE, TO PROVIDE THAT UPON AN ORDINANCE PASSED BY THE LOCAL GOVERNING BODY, A COUNTY MAY SUBJECT A BOAT, INCLUDING ITS MOTOR IF THE MOTOR IS SEPARATELY TAXED, TO PROPERTY TAX IF IT IS WITHIN THIS STATE FOR NINETY DAYS IN THE AGGREGATE, REGARDLESS OF THE NUMBER OF CONSECUTIVE DAYS.

Rep. MERRILL explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gilliard |
| Govan | Gunn | Hardwick |
| Harrell | Harrison | Hiott |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | King | Kirsh |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | Pinson | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| T. R. Young |  |  |

**Total--94**

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. 3059--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3059 -- Rep. Herbkersman: A BILL TO AMEND SECTION 7-1-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN SOUTH CAROLINA ELECTION LAW, SO AS TO DELETE THE DEFINITION "CLUB DISTRICT"; TO AMEND SECTION 7-5-460, RELATING TO CUSTODY OF BOOKS AND THEIR RETURN AFTER AN ELECTION, SO AS TO DELETE A REFERENCE TO A "CLUB" AS AN ENTITY TO WHOM THE BOOKS ARE RESPONSIBLE; TO AMEND SECTIONS 7-9-20, 7-9-30, AS AMENDED, 7-9-40, 7-9-50, AS AMENDED, 7-9-60, AND 7-9-70, RELATING TO CLUBS IN PARTY ORGANIZATIONS, SO AS TO DELETE REFERENCES TO PARTY CLUBS WHICH CLARIFIES THE ORGANIZATIONAL RELATIONS WITH ELECTION PRECINCTS; TO PROVIDE THAT ALL ELECTED PRECINCT COMMITTEEMEN MAY VOTE ON QUESTIONS BEFORE THE COUNTY COMMITTEE, TO PROVIDE THAT THE CHAIRMAN MAY VOTE IN THE CASE OF A TIE, AND TO PROVIDE THAT AN ELECTED OFFICER OF THE COUNTY COMMITTEE WHO IS NOT A PRECINCT COMMITTEEMAN MAY VOTE DE FACTO, AND TO CLARIFY THE ELECTION PRECINCTS ORGANIZATIONAL RELATIONSHIP; AND TO AMEND SECTION 7-13-170, RELATING TO THE PROCEDURE WHEN A MANAGER FAILS TO ATTEND THE PLACE WHICH HAS BEEN SCHEDULED FOR HOLDING A POLL, SO AS TO DELETE THE TERM "CLUB" FROM THE QUALIFYING MEMBER TO BECOME A MANAGER IN THE PLACE OF ABSENT MANAGERS.

Rep. CLEMMONS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brantley |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Pinson | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Thompson |
| Toole | Vick | Viers |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie |  |  |

**Total--97**

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.

**S. 1137--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 1137 -- Senators Fair and L. Martin: A BILL TO AMEND SECTION 44-53-398, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MONITORING THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE, SO AS TO ALSO MONITOR PHENYLPROPANOLAMINE AND THE SALE AND PURCHASE OF THESE PRODUCTS, TO MAKE IT ILLEGAL TO PURCHASE THESE PRODUCTS, TO PROVIDE THAT INFORMATION GATHERED FROM THE PURCHASER AT THE TIME OF THE SALE OF THESE PRODUCTS MUST BE ENTERED IN AN ELECTRONIC LOG, RATHER THAN A WRITTEN LOG, TO PROVIDE THAT THE INFORMATION MUST BE TRANSMITTED TO A CENTRAL DATA COLLECTION SYSTEM THAT WILL SUBMIT THIS INFORMATION TO SLED WHICH WILL MAINTAIN THIS INFORMATION TO ASSIST LAW ENFORCEMENT IN MONITORING THESE SALES AND PURCHASES, AND TO PROVIDE THAT A RETAILER OF THESE PRODUCTS MAY APPLY TO THE BOARD OF PHARMACY FOR AN EXEMPTION FROM THE ELECTRONIC LOG REQUIREMENT; AND BY ADDING CHAPTER 14 TO TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL SERVE AS THE REPOSITORY FOR INFORMATION THE CENTRAL DATA COLLECTION GATHERS AND TRANSFERS TO SLED PERTAINING TO THE SALE AND PURCHASE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE.

Rep. CRAWFORD explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brantley |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kelly | King |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | Miller |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Pinson |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Thompson | Toole |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| T. R. Young |  |  |

**Total--97**

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. 5013--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5013 -- Rep. Toole: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 26 IN LEXINGTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 1 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 302 THE "STANDRA JONES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "STANDRA JONES MEMORIAL HIGHWAY" AND REQUEST THAT THE COSTS OF THESE MARKERS OR SIGNS ARE NOT PAID FOR WITH PUBLIC FUNDS.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 5024--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 5024 -- Reps. Kelly, Parker, Cole, Allison, Forrester, Millwood and Mitchell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION AT THE JUNCTION OF UNITED STATES HIGHWAY 29 AND ZION HILL ROAD IN SPARTANBURG COUNTY "REPRESENTATIVE LANNY F. LITTLEJOHN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "REPRESENTATIVE LANNY F. LITTLEJOHN INTERSECTION".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1447--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1447 -- Senators Campbell, Campsen and Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF JEDBURG ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 "FIREFIGHTER MICHAEL FRENCH ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "FIREFIGHTER MICHAEL FRENCH ROAD".

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**H. 4181--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 4181 -- Reps. Scott, Long, Haley, Duncan, Bedingfield, Horne, Erickson, A. D. Young, Millwood, Parker, Forrester and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS, SO AS TO ADD A NEW SECTION PRESERVING THE FREEDOM OF SOUTH CAROLINIANS WITH RESPECT TO THE PROVIDING OF HEALTH CARE SERVICES, BY PROHIBITING ANY LAW, REGULATION, OR RULE TO COMPEL AN INDIVIDUAL, EMPLOYER, OR HEALTH CARE PROVIDER TO PARTICIPATE IN A HEALTH CARE SYSTEM, BY ALLOWING INDIVIDUALS AND EMPLOYERS TO PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES WITHOUT PENALTIES OR FINES FOR THESE DIRECT PAYMENTS, BY PROVIDING THAT THE PURCHASE OR SALE OF HEALTH INSURANCE IN PRIVATE HEALTH CARE SYSTEMS MUST NOT BE PROHIBITED BY LAW, REGULATION, OR RULE, BY PROVIDING THOSE INCENTIVES IN WHICH THE RIGHTS PROVIDED BY THIS SECTION DO NOT APPLY, AND TO PROVIDE APPROPRIATE DEFINITIONS.

Rep. G. R. SMITH moved to adjourn debate on the Joint Resolution until Wednesday, June 2, which was agreed to.

**S. 1054--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1054 -- Senators Pinckney, Malloy, Matthews, Anderson and Nicholson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO EXTRAORDINARY COMMERCIAL FACILITIES, BY ADDING SECTION 4-1-180 TO ALLOW COUNTIES THAT CREATE A MULTICOUNTY BUSINESS PARK TO DESIGNATE A PORTION OR ALL OF THAT PARK AS A DESIGNATED ECONOMIC DEVELOPMENT SITE FOR EXTRAORDINARY COMMERCIAL FACILITIES.

Rep. HERBKERSMAN proposed the following Amendment No. 1 (COUNCIL\BBM\9805HTC10):

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

/ SECTION 1. Chapter 10, Title 4 of the 1976 Code is amended by adding:

“Article 11

Local Option Extraordinary Commercial Facilities Fee

Section 4‑10‑1110. This article may be cited as the ‘Local Option Extraordinary Commercial Facilities Fee Act’.

Section 4‑10‑1120. For purposes of this article:

(1) ‘Designated economic development site’ means a geographic area which has been designated as part of a multicounty park pursuant Article VIII, Section 13 of the South Carolina Constitution, 1895, and Section 4‑1‑170. The municipality or the county making a designation of a designated economic development site shall notify the South Carolina Department of Revenue of the boundaries of the designated economic development site.

(2) ‘Fee’ means the local option extraordinary commercial facilities fee allowed to be imposed as provided in this article.

(3) ‘Infrastructure’ means Infrastructure as described in and consistent with the provisions of Section 4–29–68(A).

(4) ‘Municipality’ means a municipal corporation created pursuant to Chapter 1, Title 5 or a municipal government as the use of the term dictates, located in a county as defined by subsection (1).

(5) ‘Imposing jurisdiction’ means the municipality or county enacting the imposition ordinance for the fee or its governing body, as appropriate.

Section 4‑10‑1125. (A) If the designated economic development site is located in jurisdictions with separate and distinct stormwater ordinances, the standards and controls of the most stringent ordinance apply in the entire site. Similarly, if the site is within a single jurisdiction for purposes of a stormwater ordinance and stormwater from the site is discharged into watercourses in adjoining jurisdictions, the most stringent stormwater ordinance of the adjoining jurisdictions apply in the entire site.

(B) An applicant for the reimbursement provisions of this article must submit a fully developed stormwater plan/model demonstrating its compliance with the applicable stormwater ordinance and the plan/model must be certified by the applicable jurisdiction’s stormwater authority.

(C) An applicant for the reimbursement provisions of this chapter shall pay for third party compliance monitoring of stormwater discharges, both water quality and quantity, for twenty years following completion of construction and initial occupancy of retail space. This responsibility remains with the original developer or its assigns for the twenty years and its duty under this requirement may not be assigned or transferred. The third party monitor selected by the developer must be approved by the oversight commission.

(D) Failure to meet stormwater discharges as modeled by the applicant and approved by the applicable jurisdiction results in the loss of the reimbursement provisions set out in this article if so determined by the oversight commission.

(E) The South Carolina Department of Health and Environmental Control shall enforce compliance with subsection (C) with respect to monitoring requirements and as modeled pursuant to subsection (B) with respect to stormwater discharges.

Section 4‑10‑1130. (A) Subject to the requirements of this article, a municipality or county by ordinance may impose exclusively in the proposed designated economic development site a fee on all retailers located in the site not to exceed one percent for not more than twenty years. The fee shall be imposed on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, for the purposes provided in Section 4‑10‑1160 upon approval of a majority of qualified electors voting in a referendum held pursuant to this section.

(B)(1) Upon the enactment of an ordinance imposing the fee and providing for a referendum, the appropriate election commission shall conduct a referendum in the imposing jurisdiction on the first Tuesday ninety days after the adoption of the ordinance. The state election laws apply to the referendum, mutatis mutandis. The election commission shall publish the results of the referendum and certify them to the imposing jurisdiction. The fee must not be imposed in the designated economic development site, unless a majority of the qualified electors voting in the referendum approve the question.

(2) The ballot must read substantially as follows:

‘Must a one percent fee on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, be levied for twenty years within the \_\_\_\_\_ designated economic development site for the purpose of providing funding to defray the cost of infrastructure at the \_\_\_\_\_\_\_\_\_ designated economic development site?

Yes 

No ’

(3) If the question is not approved at the initial referendum, the imposing jurisdiction by ordinance may provide for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty‑four month period on the Tuesday following the first Monday in November in even‑numbered years.

(4) Two weeks before the referendum, the imposing jurisdiction shall publish in a newspaper of general circulation within the jurisdiction a description of and the uses for the fee and a copy of the referendum question.

(C) The imposition date of the fee allowed pursuant to this article is the first day of the first month beginning more than sixty days after the imposing jurisdiction files a certified copy of the imposition ordinance and the certification of the results of the referendum with the South Carolina Department of Revenue.

(D) Once the filings required pursuant to subsection (C) are filed with the Department of Revenue, for the period of imposition provided, the department may not accept as filed any additional ordinance or referendum results from the imposing jurisdiction that in any way relates to the fee allowed to be imposed pursuant to this article except an ordinance enacted by a supermajority of the imposing jurisdiction which must be at least two‑thirds of the members of the governing body or results of a referendum conducted with the same requirements set forth in subsection (B) rescinding the existing fee. The Department of Revenue shall accept for filing a certified copy of an ordinance or referendum results rescinding the fee and such rescission shall apply in the manner provided in Section 4‑10‑1130 for imposition.

(E) The imposing jurisdiction shall rescind the fee on all, or a portion of, the site upon written petition of all of the property owners in the entire site.

Section 4‑10‑1140. (A) The fee imposed pursuant to this article must be administered and collected by the Department of Revenue in the same manner that sales and use taxes are collected. The department may prescribe amounts that may be added to the sales price because of the fee.

(B) The fee authorized by this article is in addition to all other state and local sales and use taxes and applies to the gross proceeds of sales in the designated economic development site that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12.

(C) The provisions of subsections (C), (D), (E), (F), and (G) of Section 4‑10‑350 apply for fee payors and the fee allowed to be imposed pursuant to this article, including further identification of point of sale jurisdictions, mutatis mutandis.

(D) The revenues of the fee imposed pursuant to this article must be remitted to the Department of Revenue and placed on deposit with the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of the revenues, the State Treasurer shall distribute the revenues and interest quarterly to the treasurer of the imposing jurisdiction and the revenues must be used only for the purposes provided in Section 4‑10‑1160. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of code errors must be corrected prospectively.

Section 4‑10‑1150. The Department of Revenue shall furnish data to the State Treasurer and to the treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to imposing jurisdictions upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12‑54‑240. A person violating this section is subject to the penalties provided in Section 12‑54‑240.

Section 4‑10‑1160. (A) All fee revenues and interest on the fee revenues must be used exclusively for infrastructure located in the designated economic development site from which such fees were collected.

(B) An imposing jurisdiction may treat such fees as revenue~~s~~ from a multicounty park pursuant to Article VIII, Section 13 of the South Carolina Constitution, 1895, and Section 4‑1‑170. The imposing jurisdiction may use the fees as provided in Section 4‑1‑175 as if such fees were revenues from payment in lieu of taxes, provided that the fees may only be used for the purposes specified in this section.

(C) Fee revenues from a designated economic development site may be used to reimburse an owner of property located in the designated economic development site for its investment in infrastructure only if: (a) the owner shall have actually expended in qualifying infrastructure not less than such amount to be reimbursed, and (b) the Department of Revenue certifies that (i) the items or activities for which such reimbursement is requested qualify as infrastructure as defined in this article, and (ii) the amount actually expended by the owner on eligible infrastructure is accurate and eligible for reimbursement.

