**Wednesday, June 16, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., 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:

In the writings of Ezekiel we read:

“You are my sheep, the sheep of my pasture, and I am your God, says the Lord God.” (Ezekiel 34:31)

Let us pray:

Holy God, we indeed realize that all in this Senate Chamber are counted among Your flock, “the sheep of Your pasture,” as it were. We give You thanks for being our Shepherd: for the care You bestow, for the guidance and the comfort You provide, for Your unfailing love. In turn, O Lord, help each of these Senators also to care conscientiously and sincerely for those here in our State who in turn count upon them, for those who expect of these leaders the greatest wisdom and the most profound integrity possible. May wise actions and good results ultimately come from the labors of these “shepherds.” This we pray in Your name and to Your glory, 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, Myrtle Beach Air Force Base Redevelopment Authority, with the term to commence July 1, 2010, and to expire July 1, 2014

Myrtle Beach City Council:

Robert H. Reed, 715 Antigua Drive, Myrtle Beach, SC 29572

**Leave of Absence**

On motion of Senator HUTTO, at 10:05 A.M., Senator RYBERG was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator LOURIE, at 10:05 A.M., Senator JACKSON was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator LOURIE, at 10:05 A.M., Senator SHEHEEN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator COURSON, at 7:25 P.M., Senator HAYES was granted a leave until Noon tomorrow.

**Leave of Absence**

On motion of Senator ALEXANDER, at 8:25 P.M., Senator COURSON was granted a leave until Noon tomorrow.

**Leave of Absence**

On motion of Senator ALEXANDER, at 8:25 P.M., Senator CLEARY was granted a leave until Noon tomorrow.

**Remarks by Senator COURSON**

I rise today to announce the formation of the “Select Committee on K-12 Funding,” and I ask that the members of the Senate Education Committee who have agreed to serve to join me at the podium: Senator WES HAYES, Chairman; Senator NIKKI SETZLER, Vice Chairman; Senator HARVEY PEELER; Senator JOHN MATTHEWS; Senator DARRELL JACKSON; Senator LUKE RANKIN; Senator MIKE FAIR; and Senator TOM DAVIS. The members are representative of all areas of the State.

I have conversed with Senator LEATHERMAN, and we agree that this is an opportune time to revisit K-12 funding, for we will soon elect both a new Governor and a new State Superintendent of Education. The Select Committee will work during the interim, and the Governor-elect and Superintendent-elect will be invited to serve as *ad hoc* members of the committee until the inauguration.

The last two major funding initiatives were the Education Finance Act (EFA), 1977, and the Education Improvement Act (EIA), 1984. The time has come for us to revisit the formulas and ascertain whether they are impartial moving forward.

In addition, while the Select Committee’s mission is not directly related to the S.C. Tax Realignment Commission (TRAC), we look forward to receiving that report by November 15. We anticipate that, ultimately, their recommendations regarding the state’s tax structure could benefit the future of education in the Palmetto State.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1526 -- Senator Grooms: A SENATE RESOLUTION TO CONGRATULATE BERKELEY TRAINING SCHOOL IN MONCKS CORNER, SOUTH CAROLINA, UPON THE OCCASION OF ITS NINETIETH ANNIVERSARY AND GRAND SCHOOL REUNION ON SEPTEMBER 3-5, 2010, AND TO COMMEND ITS MEMBERS FOR THEIR MANY CONTRIBUTIONS TO THEIR COMMUNITIES, STATES, AND NATION.

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The Senate Resolution was adopted.

S. 1527 -- Senator Courson: A SENATE RESOLUTION CONGRATULATING ROBIN MCINTYRE MOSELEY ON THE OCCASION OF HER RETIREMENT FROM THE STAFF OF THE SOUTH CAROLINA SENATE, THANKING HER FOR HER DEDICATION TO THE PEOPLE OF SOUTH CAROLINA, AND WISHING HER WELL IN ALL OF HER FUTURE ENDEAVORS.

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Whereas, the members of the Senate have learned that Robin Moseley, Director of Research for Higher Education with the Senate Education Committee, will be retiring on July 1, 2010; and

Whereas, Senator John E. Courson hired Robin in January 1991 to assist him in his Senate office; and

Whereas, as Senator Courson’s Chief of Staff, Robin has faithfully and compassionately assisted the people of Senate District 20, Richland and Lexington Counties, and throughout the State for twenty legislative sessions; and

Whereas, Robin has had a distinguished career of public service working for the Senate Invitations Committee and the Senate Education Committee; and

Whereas, Robin McIntyre Moseley is from Marion, South Carolina and is the daughter of Dorothy Dozier “Dot” McIntyre and the late Robert Joseph McIntyre; and

Whereas, Robin has two brothers, Joe and Al, and one sister, Betsy; and

Whereas, Robin is the proud mother of Scott Moseley, married to Melinda Moseley, and is the doting grandmother, known as “Grandma Robin,” to Alex and Kate; and

Whereas, Robin is a faithful and active member of McGregor Presbyterian Church in Irmo where she is an elder and Sunday school teacher, and has served as Clerk of the Session; and

Whereas, Robin is an involved member of the Irmo community and was the longest serving President of the Ballentine-Dutch Fork Civic Association; and

Whereas, in her free time, Robin enjoys gardening and photography. In 2005, she was honored when one of her many wonderful State House photographs graced the cover of the 2005 Legislative Manual; and

Whereas, Robin’s decision to retire from her current position will leave her time to delight in caring for her grandchildren and spend time on her family’s farm in Marion where her mother and siblings reside; and

Whereas, it is fitting and proper for the members of the South Carolina Senate to recognize Robin’s achievements on the occasion of her retirement. Now, therefore,

Be it resolved by the Senate:

That the members of the Senate, by this resolution, congratulate Robin McIntyre Moseley on the occasion of her retirement from the staff of the South Carolina Senate, thank her for her dedication to the people of South Carolina, and wish her well in all of her future endeavors.

Be it further resolved that a copy of this resolution be forwarded to Robin Moseley.

The Senate Resolution was adopted.

**Privilege of the Chamber**

On motion of Senator COURSON, the Privilege of the Chamber was extended to Ms. Robin McIntyre Moseley, Director of Research for Higher Education with the Senate Education Committee.

On behalf of the entire Senate, Senator COURSON offered her the Senate’s best wishes on the occasion of her retirement.

H. 5100 -- Reps. Barfield, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE COASTAL CAROLINA UNIVERSITY BASEBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2010 BIG SOUTH TOURNAMENT CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

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

H. 5103 -- Reps. Erickson, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CAPTAIN GEORGE R. HULL, UNITED STATES NAVY, UPON THE OCCASION OF HIS RETIREMENT, AND TO COMMEND HIM FOR HIS YEARS OF FAITHFUL SERVICE IN THE UNITED STATES ARMED FORCES.

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

H. 5107 -- Reps. Rutherford, Bales, Ballentine, Brady, Gunn, Harrison, Hart, Howard, McEachern, J. H. Neal, J. E. Smith, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, 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, Haley, Hamilton, Hardwick, Harrell, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, 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. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. 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 REMEMBER THE LATE ELLIOTT ERNEST FRANKS III OF COLUMBIA, FORMER PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE SOUTH CAROLINA JOB-ECONOMIC DEVELOPMENT AUTHORITY, ON THE OCCASION OF THE UNVEILING OF THE SIGN ANNOUNCING THE INTERCHANGE ON HIGHWAY 277 AT SUNSET BOULEVARD AND BELTLINE BOULEVARD IN COLUMBIA AS BEING NAMED IN HIS HONOR.

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

**Motion Adopted**

At 10:56 A.M., on motion of Senator HUTTO, with unanimous consent, Senators ROSE, SHOOPMAN and HUTTO were granted leave to attend a meeting of a Committee of Conference and were granted leave to vote from the balcony.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sustained the veto by the Governor on R.227, S. 1190 by a vote of 50 to 51:

(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.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has reconsidered the vote whereby the veto was sustained and has overridden the veto by the Governor on R.227, S. 1190 by a vote of 76 to 27:

(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.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

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

H. 4256 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 17‑30‑125, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCIDENCES WHEN THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ORDER CERTAIN PERSONS TO CUT, REROUTE, OR DIVERT TELEPHONE LINES FOR CERTAIN PURPOSES, SO AS TO PROVIDE THAT THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ISSUE ADMINISTRATIVE SUBPOENA TO A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY WHEN IT RECEIVES INFORMATION THAT INDICATES THAT A PERSON’S LIFE IS THREATENED, A PRISONER MAY ESCAPE, A PERSON IS BEING HELD AS A HOSTAGE, A PERSON MAY RESIST ARREST WHILE USING A WEAPON, OR AN ARMED PERSON MAY COMMIT SUICIDE, AND TO PROVIDE THAT THE GOOD FAITH RELIANCE BY A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY TO PROVIDE INFORMATION SPECIFIED IN AN ADMINISTRATIVE SUBPOENA IS A COMPLETE DEFENSE TO A CIVIL, CRIMINAL, OR ADMINISTRATIVE ACTION ARISING OUT OF THE ORDER OR ADMINISTRATIVE SUBPOENA.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

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

H. 4261 -- Reps. Harrison and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑75 SO AS TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, OR HIS DESIGNEE, MAY ISSUE AN ADMINISTRATIVE SUBPOENA FOR THE PRODUCTION OF RECORDS DURING THE INVESTIGATION OF CERTAIN CRIMINAL CASES THAT INVOLVE FINANCIAL CRIMES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCE**

S. 1524 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND BETTY HENDERSON FOR HER SINGULAR SERVICE TO ORANGEBURG COUNTY, AND TO CONGRATULATE HER FOR HER MANY ACCOMPLISHMENTS IN THE FURTHERANCE OF RACIAL EQUALITY IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 11, 2010

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 337, R. 298, which pertains to the Certificate of Need (CON) process within the Department of Health and Environmental Control (DHEC).

(R298, S337) -- Senators Cleary, Peeler and Elliott: AN ACT 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 REVISE AND CLARIFY PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS, INCLUDING NOTICE REQUIREMENTS, FILING FEES FOR REQUESTING A FINAL REVIEW, AND TIMES WITHIN WHICH A CONTESTED CASE HEARING MUST BE REQUESTED; 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 THE DEFINITIONS OF “HEALTH CARE FACILITY”, “PERSON”, “RESIDENTIAL TREATMENT FACILITY FOR CHILDREN AND ADOLESCENTS”, AND “LIKE EQUIPMENT WITH SIMILAR CAPABILITIES”, TO DELETE THE DEFINITION OF “CHIROPRACTIC INPATIENT FACILITY”, AND TO DEFINE “BIRTHING CENTER” AND “FREESTANDING EMERGENCY SERVICE”; 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 IN REGULATION, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATIVE COSTS OF THIS PROGRAM; TO AMEND SECTION 44‑7‑160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO DELETE OBSOLETE PROVISIONS AND TO DELETE PROVISIONS RELATING TO ACQUISITION OR CHANGE IN OWNERSHIP OF A HEALTH CARE FACILITY, ACQUISITION OF A HEALTH CARE FACILITY BEFORE AN AGREEMENT TO ACQUIRE THE FACILITY IS REACHED, AND EXPENDITURES FOR PREPARING TO DEVELOP A PROJECT REQUIRING A CERTIFICATE OF NEED; TO AMEND SECTION 44‑7‑170, AS AMENDED, RELATING TO EXEMPTIONS FROM CERTIFICATE OF NEED, SO AS TO FURTHER SPECIFY EXEMPTION REQUIREMENTS FOR RESEARCH PURPOSES, TO PROVIDE THAT REPLACEMENT OF LIKE EQUIPMENT IS EXEMPT IF CERTAIN CONDITIONS ARE MET AND TO DELETE FROM EXEMPTION PURCHASES OF REAL ESTATE FOR DEVELOPMENT REQUIRING A CERTIFICATE OF NEED; TO AMEND SECTION 44‑7‑180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO INCLUDE AN ADMINISTRATOR OF A FOR‑PROFIT NURSING HOME AMONG GROUPS THAT MUST BE REPRESENTED ON THE COMMITTEE AND TO PROVIDE FOR A CHAIRMAN AND VICE CHAIRMAN OF 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 DELETE FEE PROVISIONS THAT ARE OTHERWISE PROVIDED FOR IN THIS ACT, TO CLARIFY CERTIFICATE OF NEED APPLICATION PROCEDURES AND COMMUNICATIONS, TO PROHIBIT STATE AND FEDERAL OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED AND TO PROVIDE AN EXCEPTION; TO AMEND SECTION 44‑7‑210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO FURTHER SPECIFY THESE PROCEDURES, INCLUDING INITIATION OF THE REVIEW PERIOD, DURATION OF THE REVIEW PROCESS, AND TIME FRAMES FOR ISSUING DECISIONS AND RENDERING FINAL AGENCY DECISIONS, AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES, INCLUDING LIMITATIONS ON THE NUMBER OF WITNESSES THAT MAY BE CALLED AND THE NUMBER OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS THAT MAY BE SERVED AND WHO MAY BE DEPOSED; TO AMEND SECTION 44‑7‑220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT THAT CERTIFICATE OF NEED APPEALS ARE HEARD BY THE ADMINISTRATIVE LAW COURT RATHER THAN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD 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 PROCEDURES, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING A FEE FOR INSPECTIONS; TO AMEND SECTION 44‑7‑280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES, 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 INCLUDE LICENSING OF ACTIVITIES AND TO DELETE OBSOLETE LANGUAGE; 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 A DECISION ON THE CERTIFICATE OF NEED; BY ADDING SECTION 44‑7‑285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF A CHANGE IN FACILITY OWNERSHIP OR CONTROLLING INTEREST; BY ADDING SECTION 44‑7‑295 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH HEALTH LICENSURE AND CERTIFICATE OF NEED REQUIREMENTS; TO AMEND SECTION 1‑23‑600, AS AMENDED, RELATING TO ADMINISTRATIVE LAW COURT HEARINGS AND PROCEEDINGS, SO AS TO PROVIDE THAT IF AN ATTORNEY IS CALLED TO APPEAR IN ANOTHER COURT IN THIS STATE, THE ACTION IN THE ADMINISTRATIVE LAW COURT HAS PRIORITY AS APPROPRIATE; 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.

We appreciate the work the CON Reform Task Force did to streamline the certificate process, and we furthermore thank the General Assembly for its action on the task force’s recommendations. While we agree with this Bill’s underlying changes, regrettably we are not able to support it because it comes with newly established fees. If this was a new regulatory program that would require new permit applications, which CON is not, those types of fees would be understandable and justified. In this case, DHEC is adding a fee for an existing service.

What we do in this budget year will very much set the stage for how next year’s budget gets handled. Either we substantively tackle spending and inefficiency in government or we paper over these deficiencies with a host of fee and tax increases, and, in this regard, we believe this Bill moves us in the wrong direction.

As we have stated in the past, we do not believe it is wise to raise taxes and fees to cover budget shortfalls for core governmental agencies. At the start of the next legislative session, policymakers will begin debating a budget that will essentially be $1 billion short as stimulus funds from Washington dry up. We simply cannot rely on “backdoor tax increases” to cover budget shortfalls.

Some have suggested that the $100 fee is intended to discourage frivolous appeals. We do not believe this justifies taking more money from the private sector, as we believe a better way to accomplish this would simply entail a requirement that the party that files for the appeal be held responsible for all attorneys’ fees and court costs if the appeal turns out to be frivolous.

For these reasons, I am vetoing and returning without my approval S. 337, R. 298.

Sincerely,

/s/ Mark Sanford

**VETO OVERRIDDEN**

(R298, S337) -- Senators Cleary, Peeler and Elliott: AN ACT 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 REVISE AND CLARIFY PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS, INCLUDING NOTICE REQUIREMENTS, FILING FEES FOR REQUESTING A FINAL REVIEW, AND TIMES WITHIN WHICH A CONTESTED CASE HEARING MUST BE REQUESTED; 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 THE DEFINITIONS OF “HEALTH CARE FACILITY”, “PERSON”, “RESIDENTIAL TREATMENT FACILITY FOR CHILDREN AND ADOLESCENTS”, AND “LIKE EQUIPMENT WITH SIMILAR CAPABILITIES”, TO DELETE THE DEFINITION OF “CHIROPRACTIC INPATIENT FACILITY”, AND TO DEFINE “BIRTHING CENTER” AND “FREESTANDING EMERGENCY SERVICE”; 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 IN REGULATION, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATIVE COSTS OF THIS PROGRAM; TO AMEND SECTION 44‑7‑160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO DELETE OBSOLETE PROVISIONS AND TO DELETE PROVISIONS RELATING TO ACQUISITION OR CHANGE IN OWNERSHIP OF A HEALTH CARE FACILITY, ACQUISITION OF A HEALTH CARE FACILITY BEFORE AN AGREEMENT TO ACQUIRE THE FACILITY IS REACHED, AND EXPENDITURES FOR PREPARING TO DEVELOP A PROJECT REQUIRING A CERTIFICATE OF NEED; TO AMEND SECTION 44‑7‑170, AS AMENDED, RELATING TO EXEMPTIONS FROM CERTIFICATE OF NEED, SO AS TO FURTHER SPECIFY EXEMPTION REQUIREMENTS FOR RESEARCH PURPOSES, TO PROVIDE THAT REPLACEMENT OF LIKE EQUIPMENT IS EXEMPT IF CERTAIN CONDITIONS ARE MET AND TO DELETE FROM EXEMPTION PURCHASES OF REAL ESTATE FOR DEVELOPMENT REQUIRING A CERTIFICATE OF NEED; TO AMEND SECTION 44‑7‑180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO INCLUDE AN ADMINISTRATOR OF A FOR‑PROFIT NURSING HOME AMONG GROUPS THAT MUST BE REPRESENTED ON THE COMMITTEE AND TO PROVIDE FOR A CHAIRMAN AND VICE CHAIRMAN OF 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 DELETE FEE PROVISIONS THAT ARE OTHERWISE PROVIDED FOR IN THIS ACT, TO CLARIFY CERTIFICATE OF NEED APPLICATION PROCEDURES AND COMMUNICATIONS, TO PROHIBIT STATE AND FEDERAL OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED AND TO PROVIDE AN EXCEPTION; TO AMEND SECTION 44‑7‑210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO FURTHER SPECIFY THESE PROCEDURES, INCLUDING INITIATION OF THE REVIEW PERIOD, DURATION OF THE REVIEW PROCESS, AND TIME FRAMES FOR ISSUING DECISIONS AND RENDERING FINAL AGENCY DECISIONS, AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES, INCLUDING LIMITATIONS ON THE NUMBER OF WITNESSES THAT MAY BE CALLED AND THE NUMBER OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS THAT MAY BE SERVED AND WHO MAY BE DEPOSED; TO AMEND SECTION 44‑7‑220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT THAT CERTIFICATE OF NEED APPEALS ARE HEARD BY THE ADMINISTRATIVE LAW COURT RATHER THAN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD 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 PROCEDURES, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING A FEE FOR INSPECTIONS; TO AMEND SECTION 44‑7‑280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES, 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 INCLUDE LICENSING OF ACTIVITIES AND TO DELETE OBSOLETE LANGUAGE; 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 A DECISION ON THE CERTIFICATE OF NEED; BY ADDING SECTION 44‑7‑285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF A CHANGE IN FACILITY OWNERSHIP OR CONTROLLING INTEREST; BY ADDING SECTION 44‑7‑295 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH HEALTH LICENSURE AND CERTIFICATE OF NEED REQUIREMENTS; TO AMEND SECTION 1‑23‑600, AS AMENDED, RELATING TO ADMINISTRATIVE LAW COURT HEARINGS AND PROCEEDINGS, SO AS TO PROVIDE THAT IF AN ATTORNEY IS CALLED TO APPEAR IN ANOTHER COURT IN THIS STATE, THE ACTION IN THE ADMINISTRATIVE LAW COURT HAS PRIORITY AS APPROPRIATE; AND TO REPEAL SECTION 44‑7‑185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

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

Senator CLEARY spoke on the veto.

Senator CLEARY moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 29; Nays 9**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Elliott Fair

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson Peeler Pinckney

Rankin Reese Scott

Setzler Verdin

**Total--29**

**NAYS**

Bright Bryant Campsen

Davis Grooms McConnell

Rose Shoopman Thomas

**Total--9**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.298, S. 337 by a vote of 96 to 13:

(R298, S337) -- Senators Cleary, Peeler and Elliott: AN ACT 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 REVISE AND CLARIFY PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS, INCLUDING NOTICE REQUIREMENTS, FILING FEES FOR REQUESTING A FINAL REVIEW, AND TIMES WITHIN WHICH A CONTESTED CASE HEARING MUST BE REQUESTED; 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 THE DEFINITIONS OF “HEALTH CARE FACILITY”, “PERSON”, “RESIDENTIAL TREATMENT FACILITY FOR CHILDREN AND ADOLESCENTS”, AND “LIKE EQUIPMENT WITH SIMILAR CAPABILITIES”, TO DELETE THE DEFINITION OF “CHIROPRACTIC INPATIENT FACILITY”, AND TO DEFINE “BIRTHING CENTER” AND “FREESTANDING EMERGENCY SERVICE”; 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 IN REGULATION, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATIVE COSTS OF THIS PROGRAM; TO AMEND SECTION 44‑7‑160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO DELETE OBSOLETE PROVISIONS AND TO DELETE PROVISIONS RELATING TO ACQUISITION OR CHANGE IN OWNERSHIP OF A HEALTH CARE FACILITY, ACQUISITION OF A HEALTH CARE FACILITY BEFORE AN AGREEMENT TO ACQUIRE THE FACILITY IS REACHED, AND EXPENDITURES FOR PREPARING TO DEVELOP A PROJECT REQUIRING A CERTIFICATE OF NEED; TO AMEND SECTION 44‑7‑170, AS AMENDED, RELATING TO EXEMPTIONS FROM CERTIFICATE OF NEED, SO AS TO FURTHER SPECIFY EXEMPTION REQUIREMENTS FOR RESEARCH PURPOSES, TO PROVIDE THAT REPLACEMENT OF LIKE EQUIPMENT IS EXEMPT IF CERTAIN CONDITIONS ARE MET AND TO DELETE FROM EXEMPTION PURCHASES OF REAL ESTATE FOR DEVELOPMENT REQUIRING A CERTIFICATE OF NEED; TO AMEND SECTION 44‑7‑180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO INCLUDE AN ADMINISTRATOR OF A FOR‑PROFIT NURSING HOME AMONG GROUPS THAT MUST BE REPRESENTED ON THE COMMITTEE AND TO PROVIDE FOR A CHAIRMAN AND VICE CHAIRMAN OF 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 DELETE FEE PROVISIONS THAT ARE OTHERWISE PROVIDED FOR IN THIS ACT, TO CLARIFY CERTIFICATE OF NEED APPLICATION PROCEDURES AND COMMUNICATIONS, TO PROHIBIT STATE AND FEDERAL OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED AND TO PROVIDE AN EXCEPTION; TO AMEND SECTION 44‑7‑210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO FURTHER SPECIFY THESE PROCEDURES, INCLUDING INITIATION OF THE REVIEW PERIOD, DURATION OF THE REVIEW PROCESS, AND TIME FRAMES FOR ISSUING DECISIONS AND RENDERING FINAL AGENCY DECISIONS, AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES, INCLUDING LIMITATIONS ON THE NUMBER OF WITNESSES THAT MAY BE CALLED AND THE NUMBER OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS THAT MAY BE SERVED AND WHO MAY BE DEPOSED; TO AMEND SECTION 44‑7‑220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT THAT CERTIFICATE OF NEED APPEALS ARE HEARD BY THE ADMINISTRATIVE LAW COURT RATHER THAN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD 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 PROCEDURES, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING A FEE FOR INSPECTIONS; TO AMEND SECTION 44‑7‑280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES, 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 INCLUDE LICENSING OF ACTIVITIES AND TO DELETE OBSOLETE LANGUAGE; 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 A DECISION ON THE CERTIFICATE OF NEED; BY ADDING SECTION 44‑7‑285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF A CHANGE IN FACILITY OWNERSHIP OR CONTROLLING INTEREST; BY ADDING SECTION 44‑7‑295 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH HEALTH LICENSURE AND CERTIFICATE OF NEED REQUIREMENTS; TO AMEND SECTION 1‑23‑600, AS AMENDED, RELATING TO ADMINISTRATIVE LAW COURT HEARINGS AND PROCEEDINGS, SO AS TO PROVIDE THAT IF AN ATTORNEY IS CALLED TO APPEAR IN ANOTHER COURT IN THIS STATE, THE ACTION IN THE ADMINISTRATIVE LAW COURT HAS PRIORITY AS APPROPRIATE; 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.

Very respectfully,

Speaker of the House

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 11, 2010

The Honorable André Bauer

President of the Senate

State House, 1st Floor, East Wing

Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 405, R. 299, which allows live-in boats to be considered real property for the purposes of calculating property taxes if the owner already has a “primary residence” and “secondary residence” in the State.

(R299, S405) -- Senator Cleary: AN ACT 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 A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY‑TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED FOR PROPERTY TAX PURPOSES AS A PRIMARY OR SECONDARY RESIDENCE; TO AMEND SECTION 12‑37‑714, AS AMENDED, RELATING TO BOATS WITH A SITUS IN THIS STATE FOR PURPOSES OF PROPERTY TAX, SO AS TO ALLOW A COUNTY, BY ORDINANCE TO REVISE WITHIN SPECIFIED LIMITS SITUS REQUIREMENTS BASED ON PRESENCE; TO AMEND SECTION 12‑37‑224, AS AMENDED, RELATING TO WATERCRAFT, CAMPER TRAILERS, AND RECREATIONAL VEHICLES ELIGIBLE TO BE A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF PROPERTY TAX, SO AS TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, IS CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF PROPERTY TAX, TO PROVIDE THOSE ELIGIBLE TO APPLY FOR THIS CLASSIFICATION AND THE NUMBER OF SUCH APPLICATIONS ALLOWED; AND TO AMEND SECTION 50‑23‑295, AS AMENDED, RELATING TO RESTRICTIONS ON THE TRANSFER OF A CERTIFICATE OF TITLE TO A WATERCRAFT OR OUTBOARD MOTOR SUBJECT TO DELINQUENT PROPERTY TAXES AND ENFORCEMENT OF THESE RESTRICTIONS, SO AS TO MAKE IT UNLAWFUL KNOWINGLY TO SELL A WATERCRAFT SUBJECT TO DELINQUENT PROPERTY TAXES, PROVIDE A PENALTY FOR VIOLATIONS, AND PROVIDE A CIVIL REMEDY WITH TREBLE DAMAGES TO A WATERCRAFT BUYER AGAINST A SELLER WHO FALSELY SIGNED THE REQUIRED CERTIFICATE THAT PROPERTY TAXES ON THE WATERCRAFT ARE CURRENT.

We applaud the spirit of this legislation and the efforts of Senator Cleary to lower the overall tax burden for those affected by the contents of this Bill. Lowering taxes has consistently been one of the driving principles of this administration. Specifically, we’ve supported Bills in the past that lower personal property taxes such as those on motorcycles and heavy-duty trucks.

Unfortunately, S. 405 falls in line with similar legislation we vetoed last year allowing live-in boats to be considered a “primary residence” or a “secondary residence” for property tax purposes. These Bills took the extraordinary step of redefining the term “real property.” This Bill goes even further by allowing one to own two homes in the State and still treat a live-in boat as real property.

As stated last year, South Carolina Code Section 12-37-10 (1) states in pertinent part: “*real property* shall mean not only land, city, town and village lots but also all structures and other things therein contained or annexed or attached thereto which pass to the vendee by the conveyance of the land or lot.” In simpler terms, real property means land and any permanent fixture on that land – things that tend to *appreciate* in value. Items such as boats and campers, however, are not affixed to the ground and generally *lose* value with the passage of time.

We also believe property taxes have historically been the purview of local governments. In the property tax Bill of a couple years ago, there was obvious exception to this given the state’s constitutional requirement to handle education. But the larger notion of federalism on which this nation is founded prescribes that, where possible, we disperse power to individuals and local governments rather than keeping it centralized. The kinds of changes contemplated in this Bill can and should be made at the local level as counties compete with each other to offer the most favorable property tax environment.

For these reasons, I am vetoing and returning without my approval S. 405, R. 299.

Sincerely,

/s/ Mark Sanford

**VETO OVERRIDDEN**

(R299, S405) -- Senator Cleary: AN ACT 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 A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY‑TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED FOR PROPERTY TAX PURPOSES AS A PRIMARY OR SECONDARY RESIDENCE; TO AMEND SECTION 12‑37‑714, AS AMENDED, RELATING TO BOATS WITH A SITUS IN THIS STATE FOR PURPOSES OF PROPERTY TAX, SO AS TO ALLOW A COUNTY, BY ORDINANCE TO REVISE WITHIN SPECIFIED LIMITS SITUS REQUIREMENTS BASED ON PRESENCE; TO AMEND SECTION 12‑37‑224, AS AMENDED, RELATING TO WATERCRAFT, CAMPER TRAILERS, AND RECREATIONAL VEHICLES ELIGIBLE TO BE A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF PROPERTY TAX, SO AS TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, IS CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF PROPERTY TAX, TO PROVIDE THOSE ELIGIBLE TO APPLY FOR THIS CLASSIFICATION AND THE NUMBER OF SUCH APPLICATIONS ALLOWED; AND TO AMEND SECTION 50‑23‑295, AS AMENDED, RELATING TO RESTRICTIONS ON THE TRANSFER OF A CERTIFICATE OF TITLE TO A WATERCRAFT OR OUTBOARD MOTOR SUBJECT TO DELINQUENT PROPERTY TAXES AND ENFORCEMENT OF THESE RESTRICTIONS, SO AS TO MAKE IT UNLAWFUL KNOWINGLY TO SELL A WATERCRAFT SUBJECT TO DELINQUENT PROPERTY TAXES, PROVIDE A PENALTY FOR VIOLATIONS, AND PROVIDE A CIVIL REMEDY WITH TREBLE DAMAGES TO A WATERCRAFT BUYER AGAINST A SELLER WHO FALSELY SIGNED THE REQUIRED CERTIFICATE THAT PROPERTY TAXES ON THE WATERCRAFT ARE CURRENT.

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

Senator CLEARY spoke on the veto.

Senator CLEARY moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 39; Nays 1**

**AYES**

Alexander Bright Bryant

Campbell Cleary Coleman

Courson Cromer Davis

Elliott Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Mulvaney Nicholson Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Shoopman Verdin Williams

**Total--39**

**NAYS**

Thomas

**Total--1**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.299, S. 405 by a vote of 103 to 2:

(R299, S405) -- Senator Cleary: AN ACT 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 A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY‑TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED FOR PROPERTY TAX PURPOSES AS A PRIMARY OR SECONDARY RESIDENCE; TO AMEND SECTION 12‑37‑714, AS AMENDED, RELATING TO BOATS WITH A SITUS IN THIS STATE FOR PURPOSES OF PROPERTY TAX, SO AS TO ALLOW A COUNTY, BY ORDINANCE TO REVISE WITHIN SPECIFIED LIMITS SITUS REQUIREMENTS BASED ON PRESENCE; TO AMEND SECTION 12‑37‑224, AS AMENDED, RELATING TO WATERCRAFT, CAMPER TRAILERS, AND RECREATIONAL VEHICLES ELIGIBLE TO BE A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF PROPERTY TAX, SO AS TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, IS CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF PROPERTY TAX, TO PROVIDE THOSE ELIGIBLE TO APPLY FOR THIS CLASSIFICATION AND THE NUMBER OF SUCH APPLICATIONS ALLOWED; AND TO AMEND SECTION 50‑23‑295, AS AMENDED, RELATING TO RESTRICTIONS ON THE TRANSFER OF A CERTIFICATE OF TITLE TO A WATERCRAFT OR OUTBOARD MOTOR SUBJECT TO DELINQUENT PROPERTY TAXES AND ENFORCEMENT OF THESE RESTRICTIONS, SO AS TO MAKE IT UNLAWFUL KNOWINGLY TO SELL A WATERCRAFT SUBJECT TO DELINQUENT PROPERTY TAXES, PROVIDE A PENALTY FOR VIOLATIONS, AND PROVIDE A CIVIL REMEDY WITH TREBLE DAMAGES TO A WATERCRAFT BUYER AGAINST A SELLER WHO FALSELY SIGNED THE REQUIRED CERTIFICATE THAT PROPERTY TAXES ON THE WATERCRAFT ARE CURRENT.

Very respectfully,

Speaker of the House

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 11, 2010

The Honorable André Bauer

President of the Senate

State House, 1st Floor, East Wing

Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 717, R. 302, which carves out a sales tax exemption for a company that makes a capital investment of at least $20 million in a facility used principally for researching and testing natural disasters.

(R302, S717) -- Senators Coleman, Setzler, Land, Campbell and Hayes: AN ACT TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES 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.

We’ve expressed our concerns in past years that our tax code has far too many incentives carved out for only one area of the State or for one business. This Bill gives a sales tax exemption to one company – a company already set to open later this year in Chester County.

We are pleased this company has decided to come to South Carolina and believe it will serve as a valuable addition to our economy. As a State, we’ve already pledged considerable financial incentives to attract the company here in the first place; therefore, these incentives are duplicative and excessive. If the situation were reversed, we could not, in good faith, change the terms of an agreement to a company once that company relocated here. We’re concerned with the long-term implications in other economic development deals if we get into the practice of adding to the deal after an economic incentive deal has been signed.

For these reasons, I am vetoing and returning without my approval S. 717, R. 302.

