**Tuesday, June 1, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

As we are all reminded in the book of Proverbs:

“The wise in heart are called discerning, and pleasant words promote instruction.” (Proverbs 16:21)

Join me as we bow in prayer, please:

Holy God, we pause to give You thanks today for the dedication and determination of all of Your servants who strive to honor You here in this State House. Allow each of these Senators, especially, to demonstrate the power of statesmanship and decorum, to be inspiring examples of caring, positive leadership for every child, woman, and man in this State. May this Senate always be the beacon of hope and promise and wisdom that leads South Carolinians in the ways You would have us go. In Your loving name we pray, O Lord.

Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Mark C. Sanford:

**Local Appointment**

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

John E. Floyd, Jr., P.O. Box 3903, Florence, SC 29502 *VICE* John L. Miles

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., May 28, 2010

Mr. President and Senators:

I am vetoing and returning without my approval S. 836, R222:

(R222, S836) -- Senator Cromer: AN ACT TO AMEND SECTION 51‑13‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO DELETE PROVISIONS THAT AUTHORIZE THE RIVERBANKS PARKS COMMISSION TO ADOPT RULES AND REGULATIONS REGARDING PARK PROPERTY AND AUTHORIZE THE COMMISSION TO EMPLOY POLICE OFFICERS, TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY, AND TO DELETE THE PROVISION THAT FINES AND FORFEITURES COLLECTED PURSUANT TO SECTIONS 51‑13‑50 THROUGH 51‑13‑80 BE FORWARDED TO THE RIVERBANKS PARKS COMMISSION.

Respectfully submitted,

Mark Sanford

Governor

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., May 28, 2010

Mr. President and Senators:

I am vetoing and returning without my approval S. 906, R. 223:

(R223, S906) -- Senators Leatherman, Land, Coleman and Elliott: AN ACT TO AMEND SECTION 9‑8‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO PROVIDE THAT A MEMBER UPON TERMINATION WHO DOES NOT QUALIFY FOR A MONTHLY BENEFIT MAY TRANSFER HIS SERVICE CREDIT TO THE SOUTH CAROLINA RETIREMENT SYSTEM, AND TO CLARIFY PROVISIONS RELATED TO THE TRANSFER OF EARNED SERVICE CREDIT IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS.

Respectfully submitted,

Mark Sanford

Governor

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., May 28, 2010

Mr. President and Senators:

I am vetoing and returning without my approval S. 1190, R227:

(R227, S1190) -- Senator Leatherman: A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS’ MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

Respectfully submitted,

Mark Sanford

Governor

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., May 28, 2010

Mr. President and Senators:

I am vetoing and returning without my approval S. 1363, R234:

(R234, S1363) -- Senators Hayes, Setzler and Courson: AN ACT TO AMEND SECTION 59‑26‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NATIONAL BOARD RECERTIFICATION AND PAY INCREASES RELATING TO NATIONAL BOARD CERTIFICATION, SO AS TO PROVIDE THAT TEACHERS WHO RECEIVE NATIONAL BOARD CERTIFICATION BEFORE JULY 1, 2010, SHALL ENTER INTO A RECERTIFICATION CYCLE CONSISTENT WITH THE RECERTIFICATION CYCLE FOR NATIONAL BOARD CERTIFICATION, AND TO PROVIDE THAT NATIONAL BOARD CERTIFIED TEACHERS WHO RECEIVE THE CERTIFICATION BEFORE JULY 1, 2010, SHALL RECEIVE A PAY INCREASE FOR THE INITIAL TEN‑YEAR CERTIFICATION PERIOD AND NO MORE THAN ONE TEN‑YEAR RENEWAL PERIOD.

Respectfully submitted,

Mark Sanford

Governor

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., May 28, 2010

Mr. President and Senators:

I am vetoing and returning without my approval S. 1379, R 235:

(R235, S1379) -- Senators Peeler, Campbell and O’Dell: AN ACT TO AMEND SECTION 63‑11‑500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM, SO AS TO HONOR THE MEMORY OF CASS ELIAS MCCARTER BY NAMING THE PROGRAM THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM.

Respectfully submitted,

Mark Sanford

Governor

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**REPORT RECEIVED**

**Joint Transportation Review Committee**

**Report of Qualifications of Candidates for the 4th District -- South Carolina Department of Transportation Commission**

**May 27, 2010**

Date Candidates Found Qualified: Tuesday, May 25, 2010

Date and Time of Final Report: 3:00 p.m., Thursday, May 27, 2010

INTRODUCTION

Act 114 of 2007 was enacted to restructure the South Carolina Department of Transportation and the Department of Transportation Commission. Reforms were designed to make the Department and Commission more accountable to the public, more transparent in their operations, and more equitable in their delivery of services.

A key part of Act 114 is the Joint Transportation Review Committee. The JTRC’s responsibility includes screening each applicant for the Department of Transportation Commission by determining whether the applicant is qualified and meets the requirements required by law to serve.

About the Report

This report contains the committee’s findings regarding the qualifications of applicants for the Commission from 4th District. Each member of the General Assembly residing in the 4th Congressional District will be provided a copy of this report for review and consideration. The Committee believes that this report will help members make an informed vote.

Committee Composition and Responsibilities

The JTRC is comprised of ten members, eight of whom are legislators and two of whom are appointed from the public at large. To fulfill its mandate, the Committee conducts an investigation of each applicant’s professional and financial affairs, and holds a public hearing during which each applicant may be questioned on a wide variety of issues.

The Committee expects each applicant to have a level of formal education (and/or possess education commensurate with the duties and responsibilities of a commissioner) and to exhibit strong ethical standards. First, the Committee’s investigation focuses on whether the applicant meets the qualifications for service as established in Section 57-1-310(C):

The qualifications that each commission member must possess, include, but are not limited to:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; or

(2) a background of at least five years in any combination of the following fields of expertise:

(a) transportation;

(b) construction;

(c) finance;

(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.

In screening candidates and making its findings, the Committee also must give due consideration to:

(a) ability, area of expertise, dedication, compassion, common sense, and integrity of each candidate; and

(b) the impact that each candidate would have on the racial and gender composition of the commission, and each candidate's impact on other demographic factors represented on the commission, such as residence in rural or urban areas, to assure nondiscrimination to the greatest extent possible of all segments of the population of the State.

The JTRC’s investigation includes (1) a State Law Enforcement Division background check; (2) a credit investigation; (3) a careful study of application materials, including a comprehensive personal data questionnaire; (4) a test of basic knowledge related to the Department of Transportation and the commission; (5) a personal interview with each candidate; and (6) further inquiry as the Committee considers appropriate.

ELECTION OF COMMISSION MEMBERS

A candidate may withdraw at any stage of the proceedings.

Resident members of the 4th District may meet to elect a commissioner to represent their district at any time after 3:00 p.m. on Thursday, May 27, 2010.

Pursuant to Section 57-1-325 members residing within the respective congressional delegations must hold a duly called, public meeting to elect a Department of Transportation Commissioner.

Signing a ‘pledge-sheet’ does not constitute a vote in favor of a candidate nor does it replace the statutory requirement for a meeting.

For purposes of electing a commission member:

Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district, at a time and place to be designated in the call.

A majority present, either in person or by written proxy, of the delegation constitutes a quorum for purposes of electing a commissioner.

No person may be elected commissioner who fails to receive a majority of the vote of the members of the delegation.

When the election is completed, the chairman and secretary of the delegation shall immediately transmit the name of the elected person to the Secretary of State who will then issue a commission.

MEMBERSHIP AND STAFF

Senate Appointees:

Senator Lawrence K. Grooms, Ch. (2007)

Suite 203, Gressette Building

Post Office Box 142

Columbia, S.C. 29202

803-212-6400

Senator Hugh K. Leatherman, Jr. (2007)

Suite 111, Gressette Building

Post Office Box 142

Columbia, S.C. 29202

803-212-6640

Senator Glenn F. McConnell (2007)

Suite 101, Gressette Building

Post Office Box 142

Columbia, S.C. 29202

803-212-6610

Senator Harvey S. Peeler, Jr. (2009)

Suite 213, Gressette Building

Post Office Box 142

Columbia, S.C. 29202

803-212-6430

Senator Gerald Malloy (2007)

512 Gressette Building

Post Office Box 142

Columbia, S.C. 29202

803-212-6148

House Appointees:

Representative Jay Lucas, Vice Ch. (2007)

420-A Blatt Building

Columbia, S.C. 29201

803-734-2961

Representative Annette Young (2007)

308-C Blatt Building

Columbia, S.C. 29201

803-734-2953

Representative Phillip D. Owens (2009)

429 Blatt Building

Columbia, S.C. 29201

803-734-3053

Mr. Patterson Smith (2009)

51 John Street

Charleston, S.C. 29403

Mr. Reid Banks (2007)

Post Office Box 71505

Charleston, S.C. 29415

Chief of Staff: David J. Owens

803-212-6400

Senate Counsel: Kenneth M. Moffitt

803-212-6203

House Counsel: Rick Fulmer

803-734-4799

Executive Assistant: Lily Cogdill

803-212-6400

CANDIDATES AND FINDINGS

**MR. JOHN P. (JOHNNY) EDWARDS**

**APPLICANT FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**4TH DISTRICT**

BACKGROUND

Mr. Edwards is 63, is married, and lives in Greenville. He is owner and President of Edwards Piping & Machinery, Inc. The mechanical contracting business offers process pipe work, chemical plant work, boiler installation, industrial maintenance and hospital maintenance. Mr. Edwards is Chairman of DHEC’s Ocean & Coastal Resource Management (OCRM) Coastal Zone Management Appellate Panel, a post he sates he would resign if elected to the DOT Commission.

QUALIFICATIONS

Education: 1967-1969, US Navy Reserve (active duty on USS Wasp)

Areas of Expertise: Mr. Edwards claims qualifying experience in the following.

Construction: Mechanical contracting, 1961 - present, primarily dealing with pipe work, chemical plant work, boiler installation, industrial maintenance, and hospital maintenance.

Finance: Bank board director, 1994 - 1998 for Poinsett Bank in Travelers Rest and Colonial Savings Bank in Camden. Original board member of Colonial Savings Bank and helped start the bank. Served on both bank boards until Carolina First purchased them in 1998. Nominated to the Advisory Board of Carolina First in 2005; still serving.

Environmental: Coastal Zone Management Appellate Panel, 1999 - present; serves as Chairman. (The Panel is a 14 member body that formerly addressed appeals from the Administrative Law Judge Division. Mr. Edwards is one of the six congressional district members elected by members of the General Assembly. If elected to the SCDOT Commission Mr. Edwards stated he will resign this position.)

Management: Owner of Edwards Piping & Machinery, Inc. Has managed and maintained as many as 90 employees at a time and has maintained a successful business throughout its existence.

OTHER

Mr. Edwards has served as an elder of Trinity Presbyterian Church in Travelers Rest.

SLED reports no criminal activity.

During his interview with staff, Mr. Edwards stated that he knew of no conflicts or potential conflicts of interest with the SCDOT, and stated that he would recuse himself should such a conflict arise. He stated he was aware of the statutory prohibition on members pledging their votes for candidates until issuance of the JTRC’s final report.

LETTERS OF RECOMMENDATION

Rev. Dr. Pamela Patrick Cole -- First Presbyterian Church, Greenville

Mr. Richy Milligan -- Eastern Industrial Supplies, Inc., Greenville

Mr. R. Bruce White -- Bank of Travelers Rest, Travelers Rest

Mr. Frank Wetmore -- Carolina First, Greenville

Ms. Vickie F. Browning -- Scheetz, Hogan, Freeman, Phillips Insurance, Greenville

FINDINGS

On May 18, 2010 the Joint Transportation Review Committee met to screen Mr. Edwards. The Committee met again on May 25, 2010.

Mr. Edwards was found QUALIFIED on May 25, 2010.

In screening Mr. Edwards and making its findings, the review committee gave due consideration to his ability, area of expertise, dedication, compassion, common sense, and integrity and the impact that Mr. Edwards would have on the racial and gender composition of the commission, and his impact on other demographic factors represented on the commission, such as residence in rural or urban areas.

**MRS. ANITA P. WHITNEY**

**APPLICANT FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**4TH DISTRICT**

BACKGROUND:

Mrs. Whitney is 47, is married, and lives in Union. She is owner of My Buddy’s Place, LLC. She and her husband own and operate a small cattle farm. She is a member of the Board of Directors of both the Broad River Electric Cooperative, Inc., and the Central Electric Power Cooperative, Inc.

Mrs. Whitney is a former Union County magistrate.

QUALIFICATIONS

Education: B.A., Mathematics, Columbia College; USC Graduate School, Exercise Physiology, January 1984-May 1984. (Left to enter the work force.)

Areas of Expertise: Mrs. Whitney claims qualifying experience in the following.

Transportation: Volunteer bus driver, Mon-Aetna Baptist Church; Mrs. Whitney holds a CDL.

Construction and Finance: Whitney Asphalt Company, 1984-2007, bookkeeper/secretary.

Management and Finance: Executive Director, Union County YMCA, 1994-1997.

Engineering: Program writer, systems engineer, PMSC (Policy Management Systems Corporation), 1984-1994 and 1997-2002.

Law: Union County Magistrate, 2002-2005.

OTHER:

Assistant coach, girl’s middle school and varsity volleyball and softball, Laurens Academy.

SLED reports no criminal record.

During her interview with staff, Mrs. Whitney stated that she knows of no conflicts or potential conflicts of interest with the SCDOT, and stated that she would recuse herself should such a conflict arise. She stated she was aware of the statutory prohibition on members pledging their votes for candidates until issuance of the JTRC’s final report.

LETTERS OF RECOMMENDATION

Mr. J. Richard Baines -- Broad River Electric Cooperative, Gaffney

Mr. Norris R. Fowler -- Union Oil Mills and Fowken Farm, Union

Mr. M. Brown Fant, Jr. CPA -- Union

Mr. James L. Switzer -- MorganStanley SmithBarney, Spartanburg

Rev. Benny Green, Jr. -- Mon-Aetna Baptist Church, Union

FINDINGS

On May 18, 2010 the Joint Transportation Review Committee met to screen Mrs. Whitney. The Committee met again on May 25, 2010.

Mrs. Whitney was found QUALIFIED on May 25, 2010.

In screening Mrs. Whitney and making its findings, the review committee gave due consideration to her ability, area of expertise, dedication, compassion, common sense, and integrity and the impact that Mrs. Whitney would have on the racial and gender composition of the commission, and her impact on other demographic factors represented on the commission, such as residence in rural or urban areas.

**MR. JIMMY FLOYD (JIM) SPEARMAN**

**APPLICANT FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**4TH DISTRICT**

BACKGROUND

Mr. Spearman is 61, is married, and lives in Fountain Inn. He is office manager of Spearman Electrical Contractors, Inc, his son’s business. He retired in 2004 from Union Carbide Corporation after 35 years, having supervised as many as 230 employees in manufacturing, warehousing, inventory control, purchasing, and software implementation.

QUALIFICATIONS

Education: Associate’s Degree, general studies/business/management, 1974; Bachelor’s Degree, general studies/business/management, USC Spartanburg, 1977; Furman University (Took courses toward MBA, c. 1994. Stopped due to family considerations.)

Areas of Expertise: Mr. Spearman claims qualifying experience in the following.

Management: Union Carbide, 35 years, retired 2004. (See above.) Office manager, Spearman Electric, 2006-present. The business has had up to 45 employees. Mr. Spearman has managed all sections of the office, including accounts payable, job cost reporting, time cards, payroll, fleet maintenance, HR, insurance, workers comp, and safety coordination.

Construction: Spearman Electric. (See above.) Mr. Spearman has an electrical contractor’s license.

OTHER:

SLED reports no criminal record.

During his interview with staff, Mr. Spearman stated that he knows of no conflicts or potential conflicts of interest with the SCDOT, and stated that he would recuse himself should such a conflict arise. He stated he was aware of the statutory prohibition on members pledging their votes for candidates until issuance of the JTRC’s final report.

LETTERS OF RECOMMENDATION

Steven K. Glenn, Ph.D. -- Abbeville High School, Abbeville

Mr. Jerry E. Powell -- Fountain Inn

Mr. Gerald Milford -- Abbeville

Mr. Joseph G. Hedrick, CPA -- Edwards & Hedrick, Greer

Rev. Danny Bridges -- Unity Baptist Church, Simpsonville

FINDINGS

On May 25, 2010 the Joint Transportation Review Committee met to screen Mr. Spearman.

Mr. Spearman was found QUALIFIED on May 25, 2010.

In screening Mr. Spearman and making its findings, the review committee gave due consideration to his ability, area of expertise, dedication, compassion, common sense, and integrity and the impact that Mr. Spearman would have on the racial and gender composition of the commission, and his impact on other demographic factors represented on the commission, such as residence in rural or urban areas.

On motion of Senator GROOMS, ordered printed in the Journal.

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**Privilege of the Floor**

On motion of Senators KNOTTS, CROMER, SETZLER and COURSON the Privilege of the Floor was extended to Mr. Joe Bedenbaugh, to commend him on the occasion of his being named the 2010 Lexington County School District One Administrator of the Year and to wish him well in his future endeavors.

Senators KNOTTS, SETZLER, COURSON and CROMER were recognized to address brief remarks regarding Mr. Bedenbaugh.

**Doctor of the Day**

Senator CAMPSEN introduced Dr. Boyd Gillespie of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator SHOOPMAN, at 12:20 P.M., Senator MULVANEY was granted a leave of absence until 1:00 P.M.

**Leave of Absence**

On motion of Senator RANKIN, at 3:30 P.M., Senator SHEHEEN was granted a leave of absence until 11:00 A.M. tomorrow morning.

**Leave of Absence**

On motion of Senator LOURIE, at 4:25 P.M., Senator JACKSON was granted a leave of absence until 2:00 P.M. tomorrow.

**Leave of Absence**

At 4:45 P.M., Senator LOURIE requested a leave of absence until 11:00 A.M. in the morning.

**Leave of Absence**

At 5:15 P.M., Senator SCOTT requested a leave of absence beginning at 5:30 P.M. and lasting until 11:00 A.M. in the morning.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 107 Sen. Alexander

**Motion to Ratify Adopted**

At 1:41 P.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at 3:00 P.M.

There was no objection and a message was sent to the House accordingly.

**RECALLED**

H. 4973 -- Reps. H.B. Brown, Brady, Harrison, G.M. Smith, J.E. Smith, Agnew, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Branham, Brantley, G.A. 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, 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, 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 REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 213 IN FAIRFIELD FROM ITS INTERSECTION WITH THE FAIRFIELD/NEWBERRY COUNTY LINE TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 215 THE “SILAS C. ‘SLICK’ MCMEEKIN NUCLEAR HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “SILAS C. ‘SLICK’ MCMEEKIN NUCLEAR HIGHWAY”.

Senator GROOMS asked unanimous consent to make a motion to recall the Bill from the Committee on Transportation.

The Bill was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

H. 4172 -- Reps. Forrester and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4‑1‑180 SO AS TO PROVIDE FOR THE MANNER IN WHICH A COUNTY GOVERNING BODY MAY INSTITUTE AN EMPLOYEE FURLOUGH PROGRAM, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION DO NOT PRECLUDE A COUNTY FROM IMPLEMENTING OTHER FURLOUGH PROGRAMS NOT IN CONFORMITY WITH THE REQUIREMENTS OF THIS SECTION.

Senator CLEARY asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

H. 4260 -- Reps. R.L. Brown and Whipper: A BILL TO AMEND SECTION 57‑9‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONING A COURT TO ABANDON OR CLOSE A STREET, ROAD, OR HIGHWAY, SO AS TO PROVIDE THAT NOTICE OF INTENTION TO FILE A PETITION MUST BE POSTED ALONG THE STREET, ROAD, OR HIGHWAY.

Senator PINCKNEY asked unanimous consent to make a motion to recall the Bill from the Committee on Transportation.

The Bill was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1489 -- Senator Peeler: A SENATE RESOLUTION TO RECOGNIZE GOUCHER BAPTIST CHURCH OF GAFFNEY ON THE OCCASION OF ITS TWO HUNDRED FORTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR NEARLY TWO AND A HALF CENTURIES OF SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

S. 1490 -- Senators Shoopman, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE THE NORTH GREENVILLE UNIVERSITY CRUSADER BASEBALL TEAM FOR WINNING THE NATIONAL CHRISTIAN COLLEGE ATHLETIC ASSOCIATION WORLD SERIES BASEBALL CHAMPIONSHIP AND TO WISH THE TEAM MUCH SUCCESS IN FUTURE SEASONS, AND TO DECLARE JUNE 15, 2010, AS "NORTH GREENVILLE UNIVERSITY CRUSADER BASEBALL DAY".

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The Senate Resolution was adopted.

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.

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The Concurrent Resolution was adopted, ordered sent to the House.

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.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1493 -- Senator Reese: A BILL TO AMEND SECTION 50-23-90, AS AMENDED, RELATING TO THE CONTENTS OF A CERTIFICATE OF TITLE REGARDING WATERCRAFT OR OUTBOARD MOTORS ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO REVISE THE MANNER IN WHICH WATERCRAFT OR OUTBOARD MOTORS ARE DESCRIBED ON THE CERTIFICATE OF TITLE.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

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.

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The Concurrent Resolution was adopted, ordered sent to the House.

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 adopted, ordered returned to the House.

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 adopted, ordered returned to the House.

**REPORTS OF STANDING COMMITTEES**

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3541 -- Reps. Hiott, Frye, Duncan, M.A. Pitts, Whitmire and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑525 SO AS TO ESTABLISH THE REQUIREMENT AND PROCEDURES FOR OBTAINING BEAR TAGS; BY ADDING SECTION 50‑9‑537 SO AS TO REQUIRE A TEN DOLLAR BEAR DRAW HUNT APPLICATION FEE; BY ADDING SECTION 50‑11‑435 SO AS TO PROHIBIT TAKING OR ATTEMPTING TO TAKE BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND PROVIDE APPLICABLE PENALTIES; TO AMEND SECTION 50‑9‑920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, SO AS TO DEFINE THE USES FOR REVENUE GENERATED FROM THE SALE OF BEAR TAGS; TO AMEND SECTION 50‑11‑310, AS AMENDED, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO DESIGNATE WHEN CERTAIN EQUIPMENT MAY BE USED IN GAME ZONE 1; AND TO AMEND SECTION 50‑11‑430, RELATING TO BEAR HUNTING, SO AS TO REDESIGNATE THE OPEN SEASON AND PROVIDE ADDITIONAL PENALTIES.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a majority favorable with amendment and Senator ANDERSON a minority unfavorable report on:

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

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 202 -- Senators Thomas and Ford: A BILL TO AMEND SECTION 38‑1‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF “ADMITTED ASSETS” TO INCLUDE THOSE ON THE INSURER’S MOST RECENT STATUTORY FINANCIAL STATEMENT FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38‑13‑80 INSTEAD OF THOSE ADMITTED UNDER THE PROVISIONS OF SECTION 38‑11‑100; TO AMEND SECTION 38‑9‑10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38‑10‑40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑33‑130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38‑55‑80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

The Bill, which was previously returned from the House and subsequently recommitted, was returned to the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., June 1, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has receded from its amendments to:

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,

Speaker of the House

Received as information.

**H. 4244--SENATE ENROLLED FOR RATIFICATION**

Having received a message from the House that they have receded from their amendments, it was ordered that the following Bill title be changed to that of an Act and enrolled for Ratification:

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.

**HOUSE CONCURRENCES**

The following Resolutions were returned with concurrence and received as information.

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”.

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.

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.

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.

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.

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.

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.

**Message from the House**

Columbia, S.C., June 1, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sent the following veto to the Senate:

(R238, H3536) -- 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.

Respectfully submitted,

Speaker of the House

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., June 1, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sent the following veto to the Senate:

(R246, H4828) -- 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.

Respectfully submitted,

Speaker of the House

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., June 1, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 484 -- Senators Sheheen and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑68‑95 SO AS TO PROVIDE DE MINIMIS OPERATIONS LICENSURE REQUIREMENTS FOR NONRESIDENT PROFESSIONAL EMPLOYER ORGANIZATIONS AND GROUPS; TO AMEND SECTION 40‑68‑30, AS AMENDED, RELATING TO LICENSURE REQUIREMENTS FOR PROFESSIONAL EMPLOYER ORGANIZATIONS, SO AS TO INCREASE APPLICATION FEES AND TO REQUIRE AN APPLICATION FEE FOR EACH COMPANY IN A PROFESSIONAL EMPLOYER ORGANIZATION GROUP; TO AMEND SECTION 40‑68‑40, AS AMENDED, RELATING TO QUALIFICATIONS TO BE LICENSED AS A PROFESSIONAL EMPLOYER ORGANIZATION AND QUALIFICATIONS TO SERVE AS A CONTROLLING PERSON OF A LICENSEE, SO AS TO DELETE A PROVISION AUTHORIZING ISSUANCE OF A NONRESIDENT RESTRICTED LICENSE WITHOUT THE REQUISITE TWO YEARS’ EXPERIENCE, TO MAKE TECHNICAL CORRECTIONS, AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 40‑68‑45, RELATING TO CONTINUING EDUCATION, SO AS TO PROVIDE THAT THE HOLDER OF A DE MINIMIS OPERATIONS LICENSE IS NOT REQUIRED TO TAKE CONTINUING EDUCATION, TO REVISE THE DEFINITION OF “KEY PERSONNEL” FOR CERTAIN PURPOSES, AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 40‑68‑50, AS AMENDED, RELATING TO LICENSURE AND RENEWAL FEES, SO AS TO REVISE INITIAL AND RENEWAL LICENSE FEES, TO DELETE NONRESIDINT PROFESSIONAL EMPLOYER ORGANIZATION LICENSE AND RENEWAL LICENSE FEES, AND TO DELETE PROVISIONS STATING MAXIMUM LICENSURE FEES; TO AMEND SECTION 40‑68‑90, AS AMENDED, RELATING TO RESTRICTED LICENSURE OF NONRESIDENT COMPANIES AND GROUPS, SO AS TO REVISE THE REQUIREMENTS FOR A RESTRICTED LICENSE AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO WAIVE THE AUDITED FINANCIAL STATEMENT REQUIREMENT FOR SUCH APPLICANTS; TO AMEND SECTION 40‑68‑100, AS AMENDED, RELATING TO ISSUANCE AND VALIDITY OF LICENSES, SO AS TO CLARIFY THE INITIAL LICENSURE PERIOD; TO AMEND SECTION 40‑68‑120, AS AMENDED, RELATING TO REQUIREMENTS FOR VARIOUS BENEFIT PROGRAMS FOR LICENSEES, INCLUDING WORKERS’ COMPENSATION PLANS AND HEALTH BENEFIT PLANS, SO AS TO REQUIRE BOTH PLANS TO BE LICENSED WITH THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 40‑68‑140, AS AMENDED, RELATING TO REQUIREMENTS FOR LICENSEE NAME AND LOCATION CHANGES, SO AS TO ALSO REQUIRE A LICENSEE TO PROVIDE THE DEPARTMENT WITH OTHER CHANGES IN STATUS AS MAY BE REQUIRED; TO AMEND SECTION 40‑68‑160, AS AMENDED, RELATING TO GROUNDS FOR DISCIPLINARY ACTION AND DISCIPLINARY PROCEDURES, SO AS TO FURTHER SPECIFY PROCEDURES FOR PURSUING A CONTESTED CASE; TO AMEND SECTION 40‑68‑165, AS AMENDED, RELATING TO THE DEPARTMENT OF CONSUMER AFFAIRS OR THE ATTORNEY GENERAL ENFORCING THIS CHAPTER BY FILING AN ACTION IN THE CIRCUIT COURT, SO AS TO ALSO AUTHORIZE FILING AN ACTION IN THE ADMINISTRATIVE LAW COURT; AND TO AMEND SECTION 12‑54‑240, AS AMENDED, RELATING TO THE PROHIBITION AGAINST DISCLOSING RECORDS OF AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE AND EXCEPTIONS TO THIS PROHIBITION, SO AS TO INCLUDE IN THIS EXCEPTION THE DISCLOSURE OF INFORMATION RELATED TO PAYROLL WITHHOLDING TAXES TO THE DEPARTMENT OF CONSUMER AFFAIRS IN CONJUNCTION WITH THE DEPARTMENT LICENSING AND REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

Respectfully submitted,

Speaker of the House

Received as Information

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., June 1, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 981 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 63‑3‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS, SO AS TO PROVIDE THAT THE COURT MAY ORDER GRANDPARENT VISITATION IF THE COURT FINDS THAT THE CHILD’S PARENTS ARE DEPRIVING THE GRANDPARENT VISITATION WITH THE CHILD AND THAT THE PARENTS ARE UNFIT OR THAT THERE ARE COMPELLING CIRCUMSTANCES TO OVERCOME THE PRESUMPTION THAT THE PARENTAL DECISION IS IN THE CHILD’S BEST INTEREST.