(D) In addition to other requirements, reimbursement of infrastructure costs requires ‘Preferred Treatment’ to local and state vendors. Contracts between the private entity and vendors performing reimbursed infrastructure work must go to local vendors within a forty‑five mile radius of the ‘Trade Area’ as first priority, state vendors as a second priority, and all others as third priority. To qualify for ‘Preferred Treatment’, the vendor’s bid must be qualified and within (1) ten percent of the lowest qualified bid for amounts less than five million dollars, (2) five percent on amounts five million to fifteen million dollars, and (3) the lesser of three percent or one million dollars on amounts above fifteen million dollars. Reimbursed infrastructure work that is specialized and not normally performed in the ‘Trade Area’ is exempt from this requirement.

(E) There is established the Designated Economic Development Site Oversight Commission consisting of three members appointed as follows:

(1) a resident of the imposing jurisdiction in which the designated economic development site is located, appointed by the mayor if the site is wholly within the municipality, otherwise appointed by the county council;

(2) one member appointed by the Speaker of the House of Representatives; and

(3) one member appointed by the President *Pro Tempore* of the Senate.

Members shall serve at the pleasure of their appointing authority. In addition to other duties assigned to the commission pursuant to this article, no funds derived from the Local Option Extraordinary Commercial Facilities Fee may be disbursed unless the commission certifies in writing to the governing body of the entity imposing the fee that the members of the commission have examined the request for reimbursement and determined unanimously that all requirements imposed by this article with respect to the request have been complied with.

Any changes in definitions or requirements provided in this article may not be administratively waived or revised without the unanimous approval of commission.

Section 4‑10‑1170. If any provision of this Article is determined to be invalid or unenforceable for any reason, then such provision shall be struck but the balance of this Article shall continue in full force and effect. In particular, if any provision is determined to be invalid or unenforceable by virtue of the commerce clause of the United States Constitution or as violative of the separation of powers provisions of the South Carolina Constitution, such provisions are hereby determined to be not required for the enforcement of the balance of the provisions hereof.” /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN spoke in favor of the amendment.

Rep. NORMAN moved to recommit the Bill to the Committee on Ways and Means.

Rep. HERBKERSMAN moved to table the motion.

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

Yeas 56; Nays 46

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Battle |
| Bingham | Bowen | Bowers |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Chalk | Clyburn |
| Cobb-Hunter | Cooper | Daning |
| Dillard | Edge | Gambrell |
| Gilliard | Govan | Gunn |
| Harrell | Harvin | Hayes |
| Herbkersman | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Kennedy | King | Knight |
| Limehouse | McEachern | McLeod |
| Merrill | Miller | V. S. Moss |
| J. H. Neal | Neilson | Ott |
| Sellers | D. C. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Vick | Weeks | Whipper |
| White | Williams |  |

**Total--56**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bannister | Barfield | Bedingfield |
| Brady | Cato | Clemmons |
| Cole | Crawford | Delleney |
| Erickson | Forrester | Frye |
| Funderburk | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Loftis | Long | Lucas |
| Millwood | D. C. Moss | J. M. Neal |
| Norman | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Stewart |
| Thompson | Toole | Viers |
| Whitmire | Willis | Wylie |
| T. R. Young |  |  |

**Total--46**

So, the motion to recommit was tabled.

Rep. SKELTON spoke against the amendment.

Rep. SKELTON moved to adjourn debate on the Bill until Wednesday, June 2, which was agreed to.

**RECURRENCE TO THE MORNING HOUR**

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

**S. 337--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to S. 337:

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.

and asks for a Committee of Conference and has appointed Senators Peeler, Hutto and Cleary to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. HARRISON, HARVIN and BALLENTINE to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at 5:04 p.m. today, for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. KELLY the invitation was accepted.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 1, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has enrolled H. 4244 for ratification, having received a message from the House on receding from their amendments.

H. 4244 -- Rep. Limehouse: A BILL TO AMEND SECTION 59-130-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL TRUSTEE TO BE APPOINTED BY THE COLLEGE OF CHARLESTON ALUMNI ASSOCIATION BOARD OF DIRECTORS, TO SET HIS TERM, AND TO PROVIDE CRITERIA FOR HIS SELECTION.

Very Respectfully,

President

Received as information.

**REPORT OF STANDING COMMITTEE**

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

S. 1478 -- Senators Campsen, Campbell, Elliott, Rankin, Land, Setzler, Cromer, McGill, Rose, Cleary, Leventis, Grooms, Davis and L. Martin: A CONCURRENT RESOLUTION CALLING UPON THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF NATURAL RESOURCES, IN COORDINATION WITH THE GOVERNOR, TO IMMEDIATELY BEGIN DEVELOPING A CONTINGENCY PLAN IN THE EVENT THE OIL LEAKING FROM THE DEEPWATER HORIZON IN THE GULF OF MEXICO IS SWEPT BY CURRENTS UP THE SOUTHEASTERN SEABOARD; IN DEVELOPING THIS PLAN THEY SHOULD ASSESS THE ACTIONS BEING TAKEN TO COMBAT THIS CRISIS AND DETERMINE WHAT SOLUTIONS ARE SUCCESSFUL AND WHAT ARE NOT AND IDENTIFY THE BEST PRACTICES AVAILABLE TO ADDRESS THIS PROBLEM AND THE RESOURCES NECESSARY TO CARRY OUT THIS PLAN.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5056 -- Reps. Erickson, 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, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE BEAUFORT COUNTY'S CHILD ABUSE PREVENTION ASSOCIATION, AND TO COMMEND MRS. SUSAN CATO FOR TWENTY-FIVE YEARS OF DEDICATED SERVICE AS ITS FOUNDER AND EXECUTIVE DIRECTOR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5057 -- Reps. Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE MAKENZIE JANE ASHLEY OF RICHLAND COUNTY, ON BEING SELECTED TO RECEIVE THE 2010 BERNARD CARROLL BALLENTINE SCHOLARSHIP, AND TO WISH HER SUCCESS AS SHE EMBARKS ON HER COLLEGE CAREER AT THE UNIVERSITY OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5058 -- Reps. Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE BETHANY M. DICKEY OF LEXINGTON COUNTY, ON BEING SELECTED TO RECEIVE THE 2010 MARGARET JANE WINBURN CLARKE SCHOLARSHIP, AND TO WISH HER SUCCESS AS SHE EMBARKS ON HER COLLEGE CAREER AT WINTHROP UNIVERSITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5059 -- Reps. Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE LAUREN ELIZABETH BARTON OF LEXINGTON COUNTY, ON BEING SELECTED TO RECEIVE THE 2010 JOHN DEWEY WINBURN, JR., SCHOLARSHIP, AND TO WISH HER SUCCESS AS SHE EMBARKS ON HER COLLEGE CAREER AT CLEMSON UNIVERSITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5060 -- Reps. Erickson, 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, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND MASTER GUNNERY SERGEANT ANTHONY P. PETRUCCI OF THE UNITED STATES MARINE CORPS FOR HIS THIRTY YEARS OF HONORABLE MILITARY SERVICE TO THIS GRATEFUL STATE AND NATION, AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT ON THE OCCASION OF HIS RETIREMENT.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5061 -- Rep. Millwood: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT BOTH THE WESTERN AND EASTERN APPROACHES TO THE CITY OF CHESNEE ALONG SOUTH HIGHWAY 11 AND AT BOTH THE NORTHERN AND SOUTHERN APPROACHES TO THE CITY OF CHESNEE ALONG UNITED STATES HIGHWAY 221 THAT CONTAIN THE WORDS "CHESNEE HIGH SCHOOL EAGLES BASEBALL TEAM 2010 AA STATE CHAMPIONS" AND "CHESNEE HIGH SCHOOL EAGLES BOYS TRACK TEAM 2010 AA STATE CHAMPIONS".

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5062 -- Reps. Vick and King: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR GOODMAN CREEK MISSIONARY BAPTIST CHURCH OF CHESTERFIELD COUNTY, UPON THE OCCASION OF ITS ONE HUNDRED TWENTIETH ANNIVERSARY, AND TO WISH THEM MANY MORE YEARS OF MEANINGFUL SERVICE IN THE SPIRITUAL FORMATION OF THE COMMUNITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5063 -- Reps. Lucas, Williams and Neilson: A HOUSE RESOLUTION TO HONOR CLAYTON RICHARDSON OF HARTSVILLE FOR HIS MANY AND VARIED CONTRIBUTIONS TO HIS STATE AND LOCAL COMMUNITY, AND TO RECOGNIZE HIS EXEMPLARY COMMUNITY SERVICE WORK, CULMINATING IN THE PEOPLE TO PEOPLE APPRECIATION EVENT TO BE HELD ON SATURDAY, JUNE 5, 2010, AT CENTENARY UNITED METHODIST CHURCH IN HARTSVILLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5064 -- Reps. Erickson, 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, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE LEADERSHIP BEAUFORT UPON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY AND TO HONOR THE IMPACT IT HAS MADE ON THE COMMUNITY AND THE STATE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1491 -- Senator Hayes: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. TERRI LANGSTON, SENIOR PROGRAM OFFICER FOR HEALTH REFORM AT THE PUBLIC WELFARE FOUNDATION, FOR HER INNOVATIVE AND IMPORTANT WORK IN MAKING HEALTH CARE ACCESSIBLE AND AFFORDABLE FOR COUNTLESS AMERICANS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1492 -- Senator Scott: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE RICHLAND COUNTY RECREATION COMMISSION ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO THANK THE COMMISSION FOR THE MANY LIFE-ENRICHING SERVICES IT PROVIDES TO THE PEOPLE OF SOUTH CAROLINA.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1494 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE ERIN PHILLIPS HARDWICK, CAE, OF LEXINGTON, UPON BEING CHOSEN THE 2010 ASSOCIATION EXECUTIVE OF THE YEAR BY THE SOUTH CAROLINA SOCIETY OF ASSOCIATION EXECUTIVES.

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

**S. 1054--RECONSIDERED**

Rep. SKELTON moved to reconsider the motion whereby the House adjourned debate on the following Bill, which was agreed to by a division vote of 48-39.

S. 1054 -- Senators Pinckney, Malloy, Matthews, Anderson and Nicholson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO EXTRAORDINARY COMMERCIAL FACILITIES, BY ADDING SECTION 4-1-180 TO ALLOW COUNTIES THAT CREATE A MULTICOUNTY BUSINESS PARK TO DESIGNATE A PORTION OR ALL OF THAT PARK AS A DESIGNATED ECONOMIC DEVELOPMENT SITE FOR EXTRAORDINARY COMMERCIAL FACILITIES.

**S. 1054--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1054 -- Senators Pinckney, Malloy, Matthews, Anderson and Nicholson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO EXTRAORDINARY COMMERCIAL FACILITIES, BY ADDING SECTION 4-1-180 TO ALLOW COUNTIES THAT CREATE A MULTICOUNTY BUSINESS PARK TO DESIGNATE A PORTION OR ALL OF THAT PARK AS A DESIGNATED ECONOMIC DEVELOPMENT SITE FOR EXTRAORDINARY COMMERCIAL FACILITIES.

Rep. HERBKERSMAN proposed the following Amendment No. 1 (COUNCIL\BBM\9805HTC10), which was adopted:

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

/ SECTION 1. Chapter 10, Title 4 of the 1976 Code is amended by adding:

“Article 11

Local Option Extraordinary Commercial Facilities Fee

Section 4‑10‑1110. This article may be cited as the ‘Local Option Extraordinary Commercial Facilities Fee Act’.

Section 4‑10‑1120. For purposes of this article:

(1) ‘Designated economic development site’ means a geographic area which has been designated as part of a multicounty park pursuant Article VIII, Section 13 of the South Carolina Constitution, 1895, and Section 4‑1‑170. The municipality or the county making a designation of a designated economic development site shall notify the South Carolina Department of Revenue of the boundaries of the designated economic development site.

(2) ‘Fee’ means the local option extraordinary commercial facilities fee allowed to be imposed as provided in this article.

(3) ‘Infrastructure’ means Infrastructure as described in and consistent with the provisions of Section 4–29–68(A).

(4) ‘Municipality’ means a municipal corporation created pursuant to Chapter 1, Title 5 or a municipal government as the use of the term dictates, located in a county as defined by subsection (1).

(5) ‘Imposing jurisdiction’ means the municipality or county enacting the imposition ordinance for the fee or its governing body, as appropriate.

Section 4‑10‑1125. (A) If the designated economic development site is located in jurisdictions with separate and distinct stormwater ordinances, the standards and controls of the most stringent ordinance apply in the entire site. Similarly, if the site is within a single jurisdiction for purposes of a stormwater ordinance and stormwater from the site is discharged into watercourses in adjoining jurisdictions, the most stringent stormwater ordinance of the adjoining jurisdictions apply in the entire site.

(B) An applicant for the reimbursement provisions of this article must submit a fully developed stormwater plan/model demonstrating its compliance with the applicable stormwater ordinance and the plan/model must be certified by the applicable jurisdiction’s stormwater authority.

(C) An applicant for the reimbursement provisions of this chapter shall pay for third party compliance monitoring of stormwater discharges, both water quality and quantity, for twenty years following completion of construction and initial occupancy of retail space. This responsibility remains with the original developer or its assigns for the twenty years and its duty under this requirement may not be assigned or transferred. The third party monitor selected by the developer must be approved by the oversight commission.

(D) Failure to meet stormwater discharges as modeled by the applicant and approved by the applicable jurisdiction results in the loss of the reimbursement provisions set out in this article if so determined by the oversight commission.

(E) The South Carolina Department of Health and Environmental Control shall enforce compliance with subsection (C) with respect to monitoring requirements and as modeled pursuant to subsection (B) with respect to stormwater discharges.

Section 4‑10‑1130. (A) Subject to the requirements of this article, a municipality or county by ordinance may impose exclusively in the proposed designated economic development site a fee on all retailers located in the site not to exceed one percent for not more than twenty years. The fee shall be imposed on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, for the purposes provided in Section 4‑10‑1160 upon approval of a majority of qualified electors voting in a referendum held pursuant to this section.