Sincerely,

/s/ Mark Sanford

**VETO OVERRIDDEN**

(R302, S717) -- Senators Coleman, Setzler, Land, Campbell and Hayes: AN ACT TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES 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 veto of the Governor was taken up for immediate consideration.

Senator COLEMAN moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 33; Nays 10**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Elliott Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Mulvaney Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Sheheen Verdin Williams

**Total--33**

**NAYS**

Bright Bryant Campsen

Cromer Davis Fair

*Martin, Shane* Rose Shoopman

Thomas

**Total--10**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.302, S. 717 by a vote of 103 to 1:

(R302, S717) -- Senators Coleman, Setzler, Land, Campbell and Hayes: AN ACT TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES 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.

Very respectfully,

Speaker of the House

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 11, 2010

The Honorable André Bauer

President of the Senate

State House, 1st Floor, East Wing

Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate,

I am hereby vetoing and returning without my approval, S. 783, R. 303, which adds three members to the Governing Board of the Patriots Point Development Authority. We are vetoing this legislation based on our belief that it further blurs the lines between executive and legislative powers in our state government.

(R303, S783) -- Senator McConnell: AN ACT 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

In 2005, we vetoed a Bill that increased the number of legislative appointments to the State Board of Medical Examiners because we believed the legislation expanded legislative power at the expense of the executive branch and needlessly politicized the State Board of Medical Examiners. Similarly, we object to S. 783 because it further erodes the executive branch’s authority to appoint the state’s executive branch officials.

Currently, the governor is authorized to appoint three board members of his choosing, and to appoint two board members based on the recommendation of legislative leaders within the House and Senate. S. 783 adds three additional board members who must be appointed “upon recommendation of the President Pro Tempore of the Senate, one appointed upon recommendation of the Speaker of the House of Representatives, and one appointed upon recommendation of the State Adjutant General.” Frankly, if someone other than the governor is going to handpick the majority of the board members and the Legislature will subsequently approve the governor’s “appointments,” then the whole process is reduced to little better than busy work for our office. Because the governor is currently required to appoint two board members based on legislative recommendations, we do not see the benefit in adding additional board members within legislative control.

Additionally, although the current board may have its detractors, it generally has not been accused of being “political” in nature. This Bill threatens to change that perception, as board members might be seen as answering to their particular sponsor. This is particularly troublesome in light of the proposed monuments that many suggest have much to do with this proposed change. We believe that perception would be damaging for the board’s reputation and effectiveness.

For these reasons, I am vetoing and returning without my approval S. 783, R. 303.

Sincerely,

/s/ Mark Sanford

**VETO OVERRIDDEN**

(R303, S783) -- Senator McConnell: AN ACT 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.

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

Senator CLEARY spoke on the veto.

Senator CLEARY moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 36; Nays 6**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Matthews McConnell McGill

Mulvaney Nicholson Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--36**

**NAYS**

Bright Bryant *Martin, Shane*

Massey Rose Thomas

**Total--6**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.303, S. 783 by a vote of 103 to 1:

(R303, S783) -- Senator McConnell: AN ACT 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.

Very respectfully,

Speaker of the House

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 7, 2010

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 850, R. 254, which adds the South Carolina Forestry Commission and the Department of Natural Resources (DNR) to the list of entities to which taxpayers may voluntarily contribute a portion of their tax refunds.

(R254, S850) -- 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.

Throughout our administration, we have supported efforts by the Forestry Commission and DNR to protect South Carolina’s natural resources. In fact, enhancing quality of life in South Carolina has been one of the cornerstones of this administration’s push to better South Carolina, and we have consistently supported efforts in this direction like the Conservation Bank. On a personal level, I can’t say enough good things about the teams that Gene Kodama and John Frampton have in place within their respective agencies. In fact, these agencies’ professionalism and skill were particularly evident in April 2009 when DNR, the Forestry Commission, and other state entities responded to the forest fires that caused significant damage in Horry County.

As true as all these things are, at some point we have to draw the line on the number of public and private entities available for a taxpayer check-off on a tax return. We believe we are at that point. We are vetoing this legislation quite simply because the length of the list is becoming impractical.

If S. 850 becomes law, then there will be 16 different state institutions to which taxpayers can direct a portion of their tax refund. The current system requires that once the taxpayer determines how much to give and which entity to support, the South Carolina Department of Revenue (Revenue) must redirect the funds to the chosen entity. Although we certainly do not oppose the idea of taxpayers voluntarily donating funds to a state entity, Revenue is not – nor should it be – the state equivalent of the United Way. In this regard, Revenue should not serve as a collection and distribution agency for voluntary private donations. We raised similar concerns when faced with the proliferation of specialty license plates, which typically sets up a process where the Department of Motor Vehicles (DMV) takes the proceeds from specialty license plate sales and distributes the proceeds to particular charities.

Taxpayers are free to write a check directly to the state entity of their choosing as with other charities, without the need to route the money through Revenue or DMV. Because the list of entities to which Revenue must direct money is increasing, we feel that we must draw a line in the sand. We regret that our decision comes at the expense of agencies as valuable as the Forestry Commission and DNR, but we think it would be wise to stop and look at the number of check-off boxes on South Carolina tax returns and ask whether this should be the state’s role.

For these reasons, I am vetoing and returning without my approval S. 850, R. 254.

Sincerely,

/s/ Mark Sanford

**VETO OVERRIDDEN**

(R254, S850) -- 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.

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

Senator McGILL moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 32; Nays 9**

**AYES**

Alexander Anderson Cleary

Coleman Courson Cromer

Elliott Fair Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Verdin Williams

**Total--32**

**NAYS**

Bright Bryant Campsen

Davis *Martin, Shane* Mulvaney

Rose Shoopman Thomas

**Total--9**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.254, S. 850 by a vote of 103 to 1:

(R254, S850) -- 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.

Very respectfully,

Speaker of the House

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 11, 2010

The Honorable André Bauer

President of the Senate

State House, 1st Floor, East Wing

Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate,

I am hereby vetoing and returning without my approval, S. 950, R. 305, which amends the Municipal Improvement Act of 1999 by authorizing municipalities to secure an improvement district’s bonds with their taxing powers.

(R305, S950) -- Senator Elliott: AN ACT TO AMEND SECTIONS 5‑37‑20, 5‑37‑35, 5‑37‑40, AS AMENDED, 5‑37‑50, AS AMENDED, AND 5‑37‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT DISTRICT ACT, SO AS TO CLARIFY THAT AN EASEMENT FOR MAINTENANCE IN CHANNELS, CANALS, OR WATERWAYS IS SUFFICIENT PROPERTY INTEREST TO PROCEED WITH AN ASSESSED DISTRICT; TO AUTHORIZE SOME PORTION OF THE BONDS ISSUED TO FUND ASSESSMENTS MAY BE BACKED BY THE TAXING POWER OF A MUNICIPALITY; AND TO PROVIDE AN EXCEPTION OF AN OWNER OF RESIDENTIAL PROPERTY TO BE REQUIRED TO CONSENT TO INCLUSION IN AN IMPROVEMENT DISTRICT WHEN THE SOLE IMPROVEMENTS ARE THE WIDENING AND DREDGING OF CANALS.

It also eliminates the requirement that owners of residential property must consent before being included in an improvement district. We oppose S. 950 as we have opposed similar Tax Increment Financing legislation because we do not believe local governments should be able to unilaterally increase taxes on homeowners in this way. In its present form we think the Bill takes from the bundle of private property rights now enjoyed by a homeowner. This is particularly the case as the impact of this law would fall on people who, in many cases, do not benefit from whatever services the tax revenues fund.

This Bill allows local improvement districts to raise taxes on property located outside the improvement district in order to fund projects within the district. The original improvement district legislation states that local governments may not place any assessment, revenues, or debt service on bonds that are used to fund municipal improvements on property that is located outside the improvement district. However, S. 950 changes that common sense arrangement, meaning that all property in the municipality – including property outside the improvement district’s borders – would potentially be subject to taxation in order to secure additional bonded indebtedness. This is similar to raising a tax in Charleston County to pay for a local project in Georgetown. Ultimately, we believe this arrangement would contradict the legislation’s original structure and be detrimental to taxpayers.

We are also vetoing S. 950 because it fails to protect private property rights given that there is no requirement for local governments to obtain a property owner’s permission before including their property within the improvement district. The Founding Fathers believed that, at its core, government should protect life, liberty, and personal property – the physical manifestation of one’s accumulated efforts as a free man or woman. Given that a local district’s “improvements” will affect local property values, either positively or negatively, we believe property owners should have more authority over whether an improvement district expands to include their property.

For these reasons, I am vetoing and returning without my approval S. 950, R. 305.

Sincerely,

/s/ Mark Sanford

**VETO SUSTAINED, RECONSIDERED AND OVERRIDDEN**

(R305, S950) -- Senator Elliott: AN ACT TO AMEND SECTIONS 5‑37‑20, 5‑37‑35, 5‑37‑40, AS AMENDED, 5‑37‑50, AS AMENDED, AND 5‑37‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT DISTRICT ACT, SO AS TO CLARIFY THAT AN EASEMENT FOR MAINTENANCE IN CHANNELS, CANALS, OR WATERWAYS IS SUFFICIENT PROPERTY INTEREST TO PROCEED WITH AN ASSESSED DISTRICT; TO AUTHORIZE SOME PORTION OF THE BONDS ISSUED TO FUND ASSESSMENTS MAY BE BACKED BY THE TAXING POWER OF A MUNICIPALITY; AND TO PROVIDE AN EXCEPTION OF AN OWNER OF RESIDENTIAL PROPERTY TO BE REQUIRED TO CONSENT TO INCLUSION IN AN IMPROVEMENT DISTRICT WHEN THE SOLE IMPROVEMENTS ARE THE WIDENING AND DREDGING OF CANALS.

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

Senator ELLIOTT moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 28; Nays 15**

**AYES**

Alexander Anderson Cleary

Coleman Courson Elliott

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Matthews McGill

Nicholson Peeler Pinckney

Rankin Reese Scott

Setzler Sheheen Verdin

Williams

**Total--28**

**NAYS**

Bright Bryant Campbell

Campsen Cromer Davis

Fair Grooms *Martin, Shane*

Massey McConnell Mulvaney

Rose Shoopman Thomas

**Total--15**

Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**S. 950--Veto Reconsidered and Overridden**

Having voted on the prevailing side, Senator CROMER moved to reconsider the vote whereby the veto was sustained.

The motion to reconsider was adopted.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 30; Nays 12**

**AYES**

Alexander Anderson Campbell

Cleary Courson Cromer

Elliott Fair Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Matthews McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Sheheen Verdin Williams

**Total--30**

**NAYS**

Bright Bryant Campsen

Davis Grooms *Martin, Shane*

Massey McConnell Mulvaney

Rose Shoopman Thomas

**Total--12**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.305, S. 950 by a vote of 99 to 7:

(R305, S950) -- Senator Elliott: AN ACT TO AMEND SECTIONS 5‑37‑20, 5‑37‑35, 5‑37‑40, AS AMENDED, 5‑37‑50, AS AMENDED, AND 5‑37‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT DISTRICT ACT, SO AS TO CLARIFY THAT AN EASEMENT FOR MAINTENANCE IN CHANNELS, CANALS, OR WATERWAYS IS SUFFICIENT PROPERTY INTEREST TO PROCEED WITH AN ASSESSED DISTRICT; TO AUTHORIZE SOME PORTION OF THE BONDS ISSUED TO FUND ASSESSMENTS MAY BE BACKED BY THE TAXING POWER OF A MUNICIPALITY; AND TO PROVIDE AN EXCEPTION OF AN OWNER OF RESIDENTIAL PROPERTY TO BE REQUIRED TO CONSENT TO INCLUSION IN AN IMPROVEMENT DISTRICT WHEN THE SOLE IMPROVEMENTS ARE THE WIDENING AND DREDGING OF CANALS.

Very respectfully,

Speaker of the House

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 7, 2010

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 962, R. 256, which allows deputy coroners to attend the South Carolina Criminal Justice Academy and allows law enforcement officers appointed as deputy coroners to retain their law enforcement status.

(R256, S962) -- 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.

This Bill also requires candidates for county coroner to satisfy specific training or experience qualifications.

We are vetoing this Bill for the same reasons we vetoed H. 3536 earlier this year – we object to the provision in S. 962 that exempts incumbent coroners from the education and experience requirements generally applicable to candidates for county coroner. If a Bill dictates a statewide standard, it should be common to all. By carving out incumbents, this exemption gives incumbent coroners a distinct advantage over new candidates as it shrinks the pool of potential challengers.

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

For these reasons, I am vetoing and returning without my approval S. 962, R. 256.

Sincerely,

/s/ Mark Sanford

**VETO SUSTAINED**

(R256, S962) -- 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.

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

Senator KNOTTS moved that the veto of the Governor be sustained.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 0; Nays 45**

**AYES**

**Total--0**

**NAYS**

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 Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--45**

The necessary two-thirds vote not having been received, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sustained the veto by the Governor on R.315, H. 3746 by a vote of 64 to 48:

(R315, H3746) -- Reps. Clemmons and Viers: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑11‑75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST NOTIFY THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY NOON ON THE DAY OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION, AND TO PROVIDE REQUIREMENTS FOR PETITION CANDIDATES IN SPECIAL ELECTIONS; TO AMEND SECTION 7‑11‑80, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE NOMINATING PETITION AND WHEN THE PETITION MAY BE CIRCULATED AND SIGNED; TO AMEND SECTION 7‑11‑85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO PROVIDE FURTHER CRITERIA FOR A REGISTRATION BOARD TO FOLLOW WHEN VERIFYING SIGNATURES ON A PETITION; BY ADDING SECTION 7‑11‑95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION UNDER CERTAIN CONDITIONS, AND TO REQUIRE THE STATE ELECTION COMMISSION TO ESTABLISH A PROCESS TO VALIDATE SIGNATURES ON A PETITION; BY ADDING SECTION 7‑11‑100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY CONCERNING A NOMINATING PETITION MAY BE APPEALED TO THE STATE ELECTION COMMISSION UNDER THE PROCEDURES SET OUT IN THIS SECTION; TO AMEND SECTION 7‑11‑15, AS AMENDED, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN THE GENERAL ELECTION, SO AS TO REVISE THE TIME WHEN STATEMENTS OF INTENTION OF CANDIDACY MUST BE FILED AND WHEN REPORTS OF THESE STATEMENTS MUST BE MADE OR WHEN THESE STATEMENTS MUST BE FILED WITH ADDITIONAL ENTITIES; AND TO AMEND SECTION 7‑13‑45, AS AMENDED, RELATING TO DUTIES OF A COUNTY CHAIRMAN IN GENERAL ELECTION YEARS, SO AS TO FURTHER PROVIDE FOR THESE DUTIES INCLUDING REQUIREMENTS FOR PLACING LEGAL ADVERTISEMENTS AND WEBSITE NOTICES CONTAINING SPECIFIED INFORMATION REGARDING THE ELECTION.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.278, H. 4250 by a vote of 106 to 0:

(R278, H4250) -- 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.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R278, H4250) -- 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.

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

Senator RANKIN moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 37; Nays 5**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant Campsen

*Martin, Shane* Rose

**Total--5**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.336, H. 4966 by a vote of 2 to 0:

(R336, H4966) -- Rep. Funderburk: AN ACT 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.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R336, H4966) -- Rep. Funderburk: AN ACT 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.

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

Senator LOURIE moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 2; Nays 0**

**AYES**

Lourie Sheheen

**Total--2**

**NAYS**

**Total--0**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**S. 901--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

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.

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

Senator LARRY MARTIN spoke on the report.

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

**Ayes 38; Nays 1**

**AYES**

Alexander Anderson Bright

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell Mulvaney

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Setzler Shoopman

Thomas Verdin

**Total--38**

**NAYS**

Bryant

**Total--1**

On motion of Senator LARRY MARTIN, the Report of the Committee of Conference to S. 901 was adopted as follows:

**S. 901--Conference Report**

The General Assembly, Columbia, S.C., June 15, 2010

The Committee of Conference, to whom was referred:

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.

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 1-3-500 of 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. /

Amend title to conform.

/s/Sen. Larry A. Martin /s/Rep. James H. Harrison

/s/Sen. John M. “Jake” Knotts, Jr. /s/Rep. Walton J. McLeod

/s/Sen. Creighton B. Coleman /s/Rep. Garry R. Smith

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 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has rejected the Conference Report on the following Bill:

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.

Very respectfully,

Speaker of the House

Received as information.

**S. 1392--FREE CONFERENCE POWERS GRANTED**

**FREE CONFERENCE COMMITTEE APPOINTED**

**REPORT OF THE COMMITTEE**

**OF FREE CONFERENCE ADOPTED**

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.

On motion of Senator VERDIN, Free Conference Powers were requested.

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

**Ayes 35; Nays 8**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie *Martin, Larry*

Massey Matthews McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Setzler Sheheen

Verdin Williams

**Total--35**

**NAYS**

Bright Malloy *Martin, Shane*

McConnell Rose Scott

Shoopman Thomas

**Total--8**

Free Conference powers were granted.

Whereupon, Senators ELLIOTT, VERDIN and KNOTTS were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

Senator VERDIN moved to take up the Free Conference report and asked for adoption.

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

**Ayes 33; Nays 7**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Elliott Fair Ford

Grooms Hayes Hutto

Knotts Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Sheheen Verdin Williams

**Total--33**

**NAYS**

Bright Davis *Martin, Shane*

McConnell Rose Shoopman

Thomas

**Total--7**

On motion of Senator VERDIN, the Report of the Committee of Free Conference to S. 1392 was adopted as follows:

**S. 1392--Free Conference Report**

The General Assembly, Columbia, S.C., June 16, 2010

The Committee of Free Conference, to whom was referred:

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.

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

“Article 108

‘Distinguished Service Medal’ Special License Plates

Section 56‑3‑10810. (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 as defined in section 56‑3‑20 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) 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:

“Article 109

‘Second Amendment’ Special License Plates

Section 56‑3‑10910. (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 as defined in Section 56‑3‑20 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 production must be distributed to the Criminal Justice Academy.

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

SECTION 3. Article 23, 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’ special motor vehicle license plate for use on a private passenger carrying motor vehicle, as defined in Section 56‑3‑630, or a motorcycle as defined in Section 56‑3‑20, that is twenty‑five years of age or older at the time of applying for the special plate. The applicant for a ‘Historic’ 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 another 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, collection and distribution of fees for a ‘Historic’ special license plate must meet the requirements of Section 56‑3‑8100.”

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

“Article 110

‘Distinguished Service Cross’ Special License Plates

Section 56‑3‑11010. (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 as defined in Section 56‑3‑20 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) 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:

“Article 111

‘Department of the Navy’ Special License Plates

Section 56‑3‑11110. (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 as defined in Section 56‑3‑20, 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 production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for 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:

“Article 112

‘Parents and Spouses of Active Duty Overseas Veterans’

Special License Plates

Section 56‑3‑11210. (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 as defined in Section 56‑3‑20, 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 production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for 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:

“Article 113

‘State Flag’ Special License Plates

Section 56‑3‑11310. (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 as defined in Section 56‑3‑20, 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 production must be distributed to the general fund.

(D) The guidelines for the production, collection and distribution of fees for 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:

“Article 114

‘South Carolina Highway Patrol‑Retired’ License Plates

Section 56‑3‑11410. (A) The Department of Motor Vehicles may issue ‘South Carolina Highway Patrol‑Retired’ license plates for use on private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in a person’s name in this State who served as a South Carolina Highway Patrolman or State Trooper and who honorably retired. An application for this special motor vehicle license plate must include certification from the South Carolina Highway Patrol that the applicant honorably retired.

(B) The requirements for production, collection and distribution of fees for a license plate are those set forth in Section 56‑3‑8100. The Department of Motor Vehicles shall imprint the special license plates with the insignia of the South Carolina Highway Patrol and the words ‘South Carolina Highway Patrol‑Retired’ with numbers the department may determine.

(C) Only one special license plate authorized by this section may be issued to a person. A license plate issued pursuant to this section 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.

(D) Any person issued a special license plate pursuant to this section who is convicted of any felony, classified misdemeanor, traffic violation requiring a suspension of driving privileges, crime involving dishonesty or moral turpitude, or other crime punishable by imprisonment for one year or more, shall surrender the special license plate to the Department of Motor Vehicles within three days of the date of the conviction.

(E) The provisions of this section do not affect the registration and licensing of motor vehicles required by other provisions of this chapter, but are cumulative to those other provisions.

(F) A person violating the provisions of this section or a person who:

(1) fraudulently gives false or fictitious information in any application for a special license plate authorized by this section;

(2) conceals a material fact or otherwise commits fraud in the application for a special license plate issued pursuant to this section;

(3) permits the special license plate to be displayed on any vehicle except the one authorized by the Department of Motor Vehicles; or

(4) who fails to surrender the special license plate as required by this section, is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, or both.”

SECTION 9. Section 56‑3‑7330 of the 1976 Code, as added by Act 398 of 2006, is amended to read:

“Section 56‑3‑7330. ~~The Department of Motor Vehicles may issue “Boy Scouts of America” special license plates to owners of private passenger motor vehicles 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.~~ (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 as defined in Section 56‑3‑20, registered in their names. the requirements for production, collection and distribution of fees for 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 as defined in section 56‑3‑20, 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 production 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, collection and distribution of fees for 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:

“Article 116

‘I Support Libraries’ Special License Plates

Section 56‑3‑11610. (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 as defined in Section 56‑3‑20, 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, collection and distribution of fees for 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:

“Article 117

‘South Carolina Educator’ Special License Plates

Section 56‑3‑11710. (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 as defined in Section 56‑3‑20, registered in their names which must have imprinted on the plate ‘South Carolina Educator’. The 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 production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for 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:

“Article 118

‘Coon Hunters’ License Plates

Section 56‑3‑11810. (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, as defined in Section 56‑3‑20, 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, collection and distribution of fees for 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:

“Article 119

‘Beach Music’ Special License Plates

Section 56‑3‑11910. (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 as defined in Section 56‑3‑20, 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 production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for 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 120

Citadel Alumni Association ‘Big Red’ Special License Plate

Section 56‑3‑12010. (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, Chapter 3 of this title. 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, collection and distribution of fees for 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:

“Article 121

‘Largemouth Bass’ Special License Plates

Section 56‑3‑12210. (A) The Department of Motor Vehicles may issue ‘Largemouth Bass’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names. The license plate shall have the image of a largemouth bass imprinted on it. The design of the plate and the largemouth 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 the special license plate is issued.

(B) The fees collected pursuant to this section above the cost of production 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, collection and distribution of fees for 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, as last amended by Act 177 of 2008, is further 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 of 2008, 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, as defined in Section 56‑3‑630, or motorcycle, as defined in Section 56‑3‑20, 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, collection and distribution of fees for a special ~~and distribution of the~~ plate under this section 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 122

High School Special License Plates

Section 56‑3‑12210. (A) The Department of Motor Vehicles may issue to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in a person’s name, 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:

“Article 123

‘South Carolina Wildlife Federation’ Special License Plates

Section 56‑3‑12310. (A) The Department of Motor Vehicles may issue ‘South Carolina Wildlife Federation’ or ‘Palmetto Wild’ or both, special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630, or motorcycles as defined in section 56‑3‑20, registered in their names which may have imprinted on them an emblem, seal, symbol, or design of the South Carolina Wildlife Federation. The 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 Wildlife Federation must submit to the department written authorization for use of any copyrighted or registered logos, trademarks, or designs. The 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 another 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 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. Section 56‑3‑3310 of the 1976 Code, as last amended by Act 297 of 2008, is further amended to read:

“Section 56‑3‑3310. The department may issue ~~a~~ no more than three permanent special motor vehicle license ~~plate~~ plates to a recipient of the Purple Heart for use on ~~a~~ his private passenger motor ~~vehicle~~ vehicles, as defined in Section 56‑3‑630, or ~~motorcycle~~ motorcycles as defined in Section 56‑3‑20, registered in his name. There is no fee for the issuance of up to two license ~~plate~~ plates, and not more than ~~two~~ three license plates may be issued to a person. The fee for the third 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. The application for a special plate must include proof the applicant is a recipient of the Purple Heart.”

SECTION 22. Section 56‑3‑8000 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 56‑3‑8000. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630, and motorcycles as defined in Section 56‑3‑20, registered in their names which may have imprinted on the plate an emblem, a seal, or other symbol the department considers appropriate of an organization which has obtained certification pursuant to either Section 501(C)(3), 501(C)(6), 501(C)(7), or 501(C)(8) of the Federal Internal Revenue Code and maintained this certification for a period of five years. The special license plate must be the same size and general design of regular motor vehicle license plates and must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The biennial fee for this special license plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate. The initial fee amount requested may be changed only every five years from the first year the plate is issued. Of the additional fee 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 producing and administering special license plates. Any of the remaining fee not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate.

(B) If the organization seeking issuance of the plate does not request an additional fee above the regular registration fee, the department may collect an additional fee of ten dollars.

(C) Of the additional fee collected pursuant to subsections (A) and (B), 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 producing and administering special license plates.

(D) Any of the remaining additional fee collected pursuant to subsection (B) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

(E) Before the department produces and distributes a plate pursuant to this section, it must receive:

(1) for fiscal year 2010-2011, four hundred or more prepaid applications for the special license plate, collected and provided by the sponsoring organization, or ~~four~~ five thousand nine hundred dollars from the ~~individual or~~ organization ~~seeking issuance of the license plate~~. For all subsequent fiscal years, it must receive six hundred or more prepaid applications for the special license plate, collected and provided by the sponsoring organization, or seven thousand five hundred dollars from the organization; and

(2) a plan to market the sale of the special license plate which must be approved by the department. If the individual or organization seeking issuance of the plate submits ~~four~~ seven thousand five hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

~~(C)~~(F) If the department receives less than three hundred biennial applications and renewals for a particular plate authorized under this section, it shall not produce additional plates in that series. The department shall continue to issue plates of that series until the existing inventory is exhausted.

~~(D)~~(G) License plates issued pursuant to this section shall not contain a reference to a private or public college or university in this State or use symbols, designs, or logos of these institutions without the institution’s written authorization.

~~(E)~~(H) Before a design is approved, the organization must submit to the department written authorization of legal authority for the use of any copyrighted or registered logo, trademark, or design, and the organization’s acceptance of legal responsibility for the use.

~~(F)~~(I) The department may alter, modify, or refuse to produce any special license plate that it deems offensive or fails to meet community standards. If the department alters, modifies, or refuses to produce a special license plate, the organization or individual applying for the license plate may appeal the department’s decision to a special joint legislative committee. This committee shall be comprised of two members from the House Education and Public Works Committee and two members from the Senate Transportation Committee.

Appointments to the joint legislative committee shall be made by the chairmen of the House Education and Public Works Committee and the Senate Transportation Committee. The department’s decision may be reversed by a majority of the joint legislative committee. If the committee reverses the department’s decision, the department must issue the license plate pursuant to the committee’s decision. However, the provision contained in ~~subitem (B) of this section~~ subsection (E) also must be met. The joint legislative committee may also review all license plates issued by the department and instruct the department to cease issuing or renewing a plate it deems offensive or fails to meet community standards.

~~(G)~~(J) ~~For~~ Each new classification of special vehicle license plate including, but not limited to, motorcycle license plates, created pursuant to this section must meet the requirements of Articles 81 and 82, Chapter 3, Title 56 as appropriate.”

SECTION 23. Section 56‑3‑8100 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

“Section 56‑3‑8100. (A) Before the Department of Motor Vehicles produces and distributes a special license plate created by the General Assembly after January 1, 2006, it must receive:

(1) for fiscal year 2010-2011, four hundred prepaid applications for the special license plate, collected and provided by the sponsoring individual or organization, or ~~four~~ five thousand nine hundred dollars from the sponsoring individual or organization ~~seeking issuance of the license plate~~. For all subsequent fiscal years, it must receive six hundred or more prepaid applications for the special license plate, collected and provided by the sponsoring organization, or seven thousand five hundred dollars from the organization;

(2) a plan to market the sale of the special license plate which must be approved by the department; and

(3) the emblem, a seal, or other symbol to be used for the plate and, if necessary, written authorization for the department to use a logo, trademark, or design that is copyrighted or registered and acceptance of legal responsibility for the use. If the individual or organization seeking issuance of the plate submits ~~four~~ seven thousand five hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

(B) The fee for all special license plates created by the General Assembly after January 1, 2006, is the regular biennial registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate, as authorized by law. The initial fee amount requested can only be changed every five years from the first year the plate is issued. 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.

(C) If the individual or organization seeking issuance of the plate does not request an additional fee above the regular registration fee, and no other additional fee is prescribed by law, the department may collect an additional fee of ten dollars.

(D) Of the additional fee collected pursuant to ~~this~~ ~~section~~ subsections (B) and (C), 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 producing and administering special license plates.

(E) Any of the remaining additional fee collected pursuant to subsections (B) and (C) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

~~(D)~~(F) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

~~(E)~~(G) If the department receives less than three hundred biennial applications and renewals for plates created pursuant to Article 12, Chapter 3, Title 56; Article 14, Chapter 3, Title 56; Article 31, Chapter 3, Title 56; Article 39, Chapter 3, Title 56; Article 40, Chapter 3, Title 56; Article 43, Chapter 3, Title 56; Article 45, Chapter 3, Title 56; Article 49, Chapter 3, Title 56; Article 50, Chapter 3, Title 56; Article 60, Chapter 3, Title 56; Article 70, Chapter 3, Title 56; Article 72, Chapter 3, Title 56; and Article 76, Chapter 3, Title 56, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

~~(F)~~(H) The provisions contained in subsection (A)(1) and (2) do not apply to the production and distribution of the Korean War Veterans Special License Plates contained in Article 68, Chapter 3, Title 56.

~~(G)~~(I) For each new classification of special vehicle license plate, including, but not limited to, motorcycle license plates, created pursuant to this section, must meet the requirements of Articles 81 and 82, Chapter 3, Title 56 as appropriate.”