Respectfully submitted,

Speaker of the House

Received as Information

The Bill was ordered placed on the Calendar for consideration tomorrow.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of an Act and enrolled for Ratification:

H. 4966 -- Rep. Funderburk: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF KERSHAW COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

H. 4589 -- Reps. Gambrell, D.C. Moss, Frye, V.S. Moss and White: A BILL TO AMEND SECTION 46‑7‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ANIMAL FACILITY WASTE MANAGEMENT TRAINING AND CERTIFICATION PROGRAMS, SO AS TO EXEMPT CATTLE STOCKYARDOWNERS AND OPERATORS AND CATTLE PRODUCERS FROM THESE TRAINING AND CERTIFICATION REQUIREMENTS.

Senator O’DELL explained the Bill.

**READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3779 -- Reps. Hearn, Weeks, Bannister, Erickson, Clemmons and Viers: A BILL TO AMEND SECTION 63‑7‑1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM, SO AS TO CLARIFY WHEN AN ATTORNEY MAY BE APPOINTED TO REPRESENT A GUARDIAN AD LITEM IN A CHILD ABUSE OR NEGLECT PROCEEDING AND TO CLARIFY WHO THE COURT MAY APPOINT TO REPRESENT A CHILD IN SUCH A PROCEEDING.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 33; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Grooms Hayes Jackson

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O’Dell Peeler

Rose Ryberg Scott

Setzler Shoopman Thomas

**Total--33**

**NAYS**

**Total--0**

The Bill was read the third time and ordered returned to the House.

**READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 4516 -- Rep. M.A. Pitts: A BILL TO AMEND SECTIONS 61-4-550 AND 61-6-2000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE AND FOR THE SALE OF ALCOHOLIC LIQUORS, RESPECTIVELY, BOTH SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; AND TO REPEAL SECTION 61-6-510 RELATING TO TEMPORARY PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS FOR NONPROFIT ORGANIZATIONS.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 25; Nays 5**

**AYES**

Alexander Campbell Cleary

Coleman Courson Cromer

Davis Grooms Hayes

Jackson Knotts Land

Leatherman Malloy *Martin, Larry*

Massey McConnell McGill

Nicholson O’Dell Peeler

Ryberg Scott Setzler

Thomas

**Total--25**

**NAYS**

Bright Bryant Fair

*Martin, Shane* Shoopman

**Total--5**

The Bill was read the third time and ordered returned to the House.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3814 -- Reps. Allison, Cole, Forrester, Kelly and Parker: A BILL TO AMEND SECTION 57-1-740(D)(1) AND (2)(A) OF THE 1976 CODE, RELATING TO VACANCIES ON THE DEPARTMENT OF TRANSPORTATION COMMISSION, TO PROVIDE THAT THE JOINT TRANSPORTATION REVIEW COMMITTEE MUST REOPEN THE NOTICE OF INTENTION FILING PERIOD IF ONLY ONE PERSON FILES A NOTICE OF INTENTION DURING THE INITIAL FILING PERIOD AND THAT THE REVIEW COMMITTEE MUST REOPEN THE SCREENING PROCESS IF THE COMMITTEE’S TENTATIVE FINDINGS RESULT IN THE DETERMINATION THAT ONLY ONE CANDIDATE OR NONE OF THE CANDIDATES ARE QUALIFIED AND MEET THE REQUIREMENTS PROVIDED BY LAW TO SERVE ON THE COMMISSION; AND TO AMEND 57-1-740(D)(2)(C), RELATED TO CANDIDATE SCREENING, TO PROVIDE THAT NO CANDIDATE MAY DIRECTLY OR INDIRECTLY SEEK THE PLEDGE OF A VOTE FROM A MEMBER OF THE CANDIDATE’S CONGRESSIONAL DELEGATION OR, DIRECTLY OR INDIRECTLY, CONTACT A STATEWIDE CONSTITUTIONAL OFFICER, A MEMBER OF THE GENERAL ASSEMBLY, OR THE JOINT TRANSPORTATION REVIEW COMMITTEE REGARDING SCREENING FOR THE COMMISSION UNTIL THE REVIEW COMMITTEE HAS FORMALLY RELEASED ITS REPORT AS TO THE QUALIFICATIONS OF ALL CANDIDATES IN A PARTICULAR CONGRESSIONAL DISTRICT.

Senator GROOMS asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

**Motion Under Rule 26B**

Senator GROOMS asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B

There was no objection.

Senator GROOMS proposed the following amendment (JUD3814.001), which was adopted:

Amend the joint resolution, as and if amended, SECTION 1, page 2, by striking lines 6-8 and inserting:

/ shall cooperate fully. /

Amend the joint resolution further, as and if amended, SECTION 1, page 2, by striking lines 28-39 and inserting:

/ (iii) The review committee shall render its tentative findings as to whether the candidates are qualified to serve on the commission as a district member and its reasons for making the findings within a reasonable time after the hearing. If only one person applies to fill a vacancy or if the review committee concludes there are fewer candidates qualified for a vacancy than those who initially filed, it shall submit to the congressional district delegation for election only the names and qualifications of those who are considered to be qualified. The nominations of the review committee for any candidate for the election to the commission are binding on the congressional district delegation, and it shall not elect a person not nominated by the review committee. Nothing shall prevent the congressional district delegation from rejecting all persons nominated. In this event, the review committee shall submit another group of names and qualifications for that position. Further nominations in the manner required by this chapter must be made until the office is filled.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Grooms Hayes Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**SECOND READING BILLS**

The following Bills, having been read the second time, were ordered placed on the Third Reading Calendar:

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

Senator GROOMS explained the Bill.

H. 4839 -- Rep. J.E. Smith: A BILL TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO CLARIFY THAT THE PROPERTY TAX EXEMPTION FOR RECIPIENTS OF THE MEDAL OF HONOR AND PRISONERS OF WAR IN CERTAIN CONFLICTS APPLIES TO MEDAL OF HONOR RECIPIENTS REGARDLESS OF WHEN THE MEDAL OF HONOR WAS AWARDED OR THE CONFLICT INVOLVED.

H. 4107 -- Reps. White and Bowen: A JOINT RESOLUTION TO REQUIRE ALL ROAD IMPROVEMENTS NECESSITATED BY SCHOOL CONSTRUCTION PROJECTS IN ANDERSON COUNTY SCHOOL DISTRICT FIVE FUNDED BY THE DISTRICT’S APRIL 2007 ONE HUNDRED FORTY MILLION DOLLAR BOND ISSUE REFERENDUM TO BE PAID FOR SOLELY FROM PROCEEDS OF THAT BOND ISSUE.

The Bill was read the second time, passed and ordered to a third reading.

**Recorded Vote**

Senators BRYANT and O’DELL desired to be recorded as voting in favor of the second reading of the Bill.

**S. 1407--Ordered to a Third Reading**

On motion of Senator BRYANT, S. 1407 was ordered to receive a third reading on Wednesday, June 2, 2010.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 4341 -- Reps. Hutto, Stavrinakis, J.E. Smith, Harvin, Miller, Govan, Allen, Battle, Anderson, Simrill, Norman, T.R. Young and Wylie: A JOINT RESOLUTION TO CREATE THE AUTISM SPECTRUM DISORDER STUDY COMMITTEE ON EARLY INTERVENTION AND TO PROVIDE FOR ITS PURPOSE, MEMBERS, AND DUTIES AND TO PROVIDE THAT THE STUDY COMMITTEE MUST SUBMIT ITS FINDINGS AND RECOMMENDATIONS NO LATER THAN DECEMBER 1, 2011 AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Committee on Medical Affairs proposed the following amendment (NBD\12308AC10), which was adopted:

Amend the joint resolution, as and if amended, by deleting Section 1.(C) and inserting :

/ (C) The study committee must be composed of: one member of the Senate to be appointed by the President Pro Tempore, one member of the House of Representatives to be appointed by the Speaker of the House, one member to be appointed by the Governor, and:

(1) State Superintendent of the Department of Education or his designee;

(2) Director of the Department of Disabilities and Special Needs, or her designee;

(3) Director of the Department of Mental Health, or his designee;

(4) Director of the Department of Health and Environmental Control, or his designee;

(5) Director of the Department of Health and Human Services, or her designee;

(6) Director of First Steps, or her designee;

(7) Director of the S.C. Chapter of American Academy of Pediatrics, or his designee;

(8) Director of the Greenwood Genetic Center, or his designee;

(9) Director of the South Carolina Autism Society, or his designee.

(11) two parents recommended by various autism associations in South Carolina and appointed by the Governor./

Amend the bill, further, by deleting Section 1.(E) and inserting:

/(E) The staffing for the study committee must be provided by the Department of Disabilities and Special Needs with the support of the appropriate committees of the Senate and House of Representatives that oversee health care policy in this State. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD4225.002), which was adopted:

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

/ SECTION 1. Section 16‑3‑1400 of the 1976 Code, as last amended by Act 271 of 2008, is further amended to read:

“Section 16‑3‑1400. For ~~the purpose~~ purposes of this article:

(1) ‘victim service provider’ means a person:

(a) who is employed by a local government or state agency and whose job duties involve providing victim assistance as mandated by South Carolina law; or

(b) whose job duties involve providing direct services to victims and who is employed by an organization that is incorporated in South Carolina, holds a certificate of authority in South Carolina, or is registered as a charitable organization in South Carolina, and the organization’s mission is victim assistance or advocacy and the organization is privately funded or receives funds from federal, state, or local governments to provide services to victims~~; and~~.

‘Victim service provider’ does not include a municial court judge, magistrates court judge, circuit court judge, special circuit court judge, or family court judge.

(2) ‘witness’ means ~~any~~ a person who has been or is expected to be summoned to testify for the prosecution or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not ~~any~~ an action or proceeding ~~has yet been~~ is commenced.”

SECTION 2. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Article 19

Civil No‑Contact Orders

Section 16‑3‑1900. For purposes of this article:

(1) ‘Complainant’ means a victim of a criminal offense that occurred in this State, a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occurred in this State, or a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occurred in this State.

(2) ‘Conviction’ means a conviction, adjudication of delinquency, guilty plea, nolo contendere plea, or forfeiture of bail.

(3) ‘Criminal offense’ means an offense against the person of an individual when physical or psychological harm occurs, including both common law and statutory offenses contained in Sections 16‑1‑60, 16‑3‑1700, 16‑3‑1710, 16‑3‑1720, 16‑3‑1730, 16‑25‑20, 16‑25‑30, 16‑25‑50, and 23‑3‑430; criminal sexual conduct offenses pled down to assault and battery of a high and aggravated nature; criminal domestic violence offenses pled down to assault and battery or assault and battery of a high and aggravated nature; and the common law offense of attempt, punishable pursuant to Section 16‑1‑80.

(4) ‘Family’ means a spouse, child, parent, sibling, or a person who regularly resides in the same household.

(5) ‘Respondent’ means a person who was convicted of a criminal offense for which the victim was the subject of the crime or the witness assisted the prosecuting entity in prosecuting the criminal offense.

(6) ‘Victim’ means:

(a) a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a criminal offense; or

(b) the spouse, parent, child, or lawful representative of a victim who is deceased, a minor, incompetent, or physically or psychologically incapacitated.

‘Victim’ does not include a person who is the subject of an investigation for, charged with, or has been convicted of the offense in question; a person, including a spouse, parent, child, or lawful representative, who is acting on behalf of a suspect, juvenile offender, or defendant, unless such actions are required by law; or a person who was imprisoned or engaged in an illegal act at the time of the offense.

(7) ‘Witness’ means a person who has been or is expected to be summoned to testify for the prosecution, or who by reason of having relevant information is subject to being called or likely to be called as a witness for the prosecution, whether or not any action or proceeding has been commenced.

Section 16‑3‑1910. (A) The circuit court and family court have jurisdiction over an action seeking a permanent civil no-contact order.

(B) To seek a permanent civil no-contact order, a person must:

(1) request the order in general sessions court or family court, as applicable, at the time the respondent is convicted for the criminal offense committed against the complainant; or

(2) file a complaint and motion in common pleas court in the county in which:

(a) the respondent resides when the action commences;

(b) the criminal offense occurred; or

(c) the complainant resides, if the respondent is a nonresident of the State or cannot be found.

(C) The following persons may seek a permanent civil no-contact order:

(1) a victim of a criminal offense that occurred in this State;

(2) a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occurred in this State; or

(3) a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occurred in this State.

(D) A complaint must:

(1) state that the respondent was a person convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity;

(2) state when and where the conviction took place and the name of the prosecuting entity and court;

(3) be verified; and

(4) inform the respondent of his right to retain counsel to represent the respondent at the hearing on the complaint.

(E) A complainant shall provide his address to the court and to any appropriate law enforcement agencies. The complainant’s address must be kept under seal, omitted from all documents filed with the court, and is not subject to Freedom of Information Act requests, pursuant to Section 30-4-10. The complainant may designate an alternative address to receive notice of motions or pleadings from the respondent.

(F) The circuit court must provide forms to facilitate the preparation and filing of a complaint and motion for a permanent civil no-contact order by a complainant not represented by counsel. The court must not charge a fee for filing a complaint and motion for a permanent civil no-contact order.

(G) An action for a permanent civil no‑contact order requires that a separate summons be issued and served. The summons must require the respondent to answer within thirty days of the date of service. The summons must include the complaint for the permanent civil no‑contact order and the notice of hearing as attachments. The appropriate sheriff shall serve the summons and attachments by personal delivery in accordance with the South Carolina Rules of Civil Procedure. If the sheriff cannot with due diligence serve the respondent by personal delivery, the complainant may serve the respondent by publication in accordance with the South Carolina Rules of Civil Procedure.

(H) The court may enter a permanent civil no‑contact order by default if the respondent was served in accordance with the provisions of this section and fails to answer as directed, or fails to appear on a subsequent appearance or hearing date agreed to by the parties or set by the court.

(I) The hearing on a permanent civil no-contact order may be done electronically via closed circuit television or through other electronic means when possible. If the respondent is confined in a Department of Corrections facility, the complainant may come to the Department of Probation, Parole and Pardon Services in Richland County to have the hearing held electronically via closed circuit television or through other electronic means.

(J) Upon a finding that the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity, as applicable, the court may issue a permanent civil no‑contact order. In determining whether to issue a permanent civil no‑contact order, physical injury to the victim or witness is not required.

(K) The terms of a permanent civil no-contact order must protect the victim or witness and may include enjoining the respondent from:

(1) abusing, threatening to abuse, or molesting the victim, witness, or members of the victim or witness’s family;

(2) entering or attempting to enter the victim or witness’s place of residence, employment, education, or other location; and

(3) communicating or attempting to communicate with the victim or witness in a way that would violate the provisions of this section.

(L) A permanent civil no‑contact order conspicuously must bear the following language:

(1) ‘Violation of this order is a felony criminal offense punishable by up to five years in prison’; and

(2) ‘Pursuant to Section 16‑25‑125, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person’s household member resides or the domestic violence shelter’s administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both’.

(M)(1) A permanent civil no-contact order remains in effect for the life of the complainant. If a victim or witness is a minor at the time a permanent civil no-contact order is issued on the minor’s behalf, the victim or witness, upon reaching the age of eighteen, may file a motion with the circuit court to have the permanent civil no-contact order removed.

(2) The court may modify the terms of a permanent civil no-contact order.

(N) Notwithstanding another provision of law, a permanent civil no-contact order is enforceable throughout this State.

(O) Law enforcement officers shall arrest a respondent who is acting in violation of a permanent civil no-contact order after service and notice of the order is provided. An arrest warrant is not required. A respondent who is in violation of a permanent civil no-contact order is guilty of a felony and, upon conviction, must be imprisoned up to five years.

(P) In proceedings for a permanent civil no-contact order or prosecutions for violation of a permanent civil no-contact order, the prior sexual activity and the reputation of the victim is inadmissible, except when it would be admissible in a criminal prosecution as provided by law.

(Q) Permanent civil no-contact orders are protection orders for purposes of Section 20-4-320, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, as long as all other criteria of Section 20-4-320 are met.

(R) The remedies provided by this section are not exclusive, but are additional to other remedies provided by law.

Section 16‑3‑1920. (A) The magistrates court has jurisdiction over an action seeking an emergency civil no-contact order.

(B) An action for an emergency civil no-contact order must be filed in the county in which:

(a) the respondent resides when the action commences;

(b) the criminal offense occurred; or

(c) the complainant resides, if the respondent is a nonresident of the State or cannot be found.

(C) A complaint and motion for an emergency civil no-contact order may be filed by:

(1) a victim of a criminal offense that occurred in this State;

(2) a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occurred in this State; or

(3) a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occurred in this State.

(D) The complaint must:

(1) state that the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity;

(2) state when and where the conviction took place and the name of the prosecuting entity and court;

(3) be verified; and

(4) inform the respondent of his right to retain counsel to represent the respondent at the hearing on the complaint.

(E) A complainant shall provide his address to the court and to appropriate law enforcement agencies. The complainant’s address must be kept under seal, omitted from all documents filed with the court, and is not subject to Freedom of Information Act requests pursuant to Section 30-4-10. The complainant may designate an alternative address to receive notice of motions or pleadings from the respondent.

(F) The court must provide forms to facilitate the preparation and filing of a complaint and motion for an emergency civil no-contact order by a complainant not represented by counsel. The court must not charge a fee for filing a complaint and motion for an emergency civil no-contact order.

(G)(1) Except as provided in subsection (H), the court shall hold a hearing on an emergency civil no-contact order within fifteen days of the filing of a complaint and motion, but not sooner than five days after service has been perfected upon the respondent.

(2) The court shall serve a copy of the complaint and motion upon the respondent at least five days before the hearing in the same manner required for service as provided in the South Carolina Rules of Civil Procedure.

(3) The hearing may be done electronically via closed circuit television or through other electronic means when possible. If the respondent is confined in a Department of Corrections facility, the complainant may come to the Department of Probation, Parole and Pardon Services in Richland County to have the hearing held electronically via closed circuit television or through other electronic means.

(4) The court may issue an emergency civil no-contact order upon a finding that:

(a) the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity, as applicable; and

(b) a restraining order has expired, is set to expire, or is not available, and the common pleas court is not in session for the complainant to obtain a permanent civil no-contact order.

In determining whether to issue an emergency civil no‑contact order, physical injury to the victim or witness is not required.

(H)(1) Within twenty‑four hours after the filing of a complaint and motion seeking an emergency civil no-contact order, the court may hold an emergency hearing and issue an emergency civil no-contact order without giving the respondent notice of the motion for the order if:

(a) the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity, as applicable;

(b) a restraining order has expired, is set to expire, or is not available, and the common pleas court is not in session for the complainant to obtain a permanent civil no-contact order;

(c) it clearly appears from specific facts shown by a verified complaint or affidavit that immediate injury, loss, or damage will result to the victim or witness before the respondent can be heard; and

(d) the complainant certifies to the court that one of the following has occurred:

(i) efforts have been made to serve the notice; or

(ii) there is good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the respondent were given prior notice of the complainant’s efforts to obtain judicial relief.

In determining whether to issue an emergency civil no‑contact order, physical injury to the victim or witness is not required.

(2) An emergency civil no-contact order granted without notice must be endorsed with the date and hour of issuance and entered of record with the magistrates court. The order must be served upon the respondent together with a copy of the complaint, motion, and a Rule to Show Cause why the order should not be extended until the hearing for a permanent civil no-contact order.

(I) The terms of an emergency civil no-contact order must protect the victim or witness and may include temporarily enjoining the respondent from:

(1) abusing, threatening to abuse, or molesting the victim, witness, or members of the victim or witness’s family;

(2) entering or attempting to enter the victim or witness’s place of residence, employment, education, or other location; and

(3) communicating or attempting to communicate with the victim or witness in a way that would violate the provisions of this section.

(J) An emergency civil no‑contact order conspicuously must bear the following language:

(1) ‘Violation of this order is a felony criminal offense punishable by up to five years in prison’; and

(2) ‘Pursuant to Section 16‑25‑125, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person’s household member resides or the domestic violence shelter’s administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both’.

(K) The court shall serve the respondent with a certified copy of the emergency civil no-contact order and provide a copy to the complainant and to the local law enforcement agencies having jurisdiction over the area where the victim or witness resides. Service must be made without charge to the complainant.

(L)(1) An emergency civil no-contact order remains in effect until a hearing on a permanent civil no-contact order.

(2) The court may modify the terms of an emergency civil no-contact order.

(M) Notwithstanding another provision of law, an emergency civil no-contact order is enforceable throughout this State.

(N) Law enforcement officers shall arrest a respondent who is acting in violation of an emergency civil no-contact order after service and notice of the order is provided. An arrest warrant is not required. A respondent who is in violation of an emergency civil no-contact order is guilty of a felony and, upon conviction, must be imprisoned up to five years.

(O) In proceedings for an emergency civil no-contact order or prosecutions for violation of an emergency civil no-contact order, the prior sexual activity and the reputation of the victim is inadmissible except when it would be admissible in a criminal prosecution as provided by law.

(P) Emergency civil no-contact orders are protection orders for purposes of Section 20-4-320, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, as long as all other criteria of Section 20-4-320 are met.

(Q) The remedies provided by this section are not exclusive but are additional to other remedies provided by law.”

SECTION 3. Section 1 of this act takes effect upon approval by the Governor. Section 2 of this act takes effect on January 1, 2011. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4350 -- Reps. Limehouse, Sottile, Gilliard and Mack: A BILL TO AMEND SECTION 40‑29‑340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRITERIA REQUIRED FOR A MANUFACTURED HOME, SO AS TO PROVIDE THAT FOR A SALE OF A PREVIOUSLY OWNED MANUFACTURED HOME, THE BUYER MUST CERTIFY HE HAS DETERMINED AT LEAST TWO FUNCTIONING SMOKE DETECTORS ARE IN THE HOME.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Labor, Commerce and Industry.

The Committee on Labor, Commerce and Industry proposed the following amendment (4350R001.WGR), which was adopted:

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

/ SECTION 1. Section 40‑29‑340 of the 1976 Code is amended to read:

“Section 40‑29‑340. No person may sell or offer for sale a manufactured home manufactured after June 15, 1976, unless its components, systems, and appliances meet the criteria of compliance with the Construction and Safety Standards Act and have been properly certified by the Department of Housing and Urban Development. For the sale of a previously owned manufactured home, the buyer and seller shall sign a form certifying both persons have determined at least two functioning smoke detectors are in the home.” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the committee amendment.

The committee amendment was adopted.

**Amendment No. 1**

Senators BRYANT, BRIGHT and MULVANEY proposed the following Amendment No. 1 (4350R003.KLB), which was ruled out of order:

Amend the bill, as and if amended, page 2, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Section 6-9-50 of the 1976 Code is amended by adding:

(C) Notwithstanding any provision of the referenced codes adopted by the council, a home with three floors of living space constructed on a raised foundation which is not used as living space is considered a three‑story building for the purpose of issuing a building permit to a person licensed under Title 40, Chapter 11 and 59. Any person authorized in South Carolina to design and construct buildings up to three stories is authorized to design and construct building described by this section. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

**Point of Order**

Senator McCONNELL raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**PRESIDENT *Pro Tempore* PRESIDES**

At 1:25 P.M., Senator McCONNELL assumed the Chair.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**AMENDED, AMENDMENT PROPOSED, OBJECTION**

H. 3845 -- Reps. T.R. Young, Allen and Kelly: A BILL TO AMEND SECTION 22‑3‑1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, SO AS TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

**Motion Under Rule 26B**

Senator KNOTTS asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senator KNOTTS proposed the following amendment (MS\  
7856AHB10), which was adopted:

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

/ SECTION \_\_. Section 22‑5‑190 of the 1976 Code is amended to read:

“Section 22‑5‑190. (A) ~~A magistrate may endorse a~~ An arrest warrant issued by a magistrate of another county when the person charged with a crime in the warrant resides in or is in ~~the~~ another county ~~of the endorsing magistrate~~ is not required to be endorsed by a magistrate in the county where the person resides or another county where he is located, and may be served by a law enforcement officer within the jurisdiction where the person resides or another county where he is located, or a law enforcement officer from the issuing jurisdiction while accompanied by a law enforcement officer in the jurisdiction where the warrant is being served. ~~When a warrant is presented to a magistrate for endorsement, as provided in this section, the magistrate shall authorize the person presenting it or any special constable to execute it within his county.~~

(B) ~~Whenever a~~ When the arrest warrant is issued by a ~~mayor,~~ recorder, judge, or other proper judicial officer ~~of any municipality requiring~~ entitled by law to issue a warrant for a municipality and that warrant requires the arrest of ~~any~~ a person charged with a violation of a municipal ordinance, or a state statute within the trial jurisdiction of the municipal authorities, and the person sought to be arrested is presently incarcerated in a jail or detention center of the county ~~in which~~ where the municipality is located, law enforcement officers of that municipality with the assistance of law enforcement officials of the county operating the jail or detention center may serve the warrant on that person without the necessity of a magistrate of the county endorsing the warrant ~~as required by this section~~.