(B)(1) Upon the enactment of an ordinance imposing the fee and providing for a referendum, the appropriate election commission shall conduct a referendum in the imposing jurisdiction on the first Tuesday ninety days after the adoption of the ordinance. The state election laws apply to the referendum, mutatis mutandis. The election commission shall publish the results of the referendum and certify them to the imposing jurisdiction. The fee must not be imposed in the designated economic development site, unless a majority of the qualified electors voting in the referendum approve the question.

(2) The ballot must read substantially as follows:

‘Must a one percent fee on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, be levied for twenty years within the \_\_\_\_\_ designated economic development site for the purpose of providing funding to defray the cost of infrastructure at the \_\_\_\_\_\_\_\_\_ designated economic development site?

Yes 

No ’

(3) If the question is not approved at the initial referendum, the imposing jurisdiction by ordinance may provide for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty‑four month period on the Tuesday following the first Monday in November in even‑numbered years.

(4) Two weeks before the referendum, the imposing jurisdiction shall publish in a newspaper of general circulation within the jurisdiction a description of and the uses for the fee and a copy of the referendum question.

(C) The imposition date of the fee allowed pursuant to this article is the first day of the first month beginning more than sixty days after the imposing jurisdiction files a certified copy of the imposition ordinance and the certification of the results of the referendum with the South Carolina Department of Revenue.

(D) Once the filings required pursuant to subsection (C) are filed with the Department of Revenue, for the period of imposition provided, the department may not accept as filed any additional ordinance or referendum results from the imposing jurisdiction that in any way relates to the fee allowed to be imposed pursuant to this article except an ordinance enacted by a supermajority of the imposing jurisdiction which must be at least two‑thirds of the members of the governing body or results of a referendum conducted with the same requirements set forth in subsection (B) rescinding the existing fee. The Department of Revenue shall accept for filing a certified copy of an ordinance or referendum results rescinding the fee and such rescission shall apply in the manner provided in Section 4‑10‑1130 for imposition.

(E) The imposing jurisdiction shall rescind the fee on all, or a portion of, the site upon written petition of all of the property owners in the entire site.

Section 4‑10‑1140. (A) The fee imposed pursuant to this article must be administered and collected by the Department of Revenue in the same manner that sales and use taxes are collected. The department may prescribe amounts that may be added to the sales price because of the fee.

(B) The fee authorized by this article is in addition to all other state and local sales and use taxes and applies to the gross proceeds of sales in the designated economic development site that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12.

(C) The provisions of subsections (C), (D), (E), (F), and (G) of Section 4‑10‑350 apply for fee payors and the fee allowed to be imposed pursuant to this article, including further identification of point of sale jurisdictions, mutatis mutandis.

(D) The revenues of the fee imposed pursuant to this article must be remitted to the Department of Revenue and placed on deposit with the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of the revenues, the State Treasurer shall distribute the revenues and interest quarterly to the treasurer of the imposing jurisdiction and the revenues must be used only for the purposes provided in Section 4‑10‑1160. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of code errors must be corrected prospectively.

Section 4‑10‑1150. The Department of Revenue shall furnish data to the State Treasurer and to the treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to imposing jurisdictions upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12‑54‑240. A person violating this section is subject to the penalties provided in Section 12‑54‑240.

Section 4‑10‑1160. (A) All fee revenues and interest on the fee revenues must be used exclusively for infrastructure located in the designated economic development site from which such fees were collected.

(B) An imposing jurisdiction may treat such fees as revenue~~s~~ from a multicounty park pursuant to Article VIII, Section 13 of the South Carolina Constitution, 1895, and Section 4‑1‑170. The imposing jurisdiction may use the fees as provided in Section 4‑1‑175 as if such fees were revenues from payment in lieu of taxes, provided that the fees may only be used for the purposes specified in this section.

(C) Fee revenues from a designated economic development site may be used to reimburse an owner of property located in the designated economic development site for its investment in infrastructure only if: (a) the owner shall have actually expended in qualifying infrastructure not less than such amount to be reimbursed, and (b) the Department of Revenue certifies that (i) the items or activities for which such reimbursement is requested qualify as infrastructure as defined in this article, and (ii) the amount actually expended by the owner on eligible infrastructure is accurate and eligible for reimbursement.

(D) In addition to other requirements, reimbursement of infrastructure costs requires ‘Preferred Treatment’ to local and state vendors. Contracts between the private entity and vendors performing reimbursed infrastructure work must go to local vendors within a forty‑five mile radius of the ‘Trade Area’ as first priority, state vendors as a second priority, and all others as third priority. To qualify for ‘Preferred Treatment’, the vendor’s bid must be qualified and within (1) ten percent of the lowest qualified bid for amounts less than five million dollars, (2) five percent on amounts five million to fifteen million dollars, and (3) the lesser of three percent or one million dollars on amounts above fifteen million dollars. Reimbursed infrastructure work that is specialized and not normally performed in the ‘Trade Area’ is exempt from this requirement.

(E) There is established the Designated Economic Development Site Oversight Commission consisting of three members appointed as follows:

(1) a resident of the imposing jurisdiction in which the designated economic development site is located, appointed by the mayor if the site is wholly within the municipality, otherwise appointed by the county council;

(2) one member appointed by the Speaker of the House of Representatives; and

(3) one member appointed by the President *Pro Tempore* of the Senate.

Members shall serve at the pleasure of their appointing authority. In addition to other duties assigned to the commission pursuant to this article, no funds derived from the Local Option Extraordinary Commercial Facilities Fee may be disbursed unless the commission certifies in writing to the governing body of the entity imposing the fee that the members of the commission have examined the request for reimbursement and determined unanimously that all requirements imposed by this article with respect to the request have been complied with.

Any changes in definitions or requirements provided in this article may not be administratively waived or revised without the unanimous approval of commission.

Section 4‑10‑1170. If any provision of this Article is determined to be invalid or unenforceable for any reason, then such provision shall be struck but the balance of this Article shall continue in full force and effect. In particular, if any provision is determined to be invalid or unenforceable by virtue of the commerce clause of the United States Constitution or as violative of the separation of powers provisions of the South Carolina Constitution, such provisions are hereby determined to be not required for the enforcement of the balance of the provisions hereof.” /

Renumber sections to conform.

Amend title to conform.

Rep. SKELTON spoke in favor of the amendment.

Rep. BEDINGFIELD moved to table the amendment.

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

Yeas 40; Nays 58

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bedingfield | Brady | Cato |
| Chalk | Cole | Erickson |
| Forrester | Frye | Funderburk |
| Hiott | Horne | Kelly |
| Kirsh | Loftis | Long |
| Lucas | Millwood | D. C. Moss |
| J. M. Neal | Neilson | Norman |
| Parker | M. A. Pitts | Rice |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Stewart | Toole | Whitmire |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--40**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Edge |
| Gambrell | Gilliard | Gunn |
| Harrell | Harvin | Hearn |
| Herbkersman | Hodges | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Kennedy | King |
| Knight | Limehouse | McEachern |
| Merrill | Miller | V. S. Moss |
| J. H. Neal | Ott | Pinson |
| Sellers | Skelton | D. C. Smith |
| Spires | Umphlett | Vick |
| Weeks | Whipper | White |
| Williams |  |  |

**Total--58**

So, the House refused to table the amendment.

The question then recurred to the adoption of Amendment No. 1.

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

Yeas 56; Nays 43

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| Cooper | Dillard | Edge |
| Gambrell | Gilliard | Gunn |
| Harrell | Harvin | Herbkersman |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Knight |
| Limehouse | McEachern | Merrill |
| Miller | V. S. Moss | J. H. Neal |
| Neilson | Ott | Pinson |
| Sellers | Skelton | D. C. Smith |
| J. E. Smith | Stavrinakis | Umphlett |
| Vick | Weeks | Whipper |
| White | Williams |  |

**Total--56**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bedingfield | Brady | Cato |
| Chalk | Cole | Crawford |
| Daning | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Harrison | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Loftis | Long | Lucas |
| Millwood | D. C. Moss | J. M. Neal |
| Norman | Parker | Rice |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Stewart | Toole | Viers |
| Whitmire | Willis | Wylie |
| T. R. Young |  |  |

**Total--43**

So, the amendment was adopted.

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

Yeas 61; Nays 43

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Chalk | Clemmons | Clyburn |
| Cobb-Hunter | Cooper | Dillard |
| Edge | Gambrell | Gilliard |
| Gunn | Harrell | Harvin |
| Hearn | Herbkersman | Hodges |
| Hosey | Howard | Hutto |
| Jefferson | Jennings | Kennedy |
| King | Knight | Limehouse |
| Lowe | McEachern | Merrill |
| Miller | V. S. Moss | J. H. Neal |
| Neilson | Ott | Pinson |
| Rutherford | Sellers | Skelton |
| D. C. Smith | J. E. Smith | Spires |
| Stavrinakis | Umphlett | Vick |
| Weeks | Whipper | White |
| Williams |  |  |

**Total--61**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bedingfield | Brady | Cato |
| Cole | Crawford | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Harrison |
| Hiott | Horne | Huggins |
| Kelly | Kirsh | Loftis |
| Long | Lucas | Millwood |
| D. C. Moss | J. M. Neal | Norman |
| Parker | M. A. Pitts | Rice |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Stewart | Thompson | Toole |
| Whitmire | Willis | Wylie |
| T. R. Young |  |  |

**Total--43**

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

RECORD FOR VOTING

I was out of the Chamber on my way to a Florence debate but, I am against S. 1054 and would have voted against passage of the Bill.

Rep. Nikki Haley

RECORD FOR VOTING

I would have voted “Nay” on S. 1054, had I been present for the vote. I do not believe the State needs to be involved in this project.

Rep. Wendy Nanney

**S. 1054--MOTION TO RECONSIDER TABLED**

Rep. HERBKERSMAN moved to reconsider the vote whereby the following Bill was read second time:

S. 1054 -- Senators Pinckney, Malloy, Matthews, Anderson and Nicholson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO EXTRAORDINARY COMMERCIAL FACILITIES, BY ADDING SECTION 4-1-180 TO ALLOW COUNTIES THAT CREATE A MULTICOUNTY BUSINESS PARK TO DESIGNATE A PORTION OR ALL OF THAT PARK AS A DESIGNATED ECONOMIC DEVELOPMENT SITE FOR EXTRAORDINARY COMMERCIAL FACILITIES.

Rep. HERBKERSMAN moved to table the motion to reconsider.

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

Yeas 59; Nays 43

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Bowers | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| Cooper | Dillard | Edge |
| Gambrell | Govan | Gunn |
| Harrell | Harvin | Hearn |
| Herbkersman | Hodges | Hosey |
| Howard | Hutto | Jefferson |
| Jennings | Kennedy | King |
| Knight | Limehouse | Lowe |
| McEachern | McLeod | Merrill |
| Miller | V. S. Moss | J. H. Neal |
| Neilson | Ott | Pinson |
| Rutherford | Sellers | Skelton |
| J. E. Smith | Spires | Stavrinakis |
| Vick | Weeks | Whipper |
| White | Williams |  |

**Total--59**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bedingfield | Brady | Cato |
| Chalk | Cole | Crawford |
| Daning | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Harrison | Hiott | Horne |
| Huggins | Kelly | Kirsh |
| Loftis | Long | Lucas |
| D. C. Moss | Norman | Parker |
| Rice | Sandifer | Simrill |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Stewart |
| Thompson | Toole | Umphlett |
| Whitmire | Willis | Wylie |
| T. R. Young |  |  |

**Total--43**

So, the motion to reconsider was tabled.

RECORD FOR VOTING

I was temporarily out of the Chamber during the vote to reconsider second reading of S. 1054. Had I been present, I would have voted against this measure to reconsider.

Rep. James M. Neal

**S. 304--FREE CONFERENCE POWERS REJECTED**

Rep. EDGE moved that the Committee of Conference on the following Bill be resolved into a Committee of Free Conference and briefly explained the Conference Committee's reasons for this request:

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

The yeas and nays were taken resulting as follows:

Yeas 70; Nays 29

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| R. L. Brown | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cooper |
| Daning | Dillard | Edge |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Harrell |
| Harrison | Harvin | Hearn |
| Hodges | Horne | Hosey |
| Howard | Hutto | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Lowe | McEachern |
| McLeod | Merrill | Miller |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Sellers | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| A. D. Young |  |  |

**Total--70**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bedingfield |
| Cato | Cole | Delleney |
| Erickson | Forrester | Frye |
| Hiott | Huggins | Kelly |
| Kirsh | Loftis | Long |
| Lucas | Millwood | Norman |
| Parker | Pinson | Rice |
| Sandifer | Simrill | G. M. Smith |
| Thompson | Toole | Willis |
| Wylie | T. R. Young |  |

**Total--29**

So, Free Conference Powers were rejected.

Rep. PARKER moved that the House do now adjourn pending ratification, which was agreed to.

**RATIFICATION OF ACTS**

At 5:04 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R249, S. 329) -- Senators Fair and Campsen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑3‑580 SO AS TO PROHIBIT THE DISCLOSURE UNDER CERTAIN CIRCUMSTANCES OF THE IDENTITY OF MEMBERS OF AN EXECUTION TEAM AND TO ALLOW FOR CIVIL PENALTIES FOR A VIOLATION OF THE SECTION, AND BY ADDING SECTION 24‑3‑590 SO AS TO PROHIBIT LICENSING AGENCIES FROM TAKING ANY ACTION TO REVOKE, SUSPEND, OR DENY A LICENSE TO ANY PERSON SOLELY FOR HIS PARTICIPATION ON AN EXECUTION TEAM.