SECTION 24. 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 25. Section 3 of this act takes effect six months after approval by the Governor, the remaining sections of this act take effect upon approval by the Governor. /

Amend title to read:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DISTINGUISHED SERVICE MEDAL” SPECIAL LICENSE PLATES, “SECOND AMENDMENT” SPECIAL LICENSE PLATES, “DISTINGUISHED SERVICE CROSS” SPECIAL LICENSE PLATES, “DEPARTMENT OF NAVY” SPECIAL LICENSE PLATES, “PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS” SPECIAL LICENSE PLATES, “STATE FLAG” SPECIAL LICENSE PLATES, “SOUTH CAROLINA HIGHWAY PATROL‑RETIRED” LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” LICENSE PLATES, “BEACH MUSIC” SPECIAL LICENSE PLATES, “CITADEL ALUMNI ASSOCIATION ‘BID RED’” SPECIAL LICENSE PLATES, “LARGE MOUTH BASS” SPECIAL LICENSE PLATES, “HIGH SCHOOL” SPECIAL LICENSE PLATES, AND “SOUTH CAROLINA WILDLIFE FEDERATION” SPECIAL LICENSE PLATES; BY ADDING SECTIONS 56‑3‑2240,56‑3‑2241, 56‑3‑2242, 56‑3‑2243, 56‑3‑2244, AND 56‑3‑2245 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “HISTORIC” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑7330, RELATING TO THE ISSUANCE OF “BOY SCOUTS OF AMERICA” SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF “EAGLE SCOUTS OF AMERICA” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑3‑10410, RELATING TO THE ISSUANCE OF “VETERAN” SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN “VETERAN” LICENSE PLAES; TO AMEND SECTION 56‑3‑3310, AS AMENDED, RELATING TO THE ISSUANCE OF “PURPLE HEART” SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56‑3‑8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT’S USE OF THE ORGANIZATION’S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56‑3‑8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES. /

/s/Sen. Daniel B. Verdin III /s/Rep. Joseph S. Daning

/s/Sen. John M. Knotts, Jr. /s/Rep. Liston D. Barfield

/s/Sen. Dick Elliott /s/Rep. Lester P. Branham

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 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Branham, Daning and Barfield to the Committee of Free Conference on the part of the House on:

S. 1392 -- Transportation Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DISTINGUISHED SERVICE MEDAL” SPECIAL LICENSE PLATES, “SECOND AMENDMENT” SPECIAL LICENSE PLATES, “DISTINGUISHED SERVICE CROSS” SPECIAL LICENSE PLATES, “DEPARTMENT OF NAVY” SPECIAL LICENSE PLATES, “PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS” SPECIAL LICENSE PLATES, “STATE FLAG” SPECIAL LICENSE PLATES, “SOUTH CAROLINA HIGHWAY PATROL‑RETIRED” LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” LICENSE PLATES, “BEACH MUSIC” SPECIAL LICENSE PLATES, “CITADEL ALUMNI ASSOCIATION ‘BID RED’” SPECIAL LICENSE PLATES, “LARGE MOUTH BASS” SPECIAL LICENSE PLATES, “HIGH SCHOOL” SPECIAL LICENSE PLATES, AND “SOUTH CAROLINA WILDLIFE FEDERATION” SPECIAL LICENSE PLATES; BY ADDING SECTIONS 56‑3‑2240, 56‑3‑2241, 56‑3‑2242, 56‑3‑2243, 56‑3‑2244, AND 56‑3‑2245 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “HISTORIC” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑7330, RELATING TO THE ISSUANCE OF “BOY SCOUTS OF AMERICA” SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF “EAGLE SCOUTS OF AMERICA” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑3‑10410, RELATING TO THE ISSUANCE OF “VETERAN” SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN “VETERAN” LICENSE PLAES; TO AMEND SECTION 56‑3‑3310, AS AMENDED, RELATING TO THE ISSUANCE OF “PURPLE HEART” SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56‑3‑8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT’S USE OF THE ORGANIZATION’S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56‑3‑8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on:

S. 1392 -- Transportation Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DISTINGUISHED SERVICE MEDAL” SPECIAL LICENSE PLATES, “SECOND AMENDMENT” SPECIAL LICENSE PLATES, “DISTINGUISHED SERVICE CROSS” SPECIAL LICENSE PLATES, “DEPARTMENT OF NAVY” SPECIAL LICENSE PLATES, “PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS” SPECIAL LICENSE PLATES, “STATE FLAG” SPECIAL LICENSE PLATES, “SOUTH CAROLINA HIGHWAY PATROL‑RETIRED” LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” LICENSE PLATES, “BEACH MUSIC” SPECIAL LICENSE PLATES, “CITADEL ALUMNI ASSOCIATION ‘BID RED’” SPECIAL LICENSE PLATES, “LARGE MOUTH BASS” SPECIAL LICENSE PLATES, “HIGH SCHOOL” SPECIAL LICENSE PLATES, AND “SOUTH CAROLINA WILDLIFE FEDERATION” SPECIAL LICENSE PLATES; BY ADDING SECTIONS 56‑3‑2240, 56‑3‑2241, 56‑3‑2242, 56‑3‑2243, 56‑3‑2244, AND 56‑3‑2245 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “HISTORIC” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑7330, RELATING TO THE ISSUANCE OF “BOY SCOUTS OF AMERICA” SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF “EAGLE SCOUTS OF AMERICA” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑3‑10410, RELATING TO THE ISSUANCE OF “VETERAN” SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN “VETERAN” LICENSE PLAES; TO AMEND SECTION 56‑3‑3310, AS AMENDED, RELATING TO THE ISSUANCE OF “PURPLE HEART” SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56‑3‑8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT’S USE OF THE ORGANIZATION’S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56‑3‑8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Free Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

S. 1392 -- Transportation Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DISTINGUISHED SERVICE MEDAL” SPECIAL LICENSE PLATES, “SECOND AMENDMENT” SPECIAL LICENSE PLATES, “DISTINGUISHED SERVICE CROSS” SPECIAL LICENSE PLATES, “DEPARTMENT OF NAVY” SPECIAL LICENSE PLATES, “PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS” SPECIAL LICENSE PLATES, “STATE FLAG” SPECIAL LICENSE PLATES, “SOUTH CAROLINA HIGHWAY PATROL‑RETIRED” LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” LICENSE PLATES, “BEACH MUSIC” SPECIAL LICENSE PLATES, “CITADEL ALUMNI ASSOCIATION ‘BID RED’” SPECIAL LICENSE PLATES, “LARGE MOUTH BASS” SPECIAL LICENSE PLATES, “HIGH SCHOOL” SPECIAL LICENSE PLATES, AND “SOUTH CAROLINA WILDLIFE FEDERATION” SPECIAL LICENSE PLATES; BY ADDING SECTIONS 56‑3‑2240, 56‑3‑2241, 56‑3‑2242, 56‑3‑2243, 56‑3‑2244, AND 56‑3‑2245 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “HISTORIC” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑7330, RELATING TO THE ISSUANCE OF “BOY SCOUTS OF AMERICA” SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF “EAGLE SCOUTS OF AMERICA” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑3‑10410, RELATING TO THE ISSUANCE OF “VETERAN” SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN “VETERAN” LICENSE PLAES; TO AMEND SECTION 56‑3‑3310, AS AMENDED, RELATING TO THE ISSUANCE OF “PURPLE HEART” SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56‑3‑8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT’S USE OF THE ORGANIZATION’S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56‑3‑8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Kelly, McLeod and Cole to the Committee of Free Conference on the part of the House on:

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.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on:

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.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Free Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

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.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Kelly, Merrill-Smith and Rutherford to the Committee of Conference on the part of the House on:

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.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

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

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

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

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Bingham, Merrill and Hamilton to the Committee of Conference on the part of the House on:

H. 4478 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D.C. Moss, Horne, Skelton, V.S. Moss, Bannister, Whitmire, Toole, J.R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hutto, Hosey, Jefferson, Kelly, Huggins, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J.M. Neal, Norman, Ott, Parker, Parks, Pinson, M.A. Pitts, Rice, Scott, Simrill, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A.D. Young, T.R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE “SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010”, TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 4‑12‑30, TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4‑29‑68, TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 12‑6‑530, TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN‑YEAR PERIOD IN INTERVALS OF ONE‑HALF PERCENT PER YEAR; AND TO REPEAL SECTIONS 12‑6‑3450, 12‑10‑88, 12‑14‑30, 12‑14‑40, 12‑14‑50, AND 12‑14‑70.

(ABBREVIATED TITLE)

Very respectfully,

Speaker of the House

Received as information.

**H. 4478 -- REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

H. 4478 -- Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D.C. Moss, Horne, Skelton, V.S. Moss, Bannister, Whitmire, Toole, J.R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hutto, Hosey, Jefferson, Kelly, Huggins, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J.M. Neal, Norman, Ott, Parker, Parks, Pinson, M.A. Pitts, Rice, Scott, Simrill, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A.D. Young, T.R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE “SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010”, TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 4‑12‑30, TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4‑29‑68, TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 12‑6‑530, TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN‑YEAR PERIOD IN INTERVALS OF ONE‑HALF PERCENT PER YEAR; AND TO REPEAL SECTIONS 12‑6‑3450, 12‑10‑88, 12‑14‑30, 12‑14‑40, 12‑14‑50, AND 12‑14‑70.

(ABBREVIATED TITLE)

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

Senator LEATHERMAN spoke on the report.

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

**Ayes 24; Nays 14**

**AYES**

Alexander Anderson Campbell

Coleman Courson Cromer

Elliott Fair Ford

Grooms Hayes Hutto

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

McGill Nicholson Rankin

Scott Setzler Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Cleary Davis Knotts

*Martin, Shane* Massey McConnell

Mulvaney Peeler Rose

Shoopman Thomas

**Total--14**

**Statement by Senators McCONNELL, ROSE**

**SHANE MARTIN and BRIGHT**

We voted against the adoption of the Report of the Committee of Conference to H. 4478 because this Bill has, in our opinion, unconstitutional bobtails in it, such as the canal provisions and the accommodations tax changes for example. From our points of view, these clearly violate the single subject rule of the Constitution and can lead to expensive lawsuits. Economic development is important, but using a Bill as a legislative grocery bag to stuff with nongermane matters is a terrible practice and is constitutionally faulty.

On motion of Senator LEATHERMAN, the Report of the Committee of Conference to H. 4478 was adopted as follows:

**H. 4478--Conference Report**

The General Assembly, Columbia, S.C., June 15, 2010

The Committee of Conference, to whom was referred:

H. 4478 ‑‑ Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D.C. Moss, Horne, Skelton, V.S. Moss, Bannister, Whitmire, Toole, J.R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hutto, Hosey, Jefferson, Kelly, Huggins, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J.M. Neal, Norman, Ott, Parker, Parks, Pinson, M.A. Pitts, Rice, Scott, Simrill, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A.D. Young, T.R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE “SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010” INCLUDING PROVISIONS TO AMEND SECTION 2‑75‑30, AS AMENDED, RELATING TO RESEARCH CENTERS OF EXCELLENCE MATCHING ENDOWMENTS, SO AS TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 2‑75‑50, AS AMENDED, RELATING TO APPLICATION REQUIREMENTS FOR AN AWARD FROM THE CENTERS OF EXCELLENCE MATCHING ENDOWMENT, SO AS TO CLARIFY WHAT THE CONTENTS OF AN APPLICATION TO THE REVIEW BOARD MUST CONTAIN; TO AMEND SECTION 4‑12‑30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4‑29‑67, AS AMENDED, RELATING TO INDUSTRIAL DEVELOPMENT PROJECTS REQUIRING A FEE IN LIEU OF PROPERTY TAXES AGREEMENT, SO AS TO ADD CERTAIN DEFINITIONS, TO FURTHER PROVIDE FOR THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED NUCLEAR PLANT FACILITY, TO PROVIDE FOR THE TIMELINE WHEN THE SPONSOR MUST ENTER INTO AN INITIAL LEASE AGREEMENT WITH THE COUNTY IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY, AND THE TIMELINES WHEN THE SPONSOR MUST MEET MINIMUM INVESTMENT REQUIREMENTS IN THE CASE OF A QUALIFIED NUCLEAR PLANT FACILITY AND PLACE THE PROJECT INTO SERVICE, AND TO DELETE A PROVISION REQUIRING THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4‑29‑68, AS AMENDED, RELATING TO SPECIAL SOURCE REVENUE BONDS WHICH MAY BE ISSUED BASED ON THE RECEIPT OF CERTAIN REVENUES, SO AS TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR THE ALLOCATION, REALLOCATION, AND ISSUANCE OF FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 4‑29‑10, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO INDUSTRIAL DEVELOPMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF “PROJECT” TO INCLUDE RECOVERY ZONE PROPERTY AS DEFINED BY FEDERAL LAW; TO AMEND SECTION 12‑6‑530, RELATING TO THE CORPORATE INCOME TAX, SO AS TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN‑YEAR PERIOD IN INTERVALS OF ONE‑HALF PERCENT PER YEAR; TO AMEND SECTION 12‑6‑3360, AS AMENDED, RELATING TO JOB TAX CREDITS, SO AS TO REVISE THE DESIGNATION TERMINOLOGY FOR COUNTIES COMING WITHIN SPECIFIC CLASSIFICATIONS, TO FURTHER PROVIDE FOR THE CRITERIA FOR DETERMINING HOW COUNTIES FALL WITHIN CERTAIN TIERS, AND TO REVISE SPECIFIC TERMS OR DEFINITIONS USED FOR PURPOSES OF THIS SECTION; TO AMEND SECTION 12‑6‑3375, AS AMENDED, RELATING TO TAX CREDITS FOR PORT CARGO VOLUME INCREASES, SO AS TO REVISE THE MANNER IN WHICH TAX CREDIT ALLOCATIONS ARE DETERMINED AND THE AMOUNT OF THE CREDITS WHICH MAY BE ALLOCATED TO A QUALIFYING TAXPAYER; TO AMEND SECTION 12‑10‑30, AS AMENDED, RELATING TO DEFINITIONS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THE DEFINITIONS OF “EMPLOYEE” AND “PROJECT”; TO AMEND SECTION 12‑10‑50, AS AMENDED, RELATING TO QUALIFICATIONS FOR BENEFITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO REVISE THESE QUALIFICATIONS AND TO FURTHER PROVIDE FOR WHAT A BUSINESS MUST DO TO MEET THESE QUALIFICATIONS; TO AMEND SECTION 12‑10‑60, AS AMENDED, RELATING TO REVITALIZATION AGREEMENTS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO FURTHER PROVIDE FOR THE TERMS, CONDITIONS, AND APPLICATION OF THESE REVITALIZATION AGREEMENTS, PROVIDE FOR WHEN SUCH AN AGREEMENT MUST BE EXECUTED, AND PERMIT THE ASSIGNMENT OF ENTERPRISE PROGRAM BENEFITS UNDER CERTAIN CONDITIONS; TO AMEND SECTION 12‑10‑80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO EXPAND ELIGIBLE EXPENDITURES WHICH QUALIFY FOR THE CREDIT, TO CAP THE AMOUNT OF THE CREDITS PER JOB PER YEAR, TO REVISE CERTAIN TERMINOLOGY TO CONFORM TO EARLIER CHANGES HEREIN, TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN THESE CREDITS MAY BE CLAIMED AND THE MANNER OF THE DETERMINATION OF CERTAIN FACTORS NECESSARY TO QUALIFY FOR THE CREDITS, AND TO PROVIDE FOR THE SUSPENSION OF THE CREDITS UNDER CERTAIN CONDITIONS AND FOR WHEN THE CREDITS MAY BE CLAIMED; TO AMEND SECTION 12‑10‑85, AS AMENDED, RELATING TO THE PURPOSE AND USE OF STATE RURAL INFRASTRUCTURE FUNDS, SO AS TO REVISE THE PURPOSES FOR WHICH THESE FUNDS MAY BE USED AND THEIR AVAILABILITY; TO AMEND SECTION 12‑14‑20, RELATING TO THE PURPOSES OF THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THESE PURPOSES; TO AMEND SECTION 12‑14‑60, AS AMENDED, RELATING TO INVESTMENT TAX CREDITS UNDER THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THE AMOUNT OF THE CREDITS, THE QUALIFYING CRITERIA FOR THE CREDITS, AND FOR THE APPLICABILITY OF CERTAIN PROVISIONS TO THESE CREDITS; TO AMEND SECTION 12‑15‑10, RELATING TO THE CITATION OF THE SOUTH CAROLINA LIFE SCIENCES ACT, SO AS TO CHANGE THE CITATION; TO AMEND SECTION 12‑15‑20, RELATING TO DEFINITIONS UNDER THE RENAMED LIFE SCIENCES AND RENEWABLE ENERGY MANUFACTURING ACT, SO AS TO DEFINE THE TERM “RENEWABLE ENERGY MANUFACTURING FACILITY”; TO AMEND SECTION 12‑15‑30, RELATING TO QUALIFICATIONS OF CERTAIN EXPENSES UNDER THE ENTERPRISE ZONE ACT, PROCEDURES FOR WAIVERS, AND THE DURATION OF THESE PROVISIONS, SO AS TO EXPAND THE TYPES OF FACILITIES THAT QUALIFY AND THE DURATION OF THESE PROVISIONS; TO AMEND SECTION 12‑15‑40, RELATING TO INCOME TAX ALLOCATION AND APPORTIONMENT AGREEMENTS BETWEEN THE DEPARTMENT OF REVENUE AND TAXPAYERS ESTABLISHING A LIFE SCIENCES FACILITY, SO AS TO EXPAND THE TYPES OF FACILITIES TO WHICH THIS PROVISION APPLIES; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO CREDITS AGAINST ITS CORPORATE LICENSE TAX LIABILITY FOR A COMPANY WHO PAYS CASH FOR INFRASTRUCTURE FOR AN ELIGIBLE PROJECT, SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY FOR THE CREDIT UNDER CERTAIN CIRCUMSTANCES OR THE CONTINUATION OF THE CREDIT; TO AMEND SECTION 12‑28‑2910, AS AMENDED, RELATING TO THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO AUTHORIZE THE COUNCIL TO EXPEND CERTAIN FUNDS FOR SPECIFIED PURPOSES UNDER SPECIFIED CONDITIONS; TO AMEND SECTION 12‑37‑930, RELATING TO VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES AND DEPRECIATION ALLOWANCES FOR MANUFACTURERS, MACHINERY, AND EQUIPMENT, SO AS TO INCLUDE MACHINERY AND EQUIPMENT OF A RENEWABLE ENERGY MANUFACTURING FACILITY WITHIN THE DEPRECIATION ALLOWANCES ALLOWED FOR MACHINERY AND EQUIPMENT OF A LIFE SCIENCES FACILITY, AND TO DEFINE WHAT IS A QUALIFYING FACILITY; TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO CLASSIFICATION OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES, SO AS TO PROVIDE THAT REAL PROPERTY OWNED BY OR LEASED TO A MANUFACTURER AND USED PRIMARILY RATHER THAN EXCLUSIVELY FOR WAREHOUSING AND WHOLESALE DISTRIBUTION IS NOT CONSIDERED USED BY THE MANUFACTURER IN THE CONDUCT OF ITS BUSINESS FOR PROPERTY TAX CLASSIFICATION PURPOSES; TO AMEND SECTION 12‑44‑30, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 12‑44‑40, AS AMENDED, RELATING TO THE REQUIRED FEE AGREEMENT BETWEEN THE SPONSOR AND THE COUNTY UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO PROVIDE THE TIME WITHIN WHICH A SPONSOR HAS TO ENTER INTO A FEE AGREEMENT IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY; TO AMEND SECTION 12‑44‑50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FEE AGREEMENT UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 12‑44‑130, AS AMENDED, RELATING TO MINIMUM INVESTMENTS TO QUALIFY FOR A FEE AND OTHER REQUIREMENTS, SO AS TO CORRECT A REFERENCE; AND TO REPEAL SECTION 12‑6‑3450 RELATING TO AN INCOME TAX CREDIT FOR PERSONS TERMINATED FROM EMPLOYMENT AS A RESULT OF THE CLOSING OR REALIGNMENT OF A FEDERAL MILITARY INSTALLATION, SECTION 12‑10‑88 RELATING TO REDEVELOPMENT FEES IN REGARD TO CLOSED OR REALIGNED MILITARY INSTALLATIONS, SECTIONS 12‑14‑30, 12‑14‑40, 12‑14‑50, AND 12‑14‑70 RELATING TO ECONOMIC IMPACT ZONES AND ALLOWABLE DEDUCTIONS AGAINST SOUTH CAROLINA TAXABLE INCOME IN REGARD TO THESE ECONOMIC IMPACT ZONES.

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. This act is known and may be cited as the “South Carolina Economic Development Competitiveness Act of 2010”.

SECTION 2. A. Section 4‑12‑30(B)(4)(b) of the 1976 Code, as last amended by Act 399 of 2000, is further amended to read:

“(b) If the project consists of a manufacturing, research and development, corporate office, or distribution facility, as those terms are defined in Section 12‑6‑3360(M), each sponsor or sponsor affiliate is not required to invest the minimum investment required by subsection (B)(3), if the total investment in the project exceeds ~~ten~~ five million dollars.”

B. This provision takes effect for fee‑in‑lieu agreements executed after January 1, 2011, provided that a county may amend existing fee‑in‑lieu agreements at any time prior to the expiration of the fee to incorporate the amendment to Section 4‑12‑30(B)(4)(b) as contained in subsection A.

SECTION 3. A. Section 4‑12‑30(C)(4) of the 1976 Code, as last amended by Act 116 of 2007, is further amended to read:

“(4) The annual fee provided by subsection (D)(2) is available for no more than ~~twenty~~ thirty years for an applicable piece of property. The sponsor may apply to the county prior to the end of the ~~twenty‑year~~ thirty‑year period for an extension of the fee period for up to ten years. The county council of the county shall approve an extension by resolution upon a finding of substantial public benefit. A copy of the resolution shall be delivered to the department within thirty days of the date the resolution was adopted. For projects completed and placed in service during more than one year, each year’s investment may be subject to the fee in subsection (D)(2) for ~~twenty~~ thirty years or, if extended as provided in this subsection up to ~~thirty~~ forty years, for an aggregate fee period of up to ~~forty~~ fiftyyears. For those sponsors qualifying under subsection (D)(4), the annual fee is available for no more than ~~thirty~~ forty years for an applicable piece of property and for those projects placed in service in more than one year the annual fee is available for an aggregate fee period of up to ~~forty‑three~~ fifty‑three years, or for those sponsors qualifying pursuant to subsection (C)(3), ~~forty‑five~~ fifty‑five years.”

B. This provision takes effect for fee‑in‑lieu agreements executed after January 1, 2011, provided that a county may amend existing fee‑in‑lieu agreements at any time prior to the expiration of the fee to incorporate the amendment to Section 4‑12‑30(C)(4) as contained in subsection A.

SECTION 4. A. Section 4‑12‑30(D)(2)(a)(i) of the 1976 Code, as last amended by Act 69 of 2003, is further amended to read:

“(i) for real property, using the original income tax basis for South Carolina income tax purposes without regard to depreciation, if real property is constructed for the fee or is purchased in an arm’s length transaction; otherwise, the property must be reported at its fair market value for ad valorem property tax purposes as determined by appraisal. The fair market value estimate established for the first year of the fee remains the fair market value of the real property for the life of the fee. The county and the sponsor or sponsor affiliate may instead provide in the fee agreement or any amendment thereto that any real property subject to the fee shall be reported at its fair market value for ad valorem property taxes as determined by the department’s appraisal as if such property were not subject to the fee; provided, the department may not undertake such an appraisal more than once every five years; and”

B. This SECTION shall take effect in each county in the first property tax year in which a countywide reassessment program is implemented after December 31, 2010.

SECTION 5. Section 4‑12‑30(J)(1)(b) of the 1976 Code, as last amended by Act 69 of 2003, is further amended to read:

“(b) property which has been subject to South Carolina property taxes, but which has never been placed in service in South Carolina, or which was placed in service in South Carolina pursuant to an inducement agreement or other preliminary approval by the county prior to execution of the lease agreement pursuant to subsection (C)(1), may qualify for the fee.”

SECTION 6. A. Section 4‑29‑67 of the 1976 Code, as last amended by Act 352 of 2008, is further amended to read:

“Section 4‑29‑67. (A)(1) As used in this section:

(a) ‘Department’ means the South Carolina Department of Revenue.

(b) ‘Lease agreement’ means an agreement between the county and a sponsor leasing the property at the project from the county to a sponsor.

(c) ‘Project’ means land, buildings, and other improvements on the land including water, sewage treatment and disposal facilities, air pollution control facilities, and all other machinery apparatus, equipment, office facilities, and furnishings which are considered necessary, suitable, or useful by a sponsor. ‘Project’ also may consist of or include aircraft hangered or utilizing an airport in a county so long as the county expressly consents to its inclusion. Aircraft previously subject to taxation in South Carolina qualify pursuant to this provision.

(d) ‘Qualified nuclear plant facility’ means a nuclear electric power generating plant regulated by the Nuclear Regulatory Commission and includes all real and personal property incorporated into or associated with the facility located or to be located within this State with a total minimum level of investment of one billion dollars.

(~~d~~e) ‘Sponsor’ means one or more entities which sign the inducement agreement with the county and also includes a sponsor affiliate unless the context clearly indicates otherwise.

(~~e~~f) ‘Sponsor affiliate’ means an entity that joins with, or is an affiliate of, a sponsor and that participates in the investment in, or financing of, a project.

(2) Notwithstanding the provisions of Section 4‑29‑60, and notwithstanding that the sponsor does not request the county to issue bonds to finance the property, the county and a sponsor may enter into an inducement agreement that provides for a fee in lieu of taxes as provided in this section for certain property, title to which is held by the county and which is leased to a sponsor.

(B) For property to qualify for the fee as provided in subsection (D)(2):

(1) Title to the property must be held by the county. In the case of a project located in an industrial development park as defined in Section 4‑1‑170, title may be held by more than one county, if each county is a member of the industrial development park. Real property transferred to the county through a lease agreement must include a legal description and plat of the real property. Property titled in the name of a county pursuant to this section is considered privately owned for purposes of Section 58‑3‑240.

(2) The project must be located in a single county or an industrial development park as defined in Section 4‑1‑170. A project located on a contiguous tract of land in more than one county, but not in an industrial development park, may qualify for the fee if:

(a) the counties agree on the terms of the fee and the distribution of the fee payment;

(b) the minimum millage rate is provided for in the agreement; and

(c) all the counties are parties to all agreements establishing the terms of the fee.

(3) The minimum level of investment in the project must be at least forty‑five million dollars and must be invested within the time period provided in subsection (C). If a county has an average annual unemployment rate of at least twice the state average during the last twenty‑four months based on data available on the most recent November first, the minimum level of investment is one million dollars. The department shall designate these reduced investment counties by December thirty‑first of each year using data from the South Carolina Employment Security Commission and the United States Department of Commerce. The designations are effective for a sponsor whose inducement agreement is signed in the calendar year following the county designation. Investments may include amounts expended by a sponsor or sponsor affiliate as a nonresponsible party in a voluntary cleanup contract on the property at the project pursuant to Article 7, Chapter 56, ~~of~~ Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Health and Environmental Control certifies completion of the cleanup. If the amounts under the Brownfields Voluntary Cleanup Program equal at least one million dollars, the investment threshold requirement of this section is met.

(4)(a) A sponsor and a sponsor affiliate may qualify for the fee if each sponsor and sponsor affiliate invests the minimum level of investment at the project. If the project consists of a manufacturing, research and development, corporate office, or distribution facility as those terms are defined in Section 12‑6‑3360(~~M~~L) and including a qualified nuclear plant facility as defined in subsection (A)(1)(d), each sponsor or sponsor affiliate is not required to invest the minimum investment required by subsection (B)(3) if the total investment at the project exceeds forty‑five million dollars.

(b)(i) Investments by sponsor affiliates within the time periods provided in subsection (C)(1) and (2) qualify for the fee regardless of whether or not the sponsor affiliate was part of the inducement agreement, so long as sponsor affiliates are approved specifically by the county and agree to be bound by agreements with the county relating to the fee; except that sponsor affiliates are not bound by agreements, or portions of agreements, to the extent those agreements do not affect the county. The investments pursuant to this subsection must be at the same project. The inducement agreement or the lease agreement may provide for a process for approval of sponsor affiliates.

(ii) The department must be notified in writing of all sponsor affiliates that have investments subject to the fee on or before ninety days after the end of the calendar year during which the project or pertinent phase of the project is placed in service. The department may extend this period upon written request. Failure to meet this notice requirement does not affect adversely the fee, but a penalty of up to ten thousand dollars a month or portion of a month with the total penalty not to exceed one hundred twenty thousand dollars may be assessed by the department for late notification.

(iii) A. Except as provided in subsection (D)(4) if, at any time, a sponsor no longer has the minimum level of investment as provided in subsection (B)(3), that sponsor no longer qualifies for the fee.”

B. Except as provided in subsection (Q), if a sponsor qualifies for the fee pursuant to subsection (D)(4), the sponsor must maintain the applicable level of investment, without regard to depreciation, and any applicable job requirements provided in (D)(4). If the sponsor fails to maintain the applicable investment or any job requirements provided in (D)(4), it no longer qualifies for the fee.

C. Except as provided in subsection (Q), if an inducement agreement or a lease agreement provides for an investment above the minimum investment provided in subsection (B)(3), and the sponsor fails to maintain the investment provided for in the agreement, the sponsor no longer qualifies for the fee.

(C)(1) Except as provided in subsection (W)(1), from the end of the property tax year in which the sponsor and the county execute an inducement agreement, the sponsor has five years in which to enter into an initial lease agreement with the county.

(2)(a) From the end of the property tax year in which the sponsor and the county execute the initial lease agreement, the sponsor has five years in which to complete its investment for purposes of qualifying for this section. If the sponsor does not anticipate completing the project within five years, the sponsor may apply to the county before the end of the five‑year period for making the investment for an extension of time to complete the project. If the county agrees to grant the extension, it must be in writing, and a copy must be delivered to the department within thirty days of the date the extension was granted. The extension may not exceed five years. If a project receives an extension of less than five years, the sponsor may apply to the county before the end of the extension period for an additional extension of time to complete the project for an aggregate extension of not more than five years. Unless approved as part of the original lease documentation, the county council of the county may approve any extension by resolution, a copy of which must be delivered to the department within thirty days of the date the resolution was adopted.

(b) An extension of the five‑year period in which to meet the minimum level of investment is not allowed. If the minimum level of investment is not met within five years, all property covered by the lease agreement or agreements reverts retroactively to the payments required by Section 4‑29‑60. The difference between the fee actually paid by the sponsor and the payment due pursuant to Section 4‑29‑60 is subject to interest, as provided in Section 12‑54‑25(D). To the extent necessary to determine if a sponsor or sponsor affiliate has met its investment requirements, any statute of limitation that might apply pursuant to Section 12‑54‑85 is suspended for all sponsors and sponsor affiliates and the department or the county may seek to collect any amounts that may be due pursuant to this section.

(c) Unless property qualifies as replacement property pursuant to a contract provision enacted pursuant to subsection (F)(2), property placed in service after the five‑year period, or the ten‑year period in the case of a project which has received an extension, is not part of the fee agreement pursuant to subsection (D)(2) and is subject to the payments required by Section 4‑29‑60 if the county has title to the property or ad valorem property taxes, if the sponsor has title to the property.

(d) For purposes of those businesses qualifying under subsection (D)(4), the five‑year period referred to in this subsection is eight years. For those sponsors which, after qualifying pursuant to subsection (D)(4), have more than five hundred million dollars in capital invested in this State and employ more than one thousand people in this State, the five‑year period referred to in this subsection is ten years, and the ten‑year period is fifteen years.

(3) The annual fee provided by subsection (D)(2) is available for no more than ~~twenty~~ thirty years for an applicable piece of property. The sponsor may apply to the county prior to the end of the ~~twenty‑year~~ thirty‑year period for an extension of the fee period for up to ten years. The county council of the county may approve an extension by resolution upon a finding of substantial public benefit. A copy of the resolution shall be delivered to the department within thirty days of the date the resolution was adopted. For projects which are completed and placed in service during more than one year, each year’s investment may be subject to the fee in subsection (D)(2) for ~~twenty~~ thirty years or, if extended as provided in this subsection, up to ~~thirty~~ forty years, for an aggregate maximum fee period of up to ~~forty~~ fifty years. For those sponsors qualifying under subsection (D)(4), the annual fee is available for no more than ~~thirty~~ forty years for an applicable piece of property and for those projects placed in service in more than one year, the annual fee is available for an aggregate fee period of up to ~~forty‑three~~ fifty‑three years or, for those sponsors qualifying pursuant to item (2)(d), ~~forty‑five~~ fifty‑five years.

(4) During the time period allowed to meet the minimum investment level, the investor annually must inform the appropriate county official of the total amount invested.

(D) The inducement agreement must provide for fee payments, to the extent applicable, as follows:

(1)(a) Any property is subject to an annual fee payment as provided in Section 4‑29‑60 before being placed in service.

(b) Any undeveloped land is subject to an annual fee payment as provided in Section 4‑29‑60 before being developed and placed in service. The time during which fee payments are made pursuant to Section 4‑29‑60 is not considered part of the maximum periods provided in subsection (C)(2) and (3), and a lease is not an “initial lease agreement” for purposes of this section until the first day of the calendar year for which a fee payment is due pursuant to subsection (D)(2) in connection with the lease.

(2) After property qualifying pursuant to subsection (B) is placed in service, an annual fee payment, determined in accordance with one of the following, is due:

(a) an annual payment in an amount not less than the property taxes that would be due on the project if it were taxable, but using:

(i) an assessment ratio of at least six percent, or four percent for those projects qualifying pursuant to subsection (D)(4);

(ii) a fixed millage rate as provided in subsection (G); and

(iii) a fair market value estimate determined by the department as follows:

A. for real property, using the original income tax basis for South Carolina income tax purposes without regard to depreciation. If real property is constructed for the fee or is purchased in an arms‑length transaction, using the original tax basis, otherwise the property must be reported at its fair market value for ad valorem property tax purposes as determined by appraisal. The fair market value established for the first year of the fee remains the fair market value for the life of the fee. The county and the sponsor or sponsor affiliate may instead provide in the fee agreement or any amendment thereto that any real property subject to the fee shall be reported at its fair market value for ad valorem property taxes as determined by the department’s appraisal as if such property were not subject to the fee; provided, the department may not undertake such an appraisal more than once every five years; and

B. for personal property, using the original tax basis for South Carolina income tax purposes, less depreciation allowable for property tax purposes; except that the sponsor is not entitled to any extraordinary obsolescence;

(b) an annual payment based on an alternative arrangement yielding a net present value of the sum of the fees for the life of the agreement not less than the net present value of the fee schedule as calculated pursuant to subsection (D)(2)(a). Net present value calculations performed pursuant to this subsection must use a discount rate equivalent to the yield in effect for new or existing United States Treasury bonds of similar maturity as published during the month in which the inducement agreement is executed. If no yield is available for the month in which the inducement agreement is executed, the last published yield for the appropriate maturity must be used. If there are no bonds of appropriate maturity available, bonds of different maturities may be averaged to obtain the appropriate maturity; or

(c) an annual payment as provided in subsection (D)(2)(a), except that every fifth year the applicable millage rate may increase or decrease in step with the average actual millage rate applicable in the district where the project is located based on the preceding five‑year period.

(3) At the conclusion of the payments determined pursuant to items (1) and (2) of this subsection the annual fee payment is equal to the taxes due on the project as if it were taxable. When the property is no longer subject to the fee pursuant to subsection (D)(2), the fee or property taxes must be assessed:

(a) with respect to real property, based on the fair market value as of the latest reassessment date for similar taxable property; and

(b) with respect to personal property, based on the then‑depreciated value applicable to the property under the fee, and after that continuing with the South Carolina property tax depreciation schedule.

(4)(a) The assessment ratio may not be lower than four percent:

(i) in the case of a single sponsor investing at least one hundred fifty million dollars and which is creating at least one hundred twenty‑five new full‑time jobs at the project;

(ii) in the case of a single sponsor investing at least four hundred million dollars in this State;

(iii) in the case of a project that satisfies the requirements of Section 11‑41‑30(2)(a), and for which the Secretary of Commerce has delivered certification pursuant to Section 11‑41‑70(2)(a).

For purposes of this item, if a single sponsor enters into a financing arrangement of the type described in Section 4‑29‑67(O)(2), the investment in or financing of the property by a developer, lessor, financing entity, or other third party in accordance with this arrangement is considered investment by the sponsor. Investment by a related person to the sponsor, as described in Section 12‑10‑80(D)(2), is considered investment by the sponsor.

(b) The new full‑time jobs requirement of this item does not apply in the case of a business that paid more than fifty percent of all property taxes actually collected in the county for more than the twenty‑five years ending on the date of the lease agreement.

(c) In an instance in which the governing body of a county has provided, by contractual agreement, for a change in fee in lieu of taxes arrangements conditioned on a future legislative enactment, a new enactment does not bind the original parties to the agreement unless the change is ratified by the governing body of the county.