(C) ~~Except as otherwise provided in subsection (B), whenever a~~ When an arrest warrant ~~is~~ issued by an intendant, ~~mayor,~~ recorder, judge, or other proper judicial officer ~~of any municipality of this State, requiring~~ entitled by law to issue a warrant for a municipality, and that warrant requires the arrest of ~~anyone~~ a person charged with the violation of a municipal ordinance~~,~~ or of a state statute within the trial jurisdiction of the municipal authorities, and the person sought to be arrested cannot be found within the municipal limits but is within the State, ~~the officer issuing the warrant may send it to the magistrate having jurisdiction over the area in which the person may be found, which magistrate may endorse the warrant, which shall then be executed by the magistrates’ constable or the sheriff of the county of the endorsing magistrate~~ the warrant is not required to be endorsed by a magistrate in the county where the person resides or another county where he may be located. ~~The endorsement shall be to the following effect: It shall be addressed to the sheriff or any lawful constable of the county of the endorsing magistrate, directing the officer to arrest the person named in the warrant and bring the person before the endorsing magistrate, to be dealt with according to law.~~ Unless a proper bond is filed ~~with the endorsing magistrate~~ by the person arrested, conditioned upon his ~~or her~~ appearance before the officer originally issuing the warrant, to answer the charges in it, the person arrested ~~shall~~ must be promptly turned over to police officers of the municipality ~~from which~~ where the warrant was originally issued who are ~~hereby~~ empowered to return the person to the municipality involved. ~~A magistrate shall not be required to endorse the warrant when the maximum penalty for each offense charged by the warrant does not exceed ten dollars or when the offense consists of the illegal parking of a motor vehicle.~~

(D) All costs, fees, travel, and other expenses in connection with the endorsement and execution of ~~such~~ these warrants ~~shall~~ must be paid by the municipality involved to the appropriate county or officers ~~entitled thereto~~.” /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

The amendment was adopted.

**Motion Under Rule 26B**

Senator ROSE asked unanimous consent to make a motion to take up a further amendment pursuant to the provisions of Rule 26B.

There was no objection.

Senators McCONNELL, CAMPSEN, CLEARY, PINCKNEY, ROSE and KNOTTS proposed the following amendment (JUD3845.003):

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ A BILL

TO AMEND SECTION 22‑1‑15 OF THE 1976 CODE, RELATING TO THE EFFECT OF INCREASED EDUCATIONAL REQUIREMENTS FOR MAGISTRATES CURRENTLY SERVING, TO PROVIDE THAT THE INCREASED EDUCATION REQUIREMENTS OF AN ASSOCIATE’S AND A BACHELOR’S DEGREE NOT ONLY DO NOT APPLY TO A MAGISTRATE SERVING ON THE EFFECTIVE DATE OF THOSE INCREASED REQUIREMENTS DURING HIS TENURE IN OFFICE, BUT ALSO DO NOT APPLY TO A MAGISTRATE WHO HAS SERVED FOR AT LEAST EIGHT CONSECUTIVE YEARS AND HAS A BREAK IN SERVICE PRIOR TO BEING APPOINTED TO A SUBSEQUENT TERM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 22‑1‑15 of the 1976 Code is amended to read:

“Section 22‑1‑15. (A) The provisions of Section 22‑1‑10(B) do not apply to a magistrate serving on January 1, 1989, during his tenure in office. A magistrate holding office after January 1, 1989, must achieve a high school education or the equivalent educational training as recognized by the State Department of Education within two years of January 1, 1989, and must submit a certified copy of his high school diploma or certified proof of its recognized equivalent in educational training as established by the State Department of Education to the South Carolina Court Administration.  However, this requirement does not apply to a magistrate with at least five years’ service as a magistrate on January 1, 1989.  The South Carolina Court Administration must report to the Governor’s Office a magistrate’s failure to submit the proper documentation, and a magistrate’s violation of this subsection terminates his term of office.

(B) The provisions of Section 22‑1‑10(B)(2)(a) and (b) do not apply to: (1) a magistrate serving on June 30, 2001, during his tenure in office; or (2) a magistrate who has served for at least eight consecutive years and has a break in service prior to being appointed to a subsequent term.

(C) The provisions of Section 22‑1‑10(B)(2)(b) do not apply to: (1) a magistrate serving on June 30, 2005, during his tenure in office, or (2) a magistrate who has served for at least eight consecutive years and has a break in service prior to being appointed to a subsequent term.”

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

Renumber sections to conform.

Amend title to conform.

Senator ROSE explained the amendment.

**ACTING PRESIDENT PRESIDES**

At 1:39 P.M., Senator LARRY MARTIN assumed the Chair.

**Point of Order Withdrawn**

Senator SCOTT raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

On motion of Senator SCOTT, with unanimous consent, the Point of Order was withdrawn.

Senator RYBERG objected to further consideration of the Bill.

**PRESIDENT *Pro Tempore* PRESIDES**

At 1:45 P.M., Senator McCONNELL assumed the Chair.

**AMENDED AND ADOPTED**

H. 4747 -- Reps. Mack, Gilliard, Hutto, Whipper, Stavrinakis, R.L. Brown, Harrell, Limehouse and Sottile: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGES LOCATED AT EXITS 219 A AND 219 B IN CHARLESTON COUNTY “FLOYD BREELAND INTERCHANGES” AND ERECT APPROPRIATE MARKERS OR SIGNS AT BOTH EXITS THAT CONTAIN THE WORDS “FLOYD BREELAND INTERCHANGE”.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

Senator GROOMS proposed the following amendment (GGS\  
22644CM10), which was adopted:

Amend the concurrent resolution, as and if amended, by deleting lines 19 through 24 on page 2 and inserting:

/ That the members of the South Carolina General Assembly request the Department of Transportation to name the interchange located at exit 219 A along Interstate Highway 26 in Charleston County “Floyd Breeland Interchange” and erect appropriate markers or signs at this exit that contain the words “Floyd Breeland Interchange”. /

Amend further, by deleting lines 13 and 14 on page 2 and inserting:

/ colleague and friend Floyd Breeland by naming a highway interchange in his honor. Now, therefore, /

Amend further the title, by deleting lines 11 through 17 and inserting:

/ TO REQUEST THE DEPARTMENT OF TRANSPORTATION TO NAME THE INTERCHANGE LOCATED AT EXIT 219 A IN CHARLESTON COUNTY “FLOYD BREELAND INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS EXIT THAT CONTAIN THE WORDS “FLOYD BREELAND INTERCHANGE”./

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

The Concurrent Resolution was adopted, as amended, ordered returned to the House as amended.

**OBJECTION**

H. 3681 -- Reps. Ott, Kirsh, Brantley, McEachern, G.A. Brown, J.H. Neal, Cobb‑Hunter, Sellers, Gunn, Dillard, King, Anderson, Duncan, Agnew, Clyburn, Edge, Gambrell, Hosey, Howard, McLeod, M.A. Pitts, Hodges and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT “CHANDLER’S LAW” TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL‑TERRAIN VEHICLES INCLUDING THE REQUIREMENT THAT PERSONS FIFTEEN AND YOUNGER MUST COMPLETE A SAFETY COURSE BEFORE THEY MAY OPERATE AN ALL‑TERRAIN VEHICLE, TO REQUIRE THAT VEHICLES MEETING SPECIFIC STANDARDS ONLY MAY BE OPERATED BY PERSONS OF A CERTAIN AGE, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE THAT ALL‑TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES BEGINNING WITH CALENDAR YEAR 2009; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL‑TERRAIN VEHICLES.

Senator CROMER asked unanimous consent to take the Bill up for immediate consideration.

Senator MALLOY objected.

**OBJECTION**

H. 4202 -- Reps. Mitchell, Long, Dillard, Cobb‑Hunter and Sellers: A BILL TO AMEND SECTION 16‑3‑930, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES, SO AS TO PROVIDE A MANDATORY MINIMUM PENALTY OF FIVE YEARS FOR A PERSON WHO COMMITS THE OFFENSE AND INCREASE THE MAXIMUM PENALTY TO THIRTY YEARS.

Senator MALLOY objected to further consideration of the Bill.

**CARRIED OVER**

H. 3835 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Brady, Branham, Brantley, H.B. Brown, R.L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb‑Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D.C. Moss, Nanney, J.H. Neal, J.M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Scott, Sellers, Simrill, Skelton, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Spires, Stavrinakis, Stewart, Thompson, Toole, Umphlett, Vick, Viers, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 9, TITLE 23 TO ENACT THE “SOUTH CAROLINA HYDROGEN PERMITTING ACT” SO AS TO CREATE THE STATE HYDROGEN PERMITTING PROGRAM AND TO STATE THE PURPOSE OF THE PROGRAM; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT ONLY THE STATE FIRE MARSHAL MAY PERMIT A HYDROGEN FACILITY IN THIS STATE, BUT MAY DELEGATE THIS AUTHORITY TO A COUNTY OR MUNICIPAL OFFICIAL IN SPECIFIC CIRCUMSTANCES; TO PROVIDE THE DUTIES AND OBLIGATIONS OF THE STATE FIRE MARSHAL UNDER THE ACT; TO PROVIDE REQUIREMENTS FOR A PARTY SEEKING TO RENOVATE OR CONSTRUCT A HYDROGEN FACILITY; TO PROVIDE THE STATE FIRE MARSHAL MAY IMPOSE CERTAIN FEES RELATED TO PERMITTING, LICENSING, AND INSPECTING UNDER THE ACT; TO PROVIDE PENALTIES FOR A PERSON WHO CONVEYS OR ATTEMPTS TO CONVEY HYDROGEN IN VIOLATION OF THE ACT; AND TO AMEND SECTION 23‑9‑20, RELATING TO DUTIES OF THE STATE FIRE MARSHAL, SO AS TO PROVIDE THE STATE FIRE MARSHAL SHALL SUPERVISE ENFORCEMENT OF THE SOUTH CAROLINA HYDROGEN PERMITTING PROGRAM.

On motion of Senator LARRY MARTIN, the Bill was carried over.

S. 1257 -- Senator Rose: A BILL TO AMEND CHAPTER 5, TITLE 43 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE DIRECTORY OF NEW HIRES AND NEW HIRE REPORTING PROGRAM, SO AS TO REPEAL SECTION 43‑5‑598; TO AMEND SECTION 63‑17‑1210, RELATING TO THE STATE DIRECTORY OF NEW HIRES AND THE NEW HIRE REPORTING PROGRAM, SO AS TO DEFINE CERTAIN TERMS, TO REQUIRE THAT BY JULY 1, 2010, THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE DEPARTMENT OF SOCIAL SERVICES CREATE AN EMPLOYER NEW HIRE REPORTING PROGRAM AND A STATE DIRECTORY OF NEW HIRES, TO REQUIRE EMPLOYERS TO REPORT THE EMPLOYMENT OF ALL NEW HIRES WHO RESIDE OR WORK IN SOUTH CAROLINA TO THE STATE DIRECTORY WITHIN TWENTY CALENDAR DAYS OF HIRING, TO REQUIRE THAT THE REPORT MUST CONTAIN THE EMPLOYER’S NAME, ADDRESS, AND FEDERAL IDENTIFICATION NUMBER, AND THE NEW HIRES NAME, ADDRESS, AND SOCIAL SECURITY NUMBER, TO EXEMPT EMPLOYERS FROM HAVING TO FILE REPORTS ON EMPLOYEES OF FEDERAL OR STATE AGENCIES WHO PERFORM INTELLIGENCE OR COUNTERINTELLIGENCE FUNCTIONS, TO PERMIT AN EMPLOYER WITH EMPLOYEES IN MORE THAN ONE STATE TO SELECT A SINGLE STATE FROM WHICH TO TRANSMIT NEW HIRE REPORTS, TO REQUIRE THAT NEW HIRE REPORTS BE MADE ON W‑4 FORMS OR AN EQUIVALENT FORM, TO REQUIRE THAT EMPLOYERS WHO FAIL TO FILE REPORTS ARE SUBJECT TO A TWENTY‑FIVE DOLLAR FINE FOR THE SECOND AND SUBSEQUENT OFFENSE, AND A FIVE HUNDRED DOLLAR FINE FOR EVERY OFFENSE WHERE THE EMPLOYER CONSPIRED WITH THE NEW HIRE NOT TO REPORT THE HIRING OF THE NEW EMPLOYEE, TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES ENTER THE NEW HIRE REPORTS FILED BY EMPLOYERS INTO STATE DIRECTORY OF NEW HIRES WITHIN FIVE BUSINESS DAYS OF RECEIPT FROM THE EMPLOYER, TO REQUIRE THAT BY OCTOBER 1, 2010, THE DEPARTMENT OF SOCIAL SERVICES MUST CONDUCT AUTOMATED COMPARISONS OF SOCIAL SECURITY NUMBERS REPORTED BY EMPLOYERS WITH SOCIAL SECURITY NUMBERS IN THE RECORDS OF THE STATE CASE REGISTRY, TO REQUIRE THAT WHEN THE COMPARISON REVEALS A MATCH, THE DEPARTMENT OF SOCIAL SERVICES MUST, WITHIN TWO DAYS, NOTIFY THE EMPLOYER OF THE MATCH AND DIRECT THE EMPLOYER TO WITHHOLD FROM THE INCOME OF THE NEW HIRE AN AMOUNT EQUAL TO THE MONTHLY, OR OTHER PERIODIC CHILD SUPPORT OBLIGATION, INCLUDING PAST DUE CHILD SUPPORT OBLIGATIONS, TO PROVIDE THAT WITHIN THREE DAYS OF THE DATA BEING ENTERED INTO THE STATE DIRECTORY OF NEW HIRES THAT THE STATE DIRECTORY MUST FORWARD THE INFORMATION TO THE NATIONAL DIRECTORY OF NEW HIRES, TO PROVIDE THAT THE STATE DIRECTORY OF NEW HIRES MUST INCLUDE REPORTS RECEIVED FROM THE EMPLOYMENT SECURITY COMMISSION AND OTHER DEPARTMENTS, TO PROVIDE THAT THE INFORMATION MAINTAINED IN THE DIRECTORY OF NEW HIRES SHALL BE USED BY THE DEPARTMENT OF SOCIAL SERVICES TO LOCATE INDIVIDUALS FOR PURPOSES OF ESTABLISHING PATERNITY AND ESTABLISHING CHILD SUPPORT OBLIGATIONS AND IT MAY BE DISCLOSED TO A PUBLIC OR PRIVATE AGENCY THAT IS UNDER CONTRACT WITH THE DEPARTMENT OF SOCIAL SERVICES, TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES SHALL HAVE ACCESS TO THE INFORMATION FOR THE PURPOSE OF VERIFYING ELIGIBILITY FOR CERTAIN STATE ADMINISTERED PROGRAMS, TO PROVIDE THAT THE EMPLOYMENT SECURITY COMMISSION SHALL HAVE ACCESS TO THE INFORMATION REPORTED BY EMPLOYERS FOR PURPOSES OF ADMINISTERING THE EMPLOYMENT SECURITY PROGRAM, TO PROVIDE THAT THE WORKERS’ COMPENSATION COMMISSION SHALL HAVE ACCESS TO THE INFORMATION FOR THE PURPOSE OF ADMINISTERING THE WORKERS’ COMPENSATION PROGRAM, TO PROVIDE THAT AN EMPLOYER WHO DISCLOSES THIS INFORMATION TO THE STATE DIRECTORY OF NEW HIRES IN GOOD FAITH SHALL BE EXEMPT FROM CIVIL OR CRIMINAL LIABILITY, TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROMULGATE REGULATIONS, AND TO PROVIDE THAT THIS PROVISION SHALL REMAIN IN EFFECT UNTIL THE FEDERAL PROGRAM MANDATING REPORTING NEW HIRES IS REPEALED; TO AMEND SECTION 63‑3‑530(A)(43), RELATING TO THE DEPARTMENT OF SOCIAL SERVICES’ COLLECTION OF FINES, SO AS TO INCLUDE SECTION 63‑17‑1210 IN THE LIST OF FINES TO BE ENFORCED.

On motion of Senator PEELER, the Bill was carried over.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

On motion of Senator SETZLER, the Senate agreed to dispense with the Motion Period.

**RECESS**

At 1:50 P.M., on motion of Senator SETZLER, the Senate receded from business subject to the Call of the Chair.

At 2:21 P.M., the Senate resumed.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**CARRIED OVER**

(R218, H4923) -- Reps. Govan, Cobb‑Hunter, Ott and Sellers: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT NO. 4 OF ORANGEBURG COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

The veto of the Governor was taken up for immediate consideration.

On motion of Senator SETZLER, the veto was carried over.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**Message from the House**

Columbia, S.C., June 1, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

S. 337 -- Senators Cleary and Peeler: A BILL TO AMEND SECTION 44‑1‑60 OF THE SOUTH CAROLINA CODE, TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS. (ABBREVIATED TITLE)

Very respectfully,

Speaker of the House

Received as information.

**SENATE INSISTS ON THEIR AMENDMENTS**

**COMMITTEE OF CONFERENCE APPOINTED**

S. 337 -- Senators Cleary and Peeler: A BILL TO AMEND SECTION 44‑1‑60 OF THE SOUTH CAROLINA CODE, TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS. (ABBREVIATED TITLE)

On motion of Senator PEELER, the Senate insisted upon its amendments to S. 337 and asked for a Committee of Conference.

Whereupon, Senators PEELER, HUTTO and CLEARY were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**S. 337--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

S. 337 -- Senators Cleary and Peeler: A BILL TO AMEND SECTION 44‑1‑60 OF THE SOUTH CAROLINA CODE, TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS. (ABBREVIATED TITLE)

On motion of Senator CLEARY, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator CLEARY spoke on the report.

The question then was adoption of the Conference Committee Report.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

On motion of Senator CLEARY, the Report of the Committee of Conference to S. 337 was adopted as follows:

**S. 337--Conference Report**

The General Assembly, Columbia, S.C., June 1, 2010

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 44‑1‑60(E) through (I) of the 1976 Code, as added by Act 387 of 2006, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(H) Applicants, permittees, licensees, and affected persons are encouraged to engage in mediation during the final ~~agency~~ review process.

~~(H)~~(I) The department may promulgate regulations providing for procedures for final ~~administrative~~ reviews.

~~(I)~~(J) Any statutory deadlines applicable to permitting and licensing programs administered by the department ~~shall~~ must be extended to all for this final review process. If any deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.”

SECTION 2. Section 44‑7‑130(4), (10), (15), (16), and (21) of the 1976 Code is amended to read:

“(4) ~~‘Chiropractic inpatient facility’ means a facility organized and administered to provide overnight care for patients requiring chiropractic services, including vertebral sublaxation, analysis, and adjustment~~ Reserved.

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

(15) ‘Person’ means an individual, a trust or estate, a partnership, a corporation including an association, joint stock company, insurance company, and a health maintenance organization, a health care facility, a state, a political subdivision, or an instrumentality including a municipal corporation of a state, or any legal entity recognized by the State.

(16) ‘Residential treatment facility for children and adolescents’ means a facility operated for the assessment, diagnosis, treatment, and care ~~by~~ of two or more ~~persons of~~ ‘children and adolescents in need of mental health treatment’ which provides:

(a) a special education program with a minimum program defined by the South Carolina Department of Education;

(b) recreational facilities with an organized youth development program; and

(c) residential treatment for a child or adolescent in need of mental health treatment.

(21) ‘Like equipment with similar capabilities’ means medical equipment in which functional and technological capabilities are identical to the equipment to be replaced; and the replacement equipment is to be used for the same or similar diagnostic, therapeutic, or treatment purposes as currently in use; and does not ~~increase the potential volume or type of procedures possible~~ constitute a material change in service or a new service.”

SECTION 3. Section 44‑7‑130 of the 1976 Code is amended by adding at the end:

“(24) ‘Birthing center’ means a facility or other place where human births are planned to occur. This does not include the usual residence of the mother or any facility that is licensed as a hospital or the private practice of a physician who attends the birth.

(25) ‘Freestanding emergency service’ also referred to as an off‑campus emergency service, means an extension of an existing hospital emergency department that is an off‑campus emergency service and that is intended to provide comprehensive emergency service. The hospital shall have a valid license and be in operation to support the off‑campus emergency service. A service that does not provide twenty‑four hour, seven day per week operation or that is not capable of providing basic services as defined for hospital emergency departments must not be classified as a freestanding emergency service and must not advertise or display or exhibit any signs or symbols that would identify the service as a freestanding emergency service.”

SECTION 4. Section 44‑7‑150(5) of the 1976 Code is amended to read:

“(5) The department may ~~adopt a filing fee for Certificate of Need applications. The fee must be approved by the board~~ charge and collect fees to cover the cost of operating the Certificate of Need program, including application fees, filing fees, issuance fees, and nonapplicability/exemption determination fees. The department shall develop regulations which set fees as authorized by this article. The level of these fees must be determined after careful consideration of the direct and indirect costs incurred by the department in performing its various functions and services in the Certificate of Need program. All fees and procedures for collecting fees must be adopted pursuant to procedures set forth in the Administrative Procedures Act. Any fee collected pursuant to this section in excess of seven hundred fifty thousand dollars must be retained by the department and designated for the administrative costs of the Certificate of Need program. The first seven hundred fifty thousand dollars collected pursuant to this section must be deposited into the general fund of the State. ~~The fee must be collected prior to review of the application. A fee may not be increased beyond the cost of administration of the Certificate of Need Program.~~ Until fees are promulgated through regulation, all fees established as of January 1, 2009, remain in effect.”

SECTION 5. Section 44‑7‑160 of the 1976 Code is amended to read:

“Section 44‑7‑160. A person or health care facility as defined in this article is required to obtain a Certificate of Need from the department before undertaking any of the following:

(1) the construction or other establishment of a new health care facility;

(2) a change in the existing bed complement of a health care facility through the addition of one or more beds or change in the classification of licensure of one or more beds;

(3) an expenditure by or on behalf of a health care facility in excess of an amount to be prescribed by regulation which, under generally acceptable accounting principles consistently applied, is considered a capital expenditure except those expenditures exempted in Section 44‑7‑170(B)(1). The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the development, acquisition, improvement, expansion, or replacement of any plant or equipment must be included in determining if the expenditure exceeds the prescribed amount;

(4) a capital expenditure by or on behalf of a health care facility which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the ~~State~~ South Carolina Health Plan;

(5) the offering of a health service by or on behalf of a health care facility which has not been offered by the facility in the preceding twelve months ~~and which has an annual operating cost in excess of an amount to be prescribed by regulation~~ and for which specific standards or criteria are prescribed in the ~~State~~ South Carolina Health Plan;

(6) the acquisition of medical equipment which is to be used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation;

~~(7)~~ ~~the acquisition or change in ownership or in controlling interest of a health care facility or entity owning a health care facility directly or indirectly by purchase, lease, gift, donation, sale of stock, or comparable arrangement if the acquisition or change in ownership or controlling interest may result in an increase in cost to the facility or increase in government‑sponsored reimbursement;~~

~~(8)~~ ~~the acquisition of an existing health care facility by a person who has failed to notify the department and seeks an exemption before entering into a contractual arrangement to acquire an existing facility;~~

~~(9)~~ ~~an expenditure or financial obligation made in preparation for the offering or developing of a project which requires certification of need pursuant to this section if the expenditure or financial obligation is in excess of an amount to be prescribed by regulation~~.”

SECTION 6. Section 44‑7‑170 of the 1976 Code, as amended by Act 27 of 2003, is further amended to read:

“Section 44‑7‑170. (A) The ~~provisions of this article do not apply to~~ following are exempt from Certificate of Need review:

(1) ~~health care facilities owned and operated by the federal government~~ the acquisition by a person of medical equipment to be used solely for research, the offering of an institutional health service by a person solely for research, or the obligation of a capital expenditure by a person to be made solely for research if it does not:

(a) affect the charges imposed by the person for the provision of medical or other patient care services other than the services that are included in the research;

(b) change the bed capacity of a health care facility; or

(c) substantially change the medical or other patient care services provided by the person.

A written description of the proposed research project must be submitted to the department in order for the department to determine if these conditions are met. A Certificate of Need is required in order to continue use of the equipment or service after the equipment or service is no longer being used solely for research;

(2) the offices of a licensed private practitioner whether for individual or group practice except as provided for in Section 44‑7‑160(1) and (6);

(3) the replacement of like equipment for which a Certificate of Need has been issued which does not constitute a material change in service or a new service~~the acquisition by a health care facility of medical equipment to be used solely for research, the offering of an institutional health service by a health care facility solely for research, or the obligation of a capital expenditure by a health care facility to be made solely for research if it does not (a) affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research; (b) change the bed capacity of the facility; or (c) substantially change the medical or other patient care services of the facility. A written description of the proposed research project must be submitted to the department in order for the department to determine if the above conditions are met. A Certificate of Need is required in order to continue use of the equipment or service after research restrictions are removed;~~

~~(4)~~ ~~purchases of or agreements to purchase real estate; however, the costs associated with the purchase of real estate must be included in determining the total project cost at the time the real estate is proposed to be developed~~.