(R250, S. 391) -- Senators Rose, Davis, Bright, Martin and Sheheen: AN ACT TO AMEND CHAPTER 31, TITLE 41, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRIBUTIONS AND PAYMENTS TO THE UNEMPLOYMENT TRUST FUND, SO AS TO PROVIDE CERTAIN DEFINITIONS, TO CHANGE THE EMPLOYER’S MINIMUM BASE RATE, TO REVISE THE METHOD OF DETERMINING THE BASE RATE OF AN EMPLOYER ELIGIBLE FOR A RATE COMPUTATION, TO IMPOSE CERTAIN SURCHARGES ON EMPLOYERS TO PAY OUTSTANDING DEBT OF UNEMPLOYMENT INSURANCE TRUST FUND IN YEARS WHEN THE FUND IS INSOLVENT, TO DELETE LANGUAGE PROVIDING A STATEWIDE RESERVE RATIO, TO DELETE THE DEFINITION OF A NONPROFIT ORGANIZATION, TO MAKE CONFORMING CHANGES REFLECTING THE CREATION OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, AND TO CORRECT ARCANE LANGUAGE, AMONG OTHER THINGS; TO AMEND SECTION 41‑27‑310, RELATING TO THE DEFINITION OF THE TERM “INSURED WORKER”, SO AS TO INCREASE THE THRESHOLD AMOUNT OF EARNINGS A PERSON MUST HAVE TO QUALIFY AS AN INSURED WORKER, AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL FOUND QUALIFIED TO RECEIVE UNEMPLOYMENT BENEFITS PRIOR TO THE SECTION’S ENACTMENT; TO AMEND SECTION 41‑27‑380, AS AMENDED, RELATING TO THE DEFINITION OF THE TERM “WAGES”, SO AS TO PROVIDE AN EXCEPTION TO THE TERM; TO AMEND SECTION 41‑35‑40, RELATING TO WEEKLY BENEFITS, SO AS TO INCREASE THE MINIMUM WEEKLY BENEFIT AMOUNT; BY ADDING SECTION 41‑27‑760 SO AS TO PROVIDE THESE CANDIDATES MAY NOT DIRECTLY OR INDIRECTLY SEEK THE PLEDGE OF A MEMBER OF THE GENERAL ASSEMBLY FOR THEIR ELECTION TO THE PANEL, AND TO PROVIDE PENALTIES FOR A VIOLATION, AMONG OTHER THINGS; TO AMEND SECTION 41‑29‑40, AS AMENDED, RELATING TO UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE DIVISIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, SO AS TO DELETE LANGUAGE REQUIRING DIRECTORS APPOINTED TO THESE DIVISIONS MUST BE MADE ON A NONPARTISAN MERIT BASIS IN ACCORDANCE WITH CERTAIN STATUTORY PROVISIONS; BY ADDING SECTION 41‑27‑525 SO AS TO PROVIDE IF THE MAJORITY OF WEEKS IN A PERSON’S BASE PERIOD INCLUDES PART‑TIME WORK, HE MAY NOT BE DENIED UNEMPLOYMENT BENEFITS UNDER A PROVISION RELATED TO AVAILABILITY OF WORK, ACTIVE SEARCH FOR WORK, OR FAILURE TO ACCEPT WORK SOLELY BECAUSE HE ONLY SEEKS PART‑TIME WORK, AND TO DEFINE THE TERM “SEEKING ONLY PART‑TIME WORK”; TO AMEND SECTION 41‑27‑150, AS AMENDED, RELATING TO THE DEFINITION OF THE TERM “BASE PERIOD”, SO AS TO DEFINE THE TERM “ALTERNATE BASE PERIOD”, AND TO PROVIDE WAGES THAT FALL WITHIN THE BASE PERIOD FOR A CLAIM ESTABLISHED UNDER THIS SECTION MUST NOT BE AVAILABLE FOR USE IN QUALIFYING FOR A SUBSEQUENT BENEFIT YEAR; TO AMEND SECTION 41‑29‑300, RELATING TO THE CREATION AND COMPOSITION OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, SO AS TO IMPOSE A MANDATORY RETIREMENT AGE ON MEMBERS OF THE APPELLATE PANEL; AND TO AMEND SECTION 41‑35‑125, AS AMENDED, SO AS TO PROVIDE CERTAIN DEFINITIONS, AND TO PROVIDE AN INDIVIDUAL IS ELIGIBLE FOR WAITING WEEK CREDIT AND UNEMPLOYMENT COMPENSATION IF THE DEPARTMENT FINDS HE WAS SEPARATED FROM EMPLOYMENT DUE TO COMPELLING FAMILY CIRCUMSTANCES.

(R251, S. 406) -- Senator Grooms: AN ACT TO AMEND SECTION 40‑60‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, SO AS TO REDUCE THE NUMBER OF HOURS OF INSTRUCTION EACH YEAR FOR ASSESSORS WITH AN ACTIVE LICENSE OR CERTIFICATION FROM NINE HOURS TO SEVEN HOURS, AND TO MAKE TECHNICAL CHANGES.

(R252, S. 418) -- Senator L. Martin: AN ACT TO AMEND SECTION 7‑17‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEETINGS OF THE BOARD OF STATE CANVASSERS, SO AS 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, AS AMENDED, RELATING TO THE CONVENING OF THE COUNTY COMMISSIONERS OF ELECTION AS COUNTY BOARDS OF CANVASSERS, SO AS TO PROVIDE THAT ANY REQUIRED MEETINGS MAY BE CONVENED BY TELEPHONE OR ELECTRONIC COMMUNICATION.

(R253, S. 749) -- Senator Cleary: AN ACT TO AMEND SECTIONS 57‑1‑20 AND 57‑1‑30, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION AND ITS CONSTITUENT DIVISIONS, SO AS TO RECONSTITUTE THE DIVISION OF MASS TRANSIT AS THE DIVISION OF INTERMODAL AND FREIGHT PROGRAMS AND REVISE THE RESPONSIBILITIES OF THIS DIVISION; TO AMEND SECTIONS 57‑3‑10 AND 57-3-20, RELATING TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION AND THE RESPONSIBILITIES OF THE VARIOUS DIVISION DEPUTY DIRECTORS, SO AS TO REFLECT THE NEW DIVISION OF INTERMODAL AND FREIGHT PROGRAMS AND THE RESPONSIBILITIES OF THE NEW DIVISION’S DEPUTY DIRECTOR; BY ADDING SECTION 57‑3‑30 SO AS TO ESTABLISH THE OFFICE OF RAILROADS WITHIN THE DIVISION OF INTERMODAL AND FREIGHT PROGRAMS AND PROVIDE THE RESPONSIBILITIES AND FUNCTIONS OF THE OFFICE OF RAILROADS; TO AMEND SECTION 57‑3‑40, RELATING TO THE FUNCTIONS OF THE FORMER DIVISION OF MASS TRANSIT, SO AS TO ESTABLISH THE OFFICE OF PUBLIC TRANSIT WITHIN THE DIVISION OF INTERMODAL AND FREIGHT PROGRAMS AND PROVIDE FOR THE RESPONSIBILITIES AND FUNCTIONS OF THE OFFICE OF PUBLIC TRANSIT; BY ADDING SECTIONS 57‑3‑210, 57‑3‑220, AND 57‑3‑230 SO AS TO PROVIDE FOR THE FUNCTIONS AND RESPONSIBILITIES OF THE DEPARTMENT OF TRANSPORTATION WITH RESPECT TO PUBLIC TRANSIT PROGRAMS, PROVIDE FOR THE TEMPORARY USE OF RAILROAD RIGHT‑OF‑WAY CORRIDORS, AND PROVIDE FOR A SPECIAL ADVISORY COMMITTEE TO ASSIST THE DEPARTMENT OF TRANSPORTATION ON FREIGHT TRANSPORTATION ISSUES; AND TO AMEND SECTION 13‑1‑1710, AS AMENDED, RELATING TO THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO ADD THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AS AN EX OFFICIO MEMBER OF THE COUNCIL.

(R254, S. 850) -- Senator McGill: AN ACT TO AMEND SECTION 12‑6‑5060, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION ON A STATE INDIVIDUAL INCOME TAX RETURN OF A VOLUNTARY CONTRIBUTION BY THE TAXPAYER TO CERTAIN FUNDS, SO AS TO PROVIDE THAT A TAXPAYER MAY CONTRIBUTE TO THE SOUTH CAROLINA FORESTRY COMMISSION FOR USE IN THE STATE FOREST SYSTEM AND TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES FOR USE IN ITS PROGRAMS AND OPERATIONS; AND TO AMEND SECTION 12‑54‑250, AS AMENDED, RELATING TO THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO REQUIRE PAYMENT WITH IMMEDIATELY AVAILABLE FUNDS, SO AS TO DELETE PROVISIONS RELATING TO SIMULTANEOUS ACTS FOR PURPOSES OF INTEREST AND PENALTIES.

(R255, S. 932) -- Senators L. Martin and Campsen: AN ACT TO AMEND SECTION 50‑16‑25, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RELEASE OF PIGS FOR HUNTING PURPOSES, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, RELEASE, OR TRANSPORT FOR THE PURPOSE OF RELEASE A MEMBER OF THE SUIDAE FAMILY INTO THE WILD, EXCEPT THAT A CAPTURED FREE ROAMING PIG MAY BE RELEASED UNDER CERTAIN CONDITIONS UPON A PERMIT ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-11-710, RELATING TO THE PROHIBITION AGAINST NIGHT HUNTING, SO AS TO PERMIT THE NIGHT HUNTING OF HOGS UNDER SPECIFIED CONDITIONS; TO AMEND SECTION 50-16-70, RELATING TO PUNISHMENT FOR VIOLATIONS OF CHAPTER 16, TITLE 50, SO AS TO INCLUDE VIOLATIONS OF PERMIT CONDITIONS; TO ADD SECTION 50-9-655 SO AS TO REQUIRE PERMITS FOR TAKING, TRANSPORTING, AND RELEASING A PIG FROM A FREE ROAMING POPULATION AND FOR MAINTAINING A PIG HUNTING ENCLOSURE; AND TO REPEAL SECTION 5-11-380 RELATING TO UNLAWFUL POSSESSION OF CERTAIN AMMUNITION AND FIREARMS IN GAME ZONE 1.

(R256, S. 962) -- Senators Knotts and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑5‑115 SO AS TO PROVIDE THAT A DEPUTY CORONER MAY BE TRAINED AND CLASSIFIED AS A CLASS III OFFICER, AND PROVIDE THAT A DEPUTY CORONER WHO IS A CLASS III OFFICER MAY NOT ENFORCE THE STATE’S GENERAL CRIMINAL LAWS; AND TO AMEND SECTION 17-5-130, RELATING TO QUALIFICATIONS FOR A PERSON TO BECOME A CORONER, SO AS TO REVISE THE LIST OF QUALIFICATIONS, TO ESTABLISH THE PROCEDURES FOR FILING TO BECOME A CANDIDATE FOR THE OFFICE OF CORONER, AND TO PROVIDE THE QUALIFICATIONS FOR A PERSON TO BECOME A DEPUTY CORONER.

(R257, S. 1021) -- Senator Massey: AN ACT TO AMEND ACT 476 OF 1969, AS AMENDED, RELATING TO THE VALLEY PUBLIC SERVICE AUTHORITY IN AIKEN COUNTY, SO AS TO ADD TWO MEMBERS TO THE GOVERNING BOARD OF THE AUTHORITY AND TO PROVIDE FOR THEIR TERMS AND MANNER OF APPOINTMENT.

(R258, S. 973) -- Senators Campsen, Rose, Elliott and Knotts: AN ACT TO AMEND ARTICLE 7, CHAPTER 3, TITLE 23, CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “ELECTRONIC SECURING AND TARGETING OF ONLINE PREDATORS ACT (E‑STOP)”, BY ADDING SECTION 23‑3‑555 SO AS TO PROVIDE THAT A SEX OFFENDER WHO IS REQUIRED TO REGISTER WITH THE SEX OFFENDER REGISTRY MUST PROVIDE INFORMATION REGARDING THE OFFENDER’S INTERNET ACCOUNTS WITH INTERNET ACCESS PROVIDERS AND THE OFFENDER’S INTERNET IDENTIFIERS, TO PROVIDE THAT AN AUTHORIZED INTERNET ENTITY MAY REQUEST CERTAIN SEX OFFENDER REGISTRY INFORMATION FROM SLED, TO PROVIDE THAT SLED MUST PROVIDE CERTAIN SEX OFFENDER REGISTRY INFORMATION TO AN AUTHORIZED INTERNET ENTITY, TO PROVIDE THAT CERTAIN SEX OFFENDERS MUST, AS A CONDITION OF PROBATION OR PAROLE, BE PROHIBITED FROM USING THE INTERNET TO ACCESS SOCIAL NETWORKING WEBSITES, COMMUNICATE WITH OTHER PERSONS OR GROUPS FOR THE PURPOSE OF PROMOTING SEXUAL RELATIONS WITH PERSONS UNDER THE AGE OF EIGHTEEN, AND COMMUNICATE WITH PERSONS UNDER THE AGE OF EIGHTEEN, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 23‑3‑430, AS AMENDED, RELATING TO THE SEX OFFENDER REGISTRY, SO AS TO PROVIDE THAT A PERSON CONVICTED OF AN OFFENSE SPECIFIED BY THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT MUST BE REFERRED TO AS A SEX OFFENDER; TO AMEND SECTION 23‑3‑450, RELATING TO REQUIRING A SEX OFFENDER TO REGISTER WITH A SHERIFF’S DEPARTMENT, SO AS TO PROVIDE THAT A SEX OFFENDER ALSO MUST REGISTER WITH THE SHERIFF IN EACH COUNTY IN WHICH HE IS EMPLOYED OR ENROLLED, VOLUNTEERS, INTERNS, OR CARRIES ON A VOCATION AT A SCHOOL, TO REVISE THE PERIOD OF TIME IN WHICH A SHERIFF SHALL FORWARD REGISTRATION INFORMATION TO SLED, AND PROVIDE THAT A SHERIFF IN THE COUNTY IN WHICH AN OFFENDER IS EMPLOYED, IS ENROLLED, VOLUNTEERS, INTERNS, OR CARRIES ON A VOCATION AT A SCHOOL SHALL NOTIFY CERTAIN ENTITIES WITHIN THREE DAYS OF THE OFFENDER’S PRESENCE WITHIN THE LAW ENFORCEMENT AGENCY’S JURISDICTION; TO AMEND SECTION 23‑3‑460, AS AMENDED, RELATING TO LIFETIME REGISTRATION FOR SEX OFFENDERS, SO AS TO REVISE THE LIST OF COUNTIES IN WHICH AN OFFENDER MUST REGISTER, TO PROVIDE THAT A PERSON CLASSIFIED AS A TIER III OFFENDER MUST REGISTER EVERY NINETY DAYS, TO REVISE THE PERIOD IN WHICH AN OFFENDER MUST REGISTER, AND TO REVISE THE CIRCUMSTANCES UPON WHICH AN OFFENDER MUST REGISTER; TO AMEND SECTION 23‑3‑470, AS AMENDED, RELATING TO A SEX OFFENDER’S FAILURE TO REGISTER, SO AS TO REVISE THE INFORMATION THAT A SEX OFFENDER MUST PROVIDE TO A SHERIFF WHEN HE REGISTERS, TO REVISE THE PENALTY THAT MUST BE IMPOSED UPON AN OFFENDER WHO FAILS TO REGISTER, AND TO PROVIDE THAT A FIRST OFFENSE MAY BE TRIED IN MAGISTRATES COURT; TO AMEND SECTION 23‑3‑475, RELATING TO PENALTIES IMPOSED UPON A SEX OFFENDER WHO PROVIDES FALSE INFORMATION WHEN REGISTERING, SO AS TO REVISE THE PENALTIES AND PROVIDE THAT A FIRST OFFENSE MAY BE TRIED IN MAGISTRATES COURT; AND TO AMEND SECTION 23‑3‑530, AS AMENDED, RELATING TO SLED’S PROTOCOL MANUAL FOR ITS ADMINISTRATION OF THE SEX OFFENDER REGISTRY, SO AS TO REVISE THE PROVISIONS IN THE MANUAL RELATING TO THE REGISTERING AND REREGISTERING OF SEX OFFENDERS.