(5) Notwithstanding the use of the term ‘assessment ratio’, a sponsor qualifying for the fee may negotiate an inducement agreement with a county using differing assessment ratios for different assessment years or levels of investment covered by the inducement agreement. The lowest assessment ratio allowed is the lowest ratio for which the sponsor may qualify under this section.

(E) Calculations pursuant to subsection (D)(2) must be made on the basis that the property, if taxable, is allowed all applicable property tax exemptions except the exemption allowed pursuant to Section 3(g) of Article X of the Constitution of this State and the exemptions allowed pursuant to Section 12‑37‑220(B)(32) and (34).

(F) With regard to calculation of the fee provided in subsection (D)(2), the inducement agreement may provide for the disposal of property and the replacement of property subject to the fee as follows:

(1) If a sponsor disposes of property subject to the fee, the fee must be reduced by the amount of the fee applicable to that property. Property is disposed of only when it is scrapped or sold or removed from the project. If it is removed from the project, it becomes subject to ad valorem property taxes to the extent it remains in the State. If the sponsor used any method to compute the fee other than that provided in subsection (D)(2)(a), the fee on the property which was disposed of must be recomputed in accordance with subsection (D)(2)(a) and to the extent the amount that would have been paid pursuant to subsection (D)(2)(a) exceeds the fee actually paid by the sponsor, the sponsor must pay the difference with the next fee payment due after the property is disposed of. If the sponsor used the method provided in subsection (D)(2)(c), the millage rate provided in subsection (D)(2)(c) must be used to calculate the amount which would have been paid pursuant to subsection (D)(2)(a). If there is no provision in the agreement dealing with the disposal of property in accordance with this subsection, the fee remains fixed and no adjustment to the fee is allowed for disposed property.

(2) Property placed in service as a replacement for property that is subject to the fee payment may become part of the fee payment as provided in this item:

(a) Replacement property may have a function that differs from the property it is replacing. Replacement property is considered to replace the oldest real or personal property subject to the fee and disposed of in the same property tax year as the replacement property is placed in service. Replacement property qualifies for fee treatment provided in subsection (D)(2) only up to the original income tax basis of fee property it replaces. More than one piece of replacement property may replace a single piece of fee property. To the extent that the income tax basis of the replacement property exceeds the original income tax basis of the property it replaces, the excess amount is subject to payments as provided in Section 4‑29‑60. Replacement property is entitled to the fee payment for the period of time remaining on the twenty‑year fee period for the property it replaces.

(b) The new replacement property that qualifies for the fee provided in subsection (D)(2) is recorded using its income tax basis, and the fee is calculated using the millage rate and assessment ratio provided on the original fee property. The fee payment for replacement property must be based on subsection (D)(2)(a) or (c) if the investor originally used that method, without regard to present value.

(c) To qualify as replacement property, title to the replacement property must be held by the county.

(d) If there is no provision in the inducement agreement dealing with replacement property, any property placed in service after the time period allowed for investments as provided by subsection (C)(2), is subject to the payments required by Section 4‑29‑60 if the county has title to the property or ad valorem property taxes, if the sponsor has title to the property.

(G)(1) The county and the sponsor may enter into a millage rate agreement to establish the millage rate for purposes of calculating payments pursuant to subsection (D)(2)(a) and the first five years pursuant to subsection (D)(2)(c). This millage rate agreement may be executed at any time up to and including, but not later than, the date of the initial lease agreement. This millage rate agreement may be a separate agreement or may be made a part of either the inducement agreement or the initial lease agreement.

(2) The millage rate established pursuant to item (1) of this subsection must be no lower than the cumulative property tax millage rate levied by or on behalf of all taxing entities within which the project is to be located on either:

(a) June thirtieth of the year preceding the year in which the millage rate agreement is executed or the initial lease agreement is executed if no millage rate agreement is executed; or

(b) June thirtieth of the year in which the millage rate agreement is executed if a millage rate agreement is not executed the lease agreement is deemed to be the millage rate agreement for purposes of this item.

(H)(1) Upon agreement of the parties, and except as provided in subsection (H)(2), an inducement agreement, a millage rate agreement, or both, may be amended or terminated and replaced with regard to all matters including, but not limited to, the addition or removal of sponsors or sponsor affiliates.

(2) An amendment or a replacement of an inducement agreement or millage rate agreement may not be used to lower the millage rate, discount rate, assessment ratio, or, except as provided in Sections 4‑29‑67(C)(2) and (C)(4) increase the term of the agreement; except that an existing inducement agreement that has not been implemented by the execution and delivery of a millage rate agreement or a lease agreement may be amended up to the date of execution and delivery of a millage rate agreement or a lease agreement in the discretion of the governing body.

(I) Investment expenditures incurred by a sponsor in connection with the project, or relevant phase of a project, for a project completed and placed in service in more than one year, qualify as expenditures subject to the fee in subsection (D)(2), so long as these expenditures are incurred before the end of the applicable five‑year, eight‑year, ten‑year, or fifteen‑year period referenced in subsection (C)(2) or (3). An inducement agreement must be executed within two years after the date the county adopts an inducement resolution; otherwise, only investment expenditures made or incurred by a sponsor after the date of the inducement agreement in connection with a project qualify as expenditures subject to the fee in subsection (D)(2).

(J) Subject to subsection (K), project expenditures incurred within the applicable time period provided in subsection (I) by an entity whose investments are not computed at the level of investment for purposes of subsection (B) or (C) qualify as investment expenditures subject to the fee in subsection (D)(2) if the:

(a) expenditures are part of the original cost of property that is transferred, within the applicable time period provided in subsection (I) to one or more other investors or investor affiliates whose investments are being computed at the level of investment for purposes of subsection (B) or (C);

(b) property would have qualified for the fee in subsection (D)(2) if it had been initially acquired by the sponsor instead of the transferor entity;

(c) the income tax basis of the property immediately before the transfer equal the income tax basis of the property immediately after the transfer; except that, to the extent income tax basis of the property immediately after the transfer unintentionally exceeds the income tax basis of the property immediately before the transfer, the excess is subject to payments pursuant to Section 4‑29‑60;

(d) the county agrees to an inclusion in the fee of the property described in subsection (J)(1).

(K)(1) Property previously subject to property taxes in South Carolina does not qualify for the fee except as provided in this subsection:

(a) land, excluding improvements on it, on which a new project is located may qualify for the fee even if it has previously been subject to South Carolina property taxes;

(b) property that has been subject previously to South Carolina property taxes, but has never been placed in service in South Carolina, or which was placed in service in South Carolina pursuant to an inducement agreement or other preliminary approval by the county prior to execution of the lease agreement pursuant to subsection (C)(1), may qualify for the fee; and

(c) property placed in service in South Carolina and subject to South Carolina property taxes that is purchased in a transaction other than between any of the entities specified in Section 267(b) of the Internal Revenue Code, as defined pursuant to Chapter 6, ~~of~~ Title 12 as of the time of the transfer, may qualify for the fee if the sponsor invests at least an additional forty‑five million dollars in the project.

(2) Repairs, alterations, or modifications to real or personal property which are not subject to a fee are not eligible for a fee, even if they are capitalized expenditures, except for modifications to existing real property improvements constituting an expansion of the improvements.

(L)(1) For a project not located in an industrial development park as defined in Section 4‑1‑170, distribution of the fee in lieu of taxes on the project must be made in the same manner and proportion that the millage levied for school and other purposes would be distributed if the property were taxable but without regard to exemptions otherwise available to a project pursuant to Section 12‑37‑220 for that year.

(2) For a project located in an industrial development park as defined in Section 4‑1‑170, distribution of the fee in lieu of taxes on the project must be made in the manner provided for by the agreement establishing the industrial development park.

(3) A county or municipality or special purpose district that receives and retains revenues from a payment in lieu of taxes may use a portion of this revenue for the purposes outlined in Section 4‑29‑68 without the requirement of issuing special source revenue bonds or the requirements of Section 4‑29‑68(A)(4) by providing a credit against or payment derived from the fee due from the sponsor.

(4) Misallocations of the distribution of the fee in lieu of taxes on the project pursuant to this chapter may be corrected by adjusting later distributions, but these adjustments must be made in the same fiscal year as the misallocations. To the extent distributions are made improperly in prior years, a claim for adjustment must be made within one year of the distribution.

(M) As a directly foreseeable result of negotiating the fee, gross revenue of a school district in which a project is located in any year a fee negotiated pursuant to this section is paid may not be less than gross revenues of the district in the year before the first year for which a fee in lieu of taxes is paid. In negotiating the fee, the parties shall assume that the formulas for the distribution of state aid at the time of the execution of the inducement agreement must remain unchanged for the duration of the lease agreement.

(N) Projects on which a fee in lieu of taxes is paid pursuant to this section are considered taxable property at the level of the negotiated payments for purposes of bonded indebtedness pursuant to Sections 14 and 15 of Article X of the Constitution of this State, and for purposes of computing the index of taxpaying ability pursuant to Section 59‑20‑20(3). However, for a project located in an industrial development park as defined in Section 4‑1‑170, projects are considered taxable property in the manner provided in Section 4‑1‑170 for purposes of bonded indebtedness pursuant to Sections 14 and 15 of Article X of the Constitution of this State, and for purposes of computing the index of taxpaying ability pursuant to Section 59‑20‑20(3). Provided, however, that the computation of bonded indebtedness limitation is subject to the requirements of Section 4‑29‑68(E).

(O)(1) An interest in an inducement agreement, millage rate agreement, and lease agreement, and property to which these agreements relate, may be transferred to another entity at any time. Notwithstanding another provision of this chapter, an equity interest in a sponsor or sponsor affiliate may be transferred to another entity or person at any time. To the extent an agreement is transferred, the transferee assumes the current basis the sponsor has in the property subject to the fee for purposes of calculating the fee.

(2) A sponsor or county may enter into a lending, financing, security, lease, or similar arrangement, or succession of such arrangements, with a financing entity, concerning all or part of a project including, without limitation, a sale‑leaseback arrangement, equipment lease build‑to‑suit‑lease, synthetic lease, Nordic lease, defeased tax benefit, transfer lease, assignment, sublease, or similar arrangement, or succession of such arrangements, with one or more financing entities, concerning all or part of a project, regardless of the identity of the income tax owner of the property which is subject to the fee payment pursuant to subsection (D)(2). Even though income tax basis is changed for income tax purposes, neither the original transfer to the financing entity nor the later transfer from the financing entity back to the original sponsor pursuant to terms in the sale‑leaseback agreement, affects the amount of the fee due.

(3) A transfer undertaken with respect to other projects to effect a financing authorized by subsection (O) must meet the following requirements:

(a) The department and the county shall receive written notification, within sixty days after the transfer, of the identity of each transferee and other information required by the department with the appropriate returns. Failure to meet this notice requirement does not affect adversely the fee, but a penalty up to ten thousand dollars a year or portion of a year up to a maximum penalty of fifty thousand dollars may be assessed by the department for late notification.

(b) If the financing entity is the income tax owner of property, either the financing entity is primarily liable for the fee as to that portion of the project to which the transfer relates with the sponsor remaining secondarily liable for the payment of the fee or the sponsor agrees to be primarily liable for the payment of the fee as to that portion of the project to which the transfer relates.

(4) A sponsor may transfer an inducement agreement, millage rate agreement, lease agreement, or the assets subject to the lease agreement, if it obtains the prior approval, or subsequent ratification, of the county with which it entered into the original agreement. The county’s prior approval or subsequent ratification may be evidenced by any one of the following, in the absolute and sole discretion of the county providing the approval or ratification: (i) a letter or other writing executed by an authorized county representative as designated in the respective inducement, millage rate, or lease agreement; (ii) a resolution passed by the county council; or (iii) an ordinance passed by the county council following three readings and a public hearing. That approval is not required in connection with transfers to sponsor affiliates or other financing‑related transfers.

(P) An inducement agreement, a millage rate agreement, or a lease agreement, or the rights of a sponsor or sponsor affiliate pursuant to that agreement including, without limitation, the availability of the subsection (D)(2) fee, may not be affected adversely if the bonds issued pursuant to that agreement are purchased by one or more of the entities that are or become sponsor or sponsor affiliates.

(Q) Except as provided in subsection (B)(4)(a), if a sponsor fails to make the minimum investment required by subsection (D)(2) or an investment under subsection (D)(4) if applicable, within the time provided in subsection (C)(2), then the sponsor is entitled to the benefits of Chapter 12 of this title if and to the extent allowed pursuant to an applicable agreement between the sponsor and the county, and if the requirements of subsection (B)(4)(a) are satisfied. Otherwise, the fee provided in subsection (D)(2) or (D)(4) is no longer available and the sponsor must make the payments due pursuant to Section 4‑29‑60 for the remainder of the lease period.

(R) The minimum amount of the initial investment provided in subsection (B)(3) of this section may not be reduced except by a special vote which, for purposes of this section, means an affirmative vote in each branch of the General Assembly by two‑thirds of the members present and voting, but not less than three‑fifths of the total membership in each branch.

(S)(1) The sponsor shall file the returns, contracts, and other information that may be required by the department.

(2) Fee payments, and returns showing investments and calculating fee payments, are due at the same time as property tax payments and property tax returns would be due if the property were owned by the sponsor obligated to make the fee payments and file such returns.

(3) Failure to make a timely fee payment and file required returns results in penalties being assessed as if the payment or return were a property tax payment or return.

(4) The department may issue rulings and promulgate regulations necessary or appropriate to carry out the purpose of this section.

(5) The provisions of Chapters 4 and 54, ~~of~~ Title 12, applicable to property taxes, apply to this section, and, for purposes of that application, the fee is considered a property tax. Sections 12‑54‑20, 12‑54‑80, and 12‑54‑155 do not apply to this section.

(6) Within thirty days of the date of execution of an inducement or lease agreement, a copy of the agreement must be filed with the department and the county auditor and the county assessor for every county in which the project is located. If the project is located in an industrial development park, the agreements must be filed with the auditors and assessors for all counties participating in the industrial development park.

(7) The department, for good cause, may allow additional time for filing of returns required under this section. The request for an extension may be granted only if the request is filed with the department on or before the date the return is due. However, the extension must not exceed sixty days from the date the return is due. The department shall develop applicable forms and procedures for handling and processing extension requests. An extension may not be granted to a sponsor who has been granted an extension for a previous period and has not fulfilled the requirements of the previous period.

(8) To the extent a form or return is filed with the department, the sponsor must file a copy of the form or return with the county auditor, assessor, and treasurer of the county or counties in which the project is physically located. To the extent requested, the county auditor of the county in which the project is physically located shall make these forms and returns available to any county auditor of a county participating in an industrial development park in which the project is located.

(T) Except as otherwise expressly provided in subsection (C)(2), a loss of fee benefits pursuant to this section is prospective only from the date of noncompliance and, subject to subsection (Q), only with respect to that portion of the project to which the noncompliance relates; except that the loss of fee benefits may not result in the recovery from the sponsor of fee payments for more than:

(1) three years from the date a return concerning the fee is filed for the time period during which the noncompliance occurs. A showing of bad faith noncompliance increases the three‑year period to a ten‑year period; or

(2) ten years if a return is not filed for the time period during which the noncompliance occurs.

(U) Section 4‑29‑65 does not apply to this section. All references in this section to taxes mean South Carolina taxes unless otherwise expressly stated.

(V)(1) Notwithstanding another provision of this section, in the case of a project consisting of a qualified recycling facility, the annual fee is available for no more than thirty years, and for those projects constructed or placed in service during a period of more than one year, the annual fee is available for a maximum of forty years.

(2) Notwithstanding another provision of this section, for a qualified recycling facility, the assessment ratio must be at least three percent.

(3) Any machinery and equipment foundations, port facilities, or railroad track systems used, or to be used, for a qualified recycling facility is considered tangible personal property.

(4) Notwithstanding subsections (F) and (I) of this section, the total costs of all investments made for a qualified recycling facility are eligible for fee payments as provided in this section.

(5) For purposes of fees that may be due on undeveloped property for which title has been transferred to the county by or for the owner or operator of a qualified recycling facility, the assessment ratio is three percent.

(6) Notwithstanding subsection (D)(2)(b) of this section, in the case of a qualified recycling facility, net present value calculations performed pursuant to that subsection must use a discount rate equivalent to the yield in effect for new or existing United States Treasury bonds of similar maturity as published on any day selected by the sponsor during the year in which assets are placed into service or in which the inducement agreement is executed.

(7) As used in this subsection, ‘qualified recycling facility’ and ‘investment’ have the meaning provided in Section 12‑7‑1275(A).

(W)(1) Notwithstanding subsection (C)(1), in the case of a qualified nuclear plant facility, the sponsor has five years from the end of the calendar year in which the Nuclear Regulatory Commission grants the sponsor a combined license to construct and operate a nuclear power plant to enter into an initial lease agreement with the county but in no event more than fifteen years from the latter of the adoption of an inducement resolution or execution of an inducement agreement by the county.

(2) Notwithstanding subsection (C)(2)(d), in the case of a qualified nuclear plant facility, the sponsor has fifteen years from the end of the calendar year in which the initial lease agreement is executed to meet the minimum investment and fifteen years from the end of the calendar year in which the first piece of property is placed into service to complete the project.

(~~W~~X)(1) All agreements entered into pursuant to this section must include as the first portion of the document a recapitulation of the remaining contents of the document which includes, but is not limited to, the following:

(a) the legal name of each party to the agreement;

(b) the county and street address of the project and property to be subject to the agreement;

(c) the minimum investment agreed upon;

(d) the length and term of the agreement;

(e) the assessment ratio applicable for each year of the agreement;

(f) the millage rate applicable for each year of the agreement;

(g) a schedule showing the amount of the fee and its calculation for each year of the agreement;

(h) a schedule showing the amount to be distributed annually to each of the affected taxing entities;

(i) a statement answering the following questions:

(i) Is the project to be located in a multi‑county park formed pursuant to Chapter 29, ~~of~~ Title 4?;

(ii) Is disposal of property subject to the fee allowed?;

(iii) Will special source revenue bonds be issued or credits for infrastructure investment be allowed in connection with this project?;

(iv) Will payment amounts be modified using a net present value calculation?; and

(v) Do replacement property provisions apply?;

(j) any other feature or aspect of the agreement which may affect the calculation of subitems (g) and (h) of this item;

(k) a description of the effect upon the schedules required by subitems (g) and (h) of this item of any feature covered by subitems (i) and (j) not reflected in the schedules for subitems (g) and (h);

(l) which party or parties to the agreement are responsible for updating any information contained in the summary document.

(2) The auditor shall prepare a bill for each installment of the fee according to the schedule set forth in subitem (1)(g) or as modified pursuant to subitem (1)(j), (k), or (l) and that payment must be distributed to the affected taxing entities according to the schedule in subitem (1)(g) or as modified pursuant to subitem (1)(j), (k), or (l).

(3) The county and the sponsor and sponsor affiliates may agree to waive any or all of the items described in this subsection.”

B. The provisions of this section take effect upon approval by the Governor except that the provisions of Section 4‑29‑67(C)(3) take effect January 1, 2011, provided that a county may amend an existing fee‑in‑lieu agreement at any time prior to the expiration of the fee to incorporate the amendments to Section 4‑29‑67(C)(3) as contained in subsection A. Also, except that Section 4‑29‑67(D) shall take effect in each county in the first property tax year in which a countywide reassessment program is implemented after December 31, 2010.

SECTION 7. Section 4‑29‑68(A)(2) of the 1976 Code, as last amended by Act 116 of 2007, is further amended to read:

“(2)(i) The bonds are issued for the purpose of paying the cost of designing, acquiring, constructing, improving, or expanding (a) the infrastructure serving the issuer or the project, (b) for improved or unimproved real estate and personal property including machinery and equipment used in the operation of a manufacturing or commercial enterprise, or (c) aircraft which qualifies as a project pursuant to Section 12‑44‑30(16), which property is determined by the issuer to enhance the economic development of the issuer. Costs of issuance of the bonds also may be paid from bond proceeds. Bonds issued pursuant to this section to finance the acquisition of real or personal property may be additionally secured by a mortgage of that real or personal property.

(ii) To the extent that the bonds or any credit or offset against a fee in lieu of taxes that is allowed in lieu of the issuance of the bonds, is used as payment for personal property, including machinery and equipment, and the personal property is removed from the project at any time during the life of the fee, the amount of the fee in lieu of taxes due on the personal property for the year in which the personal property was removed from the project also shall be due for the two years immediately following the removal. The amounts will be remitted by the department to the county in which the project is located.

(a) To the extent that any payment amounts were used for both real property and personal property or infrastructure and personal property, all amounts will be presumed to have been first used for personal property.

(b) If personal property is removed from the project but is replaced with qualifying replacement property, then the personal property will not be considered to have been removed from the property.”

SECTION 8. A. Section 12‑44‑30 of the 1976 Code, as last amended by Act 352 of 2008, is further amended to read:

“Section 12‑44‑30. As used in this chapter:

(1) ‘Alternative payment method’ means fee payments as provided in Section 12‑44‑50(A)(3).

(2) ‘Commencement date’ means the last day of the property tax year during which economic development property is placed in service, except that this date must not be later than the last day of the property tax year which is three years from the year in which the county and the sponsor enter into a fee agreement. The commencement date for an economic development project as defined in subsection (17) is the last day of the first property tax year in which economic development property is placed in service.

(3) ‘County’ means the county or counties in which the project is proposed to be located. A project may be located in more than one county, subject to the provisions of Section 12‑44‑40(~~G~~H).

(4) ‘County council’ means the governing body of the county in which the economic development property is located, except as specifically provided by Section 12‑44‑40(~~G~~H).

(5) ‘Department’ means the South Carolina Department of Revenue.

(6) ‘Economic development property’ means each item of real and tangible personal property comprising a project which satisfies the provisions of Section 12‑44‑40(C) and other requirements of this chapter and is subject to a fee agreement. That property, other than replacement property qualifying under Section 12‑44‑60, must be placed in service by the end of the investment period.

(7) ‘Enhanced investment’ means a project that results in a total investment:

(a) by a single sponsor investing at least one hundred fifty million dollars and creating at least one hundred twenty‑five new full‑time jobs at the project; provided that the new full‑time jobs requirement of this subsection does not apply to a taxpayer who paid more than fifty percent of all property taxes actually collected in the county for more than twenty‑five years, ending on the date of the fee agreement;

(b) by a single sponsor investing at least four hundred million dollars; or

(c) that satisfies the requirements of Section 11‑41‑30(2)(a), and for which the Secretary of Commerce has delivered certification pursuant to Section 11‑41‑70(2)(a).

For purposes of this item, if a single sponsor enters into a financing arrangement of the type described in Section 12‑44‑120(B), the investment in or financing of the property by a developer, lessor, financing entity, or other third party in accordance with this arrangement is considered investment by the sponsor. Investment by a related person to the sponsor, as described in Section 12‑10‑80(D)(2), is considered investment by the sponsor.

(8) ‘Exemption period’ means the period beginning on the first day of the property tax year after the property tax year in which an applicable piece of economic development property is placed in service and ending on the termination date. For projects which are completed and placed in service during more than one year, the exemption period applies to each year’s investment made by a sponsor during the investment period.

(9) ‘Fee’ means the amount paid in lieu of ad valorem property tax as provided in the fee agreement.

(10) ‘Fee agreement’ means an agreement between the sponsor and the county obligating the sponsor to pay fees instead of property taxes during the exemption period for each item of economic development property as more particularly described in Section 12‑44‑40.

(11) ‘Inducement resolution’ means a resolution of the county setting forth the commitment of the county to enter into a fee agreement.

(12) ‘Infrastructure improvement credit’ means a credit against the fee as provided by Section 12‑44‑70.

(13) ‘Investment period’ means the period beginning with the first day that economic development property is purchased or acquired and ending five years after the commencement date; except that for a project with an enhanced investment as described above, the period ends eight years after the commencement date. The minimum investment must be completed within five years of the commencement date. For an enhanced investment, the applicable minimum investment and job requirements under ~~Section 12‑44‑30~~ subsection (7) must be completed within eight years of the commencement date. Investment period means for a qualified nuclear plant facility the period beginning with the first day that economic development property is purchased or acquired and ending ten years after the commencement date. For those sponsors that, after qualifying for the enhanced investment, have more than five hundred million dollars in capital invested in this State and employ more than one thousand people in this State, the investment period ends ten years after the commencement date. If the sponsor does not anticipate completing the project within these periods, the sponsor may apply to the county before the end of the investment period for an extension of time to complete the project. The extension may not exceed five years. If a project receives an extension of less than five years, the sponsor may apply to the county before the end of the extension period for an additional extension of time to complete the project for an aggregate extension of not more than five years. Unless approved as part of the original fee documentation, the county council of the county may approve an extension by resolution, a copy of which must be delivered to the department within thirty days of the date the resolution was adopted. An extension is not allowed for the time period in which the sponsor must meet the minimum investment requirement.

(14) ‘Minimum investment’ means an investment in the project of at least two and one‑half million dollars within the investment period. If a county has an average annual unemployment rate of at least twice the state average during the last twenty‑four month period based on data available on the most recent November first, the minimum investment is one million dollars. The department shall designate these reduced investment counties by December thirty‑first of each year using data from the South Carolina Employment Security Commission and the United States Department of Commerce. The designations are effective for a sponsor whose fee agreement is signed in the calendar year following the county designation. For all purposes of this chapter, the minimum investment may include amounts expended by a sponsor or sponsor affiliate as a nonresponsible party in a voluntary cleanup contract on the property pursuant to Article 7, Chapter 56, ~~of~~ Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Health and Environmental Control certifies completion of the cleanup. If the amounts under the Brownfields Voluntary Cleanup Program equal at least one million dollars, the investment threshold requirement of this chapter is deemed to have been met.

(15) ‘Industrial development park’ means an industrial or business park developed by two or more counties as defined in Section 4‑1‑170.

(16) ‘Project’ means land, buildings, and other improvements on the land, including water, sewage treatment and disposal facilities, air pollution control facilities, and all other machinery, apparatus, equipment, office facilities, and furnishings which are considered necessary, suitable, or useful by a sponsor. ‘Project’ also may consist of or include aircraft hangered or utilizing an airport in a county so long as the county expressly consents to its inclusion. Aircraft previously subject to taxation in South Carolina qualify pursuant to this provision.

(17) ‘Qualified nuclear plant facility’ means a nuclear electric power generating plant regulated by the Nuclear Regulatory Commission and includes all real and personal property incorporated into or associated with the facility located or to be located within this State with a total minimum level of investment of one billion dollars.

(~~17~~18) ‘Replacement property’ means property placed under the fee agreement to replace economic development property previously subject to the fee agreement, as provided in Section 12‑44‑60.

(~~18~~19) ‘Sponsor’ means one or more entities which sign the fee agreement with the county and makes the minimum investment, subject to the provisions of Section 12‑44‑40, each of which makes the minimum investment as provided in ~~Section 12‑44‑30~~ subsection (13) and also includes a sponsor affiliate unless the context clearly indicates otherwise. If a project consists of a manufacturing, research and development, corporate office, or distribution facility, as those terms are defined in Section 12‑6‑3360(M) and including a qualified nuclear plant facility as defined in subsection (17) of this section, each sponsor or sponsor affiliate is not required to invest the minimum investment if the total investment at the project exceeds ~~ten~~ five million dollars.

(~~19~~20) ‘Sponsor affiliate’ means an entity that joins with or is an affiliate of a sponsor and that participates in the investment in, or financing of, a project.

(~~20~~21) ‘Termination date’ means the date that is the last day of a property tax year that is the ~~nineteenth~~ twenty‑ninth year following the first property tax year in which an applicable piece of economic development property is placed in service~~; provided, however, that the~~. A sponsor may apply to the county prior to the termination date for an extension of the termination date beyond the ~~nineteenth~~ twenty‑ninth year up to ten years. The county council of the county shall approve an extension by resolution upon a finding of substantial public benefit. A copy of the resolution must be delivered to the department within thirty days of the date the resolution was adopted. ~~With respect to a fee agreement involving an enhanced investment, the termination date is the last day of a property tax year that is the twenty‑ninth year following the first property tax year in which an applicable piece of economic development property is placed in service.~~ If the fee agreement is terminated in accordance with Section 12‑44‑140, the termination date is the date the agreement is terminated.”

B. The provisions of this section take effect upon approval by the Governor except that the provisions of Section 12‑44‑30(21) take effect January 1, 2011, provided that a county may amend an existing fee‑in‑lieu agreement at any time prior to the expiration of the fee to incorporate the amendments to Section 12‑44‑30(21) as contained in subsection A.

SECTION 9. Section 12‑44‑40 of the 1976 Code, as last amended by Act 116 of 2007, is further amended to read:

“Section 12‑44‑40. (A) To obtain the benefits provided by this chapter, the sponsor and the county must enter into a fee agreement requiring the payment of the fee described in Section 12‑44‑50. The county must adopt an ordinance approving the fee agreement with the sponsor.

(B) If the county and the sponsor enter into a fee agreement, all economic development property is exempt from all ad valorem property taxation for the entire exemption period. Upon termination of the exemption period, the property is subject to property taxation in the manner provided by law, unless the property is otherwise exempt.

(C) Subject to the provisions of subsection (D) and the provisions of Section 12‑44‑110, real or tangible personal property of a sponsor or sponsor affiliate which has been acquired for which expenditures have been incurred by the sponsor or sponsor affiliate and which are used in connection with a project or a portion of a project, qualifies as economic development property, if the expenditures are incurred or the property is acquired before the end of the investment period.

(D) A county has two years from the date it takes action reflecting or identifying the project, or proposed project, to adopt an inducement resolution if the inducement resolution was not the original county action reflecting or identifying the project or proposed project. Otherwise, expenditures incurred before adoption of the inducement resolution do not qualify as economic development property.

(E) If a fee agreement is not executed within five years after action by the county identifying or reflecting the project, the real property or tangible personal property of a sponsor for which expenditures have been incurred by the sponsor with respect to the project does not qualify as economic development property. An action includes an inducement resolution adopted by the county council of the county.

(F) Notwithstanding another provision of this chapter, in the case of a qualified nuclear plant facility, the sponsor has five years from the end of the calendar year in which the Nuclear Regulatory Commission grants the sponsor a combined license to construct and operate a nuclear power plant to enter into a fee agreement with the county but in no event more than fifteen years from the latter of the adoption of an inducement resolution or execution of an inducement agreement by the county.

(~~F~~G) To be eligible to enter into a fee agreement, the sponsor shall commit to a project which meets the minimum investment level and, with respect to applicable enhanced investments, the total applicable investment and the minimum job creation levels required for an enhanced investment.

(~~G~~H) The project must be located in a single county or in an industrial development park. A project located on contiguous tracts of land in more than one county, but not in an industrial development park, may qualify for the fee if:

(1) the counties agree on the terms of the fee and the distribution of the fee payment;

(2) a minimum millage rate is provided for in the agreement; and

(3) all counties are parties to all agreements establishing the terms of the fee.

(~~H~~I)(1) Before undertaking a project, the county council shall find that:

(a) the project is anticipated to benefit the general public welfare of the locality by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(b) the project gives rise to no pecuniary liability of the county or incorporated municipality or a charge against its general credit or taxing power; and

(c) the purposes to be accomplished by the project are proper governmental and public purposes and the benefits of the project are greater than the costs.

(2) In making the findings of this subsection, the county council may seek the advice and assistance of the department or the Board of Economic Advisors. The determination and findings must be set forth in an ordinance.

(~~I~~J) If the county council has by contractual agreement provided for a change in fee in lieu of taxes arrangements conditioned on a future legislative enactment, a new enactment does not bind the original parties to the agreement unless the change is ratified by the county council.

(~~J~~K)(1) Upon agreement of the parties, and except as provided in item (2), a fee agreement may be amended or terminated and replaced with regard to all matters, including the addition or removal of sponsors or sponsor affiliates.

(2) An amendment or replacement of a fee agreement must not be used to lower the millage rate, discount rate, assessment ratio, or, except as provided in Sections 12‑44‑30(13) and (~~20~~21), increase the term of the agreement.”

SECTION 10. A. Section 12‑44‑50(A)(1)(c)(i) of the 1976 Code, as last amended by Act 69 of 2003, is further amended to read:

“(i) if real property is constructed for the fee or is purchased in an arm’s length transaction, the fair market value of real property is determined by using the original income tax basis for South Carolina income tax purposes without regard to depreciation, otherwise the property must be reported at its fair market value for ad valorem property taxes as determined by appraisal. The fair market value estimate established for the first year of the fee remains the fair market value of the real property for the life of the fee. The county and the sponsor or sponsor affiliate may instead provide in the fee agreement or any amendment thereto that any real property subject to the fee shall be reported at its fair market value for ad valorem property taxes as determined by appraisal as if such property were not subject to the fee; provided, the department may not undertake such an appraisal more than once every five years;”

B. This SECTION shall take effect in each county in the first property tax year in which a countywide reassessment program is implemented after December 31, 2010.