(B) ~~The Certificate of Need provisions of~~ This article ~~do~~ does not apply to:

(1) an expenditure by or on behalf of a health care facility for nonmedical projects for services such as refinancing existing debt, parking garages, laundries, roof replacements, computer systems, telephone systems, heating and air conditioning systems, upgrading facilities which do not involve additional square feet or additional health services, replacement of like equipment with similar capabilities, or similar projects as described in regulations;

(2) facilities owned and operated by the ~~State~~ South Carolina Department of Mental Health and the South Carolina Department of ~~Mental Retardation~~ Disabilities and Special Needs, except an addition of one or more beds to the total number of beds of the departments’ health care facilities existing on July 1, 1988;

(3) educational and penal institutions maintaining infirmaries for the exclusive use of student bodies and inmate populations;

(4) any federal health care facility sponsored and operated by this State;

(5) community‑based housing designed to promote independent living for persons with mental or physical disabilities. This does not include a facility defined in this article as a ‘health care facility’~~.~~;

(6) kidney disease treatment centers including, but not limited to, free standing hemodialysis centers and renal dialysis centers;

(7) health care facilities owned and operated by the federal government.

(C) Before undertaking a project enumerated in subsection (A), a person shall obtain a written exemption from the department as may be more fully described in regulation.”

SECTION 7. Section 44‑7‑180 of the 1976 Code is amended to read:

“Section 44‑7‑180. (A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be ~~equally~~ represented among the Governor’s appointees: health care consumers, health care financiers ~~to include~~, including business and insurance, and health care providers, including an administrator of a licensed for-profit nursing home. The chairman of the board shall appoint one member. The South Carolina Consumer Advocate or the Consumer Advocate’s designee is an ex officio nonvoting member. Members appointed by the Governor are appointed for four‑year terms, and may serve only two consecutive terms~~, and~~. Members of the health planning committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions. The committee shall elect from among its members a chairman, vice‑chairman, and such other officers as the committee considers necessary to serve a two‑year term in that office.

(B) With the advice of the health planning committee, the department shall prepare a ~~State~~ South Carolina Health Plan for use in the administration of the Certificate of Need program provided in this article. The plan at a minimum must include:

(1) an inventory of existing health care facilities, beds, specified health services, and equipment;

(2) projections of need for additional health care facilities, beds, health services, and equipment;

(3) standards for distribution of health care facilities, beds, specified health services, and equipment including scope of services to be provided, utilization, and occupancy rates, travel time, regionalization, other factors relating to proper placement of services, and proper planning of health care facilities; and

(4) a general statement as to the project review criteria considered most important in evaluating Certificate of Need applications for each type of facility, service, and equipment, including a finding as to whether the benefits of improved accessibility to each such type of facility, service, and equipment may outweigh the adverse affects caused by the duplication of any existing facility, service, or equipment.

The ~~State~~ South Carolina Health Plan must address and include projections and standards for specified health services and equipment which have a potential to substantially impact health care cost and accessibility. Nothing in this provision shall be construed as requiring the department to approve any project which is inconsistent with the ~~State~~ South Carolina Health Plan.

(C) Upon approval by the health planning committee, the ~~State~~ South Carolina Health Plan must be submitted at least once every two years to the board for final revision and adoption. Once adopted by the board, the plan may later be revised through the same planning and approval process. The department shall adopt by regulation a procedure to allow public review and comment, including regional public hearings, before adoption or revision of the plan.

~~(D)~~ ~~The Department of Health and Environmental Control may charge and collect fees to cover the cost of operating the Certificate of Need program. Upon submission of a complete Certificate of Need application, the applicant must pay a fee of five hundred dollars plus five‑tenths of one percent of the project cost for review of the project, not to exceed seven thousand, five hundred dollars; however, for an applicant whose review fee would exceed seven thousand, five hundred dollars an additional fee of seven thousand, five hundred dollars is imposed if the applicant is awarded a Certificate of Need, which must be paid at the time of the award. Fees paid pursuant to this subsection must be deposited to the credit of the general fund of the State.~~”

SECTION 8. Section 44‑7‑190 of the 1976 Code is amended to read:

“Section 44‑7‑190. (A) The department shall adopt, upon approval of the board, Project Review Criteria which, at a minimum, must provide for the determination of need for health care facilities, beds, services and equipment, ~~to include~~ including demographic needs, appropriate distribution, and utilization; accessibility to underserved groups; availability of facilities and services without regard to ability to pay; absence of less costly and more effective alternatives; appropriate financial considerations ~~to include~~, including method of financing, financial feasibility, and cost containment; consideration of impact on health systems resources; site and building suitability; consideration of quality of care; and relevant special considerations as may be appropriate. The Project Review Criteria must be adopted as a regulation pursuant to the Administrative Procedures Act.

(B) The project review criteria promulgated in regulation must be used in reviewing all projects under the Certificate of Need process. When the criteria are weighted to determine the relative importance for the specific project, the department may reorder the relative importance of the criteria no more than one time after the project review meeting. When an application has been appealed, the department may not change the weighted formula.”

SECTION 9. Section 44‑7‑200(A) and (C) of the 1976 Code is amended to read:

“(A) An application for a Certificate of Need must be submitted to the department in a form established by regulation. The application must address all applicable standards and requirements set forth in departmental regulations, Project Review Criteria of the department, and the ~~State~~ South Carolina Health Plan. ~~The application must include the payment of a nonrefundable initial application fee of five hundred dollars. The department shall deduct this fee from the Certificate of Need filing fee which is payable in accordance with departmental regulations when the application is determined to be complete.~~

(C) Upon publication of this notice and until a contested case hearing is requested pursuant to Section ~~44‑7‑210~~ 44‑1‑60(G):

(1) members of the board and persons appointed by the board to ~~hear appeals from department~~ hold a final review conference on staff decisions may not communicate directly or indirectly with any person in connection with the application; and

(2) no person shall communicate, or cause another to communicate, as to the merits of the application with members of the board and persons appointed by the board to ~~hear appeals from~~ ~~department~~ hold a final review conference on staff decisions.

A person who violates this subsection is subject to the penalties provided in Section 1‑23‑360.”

SECTION 10. Section 44‑7‑200 of the 1976 Code is amended by adding at the end:

“(E) After a Certificate of Need application has been filed with the department, state and federal elected officials are prohibited from communicating with the department with regard to the Certificate of Need application at any time. This prohibition does not include written communication of support or opposition to an application. Such written communication must be included in the administrative record.”

SECTION 11. Section 44‑7‑210 of the 1976 Code is amended to read:

“Section 44‑7‑210. (A) After the department has determined that an application is complete, affected persons must be notified in accordance with departmental regulations. The notification ~~of~~ to affected persons that the application is complete begins the review period; however, in the case of competing applications, the review period begins on the date of notice to affected persons that the last of the competing applications is complete and notice is published in the State Register. ~~During the review process, the department shall determine~~ The staff shall issue its decision to approve or deny the application no earlier than thirty calendar days, but no later than one hundred twenty calendar days, from the date affected persons are notified that the application is complete, unless a public hearing is timely requested as may be provided for by department regulation. If a public hearing is properly requested, the staff’s decision must not be made until after the public hearing, but in no event shall the decision be issued more than one hundred fifty calendar days from the date affected persons are notified that the application is complete. The staff may reorder the relative importance of the project review criteria no more than one time during the review period. The staff’s reordering of the relative importance of the project review criteria does not extend the review period provided for in this section ~~for this project and shall notify the applicant of this determination. The applicant has thirty days from the date of the receipt of this notice to submit any additional information. The review period for a completed application is sixty days from the date of notification of affected persons, or up to sixty days from the date that applicants are notified of the relative importance of project review criteria provided for in this section, whichever is longer. One extension of up to sixty days may be granted by the department in accordance with departmental regulations with the exception of an extension that is granted to comply with a request for a public hearing~~.

(B) ~~The department may hold a public hearing, if timely requested, to gather information and obtain public comment and opinion about the proposed project.~~

~~(C)~~ The department may not issue a Certificate of Need unless an application complies with the ~~State~~ South Carolina Health Plan, Project Review Criteria, and other regulations. Based on project review criteria and other regulations, which must be identified by the department, the department may refuse to issue a Certificate of Need even if an application complies with the ~~State~~ South Carolina Health Plan. In the case of competing applications, the department shall award a Certificate of Need, if appropriate, on the basis of which, if any, most fully complies with the requirements, goals, and purposes of this article and the State Health Plan, Project Review Criteria, and the regulations adopted by the department.

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

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

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

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

~~(E)~~(D) ~~The department’s proposed decision is not final until the completion of reconsideration or contested case proceedings. The burden of proof in a reconsideration or contested case hearing must be upon the moving party. The contested case hearing before the board or its designee is conducted as a contested case under the Administrative Procedures Act. The issues considered at the contested case hearing are limited to those presented or considered during the staff review and decision process.~~

~~(F)~~ ~~The department may not issue a Certificate of Need approval for a methadone treatment facility until licensure standards are promulgated by the department, in accordance with the Administrative Procedures Act, for these facilities. The department shall convene a study group to revise and propose licensure standards for methadone clinics. The study group shall consist of representatives of the department, the Department of Alcohol and Other Drug Abuse Services, methadone providers in South Carolina, and the Medical University of South Carolina. The licensure standards shall include standards for location of these facilities within the community. Methadone treatment facilities licensed as of January 1, 1997, must not be required to obtain a Certificate of Need pursuant to this section~~ The staff’s decision is not the final agency decision until the completion of the final review process provided for in Section 44‑1‑60(F).

(E) A contested case hearing of the final agency decision must be requested in accordance with Section 44‑1‑60(G). The issues considered at the contested case hearing considering a Certificate of Need are limited to those presented or considered during the staff review.

(F) Notwithstanding any other provision of law, including Section 1‑23‑650(C), in a contested case arising from the department’s decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44‑7‑170, or the issuance of a determination regarding the applicability of Section 44‑7‑160, the following apply:

(1) each party may name no more than ten witnesses who may testify at the contested case hearing;

(2) each party is permitted to take only the deposition of a person listed as a witness who may testify at the contested case hearing, unless otherwise provided for by the Administrative Law Court;

(3) each party is permitted to serve only ten interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure;

(4) each party is permitted to serve only ten requests for admission, including subparts; and

(5) each party is permitted to serve only thirty requests for production, including subparts.

The limitations provided for in this subsection are intended to make the contested case process more efficient, less burdensome, and less costly to the parties in Certificate of Need cases. Therefore, the Administrative Law Court may, by court order, lift these limitations beyond the parameters set forth in this subsection only in exceptional circumstances when failure to do so would cause substantial prejudice to the party seeking additional discovery.

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

SECTION 12. Section 44‑7‑220 of the 1976 Code is amended to read:

“Section 44‑7‑220. (A) ~~After the contested case hearing is concluded and a final board decision is made, a party who participated in the contested case hearing and who is affected adversely by the board’s decision may obtain~~ A party who is aggrieved by the Administrative Law Court’s final decision may seek judicial review of the final decision in ~~the circuit court pursuant to the Administrative Procedures Act. An appeal taken to the circuit court from a decision of the board on a~~ accordance with Section 1‑23‑380.

(B) If the relief requested in the appeal is the reversal of the Administrative Law Court’s decision to approve the Certificate of Need application ~~has precedence on the court’s calendar and must be heard not later than forty‑five days from the date the petition is filed.~~

~~An applicant whose Certificate of Need application is denied by the board in favor of a competing application or a party adversely affected by the board’s decision~~ or approve the request for exemption under Section 44‑7‑170 or approve the determination that Section 44‑7‑160 is not applicable, the party filing the appeal shall deposit a bond with the Clerk of ~~court for~~ the ~~circuit~~ Court of Appeals within five calendar days after ~~before the~~ filing ~~of a~~ the petition to appeal ~~a final decision of the board granting or denying a Certificate of Need~~. The bond must be secured by cash or a surety authorized to do business in this State in an amount equal to five percent of the total cost of the project or ~~twenty~~ one hundred thousand dollars, whichever is greater, up to a maximum of one million five hundred thousand dollars. If the Court of Appeals affirms the Administrative Law Court’s decision ~~of the board~~ or dismisses the appeal, the Court of Appeals ~~may~~ shall award to the ~~applicant approved for the Certificate of Need who is a party to~~ party whose project is the subject of the appeal all ~~or a portion~~ of the bond and may also award reasonable attorney’s fees and costs incurred in the appeal. If ~~an applicant~~ a party appeals ~~only~~ the denial of ~~his~~ its own Certificate of Need application or of an exemption request under Section 44‑7‑170 or appeals the determination that Section 44‑7‑160 is applicable and there is no competing application involved in the appeal, the ~~applicant~~ party filing the appeal is not required to deposit a bond with the ~~circuit~~ Court of Appeals.

(C)(1) ~~If, at any stage~~ Furthermore, if at the conclusion of the ~~appeal process involving the grant or denial of a Certificate of Need, the~~ contested case or judicial review the Administrative Law Court or the Court of Appeals finds that the contested case or a subsequent appeal was frivolous, the Administrative Law Court or the Court of Appeals may award damages ~~to the applicant approved for the Certificate of Need in addition to awarding the approved applicant single or double costs incurred in the appeal. In the case of a frivolous appeal of a denial of a Certificate of Need which does not involve a competing application, the court may award costs incurred in the appeal to the department~~ incurred as a result of the delay, as well as reasonable attorney’s fees and costs, to the party whose project is the subject of the contested case or judicial review.

(2) As used in this ~~section~~ subsection, ‘frivolous appeal’ means any one of the following:

(~~1~~a) ~~an appeal~~ taken solely for purposes of delay or harassment;

(~~2~~b) where no question of law is involved;

(~~3~~c) where the ~~appeal~~ contested case or judicial review is without merit.”

SECTION 13. Section 44‑7‑230(D) of the 1976 Code is amended to read:

“(D) A Certificate of Need is valid for ~~six months~~ one year from the date of issuance ~~except for projects involving construction or replacement of, or major renovations or additions to, an acute care hospital. For these projects the Certificate of Need is valid for one year from the date of issuance~~. A Certificate of Need must be issued with a timetable submitted by the applicant and approved by the department to be followed for completion of the project. The holder of the Certificate of Need shall submit periodic progress reports on meeting the timetable as may be required by the department. Failure to meet the timetable results in the revocation of the Certificate of Need by the department unless the department determines that extenuating circumstances beyond the control of the holder of the Certificate of Need are the cause of the delay. The department may grant two extensions of up to ~~six~~ nine months each upon evidence that substantial progress has been made in accordance with procedures set forth in regulations. The board may grant further extensions of up to ~~six~~ nine months each only if it determines that substantial progress has been made in accordance with the procedures set forth in regulations.”

SECTION 14. Section 44‑7‑260(A)(5) and (11) of the 1976 Code is amended to read:

“(5) ~~chiropractic inpatient facilities~~ Reserved;

(11) ~~habilitation centers for the mentally retarded or persons with related conditions.~~ intermediate care facilities for the mentally retarded;”

SECTION 15. Section 44‑7‑260(A) is amended by adding at the end:

“(14) birthing centers.”

SECTION 16. Section 44‑7‑270 of the 1976 Code is amended to read:

“Section 44‑7‑270. Applicants for a license shall file annually, or as may be provided for in regulation, applications under oath with the department upon prescribed forms. An application must be signed by the owner, if an individual or a partnership, or in the case of a corporation by two of its officers, or in the case of a government unit by the head of the governmental department having jurisdiction over it. The application must set forth the full name and address of the facility for which the license is sought, as applicable, and the full name and address of the owner, the names of the persons in control, and additional information as the department may require, including affirmative evidence of ability to comply with standards and regulations adopted by the department. Each applicant shall pay ~~an annual~~ a license fee prior to issuance of a license as established by regulation. The department may charge an inspection fee.”

SECTION 17. Section 44‑7‑280 of the 1976 Code is amended to read:

“Section 44‑7‑280. Licenses issued pursuant to this article expire one year after date of issuance or annually upon uniform dates, or as otherwise prescribed by regulation. Licenses must be issued only for the premises and persons named in the application and are not transferable or assignable. Licenses must be posted in a conspicuous place on the licensed premises.”

SECTION 18. Section 44‑7‑315 of the 1976 Code, as amended by Act 372 of 2006, is further amended to read:

“Section 44‑7‑315. (A) Information received by the Division of Health Licensing of the department, through inspection or otherwise, in regard to a facility or activity licensed by the department pursuant to this article or subject to inspection by the department including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded~~, or a group home operated by a county mental retardation board or the State Mental Retardation Department~~ must be disclosed publicly upon written request to the department. The request must be specific as to the facility or ~~home~~ activity, dates, documents, and particular information requested. The department may not disclose the identity of individuals present in a facility licensed by the department pursuant to this article or subject to inspection by the department including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded~~, or a group home~~. When a report of deficiencies or violations regarding a facility licensed by the department pursuant to this article or subject to inspection by the department including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded~~, or a group home~~ is present in the department’s files when a request for information is received, the department shall inform the applicant that it has stipulated corrective action and the time it determines for completion of the action. The department also shall inform the applicant that information on the resolution of the corrective action order is expected to be available upon written request within fifteen calendar days or less of the termination of time it determines for completion of the action. However, if information on the resolution is present in the files, it must be furnished to the applicant.

(B) ~~This section~~ Subsection (A) does not apply to information considered confidential pursuant to Section 40‑71‑20 and Section 44‑30‑60.”

SECTION 19. Section 44‑7‑320(A) of the 1976 Code is amended to read:

“(A)(1) The department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for:

(a) violating a provision of this article or departmental regulations;

(b) permitting, aiding, or abetting the commission of an unlawful act relating to the securing of a Certificate of Need or the establishment, maintenance, or operation of a facility requiring certification of need or licensure under this article;

(c) engaging in conduct or practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. This provision does not refer to health practices authorized by law;

(d) refusing to admit and treat alcoholic and substance abusers, the mentally ill, or the mentally retarded, whose admission or treatment has been prescribed by a physician who is a member of the facility’s medical staff; or discriminating against alcoholics, the mentally ill, or the mentally retarded solely because of the alcoholism, mental illness, or mental retardation;

(e) failing to allow a team advocacy inspection of a community residential care facility by the South Carolina Protection and Advocacy System for the Handicapped, Inc., as allowed by law.

(2) Consideration to deny, suspend, or revoke licenses or assess monetary penalties, or both, is not limited to information relating to the current licensing ~~year~~ period but includes consideration of all pertinent information regarding the facility and the applicant.

(3) If in the department’s judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, the department immediately may suspend the facility’s license and shall contact the appropriate agencies for placement of the residents. Within five calendar days of the suspension a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist. If they do not, the license must be immediately reinstated. Whether the license is reinstated or suspension remains due to the immediate threatening conditions or practices, the department may proceed with the process for permanent revocation pursuant to this section.”

SECTION 20. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44‑7‑225. The department, the Administrative Law Court, and the Court of Appeals shall consider the South Carolina Health Plan in place at the time the application was filed and may consider the current South Carolina Health Plan when making its decision.”

SECTION 21. Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44‑7‑285. A health care facility, as defined in this article, shall notify the department within thirty calendar days of a change in ownership or in controlling interest of the health care facility or entity owning a health care facility, directly or indirectly, by purchase, lease, gift, donation, sale of stock, or comparable arrangement. Failure to notify the department of such change within the thirty-day period may result in an administrative action under Section 44‑7‑320.”

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

SECTION 23. Section 1-23-600 of the 1976 Code, as last amended by Act 334 of 2008, is amended by adding an appropriately lettered subsection at the end to read:

“( ) If an attorney of record is called to appear in actions pending in other tribunals in this State, the action in the Administrative Law Court has priority as is appropriate. Courts and counsel have the obligation to adjust schedules to accord with the spirit of comity between the Administrative Law Court and other state courts.”

SECTION 24. Section 44‑7‑185 of the 1976 Code is repealed.

SECTION 25. 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 26. This act takes effect July 1, 2010; provided, the provisions of this act do not apply to any matter pending before a court of this state prior to June 1, 2010. /

Amend title to conform.

/s/Sen. Harvey S. Peeler, Jr. /s/Rep. James H. Harrison

/s/Sen. Raymond E. Cleary III /s/Rep. Cathy B. Harvin

/s/Sen. C. Bradley Hutto /s/Rep. Nathan Ballentine

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 1, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Umphlett, Hodges and M. A. Pitts to the Committee of Conference on the part of the House on:

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.

Very respectfully,

Speaker of the House

Received as information.

**H. 3975--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

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.

On motion of Senator KNOTTS, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator KNOTTS spoke on the report.

The question then was adoption of the Conference Committee Report.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

On motion of Senator KNOTTS, the Report of the Committee of Conference to H. 3975 was adopted as follows:

**H. 3975--Conference Report**

The General Assembly, Columbia, S.C., June 1, 2010

The COMMITTEE OF CONFERENCE, to whom was referred:

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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 50‑9‑320 of the 1976 Code is amended to read:

“Section 50‑9‑320. No resident or nonresident born after June 30, 1979, may obtain a hunting license in this State unless he first exhibits the certificate of completion he receives pursuant to Section 50‑9‑310 to the authorized hunting license agent from whom he desires to buy a license. A certificate of successful completion of a hunter’s education program issued by other states or territories of the United States, Canadian provinces, or other nations is valid for purposes of this article if the department approves the course as comparable to the program required by this article. A license issued in violation of this section is invalid.

The provisions of this section requiring completion of a hunter’s education program as a prerequisite to receiving a hunting license do not apply to resident active duty, honorably discharged, or retired members of the United States Armed Services who can demonstrate to the department that they have successfully completed rifle marksmanship training during their military career. Applicants for this exemption must apply at a South Carolina Department of Natural Resources regional office or a designated military base.”

SECTION 2. (A) Notwithstanding any other provision of law, a nonresident may obtain a lifetime combination license which grants the same privileges as a statewide combination license from the Department of Natural Resources at its Columbia office if:

(1) the applicant was born in this State and provides a notarized birth certificate from the South Carolina Department of Health and Environmental Control;

(2) the applicant has held title in fee simple, either in whole or in part, to real property located within this State for at least five years immediately preceding the date of application, and the applicant provides a notarized record of ownership from the appropriate county official in the county where the real property is located;

(3) the applicant, if born after June 30, 1979, and having attained the age of sixteen or older, complies with all hunter education requirements of this State and provides a certificate of completion for the course; and

(4) the applicant has not been charged for natural resource violations which could result in the suspension of hunting or fishing privileges.

(B) This license is available for purchase from July 1, 2010, through September 30, 2010. The fee for the license is seven hundred dollars.

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

Amend title to conform.

/s/Sen. John M. “Jake” Knotts, Jr. /s/Rep. C. David Umphlett

/s/Sen. John C. Land III /s/Rep. Michael A. Pitts

/s/Sen. Shane R. Martin /s/Rep. Kenneth E. Hodges

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 1, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

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.

asks for a Committee of Conference, and has appointed Reps. Hiott, Umphlett and Knight to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

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

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.

Whereupon, Senators McGILL, CROMER and CAMPBELL were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 26, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

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

Very respectfully,

Speaker of the House

Received as information.

**SENATE INSISTS ON THEIR AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

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

On motion of Senator McCONNELL, the Senate insisted upon its amendments to H. 4215 and asked for a Committee of Conference.

Whereupon, Senators HUTTO, MASSEY and DAVIS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 783 -- Senator McConnell: A BILL TO AMEND SECTION 51‑13‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR THREE ADDITIONAL MEMBERS OF THE BOARD AND THE MANNER OF THEIR TERMS AND APPOINTMENT.

On motion of Senator SETZLER, the Bill was carried over.

S. 912 -- Senator Land: A BILL TO AMEND SECTION 17‑22‑950 OF THE 1976 CODE, AS ADDED BY ACT 36 OF 2009, RELATING TO PROCEDURES FOR EXPUNGEMENT OF CRIMINAL CHARGES WHICH HAVE BEEN BROUGHT IN SUMMARY COURT, TO REMOVE THE REQUIREMENT THAT THE COMPLETED EXPUNGEMENT ORDER BE FILED WITH THE CLERK OF COURT.

On motion of Senator SETZLER, the Bill was carried over.

S. 104 -- Senators Verdin and Campsen: A BILL TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 53, TO LIMIT THE LIABILITY THAT AN AGRITOURISM PROFESSIONAL MAY INCUR DUE TO AN INJURY OR DEATH SUFFERED BY A PARTICIPANT IN AN AGRITOURISM ACTIVITY, TO PROVIDE THAT AN AGRITOURISM PROFESSIONAL MUST POST A WARNING NOTICE AT THE AGRITOURISM FACILITY, TO PROVIDE THAT WARNING NOTICES MUST BE INCLUDED IN CONTRACTS THE AGRITOURISM PROFESSIONAL ENTERS INTO WITH PARTICIPANTS, AND TO PROVIDE THAT THE AGRITOURISM PROFESSIONAL’S LIABILITY IS NOT LIMITED IF THE PROPER WARNING NOTICES ARE NOT PROVIDED TO PARTICIPANTS.

On motion of Senator MALLOY, the Bill was carried over.

S. 594 -- Senator Leatherman: A BILL TO AMEND SECTION 59‑147‑30 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59‑147‑120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

On motion of Senator COURSON, the Bill was carried over.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24‑3‑20, OF THE SOUTH CAROLINA CODE, TO SUBSTITUTE THE TERM “REGIONAL COUNTY OR MUNICIPAL JAIL” FOR THE TERM “COUNTY JAIL”, AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24‑3‑27, TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED. (ABBREVIATED TITLE).

The House returned the Bill with amendments.

The question then was concurrence in the House amendments.

**Amendment No. 3**

Senators KNOTTS and FAIR proposed the following amendment No. 3 (JUD0217.003), which was adopted:

Amend the bill, as and if amended, by striking page 29, lines 36-43 and page 30, lines 1-17 in their entirety and inserting the following:

/ SECTION 57. Section 24‑7‑60 of the 1976 Code is amended to read:

“Section 24‑7‑60. “Section 24‑7‑60. The governing body of the county shall ~~diet~~ feed and provide suitable and ~~efficient guards and appliances~~ sufficient employee supervision for the safekeeping of all ~~convicts upon whom may be imposed sentence of labor on the highways, streets and other public works of the county~~ persons who have received a sentence to public work detail. It shall ~~likewise~~ also provide all necessary ~~tools, implements and road machines~~ equipment and machinery for performing the work required of ~~such convicts~~ inmates, all costs and expenses of which ~~shall~~ must be paid out of the county ~~road~~ general fund in the same manner as other charges against ~~such~~ the fund are paid.”