(R259, S. 1070) -- Senator Hayes: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING PART 7 TO ARTICLE 5, TITLE 62 SO AS TO ENACT THE “SOUTH CAROLINA ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT”, TO DEFINE NECESSARY TERMS, AND TO PROVIDE A UNIFORM PROCEDURE FOR JURISDICTION OVER ADULT GUARDIANSHIPS, CONSERVATORSHIPS, AND OTHER PROTECTIVE PROCEEDINGS TO ENSURE ONLY ONE STATE HAS JURISDICTION AT A GIVEN TIME.

(R260, S. 1078) -- Senators Jackson, Knotts, Courson, Ryberg, Nicholson, Sheheen, Thomas, Rose, Campbell, Malloy, Ford, L. Martin, Hayes, Verdin, Davis, Leventis and Cromer: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑264 SO AS TO REQUIRE THE OWNER OF A NURSING HOME OR A COMMUNITY RESIDENTIAL CARE FACILITY TO UNDERGO STATE AND NATIONAL CRIMINAL RECORDS CHECKS AS A REQUIREMENT OF LICENSURE AND TO ENUMERATE THOSE CRIMES THAT PRECLUDE LICENSURE; AND TO AMEND SECTION 44‑7‑2910, AS AMENDED, RELATING TO THE DEFINITION OF “DIRECT CARE ENTITY” AS USED IN CONNECTION WITH CONDUCTING CRIMINAL RECORD CHECKS OF DIRECT CARE STAFF.

(R261, S. 1134) -- Senators Peeler and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 59 SO AS TO ENACT THE “SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE” TO PROVIDE THAT SCHOOL DISTRICTS SHALL TAKE CERTAIN MEASURES TO HELP ENSURE THAT THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE ARE MET BY ASSISTING WITH ENROLLMENT, SCHOOL RECORDS AND CREDIT TRANSFERS, ACCESS TO RESOURCES AND ACTIVITIES, AND EXCUSED ABSENCE MAKE‑UP REQUIREMENTS; TO PROVIDE THAT SCHOOL DISTRICTS SHALL ALLOW AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES TO HAVE ACCESS TO SCHOOL RECORDS OF CHILDREN IN FOSTER CARE; AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE AN EDUCATIONAL ADVOCATE FOR CHILDREN IN FOSTER CARE.