SECTION 11. Section 12‑44‑110(2) of the 1976 Code, as last amended by Act 69 of 2003, is further amended to read:

“(2) property which has been subject to property taxes in this State, but which has never been placed in service in this State, or which was placed in service in this State pursuant to an inducement agreement or other preliminary approval by the county prior to execution of the fee agreement pursuant to Section 12‑44‑40(E), may qualify as economic development property;”

SECTION 12. Section 12‑44‑130(A) of the 1976 Code, as last amended by Act 384 of 2006, is further amended to read:

“(A) Except as otherwise provided in Section 12‑44‑30(~~18~~19), to be eligible for the fee, a sponsor and each sponsor affiliate must invest the minimum investment as defined in Section 12‑44‑30(14). For an enhanced investment pursuant to Section 12‑44‑30(7), a single sponsor must make the investment, unless otherwise provided in that section. The county and the sponsors who are part of the fee agreement may agree that investments by other sponsor affiliates within the investment period qualify for the fee regardless of whether the sponsor affiliate was part of the fee agreement, except that each new sponsor affiliate must invest at least the minimum investment or the enhanced investment if applicable in the project, unless the project is a manufacturing, research and development corporate office, or distribution facility as provided in Section 12‑44‑30(~~18~~19). To qualify for the fee, the sponsor affiliates must be approved specifically by the county and must agree to be bound by agreements with the county relating to the fee. These sponsor affiliates are not bound by agreements, or portions of agreements, to the extent the agreements do not affect the county. The investments pursuant to this subsection must be at the sponsor’s project. The fee agreement may provide for a process for approval of sponsor affiliates.”

SECTION 13. Section 12‑43‑220(a)(4) of the 1976 Code, as last amended by Act 313 of 2008, is further amended to read:

“(4) Real property owned by or leased to a manufacturer and used ~~exclusively~~ primarily for warehousing and wholesale distribution is not considered used by a manufacturer in the conduct of the business of the manufacturer for purposes of classification of property pursuant to ~~this item~~ subsection (a). For purposes of this item, the real property owned by or leased to a manufacturer and used primarily for warehousing and wholesale distribution must not be physically attached to the manufacturing plant unless the warehousing and wholesale distribution area is separated by a permanent wall.”

SECTION 14. Section 12‑10‑85 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 12‑10‑85. (A) Funds received by the department for the State Rural Infrastructure Fund must be deposited in the State Rural Infrastructure Fund of the council. The fund must be administered by the council for the purpose of providing financial assistance to local governments for infrastructure and other economic development activities including, but not limited to:

(1) training costs and facilities;

(2) improvements to regionally planned public and private water and sewer systems;

(3) improvements to both public and private electricity, natural gas, and telecommunications systems including, but not limited to, an electric cooperative, electrical utility, or electric supplier described in Chapter 27 ~~of~~, Title 58; ~~or~~

(4) fixed transportation facilities including highway, rail, water, and air~~.~~;

(5) site preparation;

(6) acquiring or improving real property; and

(7) relocation expenses, but only for those employees to whom the company is paying gross wages at least two times the lower of the per capita income for either the state or the county in which the project is located.

The council may retain up to five percent of the revenue received for the State Rural Infrastructure Fund for administrative, reporting, establishment of grant guidelines, review of grant applications, and other statutory obligations.

(B) Rural Infrastructure Fund grants must be available to benefit counties or municipalities designated as ‘~~distressed~~ Tier IV’ or ‘~~least developed~~ Tier III’ as defined in Section 12‑6‑3360 according to guidelines established by the council, except that up to twenty‑five percent of the funds annually available in excess of ten million dollars must be set aside for grants to areas of ~~‘underdeveloped, ‘moderately developed, and ‘developed’~~ ‘Tier II’ and ‘Tier I’ counties. A governing body of ~~an ‘underdeveloped’, ‘moderately developed’, or ‘developed’~~ a ‘Tier II’ or ‘Tier I’ county must apply to the council for these set‑aside grants stating the reasons that certain areas of the county qualify for these grants because the conditions in that area of the county are comparable to those conditions qualifying a county as ~~‘distressed’ or ‘least developed’~~ ‘Tier IV’ or ‘Tier III’.

(C) For purposes of this section, ‘local government’ means a county, municipality, or group of counties organized pursuant to Section 4‑9‑20(a), (b), (c), or (d).

(D) The council shall submit a report to the Governor and General Assembly by March fifteenth covering activities for the prior calendar year.

(E) The department shall retain unexpended or uncommitted funds at the close of the state’s fiscal year of the State and expend the funds in subsequent fiscal years for like purposes.”

SECTION 15. A. Title 11 of the 1976 Code is amended by adding:

“CHAPTER 18

South Carolina Volume Cap Allocation Act

Section 11‑18‑5. This chapter shall be known as the ‘South Carolina Volume Cap Allocation Act’.

Section 11‑18‑10. The General Assembly finds and determines that:

(a) Sections 1400U‑2 and 1400U‑3 of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111‑5.123 Stat. 115 (2009) (codified at Section 1400U‑2 and ‑3 of the Internal Revenue Code) (‘ARRA’) added two new types of bonds as recovery zone bonds:

(1) a new type of exempt facility bonds called ‘recovery zone facility bonds’ to be used to finance construction, renovation, and equipping of recovery zone property for use in any trade or business in a recovery zone, all as defined in ARRA; and

(2) a new type of governmental bond called ‘recovery zone economic development bonds’.

(b) The provisions of ARRA provide a formula for allocation of authority to issue recovery zone facility bonds and recovery zone economic development bonds to the states and by the states to the counties and large municipalities within the states. The United States Department of the Treasury, Internal Revenue Service provided for recovery zone bond volume cap allocations in IRS Notice 2009‑50 and provided calculations for individual counties and large municipalities on that same date. The notice made specific provision for reallocation of the volume cap allocations that are waived or deemed waived by a county or municipality by giving the state in which such county or municipality is located the authority to reallocate the waived volume cap in any reasonable manner as it shall determine in good faith in its discretion.

(c) Section 1112 of ARRA amended Section 54D(d) of the Internal Revenue Code to increase the volume cap authorization for qualified energy conservation bonds, which were created by Section 301(a) of Tax Extenders and Alternative Minimum Tax Relief Act of 2008, Pub. L. 110‑343.122 Stat. 1365 (2008). The United States Department of the Treasury, Internal Revenue Service provided for qualified energy conservation bond volume cap allocations to the states in IRS Notice 2009‑29 and authorized the states to allocate such volume cap allocations.

(d) Because of several factors, including the relatively small amounts of some of the allocations, limitations on legal borrowing capacity affecting counties and large municipalities and the lack of access to borrowing by possible beneficiaries of the bonds described above, very little of the allocations of bonds described herein have been utilized in connection with the issuance of these bonds in South Carolina.

(e) These bonds are a valuable resource to South Carolina in its efforts to revitalize its economy and to provide additional employment, all to the promotion of the health and welfare of the citizens of South Carolina.

(f) Because recovery zone bonds must be issued before January 1, 2011, it is in the best interests of the State to provide a procedure for determining as to when counties or large municipalities have waived their allocations of these bonds and to provide for the reallocation of such waived allocations.

(g) Recovery zone facility bonds are bonds with substantially all of the proceeds of which are used for ‘recovery zone property, as defined in the ARRA. The definition of ‘recovery zone property’ includes facilities that may not currently be authorized under the state’s private activity bond enabling statutes. These projects will provide much needed employment, thus it is the best interest of the health and welfare of the citizens of the State to provide authorization for bonds to finance recovery zone property.

(h) The purpose~~s~~ of this chapter is to provide the procedures for the reallocation of recovery zone bonds as well as provide the authorization for the allocation of Qualified Energy Conservation Bonds and Other Federal Bonds as defined below.

Section 11‑18‑20. (a) ‘ARRA Bonds’ mean:

(1) recovery zone bonds authorized under Section 1401 of ARRA; and

(2) Qualified Energy Conservation Bonds authorized under Section 301(a) of Tax Extenders and Alternative Minimum Tax Relief Act of 2008, Pub. L. 110‑343, 122 Stat. 1365 (2008) as amended by Section 112 of ARRA.

(b) ‘Board’ means the South Carolina Budget and Control Board.

(c) ‘Code’ means the Internal Revenue Code of 1986, as amended.

(d) ‘Local Government’ means each county and municipality that received an allocation of Volume Cap pursuant to the Code and IRS Notice 2009‑50.

(e) ‘Other federal bonds’ mean any such bond, whether tax–exempt, taxable or tax credit, created after the date hereof whereby a volume cap limitation is proscribed under the Code.

(f) ‘Qualified energy conservation bond’ means the term as defined in Section 54D(a) of the Code.

(g) ‘Recovery zone’ means the term as defined in Section 1400U‑1(b) of the Code.

(h) ‘Recovery zone economic development bond’ means the term as defined in Section 1400U‑2 of the Code.

(i) ‘Recovery zone facility bond’ means the term as defined in Section1400U‑3 of the Code.

(j) ‘State’ means the State of South Carolina.

(k) ‘Volume Cap’ means the amount or other limitation of ARRA Bonds allocated to each state and to counties and large municipalities within each state in accordance with Section 1400U‑1(a)(4) of the Code, with respect to Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds, Section 54D(e)(1) of the Code, with respect to Qualified Energy Conservation Bonds, and any other section of the Code which imposes a volume cap limitation on any other Federal Bonds.

Section 11‑18‑30. For any Volume Cap allocation of Qualified Energy Conservation Bonds and any other Volume Cap allocation for Other Federal Bonds, which has not been or shall not be further suballocated by the Code, the Internal Revenue Service or the United States Department of the Treasury, the board is authorized to suballocate such Volume Cap allocation.

Section 11‑18‑40. (A) In accordance with the provisions of this chapter, the board shall establish a method for determining when a Local Government has waived all or part of its Volume Cap allocation and shall manage the reallocation of such Volume Cap. All allocations and reallocations made pursuant to this chapter shall be made by the board with the advice and recommendation of an advisory committee which the board may from time to time appoint and which shall be comprised of members who are, in the sole determination of the board, familiar with the subject matter germane to the specific federal bond program.

(B) When appropriate, the board shall provide written notice of Volume Cap allocations of ARRA Bonds and Other Federal Bonds to Local Governments by United States registered or certified mail. Written notice shall be effective on the date shown on the return receipt. Such notice may include a deadline by which ARRA Bonds and Other Federal Bonds must be issued.

(C) A Local Government may waive its Volume Cap allocation by providing written notice of such waiver to the board within thirty days of the written notice provided in subsection (b).

(D) In determining when a Local Government has waived all or part of its Volume Cap, the board shall provide that if it has not received from a Local Government a notice of intent to use its Volume Cap allocation within a designated number of days of the written notice provided in subsection (B), the Local Government shall be deemed to have waived its Volume Cap allocation. The form of the notice of intent to use a Local Government’s Volume Cap allocation shall be determined by the board. Each notice of intent to use its Volume Cap allocation submitted by a Local Government must contain evidence satisfactory to the board, in its sole discretion, that the allocation will in fact be used. This evidence may consist of:

(1) resolution or otherwise of the designation of a Recovery Zone, if such designation is required;

(2) the form of the resolution or ordinance in substantially final form authorizing the issuance of bonds or approving such other financing as may be done accompanied by a written opinion of legal counsel that the Local Government has the legal ability to effect such issuance or borrowing;

(3) a written opinion of legal counsel that the ARRA Bonds or Other Federal Bonds that the Local Government intends to issue will qualify, based on information available at that time to such legal counsel, as such ARRA Bonds or Other Federal Bonds when issued;

(4) a schedule for the closing of the issue which must not be later than a date determined by the board; and

(5) other documentation as the board deems appropriate.

(E) Failure to issue ARRA Bonds or Other Federal Bonds by any deadline established by the board shall constitute a waiver of Volume Cap allocation unless the board extends such deadline.

Section 11‑18‑50. (A) Within thirty days of the effective date of this chapter, the board shall develop a form for use by any eligible issuer in applying for reallocation of any waived Volume Cap allocation. Applications for reallocation may be accepted by the board at times prescribed by the board. The board may make reallocations as soon as it determines that there is an actual or deemed waiver of any Volume Cap allocation.

(B) In making reallocations, the board may consider the following factors:

(1) the likelihood of successful completion of such financing;

(2) the number of jobs to be created or preserved and the wages for such jobs;

(3) relative economic need and benefit to the applicant and any other entity benefiting from the proposed issue; and

(4) the overall best interest of the State and the people of the State.

(C) Upon making any reallocation, the board shall provide written notice of the reallocation of Volume Cap to the eligible issuer by United States registered or certified mail.

Section 11‑18‑60. Local Governments allocated Volume Cap pursuant to this chapter may, by order or resolution of its governing body, suballocate such allocation to any other eligible issuers authorized to issue ARRA Bonds or Other Federal Bonds pursuant to the Code or any related pronouncements made by the Internal Revenue Service or the United States Treasury Department. Each Local Government that suballocates Volume Cap shall attach a copy of the order, ordinance, or resolution authorizing the suballocation to its notice of intent to use Volume Cap required by Section 11‑18‑40. Local Governments shall be authorized to take any other action required by the Code or related pronouncements made by the Internal Revenue Service or the Treasury Department to issue ARRA Bonds or Other Federal Bonds.

Section 11‑18‑70. (A) The purpose of this chapter is to ensure that the state’s allocations of ARRA Bonds and Other Federal Bonds are used. To that end, the Board is authorized and directed to make such exceptions and waivers or extend or shorten time requirements as it deems most likely to effect the purposes hereof. The board is encouraged to avoid the development of rigid procedures and formalities in the determination of waived allocations or reallocations. The board is directed focus on the probability of the Local Governments’ using the Volume Cap for ARRA Bonds prior to January 1, 2011.

(B) The board may adopt any further policies and procedures it considers necessary for the equitable and effective administration of this chapter.

Section 11‑18‑80. In order to make the maximum use of Volume Cap allocations, any bond enabling act which specifies particular projects or users must be construed to provide that any recovery zone property as defined in Section 1400U‑3(b) of the Code will be deemed to qualify as a project. Accordingly any person engaged in a qualified business as defined in Section 1400U‑3(b)(2) of the Code will be permitted as beneficiary of any such bonds.”

B. Section 4‑29‑10(3) of the 1976 Code, as last amended by Act 89 of 2001, is further amended to read:

“(3) ‘Project’ means any land and any buildings and other improvements on the land including, without limiting the generality of the foregoing, water, sewage treatment and disposal facilities, air pollution control facilities, and all other machinery, apparatus, equipment, office facilities, and furnishings which are considered necessary, suitable, or useful by the following investors or any combination of them:

(a) any enterprise for the manufacturing, processing, or assembling of any agricultural or manufactured products;

(b) any commercial enterprise engaged in storing, warehousing, distributing, transporting, or selling products of agriculture, mining, or industry, or engaged in providing laundry services to hospitals, to convalescent homes, or to medical treatment facilities of any type, public or private, within or outside of the issuing county or incorporated municipality and within or outside of the State;

(c) any enterprise for research in connection with any of the foregoing or for the purpose of developing new products or new processes or improving existing products or processes;

(d) any enterprise engaged in commercial business including, but not limited to, wholesale, retail, or other mercantile establishments; residential and mixed use developments of two thousand five hundred acres or more; office buildings; computer centers; tourism, sports, and recreational facilities; convention and trade show facilities; and public lodging and restaurant facilities if the primary purpose is to provide service in connection with another facility qualifying under this subitem; and

(e) any enlargement, improvement, or expansion of any existing facility in subitems (a), (b), (c), and (d) of this item.

The term ‘project’ does not include facilities for an enterprise primarily engaged in the sale or distribution to the public of electricity, gas, or telephone services. A project may be located in one or more counties or incorporated municipalities. The term ‘project’ also includes any structure, building, machinery, system, land, interest in land, water right, or other property necessary or desirable to provide facilities to be owned and operated by any person, firm, or corporation for the purpose of providing drinking water, water, or wastewater treatment services or facilities to any public body, agency, political subdivision, or special purpose district. This definition is for purposes of industrial revenue bonds only.

Notwithstanding another provision hereof, the term ‘project’ shall include any recovery zone property as defined in Section 1400U‑3(b) of the Internal Revenue Code and any ‘Qualified Conservation Purpose’ as defined in Section 54D(f) of the Internal Revenue Code or other purposes set forth in Section 54D(e) of the Code. No restriction herein relating to the user or use of a project shall apply to any recovery zone property.”

SECTION 16. Section 12‑6‑3360 of the 1976 Code, as last amended by Act 116 of 2007, is further amended to read:

“Section 12‑6‑3360. (A) Taxpayers that operate manufacturing, tourism, processing, warehousing, distribution, research and development, corporate office, qualifying service‑related facilities, agribusiness operations, extraordinary retail establishment, and qualifying technology intensive facilities, and banks as defined pursuant to this title are allowed an annual jobs tax credit as provided in this section. In addition, taxpayers that operate retail facilities and service‑related industries qualify for an annual jobs tax credit in counties designated as ~~least developed or distressed, and in counties that are under developed and not traversed by an interstate highway~~ ‘Tier IV’. As used in this section, ‘corporate office’ includes general contractors licensed by the South Carolina Department of Labor, Licensing and Regulation. Credits pursuant to this section may be claimed against income taxes imposed by Section 12‑6‑510 or 12‑6‑530, bank taxes imposed pursuant to Chapter 11 of this title, and insurance premium taxes imposed pursuant to Chapter 7 ~~of~~, Title 38, and are limited in use to fifty percent of the taxpayer’s South Carolina income tax, bank tax, or insurance premium tax liability. In computing a tax payable by a taxpayer pursuant to Section 38‑7‑90, the credit allowable pursuant to this section must be treated as a premium tax paid pursuant to Section 38‑7‑20.

(B) The department shall rank and designate the state’s counties by December thirty‑first each year using data from the South Carolina Employment Security Commission and the United States Department of Commerce. The county designations are effective for taxable years that begin in the following calendar year. ~~A county’s designation may not be lowered in credit amount more than one tier in the following calendar year.~~ The counties are ranked using the last three completed calendar years of per capita income data and the last thirty‑six months of unemployment rate data that are available on November first, with equal weight given to unemployment rate and per capita income as follows:

(1)~~(a)~~ The twelve counties with a combination of the highest unemployment rate and lowest per capita income are designated ~~distressed~~ ‘Tier IV’ counties. Notwithstanding any other provision of law, no more than twelve counties may be designated or classified as ~~distressed~~ ‘Tier IV’ and notwithstanding any other provision of this section, a county may be designated as ~~distressed~~ ‘Tier IV’ only by virtue of the criteria provided in this ~~subitem~~ item.

~~(b)~~ ~~A category with the same criteria as provided in subitem (a) of this item is designated least developed county which consists of underdeveloped counties otherwise eligible for this category.~~

(2) The twelve counties with a combination of the next highest unemployment rate and next lowest per capita income are designated ~~underdeveloped~~ ‘Tier III’ counties.

(3) The eleven counties with a combination of the next highest unemployment rate and the next lowest per capita income are designated ~~moderately developed~~ ‘Tier II’ counties.

(4) The eleven counties with a combination of the lowest unemployment rate and the highest per capita income are designated ~~developed~~ ‘Tier I’ counties.

~~(5)(a)~~ ~~A county, any portion of which is located within twenty‑five miles of the boundaries of an applicable military installation or applicable federal facility as defined in Section 12‑6‑3450(1), shall receive the next increased credit designation for five years beginning with the year in which the military installation or federal facility became an applicable military installation or applicable federal facility as defined in Section 12‑6‑3450(1), with the additional requirement that the military installation must have reduced employment on the installation of at least three thousand employees.~~

~~(b)~~ ~~In addition to the designation in subitem (a), a county in which an applicable military installation or applicable federal facility is located is allowed an additional increased credit designation for five years beginning with the year the installation or facility meets the requirements.~~

~~(c)~~ ~~Notwithstanding the designations in Section 12‑6‑3360, Laurens, Cherokee, and Union Counties shall qualify for the next increased credit designation.~~

~~(d)~~ ~~In a county where less than five percent of the work force is in manufacturing, the credit allowed is one tier higher than the credit for which the county would otherwise qualify.~~

~~(e)~~ ~~For a job created in a county that is not traversed by an interstate highway, the credit allowed is one tier higher than the credit for which jobs created in the county would otherwise qualify. This subitem does not apply to a job created in a county eligible for a higher tier pursuant to another provision of this item.~~

~~(f)~~ ~~In a county in which one employer has lost at least 1,500 jobs in a calendar year, the credit allowed is one tier higher than the credit for which the county would otherwise qualify. The one‑tier‑higher credit allowed by this subsection is allowed for five taxable years for jobs created in 2006, 2007, and 2008. This subsection does not apply to a job created in a county eligible for a higher tier pursuant to another provision of this section.~~

~~(g)~~ ~~In a county which is at least one thousand square miles in size and which has had an unemployment rate greater than the state average for the past ten years and an average per capita income lower than the average state per capita income for the past ten years, and which is not included in any of the county classifications contained in subitems (a) through (f) of this item, the credit allowed is two tiers higher than the credit for which the county otherwise would qualify.~~

~~(h)~~ ~~In a county in which one employer has lost at least 1,500 jobs in calendar year 2006, the credit allowed is three tiers higher than the credit for which the county would otherwise qualify. The three‑tier‑higher credit allowed by this subsection is allowed for five taxable years for jobs created in 2007 and 2008. This subsection does not apply to a job created in a county eligible for a higher tier pursuant to another provision of this section.~~

(C)(1) Subject to the conditions provided in subsection (~~N~~M) of this section, a job tax credit is allowed for five years beginning in year two after the creation of the job for each new full‑time job created if the minimum level of new jobs is maintained. The credit is available to taxpayers that increase employment by ten or more full‑time jobs, and no credit is allowed for the year or any subsequent year in which the net employment increase falls below the minimum level of ten. The amount of the initial job credit is as follows:

(a) Eight thousand dollars for each new full‑time job created in ~~distressed~~ ‘Tier IV’ counties.

(b) ~~Four thousand five hundred dollars for each new full‑time job created in least developed counties.~~

~~(c)~~ ~~Three~~ Four thousand ~~five~~ two hundred fifty dollars for each new full‑time job created in ~~under developed~~ ‘Tier III’ counties.

(~~d~~c) Two thousand ~~five~~ seven hundred fifty dollars for each new full‑time job created in ~~moderately developed~~ ‘Tier II’ counties.

(~~e~~d) One thousand five hundred dollars for each new full‑time job created in ~~developed~~ ‘Tier I’ counties.

(2)(a) Subject to the conditions provided in subsection (~~N~~M) of this section, a job tax credit is allowed for five years beginning in year two after the creation of the job for each new full‑time job created if the minimum level of new jobs is maintained. The credit is available to taxpayers with ninety‑nine or fewer employees that increase employment by two or more full‑time jobs, and may be received only if the gross wages of the full‑time jobs created pursuant to this section amount to a minimum of one hundred twenty percent of the county’s or state’s average per capita income, whichever is lower. No credit is allowed for the year or any subsequent year in which the net employment increase falls below the minimum level of two. The amount of the initial job credit is as described in (C)(1).

(b) If the taxpayer with ninety‑nine or fewer employees increases employment by two or more full‑time jobs but the gross wages do not amount to a minimum one hundred twenty percent of the county’s or state’s average per capita income, whichever is lower, then the amount of the initial job credit is as follows:

(i) Four thousand dollars for each new full‑time job created in ~~distressed~~ Tier IV counties.

(ii) ~~Two thousand two hundred fifty dollars for each new full‑time job created in least developed counties.~~

~~(iii)~~ ~~One~~ Two thousand ~~seven~~ one hundred ~~fifty~~ twenty‑five dollars for each new full‑time job created in ~~under developed~~ Tier III counties.

(~~iv~~iii) One thousand ~~two~~ three hundred ~~fifty~~ seventy‑five dollars for each new full‑time job created in ~~moderately developed~~ Tier II counties.

(~~v~~iv) Seven hundred fifty dollars for each new full‑time job created in ~~developed~~ Tier I counties.

(D) If the taxpayer qualifying for the new jobs credit under subsection (C) creates additional new full‑time jobs in years two through six, the taxpayer may obtain a credit for those new jobs for five years following the year in which the job is created. The amount of the credit for each new full‑time job is the same as provided in subsection (C).

(E)(1) Taxpayers which qualify for the job tax credit provided in subsection (C) and which are located in a business or industrial park jointly established and developed by a group of counties pursuant to Section 13 of Article VIII of the Constitution of this State are allowed an additional one thousand dollar credit for each new full‑time job created. This additional credit is permitted for five years beginning in the taxable year following the creation of the job.

(2) Taxpayers which otherwise qualify for the job tax credit provided in subsection (C) and which are located and the qualifying jobs are located on property where a response action has been completed pursuant to a nonresponsible party voluntary cleanup contract pursuant to Article 7, Chapter 56, ~~of~~ Title 44, the Brownfields Voluntary Cleanup Program, are allowed an additional one thousand dollar credit for each new full‑time job created. This additional credit is permitted for five years beginning in the taxable year following the creation of the job. No credit under this item is allowed a taxpayer that is a ‘responsible party’ as defined in that article.

(F)(1) The number of new and additional new full‑time jobs is determined by comparing the monthly average number of full‑time employees subject to South Carolina income tax withholding in the applicable county for the taxable year with the monthly average in the prior taxable year. For purposes of calculating the monthly average number of full‑time employees in the first year of operation in this State, a taxpayer may use the actual months in operation or a full twelve‑month period. If a taxpayer’s business is in operation for less than twelve months a year, the number of new and additional new full‑time jobs is determined using the monthly average for the months the business is in operation.

(2)(a) A taxpayer who makes a capital investment of at least fifty million dollars at a single site within a three‑year period may elect to have the number of new and additional new full‑time jobs determined by comparing the monthly average number of full‑time jobs subject to South Carolina income tax withholding at the site for the taxable year with the monthly average for the prior taxable year.

(b) For purposes of this item, ‘single site’ means a stand‑alone building whether or not several stand‑alone buildings are located in one geographical location.

(c) The calculation of new and additional jobs provided for in this item is allowed for only a five‑year period commencing in the year in which the fifty million dollars of capital investment is completed.

(d) For purposes of this subsection a ‘new job’ does not include a job transferred from one site to another site by the taxpayer or a related person. A related person includes any entity or person that bears a relationship to the taxpayer as set forth in Section 267 of the Internal Revenue Code. ~~However, this exclusion of a new job created by a job transferred from one site to another site does not extend to a job created at a new or expanded facility located in a county in which is located an ‘applicable federal facility’ as defined in Section 12‑6‑3450(A)(1)(b).~~

(G) Except for credits carried forward under subsection (H), the credits available under this section are only allowed for the job level that is maintained in the taxable year that the credit is claimed. If the job level for which a credit was claimed decreases, the five‑year period for eligibility for the credit continues to run.

(H) A credit claimed pursuant to this section but not used in a taxable year may be carried forward for fifteen years from the taxable year in which the credit is earned by the taxpayer. Credits that are carried forward must be used in the order earned and before jobs credits claimed in the current year. A taxpayer who earns credits allowed by this section and who also is eligible for the moratorium provided in Section 12‑6‑3367 may claim the credits and may carry forward unused credits beginning after the moratorium period expires.

(I) The merger, consolidation, or reorganization of a taxpayer, where tax attributes survive, does not create new eligibility in a succeeding taxpayer, but unused job tax credits may be transferred and continued by the succeeding taxpayer subject to the limitations of Section 12‑6‑3320. In addition, a taxpayer may assign its rights to its jobs tax credit to another taxpayer if it transfers all or substantially all of the assets of the taxpayer or all or substantially all of the assets of a trade or business or operating division of a taxpayer related to the generation of the jobs tax credits to that taxpayer if the required number of new jobs is maintained for that amount of credit. A taxpayer is not allowed a jobs tax credit if the net employment increase for that taxpayer falls below two. The appropriate agency shall determine if qualifying net increases or decreases have occurred and may require reports, adopt rules or promulgate regulations, and hold hearings needed for substantiation and qualification.

(J) For a taxpayer which plans a significant expansion in its labor forces at a location in this State, the appropriate agency shall prescribe certification procedures to ensure that the taxpayer can claim credits in future years even if a particular county is removed from the list of ~~distressed, least developed, under developed, or moderately developed~~ ‘Tier IV’, ‘Tier III’, or ‘Tier II’ counties.

(K)(1) An ‘S’ corporation, limited liability company taxed as a partnership, or partnership that qualifies for a credit under this section may pass through the credit earned to each shareholder of the S corporation, partner of the partnership, or member of the limited liability company. For purposes of this subsection, limited liability company means a limited liability company taxed as a partnership.

(2)(a) The amount of the credit allowed a shareholder, partner, or member by this subsection is equal to the shareholder’s percentage of stock ownership, partner’s interest in the partnership, or member’s interest in the limited liability company for the taxable year multiplied by the amount of the credit earned by the entity. This nonrefundable credit is allowed against taxes due under Section 12‑6‑510 or 12‑6‑530 and bank taxes imposed pursuant to Chapter 11 of this title and may not exceed fifty percent of the shareholder’s, partner’s, or member’s tax liability under Section 12‑6‑510 or 12‑6‑530 or bank tax liability imposed pursuant to Chapter 11 of this title.

(b) Notwithstanding subitem (a), the credit earned pursuant to this section by an ‘S’ corporation owing corporate level income tax must be used first at the entity level. Only the remaining credit passes through to each shareholder.

(3) A credit claimed pursuant to this subsection but not used in a taxable year may be carried forward by each shareholder, partner, or member for fifteen years from the close of the tax year in which the credit is earned by the ‘S’ corporation, partnership, or limited liability company. The entity earning the credit may not carry over credit that passes through to its shareholders, partners, or members.

(L) ~~Notwithstanding any other provision of this section, a county with a population under twenty‑five thousand as determined by the most recent United States Census shall receive the next increased credit designation for purposes of the credit allowed by this section.~~

~~(M)~~ As used in this section:

(1) ‘Taxpayer’ means a sole proprietor, partnership, corporation of any classification, limited liability company, or association taxable as a business entity that is subject to South Carolina taxes as contained in Section 12‑6‑510, Section 12‑6‑530, Chapter 11 ~~of~~, Title 12, or Chapter 7 ~~of~~, Title 38.

(2) ‘Appropriate agency’ means the Department of Revenue, except that for taxpayers subject to the premium tax imposed by Chapter 7 ~~of~~, Title 38, it means the Department of Insurance.

(3) ‘New job’ means a job created in this State at the time a new facility or an expansion is initially staffed. Except as otherwise provided in this item, the term does not include a job created when an employee is shifted from an existing location in this State to a new or expanded facility whether the transferred job is from, or to, a facility of the taxpayer or a related person. A related person includes any entity or person that bears a relationship to the taxpayer as described in Section 267 of the Internal Revenue Code. However, this exclusion of a new job created by employee shifting does not extend to a job created at a new or expanded facility located in a county in which is located an ‘applicable federal facility’ as defined in Section 12‑6‑3450(A)(1)(b). The term ‘new job’ also includes an existing job at a facility of an employer which is reinstated after the employer has rebuilt the facility due to:

(a) its destruction by accidental fire, natural disaster, or act of God;

(b) involuntary conversion as a result of condemnation or exercise of eminent domain by the State or any of its political subdivisions or by the federal government.

Destruction for purposes of this provision means that more than fifty percent of the facility was destroyed. For purposes of this section, involuntary conversion as a result of condemnation or exercise of eminent domain includes a legally binding agreement for the purchase of a facility of an employer entered into between an employer and the State of South Carolina or a political subdivision of the State under threat of exercise of eminent domain by the State or its political subdivision.

The year of reinstatement is the year of creation of the job. All reinstated jobs qualify for the credit pursuant to this section, and a comparison is not required to be made between the number of full‑time jobs of the employer in the taxable year and the number of full‑time jobs of the employer with the corresponding period of the prior taxable year.

~~Notwithstanding another provision of law, ‘new job’ includes jobs created by a taxpayer when the taxpayer hires more than five hundred full‑time individuals:~~

~~(a)~~ ~~at a manufacturing facility located in a county classified as distressed;~~

~~(b)~~ ~~immediately before their employment by the taxpayer, the individuals were employed by a company operating, as of the effective date of this paragraph, under Chapter 11 of the United States Bankruptcy Code; and~~

~~(c)~~ ~~the taxpayer, as an unrelated entity, acquires as of March 12, 2004, substantially all of the assets of the company operating under Chapter 11 of the United States Bankruptcy Code.~~

(4) ‘Full‑time’ means a job requiring a minimum of thirty‑five hours of an employee’s time a week for the entire normal year of company operations or a job requiring a minimum of thirty‑five hours of an employee’s time for a week for a year in which the employee was hired initially for or transferred to the South Carolina facility. For the purposes of this section, two half‑time jobs are considered one full‑time job. A ‘half‑time job’ is a job requiring a minimum of twenty hours of an employee’s time a week for the entire normal year of the company’s operations or a job requiring a minimum of twenty hours of an employee’s time a week for a year in which the employee was hired initially for or transferred to the South Carolina facility.

(5) ‘Manufacturing facility’ means an establishment where tangible personal property is produced or assembled.

(6) ‘Processing facility’ means an establishment that prepares, treats, or converts tangible personal property into finished goods or another form of tangible personal property. The term includes a business engaged in processing agricultural, aquacultural, or maricultural products and specifically includes meat, poultry, and any other variety of food processing operations. It does not include an establishment in which retail sales of tangible personal property are made to retail customers.

(7) ‘Warehousing facility’ means an establishment where tangible personal property is stored but does not include any establishment where retail sales of tangible personal property are made to retail customers.

(8) ‘Distribution facility’ means an establishment where shipments of tangible personal property are processed for delivery to customers. The term does not include an establishment where retail sales of tangible personal property are made to retail customers on more than twelve days a year except for a facility which processes customer sales orders by mail, telephone, or electronic means, if the facility also processes shipments of tangible personal property to customers and if at least seventy‑five percent of the dollar amount of goods sold through the facility are sold to customers outside of South Carolina. Retail sales made inside the facility to employees working at the facility are not considered for purposes of the twelve‑day and seventy‑five percent limitation. For purposes of this definition, ‘retail sale’ and ‘tangible personal property’ have the meaning provided in Chapter 36 of this title.