SECTION 58. Section 24‑7‑110 of the 1976 Code is amended to read:

“Section 24‑7‑110. The governing body of each county shall ~~employ a physician~~ provide access to institutional medical personnel whenever necessary to render medical aid to sick ~~convicts~~ inmates whether awaiting trial or serving a sentence and to preserve the health of the ~~chain gang~~ inmate in the county jail, detention facility, prison camp, or other local facility used for the detention of inmates. The fees and expenses of such ~~employment~~ medical services, as well as for medicines prescribed, shall be paid out of ~~the road fund as other claims are paid against such funds~~ any available funds. This section does not affect the requirements of Section 24-13-80 or other existing federal, state, county, or municipal requirements that provide for the medical care of inmates.” /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Grooms Hayes Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

The amendment was adopted.

**Amendment No. 1**

Senator FAIR proposed the following amendment No. 1 (217R001.MLF), which was adopted:

Amend the bill, as and if amended, page 11, by striking lines 38 - 43 and on page 12, by striking lines 1 - 7 and inserting:

/ (2) If restitution to a particular victim or victims has not been ordered by the court, or if court‑ordered restitution to a particular victim or victims has been satisfied~~,~~ then ~~the twenty~~:

(a) if the prisoner is engaged in work at paid employment in the community, five percent ~~referred to in subsection (1)~~ must be placed on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984, Public Law 98‑473, Title II, Chapter XIV, Section 1404, ~~if the prisoner is engaged in work at paid employment in the community~~ and fifteen percent must be retained by the department to support services provided by the department to victims of the incarcerated population~~.~~; or

(b) ~~If~~ if the prisoner is employed in a prison industry program, ~~then the twenty~~ ten percent ~~referred to in subsection (1)~~ must be directed to the State Office of Victim Assistance for use in training, program development, victim compensation, and general administrative support pursuant to Section 16‑3‑1410 and ten percent must be retained by the department to support services provided by the department to victims of the incarcerated population. /

Amend the bill further, as and if amended, page 53, after line 22 by adding an appropriately numbered new SECTION to read:

/SECTION \_\_\_. Section 24-3-45 of the 1976 Code is repealed./

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

McConnell

**Total--1**

The amendment was adopted.

**Statement by Senator McCONNELL**

I am concerned with the proliferation of small, specialized accounts like the ones created here that are funded by fees but without any accountability for how the funds are spent.  While these accounts may serve a useful purpose, review by elected officials should be required to ensure that monies are collected and distributed in a manner that best serves the interests of South Carolina taxpayers.  Having bureaucrats solely administer the fees that fund their agency is not a good practice and one that may lead to a situation where the fox is left guarding the hen house.  This is budgeting in perpetuity without the opportunity of elected representatives to oversee the use of these fees.  This is not transparent and shields rather than reveals budgeting actions.  For that reason, I voted against this amendment.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 879 -- Senator Campsen: A BILL TO AMEND SECTION 12‑37‑3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSABLE TRANSFERS OF INTEREST FOR PURPOSES OF DETERMINING THE VALUE OF REAL PROPERTY FOR PROPERTY TAXATION, SO AS TO PROVIDE ADDITIONAL INSTANCES OF PROPERTY TRANSFERS NOT CONSIDERED ASSESSABLE TRANSFERS OF INTEREST, INCLUDING TRANSFERS OF FRACTIONAL INTERESTS CONSTITUTING NOT MORE THAN FIFTY PERCENT OF FEE SIMPLE TITLE, TRANSFERS INTO AND OUT OF A SINGLE MEMBER LIMITED LIABILITY COMPANY NOT TAXED AS A CORPORATION WHEN THE SINGLE MEMBER IS THE TRANSFEREE AND TRANSFEROR, TRANSFERS RELATING TO EASEMENTS, TRANSFERS TO QUIET TITLE OR ESTABLISH A BOUNDARY LINE, AND TRANSFERS CREATING OR TERMINATING A JOINT TENANCY WITH RIGHTS OF SURVIVORSHIP IF THE GRANTORS AND GRANTEES ARE THE SAME.

The House returned the Bill with amendments.

The question then was concurrence in the House amendments.

**Amendment No. 2**

Senator CAMPSEN proposed the following amendment No. 2 (879R001.GEC), which was adopted:

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

/ SECTION 1. A. Section 12‑37‑3150(B) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“(B) An assessable transfer of interest does not include:

(1) transfers not subject to federal income tax in the following circumstances:

(a) 1033 (Conversions‑Fire and Insurance Proceeds to Rebuild);

(b) 1041 (Transfers of Property Between Spouses or Incident to Divorce);

(c) 351 (Transfer to a Corporation Controlled by Transferor);

(d) 355 (Distribution by a Controlled Corporation);

(e) 368 (Corporate Reorganizations); or

(f) 721 (Nonrecognition of Gain or Loss on a Contribution to a Partnership).

Number references in the above subitems are to sections of the Internal Revenue Code of 1986, as defined in Section 12‑6‑40;

(2) a transfer of that portion of property subject to a life estate or life lease retained by the transferor, until expiration or termination of the life estate or life lease;

(3) a transfer through foreclosure or forfeiture of a recorded instrument or through deed or conveyance in lieu of a foreclosure or forfeiture, until the redemption period has expired;

(4) a transfer by redemption by the person to whom taxes are assessed of property previously sold for delinquent taxes;

(5) a conveyance to a trust if the settlor or the settlor’s spouse, or both, convey the property to the trust and the sole present beneficiary of the trust is the settlor or the settlor’s spouse, or both;

(6) a transfer for security or an assignment or discharge of a security interest;

(7) a transfer of real property or other ownership interests among members of an affiliated group. As used in this item, ‘affiliated group’ is as defined in Section 1504 of the Internal Revenue Code as defined in Section 12‑6‑40. Upon request of the applicable property tax assessor, a corporation shall furnish proof within forty‑five days that a transfer meets the requirements of this item. A corporation that fails to comply with this request is subject to a civil penalty as provided in Section 12‑37‑3160(B);

(8) a transfer of real property or other ownership interests among corporations, partnerships, limited liability companies, limited liability partnerships, or other legal entities if the entities involved are commonly controlled. Upon request by the applicable property tax assessor, a corporation, partnership, limited liability company, limited liability partnership, or other legal entity shall furnish proof within forty‑five days that a transfer meets the requirements of this item. A corporation, partnership, limited liability company, limited liability partnership, or other legal entity that fails to comply with this request is subject to a civil penalty as provided in Section 12‑37‑3160(B); ~~or~~

(9) a transfer of an interest in a timeshare unit by deed or lease;

(10) a transfer of an undivided, fractional ownership interest in real estate in a single transaction or as a part of a series of related transactions, if the ownership interest or interests conveyed, or otherwise transferred, in the single transaction or series of related transactions within a twenty‑five year period, is not more than fifty percent of the entire fee simple title to the real estate;

(11) a transfer to a single member limited liability company, not taxed separately as a corporation, by its single member or a transfer from a single member limited liability company, not taxed separately as a corporation, to its single member, as provided in Section 12‑2‑25(B)(1);

(12) a conveyance, assignment, release, or modification of an easement, including, but not limited to:

(a) a conservation easement, as defined in Chapter 8 of Title 27;

(b) a utility easement; or

(c) an easement for ingress, egress, or regress;

(13) a transfer or renunciation by deed, release, or agreement of a claim of interest in real property for the purpose of quieting and confirming title to real property in the name of one or more of the existing owners of the real property or for the purpose of confirming or establishing the location of an uncertain or disputed boundary line; or

(14) the execution or recording of a deed to real property for the purpose of creating or terminating a joint tenancy with rights of survivorship, provided the grantors and grantees are the same.”

B. Section 12‑37‑3150(A)(8) of the 1976 Code is amended to read:

“(8) a transfer of an ownership interest in a single transaction or as a part of a series of related transactions within a twenty‑five year period in a corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity if the ownership interest conveyed is more than fifty percent of the corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity. This provision does not apply to transfers that are not subject to federal income tax, as provided in subsection (B)(1), including, but not limited to, transfers of interests to spouses. The corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity shall notify the applicable property tax assessor on a form provided by the Department of Revenue not more than forty‑five days after a conveyance of an ownership interest that constitutes an assessable transfer of interest or transfer of ownership under this item. Failure to provide this notice or failure to provide accurate information of a transaction required to be reported by this subitem subjects the property to a civil penalty of not less than one hundred nor more than one thousand dollars as determined by the assessor. This penalty is enforceable and collectible as property tax and is in addition to any other penalties that may apply. Failure to provide this notice is a separate offense for each year after the notice was required;”

C. This section applies for real property transfers after 2009. No refund is allowed on account of values adjusted by the provisions of this section.

SECTION 2. Section 12‑37‑3140(B) of the 1976 Code is amended to read:

“(B) Any increase in the fair market value of real property attributable to the periodic countywide appraisal and equalization program implemented pursuant to Section 12‑43‑217 is limited to fifteen percent within a five‑year period to the otherwise applicable fair market value. This limit must be calculated on the land and improvements as a whole. However, this limit does not apply to the fair market value of additions or improvements to real property in the year those additions or improvements are first subject to property tax, nor do they apply to the fair market value of real property when an assessable transfer of interest occurred in the year that the transfer value is first subject to tax.”

SECTION 3. Except where otherwise stated, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 36; Nays 1**

**AYES**

Alexander Anderson Bright

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Grooms Hayes Knotts

Land Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O’Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bryant

**Total--1**

The amendment was adopted.

**Amendment No. 6**

Senators CAMPSEN and DAVIS proposed the following Amendment No. 6 (879FIN002.GEC), which was adopted:

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

/ SECTION 1. A. Section 12‑37‑3150(B) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“(B) An assessable transfer of interest does not include:

(1) transfers not subject to federal income tax in the following circumstances:

(a) 1033 (Conversions‑Fire and Insurance Proceeds to Rebuild);

(b) 1041 (Transfers of Property Between Spouses or Incident to Divorce);

(c) 351 (Transfer to a Corporation Controlled by Transferor);

(d) 355 (Distribution by a Controlled Corporation);

(e) 368 (Corporate Reorganizations); or

(f) 721 (Nonrecognition of Gain or Loss on a Contribution to a Partnership).

Number references in the above subitems are to sections of the Internal Revenue Code of 1986, as defined in Section 12‑6‑40;

(2) a transfer of that portion of property subject to a life estate or life lease retained by the transferor, until expiration or termination of the life estate or life lease;

(3) a transfer through foreclosure or forfeiture of a recorded instrument or through deed or conveyance in lieu of a foreclosure or forfeiture, until the redemption period has expired;

(4) a transfer by redemption by the person to whom taxes are assessed of property previously sold for delinquent taxes;

(5) a conveyance to a trust if the settlor or the settlor’s spouse, or both, convey the property to the trust and the sole present beneficiary of the trust is the settlor or the settlor’s spouse, or both;

(6) a transfer for security or an assignment or discharge of a security interest;

(7) a transfer of real property or other ownership interests among members of an affiliated group. As used in this item, ‘affiliated group’ is as defined in Section 1504 of the Internal Revenue Code as defined in Section 12‑6‑40. Upon request of the applicable property tax assessor, a corporation shall furnish proof within forty‑five days that a transfer meets the requirements of this item. A corporation that fails to comply with this request is subject to a civil penalty as provided in Section 12‑37‑3160(B);

(8) a transfer of real property or other ownership interests among corporations, partnerships, limited liability companies, limited liability partnerships, or other legal entities if the entities involved are commonly controlled. Upon request by the applicable property tax assessor, a corporation, partnership, limited liability company, limited liability partnership, or other legal entity shall furnish proof within forty‑five days that a transfer meets the requirements of this item. A corporation, partnership, limited liability company, limited liability partnership, or other legal entity that fails to comply with this request is subject to a civil penalty as provided in Section 12‑37‑3160(B); ~~or~~

(9) a transfer of an interest in a timeshare unit by deed or lease;

(10) a transfer of an undivided, fractional ownership interest in real estate in a single transaction or as a part of a series of related transactions, if the ownership interest or interests conveyed, or otherwise transferred, in the single transaction or series of related transactions within a twenty‑five year period, is not more than fifty percent of the entire fee simple title to the real estate;

(11) a transfer to a single member limited liability company, not taxed separately as a corporation, by its single member or a transfer from a single member limited liability company, not taxed separately as a corporation, to its single member, as provided in Section 12‑2‑25(B)(1);

(12) a conveyance, assignment, release, or modification of an easement, including, but not limited to:

(a) a conservation easement, as defined in Chapter 8 of Title 27;

(b) a utility easement; or

(c) an easement for ingress, egress, or regress;

(13) a transfer or renunciation by deed, release, or agreement of a claim of interest in real property for the purpose of quieting and confirming title to real property in the name of one or more of the existing owners of the real property or for the purpose of confirming or establishing the location of an uncertain or disputed boundary line; or

(14) the execution or recording of a deed to real property for the purpose of creating or terminating a joint tenancy with rights of survivorship, provided the grantors and grantees are the same.”

B. Section 12‑37‑3150(A)(8) of the 1976 Code is amended to read:

“(8) a transfer of an ownership interest in a single transaction or as a part of a series of related transactions within a twenty‑five year period in a corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity if the ownership interest conveyed is more than fifty percent of the corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity. This provision does not apply to transfers that are not subject to federal income tax, as provided in subsection (B)(1), including, but not limited to, transfers of interests to spouses. The corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity shall notify the applicable property tax assessor on a form provided by the Department of Revenue not more than forty‑five days after a conveyance of an ownership interest that constitutes an assessable transfer of interest or transfer of ownership under this item. Failure to provide this notice or failure to provide accurate information of a transaction required to be reported by this subitem subjects the property to a civil penalty of not less than one hundred nor more than one thousand dollars as determined by the assessor. This penalty is enforceable and collectible as property tax and is in addition to any other penalties that may apply. Failure to provide this notice is a separate offense for each year after the notice was required;”

C. This section applies for real property transfers after 2009. No refund is allowed on account of values adjusted by the provisions of this section.

SECTION 2. Section 12‑37‑3140(B) of the 1976 Code is amended to read:

“(B) Any increase in the fair market value of real property attributable to the periodic countywide appraisal and equalization program implemented pursuant to Section 12‑43‑217 is limited to fifteen percent within a five‑year period to the otherwise applicable fair market value. This limit must be calculated on the land and improvements as a whole. However, this limit does not apply to the fair market value of additions or improvements to real property in the year those additions or improvements are first subject to property tax, nor do they apply to the fair market value of real property when an assessable transfer of interest occurred in the year that the transfer value is first subject to tax.”

SECTION 3. Section 12‑37‑670(A) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“(A) No new structure must be listed or assessed for property tax until it is completed and fit for the use for which it is intended, as evidenced by the issuance of a certificate of occupancy or the structure is actually occupied if no certificate is issued.”

SECTION 4. Except where otherwise stated, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O’Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 452 -- Senators Campbell, Leatherman, Reese, Shoopman, Williams, Mulvaney, Pinckney, O’Dell, Ford, Knotts, Bryant, Land, Grooms, Hutto, Fair, Peeler, Sheheen, Ryberg, Massey, Elliott, Alexander, McGill, Bright, L. Martin, Matthews, Setzler, Rose, Hayes and Campsen: A BILL TO AMEND CHAPTER 4, TITLE 49 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA SURFACE WATER WITHDRAWAL AND REPORTING ACT, TO PROVIDE THAT SUBJECT TO CERTAIN EXCEPTIONS, SURFACE WATER WITHDRAWALS MUST BE MADE PURSUANT TO A PERMIT, TO PROVIDE FOR COMPLETE EXEMPTIONS FROM THE PERMITTING REQUIREMENT, TO PROVIDE THAT REGISTERED SURFACE WATER WITHDRAWERS MAY WITHDRAW SURFACE WATER WITHOUT A PERMIT BUT SUBJECT TO CERTAIN RESTRICTIONS, TO PROVIDE FOR NONCONSUMPTIVE SURFACE WATER WITHDRAWAL PERMITS, TO PROVIDE FOR AN APPLICATION PROCEDURE FOR SURFACE WATER WITHDRAWERS THAT OWN AND OPERATE A LICENSED IMPOUNDMENT OR NEW SURFACE WATER WITHDRAWERS THAT WITHDRAW WATER FROM A LICENSED IMPOUNDMENT, TO PROVIDE FOR REPORTS TO THE DEPARTMENT OF NATURAL RESOURCES FROM PERMITTED AND REGISTERED WATER WITHDRAWERS AND THE CONTENTS OF THOSE REPORTS, TO PROVIDE THAT REGISTERED AND EXEMPT SURFACE WATER WITHDRAWERS MAY APPLY FOR A SURFACE WATER WITHDRAWAL PERMIT, TO AUTHORIZE NONRIPARIAN USE OF SURFACE WATER, TO PROVIDE FOR A PERMITTING PROCESS FOR NEW SURFACE WATER WITHDRAWERS, TO PROVIDE FOR THE CONTENTS OF THE APPLICATION, TO PROVIDE FOR THE DEPARTMENT’S DETERMINATION CONCERNING THE PERMIT, TO PROVIDE FOR PUBLIC HEARINGS CONCERNING NEW PERMIT APPLICATIONS FOR INTERBASIN TRANSFERS, TO PROVIDE FOR THE CONTENTS OF ISSUED PERMITS AND THE RIGHTS CONFERRED BY A PERMIT, TO PROVIDE FOR CIRCUMSTANCES UNDER WHICH A PERMIT MAY BE MODIFIED, SUSPENDED, OR REVOKED, TO PROVIDE FOR NOTICE TO THE DEPARTMENT CONCERNING CERTAIN NEW WATER INTAKES, TO PROVIDE FOR TEMPORARY PERMITS, TO PROVIDE AUTHORIZED WITHDRAWAL AMOUNTS, TO PROVIDE FOR OPERATIONAL AND CONTINGENCY PLANS, TO PROVIDE FOR POWERS AND DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES CONCERNING IMPLEMENTATION OF THE CHAPTER, TO PROVIDE APPROPRIATE PENALTIES FOR VIOLATIONS, TO PROVIDE FOR PERMIT APPLICATION FEES; AND TO REPEAL CHAPTER 21, TITLE 49, RELATING TO THE INTERBASIN TRANSFER OF WATER, TO PROVIDE THAT CHAPTER 1, TITLE 49, RELATING TO GENERAL PROVISIONS CONCERNING WATER, WATER RESOURCES, AND DRAINAGE IS NOT AFFECTED BY AND SUPERCEDED BY CHAPTER 4, TITLE 49 AND TO PROVIDE APPROPRIATE DEFINITIONS.

The House returned the Bill with amendments.

The question then was concurrence in the House amendments.

Senator FAIR explained the Bill.

**RECESS**

At 3:42 P.M., with Senator FAIR retaining the floor, on motion of Senator LARRY MARTIN, with unanimous consent, the Senate receded from business subject to the Call of the Chair.

At 4:26 P.M., the Senate resumed.

Senator FAIR resumed explaining the Bill.

**Motion Adopted**

On motion of Senator CROMER, with unanimous consent, Senators KNOTTS, LAND and SHANE MARTIN were granted leave to attend a subcommittee meeting and be granted leave to vote from the balcony.

Senator FAIR asked unanimous consent to take up Amendment No. 7 for immediate consideration.

There was no objection.

**Amendment No. 7**

Senators CAMPBELL, CAMPSEN, FAIR and THOMAS proposed the following Amendment No. 7 (452R008.MLF), which was adopted:

Amend the bill, as and if amended, page 13 by striking lines 5 - 11 and inserting:

/ least equal to the permitted quantity in the expired permit. All other renewals must be issued in accordance with the criterion applicable to existing surface water withdrawers and for a quantity equal to the permitted quantity in the expired permit, unless the department demonstrates by a preponderance of the evidence that the quantity above maximum withdrawals during the permit term are not necessary to meet the permittee’s future need. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 38; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

McConnell

**Total--1**

The amendment was adopted.

**Statement by Senator McCONNELL**

I voted against this amendment because it would drastically change our regulatory process. This amendment would provide that DHEC and not the proponent of a change bear the burden of proof regarding a permit application.  It should be incumbent on whoever seeks a permit or a change to an existing permit to prove why it is needed.  This should not be the responsibility of anyone else.  Because it fundamentally changes how we operate for only one category, I voted against it.

**Amendment No. 4A**

Senators SHANE MARTIN, McCONNELL, BRIGHT and ROSE proposed the following Amendment 4A (452R006.SRM), which was adopted:

Amend the bill, as and if amended, SECTION 3 by adding: /

B. The department must make an annual report to the General Assembly concerning the fees collected pursuant this SECTION.

C. The new item added to Section 48-2-50(H) by this SECTION is repealed January 1, 2013. No new fees may be charged for Surface Water Withdrawal applications following that date without an act of the General Assembly setting the fee schedule. /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 36; Nays 3**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Cromer

Davis Elliott Fair

Grooms Hayes Knotts

Land Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O’Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Campsen Leatherman Pinckney

**Total--3**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**NONCONCURRENCE**

S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38‑73‑737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY‑FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

The House returned the Bill with amendments.

**Amendment No. 1**

Senator THOMAS proposed the following Amendment No. 1 (DKA\  
4118DW10), which was ruled out of order:

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

/ SECTION \_\_. Title 38 of the 1976 Code is amended by adding:

“CHAPTER 64

Life Settlements Act

Section 38‑64‑10. This chapter may be cited as the ‘Life Settlements Act’.

Section 38‑64‑20. As used in this chapter:

(1) ‘Advertisement’ means a written, electronic, or printed communication or a communication by means of recorded telephone messages or transmitted on radio, television, the Internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed directly before an owner in this State, for the purpose of creating an interest in or inducing an owner to purchase, sell, assign, devise, bequest, or transfer the death benefit or ownership of a life insurance policy or an interest in a life insurance policy pursuant to a life settlement contract.

(2) ‘Broker’ means a person who, on behalf of an owner and for a fee, commission, or other valuable consideration, offers or attempts to negotiate life settlement contracts between an owner and providers. A broker represents only the owner and owes a fiduciary duty to the owner to act according to the owner’s instructions, and in the best interest of the owner, notwithstanding the manner in which the broker is compensated. A broker does not include an attorney, certified public accountant, or financial planner retained in the type of practice customarily performed in their professional capacity to represent the owner whose compensation is not paid directly or indirectly by the provider or another person, except the owner.

(3) ‘Business of life settlements’ means an activity involved in, but not limited to, offering to enter into soliciting, negotiating, procuring, effectuating, monitoring, or tracking of life settlement contracts.

(4) ‘Chronically ill’ means:

(a) being unable to perform at least two activities of daily living such as eating, toileting, transferring, bathing, dressing, or continence;

(b) requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment; or

(c) having a level of disability similar to that described in subitem (a) as determined by the United States Secretary of Health and Human Services.

(5) ‘Director’ means the Director of the Department of Insurance.

(6)(a) ‘Financing entity’ means an underwriter, placement agent, lender, purchaser of securities, purchaser of a policy or certificate from a provider, credit enhancer, or an entity that has a direct ownership in a policy that is the subject of a life settlement contract, but:

(i) whose principal activity related to the transaction is providing funds to effect the life settlement contract or purchase of one or more policies; and

(ii) who has an agreement in writing with one or more providers to finance the acquisition of life settlement contracts.

(b) ‘Financing entity’ does not include a nonaccredited investor or purchaser.

(7) ‘Financing transaction’ means a transaction in which a licensed producer obtains financing from a financing entity including, without limitation, any secured or unsecured financing, any securitization transaction, or any securities offering which either is registered or exempt from registration under federal and state securities law.

(8) ‘Fraudulent life settlement act’ includes:

(a) acts or omissions committed by a person who, knowingly and with intent to defraud, for the purpose of depriving another of property or for pecuniary gain, commits, or permits its employees or its agents to engage in acts including, but not limited to:

(i) presenting, causing to be presented, or preparing with knowledge and belief that it will be presented to or by a provider, premium finance lender, broker, insurer, insurance producer, or another person, false material information, or concealing material information, as part of, in support of, or concerning a fact material to one or more of the following:

(A) an application for the issuance of a life settlement contract or insurance policy;

(B) the underwriting of a life settlement contract or insurance policy;

(C) a claim for payment or benefit pursuant to a life settlement contract or insurance policy;

(D) premiums paid on a insurance policy;

(E) payments and changes in ownership or beneficiary made in accordance with the terms of a life settlement contract or insurance policy;

(F) the reinstatement or conversion of an insurance policy;

(G) in the solicitation, offer to enter into, or effectuation of a life settlement contract, or insurance policy;

(H) the issuance of written evidence of life settlement contracts or insurance policy;

(I) an application for or the existence of or any payments related to a loan secured directly or indirectly by any interest in a life insurance policy; or

(J) entering into stranger‑originated life insurance;

(ii) employing a device, scheme, or artifice to defraud in the business of life settlements;

(b) in the furtherance of a fraud or to prevent the detection of a fraud a person commits or permits its employees or its agents to:

(i) remove, conceal, alter, destroy, or sequester from the director the assets or records of a licensee or other person engaged in the business of life settlements;

(ii) misrepresent or conceal the financial condition of a licensee, financing entity, insurer, or other person;

(iii) transact the business of life settlements in violation of laws requiring a license, certificate of authority, or other legal authority for the transaction of the business of life settlements;

(iv) file with the director a document containing false information or otherwise concealing information about a material fact from the director;

(v) engage in embezzlement, theft, misappropriation, or conversion of monies, funds, premiums, credits, or other property of a provider, insurer, insured, owner, insurance policy owner, or another person engaged in the business of life settlements or insurance;

(vi) knowingly and with intent to defraud, enter into, broker, or otherwise deal in a life settlement contract, the subject of which is a life insurance policy that was obtained by presenting false information concerning a fact material to the policy or by concealing, for the purpose of misleading another, information concerning a fact material to the policy, where the owner or the owner’s agent intended to defraud the policy’s issuer;

(vii) attempt to commit, assist, aid or abet in the commission of, or conspiracy to commit the acts or omissions specified in this subsection; or

(viii) misrepresent the state of residence of an owner to be a state or jurisdiction that does not have a law substantially similar to this chapter for the purpose of evading or avoiding the provisions of this chapter.

(9) ‘Insured’ means the person covered under the policy being considered for sale in a life settlement contract.

(10) ‘Life expectancy’ means the arithmetic mean of the number of months the insured under the life insurance policy to be settled can be expected to live considering medical records and appropriate experiential data.

(11) ‘Life insurance producer’ means a person licensed in this State as a resident or nonresident insurance producer pursuant to Section 38‑43‑10 who has received qualification or authority for life insurance coverage pursuant to Section 38‑43‑75(1).