(R262, S. 1154) -- Senators Malloy, Knotts, Campsen, McConnell, Fair, Cromer, Ford, Elliott, Scott, Nicholson, Coleman, Massey, Cleary, Hutto, Peeler, Williams, Land, Rose, Campbell, L. Martin, Leventis, Leatherman, Setzler, O’Dell, Hayes and Pinckney: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010”; TO AMEND SECTION 16‑11‑110, AS AMENDED, RELATING TO ARSON, SO AS TO RESTRUCTURE THE VARIOUS DEGREES OF ARSON AND THE PENALTIES; TO AMEND SECTION 16‑3‑210, RELATING TO LYNCHING IN THE FIRST DEGREE, SO AS TO RESTRUCTURE THE OFFENSE INTO VARYING DEGREES OF ASSAULT AND BATTERY BY MOB AND PROVIDE PENALTIES; TO REPEAL SECTIONS 16‑3‑220, 16‑3‑230, 16‑3‑240, 16‑3‑250, 16‑3‑260, AND 16‑3‑270 ALL RELATING TO LYNCHING AND MOB VIOLENCE; BY ADDING SECTION 16‑3‑29 SO AS TO CREATE THE OFFENSE OF ATTEMPTED MURDER AND PROVIDE A PENALTY; BY ADDING SECTION 16‑3‑600 SO AS TO DEFINE NECESSARY TERMS, CREATE VARIOUS LEVELS AND DEGREES OF ASSAULT AND BATTERY OFFENSES, AND TO PROVIDE PENALTIES; TO AMEND SECTION 16‑3‑610, RELATING TO ASSAULT WITH A CONCEALED WEAPON, SO AS TO REFERENCE THE NEW OFFENSES OF ATTEMPTED MURDER AND ASSAULT AND BATTERY AND MAKE TECHNICAL CHANGES; TO REPEAL SECTIONS 16‑3‑612, 16‑3‑620, 16‑3‑630, AND 16‑3‑635 ALL DEALING WITH VARIOUS ASSAULT AND BATTERY OFFENSES; TO REPEAL CERTAIN COMMON LAW ASSAULT AND BATTERY OFFENSES; TO AMEND SECTION 22‑3‑560, AS AMENDED, RELATING TO ASSAULT AND BATTERY OFFENSES IN MAGISTRATES COURT AND ASSAULT AND BATTERY AGAINST SPORTS OFFICIALS AND COACHES, SO AS TO REMOVE THE SPECIFIC REFERENCES TO ASSAULT AND BATTERY OFFENSES; TO AMEND SECTION 17‑15‑30, AS AMENDED, RELATING TO MATTERS TO BE CONSIDERED IN DETERMINING CONDITIONS OF RELEASE ON BAIL, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED TO THE COURT BEFORE A BAIL OR BOND HEARING BY LAW ENFORCEMENT; TO AMEND SECTION 22‑5‑510, RELATING TO BAIL AND BOND HEARINGS IN MAGISTRATES COURT, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED TO THE COURT BEFORE A BAIL OR BOND HEARING BY LAW ENFORCEMENT; TO AMEND SECTION 16‑11‑312, RELATING TO BURGLARY IN THE SECOND DEGREE, SO AS TO CREATE TWO TIERS OF BURGLARY IN THE SECOND DEGREE AND PROVIDE A PENALTY FOR THE FIRST; TO AMEND SECTION 16‑17‑420, RELATING TO DISTURBING SCHOOLS, SO AS TO VEST JURISDICTION WITH THE SUMMARY COURTS UNLESS THE PERSON IS A CHILD; BY ADDING SECTION 17‑25‑65 SO AS TO PROVIDE FOR REDUCTION IN A DEFENDANT’S SENTENCE IF HE PROVIDES SUBSTANTIAL ASSISTANCE TO THE STATE, TO PROVIDE A TIME FRAME FOR THE ASSISTANCE TO BE RENDERED, AND PROCEDURES THAT MUST BE FOLLOWED; TO AMEND SECTION 56‑1‑440, RELATING TO PENALTIES FOR DRIVING WITHOUT A LICENSE, AND SECTION 56‑3‑1970, AS AMENDED, RELATING TO UNLAWFUL PARKING IN A HANDICAPPED SPACE, BOTH SO AS TO VEST THE SUMMARY COURTS WITH JURISDICTION OVER THE OFFENSES; BY ADDING SECTION 56‑1‑395 SO AS TO DIRECT THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A DRIVER’S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM AND ESTABLISH POLICIES AND PROCEDURES FOR THE PROGRAM; BY ADDING SECTION 56‑1‑396 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A DRIVER’S LICENSE SUSPENSION AMNESTY PERIOD EACH YEAR AND TO ESTABLISH POLICIES AND PROCEDURES FOR THE PERIOD; TO AMEND SECTION 16‑11‑510, RELATING TO MALICIOUS INJURY TO ANIMALS AND OTHER PERSONAL PROPERTY, SECTION 16‑11‑520, RELATING TO MALICIOUS INJURY TO CERTAIN REAL PROPERTY, SECTION 16‑11‑523, RELATING TO OBTAINING NONFERROUS METALS UNLAWFULLY, SECTION 16‑13‑10, RELATING TO FORGERY, SECTION 16‑13‑30, RELATING TO PETIT AND GRAND LARCENY, SECTION 16‑13‑40, RELATING TO STEALING OF BONDS AND SIMILAR MATTERS, SECTION 16‑13‑50, RELATING TO STEALING OF LIVESTOCK, SECTION 16‑13‑66, RELATING TO PENALTIES FOR STEALING OR DAMAGING AQUACULTURE PRODUCTS OR FACILITIES, SECTION 16‑13‑70, RELATING TO STEALING OF VESSELS AND EQUIPMENT, SECTION 16‑13‑80, RELATING TO STEALING OF BICYCLES, SECTION 16‑13‑110, RELATING TO SHOPLIFTING, SECTION 16‑13‑180, RELATING TO RECEIVING STOLEN GOODS, SECTION 16‑13‑210, RELATING TO EMBEZZLEMENT OF PUBLIC FUNDS, SECTION 16‑13‑230, RELATING TO BREACH OF TRUST WITH FRAUDULENT INTENT, SECTION 16‑13‑240, RELATING TO OBTAINING SIGNATURE OR PROPERTY BY FALSE PRETENSES, SECTION 16‑13‑260, RELATING TO OBTAINING PROPERTY UNDER FALSE TOKENS OR LETTERS, SECTION 16‑13‑290, RELATING TO SECURING PROPERTY BY FRAUDULENT IMPERSONATION OF AN OFFICER, SECTION 16‑13‑331, RELATING TO UNAUTHORIZED REMOVAL OF LIBRARY PROPERTY, SECTION 16‑13‑420, RELATING TO FAILURE TO RETURN RENTED OBJECTS, SECTION 16‑13‑430, RELATING TO FRAUDULENT ACQUISITION OR USE OF FOOD STAMPS, SECTION 16‑14‑80, RELATING TO RECEIVING GOODS AND SERVICES FRAUDULENTLY OBTAINED, SECTION 16‑14‑100, RELATING TO PENALTIES FOR VIOLATION OF THE FINANCIAL TRANSACTION CARD CRIME ACT, SECTION 16‑17‑600, AS AMENDED, RELATING TO THE UNLAWFUL DESTRUCTION OR DESECRATION OF HUMAN REMAINS, SECTION 16‑21‑80, RELATING TO RECEIVING, POSSESSING, OR SELLING A STOLEN VEHICLE, SECTION 36‑9‑410, RELATING TO UNLAWFUL SALE OR DISPOSAL OF PERSONAL PROPERTY SUBJECT TO A SECURITY INTEREST, SECTION 38‑55‑170, RELATING TO PRESENTING FALSE CLAIMS FOR PAYMENT, SECTION 45‑1‑50, AS AMENDED, RELATING TO DEFRAUDING A KEEPER OF A HOTEL, CAMPGROUND, OR RESTAURANT, SECTION 45‑2‑40, RELATING TO VIOLATIONS COMMITTED ON THE PREMISES OF LODGING ESTABLISHMENTS, SECTION 46‑1‑20, AS AMENDED, RELATING TO STEALING CROPS, SECTION 46‑1‑40, AS AMENDED, RELATING TO STEALING TOBACCO PLANTS, SECTION 46‑1‑60, AS AMENDED, RELATING TO STEALING PRODUCE, SECTION 46‑1‑70, AS AMENDED, RELATING TO FACTORS OR COMMISSION MERCHANTS FAILING TO ACCOUNT FOR PRODUCE, AND SECTION 49‑1‑50, RELATING TO THE UNLAWFUL PURCHASE OR SALE OF DRIFTED LUMBER OR TIMBER, ALL SO AS TO RESTRUCTURE THE FINES AND PLACE JURISDICTION OVER THE LOWEST LEVEL OFFENSES IN MAGISTRATES OR MUNICIPAL COURTS; TO REPEAL SECTION 16‑13‑425 RELATING TO THE UNLAWFUL FAILURE TO RETURN RENTED VIDEOS; TO AMEND SECTION 56‑1‑460, RELATING TO PENALTIES FOR DRIVING UNDER SUSPENSION, SO AS TO RESTRUCTURE THE PENALTIES, TO PROVIDE FOR THE POSSIBILITY OF HOME DETENTION, AND TO PROVIDE PROCEDURES FOR OBTAINING A ROUTE RESTRICTED DRIVER’S LICENSE UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 56‑1‑1105 SO AS TO CREATE A HABITUAL OFFENDER OFFENSE FOR THOSE PERSONS WHO REPEATEDLY VIOLATE THE DRIVING UNDER SUSPENSION LAWS AND TO PROVIDE PENALTIES FOR THE TWO LEVELS CREATED; TO AMEND SECTION 16‑5‑50, RELATING TO THE PENALTY FOR HINDERING OFFICERS OR RESCUING PRISONERS, SO AS TO REVISE THE PENALTY; TO AMEND SECTION 17‑25‑45, AS AMENDED, RELATING TO TWO/THREE STRIKES LAW FOR REPEAT SERIOUS AND MOST SERIOUS OFFENDERS, SO AS TO ADD OFFENSES TO BOTH DELINEATED LISTS, PROVIDE EXCEPTIONS TO THE WORK RELEASE PROHIBITIONS UNDER CERTAIN CIRCUMSTANCES, AND DELETE THE REQUIREMENT THAT THE INVOCATION OF THE TWO/THREE STRIKES PROVISIONS ARE MANDATORY; TO AMEND SECTION 16‑3‑20, AS AMENDED, RELATING TO MURDER, SO AS TO RESTRUCTURE THE PENALTY TO DEATH OR A MANDATORY MINIMUM OF THIRTY YEARS TO LIFE; TO REPEAL SECTIONS 16‑3‑30, 16‑3‑40, AND 16‑3‑430 RELATING TO KILLING BY POISON, KILLING BY STABBING OR THRUSTING, AND KILLING IN A DUEL, RESPECTIVELY; TO AMEND SECTION 14‑25‑65, AS AMENDED, RELATING TO MUNICIPAL COURT JURISDICTION, SO AS TO PROVIDE THE MUNICIPAL COURT HAS THE CIVIL JURISDICTION OF THE MAGISTRATES COURT; TO AMEND SECTION 22‑3‑550, RELATING TO MAGISTRATES COURT JURISDICTION, SO AS TO REFERENCE THE CIVIL JURISDICTIONAL AMOUNT IN SECTION 22‑3‑10; BY ADDING SECTION 16‑23‑500 SO AS TO CREATE THE OFFENSE OF UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT OFFENSE, TO PROVIDE A PENALTY, AND TO PROVIDE FOR CONFISCATION OF THE FIREARM OR AMMUNITION; TO AMEND SECTION 16‑1‑60, AS AMENDED, RELATING TO THE DEFINITION OF VIOLENT CRIMES, SO AS TO ADD A NUMBER OF ADDITIONAL OFFENSES TO THE DELINEATED LIST; TO AMEND SECTION 16‑23‑490, RELATING TO ADDITIONAL PUNISHMENT FOR THE POSSESSION OF A KNIFE OR FIREARM DURING THE COMMISSION OF A VIOLENT CRIME, SECTION 24‑13‑125, RELATING TO ELIGIBILITY FOR WORK RELEASE, SECTION 24‑13‑650, RELATING TO THE PROHIBITION AGAINST RELEASE OF AN OFFENDER INTO A COMMUNITY IN WHICH HE COMMITTED A VIOLENT CRIME, AND SECTION 24‑3‑20, RELATING TO CUSTODY OF CONVICTED PERSONS AND PARTICIPATION IN WORK RELEASE PROGRAMS, ALL SO AS TO ALLOW PARTICIPATION IN WORK RELEASE PROGRAMS BY CERTAIN OFFENDERS UNDER CERTAIN CONDITIONS AND CIRCUMSTANCES; TO AMEND SECTIONS 24‑19‑10, 22‑5‑920, AS AMENDED, 24‑19‑110, AS AMENDED, AND 24‑19‑120, ALL RELATING TO THE TREATMENT OF YOUTHFUL OFFENDERS, SO AS TO AMEND THE DEFINITION OF THE TERM “YOUTHFUL OFFENDER”, TO CLARIFY THE TERM, AND TO PROVIDE FOR THE NOTIFICATION OF VICTIMS BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, RESPECTIVELY; TO AMEND SECTION 14‑1‑213, RELATING TO THE SURCHARGE ON DRUG OFFENSES, SO AS TO INCREASE THE SURCHARGE FROM ONE HUNDRED TO ONE HUNDRED FIFTY DOLLARS; TO AMEND SECTION 44‑53‑160, RELATING TO THE MANNER IN WHICH CHANGES TO THE SCHEDULE OF CONTROLLED SUBSTANCES ARE MADE, SO AS TO CHANGE THE METHOD OF NOTIFYING THE GENERAL ASSEMBLY WHEN A CONTROLLED SUBSTANCE IS ADDED, DELETED, OR RESCHEDULED; TO AMEND SECTIONS 44‑53‑370 AND 44‑53‑375, BOTH AS AMENDED, BOTH RELATING TO POSSESSION, MANUFACTURE, AND TRAFFICKING IN CERTAIN DRUG OFFENSES, BOTH SO AS TO ALLOW PERSONS CONVICTED OF CERTAIN DRUG OFFENSES TO HAVE THEIR SENTENCE SUSPENDED OR PROBATION GRANTED AND ALLOW THEM TO PARTICIPATE IN CERTAIN WORK AND EARLY RELEASE PROGRAMS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 44‑53‑445, RELATING TO DISTRIBUTION OF CONTROLLED SUBSTANCES WITHIN A CERTAIN PROXIMITY OF A SCHOOL, SO AS TO RESTRUCTURE THE OFFENSE TO REQUIRE KNOWLEDGE OF THE PROXIMITY TO A SCHOOL, AMONG OTHER THINGS; TO AMEND SECTION 44‑53‑450, AS AMENDED, RELATING TO CONDITIONAL DISCHARGE AND EXPUNGEMENT OF CERTAIN DRUG OFFENSES, SO AS TO INCLUDE CERTAIN DRUG OFFENSES IN SECTION 44‑53‑375 IN THE PURVIEW OF THE STATUTE, PROVIDE A FEE FOR EXPUNGEMENT, AND PROVIDE THAT THE FUNDS COLLECTED BE PROVIDED FOR DRUG TREATMENT COURT PROGRAMS; TO AMEND SECTION 44‑53‑470, AS AMENDED, RELATING TO THE DEFINITION OF “SECOND OR SUBSEQUENT OFFENSE” FOR PURPOSES OF CONTROLLED SUBSTANCE LAWS, SO AS TO PROVIDE A NEW STRUCTURE OF DETERMINING WHAT CONSTITUTES A SECOND OR SUBSEQUENT OFFENSE; TO AMEND SECTION 44‑53‑582, RELATING TO THE RETURN OF MONIES USED TO PURCHASE CONTROLLED SUBSTANCES, SO AS TO PROVIDE THAT THE COURT MAY ORDER THE DEFENDANT TO RETURN MONIES USED BY LAW ENFORCEMENT TO PURCHASE CONTROLLED SUBSTANCES DURING AN INVESTIGATION; TO AMEND SECTION 56‑1‑745, RELATING TO DRIVER’S LICENSE SUSPENSIONS FOLLOWING CONVICTION FOR CONTROLLED SUBSTANCE VIOLATIONS, SO AS TO RESTRUCTURE THE TIME PERIOD OF SUSPENSION TO PROVIDE FOR A SUSPENSION OF SIX MONTHS FOR ALL CONTROLLED SUBSTANCE VIOLATIONS; BY ADDING SECTION 24‑21‑5 SO AS TO DEFINE NECESSARY TERMS; TO AMEND SECTION 24‑21‑10, RELATING TO THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE QUALIFICATIONS FOR BOARD MEMBERS, COMPREHENSIVE TRAINING, AND REQUIRE THE DEPARTMENT TO DEVELOP A PROCESS FOR ADOPTING AN ASSESSMENT TOOL; TO AMEND SECTION 24‑21‑13, RELATING TO POLICIES AND PROCEDURES THAT MUST BE FOLLOWED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE BOARD, SO AS TO INCLUDE THE USE OF A STRUCTURED DECISION‑MAKING GUIDE AND ADD TREATMENT PROGRAMS; BY ADDING SECTION 24‑21‑32 SO AS TO PROVIDE FOR REENTRY SUPERVISION FOR INMATES NOT SENTENCED TO COMMUNITY SUPERVISION AND TO PROVIDE POLICIES AND PROCEDURES FOR THE NEW REENTRY SUPERVISION; TO AMEND SECTION 24‑21‑220, RELATING TO POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO INCLUDE ASSESSMENT IN THE DELINEATED LIST; TO AMEND SECTION 24‑21‑280, RELATING TO DUTIES AND POWERS OF PROBATION AGENTS, SO AS TO INCORPORATE THE REQUIRED USE OF EVIDENCE‑BASED PRACTICES TO REDUCE RECIDIVISM, REQUIRE ACTUARIAL ASSESSMENT OF CERTAIN CRIMINAL RISK FACTORS, AND TO ALLOW CERTAIN EARNED COMPLIANCE CREDITS; TO AMEND SECTION 24‑21‑230, RELATING TO EMPLOYMENT AND TRAINING OF PROBATION AGENTS AND OTHER STAFF, SO AS TO REQUIRE THE EMPLOYMENT OF HEARING OFFICERS AND THEIR DUTIES; BY ADDING SECTION 24‑21‑100 SO AS TO CREATE ADMINISTRATIVE MONITORING WHEN FINANCIAL OBLIGATIONS HAVE NOT BEEN MET BY THE END OF THE TERM OF SUPERVISION AND TO PROVIDE PROCEDURES FOR ADMINISTRATIVE MONITORING; BY ADDING SECTION 24‑21‑110 SO AS TO PROVIDE FOR ADMINISTRATIVE SANCTIONS FOR VIOLATORS OF SPECIAL CONDITIONS AND TO PROVIDE FOR A PROCEDURE TO ADMINISTER THESE ADMINISTRATIVE SANCTIONS; TO AMEND SECTION 24‑21‑490, RELATING TO COLLECTION AND DISTRIBUTION OF RESTITUTION, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FINANCIAL OBLIGATIONS COLLECTED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES; BY ADDING SECTION 24‑21‑715 SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE FOR PAROLE FOR THE TERMINALLY ILL, GERIATRIC, OR PERMANENTLY DISABLED INMATE, AND TO PROVIDE PROCEDURES FOR PAROLE ON THESE GROUNDS; BY ADDING ARTICLE 11 TO CHAPTER 22, TITLE 17 SO AS TO DEFINE NECESSARY TERMS, CREATE THE OFFICE OF PRETRIAL COORDINATOR, AND REQUIRE CERTAIN DATA AND REPORTING OF DIVERSION PROGRAMS; TO AMEND SECTION 24‑13‑2130, RELATING TO MEMORANDUM OF UNDERSTANDING BETWEEN VARIOUS CORRECTIONAL AND EMPLOYMENT AND JOB SKILLS AGENCIES, SO AS TO INCLUDE THE REQUIREMENT THAT LIFE SKILLS ASSESSMENTS BE BASED ON EVIDENCE‑BASED PRACTICES AND CRIMINAL RISK FACTOR ANALYSIS AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE A PHOTO IDENTIFICATION CARD FOR INMATES WHO ARE RELEASED FROM A CORRECTIONAL FACILITY; TO AMEND SECTION 24‑21‑645, RELATING TO PAROLE, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 16‑1‑130, RELATING TO PERSONS NOT ELIGIBLE FOR DIVERSION PROGRAMS, SO AS TO ALLOW PERSONS CURRENTLY ON PAROLE OR PROBATION TO PARTICIPATE AS LONG AS THEY ARE NOT ON PAROLE OR PROBATION FOR A VIOLENT OFFENSE AND TO CLARIFY THAT CONSENT OF THE VICTIM IS NOT NECESSARY IF REASONABLE ATTEMPTS TO CONTACT THE VICTIM HAVE BEEN MADE UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 2‑7‑74 SO AS TO DEFINE THE TERM “STATEMENT OF ESTIMATED FISCAL IMPACT” AND TO REQUIRE STATEMENTS OF ESTIMATED FISCAL IMPACT UNDER CERTAIN PARAMETERS FOR LEGISLATION WHICH CREATES OR AMENDS A CRIMINAL OFFENSE; AND BY ADDING CHAPTER 28 TO TITLE 24 SO AS TO CREATE THE SENTENCING REFORM OVERSIGHT COMMITTEE AND PROVIDE FOR THE MEMBERSHIP AND DUTIES OF THE COMMITTEE.

(R263, S. 1167) -- Senators L. Martin, Bryant, Bright, Cromer, Rose, S. Martin, Campsen and Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING CHAPTER 29, TITLE 23 RELATING TO THE SUBVERSIVE ACTIVITIES REGISTRATION ACT.

(R264, S. 1171) -- Senator Hutto: AN ACT TO AMEND SECTION 56‑1‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO DRIVER’S LICENSES, SO AS TO CHANGE CERTAIN EXISTING DEFINITIONS AND TO DEFINE “HOME JURISDICTION”; TO AMEND SECTION 56‑1‑640, RELATING TO RECIPROCITY IN REPORTING CERTAIN CONVICTIONS TO OTHER PARTY JURISDICTIONS, SO AS TO INCLUDE CANADA AND MEXICO AS PARTY JURISDICTIONS; TO AMEND SECTION 56‑1‑2030, AS AMENDED, RELATING TO CERTAIN DEFINITIONS PERTAINING TO COMMERCIAL DRIVER’S LICENSES, SO AS TO MODIFY THE DEFINITION OF HAZARDOUS MATERIAL; TO AMEND SECTION 56‑1‑2100, RELATING TO COMMERCIAL DRIVER’S LICENSE CLASSIFICATIONS, SO AS TO MODIFY THE DESCRIPTION OF A CLASS C VEHICLE; AND TO AMEND SECTION 56‑1‑2070, RELATING TO VIOLATIONS FOR OUT‑OF‑SERVICE ORDERS, SO AS TO PROVIDE GRADUATED FINES FOR THESE VIOLATIONS.