(9) ‘Research and development facility’ means an establishment engaged in laboratory, scientific, or experimental testing and development related to new products, new uses for existing products, or improving existing products. The term does not include an establishment engaged in efficiency surveys, management studies, consumer surveys, economic surveys, advertising, promotion, banking, or research in connection with literary, historical, or similar projects.

(10) ‘Corporate office facility’ means a corporate headquarters that meets the definition of a ‘corporate headquarters’ contained in Section 12‑6‑3410(J)(1). The corporate headquarters of a general contractor licensed by the South Carolina Department of Labor, Licensing and Regulation qualifies even if it is not a regional or national headquarters as those terms are defined in Section 12‑6‑3410(J)(1).

(11) The terms ‘retail sales’ and ‘tangible personal property’ for purposes of this section are defined in Chapter 36 of this title.

(12) ‘Tourism facility’ means an establishment used for a theme park; amusement park; historical, educational, or trade museum; botanical garden; cultural center; theater; motion picture production studio; convention center; arena; auditorium; or a spectator or participatory sports facility; and similar establishments where entertainment, education, or recreation is provided to the general public. Tourism facility also includes new hotel and motel construction, except that to qualify for the credits allowed by this section and regardless of the county in which the facility is located, the number of new jobs that must be created by the new hotel or motel is twenty or more. It does not include that portion of an establishment where retail merchandise or retail services are sold directly to retail customers.

(13) ‘Qualifying service‑related facility’ means:

(a) an establishment engaged in an activity or activities listed under the North American Industry Classification System Manual (NAICS) Section 62, subsectors 621, 622, and 623; or

(b) a business, other than a business engaged in legal, accounting, banking, or investment services or retail sales, which has a net increase of at least:

(i) two hundred fifty jobs at a single location;

(ii) one hundred twenty‑five jobs at a single location and the jobs have an average cash compensation level of more than one and one‑half times the lower of state per capita income or per capita income in the county where the jobs are located;

(iii) seventy‑five jobs at a single location and the jobs have an average cash compensation level of more than twice the lower of state per capita income or per capita income in the county where the jobs are located; or

(iv) thirty jobs at a single location and the jobs have an average cash compensation level of more than two and one‑half times the lower of state per capita income or per capita income in the county where the jobs are located.

A taxpayer shall use the most recent per capita income data available as of the end of the taxable year in which the jobs are filled. Determination of the required number of jobs is in accordance with the monthly average described in subsection (F).

(14) ‘Technology intensive facility’ means:

(a) a facility at which a firm engages in the design, development, and introduction of new products or innovative manufacturing processes, or both, through the systematic application of scientific and technical knowledge. Included in this definition are the following North American Industrial Classification Systems, NAICS, Codes published by the Office of the Management and Budget of the federal government:

(i) 5114 database and directory publishers;

(ii) 5112 software publishers;

(iii) 54151 computer systems design and related services;

(iv) 541511 custom computer programming services;

(v) 541512 computer systems design services;

(vi) 541710 scientific research and development services;

(vii) 9271 space research and technology; or

(b) a facility primarily used for one or more activities listed under the 2002 version of the NAICS Codes 51811 (Internet Service Providers and Web Search Portals).

(15) ‘Extraordinary retail establishment’ as defined in Sections 12‑21‑6520 and 12‑21‑6590.

(~~N~~M) Except for employees employed in ~~distressed~~ ‘Tier IV’ counties, the maximum aggregate credit that may be claimed in any tax year for a single employee pursuant to this section and Section 12‑6‑3470(A) is five thousand five hundred dollars.”

SECTION 17. Section 12‑6‑3375 of the 1976 Code, as last amended by Act 386 of 2006, is further amended to read:

“Section 12‑6‑3375. (A)(1) A taxpayer engaged in manufacturing, warehousing, or distribution which uses port facilities in this State and which increases its port cargo volume at these facilities by a minimum of five percent in a single calendar year over its base year port cargo volume is eligible to claim ~~a~~ an income tax credit or a credit against employee withholding in the amount determined by the Coordinating Council for Economic Development (council).

(2) The maximum amount of tax credits allowed to all qualifying taxpayers pursuant to this section may not exceed eight million dollars for each calendar year and credits against employee withholdings may not exceed four million dollars out of eight million dollars. ~~A qualifying taxpayer may not receive more than one million dollars for each calendar year except as provided in subsection (B)(2).~~ The council has sole discretion in allocating the credits provided by this section on a priority basis or such other basis as the board deems appropriate, taking into consideration the following factors:

(a) the amount of base year port cargo volume;

(b) the total and percentage increase in port cargo volume;

(c) the number of qualifying taxpayers;

(d) the type of cargo transported; and

(e) other factors related to the economic benefit of the State, as determined by the council.

(3) If the credit exceeds the taxpayer’s tax liability for the taxable year, the excess amount may be carried forward and claimed against income taxes in the next five succeeding taxable years.

(4) The credit may be claimed by the taxpayer as provided in subsection (A)(1) only if the taxpayer owns the cargo at the time the port facilities are used.

(B)(1) For every year in which a taxpayer claims the credit, the taxpayer shall submit an application to the council ~~by March first of the calendar year~~ after the calendar year in which the increase in port cargo volume occurs. The council may make allocations of the credit on a monthly, quarterly, or annual basis. The taxpayer shall attach a schedule to the taxpayer’s application to the council with the following information and information requested by the council or the department:

(a) a description of how the base year port cargo volume and the increase in port cargo volume was determined;

(b) the amount of the base year port cargo volume;

(c) the amount of the increase in port cargo volume for the taxable year stated both as a percentage increase and as a total increase in net tons of noncontainerized cargo and TEUs of cargo, including information which demonstrates an increase in port cargo volume in excess of the minimum amount required to claim the tax credits pursuant to this section;

(d) any tax credit utilized by the taxpayer in prior years; and

(e) the amount of tax credit carried over from prior years.

(2) ~~If on March fifteenth of each year, the eight‑million‑dollar amount of credit is not fully allocated among qualifying taxpayers, then those taxpayers who have been allocated the maximum one million dollar credit for a year must be allowed a pro rata share of the remaining allocated credit up to eight million dollars.~~

~~(3)~~ To receive the credit the taxpayer shall claim the credit on its income tax or withholding return in a manner prescribed by the department. The department may require a copy of the certification form issued by the council be attached to the return or otherwise provided.

(C) As used in this section:

(1) ‘TEU’ means a ‘twenty‑foot equivalent unit’; a volumetric measure based on the size of a container twenty feet long by eight feet wide by eight feet, six inches high.

(2) ‘Base year port cargo volume’ initially means the total amount of net tons of noncontainerized cargo or TEUs of cargo actually transported by way of a waterborne ship through a port facility during the period from January 1, ~~2005~~ 2009, through December 31, ~~2005~~ 2009. Base year port cargo volume must be at least seventy‑five net tons of noncontainerized cargo or ten TEUs for a taxpayer to be eligible for the credits provided in this section. For a taxpayer that does not ship that amount in the year ending December 31, ~~2005~~ 2009, including a taxpayer who locates in South Carolina after December 31, ~~2005~~ 2009, its base cargo volume will be measured by the initial January first through December thirty‑first calendar year in which it meets the requirements of seventy‑five net tons of noncontainerized cargo or ten loaded TEUs. Base year port cargo volume must be recalculated each calendar year after the initial base year.

(3) ‘Port facility’ means any publicly or privately owned facility located within this State through which cargo is transported by way of a waterborne ship or vehicle to or from destinations outside this State and which handles cargo owned by third parties in addition to cargo owned by the port facility’s owner.

(4) ‘Port cargo volume’ means the total amount of net tons of noncontainerized cargo or containers measured in twenty‑foot equivalent units (TEUs) of cargo transported by way of a waterborne ship or vehicle through a port facility.

(D) The council may annually award up to one million dollars of the eight million dollars of credits to a new warehouse or distribution facility which commits to expending at least forty million dollars at a single site and creating one hundred new full‑time jobs, and the base year cargo provisions contained in this section do not apply. The council may make the award in the year the facility is announced provided that it may not tender the certificate until it has received satisfactory proof that the capital investment and job creation requirements have, or will be, satisfied. Any credit certificate expires three years after issuance if satisfactory proof has not been received.

(~~D~~E) Notwithstanding Section 12‑54‑240, the department and the Department of Commerce may exchange information submitted by a taxpayer pursuant to this section.”

SECTION 18. Section 12‑20‑105 of the 1976 Code, as last amended by Act 313 of 2008, is further amended to read:

“Section 12‑20‑105. (A) Any company subject to a license tax under Section 12‑20‑100 may claim a credit against its license tax liability for amounts paid in cash to provide infrastructure for an eligible project.

(B)(1) To be considered an eligible project for purposes of this section, the project must qualify for income tax credits under Chapter 6, Title 12, withholding tax credit under Chapter 10, Title 12, income tax credits under Chapter 14, Title 12, or fees in lieu of property taxes under either Chapter 12, Title 4, Chapter 29, Title 4, or Chapter 44, Title 12.

(2) If a project ~~consists of~~ is located in an office, business, commercial, or industrial park, or combination of these, is used exclusively for economic development ~~which~~ and is owned or constructed by a county ~~or~~, political subdivision, or agency of this State when the qualifying improvements are paid for, the project does not have to meet the qualifications of item (1) to be considered an eligible project. As provided in subsection (C)(4), the county or political subdivision may sell all or a portion of the business or industrial park.

(C) For the purpose of this section, ‘infrastructure’ means improvements for water, wastewater, hydrogen fuel, sewer, gas, steam, electric energy, and communication services made to a building or land that are considered necessary, suitable, or useful to an eligible project. These improvements include, but are not limited to:

(1) improvements to both public or private water and sewer systems;

(2) improvements to both public or private electric, natural gas, and telecommunications systems including, but not limited to, ones owned or leased by an electric cooperative, electric utility, or electric supplier, as defined in Chapter 27, Title 58;

(3) fixed transportation facilities including highway, road, rail, water, and air;

(4) for a qualifying project under subsection (B)(2), infrastructure improvements include shell buildings, incubator buildings whose ownership is retained by the county, political subdivision, or agency of the State and the purchase of land for an office, business, commercial, or industrial park, or combination of these, used exclusively for economic development which is owned or constructed by a county ~~or~~, political subdivision, or agency of this State. The county ~~or~~, political subdivision, or agency may sell the shell building or all or a portion of the park at any time after the company has paid in cash to provide the infrastructure for an eligible project; and

(5) for a qualifying project pursuant to subsection (B)(2), infrastructure improvements also include due diligence expenditures relating to environmental conditions made by a county or political subdivision after it has acquired contractual rights to an industrial park. Due diligence expenditures include such items as Phase I and II studies and environmental or archeological studies required by state or federal statutes or guidelines or similar lender requirements. Contractual rights include options to purchase real property or other similar contractual rights acquired before the county or political subdivision files a deed to the property with the Register of Mesne Conveyances.

(D) A company is not allowed the credit provided by this section for actual expenses it incurs in the construction and operation of any building or infrastructure it owns, leases, manages, or operates.

(E) The maximum aggregate credit that may be claimed in any tax year by a single company is three hundred thousand dollars.

(F) The credits allowed by this section may not reduce the license tax liability of the company below zero. If the applicable credit originally earned during a taxable year exceeds the liability and is otherwise allowable under subsection (D), the amount of the excess may be carried forward to the next taxable year.

(G) For South Carolina income tax and license purposes, a company that claims the credit allowed by this section is ineligible to claim the credit allowed by Section 12‑6‑3420.

(H) By March first of each year, the Department of Revenue shall issue a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Secretary of the Department of Commerce outlining the history of the credit allowed pursuant to this section. The report shall include the amount of credit allowed pursuant to this section and the types of infrastructure provided to eligible projects.”

SECTION 19. Section 12‑10‑80 of the 1976 Code, as last amended by Act 352 of 2008, is further amended to read:

“Section 12‑10‑80. (A) A business that qualifies pursuant to Section 12‑10‑50(A) and has certified to the council that the business has met the minimum job requirement and minimum capital investment provided for in the revitalization agreement may claim job development credits as determined by this section.

(1) A business may claim job development credits against its withholding on its quarterly state withholding tax return for the amount of job development credits allowable pursuant to this section.

(2) A business that is current with respect to its withholding tax and other tax due and owing the State and that has maintained its minimum employment and investment levels identified in the revitalization agreement may claim the credit on a quarterly basis beginning with the first quarter after the council’s certification to the department that the minimum employment and capital investment levels were met for the entire quarter. If a qualifying business is not current as to all taxes due and owing to the State as of the date of the return on which the credit would be claimed, without regard to extensions, the business may claim the credit only in an amount reduced by the amount of taxes due and owing to the State as of the date of the return on which the credit is claimed.

(3) A qualifying business may claim its initial job development credit only after the council has certified to the department that the qualifying business has met the required minimum employment and capital investment levels.

(4) To be eligible to apply to the council to claim a job development credit, a qualifying business shall create at least ten new, full‑time jobs, as defined in Section 12‑6‑3360(~~M~~L), at the project described in the revitalization agreement within five years of the effective date of the agreement.

(5) A qualifying business is eligible to claim a job development credit pursuant to the revitalization agreement for not more than fifteen years.

(6) A company’s job development credits shall be suspended during any quarter in which the company fails to maintain one hundred percent of the minimum job requirement set forth in the company’s revitalization agreement. A company only may claim credits on jobs, including a range of jobs approved by the council, as set forth in the company’s final revitalization agreement.

(7) Credits may be claimed beginning the quarter subsequent to the council’s approval of the company’s documentation that the minimum jobs and capital investment requirements have been met.

(~~6~~8) To the extent any return of an overpayment of withholding that results from claiming job development credits is not used as permitted by subsection (C) or by Section 12‑10‑95, it must be treated as misappropriated employee withholding.

(~~7~~9) Job development credits may not be claimed for purposes of this section with regard to an employee whose job was created in this State before the taxable year of the qualifying business in which it enters into a preliminary revitalization agreement.

(~~8~~10) If a qualifying business claims job development credits pursuant to this section, it shall make its payroll books and records available for inspection by the council and the department at the times the council and the department request. Each qualifying business claiming job development credits pursuant to this section shall file with the council and the department the information and documentation requested by the council or department respecting employee withholding, the job development credit, and the use of any overpayment of withholding resulting from the claiming of a job development credit according to the revitalization agreement.

(~~9~~11) Each qualifying business claiming in excess of ten thousand dollars in a calendar year must furnish to the council and to the department a report that itemizes the sources and uses of the funds. The report must be filed with the council and the department no later than June thirtieth following the calendar year in which the job development credits are claimed, except when a qualifying business obtains the written approval by the council for an extension of that date. Extensions may be granted only for good cause shown. The department shall impose a penalty pursuant to Section 12‑54‑210 for all reports filed after June thirtieth or the approved extension date, whichever is later. The department shall audit each qualifying business with claims in excess of ten thousand dollars in a calendar year at least once every three years to verify proper sources and uses of the funds.

(~~10~~12) Each qualifying business claiming ten thousand dollars or less in any calendar year must furnish a report prepared by the company that itemizes the sources and uses of the funds. This report must be filed with the council and the department no later than June thirtieth following the calendar year in which the job development credits are claimed, except when a qualifying business obtains the written approval by the council for an extension of that date. Extensions may be granted only for good cause shown. The department shall impose a penalty pursuant to Section 12‑54‑210 for all reports filed after June thirtieth or the approved extension date, whichever is later.

(~~11~~13) An employer may not claim an amount that results in an employee’s receiving a smaller amount of wages on either a weekly or on an annual basis than the employee would receive otherwise in the absence of this chapter.

(B)(1) The maximum job development credit a qualifying business may claim for new employees is limited to the lesser of withholding tax paid to the State on a quarterly basis or the sum of the following amounts:

(a) two percent of the gross wages of each new employee who earns ~~$6.95~~ $8.74 or more an hour but less than ~~$9.27~~ $11.64 an hour;

(b) three percent of the gross wages of each new employee who earns ~~$9.27~~ $11.65 or more an hour but less than ~~$11.58~~ $14.55 an hour;

(c) four percent of the gross wages of each new employee who earns ~~$11.58~~ $14.56 or more an hour but less than ~~$17.38~~ $21.84 an hour; and

(d) five percent of the gross wages of each new employee who earns ~~$17.38~~ $21.85 or more an hour.

(2) The hourly gross wage figures in item (1) must be adjusted annually by an inflation factor determined by the State Budget and Control Board.

(C) To claim a job development credit, the qualifying business must incur qualified expenditures at the project or for utility or transportation improvements that serve the project. To be qualified, the expenditures must be:

(1) incurred during the term of the revitalization agreement, including a preliminary revitalization agreement, or within sixty days before council’s receipt of an application for benefits pursuant to this section;

(2) authorized by the revitalization agreement; and

(3) used for any of the following purposes:

(a) training costs and facilities;

(b) acquiring and improving real ~~estate~~ property whether constructed or acquired by purchase, or in cases approved by the council, acquired by capital or operating lease with at least a five‑year term or otherwise;

(c) improvements to both public and private utility systems including water, sewer, electricity, natural gas, and telecommunications;

(d) fixed transportation facilities including highway, rail, water, and air;

(e) construction or improvements of real property and fixtures constructed or improved primarily for the purpose of complying with local, state, or federal environmental laws or regulations;

(f) employee relocation expenses ~~associated with new or expanded qualifying service‑related facilities as defined in Section 12‑6‑3360(M)(13) or new or expanded technology intensive facilities as defined in Section 12‑6‑3360(M)(14) or relocation expenses associated with new national, regional, or global headquarters as defined in Section 12‑6‑3410(J)(1)(a) or relocation expenses associated with an expanded research and development facility to include personnel and laboratory research and development equipment~~, but only for those employees to whom the company is paying gross wages at least two times the lower of the per capita income for either the state or the county in which the project is located;

(g) financing the costs of a purpose described in items (a) through (f);

(h) training for all relevant employees that enable a company to export or increase a company’s ability to export its products, including training for logistics, regulatory, and administrative areas connected to the company’s export process and other export process training that allows a qualified company to maintain or expand its business in this State;

(i) apprenticeship programs;

(j) quality improvement programs of the South Carolina Quality Forum.

(D)(1) The amount of job development credits a qualifying business may claim for its use for qualifying expenditures is limited according to the designation of the county as defined in Section 12‑6‑3360(B), as follows:

(a) one hundred percent of the maximum job development credits may be claimed by businesses located in counties designated as ~~distressed or least developed~~ ‘Tier IV’;

(b) eighty‑five percent of the maximum job development credits may be claimed by businesses located in counties designated as ‘~~underdeveloped~~ Tier III’;

(c) seventy percent of the maximum job development credits may be claimed by businesses located in counties designated as ‘~~moderately developed~~ Tier II’; or

(d) fifty‑five percent of the maximum job development credits may be claimed by businesses located in counties designated as ‘~~developed~~ Tier I’.

(2) The amount that may be claimed as a job development credit by a qualifying business is limited by this subsection and by the revitalization agreement. The council may approve a waiver of ninety‑five percent of the limits provided in item (1) for:

(a) a significant business; and

(b) a related person to a significant business if the related person is located at the project site of the significant business and qualifies for job development credits pursuant to this chapter.

For purposes of this item, a related person includes any entity or person that bears a relationship to a significant business as provided in Internal Revenue Code Section 267 and includes, without limitation, a limited liability company of which more than fifty percent of the capital interest or profits is owned directly or indirectly by a significant business or by a person or entity, or group of persons or entities which owns, more than fifty percent of the capital interest or profits in the significant business.

(3) The county designation of the county in which the project is located on the date the application for job development credit incentives is received in the Office of the Coordinating Council remains in effect for the entire period of the revitalization agreement, except as to additional jobs created pursuant to an amendment to a revitalization agreement entered into before June 1, 1997, as provided in Section 12‑10‑60. In that case the county designation on the date of the amendment remains in effect for the remaining period of the revitalization agreement as to any additional jobs created after the effective date of the amendment. ~~This item does not apply to a business whose application for job development fees or credits pursuant to Section 12‑10‑81 has been approved by council before the effective date of this act.~~

(E) The council shall certify to the department the maximum job development credit for each qualifying business. After receiving certification, the department shall remit an amount equal to the difference between the maximum job development credit and the job development credit actually claimed to the State Rural Infrastructure Fund as defined and provided in Section 12‑10‑85.

(F) Any job development credit of a qualifying business permanently lapses upon expiration or termination of the revitalization agreement. If an employee is terminated, the qualifying business immediately must cease to claim job development credits as to that employee.

(G) For purposes of the job development credit allowed by this section, an employee is a person whose job was created in this State.

(H) Job development credits may not be claimed by a governmental employer who employs persons at a closed or realigned military installation as defined in Section 12‑10‑88(E).

(I) A taxpayer who qualifies for the job development credit pursuant to the provisions of this section and who is located in a multicounty business or industrial park jointly established pursuant to Section 13 of Article VIII of the Constitution of this State is allowed a job development credit equal to the amount allowed pursuant to subsection (D) for the designation of the county which has the lowest development status of the counties containing the park if:

(1) the park is developed and established on the geographical boundary of adjacent counties; and

(2) the written agreement, pursuant to Section 4‑1‑170, requires revenue from the park to be allocated to each county on an equal basis.

(J) Where the qualifying business that creates new jobs under this section is a qualifying service‑related facility as defined in Section 12‑6‑3360~~(M)~~(L)(13), the determination of the number of jobs created must be based on the total number of new jobs created within five years of the effective date of the revitalization agreement, without regard to monthly or other averaging.”

SECTION 20. Section 12‑14‑20 of the 1976 Code is amended to read:

“Section 12‑14‑20. It is the purpose of this chapter to establish a program of providing tax incentives for the creation of ~~economic impact zones~~ capital investment in order:

(1) to revitalize ~~economically and physically distressed areas impacted as a result of the closing or realignment of a federal military installation area~~ capital investment in this State, primarily by encouraging the formation of new businesses and the retention and expansion of existing businesses; and

(2) to promote meaningful employment ~~for economic impact zone residents; and~~

~~(3)~~ ~~to encourage individuals to reside in the economic impact zones in which they are employed~~.”

SECTION 21. Section 12‑14‑60 of the 1976 Code, as last amended by Act 113 of 2005, is further amended to read:

“Section 12‑14‑60. (A)(1) There is allowed an ~~economic impact zone~~ investment tax credit against the tax imposed pursuant to Chapter 6 of this title for any taxable year in which the taxpayer places in service ~~economic impact zone~~ qualified manufacturing and productive equipment property.

(2) The amount of the credit allowed by this section is equal to the aggregate of:

three‑year property ~~one~~ one‑half percent of total aggregate bases for all three‑year property that qualifies;

five‑year property ~~two~~ one percent of total aggregate bases for all five‑year property that qualifies;

seven‑year property ~~three~~ one and one‑half percent of total aggregate bases for all seven‑yearproperty that qualifies;

ten‑year property ~~four~~ two percent of total aggregate bases for all ten‑year property that qualifies;

fifteen‑year property ~~five~~ two and one‑half percent of total aggregate bases for all or greater fifteen‑year or greater property that qualifies.

For purposes of this section, whether property is three‑year property, five‑year property, seven‑year property, ten‑year property, or fifteen‑year property is determined based on the applicable recovery period for such property under Section 168(e) of the Internal Revenue Code.

(B) For purposes of this section:

(1) ‘~~economic impact zone~~ qualified manufacturing and productive equipment property’ means any property:

(a) which is used as an integral part of manufacturing or production, or used as an integral part of extraction of or furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services in the economic impact zone;

(b) which is tangible property to which Section 168 of the Internal Revenue Code applies;

(c) which is Section 1245 property (as defined in Section 1245(a)(3)of the Internal Revenue Code); and

(d)(i) the construction, reconstruction, or erection of which is completed by the taxpayer in ~~the economic impact zone~~ this State; or

(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer inside ~~the economic impact zone~~ this State.

(2) In the case of any computer software which is used to control or monitor a manufacturing or production process inside ~~the economic impact zone~~ this State and with respect to which depreciation (or amortization in lieu of depreciation) is allowable, the software must be treated as qualified manufacturing and productive equipment property.

(C) This section does not apply to any property to which the other tax credits would apply unless the taxpayer elects to waive the application of the other credits to the property.

(D)(1) Unused credit allowed pursuant to this section may be carried forward for ten years from the close of the tax year in which the credit was earned.

(2) In the case of credit unused within the initial ten‑year period, a taxpayer may continue to carry forward unused credits for use in any subsequent tax years if the taxpayer:

(a) is engaged in this State in an activity or activities listed under the North American Industry Classification System Manual (NAICS) Section 31, 32, or 33;

(b)(i) is employing one thousand or more full‑time workers in this State and having a total capital investment in this State of not less than five hundred million dollars; or

(ii) is employing eight hundred fifty or more full‑time workers in this State and having a total capital investment in this State of not less than seven hundred fifty million dollars; and

(c) made a total capital investment of not less than fifty million dollars in the previous five years.

Credits carried forward beyond the initial ten‑year period may not reduce a taxpayer’s state income tax liability in any subsequent tax year by more than twenty‑five percent.

(E) If during any taxable year and before the end of applicable recovery period for such property as determined under Section 168(e) of the Internal Revenue Code, the taxpayer disposes of or removes from ~~the economic impact zone, economic impact zone~~ this State qualified manufacturing and productive equipment property, then the tax due under Chapter 6 by the taxpayer for the current taxable year must be increased by an amount of any credit claimed in prior years with respect to such property determined by assuming the credit is earned ratably over the useful life of the property and recapturing pro rata the unearned portion of the credit.

(F) For South Carolina income tax purposes, the basis of the ~~economic impact zone~~ qualified manufacturing and productive equipment property must be reduced by the amount of any credit claimed with respect to the property. If a taxpayer is required to recapture the ~~economic impact zone~~ investment tax credit in accordance with subsection (E), the taxpayer may increase the basis of the property by the amount of any basis reduction attributable with claiming the ~~economic impact zone~~ investment tax credit in prior years. The basis must be increased in the year in which the credit is recaptured.

(G) ~~Credits claimed under this section for taxable years beginning after 1997 for investments made before July 1, 1998, may not reduce a taxpayer’s state income tax liability by more than fifty percent.~~

~~(H)~~ The credit allowed by this section for investments made after June 30, 1998, is limited to no more than five million dollars for an entity subject to the license tax as provided in Section 12‑20‑100.

~~(I)~~ ~~Notwithstanding any amendments to Section 12‑14‑60 of the 1976 Code enacted in the 1998 session of the General Assembly reducing the percentage amount of the economic impact zone investment tax credit or otherwise reducing the amount of the credit allowed, in the case of investments at a project operated by a company pursuant to a revitalization agreement entered into between the company and the South Carolina Advisory Council for Economic Development effective on or before July 1, 1996, the provisions of Section 12‑14‑60 in existence prior to the 1998 amendment shall apply.~~”

SECTION 22. Section 12‑6‑3631 of the 1976 Code, as amended by Act 261 of 2008, is further amended to read:

“Section 12‑6‑3631. (A) For taxable years beginning after 2007, and before 2012, a taxpayer is allowed a credit against the income tax imposed pursuant to this chapter for qualified expenditures for research and development.

(B) For purposes of this section:

(1) ‘Qualified expenditures for research and development’ means expenditures to develop feedstocks and processes for cellulosic ethanol, waste grease‑derived biodiesel, and for algae‑derived biodiesel, including:

(a) enzymes and catalysts involving cellulosic ethanol, waste grease‑derived biodiesel, and algae‑derived biodiesel;

(b) best and most cost efficient feedstocks for South Carolina; or

(c) product and development, including cellulosic ethanol, waste grease‑derived biodiesel, or algae‑derived biodiesel products.

(2) ‘Cellulosic ethanol’ means fuel from ligno‑cellulosic materials, including wood chips derived from noncommercial sources, corn stover, and switchgrass.

(C) The credit is equal to twenty‑five percent of qualified expenditures for research and development, except for expenditures related to waste grease‑derived biodiesel, which credit is equal to ten percent. A taxpayer’s total credit in all years, for all expenditures allowed pursuant to this section, must not exceed one hundred thousand dollars. Unused credits may be carried forward for five years after the tax year in which a qualified expenditure was made. The credit is nonrefundable.

(D) Expenditures qualifying for a tax credit allowed by this section must be certified by the State Energy Office. The State Energy Office may consult with the Department of Agriculture and the South Carolina Institute for Energy Studies on standards for certification.

(E)(1) To obtain the maximum amount of the credit available to a taxpayer, each taxpayer must submit a request for the credit to the State Energy Office by January thirty‑first for qualifying research expenses incurred in the previous calendar year and the State Energy Office must notify the taxpayer that the submitted expenditures qualify for the credit and the amount of credit allocated to such taxpayer by March first of that year. A taxpayer may claim the maximum amount of the credit for its taxable year which contains the December thirty‑first of the previous calendar year. The Department of Revenue may require any documentation that it deems necessary to administer the credit.

(2) For the state’s fiscal year beginning July 1, 2008, the maximum amount of the credit is to be determined based on an eighteen‑month period beginning July 1, 2008, through December 31, 2009. Applications are to be made by January 31, 2010, for the previous eighteen‑month period commencing July 1, 2008, and ending December 31, 2009. A taxpayer allocated a credit for this eighteen‑month period may claim the credit for its tax year which contains December 31, 2009.

(3) To the extent the maximum amount of the credit contained in this section is repealed, the elimination of the maximum amount shall be seen as the last expression of the legislature and to the extent any language in this act conflicts with that repeal, it shall be considered null and void.”

SECTION 23. Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3588. (A) The General Assembly has determined to enact the ‘South Carolina Renewable Energy Tax Incentive Program’ as contained in this section to encourage business investment that will produce high quality employment opportunities and enhance this State’s position as a center for production and use of renewable energy products. The program accomplishes this goal by providing tax incentives to companies in the solar, wind, geothermal, and other renewable energy industries who are expanding or locating in South Carolina.

(B) As used in this section:

(1) ‘Capital investment’ means an expenditure to acquire, lease, or improve property that is used in operating a business, including land, buildings, machinery, and fixtures.

(2) ‘Manufacturing’ means fabricating, producing, or manufacturing raw or unprepared materials into usable products, imparting new forms, qualities, properties, and combinations. Manufacturing does not include generating electricity for off‑site consumption.

(3) ‘Qualifying investment’ means investment in land, buildings, machinery, and fixtures for expansion of an existing facility or establishment of a new facility in this State. Qualifying investment does not include relocating an existing facility in this State to another location in this State without additional capital investment.

(4) ‘Renewable energy operations’ are limited to manufacturers of systems and components that are used or useful in manufacturing renewable energy equipment for the generation, storage, testing and research and development, and transmission or distribution of electricity from renewable sources, including specialized packaging for the renewable energy equipment manufactured at the facility.

(C) A business or corporation meeting the requirements of this section beginning in 2010 is eligible to receive a ten percent nonrefundable income tax credit of the cost of the company’s total qualifying investments in plant and equipment in this State for renewable energy operations.

(D) The business or corporation must:

(1) manufacture renewable energy systems and components in South Carolina for solar, wind, geothermal, or other renewable energy uses in order to be eligible for the tax credit authorized by this section;

(2) invest at least five hundred million dollars in the year the tax credit is claimed in new qualifying plant and equipment; and

(3) have created one and one‑half full‑time jobs for every five hundred thousand dollars of capital investment qualifying for the credit that each pays at least one hundred twenty‑five percent of this State’s average annual median wage as defined by the Department of Commerce.

(E) The income tax credit program is for a five‑year period beginning January 1, 2010, and ending December 31, 2015.

(F) A taxpayer may separately qualify for new facilities in separate locations or for separate expansions of existing facilities located in this State.

(G) A taxpayer’s total credit for all expenditures allowed pursuant to this section must not exceed five hundred thousand dollars for any year and five million dollars total for all years. Unused credits may be carried forward for fifteen years after the tax year in which a qualified expenditure was made. The credit is nonrefundable.

(H) Expenditures qualifying for a tax credit allowed by this section must be certified by the State Energy Office. The State Energy Office may consult with appropriate state and federal officials on standards for certification.

(I) To obtain the amount of the credit available to a taxpayer, each taxpayer must submit a request for the credit to the State Energy Office by January thirty‑first for qualifying expenses incurred in the previous calendar year and the State Energy Office must notify the taxpayer that the submitted expenditures qualify for the credit and the amount of credit allocated to such taxpayer by March first of that year. A taxpayer may claim the maximum amount of the credit for its taxable year which contains the December thirty‑first of the previous calendar year. The Department of Commerce must certify to the State Energy Office that the taxpayer has met the job creation requirements of subsection (D)~~(4)~~.

(J) The credits authorized by this section are in lieu of any other applicable income tax credits or abatements allowed by state law, and in the event of an overlap or conflict in available credits or abatements to a taxpayer, the taxpayer must select the credit or abatement he desires in the manner prescribed by the Department of Revenue to the extent the credits or abatements conflict or overlap.”

SECTION 24. Section 12‑15‑10 of the 1976 Code, as added by Act 187 of 2004, is amended to read:

“Section 12‑15‑10. This chapter may be cited as the South Carolina Life Sciences and Renewable Energy Manufacturing Act.”