(12)(a) ‘Life settlement contract’ means a written agreement entered into between a provider and an owner establishing the terms under which compensation or thing of value may be paid, which compensation or thing of value is less than the expected death benefit of the insurance policy or certificate, in return for the owner’s assignment, transfer, sale, devise or bequest of the death benefit, or a portion of an insurance policy or certificate of insurance for compensation. The minimum value for a life settlement contract must be greater than a cash surrender value or accelerated death benefit available at the time of an application for a life settlement contract.

(b) ‘Life settlement contract’ also includes the transfer of compensation or value of ownership or beneficial interest in a trust or other entity that owns a policy if the trust or entity was formed or availed of for the principal purpose of acquiring one or more life insurance contracts, which life insurance contract is owned by a person residing in this State.

(c) ‘Life settlement contract’ also includes a premium finance loan made for a policy on or before the date of issuance of the policy where:

(i) the loan proceeds are not used only to pay premiums for the policy and any costs or expenses incurred by the lender or the borrower in connection with the financing; or

(ii) the owner receives on the date of the premium finance loan a guarantee of the future life settlement value of the policy; or

(iii) the owner agrees on the date of the premium finance loan to sell the policy or a portion of its death benefit on a date following the issuance of the policy.

(d) An agreement described in item (12)(a) is a ‘life settlement contract’ even if it is referred to by a different name, including viatical settlement, a senior settlement, or similar term.

(e) ‘Life settlement contract’ does not include:

(i) a policy loan by a life insurance company pursuant to the terms of the life insurance policy or accelerated death provisions contained in the life insurance policy, whether issued with the original policy or as a rider;

(ii) a premium finance loan, as defined in this chapter, or a loan made by a bank or other licensed financial institution, provided that neither default on a loan nor the transfer of the policy in connection with a default is pursuant to an agreement or understanding with another person for the purpose of evading regulation under this chapter;

(iii) a collateral assignment of a life insurance policy by an owner;

(iv) a loan made by a lawful lender provided the loan is not described in subitem (c), and is not otherwise within the definition of life settlement contract;

(v) an agreement where all the parties (1) are closely related to the insured by blood or law or (2) have a lawful substantial economic interest in the continued life, health, and bodily safety of the person insured, or are trusts established primarily for the benefit of these parties;

(vi) a designation, consent, or agreement by an insured who is an employee of an employer in connection with the purchase by the employer, or trust established by the employer, of life insurance on the life of the employee;

(vii) a bona fide business succession planning arrangement between one or more:

(A) shareholders in a corporation or between a corporation and one or more of its shareholders or one or more trust established by its shareholders;

(B) partners in a partnership or between a partnership and one or more of its partners or one or more trust established by its partners; or

(C) members in a limited liability company or between a limited liability company and one or more of its members or one or more trust established by its members;

(viii) an agreement entered into by a service recipient, or a trust established by the service recipient, and a service provider, or a trust established by the service provider, who performs significant services for the service recipient’s trade or business; or

(ix) another contract, transaction, or arrangement from the definition of life settlement contract that the director determines is not of the type intended to be regulated by this chapter.

(13) ‘Net death benefit’ means the amount of the life insurance policy or certificate to be settled less any outstanding debts or liens.

(14)(a) ‘Owner’ means the owner of a life insurance policy or a certificate holder under a group policy, with or without a terminal illness, who enters or seeks to enter into a life settlement contract. For the purposes of this chapter, an owner is not limited to an owner of a life insurance policy or a certificate holder under a group policy that insures the life of an individual with a terminal or chronic illness or condition except where specifically addressed.

(b) The term ‘owner’ does not include a:

(i) provider or other licensee under this chapter;

(ii) qualified institutional buyer as defined in Rule 144A of the Federal Securities Act of 1933, as amended;

(iii) financing entity;

(iv) special purpose entity; or

(v) related provider trust.

(15) ‘Patient identifying information’ means an insured’s address, telephone number, facsimile number, electronic mail address, photograph or likeness, employer, employment status, social security number, or other information that is likely to lead to the identification of the insured.

(16) ‘Person’ means a natural person or legal entity including, but not limited to, a partnership, limited liability company, association, trust, or corporation.

(17) ‘Policy’ means an individual or group policy, group certificate, contract, or arrangement of life insurance owned by a resident of this State, regardless of whether delivered or issued for delivery in this State.

(18) ‘Premium Finance Loan’ is a loan made primarily for the purposes of making premium payments on a life insurance policy, which loan is secured by an interest in the life insurance policy.

(19)(a) ‘Provider’ means a person other than an owner, who enters into or effectuates a life settlement contract with an owner.

(b) ‘Provider’ does not include:

(i) a bank, savings bank, savings and loan association, credit union;

(ii) a licensed lending institution or creditor or secured party pursuant to a premium finance loan agreement which takes an assignment of a life insurance policy or certificate issued pursuant to a group life insurance policy as collateral for a loan;

(iii) the insurer of a life insurance policy or rider to the extent of providing accelerated death benefits, riders, or cash surrender value;

(iv) a person who enters into or effectuates no more than one agreement in a calendar year for the transfer of a life insurance policy or certificate issued pursuant to a group life insurance policy for compensation or anything of value less than the expected death benefit payable under the policy;

(v) a purchaser;

(vi) any authorized or eligible insurer than provides stop loss coverage to a provider, purchaser, financing entity, special purpose entity, or related provider trust;

(vii) a financing entity;

(viii) a special purpose entity;

(ix) a related provider trust;

(x) a broker; or

(xi) an accredited investor or qualified institutional buyer as defined respectively in Regulation D, Rule 501, or Rule 144A of the Federal Securities Act of 1933, as amended, who purchases a life settlement policy from a provider.

(20) ‘Purchased policy’ means a policy or group certificate that has been acquired by a provider pursuant to a life settlement contract.

(21) ‘Purchaser’ means a person who pays compensation or anything of value as consideration for a beneficial interest in a trust which is vested with, or for the assignment, transfer, or sale of, an ownership or other interest in a life insurance policy or a certificate issued pursuant to a group life insurance policy which has been the subject of a life settlement contract.

(22) ‘Related provider trust’ means a titling trust or other trust established by a licensed provider or a financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction. In order to qualify as a related provider trust, the trust must have a written agreement with the licensed provider under which the licensed provider is responsible for ensuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files related to life settlement transactions available to the department as if those records and files were maintained directly by the licensed provider.

(23) ‘Settled policy’ means a life insurance policy or certificate that has been acquired by a provider pursuant to a life settlement contract.

(24) ‘Special purpose entity’ means a corporation, partnership, trust, limited liability company, or other legal entity formed only to provide either directly or indirectly access to institutional capital markets for a financing entity or provider in connection with a transaction in which:

(a) the securities in the special purpose entity are acquired by the owner or by a ‘qualified institutional buyer’ as defined in Rule 144A of the Federal Securities Act of 1993, as amended; or

(b) the securities pay a fixed rate of return commensurate with established asset‑backed institutional capital markets.

(25) ‘Stranger‑originated life insurance’ or ‘STOLI’ means an act, practice, or arrangement to initiate the issuance of a life insurance policy in this State for the benefit of a third party investor who, at the time of policy origination, has no insurable interest, under the laws of this State, in the life of the insured. STOLI practices include, but are not limited to, cases in which life insurance is purchased with resources or guarantees from or through a person, or entity, who, at the time of policy inception, could not lawfully initiate the policy himself, or itself, where, at the time of inception, there is an arrangement or agreement, to directly or indirectly transfer the ownership of the policy or the policy benefits, or both, to a third party. Trusts that are created to give the appearance of insurable interest and are used to initiate policies for investors violate insurable interest laws and the prohibition against wagering on life. STOLI arrangements do not include the lawful assignment of a policy, including a lawful life settlement contract, or those practices provided for in life settlement contracts as defined in item (12)(e).

(26) ‘Terminally ill’ means having an illness or sickness that reasonably is expected to result in death in twenty‑four months or less.

Section 38‑64‑30. (A) Except as provided for in subsections (C) and (D), a person shall not act as a provider or broker with an owner or multiple owners who is a resident of this State, without first having obtained a license from the director. If there is more than one owner on a single policy and the owners are residents of different states, the life settlement contract is governed by the law of the state in which the owner having the largest percentage ownership resides or, if the owners hold equal ownership, the state of residence of one owner agreed upon in writing by all owners.

(B) Application for a provider or broker license must be made to the director by the applicant on a form prescribed by the director, and the application must be accompanied by a fee in an amount established by the director. The license and renewal fees for a provider license must be reasonable and that the license and renewal fees for a broker license may not exceed those established for an insurance producer, as these fees are otherwise provided for in this title.

(C) A life insurance producer who has been duly licensed as a resident insurance producer with a life line of authority in this State or his home state for at least one year and is licensed as a producer in this State is considered to meet the licensing requirements of this section and is permitted to operate as a broker.

(D) Not later than ten days from the first day of operating as a broker, the life insurance producer shall notify the director that he is acting as a broker on a form prescribed by the director, and shall pay any applicable fees to be determined by the director. Notification must include an acknowledgment by the life insurance producer that he operates as a broker in accordance with this chapter.

(E) The insurer that issued the policy that is the subject of a life settlement contract is not responsible for an act or omission of a broker or provider or purchaser arising out of or in connection with the life settlement transaction, unless the insurer receives compensation for the placement of a life settlement contract from the broker or provider or purchaser in connection with the life settlement contract.

(F) A person licensed as an attorney, certified public accountant, or a financial planner accredited by a nationally recognized accreditation agency, who is retained to represent the owner, whose compensation is not paid directly or indirectly by the provider or purchaser, may negotiate life settlement contracts on behalf of the owner without having to obtain a license as a broker.

(G) Licenses may be renewed every two years on the anniversary date upon payment of the periodic renewal fee. As specified by subsection (B), the renewal fee for a provider may not exceed a reasonable fee. Failure to pay the fee within the terms prescribed results in the automatic revocation of the license requiring periodic renewal.

(H) The term of a provider license is equal to that of a domestic stock life insurance company and the term of a broker license is equal to that of an insurance producer license. Licenses requiring periodic renewal may be renewed on their anniversary date upon payment of the periodic renewal fee as specified in subsection (B). Failure to pay the fees on or before the renewal date results in expiration of the license.

(I) The applicant shall provide information as the director requires on forms prescribed by the director. The director has the authority, at any time, to require the applicant to fully disclose the identity of its stockholders (except stockholders owning fewer than ten percent of the shares of an applicant whose shares are publicly traded), partners, officers, and employees. The director, in his discretion, may refuse to issue a license in the name of a person if not satisfied that an officer, employee, stockholder, or partner of any of them who may materially influence the applicant’s conduct meets the standards of this chapter.

(J) A license issued to a partnership, corporation, or other entity authorizes all members, officers, and designated employees to act as a licensee under the license if those persons are named in the application and any supplements to the application.

(K) Upon the filing of an application and the payment of the license fee, the director shall make an investigation of each applicant and may issue a license if the director finds that the applicant:

(1) if a provider, has provided a detailed plan of operation;

(2) is competent and trustworthy and intends to transact its business in good faith;

(3) has a good business reputation and has had experience, training, or education so as to be qualified in the business for which the license is applied;

(4) is a legal entity, is formed or organized pursuant to the laws of this State or is a foreign legal entity authorized to transact business in this State, or provides a certificate of good standing from the state of its domicile; and

(5) has provided to the director an antifraud plan that meets the requirements of Section 38‑64‑130 and includes:

(a) a description of the procedures for detecting and investigating possible fraudulent acts and procedures for resolving material inconsistencies between medical records and insurance applications;

(b) a description of the procedures for reporting fraudulent insurance acts to the director;

(c) a description of the plan for antifraud education and training of its underwriters and other personnel; and

(d) a written description or chart outlining the arrangement of the antifraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts and investigating unresolved material inconsistencies between medical records and insurance applications.

(L) The director shall not issue a license to a nonresident applicant, unless a written designation of an agent for service of process is filed and maintained with the director or unless the applicant has filed with the director the applicant’s written irrevocable consent that any action against the applicant may be commenced against the applicant by service of process on the director.

(M) Each licensee shall file with the director on or before the first day of March of each year an annual statement containing such information as the director may prescribe by regulation.

(N) A provider shall not use a person to perform the functions of a broker as defined in this chapter unless the person holds a current, valid license as a broker, and as provided in this section.

(O) A broker shall not use a person to perform the functions of a provider as defined in this chapter unless the person holds a current, valid license as a provider, and as provided in this section.

(P) A provider or broker shall provide to the director new or revised information about officers, stockholders (except those stockholders owning fewer than ten percent of the shares in the case of a provider whose shares are publicly traded), partners, directors, members, or designated employees within thirty days of the change.

(Q) An individual licensed as a broker shall complete on a biennial basis fifteen hours of training related to life settlements and life settlement transactions, as required by the director. A life insurance producer who is operating as a broker pursuant to this section is not subject to the requirements of this subsection. A person failing to meet the requirements of this subsection is subject to the penalties imposed by the director.

Section 38‑64‑40. (A) The director may suspend, revoke, or refuse to renew the license of a licensee if the director finds that:

(1) there was material misrepresentation in the application for the license;

(2) the licensee or an officer, partner, member, or director has been guilty of fraudulent or dishonest practices, is subject to a final administrative action, or is otherwise shown to be untrustworthy or incompetent to act as a licensee;

(3) the provider demonstrates a pattern of unreasonably withholding payments to policy owners;

(4) the licensee no longer meets the requirements for initial licensure;

(5) the licensee or an officer, partner, member, or director has been convicted of a felony or of a misdemeanor of which criminal fraud is an element, or the licensee has pleaded guilty or nolo contendere with respect to a felony or a misdemeanor of which criminal fraud or moral turpitude is an element, regardless whether a judgment of conviction has been entered by the court;

(6) the provider has entered into a life settlement contract using a form that has not been approved pursuant to this chapter;

(7) the provider has failed to honor contractual obligations set out in a life settlement contract;

(8) the provider has assigned, transferred, or pledged a settled policy to a person other than a provider licensed in this State, a purchaser, an accredited investor, or qualified institutional buyer as defined respectively in Regulation D, Rule 501, or Rule 144A of the Federal Securities Act of 1933, as amended, financing entity, special purpose entity, or related provider trust; or

(9) the licensee or an officer, partner, member, or key management personnel has violated any of the provisions of this chapter.

(B) Before the director denies a license application or suspends, revokes or refuses to renew the license of any licensee under this chapter, the director shall conduct a hearing in accordance with laws of this State governing administrative hearings.

Section 38‑64‑50. (A) An insurer, as a condition of responding to a request for verification of coverage or in connection with the transfer of a policy pursuant to a life settlement contract, may not require that the owner, insured, provider, or broker sign a form, disclosure, consent, waiver, or acknowledgment that has not been expressly approved by the director for use in connection with life settlement contracts in this State.

(B) A person may not use a life settlement contract form or provide to an owner a disclosure statement form in this State unless first filed with and approved by the director. The director shall disapprove a life settlement contract form or disclosure statement form if, in the director’s opinion, the contract or provisions contained in the form fails to meet the requirements of Sections 38‑64‑80, 38‑64‑90, 38‑64‑110, and 38‑64‑150(B) or are unreasonable, contrary to the interests of the public, or otherwise misleading or unfair to the owner. At the director’s discretion, the director may require the submission of advertising material.

Section 38‑64‑60. (A) Each licensed provider shall file with the director on or before March first of each year an annual statement containing information as the director may prescribe by regulation. In addition to other requirements, the annual statement must specify the total number, aggregate face amount, and life settlement proceeds of policies settled during the immediately preceding calendar year, together with a breakdown of the information by policy issue year. The annual statement also must include the names of the insurance companies whose policies have been settled and the brokers that have settled these policies.

(1) This information is limited to only those transactions where the owner is a resident of this State and must not include individual transaction data regarding the business of life settlements or information that there is a reasonable basis to believe could be used to identify the owner or the insured.

(2) Each provider that wilfully fails to file an annual statement as required in this section, or wilfully fails to reply within thirty days to a written inquiry by the director in connection with the annual statement is subject to other penalties provided by this chapter, upon due notice and opportunity to be heard, to a penalty of up to two hundred fifty dollars each day of delay, not to exceed twenty‑five thousand dollars in the aggregate, for each failure to reply.

(B) Except as otherwise allowed or required by law, a provider, broker, insurance company, insurance producer, information bureau, rating agency, or company, or another person with actual knowledge of an insured’s identity, may not disclose the identity of an insured or information that there is a reasonable basis to believe could be used to identify the insured or the insured’s financial or medical information to another person unless the disclosure is:

(1) necessary to effect a life settlement contract between the owner and a provider and the owner and insured have provided prior written consent to the disclosure;

(2) necessary to effectuate the sale of life settlement contracts, or interests in them, as investments, provided the sale is conducted in accordance with applicable state and federal securities law and provided further that the owner and the insured have both provided prior written consent to the disclosure;

(3) provided in response to an investigation or examination by the director or another governmental officer or agency or pursuant to the requirements of Section 38‑64‑130;

(4) a term or condition to the transfer of a policy by one provider to another provider, in which case the receiving provider is required to comply with the confidentiality requirements of Section 38‑64‑60(B);

(5) necessary to allow the provider or broker or their authorized representatives to make contacts for the purpose of determining health status. For the purposes of this section, the term ‘authorized representative’ does not include a person who has or may have any financial interest in the settlement contract other than a provider, licensed broker, financing entity, related provider trust, or special purpose entity. A provider or broker shall require its authorized representative to agree in writing to adhere to the privacy provisions of this chapter; or

(6) required to purchase stop loss coverage.

(C) Nonpublic personal information solicited or obtained in connection with a proposed or actual life settlement contract is subject to the provisions applicable to financial institutions under the federal Gramm Leach Bliley Act, P.L. 106‑102 (1999), and all other state and federal laws relating to confidentiality of nonpublic personal information.

Section 38‑64‑70. (A) The director, when considered reasonably necessary to protect the interests of the public, may examine the business and affairs of a licensee or an applicant for a license. The director may order a licensee or an applicant to produce records, books, files, or other information reasonably necessary to ascertain whether the licensee or applicant is acting or has acted in violation of the law or otherwise contrary to the interests of the public. The expenses incurred in conducting an examination must be paid by the licensee or applicant.

(B) Instead of an examination under this chapter of any foreign or alien licensee licensed in this State, the director may accept an examination report on the licensee as prepared by the director for the licensee’s state of domicile or port‑of‑entry state.

(C) Names of and individual identification data for all owners and insureds must be considered private and confidential information and must not be disclosed by the director unless required by law.

(D) Records of all consummated transactions and life settlement contracts must be maintained by the provider for three years after the death of the insured and must be available to the director for inspection during reasonable business hours.

(E)(1) Upon determining that an examination must be conducted, the director shall issue an examination warrant appointing one or more examiners to perform the examination and instructing them as to the scope of the examination. In conducting the examination, the examiner shall use methods common to the examination of a life settlement licensee and shall use those guidelines and procedures set forth in an examiners’ handbook adopted by a national organization.

(2) Each licensee or person from whom information is sought, its officers, directors, and agents shall provide to the examiners timely, convenient, and free access at all reasonable hours at its offices to all books, records, accounts, papers, documents, assets, computer, or other recordings relating to the property, assets, business, and affairs of the licensee being examined. The officers, directors, employees, and agents of the licensee or person shall facilitate the examination and aid in the examination so far as it is in their power to do so. The refusal of a licensee, by its officers, directors, employees, or agents, to submit to examination or to comply with any reasonable written request of the director must be grounds for suspension or refusal of, or nonrenewal of, a license or authority held by the licensee to engage in the life settlement business or other business subject to the director’s jurisdiction. Any proceedings for suspension, revocation, or refusal of a license or authority must be conducted pursuant to Article 3, Chapter 23, Title 1 (the Administrative Procedures Act).

(3) The director shall have the power to issue subpoenas, to administer oaths, and to examine under oath any person as to any matter pertinent to the examination. Upon the failure or refusal of a person to obey a subpoena, the director may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence.

(4) When making an examination under this chapter, the director may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals and specialists as examiners, the reasonable cost of which must be borne by the licensee that is the subject of the examination.

(5) Nothing contained in this chapter may be construed to limit the director’s authority to terminate or suspend an examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this State. Findings of fact and conclusions made pursuant to an examination is prima facie evidence in a legal or regulatory action.

(6) Nothing contained in this chapter may be construed to limit the director’s authority to use and, if appropriate, to make public a final or preliminary examination report, an examiner or licensee work papers or other documents, or other information discovered or developed during the course of an examination in the furtherance of a legal or regulatory action which the director considers appropriate.

(F)(1) Examination reports must be comprised of only facts appearing upon the books, from the testimony of its officers or agents, or other persons examined concerning its affairs, and the conclusions and recommendations as the examiners find reasonably warranted from the facts.

(2) No later than sixty days following completion of the examination, the examiner in charge shall file with the director a verified written report of examination under oath. Upon receipt of the verified report, the director shall transmit the report to the licensee examined, together with a notice that shall afford the licensee examined a reasonable opportunity of not more than thirty days to make a written submission or rebuttal with respect to any matters contained in the examination report and which becomes part of the report or to request a hearing on any matter in dispute.

(3) If the director determines that regulatory action is appropriate as a result of an examination, the director may initiate proceedings or actions provided by law.

(G)(1) Names and individual identification data for all owners, purchasers, and insureds must be considered private and confidential information and must not be disclosed by the director, unless the disclosure is to another regulator or is required by law.

(2) Except as otherwise provided in this chapter, all examination reports, working papers, recorded information, documents, and copies of them produced by, obtained by, or disclosed to the director or another person in the course of an examination made under of this chapter, or in the course of analysis or investigation by the director of the financial condition or market conduct of a licensee is confidential by law and privileged, is not subject to subpoena and is not subject to the provisions of Chapter 4, Title 30 (the Freedom of Information Act), and is not subject to discovery or admissible in evidence in any private civil action. The director is authorized to use the documents, materials, or other information in the furtherance of a regulatory or legal action brought as part of the director’s official duties. The licensee being examined may have access to all director documents used to make the report.

(H)(1) An examiner may not be appointed by the director if the examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in a person subject to examination under of this chapter. This section may not be construed to automatically preclude an examiner from being:

(a) an owner;

(b) an insured in a life settlement contract or insurance policy; or

(c) a beneficiary in an insurance policy that is proposed for a life settlement contract.

(2) Notwithstanding the requirements of this subsection, the director may retain on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though these persons, from time to time, may be similarly employed or retained by persons subject to examination under this chapter.

(I)(1) No cause of action may arise nor must a liability be imposed against the director, the director’s authorized representatives or an examiner appointed by the director for any statements made or conduct performed in good faith while carrying out the provisions of this chapter.

(2) No cause of action may arise, nor must a liability be imposed against a person for the act of communicating or delivering information or data to the director or the director’s authorized representative or examiner pursuant to an examination made under this chapter, if the act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive. This item does not abrogate or modify in any way any common law or statutory privilege or immunity enjoyed by a person identified in item (1).

(3) A person identified in item (1) or (2) must be entitled to an award of attorney’s fees and costs if he is the prevailing party in a civil cause of action for libel, slander, or any other relevant tort arising out of activities in carrying out the provisions of this chapter and the party bringing the action was not substantially justified in doing so. For purposes of this section, a proceeding is ‘substantially justified’ if it had a reasonable basis in law or fact at the time that it was initiated.

(J) The director may investigate suspected fraudulent life settlement acts and persons engaged in the business of life settlements.

(K) The licensee shall pay the charges incurred in the examination, including expenses of the director or his designee and the expenses and compensation of the director’s examiners and assistants. If a licensee feels the fees assessed are unreasonable in relation to the examination performed, the licensee may appeal the assessments to the Administrative Law Court. The director or his designee promptly shall institute a civil action to recover the expenses of examination against a licensee which refuses or fails to pay. Examination fees must be retained by the department and are considered ‘other funds’.

Section 38‑64‑80. (A) A broker or provider licensed pursuant to this chapter may conduct or participate in advertisements within this State. In addition to the requirements of this section, advertisements must comply with all advertising and marketing laws or rules and regulations promulgated by the director related to advertising as defined in this chapter.

(B) Advertisements must be accurate, truthful, and not misleading in fact or by implication.

(C) A person or trust may not use the words ‘free’, ‘no cost’, or words of similar import in the marketing, advertising, soliciting or otherwise promoting of the purchase of a policy.

Section 38‑64‑90. (A) The provider or broker shall provide, in writing, in a separate document that is signed by the owner, the following information to the owner no later than the date of application for a life settlement contract that:

(1) possible alternatives to life settlement contracts exist including, but not limited to, accelerated benefits offered by the issuer of the life insurance policy;

(2) some or all of the proceeds of a life settlement contract may be taxable and that assistance should be sought from a professional tax advisor;

(3) the proceeds from a life settlement contract are subject to the claims of creditors;

(4) receipt of proceeds from a life settlement contract may adversely affect the recipients’ eligibility for public assistance or other government benefits or entitlements and that advice should be obtained from the appropriate agencies;

(5) the owner has a right to rescind a life settlement contract within fifteen days of the date it is executed by all parties and the owner has received the disclosures contained in the life settlement contract. Rescission, if exercised by the owner, is effective only if both notice of the rescission is given, and the owner repays all proceeds and any premiums, loans, and loan interest paid on account of the provider within the rescission period. If the insured dies during the rescission period, the contract is deemed to have been rescinded subject to repayment by the owner or the owner’s estate of all proceeds and any premiums, loans, and loan interest to the provider;

(6) proceeds will be sent to the owner within three business days after the provider has received the insurer or group administrator’s acknowledgement that ownership of the policy or interest in the certificate has been transferred and the beneficiary has been designated in accordance with the terms of the life settlement contract;

(7) entering into a life settlement contract may cause other rights or benefits, including conversion rights and waiver of premium benefits that may exist under the policy or certificate of a group policy to be forfeited by the owner and that assistance should be sought from a professional financial advisor;

(8) the date by which the funds must be available to the owner and the transmitter of the funds;

(9) the insured may be contacted by either the provider or broker or its authorized representative for the purpose of determining the insured’s health status or to verify the insured’s address. This contact is limited to once every three months if the insured has a life expectancy of more than one year, and no more than once a month if the insured has a life expectancy of one year or less;

(10) the affiliation, if any, between the provider and the issuer of the insurance policy to be settled;

(11) a broker represents exclusively the owner, and not the insurer or the provider or another person, and owes a fiduciary duty to the owner, including a duty to act according to the owner’s instructions and in the best interest of the owner;

(12) the document must include the name, address, and telephone number of the broker;

(13) the name, business address, and telephone number of the independent third party escrow agent, and the fact that the owner may inspect or receive copies of the relevant escrow or trust agreements or documents; and

(14) a change of ownership in the future may limit the insured’s ability to purchase future insurance on the insured’s life because there is a limit to how much coverage insurers will issue on one life.