(R265, S. 1224) -- Senator Thomas: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “MICHELLE’S LAW” BY ADDING SECTIONS 38‑71‑355 AND 38‑71‑785 SO AS TO REQUIRE HEALTH INSURANCE ISSUERS TO PERMIT A DEPENDENT CHILD ON A MEDICALLY NECESSARY LEAVE OF ABSENCE FROM A POSTSECONDARY EDUCATIONAL INSTITUTION TO CONTINUE DEPENDENT COVERAGE AND TO PROVIDE FOR THE REQUIREMENTS RELATED TO THAT COVERAGE; TO AMEND SECTION 38‑71‑850, RELATING TO THE DEFINITION OF “CREDITABLE COVERAGE” FOR GROUP HEALTH INSURANCE COVERAGE AND SPECIAL ENROLLMENT IN GROUP HEALTH INSURANCE COVERAGE, BOTH UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN’S HEALTH INSURANCE PROGRAM AND TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE CHILDREN’S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009 TO PROVIDE FOR SPECIAL ENROLLMENT OF AN EMPLOYEE OR AN EMPLOYEE’S DEPENDENT IN THE CASE OF TERMINATION OF MEDICAID COVERAGE OR COVERAGE UNDER A STATE CHILDREN’S HEALTH INSURANCE PROGRAM OR THE INDIVIDUAL BECOMING ELIGIBLE FOR ASSISTANCE IN THE PURCHASE OF EMPLOYMENT‑BASED COVERAGE; TO AMEND SECTION 38‑74‑10, AS AMENDED, RELATING TO THE DEFINITION OF “CREDITABLE COVERAGE” FOR THE SOUTH CAROLINA HEALTH INSURANCE POOL, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN’S HEALTH INSURANCE PROGRAM; TO AMEND SECTIONS 38‑90‑40, AS AMENDED, 38‑90‑45, AND 38‑90‑50, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT THE DIRECTOR OF INSURANCE MAY CONSIDER THE NET AMOUNT OF RISK RETAINED FOR AN INDIVIDUAL RISK WHEN ARRIVING AT A FINDING RELATING TO ADDITIONAL CAPITAL OR NET ASSETS REQUIREMENTS; TO AMEND SECTION 38‑90‑70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO REQUIRE AN ASSOCIATION CAPTIVE INSURANCE COMPANY AND INDUSTRIAL INSURED GROUP TO SUBMIT ITS REPORT IN THE MANNER REQUIRED BY SECTION 38‑13‑80; TO AMEND SECTION 38‑90‑80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO PERMIT THE DIRECTOR TO GRANT ACCESS TO, USE, AND MAKE PUBLIC CERTAIN INFORMATION DISCOVERED OR DEVELOPED DURING THE COURSE OF AN EXAMINATION; TO AMEND SECTION 38‑90‑160, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO CAPTIVE INSURANCE COMPANIES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO CAPTIVE INSURANCE COMPANIES AND TO PROVIDE A LISTING OF THOSE PROVISIONS OF TITLE 38 THAT APPLY TO CERTAIN CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38‑90‑430, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO SPECIAL PURPOSE FINANCIAL CAPTIVES; AND TO AMEND CHAPTER 93, TITLE 38, RELATING TO THE PRIVACY OF GENETIC INFORMATION, SO AS TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 TO PROHIBIT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION, PROVIDE FOR THE REQUIREMENTS RELATING TO THE COLLECTION OF GENETIC INFORMATION, AND TO PROVIDE FOR THE SCOPE OF THE CHAPTER.

(R266, S. 1294) -- Senator Peeler: AN ACT TO AMEND SECTION 50‑11‑2540, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRAPPING SEASON OF FURBEARING ANIMALS, SO AS TO CHANGE FROM JANUARY TO DECEMBER AS THE BEGINNING OF THE TRAPPING SEASON, TO DELETE THE MAXIMUM SIXTY‑ONE DAY SEASON LIMITATION, TO AUTHORIZE THE TRAPPING OF COYOTES FROM DECEMBER FIRST OF EACH YEAR TO MARCH FIRST OF THE SUCCEEDING YEAR, AND AUTHORIZE THE TAKING OF COYOTES BY OTHER LAWFUL MEANS AT ANY TIME DURING THE YEAR.

(R267, S. 1303) -- Senator Fair: AN ACT TO AMEND SECTION 42‑7‑65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AVERAGE WEEKLY WAGE DESIGNATED FOR CERTAIN CATEGORIES OF EMPLOYEES, SO AS TO ESTABLISH THE AVERAGE WEEKLY WAGE FOR AN INMATE WHO WORKS IN A FEDERALLY APPROVED PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM.

(R268, H. 3358) -- Reps. Harrison, Weeks, Horne, Hutto and Whipper: AN ACT TO AMEND SECTION 43‑35‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITION OF “INVESTIGATIVE ENTITY” BY INCLUDING THE VULNERABLE ADULTS INVESTIGATIONS UNIT AND THE MEDICAID FRAUD CONTROL UNIT, TO REVISE THE DEFINITION OF “NEGLECT”, AND TO DEFINE “OPERATED FACILITY” AND “CONTRACTED FACILITY”; TO AMEND SECTION 43-35-15, AS AMENDED, RELATING TO RESPONSIBILITIES OF INVESTIGATIVE ENTITIES UPON RECEIPT OF A REPORT, SO AS TO CLARIFY THAT REFERRAL OF A CASE TO A PROSECUTOR MUST BE MADE WHEN FURTHER ACTION IS NECESSARY; TO AMEND SECTION 43-35-35, AS AMENDED, RELATING TO REPORTING DEATHS WHEN ABUSE OR NEGLECT IS SUSPECTED, SO AS TO PROVIDE THAT DEATHS IN A FACILITY REFERRED TO THE VULNERABLE ADULTS INVESTIGATIONS UNIT MUST BE INVESTIGATED PURSUANT TO SECTION 43-35-520; TO AMEND SECTION 43‑35‑40, AS AMENDED, RELATING TO REQUIREMENTS OF AN INVESTIGATIVE ENTITY UPON RECEIVING A REPORT OF ADULT ABUSE, SO AS TO FURTHER SPECIFY AND CLARIFY PROCEDURES FOR REPORTING CASES IN WHICH THERE IS A REASONABLE SUSPICION OF CRIMINAL CONDUCT; TO AMEND SECTION 43‑35‑85, AS AMENDED, RELATING TO CRIMINAL PENALTIES FOR FAILING TO REPORT ADULT ABUSE WHEN REQUIRED TO REPORT AND PENALTIES FOR COMMITTING ABUSE, SO AS TO DELETE PROVISIONS REQUIRING ACTUAL KNOWLEDGE OF ABUSE, NEGLECT, OR EXPLOITATION AND TO DELETE PROVISIONS AUTHORIZING DISCIPLINARY ACTION TO BE TAKEN BY A PERSON’S LICENSING BOARD WHEN THE PERSON IS REQUIRED TO REPORT AND FAILS TO MAKE A REPORT WHEN THE PERSON HAS REASON TO BELIEVE THAT ABUSE OCCURRED; TO AMEND SECTION 43-35-520, RELATING TO THE RESPONSIBILITY OF THE VULNERABLE ADULTS INVESTIGATIONS UNIT TO INVESTIGATE FATALITIES OCCURRING IN FACILITIES OPERATED BY, OR CONTRACTED FOR OPERATIONS BY, THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO REQUIRE THE UNIT TO ALSO INVESTIGATE FATALITIES OCCURRING IN A NURSING HOME CONTRACTED FOR OPERATION BY THE DEPARTMENT OF MENTAL HEALTH WHEN ABUSE OR NEGLECT OR CERTAIN OTHER CIRCUMSTANCES OF THE DEATH ARE PRESENT; BY ADDING SECTION 44-7-295 SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ENTER FACILITIES AT ALL TIMES TO INSPECT CONDITIONS RELATING TO THE STATE CERTIFICATION OF NEED AND HEALTH LICENSURE ACT, TO COPY RECORDS, AND TO OBTAIN A WARRANT FOR THESE PURPOSES WHEN ENTRY IS DENIED OR NO EMERGENCY EXISTS; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO INFORMATION RECEIVED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WHEN CONDUCTING INSPECTIONS, SO AS TO PROVIDE THAT THE DEPARTMENT’S AUTHORITY INCLUDES INSPECTIONS OF ACTIVITIES LICENSED BY THE DEPARTMENT AND TO DELETE REFERENCES TO GROUP HOMES; TO AMEND SECTION 44-7-320, RELATING TO SANCTIONS THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY IMPOSE ON A PERSON OR FACILITY FOR VIOLATIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH LICENSURE ACT, SO AS TO PROVIDE THAT THE DEPARTMENT MAY IMPOSE BOTH A MONETARY PENALTY AND SUSPENSION OR REVOCATION OF A LICENSE; AND TO AMEND SECTION 23-3-810, RELATING TO RESPONSIBILITIES OF THE VULNERABLE ADULTS INVESTIGATIONS UNIT, SO AS TO CLARIFY THAT REFERRAL OF A CASE TO A PROSECUTOR MUST BE MADE WHEN FURTHER ACTION IS NECESSARY.

(R269, H. 3393) -- Reps. Spires, Clyburn, Herbkersman, Hosey, Jefferson, Knight, Long, D.C. Smith, J.R. Smith, Williams, Forrester, A.D. Young, Huggins and Hiott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑190 SO AS TO REQUIRE THE BOARD OF MEDICAL EXAMINERS TO ISSUE A WRITTEN PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER INFLUENZA VACCINES AND CERTAIN MEDICATIONS WITHOUT AN ORDER OF A PRACTITIONER AND TO PROVIDE FOR THE CONTENTS OF THE PROTOCOL; AND BY ADDING SECTION 40‑43‑200 SO AS TO CREATE A JOINT PHARMACIST ADMINISTERED INFLUENZA VACCINES COMMITTEE UNDER THE BOARD OF MEDICAL EXAMINERS AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES, INCLUDING ASSISTING THE BOARD IN ESTABLISHING A WRITTEN PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER INFLUENZA VACCINES WITHOUT AN ORDER OF A PRACTITIONER.

(R270, H. 3706) -- Reps. Weeks and Harrison: AN ACT TO AMEND SECTION 8‑13‑1348, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO AUTHORIZE A DEBIT CARD OR ONLINE TRANSFER ON A CAMPAIGN ACCOUNT MAY BE USED ON EXPENDITURES MORE THAN TWENTY‑FIVE DOLLARS IN ADDITION TO A WRITTEN INSTRUMENT, AND PROVIDE CONDITIONS ON THESE BANKING TRANSACTIONS.

(R271, H. 3735) -- Rep. Vick: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2010”, BY ADDING SECTION 44‑43‑730 SO AS TO PROVIDE THAT IF A PERSON DIES IN A HOSPITAL OR HEALTH CARE FACILITY WHERE INVASIVE PROCEDURES ARE PERFORMED, THE PERSON AUTHORIZED TO CONSENT HAS THE RIGHT TO HAVE AN AUTOPSY PERFORMED; THE HOSPITAL OR HEALTH CARE FACILITY SHALL INFORM IN WRITING THE PERSON AUTHORIZED TO CONSENT OF THE RIGHT TO HAVE AN AUTOPSY PERFORMED AND THAT IT MUST BE PAID FOR BY A PRIVATE SOURCE; AND TO AMEND SECTION 17‑5‑530, RELATING TO CIRCUMSTANCES REQUIRING THE CORONER OR MEDICAL EXAMINER TO BE NOTIFIED OF CERTAIN DEATHS, SO AS TO REQUIRE SUCH NOTIFICATION WHEN A PERSON DIES IN A HEALTH CARE FACILITY, OTHER THAN A NURSING HOME, WITHIN TWENTY FOUR HOURS OF ENTERING THE HEALTH CARE FACILITY OR WITHIN TWENTY‑FOUR HOURS OF HAVING AN INVASIVE SURGICAL PROCEDURE PERFORMED AT THE HEALTH CARE FACILITY, AND TO PROVIDE THAT THE AUTOPSY MUST NOT BE PERFORMED AT THE HEALTH CARE FACILITY OR BY A PHYSICIAN AT THE HEALTH CARE FACILITY.

(R272, H. 3790) -- Rep. Sandifer: AN ACT TO AMEND SECTION 40‑58‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN DEFINITIONS PERTAINING TO THE LICENSURE OF MORTGAGE BROKERS, SO AS TO DEFINE A “QUALIFIED LOAN ORIGINATOR”; TO AMEND SECTION 40‑58‑50, AS AMENDED, RELATING TO QUALIFIED LOAN ORIGINATORS, SO AS TO REQUIRE LICENSURE FOR A QUALIFIED LOAN ORIGINATOR, TO PROVIDE APPLICATIONS PROCEDURES AND QUALIFICATION REQUIREMENTS; TO AMEND SECTION 37‑3‑501, AS AMENDED, RELATING TO THE DEFINITION OF A SUPERVISED LOAN, SO AS TO PROVIDE EXCEPTIONS TO THIS DEFINITION; AND TO AMEND SECTION 37‑3‑503, RELATING TO A LICENSE TO MAKE A SUPERVISED LOAN, SO AS TO PROHIBIT A PERSON LICENSED TO MAKE A SUPERVISED LOAN FROM ENGAGING IN CERTAIN CLOSED‑END CREDIT TRANSACTIONS, AND TO PROVIDE GRADUATED PENALTIES FOR VIOLATIONS.

(R273, H. 3800) -- Reps. Toole, Erickson, Brady, Bowen, Brantley, Parker, Allison, Cato, Crawford, Dillard, Duncan, Gullick, Gunn, Horne, Hosey, Jefferson, Littlejohn, Millwood, Mitchell, Pinson, Stringer, Willis, Wylie, A.D. Young, J.E. Smith, Clemmons, Hutto and Viers: AN ACT TO AMEND SECTION 63‑7‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT ABUSE OR NEGLECT OF A CHILD, SO AS TO INCLUDE A SCHOOL ATTENDANCE OFFICER, FOSTER PARENT, JUVENILE JUSTICE WORKER, AND VOLUNTEER NON‑ATTORNEY GUARDIAN AD LITEM SERVING ON BEHALF OF THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM OR ON BEHALF OF RICHLAND COUNTY CASA AS AMONG THE PEOPLE WHO MUST REPORT CERTAIN ALLEGATIONS OF CHILD ABUSE OR NEGLECT, AND TO ENCOURAGE OTHER PEOPLE, INCLUDING BUT NOT LIMITED TO A VOLUNTEER NON‑ATTORNEY GUARDIAN AD LITEM SERVING ON BEHALF OF THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM OR ON BEHALF OF RICHLAND COUNTY CASA, TO REPORT THIS ABUSE.