SECTION 25. Section 12‑15‑20 of the 1976 Code, as added by Act 187 of 2004, is amended to read:

“Section 12‑15‑20. (A) For purposes of this chapter, a ‘life sciences facility’ means a business engaged in pharmaceutical, medicine, and related laboratory instrument manufacturing, processing, or research and development. Included in this definition are the following North American Industrial Classification Systems, NAICS Codes published by the Office of Management and Budget of the federal government:

(1) 3254 Pharmaceutical and Medical Manufacturing;

(2) 334516 Analytical Laboratory Instrument Manufacturing.

(B) A ‘renewable energy manufacturing facility’ means a business which manufactures qualifying machinery and equipment for use by solar and wind turbine energy producers. It also includes a facility manufacturing qualifying advanced lithium ion, or other batteries for the alternative energy motor vehicles described in Section 12‑6‑3377 or other vehicles certified by the South Carolina Energy Office. The South Carolina Energy Office shall qualify a facility as a Renewable Energy Manufacturing Facility and the South Carolina Energy Office’s decision is determinative as to whether a facility qualifies under this subsection.”

SECTION 26. Section 12‑15‑30 of the 1976 Code, as added by Act 187 of 2004, is amended to read:

“Section 12‑15‑30. (1) For all purposes of Chapter 10, Title 12 of the 1976 Code, the Enterprise Zone Act of 1995, including all definitions applicable to that chapter:

(a) Employee relocation expenses that qualify for reimbursement pursuant to Section 12‑10‑80(C)(3)(f) ~~of the 1976 Code~~ include such expenses associated with a new or expanded ~~life sciences~~ facility qualifying under Section 12‑15‑20 investing a minimum of one hundred million dollars in the project, as defined in Section 12‑10‑30(8) of the 1976 Code, and creating at least two hundred new full‑time jobs at the project with an average annual cash compensation of at least one hundred fifty percent of annual per capita income in this State or the county in which the facility is located, whichever is less. Per capita income must be determined using the most recent per capita income data available as of the end of the taxable year in which the jobs are filled.

(b) The waiver that may be approved by the Coordinating Council for Economic Development pursuant to Section 12‑10‑80(D)(2) ~~of the 1976 Code~~ on maximum job development credits that may be claimed also may be approved for a ~~life sciences~~ facility meeting the requirements of subitem (1)(a) of this section. In determining whether to approve a waiver for such a facility, the Coordinating Council for Economic Development shall consider the creditworthiness of the business and economic viability of the project, as defined in Section 12‑10‑30(8) ~~of the 1976 Code~~.

(2) The provisions of item (1) of this section apply with respect to capital investment made and new jobs created after June 30, ~~2004~~ 2010, and before July 1, ~~2008~~ 2014.”

SECTION 27. Section 12‑15‑40 of the 1976 Code, as added by Act 187 of 2004, is amended to read:

“Section 12‑15‑40. In the case of a taxpayer establishing a ~~life sciences~~ facility meeting the requirements of subitem (1)(a) of Section ~~13‑23‑30~~ 12‑15‑20, the South Carolina Department of Revenue, in its discretion, may enter into an agreement with the taxpayer pursuant to Section 12‑6‑2320 ~~of the 1976 Code~~ for a period not to exceed fifteen years if the facility otherwise meets the requirements of that section.”

SECTION 28. Section 12‑37‑930 35. of the 1976 Code, as added by Act 187 of 2004, is amended to read:

“35. Life sciences and renewable energy manufacturing…...20%

Includes machinery and equipment used directly in the manufacturing process by a life sciences or renewable energy manufacturing facility. For purposes of this item, ~~life sciences~~ a qualifying facility means a business engaged in pharmaceutical, medicine, and related laboratory instrument manufacturing, processing, or research and development, or that manufactures qualifying machinery and equipment for use by solar and wind turbine energy producers, as well as manufacturers of qualifying batteries for alternative energy motor vehicles, that invests a minimum of one hundred million dollars in the project, as defined in Section 12‑10‑30(8), and creates at least two hundred new full‑time jobs at the project with an average cash compensation level of at least one hundred ~~and~~ fifty percent of the annual per capita income in this State or the county in which the facility is located, whichever is less. Per capita income must be determined using the most recent per capita income data available as of the end of the taxable year in which the jobs are filled. Included in this definition are the following North American Industrial Classification Systems, NAICS Codes published by the Office of Management and Budget of the federal government:

(i) 3254 Pharmaceutical and Medical Manufacturing;

(ii) 334516 Analytical Laboratory Instrument Manufacturing.”

SECTION 29. Section 12‑28‑2910 of the 1976 Code, as last amended by Act 176 of 2005, is further amended by adding:

“(E) From the amount set aside pursuant to subsection (A), the council is authorized to expend funds which were not obligated or committed as of July first of the current fiscal year only as necessary for the location or expansion of an industry or business facility in South Carolina. Eligible expenditures include water and sewer projects, road or rail construction and improvement projects, land acquisition, fiber‑optic cable, relocation of new employees, pollution‑control equipment, environmental testing and related due diligence reports, acquiring and improving real property, and site preparation. Site preparation is defined as surveying, environmental and geotechnical study and mitigation, clearing, filling, and grading. Relocation expenses constitute eligible expenditures only for those employees to whom the company is paying gross wages at least two times the lower of the per capita income for either the State or the county in which the project is located. The Coordinating Council annually shall prepare a detailed report for submission to the General Assembly by March fifteenth which itemizes the expenditures from the fund for the preceding calendar year. The report shall include an identification of the following information:

(a) company name or confidential project number;

(b) location of project;

(c) amount of grant award; and

(d) scope of grant award.”

SECTION 30. Section 2‑75‑30 of the 1976 Code, as last amended by Act 355 of 2008, is further amended to read:

“Section 2‑75‑30. (A) There is created the Centers of Excellence Matching Endowment. The endowment must be funded annually by appropriations from the South Carolina Education Lottery Account in an amount equal to thirty million dollars annually, except that endowment appropriations may not be funded until all state‑supported scholarships are fully funded and only if eighty percent of the total state appropriations have been awarded by the review board as of June thirtieth of the previous fiscal year. Three‑quarters of the endowment shall be awarded by the review board in its discretion. One‑quarter of the endowment shall be awarded by the review board pursuant to requests by and recommendations of the Secretary of Commerce as set forth in subsection (C). The total state appropriated funding amount shall include funds that have been returned to the endowment due to a dissolution, withdrawal, or termination of a center of excellence. The fund must be managed by the State Treasurer, subject to awards from the endowment as provided in this chapter. Interest earnings of the endowment must remain in the fund, and may be used at the review board’s discretion for additional state awards. Interest earnings are not considered part of the total state appropriations unless used by the review board for additional state awards.

(B) Except as provided in subsection (C), an endowed chair proposal is considered awarded once a full review process is complete and the review board has voted in an affirmative on each proposal. A full review process shall include the following, but is not limited to:

(1) a technical and scientific review of each proposal. The three research universities shall work with the review board staff to nominate reviewers. The review board staff shall select no fewer than five technical reviewers to review each proposal, and a minimum of three technical and scientific reviews must be received by the review board staff for each proposal. The review board staff shall determine an appropriate number of technical reviewers and scientific and technical reviews. The review board staff shall limit the number of university‑nominated reviewers to two per proposal;

(2) an on‑site review of each proposal. The review board staff shall contract with a minimum of five out‑of‑state expert reviewers, to include individuals with expertise in economic development as well as in appropriate scientific disciplines, to serve on a site review team that shall visit each of the research universities. The review board staff shall determine an appropriate number of expert reviewers. The on‑site review team shall interview relevant investigators and other university personnel regarding proposals and shall have access to collected scientific and technical reviews as well as other materials germane to the proposed projects. The on‑site review team shall evaluate the proposals using an approved set of metrics; each recommendation must include a detailed narrative which explains the on‑site review team’s recommendations; and

(3) a presentation of findings. The on‑site review team shall present its findings to the review board, which shall make final decisions on awards. The on‑site review team shall recommend an appropriate level of funding to achieve successfully the stated goals of each project. The review board shall consider these recommendations in determining award amounts for each project.

(C) The Secretary of Commerce may request that the review board allocate and award, pursuant to Sections 2‑75‑50 and 2‑75‑60, an endowment of up to two million dollars for each significant capital investment committed by a qualified project or industry sector. Upon such request, the review board shall review the requested endowment and may award the endowment upon an affirmative vote. Once allocated, the qualified project or industry sector will have thirty‑six months from the date of allocation to make the significant capital investment. Once the significant capital investment has been made, the Secretary of Commerce shall certify to the review board and the review board shall make awards for one or more endowed professors who will directly support the industry in which the significant capital investment is made. The review board only may make awards from funds appropriated from the South Carolina Lottery account pursuant to this section from Fiscal Year 2011 forward, together with any unallocated funds and any accrued interest earnings which have not already been awarded by the review board, including funds that have been returned to the endowment due to a dissolution, withdrawal, or termination of a center of excellence. A dissolution, withdrawal, or termination of a center of excellence includes the failure of the center to provide the requisite matching funds during the allowable timeframe. For purposes of this subsection:

(i) ‘qualified projects or industries’ are those that have made a significant capital investment in South Carolina after January 1, 2010, in one or more of the following areas: Engineering, Nanotechnology, Biomedical Sciences, Energy Sciences, Environmental Sciences, Information and Management Sciences, Distribution and Logistics Sciences, or any other science, research, development, or industry that creates well‑paying jobs and enhanced economic opportunities for the State as determined by the Secretary of Commerce; and

(ii) ‘significant capital investment’ means at least one hundred million private dollars for a single project or at least five hundred million private dollars for an industry sector. No public funds used to support a qualified project or industry may be included as part of the significant capital investment.

The requirements related to matching funds contained in Sections 2‑75‑50, 2‑75‑90, and 2‑75‑110 shall not apply to these awards. Awards by the review board pursuant to this subsection only may be used to fund new or existing endowed professorships at one or more of the state’s three research universities.”

SECTION 31. Section 2‑75‑10 of the 1976 Code, as last amended by Act 355 of 2008, is further amended to read:

“Section 2‑75‑10. There is created the Research Centers of Excellence Review Board. The review board shall consist of eleven members. Of the eleven members, three must be appointed by the Governor, three must be appointed by the President Pro Tempore of the Senate, three must be appointed by the Speaker of the House of Representatives, one by the Chairman of the Senate Finance Committee, and one by the Chairman of the House Ways and Means Committee. The terms of members are three years and members are eligible to be appointed for no more than two additional terms. Of the members initially appointed by the Governor, the President Pro Tempore, and the Speaker of the House, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, the initial term of each member to be designated by the Governor, President Pro Tempore, and Speaker of the House when making the appointments. The Governor, the President Pro Tempore, and the Speaker of the House shall appoint persons with substantial experience in business, law, accounting, technology, manufacturing, engineering, or other professions and experience which provide an understanding of the purposes of this chapter. The review board shall be responsible for providing annually to the Commission on Higher Education a schedule by which applications for funding are received and awarded on a competitive basis, the awarding of matching funds as provided in Section 2‑75‑60, and for oversight and operation of the fund created by Section 2‑75‑30. Members of the review board shall serve without compensation and must provide an annual report by ~~October 1~~ November thirtieth of each calendar year to the General Assembly as well as the State Budget and Control Board, which shall include an audit performed by an independent auditor. This annual report must include, but not be limited to, a complete accounting for total state appropriations to the endowment and total proposals awarded up to the previous fiscal year.”

SECTION 32. Section 13‑1‑1710 of the 1976 Code, as last amended by an act bearing Ratification Number 253 of 2010, is furtheramended to read:

“Section 13‑1‑1710. There is created the Coordinating Council for Economic Development. The membership consists of the Secretary of Commerce, the Commissioner of Agriculture, the Executive Director of the Department of Employment and Workforce ~~Chairman of the South Carolina Employment Security Commission~~, the Director of the South Carolina Department of Parks, Recreation and Tourism, the Chairman of the State Board for Technical and Comprehensive Education, the Chairman of the South Carolina Ports Authority, the Chairman of the South Carolina Public Service Authority, the Chairman of the South Carolina Jobs Economic Development Authority, the Director of the South Carolina Department of Revenue, and the Chairman of the South Carolina Research Authority. The Secretary of Commerce serves as the chairman of the coordinating council.”

SECTION 33. A. The General Assembly finds that in order to encourage economic development along the channels, canals, and waterways, it is essential to maintain the waterways at appropriate depths and widths. Accordingly, the General Assembly concludes that to avoid deleterious effects on economic development along the waterways of this State, it is necessary to preserve and maintain the waterways of this State, and that the creation of a municipal improvement district to widen and dredge the waterways by issuing bonds payable from assessments on the district is a practical manner in which to do so.

B. Section 5‑37‑35 of the 1976 Code is amended to read:

“Section 5‑37‑35. (A) Notwithstanding the provisions of Section 5‑37‑30, assessments, revenues, or debt service on bonds which may be used under this chapter to fund municipal improvements ~~shall~~ must not impose or be derived from, in whole or in part, a tax or assessment on property not located in the improvement district. Bonds issued pursuant to Section 5‑37‑30, however, may be made payable from assessments imposed on property located in the improvement district, and may be additionally secured, in whole or in part, by the full faith, credit, and taxing power of the municipality, if the governing body of the municipality certifies on the date of issuance of the bonds that the assessments as imposed are sufficient as to both amount and duration to pay all debt service on these bonds as they become due.

(B) The provisions of this section do not apply to projects or undertakings designated by a municipal governing body as a ‘system’ ~~under~~ pursuant to Section 6‑21‑40.”

C. Section 5‑37‑20(2) of the 1976 Code is amended to read:

“(2) ‘Improvements’ include open or covered malls, parkways, parks and playgrounds, recreation facilities, athletic facilities, pedestrian facilities, parking facilities, parking garages, and underground parking facilities, and facade redevelopment, the widening and dredging of existing channels, canals, and waterways used specifically for recreational or other purposes provided that the municipality, the State, or other public entity owns fee simple title or an easement for maintenance in these channels, canals, or waterways, the relocation, construction, widening, and paving of streets, roads, and bridges, including demolition of them, underground utilities, all activities authorized by Chapter 1, ~~of~~ Title 31 (State Housing Law), ~~any~~ a building or other facilities for public use, ~~any~~ a public works eligible for financing ~~under~~ pursuant to the provisions of Section 6‑21‑50, services or functions which a municipality in accordance with state law may by law provide, and all things incidental to the improvements, including planning, engineering, administration, managing, promotion, marketing, and acquisition of necessary easements and land, and may include facilities for lease or use by a private person, firm, or corporation. However, improvements as defined in this chapter must comply with all applicable state and federal laws and regulations governing these activities. ~~Any such~~ These improvements may be designated by the governing body as public works eligible for revenue bond financing pursuant to Section 6‑21‑50, and ~~such~~ these improvements, taken in the aggregate, may be designated by the governing body as a ‘system’ of related projects within the meaning of Section 6‑21‑40. The governing body of a municipality, after due investigation and study, may determine that improvements located outside the boundaries of an improvement district confer a benefit upon property inside an improvement district or are necessary to make improvements within the improvement district effective for the benefit of property inside the improvement district.”

D. Section 5‑37‑40(A)(5) and (B) of the 1976 Code, as last amended by Act 109 of 2005, are further amended to read:

“(5) it would be fair and equitable to finance all or part of the cost of the improvements by an assessment upon the real property within the district, the governing body may establish the area as an improvement district and implement and finance, in whole or in part, an improvement plan in the district in accordance with the provisions of this chapter. However, except in the case of an improvement district in which the sole improvements are the widening and dredging of canals, owner‑occupied residential property which is taxed or will be taxed ~~under~~ pursuant to Section 12‑43‑220(c) must not be included within an improvement district unless the owner at the time the improvement district is created gives the governing body written permission to include the property within the improvement district.

(B) If an improvement district is located in a redevelopment project area created ~~under Title 31,~~ pursuant to Chapter 6, Title 31, the improvement district being created under the provisions of this chapter must be considered to satisfy items (1) through (5) of subsection (A). The ordinance creating an improvement district may be adopted by a majority of council after a public hearing at which the plan is presented, including the proposed basis and amount of assessment, or upon written petition signed by a majority in number of the owners of real property within the district which is not exempt from ad valorem taxation as provided by law. However, except in the case of an improvement district in which the sole improvements are the widening and dredging of canals, owner‑occupied residential property which is taxed or will be taxed ~~under~~ pursuant to Section 12‑43‑220(c) must not be included within an improvement district unless the owner at the time the improvement district is created gives the governing body written permission to include the property within the improvement district.”

E. Section 5‑37‑50 of the 1976 Code, as last amended by Act 109 of 2009, is further amended to read:

“Section 5‑37‑50. The governing body ~~shall~~, by resolution ~~duly~~ adopted, shall describe the improvement district and the improvement plan to be effected ~~therein~~, including ~~any~~ a property within the improvement district to be acquired and improved, the projected time schedule for the accomplishment of the improvement plan, the estimated cost ~~thereof~~ and the amount of ~~such~~ the cost to be derived from assessments, bonds, or other general funds, together with the proposed basis and rates of ~~any~~ assessments to be imposed within the improvement district. However, except in the case of an improvement district in which the sole improvements are the widening and dredging of canals, owner‑occupied residential property which is taxed or will be taxed ~~under~~ pursuant to Section 12‑43‑220(c) must not be included within an improvement district unless the owner at the time the improvement district is created gives the governing body written permission to include the property within the improvement district. ~~Such~~ The resolution ~~shall~~ also shall establish the time and place of a public hearing to be held within the municipality not sooner than twenty days nor more than forty days following the adoption of ~~such~~ the resolution at which ~~any~~ an interested person may attend and be heard either in person or by attorney on ~~any~~ a matter in connection ~~therewith~~ with the improvement district.”

F. Section 5‑37‑100 of the 1976 Code is amended to read:

“Section 5‑37‑100. Not sooner than ten days nor more than one hundred twenty days following the conclusion of the public hearing provided in Section 5‑37‑50, the governing body ~~may~~, by ordinance, may provide for the creation of the improvement district as originally proposed or with ~~such~~ the changes and modifications ~~therein~~ in it as the governing body may determine, and provide for the financing ~~thereof~~ by assessment, bonds, or other revenues as ~~herein~~ provided in this chapter. However, except in the case of an improvement district in which the sole improvements are the widening and dredging of canals, owner‑occupied residential property which is taxed ~~under~~ pursuant to Section 12‑43‑220(c) must not be included within an improvement district unless the owner gives the governing body written permission to include the property within the improvement district. ~~Such~~ The ordinance ~~shall~~ may not become effective until at least seven days after it has been published in a newspaper of general circulation in the municipality. ~~Such~~ The ordinance may incorporate by reference plats and engineering reports and other data on file in the offices of the municipality~~; provided, that~~. The place of filing and reasonable hours for inspection ~~are~~ must be made available to all interested persons.”

SECTION 34. Section 12‑10‑88(C) of the 1976 Code, as last amended by Act 313 of 2008, is further amended to read:

“(C) Redevelopment fees may be remitted to the applicable redevelopment authority for a period beginning with the date that the applicable redevelopment authority first submits the information described in subsection (B) to the department and ending fifteen years later or January 1, ~~2015~~ 2017, whichever occurs last. If the redevelopment authority fails to provide the department with the required statement within the requisite time limits, no redevelopment fees must be remitted for that quarter.”

SECTION 35. Section 6‑1‑530(B)(2) of the 1976 Code is amended to read:

“(2) In a county in which less than nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12‑36‑920, an amount not to exceed ~~twenty~~ fifty percent of the revenue in the preceding fiscal year of the local accommodations tax authorized pursuant to this article may be used for the additional purposes provided in item (1) of this subsection.”

SECTION 36. Section 6‑1‑730(B)(2) of the 1976 Code, as last amended by Act 314 of 2006, is further amended to read:

“(2) In a county in which less than nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12‑36‑920, an amount not to exceed ~~twenty~~ fifty percent of the revenue in the preceding fiscal year of the local hospitality tax authorized pursuant to this article may be used for the additional purposes provided in item (1) of this subsection.”

SECTION 37. Act 150 of 2010 is repealed.

SECTION 38. Sections 12‑6‑3450, 12‑14‑30, 12‑14‑40, 12‑14‑50, and 12‑14‑70 of the 1976 Code are repealed.

SECTION 39. Unless otherwise provided specifically herein, this act takes effect on January 1, 2011, except for SECTION 6, SECTION 8, SECTION 9, SECTION 15, SECTION 25, SECTION 26, SECTION 27, SECTION 28, and SECTIONS 37 and 38 which take effect upon approval by the Governor. /

Amend title to read:

TO ENACT THE “SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010”, INCLUDING PROVISIONS; TO AMEND SECTION 4‑12‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IN LIEU OF TAXES, SO AS TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE, TO REVISE CERTAIN REQUIREMENTS FOR THE FEE IN LIEU AGREEMENT, AND FOR THE MANNER THE FAIR MARKET VALUE MUST BE REPORTED DURING THE TERM OF THE FEE AGREEMENT, TO PROVIDE FOR ADDITIONAL PROPERTY WHICH IS AN EXCEPTION TO PROVISIONS LIMITING PROPERTY NOT QUALIFIED TO BE ECONOMIC DEVELOPMENT PROPERTY; TO AMEND SECTION 4‑29‑67, AS AMENDED, RELATING TO INDUSTRIAL DEVELOPMENT PROJECTS REQUIRING A FEE IN LIEU OF PROPERTY TAXES AGREEMENT, SO AS TO ADD CERTAIN DEFINITIONS, TO FURTHER PROVIDE FOR THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED NUCLEAR PLANT FACILITY, TO PROVIDE FOR THE TIMELINE WHEN THE SPONSOR MUST ENTER INTO AN INITIAL LEASE AGREEMENT WITH THE COUNTY IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY, AND THE TIMELINES WHEN THE SPONSOR MUST MEET MINIMUM INVESTMENT REQUIREMENTS IN THE CASE OF A QUALIFIED NUCLEAR PLANT FACILITY AND PLACE THE PROJECT INTO SERVICE, TO REVISE THE MANNER IN WHICH THE FAIR MARKET VALUE OF THE PROPERTY MUST BE REPORTED DURING THE TERM OF THE FEE AGREEMENT, TO PROVIDE FOR ADDITIONAL PROPERTY WHICH IS AN EXCEPTION TO PROVISIONS LIMITING PROPERTY NOT QUALIFIED TO BE ECONOMIC DEVELOPMENT PROPERTY; TO AMEND SECTION 4‑29‑68, AS AMENDED, RELATING TO SPECIAL SOURCE REVENUE BONDS WHICH MAY BE ISSUED BASED ON THE RECEIPT OF CERTAIN REVENUES, SO AS TO FURTHER PROVIDE FOR WHEN AND UNDER WHAT CIRCUMSTANCES THE AMOUNT OF THE FEE IN LIEU OF TAXES DUE ON THE PERSONAL PROPERTY MUST BE DUE WHEN PERSONAL PROPERTY IS REMOVED FROM THE PROJECT; TO AMEND SECTION 12‑44‑30, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 12‑44‑40, AS AMENDED, RELATING TO THE REQUIRED FEE AGREEMENT BETWEEN THE SPONSOR AND THE COUNTY UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO PROVIDE THE TIME WITHIN WHICH A SPONSOR HAS TO ENTER INTO A FEE AGREEMENT IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY; TO AMEND SECTION 12‑44‑50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FEE AGREEMENT UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH THE FAIR MARKET VALUE OF THE PROPERTY MUST BE REPORTED DURING THE TERM OF THE FEE AGREEMENT; TO AMEND SECTION 12‑44‑110, AS AMENDED, RELATING TO PROPERTY PREVIOUSLY SUBJECT TO PROPERTY TAXES NOT QUALIFIED TO BE ECONOMIC DEVELOPMENT PROPERTY AND EXCEPTIONS TO THIS PROVISION, SO AS TO PROVIDE FOR ADDITIONAL PROPERTY WHICH IS AN EXCEPTION TO PROVISIONS LIMITING PROPERTY NOT QUALIFIED TO BE ECONOMIC DEVELOPMENT PROPERTY; TO AMEND SECTION 12‑44‑130, AS AMENDED, RELATING TO MINIMUM INVESTMENTS TO QUALIFY FOR A FEE AND OTHER REQUIREMENTS, SO AS TO CORRECT A REFERENCE; TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO CLASSIFICATION OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES, SO AS TO PROVIDE THAT REAL PROPERTY OWNED BY OR LEASED TO A MANUFACTURER AND USED PRIMARILY RATHER THAN EXCLUSIVELY FOR WAREHOUSING AND WHOLESALE DISTRIBUTION IS NOT CONSIDERED USED BY THE MANUFACTURER IN THE CONDUCT OF ITS BUSINESS FOR PROPERTY TAX CLASSIFICATION PURPOSES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 12‑10‑85, AS AMENDED, RELATING TO THE PURPOSE AND USE OF STATE RURAL INFRASTRUCTURE FUNDS, SO AS TO REVISE THE PURPOSES FOR WHICH THESE FUNDS MAY BE USED AND THEIR AVAILABILITY; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR THE ALLOCATION, REALLOCATION, AND ISSUANCE OF FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 4‑29‑10, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO INDUSTRIAL DEVELOPMENT PROJECTS, SO AS TO REVISE THE DEFINITION OF “PROJECT” TO INCLUDE RECOVERY ZONE PROPERTY AS DEFINED BY FEDERAL LAW; TO AMEND SECTION 12‑6‑3360, AS AMENDED, RELATING TO JOB TAX CREDITS, SO AS TO REVISE THE DESIGNATION TERMINOLOGY FOR COUNTIES COMING WITHIN SPECIFIC CLASSIFICATIONS, TO FURTHER PROVIDE FOR THE CRITERIA FOR DETERMINING HOW COUNTIES FALL WITHIN CERTAIN TIERS, AND TO REVISE SPECIFIC TERMS OR DEFINITIONS USED FOR PURPOSES OF THIS SECTION; TO AMEND SECTION 12‑6‑3375, AS AMENDED, RELATING TO TAX CREDITS FOR PORT CARGO VOLUME INCREASES, SO AS TO PROVIDE THAT THE TAX CREDIT MAY BE AN INCOME TAX CREDIT ON A CREDIT AGAINST EMPLOYEE WITHHOLDING, TO PROVIDE FOR THE AMOUNTS OF EACH TYPE OF CREDIT AND THE TYPES OF FACILITIES TO WHICH THEY MAY BE AWARDED, TO REVISE THE MANNER IN WHICH TAX CREDIT ALLOCATIONS ARE DETERMINED AND THE AMOUNT OF CREDITS WHICH MAY BE ALLOCATED TO A QUALIFYING TAXPAYER; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO CREDITS AGAINST ITS CORPORATE LICENSE TAX LIABILITY FOR A COMPANY WHO PAYS CASH FOR INFRASTRUCTURE FOR AN ELIGIBLE PROJECT, SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY FOR THE CREDIT UNDER CERTAIN CIRCUMSTANCES OR THE CONTINUATION OF THE CREDIT, AND TO REQUIRE A REPORT CONCERNING THE CREDIT; TO AMEND SECTION 12‑10‑80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS UNDER THE ENTERPRISE ZONE ACT OF 1995, SO AS TO EXPAND ELIGIBLE EXPENDITURES WHICH QUALIFY FOR THE CREDIT, TO CAP THE AMOUNT OF CREDITS PER JOB PER YEAR, TO REVISE CERTAIN TERMINOLOGY TO CONFORM TO EARLIER CHANGES HEREIN, TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN THESE CREDITS MAY BE CLAIMED AND THE MANNER OF THE DETERMINATION OF CERTAIN FACTORS NECESSARY TO QUALIFY FOR THE CREDITS, AND TO PROVIDE FOR THE SUSPENSION OF THE CREDITS UNDER CERTAIN CONDITIONS AND FOR WHEN THE CREDITS MAY BE CLAIMED; TO AMEND SECTION 12‑14‑20, RELATING TO THE PURPOSES OF THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THESE PURPOSES; TO AMEND SECTION 12‑14‑60, AS AMENDED, RELATING TO INVESTMENT TAX CREDITS UNDER THE ECONOMIC IMPACT ZONE COMMUNITY DEVELOPMENT ACT OF 1995, SO AS TO REVISE THE AMOUNT OF THE CREDITS, THE QUALIFYING CRITERIA FOR THE CREDITS, AND FOR THE APPLICABILITY OF CERTAIN PROVISIONS TO THESE CREDITS; TO AMEND SECTION 16‑6‑3631, RELATING TO SPECIFIED BIODIESEL EXPENDITURES, SO AS TO FURTHER PROVIDE FOR THOSE EXPENDITURES WHICH QUALIFY FOR CREDIT AND TO STIPULATE THE AMOUNT OF CREDIT FOR EXPENDITURES RELATED TO WASTE GREASE‑DERIVED BIODIESEL; BY ADDING SECTION 12‑6‑3588 SO AS TO ESTABLISH THE SOUTH CAROLINA RENEWABLE ENERGY TAX INCENTIVE PROGRAM UNDER WHICH CERTAIN TAX CREDITS ARE ALLOWED FOR BUSINESS INVESTMENTS PERTAINING TO THE PRODUCTION AND USE OF RENEWABLE ENERGY PRODUCTS; TO AMEND SECTION 12‑15‑10, RELATING TO THE CITATION OF THE SOUTH CAROLINA LIFE SCIENCES ACT, SO AS TO CHANGE THE CITATION; TO AMEND SECTION 12‑15‑20, RELATING TO DEFINITIONS UNDER THE RENAMED LIFE SCIENCES AND RENEWABLE ENERGY MANUFACTURING ACT, SO AS TO DEFINE THE TERM “RENEWABLE ENERGY MANUFACTURING FACILITY”; TO AMEND SECTION 12‑15‑30, RELATING TO QUALIFICATIONS OF CERTAIN EXPENSES UNDER THE ENTERPRISE ZONE ACT, PROCEDURES FOR WAIVERS, AND THE DURATION OF THESE PROVISIONS, SO AS TO EXPAND THE TYPES OF FACILITIES THAT QUALIFY AND THE DURATION OF THESE PROVISIONS; TO AMEND SECTION 12‑15‑40, RELATING TO INCOME TAX ALLOCATION AND APPORTIONMENT AGREEMENTS BETWEEN THE DEPARTMENT OF REVENUE AND TAXPAYERS ESTABLISHING A LIFE SCIENCES FACILITY, SO AS TO EXPAND THE TYPES OF FACILITIES TO WHICH THIS PROVISION APPLIES; TO AMEND SECTION 12‑37‑930, RELATING TO VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES AND DEPRECIATION ALLOWANCES FOR MANUFACTURERS, MACHINERY, AND EQUIPMENT, SO AS TO INCLUDE MACHINERY AND EQUIPMENT OF A RENEWABLE ENERGY MANUFACTURING FACILITY WITHIN THE DEPRECIATION ALLOWANCES ALLOWED FOR MACHINERY AND EQUIPMENT OF A LIFE SCIENCES FACILITY, AND TO DEFINE WHAT IS A QUALIFYING FACILITY; TO AMEND SECTION 12‑28‑2910, AS AMENDED, RELATING TO THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO AUTHORIZE THE COUNCIL TO EXPEND CERTAIN FUNDS FOR SPECIFIED PURPOSES UNDER SPECIFIED CONDITIONS; TO AMEND SECTION 2‑75‑30, AS AMENDED, RELATING TO RESEARCH CENTERS OF EXCELLENCE MATCHING ENDOWMENTS, SO AS TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS FOR QUALIFIED PROJECTS, AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 2‑75‑10, AS AMENDED, RELATING TO THE RESEARCH CENTERS OF EXCELLENCE REVIEW BOARD, SO AS TO REVISE THE DATE WHEN ITS ANNUAL REPORT IS DUE; TO AMEND SECTION 13‑1‑1710, AS AMENDED, RELATING TO THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO REVISE CERTAIN MEMBERS OF THE COUNCIL; TO AMEND SECTIONS 5‑37‑20, 5‑37‑35, 5‑37‑40, AS AMENDED, 5‑37‑50, AS AMENDED, AND 5‑37‑100, ALL RELATING TO THE MUNICIPAL IMPROVEMENTS ACT, SO AS TO AUTHORIZE A MUNICIPAL IMPROVEMENT DISTRICT TO WIDEN AND DREDGE CERTAIN CANALS AND WATERWAYS BY ISSUING BONDS PAYABLE FROM ASSESSMENTS ON PROPERTY LOCATED IN THE IMPROVEMENT DISTRICT; TO AMEND SECTION 12‑10‑88, AS AMENDED, RELATING TO REDEVELOPMENT FEES UNDER THE ENTERPRISE ZONE ACT OF 1995 BEING REMITTED TO THE APPLICABLE REDEVELOPMENT AUTHORITY FOR A SPECIFIED PERIOD OF TIME, SO AS TO REVISE THIS PERIOD OF TIME; TO AMEND SECTIONS 6‑1‑530 AND 6‑1‑730, BOTH AS AMENDED, RELATING TO USES ALLOWED FOR THE REVENUE OF THE LOCAL ACCOMMODATIONS AND LOCAL HOSPITALITY TAXES, SO AS TO INCREASE FROM TWENTY TO FIFTY PERCENT, IN COUNTIES IN WHICH LESS THAN NINE HUNDRED THOUSAND DOLLARS IN STATE ACCOMMODATIONS TAX IS COLLECTED ANNUALLY, THE AMOUNT OF THE REVENUE OF THE LOCAL TAXES THAT MAY BE USED FOR OPERATIONS AND MAINTENANCE; TO REPEAL SECTION 12‑6‑3450 RELATING TO AN INCOME TAX CREDIT FOR PERSONS TERMINATED FROM EMPLOYMENT AS A RESULT OF THE CLOSING OR REALIGNMENT OF A FEDERAL MILITARY INSTALLATION, AND TO REPEAL SECTIONS 12‑14‑30, 12‑14‑40, 12‑14‑50, AND 12‑14‑70 RELATING TO ECONOMIC IMPACT ZONES AND ALLOWABLE DEDUCTIONS AGAINST SOUTH CAROLINA TAXABLE INCOME IN REGARD TO THESE ECONOMIC IMPACT ZONES; AND TO REPEAL ACT 150 OF 2010 CONTAINING A REVISION OF SECTION 12‑44‑30(20) RELATING TO THE DEFINITION OF TERMINATION DATE UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, AND ADDING SECTION 12‑6‑590(C) RELATING TO RETENTION AND USE OF CERTAIN INCOME TAXES PAID BY RESIDENT AND NONRESIDENT SHAREHOLDERS OF AN “S” CORPORATION. /

/s/Sen. John C. Land III /s/Rep. James H. Merrill

/s/Sen. Hugh K. Leatherman, Sr. /s/Rep. Kenneth A. Bingham

/s/Sen. William H. O’Dell /s/Rep. Daniel P. Hamilton

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 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

H. 4478--Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D.C. Moss, Horne, Skelton, V.S. Moss, Bannister, Whitmire, Toole, J.R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hutto, Hosey, Jefferson, Kelly, Huggins, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J.M. Neal, Norman, Ott, Parker, Parks, Pinson, M.A. Pitts, Rice, Scott, Simrill, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A.D. Young, T.R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE “SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010”, TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 4‑12‑30, TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4‑29‑68, TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 12‑6‑530, TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN‑YEAR PERIOD IN INTERVALS OF ONE‑HALF PERCENT PER YEAR; AND TO REPEAL SECTIONS 12‑6‑3450, 12‑10‑88, 12‑14‑30, 12‑14‑40, 12‑14‑50, AND 12‑14‑70.