(B) The written disclosures must be displayed conspicuously in a life settlement contract furnished to the owner by a provider including affiliations or contractual arrangements between the provider and the broker.

(C) The director shall require delivery of a ‘Buyer’s Guide’ or a similar consumer advisory package in the form prescribed by the director to owners during the solicitation process.

(D) The disclosure document must contain the following language: ‘All medical, financial, or personal information solicited or obtained by a provider or broker about an insured, including the insured’s identity or the identity of family members, a spouse, or a significant other may be disclosed as necessary to effect the life settlement contract between the owner and provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every two years’.

(E) The director shall require providers and brokers to print separate signed fraud warnings on their applications and on their life settlement contracts as follows:

‘A person who knowingly presents false information in an application for insurance or life settlement contract is guilty of a crime and, upon conviction, is subject to fines and confinement in prison.’

(F) A broker shall provide the owner and the provider with at least the following disclosures no later than the date the life settlement contract is signed by all parties. The disclosures must be displayed conspicuously in the life settlement contract or in a separate document signed by the owner and provide the following information:

(1) the name, business address, and telephone number of the broker;

(2) a full, complete, and accurate description of all the offers, counteroffers, acceptances, and rejections relating to the proposed life settlement contract;

(3) a written disclosure of affiliations or contractual arrangements between the broker and a person making an offer in connection with the proposed life settlement contracts;

(4) a complete reconciliation of the gross offer or bid by the provider to the net amount of proceeds or value to be received by the owner. For the purpose of this section, ‘gross offer’ or ‘bid’ means the total amount or value offered by the provider for the purchase of one or more life insurance policies, inclusive of commissions and fees; and

(5) the failure to provide the disclosures or rights described in Section 38‑64‑90 is considered an Unfair Trade Practice pursuant to Section 38‑64‑170.

Section 38‑64‑100. (A) In addition to other questions an insurance carrier may lawfully pose to a life insurance applicant, insurance carriers may inquire in the application for insurance whether the proposed owner intends to pay premiums with the assistance of financing from a lender that will use the policy as collateral to support the financing.

(1) If the premium finance loan provides funds which can be used for a purpose other than paying for the premiums, costs, and expenses associated with obtaining and maintaining the life insurance policy and loan, the application may be rejected as a violation of the prohibited practices in Section 38‑64‑130.

(2) If the financing does not violate Section 38‑64‑130, the insurer may not reject the life insurance application only because the premiums are financed. The insurance carrier:

(a) may make the following disclosures including, but not limited to, the applicant and the insured, either on the application or an amendment to the application to be completed no later than the delivery of the policy:

‘If you have entered into a loan arrangement where the policy is used as collateral, and the policy does change ownership at some point in the future in satisfaction of the loan, the following may be true:

(1) A change of ownership could lead to a stranger owning an interest in the insured’s life.

(2) A change of ownership could in the future limit your ability to purchase future insurance on the insured’s life because there is a limit to how much coverage insurers will issue on one life.

(3) Should there be a change of ownership and you wish to obtain more insurance coverage on the insured’s life in the future, the insured’s higher issue age, a change in health status, or other factors may reduce the ability to obtain coverage or may result in significantly higher premiums, or both.

(4) You should consult a professional advisor, since a change in ownership in satisfaction of the loan may result in tax consequences to the owner, depending on the structure of the loan.’; and

(b) may require certifications, such as the following, from the applicant or the insured, or both:

(i) ‘I have not entered into any agreement or arrangement providing for the future sale of this life insurance policy.’

(ii) ‘My loan arrangement for this policy provides funds sufficient to pay for some or all of the premiums, costs, and expenses associated with obtaining and maintaining my life insurance policy, but I have not entered into any agreement by which I am to receive consideration in exchange for procuring this policy.’

(iii) ‘The borrower has an insurable interest in the insured.’

(B) Life insurers shall provide individual life insurance policyholders with a statement informing them that if they are considering making changes in the status of their policy, they should consult with a licensed insurance or financial advisor. This statement may accompany or be included in notices or mailings otherwise provided to the policyholders.

(C)The director shall develop a notice by promulgation of administrative regulation to inform the owner of a policy of life insurance issued in this State of his rights as an owner of a life insurance policy. The notice must be made available free of charge to insurance companies and life insurance producers, and must be written in nontechnical language.

(D) The notice developed under subsection (C) must:

(1) inform the consumer that life insurance is a critical part of a broader financial plan;

(2) inform the consumer that alternatives to lapse or surrender of the policy exist;

(3) provide the consumer with a general description of life settlements and state that life settlements are a regulated transaction in South Carolina;

(4) provide the consumer with a general description of other common products and services that may be available to owners of life insurance policies before lapse or surrender of a policy; and

(5) include a statement that advises recipients of the notice that life insurance, life settlements, or any of the products or services described in the notice may or may not be available to the recipient depending on a number of circumstances including, but not limited to, the age and health of the insured or the terms of a life insurance policy. The statement also must advise recipients that owners of life insurance policies are encouraged to contact their financial advisor, agent, or broker to seek further assistance or advice.

(E) For each policy issued, the life insurance company shall provide the notice required by subsection (C) to the owner of an individual life insurance policy when the insured is sixty years of age or older, or if the insurer has been notified that the insured person under the policy is terminally or chronically ill, upon the occurrence of any of the following:

(1) the life insurance company receives from the owner a request to surrender, in whole or in part, an individual policy;

(2) the life insurance company receives from the owner a request to receive an accelerated death benefit under an individual policy;

(3) the life insurance company sends to the owner all notices of lapse of an individual policy; provided, however, that the life insurance company is not required to include the notice developed pursuant to subsection (C) to the owner of the policy more than one (1) time within a twelve month period from the date of the first notice of lapse of the policy; or

(4) the occurrence of any other event as set forth by the director in administrative regulation.

(F) In addition to the conditions set forth in subsection (E), the director may promulgate administrative regulations to establish that the notice be made only with respect to policies with a net death benefit that is one hundred thousand dollars or greater, if the director finds that this additional condition is in the best interest of the citizens of the State and does not discriminate against owners of life insurance policies based on other factors such as race, religion, national origin, age, disability, marital status, or economic means.

Section 38‑64‑110. (A) A provider entering into a life settlement contract with an owner of a policy, where the insured is terminally or chronically ill, first shall obtain:

(1) if the owner is the insured, a written statement from a licensed attending physician that the owner is of sound mind and under no constraint or undue influence to enter into a settlement contract; and

(2) a document in which the insured consents to the release of his medical records to a provider, settlement broker, or insurance producer and, if the policy was issued less than two years from the date of application for a settlement contract, to the insurance company that issued the policy.

(B) The insurer shall respond to a request for verification of coverage submitted by a provider, settlement broker, or life insurance producer not later than thirty calendar days from the date the request is received. The request for verification of coverage must be made on a form approved by the director. The insurer shall complete and issue the verification of coverage or indicate in which respects it is unable to respond. In its response, the insurer shall indicate whether, based on the medical evidence and documents provided, the insurer intends to pursue an investigation at this time regarding the validity of the insurance contract.

(C) Before or at the time of execution of the settlement contract, the provider shall obtain a witnessed document in which the owner consents to the settlement contract, represents that the owner has a full and complete understanding of the settlement contract, that the owner has a full and complete understanding of the benefits of the policy, acknowledges that the owner is entering into the settlement contract freely and voluntarily, and, for persons with a terminal or chronic illness or condition, acknowledges that the insured has a terminal or chronic illness and that the terminal or chronic illness or condition was diagnosed after the policy was issued.

(D) The insurer, unreasonably, may not delay effecting change of ownership or beneficiary with any life settlement contract lawfully entered into in this State or with a resident of this State.

(E) If a settlement broker or life insurance producer performs any of these activities required of the provider, the provider is considered to have fulfilled the requirements of this section.

(F) If a broker performs those verification of coverage activities required of the provider, the provider is considered to have fulfilled the requirements of Section 38‑64‑90(A).

(G) Within twenty days after an owner executes the life settlement contract, the provider shall give written notice to the insurer that issued that insurance policy that the policy has become subject to a life settlement contract. The notice must be accompanied by the documents required by subsection (A)(2).

(H) All medical information solicited or obtained by any licensee is subject to the applicable provision of state law relating to confidentiality of medical information, if not otherwise provided in this chapter.

(I) All life settlement contracts entered into in this State must provide that the owner may rescind the contract on or before fifteen days after the date it is executed by all parties, and the owner has received all required disclosures. Rescission, if exercised by the owner, is effective only if both notice of the rescission is given, and the owner repays all proceeds and any premiums, loans, and loan interest paid on account of the provider within the rescission period. If the insured dies during the rescission period, the contract is deemed to have been rescinded subject to repayment by the owner or the owner’s estate of all proceeds and any premiums, loans, and loan interest to the provider.

(J) Within three business days after receipt from the owner of documents to effect the transfer of the insurance policy, the provider shall pay the proceeds of the settlement to an escrow or trust account managed by a trustee or escrow agent in a state or federally chartered financial institution pending acknowledgement of the transfer by the issuer of the policy. The trustee or escrow agent is required to transfer the proceeds due to the owner within three business days of acknowledgement of the transfer from the insurer.

(K) Failure to tender the life settlement contract proceeds to the owner by the date disclosed to the owner renders the contract voidable by the owner for lack of consideration until the time the proceeds are tendered to and accepted by the owner. A failure to give written notice of the right of rescission tolls the right of rescission until thirty days after the written notice of the right of rescission has been given.

(L) A fee paid by a provider, party, individual, or an owner to a broker in exchange for services provided to the owner pertaining to a life settlement contract must be computed as a percentage of the offer obtained, not the face value of the policy. Nothing in this section may be construed as prohibiting a broker from reducing the broker’s fee below this percentage if the broker chooses.

(M) The broker shall disclose to the owner anything of value paid or given to a broker, which relates to a life settlement contract.

(N)(1) A person at any time before, or at the time of, the application for, or issuance of, a policy, or during a two year period commencing with the date of issuance of the policy, shall not enter into a life settlement contract regardless of the date the compensation is to be provided and regardless of the date the assignment, transfer, sale, devise, bequest, or surrender of the policy is to occur. This prohibition does not apply if the owner certifies to the provider that:

(a) the policy was issued upon the owner’s exercise of conversion rights arising out of a group or individual policy, provided the total of the time covered under the conversion policy plus the time covered under the prior policy is at least twenty‑four months. The time covered under a group policy must be calculated without regard to a change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship; or

(b) the owner submits independent evidence to the provider that one or more of the following conditions have been met within the two year period:

(i) the owner or insured is terminally or chronically ill;

(ii) the owner or insured disposes of his ownership interests in a closely held corporation, pursuant to the terms of a buyout or other similar agreement in effect at the time the insurance policy was initially issued;

(iii) the owner’s spouse dies;

(iv) the owner divorces a spouse;

(v) the owner retires from full‑time employment;

(vi) the owner becomes physically or mentally disabled and a physician determines that the disability prevents the owner from maintaining full‑time employment; or

(vii) a final order, judgment, or decree is entered by a court of competent jurisdiction, on the application of a creditor of the owner, adjudicating the owner bankrupt or insolvent, or approving a petition seeking reorganization of the owner or appointing a receiver, trustee, or liquidator to all or a substantial part of the owner’s assets;

(c) copies of the independent evidence required by subitem (b) must be submitted to the insurer when the provider submits a request to the insurer for verification of coverage. The copies must be accompanied by a letter of attestation from the provider that the copies are true and correct copies of the documents received by the provider. Nothing in this section prohibits an insurer from exercising its right to contest the validity of a policy;

(d) if the provider submits to the insurer a copy of independent evidence provided for in subitem (b)(i) when the provider submits a request to the insurer to effect the transfer of the policy to the provider, the copy is considered to establish that the settlement contract satisfies the requirements of this section.

(2) This prohibition provided by this section applies only to policies issued on or after the effective date of this section.

Section 38‑64‑120. (A) The director may promulgate regulations implementing this chapter and regulating the activities and relationships of providers, brokers, insurers and their agents, subject to statutory limitations on administrative rule making.

(B) If there is more than one owner on a single policy, and the owners are residents of different states, the life settlement contract is governed by the law of the state in which the owner having the largest percentage ownership resides or, if the owners hold equal ownership, the state of residence of one owner agreed upon in writing by all of the owners. The law of the state of the insured shall govern if equal owners fail to agree in writing upon a state of residence for jurisdictional purposes.

Section 38‑64‑130. (A) It is unlawful for a person:

(1) to enter into a life settlement contract if the person knows or reasonably should have known that the life insurance policy was obtained by means of a false, deceptive, or misleading application for that policy;

(2) to engage in a transaction, practice, or course of business if the person knows or reasonably should have known that the intent was to avoid the notice requirements of this chapter;

(3) to engage in a fraudulent act or practice in connection with a transaction relating to a settlement involving an owner who is a resident of this State;

(4) if a provider or broker, to directly or indirectly advertise, solicit, or otherwise promote the purchase of a new policy for the sole purpose of or with the primary emphasis on settling the policy;

(5) if providing premium financing, to receive proceeds, fees, or other consideration from the policy or owner of the policy that are in addition to the amounts required to pay principal, interest, and any reasonable costs or expenses incurred by the lender or borrower in connection with the premium finance agreement, except for the event of a default, unless either the default on the loan or transfer of the policy occurs pursuant to an agreement or understanding with any other person for the purpose of evading regulation under this chapter;

(6) with respect to a settlement contract or insurance policy and a broker, to knowingly solicit an offer from, effectuate a life settlement contract with or make a sale to a provider, financing entity, or related provider trust that is controlling, controlled by, or under common control with the broker unless the relationship has been fully disclosed to the owner;

(7) with respect to a life settlement contract or insurance policy and a provider, to knowingly enter into a life settlement contract with an owner, if, in connection with a life settlement contract, anything of value must be paid to a broker that is controlling, controlled by, or under common control with a provider or the financing entity or related provider trust that is involved in a settlement contract unless the relationship has been fully disclosed to the owner;

(8) with respect to a provider, to enter into a life settlement contract unless the advertising and marketing materials, as may be prescribed by regulation, have been filed with the director. Advertising of a provider may not reference that the insurance is ‘free’ for any period of time. The inclusion of any reference in the advertising materials that causes an owner to reasonably believe that the insurance is free for any period of time is considered a violation of this chapter; or

(9) with respect to any life insurance producer, insurance company, broker, or provider, to make a statement or representation to the applicant or policyholder in connection with the sale or financing of a life insurance policy to the effect that the insurance is free or without cost to the policyholder for any period of time unless provided in the policy.

(B) An insurer shall not:

(1) engage in a transaction, act, or practice that restricts, limits, or impairs the lawful transfer of ownership, change of beneficiary, or assignment of a policy; or

(2) make a false or misleading statement for the purpose of dissuading an owner or insured from a lawful life settlement contract.

(C) A violation of this section is deemed a fraudulent life settlement act.

Section 38‑64‑140. (A)(1) A person shall not commit a fraudulent life settlement act.

(2) A person, knowingly and intentionally, shall not interfere with the enforcement of the provisions of this chapter or investigations of suspected or actual violations of this chapter.

(3) A person in the business of life settlements, knowingly or intentionally, shall not permit a person convicted of a felony involving dishonesty or breach of trust to participate in the business of life settlements.

(B)(1) Life settlement contracts and applications for life settlement contracts, regardless of the form of transmission, must contain the following statement or a substantially similar statement:

‘A person who knowingly presents false information in an application for insurance or life settlement contract is guilty of a crime and, upon conviction, is subject to fines and confinement in prison.’

(2) The lack of a statement as required in item (1) of this subsection does not constitute a defense in any prosecution for a fraudulent life settlement act.

(C)(1) A person engaged in the business of life settlements having knowledge or a reasonable belief that a fraudulent life settlement act is being, will be, or has been committed shall provide to the director the information required by, and in a manner prescribed by, the director.

(2) A person having knowledge or a reasonable belief that a fraudulent life settlement act is being, will be, or has been committed shall provide to the director the information required by, and in a manner prescribed by, the director.

(D)(1) A civil liability must not be imposed on and no cause of action shall arise from a person’s furnishing information concerning suspected, anticipated, or completed fraudulent life settlement acts or suspected or completed fraudulent insurance acts, if the information is provided to or received from:

(a) the director or his employees, agents, or representatives;

(b) federal, state, or local law enforcement or regulatory officials or their employees, agents, or representatives;

(c) a person involved in the prevention and detection of fraudulent life settlement acts or that person’s agents, employees, or representatives;

(d) a regulatory body or their employees, agents, or representatives, overseeing life insurance, life settlements, securities, or investment fraud;

(e) the life insurer that issued the life insurance policy covering the life of the insured; or

(f) the licensee and agents, employees, or representatives.

(2) The provisions of item (1) of this subsection do not apply to statements made with actual malice. In an action brought against a person for filing a report or furnishing other information concerning a fraudulent life settlement act or a fraudulent insurance act, the party bringing the action shall plead specifically any allegation that the provisions of item (1) do not apply because the person filing the report or furnishing the information did so with actual malice.

(3) A person identified in item (1) is entitled to an award of attorney’s fees and costs if he is the prevailing party in a civil cause of action for libel, slander, or other relevant tort arising out of activities in carrying out the provisions of this chapter and the party bringing the action was not substantially justified in doing so. For purposes of this section, a proceeding is ‘substantially justified’ if it had a reasonable basis in law or fact at the time that it was initiated.

(4) This section does not abrogate or modify common law or statutory privileges or immunities enjoyed by a person described in item (1).

(E)(1) The documents and evidence provided pursuant to subsection (D) or obtained by the director in an investigation of suspected or actual fraudulent life settlement acts is privileged and confidential and must not be a public record and is not subject to discovery or subpoena in a civil or criminal action.

(2) The provisions of item (1) of this subsection do not prohibit release by the director of documents and evidence obtained in an investigation of suspected or actual fraudulent life settlement acts:

(a) in administrative or judicial proceedings to enforce laws administered by the director;

(b) to federal, state, or local law enforcement or regulatory agencies, to an organization established for the purpose of detecting and preventing fraudulent life settlement acts or to the NAIC; or

(c) at the discretion of the director, to a person in the business of life settlements that is aggrieved by a fraudulent life settlement act.

(3) Release of documents and evidence under item (2) of this subsection does not abrogate or modify the privilege granted in item (1).

(F) The provisions of this chapter do not:

(1) preempt the authority or relieve the duty of other law enforcement or regulatory agencies to investigate, examine and prosecute suspected violations of law;

(2) preempt, supersede, or limit any provision of the South Carolina Uniform Securities Act of 2005 or any rule, order, or notice issued thereunder;

(3) prevent or prohibit a person from disclosing voluntarily information concerning life settlement fraud to a law enforcement or regulatory agency other than the insurance department; or

(4) limit the powers granted elsewhere by the laws of this State to the director or an insurance fraud unit to investigate and examine possible violations of law and to take appropriate action against wrongdoers.

(G)(1) Providers and brokers shall have in place antifraud initiatives reasonably calculated to detect, prosecute, and prevent fraudulent life settlement acts. At the director’s discretion he may order, or a licensee may request and the director may grant, modifications of the following required initiatives as necessary to ensure an effective antifraud program. The modifications may be more or less restrictive than the required initiatives so long as the modifications reasonably may be expected to accomplish the purpose of this section.

(2) Antifraud initiatives include:

(a) fraud investigators, who may be provider or broker employees or independent contractors; and

(b) an antifraud plan, which must be submitted to the director. The antifraud plan includes, but is not limited to, a description of:

(i) the procedures for detecting and investigating possible fraudulent life settlement acts and procedures for resolving material inconsistencies between medical records and insurance applications;

(ii) the procedures for reporting possible fraudulent life settlement acts to the director;

(iii) the plan for antifraud education and training of underwriters and other personnel; and

(iv) a chart outlining the organizational arrangement of the antifraud personnel who are responsible for the investigation and reporting of possible fraudulent life settlement acts and investigating unresolved material inconsistencies between medical records and insurance applications.

(3) An antifraud plan submitted to the director is privileged and confidential and must not be a public record and is not subject to discovery or subpoena in a civil or criminal action.

Section 38‑64‑150. (A) In addition to the penalties and other enforcement provisions of this chapter, if a person violates this chapter or a regulation implementing this chapter, the director may seek an injunction in a court of competent jurisdiction in the county where the person resides or has a principal place of business and may apply for temporary and permanent orders that the director determines necessary to restrain the person from further committing the violation.

(B) A person damaged by the acts of another person in violation of this chapter or a regulation implementing this chapter, may bring a civil action for damages against the person committing the violation in a court of competent jurisdiction.

(C) The director may issue a cease and desist order upon a person who violates a provision of this chapter or any rule, regulation, or order adopted by the director, or any written agreement entered into with the director, in accordance with Article 3, Chapter 23, Title 1 (the Administrative Procedures Act).

(D) When the director finds that an action presents an immediate danger to the public and requires an immediate final order, he may issue an emergency cease and desist order reciting with particularity the facts underlying the findings. The emergency cease and desist order is effective immediately upon service of a copy of the order on the respondent and remains effective for ninety days. If the department begins nonemergency cease and desist proceedings under subsection (A), the emergency cease and desist order remains effective, absent an order by an appellate court of competent jurisdiction pursuant to Article 3, Chapter 23, Title 1 (the Administrative Procedures Act). In the event of a wilful violation of this chapter, the trial court may award statutory damages in addition to actual damages in an additional amount up to three times the actual damage award. The provisions of this chapter may not be waived by agreement. No choice of law provision may be utilized to prevent the application of this chapter to any settlement in which a party to the settlement is a resident of this State.

Section 38‑64‑160. (A) It is a violation of this chapter for a person, provider, broker, or other party related to the business of life settlements, to commit a fraudulent life settlement act.

(B) For criminal liability purposes, a person that commits a fraudulent life settlement act is guilty of committing insurance fraud and is subject to additional penalties under Section 38‑55‑540.

(C) The director is empowered to levy a civil penalty not exceeding ten thousand dollars and the amount of the claim for each violation upon a person, including those persons and their employees licensed pursuant to this chapter, who are found to have committed a fraudulent life settlement act or violated another provision of this chapter.

(D) The license of a person licensed under this chapter that commits a fraudulent life settlement act must be revoked for a period of at least three months.

Section 38‑64‑170. A violation of this chapter is considered an unfair trade practice pursuant to state law and subject to the penalties provided by state law.”

SECTION \_\_. A provider lawfully transacting business in this State before the effective date of this act may continue to do so pending approval or disapproval of that person’s application for a license as long as the application is filed with the director not later than thirty days after publication by the director of an application form and instructions for licensure of providers. If the publication of the application form and instructions is before the effective date of this act, then the filing of the application must not be later than thirty days after the effective date of this act. During the time that an application is pending with the director, the applicant may use any form of life settlement contract that has been filed with the director pending approval of them, provided that the form is otherwise in compliance with the provisions of this act. A person transacting business in this State under this provision is obligated to comply with all other requirements of this chapter.

SECTION \_\_. A person who has lawfully negotiated life settlement contracts between an owner residing in this State and one or more providers for at least one year immediately before the effective date of this chapter may continue to do so pending approval or disapproval of that person’s application for a license as long as the application is filed with the director not later than thirty days after publication by the director of an application form and instructions for licensure of brokers. If the publication of the application form and instructions is before the effective date of this chapter, then the filing of the application must not be later than thirty days after the effective date of this act. A person transacting business in this State under this provision is obligated to comply with all other requirements of this chapter.

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

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Amendment No. 1 was ruled out of order.

**Amendment No. 2**

Senators THOMAS, VERDIN and BRIGHT proposed the following Amendment No. 2 (DKA\4120DW10), which was ruled out of order:

Amend the bill, as and if amended, by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. Section 38‑77‑112 of the 1976 Code is amended to read:

“Section 38‑77‑112. (A) ~~Notwithstanding Section 38‑77‑280, no~~ An automobile insurer is not required to write coverage for automobile insurance as defined in Section 38‑77‑30 for ~~any~~ an applicant or existing policyholder. An insurer or ~~an agent~~ a producer shall retain, for ~~a period of~~ at least three years, ~~the driver’s license numbers for all persons who have submitted an application for insurance but who were refused~~ records of refusals of coverage, including the driver’s license number, and the reason for the refusal of coverage, and shall furnish ~~such~~ this information upon the request of the director of the Department of Insurance or his designee. ~~This section does not apply to an individual who is handicapped and who owns a vehicle in this State but who does not have a valid driver’s license. If an automobile is principally garaged and operated in this State, the owner of the vehicle can be offered coverage thereon regardless of whether or not he possesses a valid South Carolina driver’s license if he designates to the insurer who the principal operator of the vehicle will be and this person has a valid South Carolina driver’s license or otherwise meets the requirements of this section. This requirement does not apply to personnel of the Armed Forces of the United States on active duty and officially stationed in this State who possess a valid motor vehicle driver’s license issued by another state or territory of the United States or the District of Columbia. This requirement is waived ninety days for individuals who move into South Carolina with the intent of making South Carolina their place of residence if they possess a valid driver’s license issued by another state or territory of the United States or the District of Columbia.~~

(B) (B) An insurer or producer shall not writeautomobile insurance coverage for an unauthorized alien. For purposes of this section only, an applicant must be considered an unauthorized alien unless he possesses:

(1) a current South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;

(2) a current driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina. The executive director of the Department of Motor Vehicles, or his designee, shall determine which states have driver’s license requirements that are at least as strict as those in South Carolina, and shall develop and periodically update a list of the states;

(3) a current driver’s license or identification card from another jurisdiction where the license requirements are at least as strict as those in South Carolina. The executive director of the Department of Motor Vehicles, or his designee, shall determine which jurisdictions have driver’s license requirements that are at least as strict as those in South Carolina, and shall develop and periodically update a list of the jurisdictions;

(4) a current driver’s license issued in a foreign country or by the Armed Services of the United States in the immediate possession of a person on active duty in the Armed Services of the United States;

(5) a current operator’s or chauffeur’s license issued to him in his home state or country;

(6) Other documentation that proves he is lawfully present in the United States. This documentation may include, but is not limited to,:

(a) an official Social Security Card or a reasonably reliable document containing his Social Security number. This document includes, but is not limited to, an official Social Security card, Social Security check, Social Security form SSA‑1099, letter from the Social Security Administration, voter registration card, payroll stub, Federal W‑2 form, or United States military identification card.