(R274, H. 3803) -- Reps. Bannister, Harrison and Weeks: AN ACT TO AMEND SECTIONS 62‑1‑201, 62‑1‑304, 62‑1‑401, 62‑1‑403, 62‑2‑205, 62‑2‑402, 62‑3‑203, 62‑3‑401, 62‑3‑403, 62‑3‑409, 62‑3‑414, 62‑3‑502, 62‑3‑503, 62‑3‑604, 62‑3‑607, 62‑3‑611, 62‑3‑806, 62‑3‑911, 62‑3‑1001, 62‑3‑1008, 62‑3‑1101, 62‑3‑1102, 62‑3‑1309, 62‑5‑101, 62‑5‑303, 62‑5‑305, 62‑5‑307, 62‑5‑309, 62‑5‑310, 62‑5‑401, 62‑5‑402, 62‑5‑405, 62‑5‑407, 62‑5‑411, 62‑5‑412, 62‑5‑416, 62‑5‑419, 62‑5‑428, 62‑5‑430, 62‑5‑501, 62‑5‑504, AS AMENDED, 62‑5‑604, AND 62‑5‑608, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE VARIOUS ACTIONS AND PROCEEDINGS CONCERNING THE AFFAIRS OF DECEDENTS, PROTECTED PERSONS, MINORS, AND INCAPACITATED PERSONS FALLING UNDER THE SUBJECT MATTER JURISDICTION OF THE PROBATE COURT, SO AS TO DIFFERENTIATE BETWEEN A FORMAL PROCEEDING AND AN APPLICATION TO THE COURT AND THE PROCEDURAL RULES GOVERNING EACH, TO REQUIRE THE FILING AND SERVICE OF A SUMMONS AND PETITION TO COMMENCE A FORMAL PROCEEDING, AND TO DISTINGUISH THAT REQUIREMENT OF SUMMONS AND PETITION FROM THE NOTICE REQUIREMENTS FOR A HEARING ON A PETITION; AND TO AMEND SECTIONS 62‑1‑403, 62‑3‑703, 62‑7‑105, 62‑7‑201, 62‑7‑303, 62‑7‑305, 62‑7‑414, 62‑7‑505, 62‑7‑604, 62‑7‑709, 62‑7‑814, 62‑7‑902, 62‑7‑903, 62‑7‑904, 62‑7‑933, AND 62‑7‑1013, ALL RELATING TO THE SOUTH CAROLINA TRUST CODE, SO AS TO SUBSTITUTE “PERSON” FOR “PARENT” AND “ISSUE” FOR “CHILD”, DELETE THE REQUIREMENT OF A TAXPAYER IDENTIFICATION NUMBER ON A CERTIFICATE OF TRUST, ALLOW CERTAIN REIMBURSEMENTS TO A PROSPECTIVE TRUSTEE, AND MAKE TECHNICAL CHANGES.

(R275, H. 3964) -- Reps. Duncan, Ott, Vick, Loftis and Bales: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 21, TITLE 46 SO AS TO UPDATE AND CLARIFY SEED ARBITRATION PROCEDURES; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 46, RELATING TO GENERAL PROVISIONS OF SEED AND PLANT CERTIFICATION, SO AS TO REPLACE OBSOLETE DEFINITIONS, TO REVISE ENFORCEMENT MECHANISMS, TO CLARIFY LICENSING PROCEDURES, AND TO PROVIDE EXEMPTIONS; TO AMEND ARTICLE 3, CHAPTER 21, TITLE 46, RELATING TO LABELS AND TAGS REGARDING SEEDS AND PLANTS, SO AS TO REVISE THE LABELING REQUIREMENTS FOR SEED PRODUCTS, AND TO IMPOSE ADDITIONAL PROHIBITIONS; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 46, RELATING TO ANALYSES AND TESTS REGARDING SEEDS AND PLANTS, SO AS TO DELETE REDUNDANT PROVISIONS, TO PROVIDE THAT DEPARTMENT OF AGRICULTURE OFFICIALS SHALL HAVE ACCESS TO SEED RECORDS AND SAMPLES, TO PROVIDE THAT SEED RECORDS SHALL BE MAINTAINED FOR TWO YEARS, AND TO CLARIFY WHO IS ENTITLED TO FREE SEED TESTING AT THE STATE SEED LABORATORY; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 46, RELATING TO WITHDRAWAL, CONFISCATION, AND SALE OF SEEDS REGARDING SEEDS AND PLANTS, SO AS TO INCREASE PENALTIES FOR VIOLATIONS FROM A MAXIMUM OF ONE HUNDRED DOLLARS FOR EACH VIOLATION TO ONE THOUSAND DOLLARS FOR EACH VIOLATION, TO CLARIFY THE ROLE OF THE ATTORNEY GENERAL IN PROSECUTING VIOLATIONS, AND TO PROVIDE FOR INJUNCTIVE RELIEF TO PREVENT VIOLATIONS; TO AMEND ARTICLE 9, CHAPTER 21, TITLE 46, RELATING TO SEED AND PLANT CERTIFICATION, SO AS TO CLARIFY CLEMSON UNIVERSITY’S SEED AND PLANT CERTIFICATION AUTHORITY; AND TO REPEAL ARTICLE 11, CHAPTER 21, TITLE 46 RELATING TO SEED IRISH POTATOES IN CHARLESTON COUNTY.

(R276, H. 4174) -- Reps. Harvin, Bales, Harrison, G.M. Smith and Wylie: AN ACT TO AMEND SECTION 12‑37‑3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING WHEN A PARCEL OF REAL PROPERTY MUST BE APPRAISED AS A RESULT OF AN ASSESSABLE TRANSFER OF INTEREST AND RELATING TO THOSE TRANSFERS THAT DO NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST, SO AS TO FURTHER PROVIDE FOR THOSE TRANSFERS, CONVEYANCES, AND DISTRIBUTIONS THAT DO NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN REAL PROPERTY, AND FOR THE TERMS, CONDITIONS, AND REQUIREMENTS OF SUCH TRANSACTIONS; AND TO AMEND SECTION 12‑37‑3140, AS AMENDED, RELATING TO THE DETERMINATION OF FAIR MARKET VALUE OF REAL PROPERTY FOR PROPERTY TAX PURPOSES, SO AS TO PROVIDE THAT THE FIFTEEN PERCENT LIMITATION ON THE INCREASE IN THE FAIR MARKET VALUE OF REAL PROPERTY AS A RESULT OF A COUNTYWIDE APPRAISAL AND EQUALIZATION PROGRAM MUST BE CALCULATED ON THE LAND AND IMPROVEMENTS AS A WHOLE.

(R277, H. 4233) -- Rep. Harrison: AN ACT TO AMEND SECTION 12‑21‑1010, AS AMENDED, 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.

(R278, H. 4250) -- Reps. Erickson, Hodges and Littlejohn: AN ACT TO AMEND SECTION 59‑53‑2410, AS AMENDED, 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 AND THE HORRY‑GEORGETOWN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY.

(R279, H. 4505) -- Rep. Nanney: AN ACT 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.

(R280, H. 4508) -- Reps. Herbkersman, Lowe, Hutto, G.A. Brown and Horne: AN ACT TO AMEND SECTION 40‑9‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHIROPRACTORS AND CHIROPRACTIC PRACTICE, SO AS TO ADD CERTAIN DEFINITIONS; TO AMEND SECTION 40‑9‑20, RELATING TO LICENSES REQUIRED FOR PERSONS PRACTICING CHIROPRACTIC PROCEDURES, SO AS TO EXCLUDE STUDENTS PARTICIPATING IN A PRECEPTORSHIP OR RESIDENCY TRAINING PROGRAM UNDER SPECIFIED CONDITIONS, TO REVISE THE CIRCUMSTANCES WHEN SPECIFIC CHARGES MAY BE MADE, AND TO DELETE THE EXCEPTION FOR SENIOR STUDENTS AT A CHIROPRACTIC COLLEGE CHARTERED BY THE STATE; AND BY ADDING SECTION 40-9-25 SO AS TO PROVIDE THE CIRCUMSTANCES WHEN A STUDENT ENROLLED IN A PRECEPTORSHIP OR RESIDENCY TRAINING PROGRAM MAY PERFORM CHIROPRACTIC PROCEDURES.

(R281, H. 4572) -- Reps. J.E. Smith, Bannister, Weeks and Hutto: AN ACT TO AMEND SECTION 61‑4‑940, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRACTICES BETWEEN MANUFACTURERS, WHOLESALERS, AND RETAILERS OF BEER AND OTHER MALT BEVERAGES, SO AS TO ALLOW WHOLESALERS OF BEER TO TEMPORARILY STORE EQUIPMENT USED IN DELIVERY OF BEER WITH THE RETAILER WITH HIS CONSENT AND TO AUTHORIZE WHOLESALERS OF BEER TO SUPPLY RETAIL DEALERS OF BEER WITH DISPLAYS THAT ARE ALLOWED BY FEDERAL REGULATIONS; BY ADDING SECTION 61‑4‑1515 SO AS TO ALLOW A BREWERY TO OFFER BEER TASTINGS UNDER CERTAIN CONDITIONS AND TO PROVIDE FOR THE PAYMENT OF APPROPRIATE TAXES; AND BY ADDING SECTION 61‑4‑960 SO AS TO ALLOW HOLDERS OF RETAIL PERMITS THAT AUTHORIZE 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.

(R282, H. 4663) -- Reps. Sandifer, Bales, 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, Nanney and Vick: AN ACT TO AMEND SECTION 12‑6‑3622, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIRE SPRINKLER SYSTEM TAX CREDITS, SO AS TO CREATE A STUDY COMMITTEE TO DEVELOP NEW STRATEGIES TO INCREASE PARTICIPATION IN THE TAX CREDIT PROGRAM BY ALL LOCAL TAXING ENTITIES AND TO REVIEW AND MAKE RECOMMENDATIONS FOR INCREASING THE INSTALLATION OF INTERCONNECTED HARD‑WIRE SMOKE ALARMS, TO REQUIRE A REPORT OF THE COMMITTEE’S FINDINGS NO LATER THAN JANUARY 30, 2011, TO PROVIDE THE COMMITTEE SHALL DISSOLVE UPON THE DATE OF ITS REPORT, TO PROVIDE THE COMMITTEE’S MEMBERSHIP AND COMPOSITION, AND TO PROVIDE THE COMMITTEE MEMBERS MUST SERVE WITH NO COMPENSATION FOR PER DIEM, MILEAGE, OR SUBSISTENCE; BY ADDING SECTION 6‑9‑55 SO AS TO PROVIDE THE BUILDING CODES COUNCIL SHALL PROMULGATE AS REGULATIONS ANY PROVISION OF OR AMENDMENT TO A BUILDING CODE THAT WOULD AFFECT CONSTRUCTION REQUIREMENTS FOR ONE‑FAMILY OR TWO‑FAMILY DWELLINGS, AND THAT A BUILDING CODE PROVISION CONCERNING THESE CONSTRUCTION REQUIREMENTS AND THAT WOULD OTHERWISE BECOME EFFECTIVE AFTER THE EFFECTIVE DATE OF THIS SECTION MAY NOT BE ENFORCED UNTIL THE EFFECTIVE DATE OF THE REGULATION PROMULGATED PURSUANT TO THIS SECTION, AND TO PROVIDE A REGULATION MANDATING THE INSTALLATION OF AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM IN A ONE‑FAMILY OR TWO‑FAMILY DWELLING MAY NOT BECOME EFFECTIVE BEFORE JANUARY 1, 2014; TO AMEND SECTION 58‑5‑390, RELATING TO FEES FOR THE INSTALLATION OF A FIRE SPRINKLER SYSTEM, SO AS TO PROVIDE NOTHING IN THIS SECTION MAY GIVE THE PUBLIC SERVICE COMMISSION OR THE OFFICE OF REGULATORY STAFF POWER TO REGULATE OR INTERFERE WITH PUBLIC UTILITIES OWNED OR OPERATED BY OR ON BEHALF OF A MUNICIPALITY, COUNTY, OR REGIONAL TRANSPORTATION AUTHORITY; AND TO REPEAL SECTION 6‑9‑135 RELATING TO CERTAIN ADOPTED FLOOD COVERAGE PROVISIONS OF THE 2006 INTERNATIONAL RESIDENTIAL CODE.

(R283, H. 4715) -- Rep. Vick: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF JEFFERSON NATIONAL GUARD ARMORY IN JEFFERSON, SOUTH CAROLINA, TO THE COUNTY OF CHESTERFIELD.

(R284, H. 4945) -- Reps. M.A. Pitts, Duncan and Willis: AN ACT TO AMEND ACT 779 OF 1988, AS AMENDED, RELATING TO LAURENS COUNTY SCHOOL DISTRICTS 55 AND 56, SO AS TO REVISE AND REDEFINE THE SINGLE‑MEMBER DISTRICTS FROM WHICH TRUSTEES ARE ELECTED, TO REDESIGNATE MAP NUMBERS ON WHICH THESE DISTRICTS ARE DELINEATED, TO AUTHORIZE A NONRESIDENT STUDENT ATTENDING A SCHOOL IN EITHER SCHOOL DISTRICT TO CHOOSE TO ATTEND THE SCHOOL HE IS ATTENDING OR ANOTHER SCHOOL IN EITHER SCHOOL DISTRICT UNTIL HIS SECONDARY EDUCATION IS COMPLETED, AND TO PROVIDE FOR THE PAYMENT OF TRANSPORTATION COSTS AFFECTED BY CERTAIN PROVISIONS OF THIS ACT.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3574 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES HEYWARD COVE ALONG BRIDGE STREET IN THE TOWN OF BLUFFTON THE "THOMAS G. HEYWARD MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "THOMAS G. HEYWARD MEMORIAL BRIDGE".

H. 5046 -- Reps. Huggins, Ballentine, McLeod, 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, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR MR. MICHAEL SATTERFIELD, PRINCIPAL OF CHAPIN HIGH SCHOOL, FOR HIS MANY YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO EXTEND BEST WISHES FOR MUCH CONTINUED SUCCESS AND HAPPINESS AS HE LEAVES CHAPIN TO TAKE ON NEW DUTIES.

H. 5050 -- Reps. McEachern, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND LILLIE A. BURGESS OF RICHLAND COUNTY, UPON THE OCCASION OF HER SIXTY-SECOND BIRTHDAY, AND TO COMMEND HER FOR A LIFETIME OF SERVICE IN BUILDING GOD'S KINGDOM.

H. 5051 -- Reps. Govan, Cobb-Hunter, Ott, Sellers, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR WILLIE E. JEFFRIES, HEAD FOOTBALL COACH EMERITUS OF SOUTH CAROLINA STATE UNIVERSITY, UPON BEING ELECTED TO THE COLLEGE FOOTBALL HALL OF FAME.

**ADJOURNMENT**

At 5:30 p.m. the House, in accordance with the motion of Rep. LOWE, adjourned in memory of Patricia Mayes Hines of Mayesville, to meet at 10:00 a.m. tomorrow.

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