(b) a United States birth certificate;

(c) a current United States passport;

(d) a Certificate of Naturalization issued by the United States Citizenship and Immigration Services;

(e) a current Green Card;

(f) a current United States Visa;

(g) a tribal enrollment card or other form of tribal identification; or

(h) an affidavit from his employer that states that the applicant is employed by the employer and that he is lawfully employed in accordance with Section 8‑14‑20 or 41‑8‑20 and Section 41‑8‑30.

(C) A violation of this section is considered a violation of the insurance laws of this State, subject to the administrative penalties as provided in Section 38‑2‑10. A producer or insurer who acts in good faith compliance with this section is not considered in violation.

(D) The requirements of subsection (B) do not apply to an individual who is exempt from the licensing requirements by Section 56‑1‑30.” /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

Senator CROMER spoke on the amendment.

**Point of Order**

Senator SCOTT raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

Senator THOMAS spoke on the Point of Order.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Amendment No. 2 was ruled out of order.

Senator THOMAS moved to nonconcur.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**CONCURRENCE**

S. 717 -- Senators Coleman, Setzler, Land, Campbell and Hayes: A BILL TO AMEND SECTIONS 12‑36‑2120 AND 12‑37‑220, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS AND PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT MACHINERY, EQUIPMENT, BUILDING AND OTHER RAW MATERIALS, AND ELECTRICITY USED BY A FACILITY OWNED BY A TAX EXEMPT ORGANIZATION INVESTING AT LEAST TWENTY MILLION DOLLARS OVER THREE YEARS IN THE FACILITY WHEN THAT FACILITY IS USED PRINCIPALLY FOR RESEARCHING AND TESTING THE IMPACT OF NATURAL HAZARDS SUCH AS WIND, FIRE, EARTHQUAKE, AND HAIL ON BUILDING MATERIALS USED IN RESIDENTIAL, COMMERCIAL, AND AGRICULTURAL BUILDINGS.

The House returned the Bill with amendments.

Senator COLEMAN moved to concur in the House amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CONCURRENCE**

S. 1338 -- Senator Fair: A BILL TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE GREENVILLE HOSPITAL SYSTEM, ITS CREATION, BOARD, POWERS, AND DUTIES, SO AS TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES MAY ESTABLISH A POLICE DEPARTMENT, EMPLOY POLICE AND SECURITY OFFICERS, AND TO PROVIDE FOR THE POLICE DEPARTMENT’S DUTIES, RESPONSIBILITIES, POWERS, FUNCTIONS, AND JURISDICTION.

The House returned the Bill with amendments.

Senator FAIR moved to concur in the House amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 901 -- Senators McConnell, Elliott and Courson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-500, SO AS TO PROVIDE THAT WHEN THE GOVERNOR LEAVES THE STATE, HE MUST NOTIFY THE LIEUTENANT GOVERNOR, WHETHER OR NOT THE POWER OF THE GOVERNOR’S OFFICE IS TRANSFERRED TO THE LIEUTENANT GOVERNOR; AND BY ADDING SECTION 1‑3‑630, SO AS TO DEFINE “EMERGENCY”, “FULL AUTHORITY”, AND “TEMPORARY ABSENCE” IN ORDER TO CLARIFY WHEN A LIEUTENANT GOVERNOR HAS THE FULL AUTHORITY TO ACT IN AN EMERGENCY IN THE EVENT OF THE TEMPORARY ABSENCE OF THE GOVERNOR FROM THE STATE.

The House returned the Bill with amendments.

Senator McCONNELL proposed the following amendment (JUD0901.004), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-500, SO AS TO PROVIDE THAT WHEN THE GOVERNOR LEAVES THE STATE, HE MUST NOTIFY THE LIEUTENANT GOVERNOR, WHETHER OR NOT THE POWER OF THE GOVERNOR’S OFFICE IS TRANSFERRED TO THE LIEUTENANT GOVERNOR; AND BY ADDING SECTION 1‑3‑630, SO AS TO DEFINE “EMERGENCY”, “FULL AUTHORITY”, AND “TEMPORARY ABSENCE” IN ORDER TO CLARIFY WHEN A LIEUTENANT GOVERNOR HAS THE FULL AUTHORITY TO ACT IN AN EMERGENCY IN THE EVENT OF THE TEMPORARY ABSENCE OF THE GOVERNOR FROM THE STATE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The 1976 Code is amended by adding:

“Section 1-3-500. Whenever the Governor leaves the State, he must notify the Lieutenant Governor. This section applies whether or not the power of the Governor’s office is transferred to the Lieutenant Governor.”

SECTION 2. Chapter 3, Title 1 of the 1976 Code is amended by adding:

“Section 1‑3‑630. (A) For purposes of this section:

(1) ‘Emergency’ means:

(a) an unlawful assemblage, violence or threats of violence, or a public health emergency, as defined in Section 44‑4‑130, that warrants a gubernatorial proclamation of emergency as provided in Section 1‑3‑420; or

(b) an attack, as defined in Section 1‑9‑20(d); or

(c) a potentially destructive and life-threatening major flood, storm, nuclear accident, or other natural or man-made calamity affecting the health, welfare, and safety of the lives and property of the people of the State; or

(d) the necessary authority to conduct the affairs of the Office of the Governor that may be lost or abandoned during the temporary absence of a Governor including, but not limited to, the:

(i) veto power, and

(ii) authority to execute documents concerning extradition of fugitives from justice, and

(iii) authority to execute documents and exercise duties essential to the administration of criminal justice.

(2) ‘Full authority’ means the ability to exercise the Governor’s powers, responsibilities, obligations, and authorities as provided by general law and in the State Constitution without assuming the office of the Governor.

(3) ‘Temporary absence’ means that:

(a) the Governor is outside the boundaries of the State; and

(b) within a twelve-hour period, either by communicating in person or by telecommunications device, the Governor is not available or is unable to respond to:

(i) his staff, or

(ii) the Director of the South Carolina Law Enforcement Division or his designee.

(B) As provided in Article IV, Section 11 of the South Carolina Constitution, in the event of the temporary absence of the Governor from the State, the Lieutenant Governor has full authority to act in an emergency.

(C) Prior to assuming full authority to act in an emergency, the Lieutenant Governor must verify with the Governor’s staff and the Director of the South Carolina Law Enforcement Division or his designee that the Governor has not been in communication for a period of twelve or more hours and that attempts to contact the Governor have not received a response or indication of the Governor’s whereabouts or availability.

(D) After receiving this verification, the Lieutenant Governor must immediately file with the Office of the Secretary of State a proclamation declaring his full authority to act in the emergency. The proclamation is effective upon issuance and remains in full force and effect as provided by general law and the State Constitution.

(E) The powers that the Lieutenant Governor may exercise pursuant to Article IV, Section 11 of the South Carolina Constitution and this section in the temporary absence of the Governor cannot be restricted prior to the departure of the Governor from this State. The discretion of the Lieutenant Governor includes all of the gubernatorial powers which the Governor himself would possess were he present, limited by the terms of the constitutional provision itself, which require only that those powers may be exercised by the Lieutenant Governor during the temporary absence of the Governor and that those powers also must be of an emergency nature.”

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

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 46; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* *Martin, Shane* Massey

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--46**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 319 -- Senators Leventis, Rose, Malloy, Davis, Lourie and Hayes: A BILL TO AMEND TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 46 SO AS TO ENACT THE “INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN”, TO PROVIDE THAT THE GOVERNOR MAY EXECUTE THE COMPACT WITH OTHER COMPACT STATES, TO PROVIDE THAT THE STATE SUPERINTENDENT OF EDUCATION IS THE COMPACT COMMISSIONER OF THIS STATE, TO ESTABLISH A COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE FOR THE COUNCIL’S MEMBERSHIP, APPOINTMENTS, TERMS, QUORUM, LEADERSHIP, FILLING OF VACANCIES, AND POWERS AND DUTIES, AND TO PROVIDE THE TERMS OF THE COMPACT.

The House returned the Bill with amendments.

Senator HAYES proposed the following amendment (AGM\  
18103BH10), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 59‑46‑40(C) and(D), as contained in SECTION 1, page 3, lines 11‑21 and inserting:

/ (C) The council shall meet on the call of the chairman and, at a minimum, shall meet annually. A majority of members constitutes a quorum. The council may consider any matters related to the Interstate Compact on Educational Opportunity for Military Children or the general activities and business of the organization and has the authority to represent the State in all actions of the compact.

(D) The State Superintendent of Education, in coordination with the council, shall appoint or designate a military family education liaison as provided by Article VIII of the Interstate Compact on Educational Opportunity for Military Children. /

Amend the bill further, by deleting SECTION 5 in its entirety, as contained on page 25, and inserting:

/ SECTION 5. This act takes effect July 1, 2010, contingent upon available funding and agreement by the Interstate Commission to SECTION 3 of this act. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler and L. Martin: A BILL TO AMEND SECTION 16‑3‑654 OF THE 1976 CODE, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE, TO INCLUDE SEXUAL BATTERY WHEN THE VICTIM IS A STUDENT SIXTEEN YEARS OF AGE OR OLDER AND THE ACTOR IS A PERSON EMPLOYED AT A PUBLIC OR PRIVATE SECONDARY SCHOOL, UNDER CERTAIN CIRCUMSTANCES.

The House returned the Bill with amendments.

Senator RYBERG proposed the following amendment (107R002.WGR), which was adopted:

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

/ SECTION 1. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑755. (A) For purposes of this section:

(1) ‘Aggravated coercion’ means that the person affiliated with a public or private secondary school in an official capacity threatens to use force or violence of a high and aggravated nature to overcome the student, if the student reasonably believes that the person has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping, or extortion, under circumstances of aggravation, against the student.

(2) ‘Aggravated force’ means that the person affiliated with a public or private secondary school in an official capacity uses physical force or physical violence of a high and aggravated nature to overcome the student or includes the threat of the use of a deadly weapon.

(3) ‘Person affiliated with a public or private secondary school in an official capacity’ means an administrator, teacher, substitute teacher, teacher’s assistant, student teacher, law enforcement officer, school bus driver, guidance counselor, or coach who is affiliated with a public or private secondary school but is not a student enrolled in the school.

(4) ‘Secondary school’ means either a junior high school or a high school.

(5) ‘Sexual battery’ means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes.

(6) ‘Student’ means a person who is enrolled in a school.

(B) If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is sixteen or seventeen years of age, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

(C) If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is eighteen years of age or older, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for thirty days, or both.

(D) If a person affiliated with a public or private secondary school in an official capacity has direct supervisory authority over a student enrolled in the school who is eighteen years of age or older, and the person affiliated with the public or private secondary school in an official capacity engages in sexual battery with the student, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

(E) This section does not apply if the person affiliated with a public or private secondary school in an official capacity is lawfully married to the student at the time of the act.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 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.

Senator RYBERG explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 1392 -- Transportation Committee: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, TO PROVIDE FOR CERTAIN SPECIALTY LICENSE PLATES; TO AMEND SECTION 56-3-10810, RELATING TO ‘BOY SCOUTS OF AMERICA’ SPECIAL LICENSE PLATES, TO PROVIDE FOR ‘EAGLE SCOUT’ SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, RELATING TO SPECIAL LICENSE PLATES FOR CERTAIN ELECTED OFFICIALS, TO PROVIDE THAT CORONERS MAY BE PROVIDED WITH TWO LICENSE PLATES; TO AMEND SECTION 56‑3‑1240, RELATING TO THE LOCATION ON VEHICLES WHERE LICENSE PLATES MUST BE ATTACHED, TO PROVIDE THAT A FRAME MAY BE PLACED AROUND A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56‑3‑10410, RELATING TO A SPECIAL MOTOR VEHICLE LICENSE PLATE FOR VETERANS, TO PROVIDE FOR A DISABLED VETERAN SPECIAL LICENSE PLATE.

The House returned the Bill with amendments.

Senator GROOMS proposed the following amendment (1392R006.LKG), which was adopted:

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

/ SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Distinguished Service Medal’ Special License Plates

Section 56‑3‑\_\_\_. (A) The Department of Motor Vehicles may issue ‘Distinguished Service Medal’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names who have been awarded the Distinguished Service Medal. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain an illustration of the Distinguished Service Medal. The application for this special license plate must include proof that the applicant is a recipient of the Distinguished Service Medal. Not more than two license plates may be issued to a person.

(B) The production and issuance of this special license plate is exempt from the provisions contained in Section 56‑3‑8100.”

SECTION 2. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Second Amendment’ Special License Plates

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

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the Criminal Justice Academy.

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

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

“Section 56‑3‑2240. The Department of Motor Vehicles may issue a ‘Historic’ automobile special motor vehicle license plate for use on a private passenger carrying motor vehicle or a motorcycle that is twenty‑five years of age or older at the time of applying for the special plate. The applicant for a ‘Historic’ automobile license plate must be the owner of the motor vehicle or motorcycle and must be a resident of this State.

Section 56‑3‑2241. The special license plate must be of the same size and general design as a regular motor vehicle or motorcycle license plate. The Department of Motor Vehicles shall imprint the special license plates with the word ‘Historic’, with numbers the department may determine. The license plate must be for a biennial period that expires twenty‑four months from the month it is issued.

Section 56‑3‑2242. A license plate issued pursuant to this article may be transferred to another vehicle or motorcycle that meets the requirements of Section 56‑3‑2240 and is owned by the same person upon application being made and being approved by the Department of Motor Vehicles. It is unlawful for any person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle or motorcycle except the one authorized by the department.

Section 56‑3‑2243. The provisions of this article do not affect the registration and licensing of motor vehicles or motorcycles as required by other provisions of this chapter, but are cumulative to those other provisions. Any person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact, or (c) otherwise commits fraud in the application or in the use of any special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.

Section56‑3‑2244. The fee for the plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty‑five dollars. Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state’s general fund.

Section 56‑3‑2245. The guidelines for the production of a ‘Historic’ automobile special license plate must meet the requirements of Section 56‑3‑8100.”

B. This SECTION takes effect six months after approval by the Governor.

SECTION 4. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Distinguished Service Cross’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue ‘Distinguished Service Cross’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names who have been awarded the Distinguished Service Cross. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain an illustration of the Distinguished Service Cross. The application for this special license plate must include proof that the applicant is a recipient of the Distinguished Service Cross. Not more than two license plates may be issued to a person.

(B) The production and issuance of this special license plate is exempt from the provisions contained in Section 56‑3‑8100.”

SECTION 5. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Department of the Navy’ Special License Plates

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

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

SECTION 6. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Parents and Spouses of Active Duty Overseas Veterans’

Special License Plates

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

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

SECTION 7. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘State Flag’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue special ‘State Flag’ motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names. The fee for this special license plate is twenty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The design of the license plate must replicate the color, layout, and design of the state flag. The blue used for the license plate must be the official state color as established in Section 1‑1‑710.

(C) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

SECTION 8. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘South Carolina Highway Patrol‑Retired’

Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue a ‘South Carolina Highway Patrol‑Retired’ special motor vehicle license plate for use on a private passenger motor vehicle or motorcycle registered in a person’s name in this State who are retired members of the South Carolina Highway Patrol. The Department of Motor Vehicles shall imprint on the special license plates ‘SCHP‑Retired’ the South Carolina Highway Patrol emblem, and the letters ‘HP’ along with numbers the department may determine. An application for this special motor vehicle license plate must include official documentation showing the applicant is a retired South Carolina Highway Patrol Trooper. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

(D) A person who fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, conceals a material fact, or otherwise commits fraud in the application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.”

SECTION 9. Section 56‑3‑10810 of the 1976 Code is amended to read:

“Article 108

‘Boy Scouts of America’

Special License Plates

Section 56‑3‑10810. (A) The Department of Motor Vehicles may issue ‘Boy Scouts of America’ special license plates to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. Any portion of the additional thirty‑dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

(B)(1) The Department of Motor Vehicles may issue ‘Eagle Scouts of America’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names who have been awarded the Eagle Scout Award from the Boy Scouts of America. The motor vehicle owner must present the department with official documentation that states that he was awarded the Eagle Scout Award, along with his application for this special license plate. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The special license plate must be imprinted with an emblem, seal, symbol, or design agreed to by all of the Boy Scout councils serving counties in South Carolina.

(2) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

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

SECTION 10. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘I Support Libraries’ Special License Plates

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

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

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

SECTION 11. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘South Carolina Educator’ Special License Plates

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

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

SECTION 12. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Coon Hunters’ License Plates

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

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

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

SECTION 13. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Beach Music’ Special License Plates

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

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the general fund.

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

SECTION 14. Chapter 3, Title 56 of the 1976 code is amended by adding:

“Article \_\_\_

Citadel Alumni Association ‘Big Red’ Special License Plate

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

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

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

SECTION 15. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Large Mouth Bass’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue ‘Large Mouth Bass’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names. The license plate shall have the image of a large mouth bass imprinted on it. The design of the plate and the large mouth bass image utilized must be selected through a public process conducted by the Department of Natural Resources. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month they are issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the Department of Natural Resources, which shall only use the funds to promote bass fishing throughout the State.

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

SECTION 16. Section 56‑3‑2150 of the 1976 Code is amended to read:

“Section 56‑3‑2150. The Department of Motor Vehicles may issue special motor vehicle license plates to former members of the South Carolina Delegation of the United States Congress, retired judicial officers elected by the General Assembly or confirmed by the United States Senate, respectively, members of municipal and county councils, county coroners, and mayors of this State for private passenger motor vehicles owned by them. The department also may issue special motor vehicle license plates to former members of the General Assembly who are eligible to receive retirement benefits under the General Assembly Retirement System for private passenger motor vehicles and vehicles classified as private passenger motor vehicles in Section 56‑3‑630 owned by them. The biennial fee for these special license plates is the same as the fee provided in Section 56‑3‑2020, and only one plate may be issued to former members of the South Carolina Delegation of the United States Congress, retired judicial officers elected by the General Assembly or confirmed by the United States Senate, respectively, a councilman, ~~coroner,~~ a mayor, or a member of the General Assembly who is receiving retirement benefits. A coroner may be issued two license plates. ~~The plate~~ These license plates must be issued or revalidated biennially for the regular registration and licensing period.”

SECTION 17. Section 56‑3‑1240 of the 1976 Code is amended to read:

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

SECTION 18. Section 56‑3‑10410 of the 1976 Code as added by Act 297 is amended to read:

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

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

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

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

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

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

SECTION 19. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article \_\_\_

High School Special License Plates

Section 56‑3‑\_\_\_. (A) The Department of Motor Vehicles may issue to owners of private passenger motor vehicles special motor vehicle license plates which may have imprinted on them an emblem, a seal, or other symbol the department considers appropriate of a public or independent high school located in this State. A school may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate. A school also may request a change in the emblem, seal, or other symbol once the existing inventory of the license plate has been exhausted. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3 of this title. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month they are issued.

(B) The fees collected pursuant to this section must be distributed to a separate fund for each of the respective high schools. Each fund must be administered by the school and may be used only for academic scholarships. Funds collected for state schools must be deposited with the State Treasurer. Funds collected for independent institutions must be deposited in an account designated by the respective school. The distribution is thirty dollars to the department and forty dollars to the school for each special license plate sold for the respective school.

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

SECTION 20. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘South Carolina Wildlife Federation’ Special License Plates

Section 56‑3‑\_\_\_. (A) The Department of Motor Vehicles may issue “South Carolina Wildlife Federation” special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630 registered in their names which may have imprinted on them an emblem, seal, symbol, or design of the South Carolina South Carolina Wildlife Federation. The South Carolina South Carolina Wildlife Federation must submit to the department for its approval the emblem, seal, symbol, or design it wishes to display on the plates. The South Carolina South Carolina Wildlife Federation must submit to the department written authorization for use of any copyrighted or registered logos, trademarks, or designs. The South Carolina South Carolina Wildlife Federation may request a change in the emblem, seal, or symbol not more than once every five years. The plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month they are issued. The fee for the plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the department to defray the expenses of the department in producing and administering the plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina South Carolina Wildlife Federation for conservation programs in South Carolina.

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

SECTION 21. The provisions of this act are severable. If any section, subsection, paragraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, 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 22. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 1051 -- Senator Davis: A BILL TO AMEND SECTION 48‑39‑290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS, EXCEPTIONS, AND SPECIAL PERMITS CONCERNING CONSTRUCTION AND RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND THE SET BACK LINE, SO AS TO REVISE THE DESCRIPTION OF A PRIVATE ISLAND WITH AN ATLANTIC SHORELINE THAT IS EXEMPT FROM THE PROVISIONS OF THIS SECTION AND THE FORTY‑YEAR RETREAT POLICY.

The House returned the Bill with amendments.

Senator DAVIS proposed the following amendment (1051R005.DBV), which was adopted:

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

/ SECTION 1. Section 48-39-290(B)(2)(e) of the 1976 Code is amended to read:

“(e) Subitem (a) does not apply to a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet ~~of~~ which ~~twenty thousand, ninety feet of shoreline is revetted with existing erosion control devices and one hundred twenty feet of shoreline is not revetted with existing erosion control devices~~ is entirely revetted with existing erosion control devices. Nothing contained in this subitem makes this island eligible for beach renourishment funds. For a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet which is entirely revetted with existing erosion control devices, the baseline is established for this private island at the landward edge of the erosion control device.”

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The amendment was adopted.

Senator CLEARY proposed the following amendment (1051R003.REC), which was adopted:

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

/ SECTION \_\_\_. Chapter 39, Title 48 of the 1976 Code is amended by adding:

“Section 48‑39‑45. (A)(1) On July 1, 2010, there is created the Coastal Zone Management Advisory Council that consists of fourteen members, which shall act as an advisory council to the department’s Office of Ocean and Coastal Resources Management.

(2) The members of the council must be constituted as follows:

(a) eight members, one from each coastal zone county, to be elected by a majority vote of the members of the House of Representatives and a majority vote of the Senate members representing the county from three nominees submitted by the governing body of each coastal zone county, each House or Senate member to have one vote; and

(b) six members, one from each of the congressional districts of the State, to be elected by a majority vote of the members of the House of Representatives and the Senate representing the counties in that district, each House or Senate member to have one vote.

(3) The council shall elect a chairman, vice chairman, and other officers it considers necessary.

(B) Terms of all members are for four years and until successors are appointed and qualified. A vacancy must be filled in the original manner of selection for the remainder of the unexpired term.

(C) Members of the council may not be compensated for their services and are not entitled to mileage, subsistence, or per diem as provided by law for members of state boards, committees, and commissions and are not entitled to reimbursement for actual and necessary expenses incurred in connection with and as a result of their service on the council.

(D)(1) The council shall provide advice and counsel to the staff of the Office of Ocean and Coastal Resources Management in implementing the provisions of the South Carolina Coastal Zone Management Act. The department and the public may bring a matter concerning implementation of the provisions of this act by operation of its permitting and certification process, including the promulgation of regulations, to the council’s attention.

(2) The council shall meet at the call of the chairman.

(3) Advice and counsel of the council is not binding on the department.” /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Setzler Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**CARRIED OVER**

S. 288 -- Senator L. Martin: A BILL TO AMEND CHAPTER 1, TITLE 56 OF THE 1976 CODE, BY ADDING SECTION 56‑1‑146 TO PROVIDE THAT A PERSON WHO IS CONVICTED OF A VIOLENT CRIME MUST SURRENDER HIS DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD TO THE COURT WHICH MUST TRANSMIT IT TO THE DEPARTMENT OF MOTOR VEHICLES TOGETHER WITH NOTICE OF THE CRIME AND TO PROVIDE THAT THE DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD IS CONSIDERED REVOKED AND MUST NOT BE RETURNED TO THE PERSON UNDER CERTAIN CIRCUMSTANCES; BY ADDING 56‑1‑148 TO PROVIDE THAT A PERSON CONVICTED OF A VIOLENT CRIME MUST HAVE A SPECIAL CODE AFFIXED TO THE REVERSE SIDE OF HIS DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD THAT IDENTIFIES THE PERSON AS HAVING BEEN CONVICTED OF A VIOLENT CRIME, TO PROVIDE A FEE TO BE CHARGED FOR AFFIXING THE CODE AND FOR ITS DISTRIBUTION, AND TO PROVIDE A PROCESS FOR REMOVING THE CODE; TO AMEND SECTION 56‑1‑80, RELATING TO THE CONTENTS OF A DRIVER’S LICENSE APPLICATION, TO PROVIDE THAT THE APPLICATION MUST CONTAIN A STATEMENT TO DETERMINE WHETHER THE APPLICANT HAS BEEN CONVICTED OF A VIOLENT CRIME; AND TO AMEND SECTION 56‑1‑3350, RELATING TO THE ISSUANCE OF A SPECIAL IDENTIFICATION CARD BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT THE APPLICATION FOR A SPECIAL IDENTIFICATION CARD MUST CONTAIN A STATEMENT TO DETERMINE WHETHER THE APPLICANT HAS BEEN CONVICTED OF A VIOLENT CRIME.

On motion of Senator LARRY MARTIN, the Bill was carried over.

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

On motion of Senator LARRY MARTIN, the Bill was carried over.

S. 1298 -- Senator McGill: A BILL TO AMEND SECTION 56‑5‑70 OF THE 1976 CODE, RELATING TO THE REGULATION OF TRAFFIC ON HIGHWAYS, TO PROVIDE GUIDELINES FOR RELIEF FROM REGULATIONS DURING TIMES OF EMERGENCY.

On motion of Senator GROOMS, the Bill was carried over.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 01, 2010, at 5:04 P.M. and the following Acts and Joint Resolutions were 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.

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(R250, S. 391) -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose, Davis, Bright, S. 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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

John E. Floyd, Jr., P.O. Box 3903, Florence, SC 29502 *VICE* John L. Miles

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Harry Martin Easler of Greeleyville, S.C.

and

**MOTION ADOPTED**

On motion of Senators LARRY MARTIN and ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Edgar Smith of the Sunset Community in Pickens County. Mr. Smith was a retired Pickens County Ranger with the S. C. Forestry Commission with forty years of dedicated service and who passed away on Friday, May 28, 2010.

**ADJOURNMENT**

At 6:20 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet Wednesday, June 2, 2010 at 11:00 A.M.

**Recorded Vote**

Senator SHANE MARTIN desired to be recorded as voting against the motion to adjourn.

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