(ABBREVIATED TITLE)

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

H. 4478--Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D.C. Moss, Horne, Skelton, V.S. Moss, Bannister, Whitmire, Toole, J.R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hutto, Hosey, Jefferson, Kelly, Huggins, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J.M. Neal, Norman, Ott, Parker, Parks, Pinson, M.A. Pitts, Rice, Scott, Simrill, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A.D. Young, T.R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE “SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010”, TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 4‑12‑30, TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4‑29‑68, TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 12‑6‑530, TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN‑YEAR PERIOD IN INTERVALS OF ONE‑HALF PERCENT PER YEAR; AND TO REPEAL SECTIONS 12‑6‑3450, 12‑10‑88, 12‑14‑30, 12‑14‑40, 12‑14‑50, AND 12‑14‑70.

(ABBREVIATED TITLE)

Very respectfully,

Speaker of the House

Received as information.

**S. 107--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler, L. Martin and Alexander: 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.

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

Senator HUTTO spoke on the report.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Mulvaney

Nicholson Peeler Pinckney

Rankin Reese Rose

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

On motion of Senator HUTTO, the Report of the Committee of Conference to S. 107 was adopted as follows:

**S. 107--Conference Report**

The General Assembly, Columbia, S.C., June 16, 2010

The Committee of Conference, to whom was referred:

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler, L. Martin and Alexander: 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.

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. 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./

Amend title to conform.

/s/Sen. C. Bradley Hutto /s/Rep. Thomas R. Young

/s/Sen. Michael T. Rose /s/Rep. J. Derham Cole

/s/Sen. Phillip W. Shoopman /s/Rep. Douglas Jennings, Jr.

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 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler, L. Martin and Alexander: 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.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler, L. Martin and Alexander: 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.

Very respectfully,

Speaker of the House

Received as information.

**H. 3245--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

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

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

Senator BRYANT spoke on the report.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Mulvaney

Nicholson Peeler Pinckney

Rankin Reese Rose

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

On motion of Senator BRYANT, the Report of the Committee of Conference to H. 3245 was adopted as follows:

**H. 3245--Conference Report**

The General Assembly, Columbia, S.C., June 16, 2010

The Committee of Conference, to whom was referred:

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

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 44‑41‑330(C) and (D) of the 1976 Code are amended to read:

“(C) No abortion may be performed sooner than ~~one hour~~ twenty‑four hours after the woman receives the written materials and certifies this fact to the physician or the physician’s agent.

(D) If the clinic or other facility where the abortion is to be performed or induced mails the printed materials described in Section 44‑41‑340 to the woman upon whom the abortion is to be performed or induced or if the woman obtains the information at the county health department and if the woman verifies in writing, before the abortion, that the printed materials were received by her more than ~~one hour~~ twenty‑four hours before the abortion is scheduled to be performed or induced, that the information described in item (A)(1) has been provided to her, and that she has been informed of her opportunity to review the information referred to in item (A)(2), then the waiting period required pursuant to subsection (C) does not apply.”

SECTION 2. Amend Section 44-41-340(A) to include appropriately numbered new subitems to read:

“( ) a list of healthcare providers, facilities, and clinics that offer to perform ultrasounds free of charge. The list must be arranged geographically and shall include the name, address, hours of operation, and telephone number of each entity listed. A healthcare provider, facility, or clinic that would like to be included on this list may contact the department and provide the required information. The department must update this list annually before September first;

( ) a plainly worded explanation of how a woman may calculate the gestational age of her embryo or fetus;

( )a scientifically accurate statement concerning the contribution that each parent makes to the genetic constitution of their biological child;

( ) forms for notifications, certifications, and verifications required by Section 44-41-330.”

SECTION 3. Amend Section 44-41-340 by adding an appropriately numbered new subsection to read:

“(D)(1) The materials required under this section must be available on the department’s Internet website in a format suitable for downloading. The website must be capable of permitting the user to print a time and date stamped certification identifying when the materials are downloaded.

(2) The department’s Internet website must also provide a link to the Internet website maintained by healthcare providers, facilities, and clinics that offer to perform ultrasounds free of charge that have requested to be placed on the list maintained by the department.”

SECTION 4. Section 44-41-380 of the 1976 Code is amended to read:

“Section 44-41-380. If any provision, word, phrase, or clause of Article 3, Chapter 41, Title 44 of the 1976 Code ~~as added by this act [1995 Act No. 1]~~, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions, words, phrases, clauses, or applications of Article 3, Chapter 41, Title 44 which can be given effect without the invalid provision, word, phrase, clause, or application, and, to this end, the provisions, words, phrases, and clauses of Article 3, Chapter 41, Title 44 are declared to be severable.”

SECTION 5. 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 6. This act takes effect upon approval of the Governor./

Amend title to conform.

/s/Sen. C. Bradley Hutto /s/Rep. F.G. Delleney, Jr.

/s/Sen. John M. Knotts, Jr. /s/Rep. Wendy K. Nanney

/s/Sen. Kevin L. Bryant /s/Rep. Ted M. Vick

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 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

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

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

H. 3245 -- Reps. Delleney, Nanney, Simrill, G.R. Smith, G.M. Smith, Lucas, Cooper, Stringer, Parker, Allison, Pinson, Hamilton, Erickson, J.R. Smith, Clemmons, Bedingfield, E.H. Pitts, Owens, Rice, Hiott, Littlejohn, Stewart, Viers, Willis, Loftis, Toole, Wylie, Vick, Millwood, Haley, Duncan, Ballentine, Frye and Barfield: A BILL TO AMEND SECTION 44‑41‑330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO, AMONG OTHER THINGS, PREREQUISITES TO PERFORMING AN ABORTION, SO AS TO PROVIDE THAT NO ABORTION MAY BE PERFORMED SOONER THAN TWENTY-FOUR HOURS AFTER A WOMAN RECEIVES AND VERIFIES SHE HAS RECEIVED CERTAIN INFORMATION THAT MUST BE PROVIDED TO HER BY LAW; TO AMEND SECTION 44‑41‑340, RELATING TO THE PUBLICATION OF INFORMATION THAT MUST BE PROVIDED TO A WOMAN BEFORE UNDERGOING AN ABORTION, SO AS TO PROVIDE THAT THE INFORMATION MUST INCLUDE A LIST OF HEALTH CARE PROVIDERS, FACILITIES, AND CLINICS THAT PERFORM ULTRASOUNDS FREE OF CHARGE, A PLAINLY WORDED EXPLANATION OF HOW A WOMAN MAY CALCULATE THE GESTATIONAL AGE OF HER EMBRYO OR FETUS, A SCIENTIFICALLY ACCURATE STATEMENT CONCERNING THE CONTRIBUTION THAT EACH PARENT MAKES TO THE GENETIC CONSTITUTION OF THEIR BIOLOGICAL CHILD, AND FORMS FOR NOTIFICATIONS, CERTIFICATIONS, AND VERIFICATIONS REQUIRED BY LAW; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO POST THIS INFORMATION ON ITS INTERNET WEBSITE AND TO REQUIRE THE DEPARTMENT’S WEBSITE TO PROVIDE A LINK TO THE INTERNET WEBSITES MAINTAINED BY HEALTH CARE PROVIDERS, FACILITIES, AND CLINICS THAT PERFORM ULTRASOUNDS FREE OF CHARGE AND THAT HAVE REQUESTED TO BE LISTED BY THE DEPARTMENT; AND TO AMEND SECTION 44‑41‑380, RELATING TO SEVERABILITY PROVISIONS CONCERNING THE “WOMEN’S RIGHT TO KNOW ACT”, SO AS TO MAKE A TECHNICAL CORRECTION.

Very respectfully,

Speaker of the House

Received as information.

**S. 1051--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

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.

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

Senator HAYES spoke on the report.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Mulvaney

Nicholson Peeler Rankin

Rose Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

On motion of Senator HAYES, the Report of the Committee of Conference to S. 1051 was adopted as follows:

**S. 1051--Conference Report**

The General Assembly, Columbia, S.C., June 15, 2010

The Committee of Conference, to whom was referred:

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.

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 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 and the setback line is established twenty feet landward of the baseline.”

SECTION 2. 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.”

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

Amend title to conform.

/s/Sen. Phil P. Leventis /s/Rep. Ted M. Vick

/s/Sen. Robert W. Hayes, Jr. /s/Rep. David R. Hiott

/s/Sen. Kevin L. Bryant /s/Rep. Ralph W. Norman

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 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

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.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

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.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 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. 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.

Very respectfully,

Speaker of the House

Received as information.

**H. 4225--SENATE INSISTS ON THEIR AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

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.

On motion of Senator HUTTO, the Senate insisted upon its amendments to H. 4225 and asked for a Committee of Conference.

Whereupon, Senators HUTTO, ROSE and SHOOPMAN 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., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Kelly, Delleney and Rutherford to the Committee of Conference on the part of the House on:

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.

Very respectfully,

Speaker of the House

Received as information.

**H. 4225--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

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.

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

Senator HUTTO spoke on the report.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman 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

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

On motion of Senator HUTTO, the Report of the Committee of Conference to H. 4225 was adopted as follows:

**H. 4225--Conference Report**

The General Assembly, Columbia, S.C., June 16, 2010

The Committee of Conference, to whom was referred:

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.

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

Amend title to conform.

/s/Sen. C. Bradley Hutto /s/Rep. R. Keith Kelly

/s/Sen. Michael T. Rose /s/Rep. F. Gregory Delleney, Jr.

/s/Sen. Phillip W. Shoopman /s/Rep. J. Todd Rutherford

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 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

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.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

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

The House returned the Bill with amendments.

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

There was no objection.

The question then was concurrence in the House amendments.

Senator PINCKNEY explained the House amendments.

Senators PINCKNEY and DAVIS proposed the following amendment (MS\7881AHB10), which was adopted:

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

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

“Article 11

Local Option Extraordinary Commercial Facilities Fee

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

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

(1) ‘Designated economic development site’ means a geographic area which has been designated as a multicounty park pursuant Article VIII, Section 13 of the South Carolina Constitution, 1895, and Section 4‑1‑170, which meets the following qualifying criteria: (i) the amount of new capital investment within the site is not less than an aggregate amount of one hundred million dollars; and (ii) the aggregate number of new full‑time jobs within the site is not less than one thousand two hundred fifty that are maintained for at least one year. After the first year of maintaining one thousand two hundred fifty new full‑time jobs, the site must maintain at least six hundred twenty‑five full‑time jobs for each year thereafter. The number of new jobs may be based on a quarterly report filed with the South Carolina Employment Security Commission or the Bureau of Labor Statistics; except that a certificate based on those reports need not include copies of the reports so as to ensure the maintenance of privacy of information in the reports. The municipality making a designation of a designated economic development site shall notify the South Carolina Department of Revenue of the boundaries of the designated economic development site.

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

(3) ‘Infrastructure’ means:

(a) water and sewer projects and road construction and improvement projects. These projects include: planning, engineering, right‑of‑way, drainage, curb and gutter, parking lots, parking lighting, flashing lights or signals, gates at crossway, resurfacing or widening, turn lanes, and acceleration lanes;

(b) fiber‑optic cable;

(c) rail spurs; and

(d) site preparation, which includes surveying, environmental and geo‑technical study and mitigation, clearing, filling, and grading.

‘Infrastructure’ does not include buildings, fixtures, land acquisition, or other similar items.

‘Infrastructure’ includes only those projects for which costs were incurred after the initial identification of a site as a proposed designated economic development site.

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

(5) ‘New capital investment’ means private capital investment within the designated economic development site by the owners of the properties which comprise the site which is incurred after the initial identification of the site as a proposed designated economic development site. New capital investment shall not include any costs incurred for the acquisition of land comprising the designated economic development site.

(6) ‘New job’ means a new full‑time job created in this State at the time a new facility is initially staffed.

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

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

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

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

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

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

(1) an ordinance adopted by a supermajority of the municipal council which must be at least two‑thirds of the members of a municipal council. However, if the fee is imposed by ordinance, the fee may not exceed one percent on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons; or

(2) the approval of a majority of qualified electors voting in a referendum held pursuant to this section called by a majority of the members of the municipal council.

In the case of an imposition by ordinance, the text of the ordinance must contain a detailed statement that the designated economic development site will meet the requirements set forth in Section 4‑10‑1120(1) before the municipality may pay any infrastructure reimbursement. Regardless of the method of imposition, if the site fails to maintain the requirements set forth in Section 4‑10‑1120(1), the municipality may include, at the municipal council’s discretion, provisions in the ordinance which may suspend or repeal the fee, or require the owners of the site to refund to the municipality any fee revenues expended on infrastructure within the site on a pro‑rata basis or otherwise, as the council may deem necessary or appropriate.

(B)(1) Upon the adoption of a resolution calling for a referendum by the municipal council, the municipal election commission in each municipality shall conduct a referendum on the first Tuesday ninety days after the adoption of the resolution on the question of implementing the fee within the municipality. The state election laws apply to the referendum, mutatis mutandis. The municipal election commission shall publish the results of the referendum and certify them to the municipal council. The fee must not be imposed in the municipality, unless a majority of the qualified electors voting in the referendum approve the question.

(2) The ballot must read substantially as follows:

‘Must a [one or two] percent fee on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, be levied for the purpose of providing funding to defray the cost of infrastructure at the \_\_\_\_\_\_\_\_\_ designated economic development site, which will invest at least one hundred million dollars, and create at least one thousand two hundred fifty new jobs for at least the first year and shall maintain at least six hundred twenty‑five jobs thereafter?

Yes 

No ’

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

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

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

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

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

Section 4‑10‑1140. (A) The fee allowed by this article is an amount not to exceed two percent on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.

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

(C) The fee authorized by this article is in addition to all other state and local sales and use taxes and applies to the gross proceeds of sales in the designated economic development site that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons are exempt from the fee imposed by this article. The fee imposed by this article also applies to tangible personal property subject to the use tax in Article 13, Chapter 36, Title 12.

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

(E)(1) The revenues of the fee imposed pursuant to this article must be remitted to the Department of Revenue and placed on deposit with the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of the revenues, the State Treasurer shall distribute the revenues and interest quarterly based on point of collection to the treasurer of the municipality in which the fee is imposed and the revenues must be used only for the purposes provided in Section 4‑10‑1160. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of municipal code errors must be corrected prospectively.

(2) Prior to a designated economic development site meeting the criteria set forth in Section 4‑10‑1120(1), upon receipt of the revenues and interest from the Department of Revenue, the municipality shall deposit the revenue in a separate account. Any interest accrued in the account shall be credited to the account. The municipality may not expend any funds for the reimbursement of infrastructure until the designated economic development site meets the criteria set forth in Section 4‑10‑1120(1).

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

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

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

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

SECTION 2. Chapter 10, Title 4 of the 1976 Code is amended by adding:

“Article 10

Alternate Local Option Tourism Development Fee

Section 4‑10‑1010. This article may be cited as the ‘Alternate Local Option Tourism Development Fee Act’.

Section 4‑10‑1020. For purposes of this article:

(1) ‘County’ means a county in which revenues of the state accommodations tax imposed pursuant to Section 12‑36‑920 have aggregated at least five million dollars in a fiscal year and a per capita personal income of at least forty thousand dollars.

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

(3) ‘Municipality’ means a municipal corporation created pursuant to Chapter 1, Title 5 or a municipal government or governing body as the use of the term dictates, located in a county as defined by item (1) of this section.

(4) ‘Per capita personal income’ means the latest reported per capita personal income as calculated by the Bureau of Economic Analysis of the United States Department of Commerce.

Section 4‑10‑1030. (A) Subject to the requirements of this article, a municipality by ordinance may impose in the municipality a fee not to exceed one percent for not more than ten years for the purposes provided in Section 4‑10‑1060 by the approval of a majority of qualified electors voting in a referendum held pursuant to this section called by a majority of the members of the municipal council.

(B)(1) Upon the adoption of a resolution calling for a referendum by the municipal council, the municipal election commission in each municipality shall conduct a referendum on the first Tuesday ninety days after the adoption of the resolution on the question of implementing the fee within the municipality. The state election laws apply to the referendum, mutatis mutandis. The municipal election commission shall publish the results of the referendum and certify them to the municipal council. The fee must not be imposed in the municipality, unless a majority of the qualified electors voting in the referendum approve the question.

(2) The ballot must read substantially as follows:

‘Must a one percent fee on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, be levied in \_\_\_\_\_\_\_\_\_\_ for the purpose of tourism advertisement and promotion directed at non‑South Carolina residents with the possibility that up to thirty percent be used to provide credits against municipal property taxes in the manner that the municipality shall provide by ordinance and no more than twenty percent of the fee revenues may be used to fund tourism related capital projects?

Yes 

No ’

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

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

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

(D) Once a certified copy of the ordinance or referendum results is filed with the Department of Revenue, for the period of imposition provided in that ordinance or referendum, the department may not accept as filed any additional ordinance or referendum results from the municipality that in any way relates to the fee allowed to be imposed pursuant to this chapter.

Section 4‑10‑1040. (A) The fee allowed by this article is an amount not to exceed one percent of the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12.

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

(C) The fee authorized by this article is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the municipality subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons are exempt from the fee imposed by this article. The fee imposed by this article also applies to tangible personal property subject to the use tax in Article 13, Chapter 36, Title 12.

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

(E) The revenues of the fee imposed pursuant to this article must be remitted to the department and placed on deposit with the State Treasurer and credited to a fund separate and distinct from the general fund of the State. Earnings on this fund must be credited to it and earnings are considered fee revenues. After deducting the amount of any refunds made and costs to the department of administering the tax, not to exceed one percent of the revenues, the State Treasurer shall distribute the fee revenues quarterly to the treasurer of the municipality in which the fee is imposed and the revenues must be used only for the purposes provided in Section 4‑10‑1060. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of municipal code errors must be corrected prospectively.

Section 4‑10‑1050. (A)(1) The Department of Revenue shall furnish data to the State Treasurer and to the municipal treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12‑54‑240. A person violating this section is subject to the penalties provided in Section 12‑54‑240.

Section 4‑10‑1060. (A)(1) Except as provided in item (2) of this subsection, fee revenues must be used exclusively for tourism advertisement and promotion directed at non‑South Carolina residents.

(2) Fee revenues received each year of imposition must be used as provided in item (1) except that up to thirty percent may be used to provide credits against municipal property taxes in the manner that the municipality shall provide by ordinance and no more than twenty percent of the fee revenues may be used to fund capital projects.

(B) The municipality shall designate no more than two organizations within the county to receive fee revenues to conduct the promotional activities provided pursuant to subsection (A)(1). These organizations must be nonprofit destination marketing organizations representing a broad cross section of tourism interests within the county. In addition, before an organization may be designated, it must certify to the imposing municipality that:

(1) its promotional and advertising programs are based on research‑based outcomes;

(2) the organization has a proven record of success in creating new and repeat visitation to the county;

(3) it has sufficient resources to create, plan, implement, and measure the marketing program generated by the fee revenues and the infrastructure to assure proper business controls; and

(4) it will use the funds only for the purposes provided pursuant to subsection (B)(1) or (D) of this section.

(C) the receiving organization must present an annual marketing plan and budget to the municipal council or its designee for review and approval before implementation.

(D) Capital projects funded by fee revenues must directly relate to the promotion of tourism.

(E) Municipalities located in the same county that are imposing a fee pursuant to this article jointly may designate a regional tourism promoter located in the county to promote tourism in the municipalities imposing the fee. The regional tourism promoter must be designated in the manner provided in subsection (B) and may only promote tourism to non‑South Carolina residents.”

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

Renumber sections to conform.

Amend title to conform.

Senator PINCKNEY 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 4**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--41**

**NAYS**

Bright Bryant *Martin, Shane*

Thomas

**Total--4**

The amendment was adopted.

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

**Motion Adopted**

On motion of Senator LARRY MARTIN, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 9:30 A.M.

**CONSIDERATION OF THE CONFERENCE REPORT**

**INTERRUPTED BY RECESS**

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

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

Senator LEVENTIS was recognized to speak on the Conference Report.

**Privilege of the Floor**

On motion of Senator McGILL, on behalf of the members of the Williamsburg County Senate Delegation, the Privilege of the Floor was extended to Representative Kenneth Kennedy upon the occasion of his retirement from the House of Representatives after 20 years of dedicated and faithful service.

Representative Kennedy was escorted to the floor by Senators McCONNELL, LAND, LARRY MARTIN, PEELER, LOURIE, ELLIOTT, SETZLER and COURSON.

Senators McGILL, McCONNELL, LAND, LARRY MARTIN and COURSON commended him on his exemplary service.

**RECESS**

At 11:25 A.M., with Senator LEVENTIS retaining the floor, on motion of Senator LAND, with unanimous consent, the Senate receded from business.

At 12:25 P.M., the Senate resumed.

**PRESIDENT *Pro Tempore* PRESIDES**

At 12:25 P.M., Senator McCONNELL assumed the Chair.

**RECESS**

At 12:25 P.M., with Senator LEVENTIS retaining the floor, on motion of Senator PEELER, with unanimous consent, the Senate receded from business until 1:30 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:56 P.M. and was called to order by the PRESIDENT *Pro Tempore*.

The Senate resumed consideration of H. 3418.

Senator LEVENTIS resumed speaking on the Conference Report.

Senator HUTTO spoke on the Conference Report.

**Motion Under Rule 15A Failed**

At 6:13 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3418.

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

**Ayes 22; Nays 19**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Hayes

*Martin, Larry Martin, Shane* Massey

McConnell Mulvaney Peeler

Rose Shoopman Thomas

Verdin

**Total--22**

**NAYS**

Anderson Coleman Elliott

Ford Hutto Jackson

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Pinckney Reese

Scott Setzler Sheheen

Williams

**Total--19**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

**Statement by Senator KNOTTS**

I was not present for the first cloture vote on H. 3418 because I was in the South Carolina House of Representatives’ Chamber discussing the Governor’s vetoes with Representative Jim Harrison. Had I been present, I would have voted against Rule 15A.

**Statement by Senator LEATHERMAN**

On the motion to invoke cloture on adoption of the Conference Report on H. 3418, the “South Carolina Election Reform Act,” I would have voted in favor of invoking cloture had I been present in the Senate Chamber during the roll call vote. At that time I was discussing several gubernatorial budget vetoes with the Speaker of the House in my role as Chairman of the Finance Committee.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

At 6:23 P.M., Senator GROOMS moved to invoke the provisions of Rule 3B to send for the absent members.

Senator LEVENTIS spoke on the motion.

Senator HUTTO spoke on the motion.

**Objection**

Senator LEVENTIS asked unanimous consent to make a motion to waive the time limitations of Rule 3B.

There was an objection.

A roll call vote was ordered.

Senator KNOTTS, with unanimous consent, was recognized to make brief remarks.

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

**Ayes 18; Nays 25**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Fair

Grooms *Martin, Shane* Massey

McConnell Mulvaney Peeler

Rose Shoopman Verdin

**Total--18**

**NAYS**

Anderson Coleman Courson

Elliott Ford Hayes

Hutto Jackson Knotts

Land Leventis Lourie

Malloy *Martin, Larry* Matthews

McGill Nicholson O’Dell

Pinckney Rankin Reese

Scott Setzler Sheheen

Williams

**Total--25**

The Senate refused to invoke Rule 3B.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Objection**

With Senator HUTTO retaining the floor, Senator LOURIE asked unanimous consent to take up the vetoes on H. 4657, the General Appropriations Act.

Senator DAVIS objected.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Objection**

With Senator HUTTO retaining the floor, Senator ROSE asked unanimous consent to take up the vetoes on H. 4657, the General Appropriations Act.

Senator VERDIN objected.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Motion Under Rule 15A Failed**

At 6:57 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3418.

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

**Ayes 20; Nays 21**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms *Martin, Larry*

*Martin, Shane* Massey McConnell

Mulvaney Peeler Rose

Shoopman Verdin

**Total--20**

**NAYS**

Anderson Coleman Elliott

Hutto Jackson Knotts

Land Leventis Lourie

Malloy Matthews McGill

Nicholson O’Dell Pinckney

Rankin Reese Scott

Setzler Sheheen Williams

**Total--21**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

**Statement by Senator LEATHERMAN**

On the motion to invoke cloture on adoption of the Conference Report on H. 3418, the “South Carolina Election Reform Act,” I would have voted in favor of invoking cloture had I been present in the Senate Chamber during the roll call vote. At that time I was discussing several gubernatorial budget vetoes with the Speaker of the House in my role as Chairman of the Finance Committee.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Point of Quorum**

At 7:09 P.M., Senator GROOMS made the point that a quorum was not present. It was ascertained that a quorum was present.

The Senate resumed.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Motion Under Rule 15A Failed**

At 7:20 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3418.

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

**Ayes 22; Nays 20**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms *Martin, Larry*

*Martin, Shane* Massey McConnell

Mulvaney O’Dell Peeler

Rose Shoopman Thomas

Verdin

**Total--22**

**NAYS**

Anderson Coleman Elliott

Hutto Jackson Knotts

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Pinckney Rankin

Reese Scott Setzler

Sheheen Williams

**Total--20**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

**Statement by Senator LEATHERMAN**

On the motion to invoke cloture on adoption of the Conference Report on H. 3418, the “South Carolina Election Reform Act,” I would have voted in favor of invoking cloture had I been present in the Senate Chamber during the roll call vote. At that time I was discussing several gubernatorial budget vetoes with the Speaker of the House in my role as Chairman of the Finance Committee.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**S. 1054--Objection**

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

With Senator HUTTO retaining the floor and having voted on the prevailing side, Senator PINCKNEY asked unanimous consent to make a motion to reconsider the vote whereby the amendment was adopted on S. 1054.

Senator DAVIS objected.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Motion Under Rule 15A Failed**

At 7:59 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3418.

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

**Ayes 21; Nays 20**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Leatherman

*Martin, Larry Martin, Shane* Massey

McConnell Mulvaney Peeler

Rose Shoopman Verdin

**Total--21**

**NAYS**

Anderson Coleman Elliott

Hutto Jackson Knotts

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Pinckney Rankin

Reese Scott Setzler

Sheheen Williams

**Total--20**

**Statement by Senator LEATHERMAN**

On the motion to invoke cloture on adoption of the Conference Report on H. 3418, the “South Carolina Election Reform Act,” I would have voted in favor of invoking cloture had I been present in the Senate Chamber during the roll call vote. At that time I was discussing several gubernatorial budget vetoes with the Speaker of the House in my role as Chairman of the Finance Committee.

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Objection**

With Senator HUTTO retaining the floor, Senator GROOMS asked unanimous consent to make a motion that the Senate stand adjourned.

Senator LARRY MARTIN objected.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Objection**

With Senator HUTTO retaining the floor, Senator LEATHERMAN asked unanimous consent to make a motion that the Senate stand in recess until 9:30 A.M. on Thursday, June 17, 2010.

Senator DAVIS objected.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Objection**

With Senator HUTTO retaining the floor, Senator LOURIE asked unanimous consent to make a motion that the Senate stand in recess.

Senator DAVIS objected.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Objection**

With Senator HUTTO retaining the floor, Senator LOURIE asked unanimous consent to make a motion that the Senate stand in recess until 9:30 A.M. tomorrow.

Senator DAVIS objected.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**ACTING PRESIDENT PRESIDES**

At 8:27 P.M., Senator LARRY MARTIN assumed the Chair.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Point of Quorum**

At 8:50 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Senator PEELER moved that the Senate stand adjourned.

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

**Ayes 6; Nays 34**

**AYES**

Bryant Grooms Hutto

Massey Peeler Verdin

**Total--6**

**NAYS**

Alexander Anderson Bright

Campbell Campsen Coleman

Cromer Davis Elliott

Fair Ford Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McConnell McGill Mulvaney

Nicholson Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Williams

**Total--34**

The Senate refused to adjourn.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**PRESIDENT *Pro Tempore* PRESIDES**

At 9:55 P.M., Senator McCONNELL assumed the Chair.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**ACTING PRESIDENT PRESIDES**

At 10:20 P.M., Senator LARRY MARTIN assumed the Chair.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**Point of Quorum**

At 11:18 P.M., Senator MULVANEY made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator McCONNELL moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Cromer Davis

Elliott Ford Grooms

Hutto Jackson Knotts

Land Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Mulvaney Nicholson Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Shoopman Verdin Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senator FAIR recorded his presence subsequent to the Call of the Senate.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

**RECESS**

At 11:43 P.M., with Senator HUTTO retaining the floor on H. 3418, Senator McCONNELL moved under the provisions of Rule 14 that the Senate recede from business until 9:30 A.M.

**Recorded Vote**

Senators BRIGHT, BRYANT and MULVANEY desired to be recorded as voting against the motion to recede.

Consideration of the Conference Report on H. 3418 was interrupted by recess.

The Senate receded until 9:30 A.M. on Thursday, June 17, 2010.

**MORNING SESSION**

The Senate reassembled at 9:30 A.M. and was called to order by the PRESIDENT.

**Point of Quorum**

At 9:50 A.M., Senator SHANE MARTIN made the point that a quorum was not present. It was ascertained that a quorum was not present.

Senator SHANE MARTIN moved that the Senate stand adjourned until 10:30 A.M.

**Point of Order**

Senator McCONNELL raised a Point of Order that the motion was out of order inasmuch as a motion to adjourn to a specific time required unanimous consent.

Senator LEVENTIS spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

**Call of the Senate**

Senator McCONNELL moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Grooms Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Mulvaney Nicholson Peeler

Pinckney Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators COURSON, HAYES, FORD, RANKIN and VERDIN recorded their presence subsequent to the Call of the Senate.

**CARRIED OVER**

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

The Senate resumed consideration of the Bill.

The question was the adoption of the Conference Report.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

With Senator HUTTO retaining the floor on H. 3418, on motion of Senator HUTTO, with unanimous consent, S. 348 was taken up for immediate consideration.

**S. 348--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman, Knotts and Rose: A BILL TO AMEND SECTION 16‑3‑95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63‑13‑825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES

Senator HUTTO asked unanimous consent to take the Conference Report up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Conference Report, the question being the adoption of the Conference Report.

Senator HUTTO spoke on the Conference report.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Cromer Davis

Elliott Fair Grooms

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Mulvaney

Nicholson Peeler Pinckney

Rose Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--37**

**NAYS**

Bright

**Total--1**

On motion of Senator HUTTO, the Report of the Committee of Conference to S. 348 was adopted as follows:

**S. 348--Conference Report**

The General Assembly, Columbia, S.C., June 16, 2010

The Committee of Conference, to whom was referred:

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman, Knotts and Rose: A BILL TO AMEND SECTION 16‑3‑95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63‑13‑825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

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. Article 7, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63‑13‑825. (A) An operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home, annually shall complete and provide documentation to the Department of Social Services of a minimum of two hours of training approved by the department.

(B) The department shall indicate on its website those family childcare homes that are, and those that are not, in compliance with this section and may include, but are not limited to, the amount of training the operator and other persons employed by or under contract with a family childcare home have reported to the department.”

SECTION 2. Section 16-3-740 (B) is amended to read:

“(B) Upon the request of a victim who has been exposed to body fluids during the commission of a criminal offense, or upon the request of the legal guardian of a victim who has been exposed to body fluids during the commission of a criminal offense, the solicitor must, ~~at any time~~ within forty-eight hours, excluding weekends and legal holidays as defined in Chapter 5 of Title 53, after the offender is charged, or ~~at any time~~ within forty-eight hours, excluding weekends and legal holidays, as defined in Chapter 5 of Title 53, after a petition has been filed against an offender in family court, petition the court to have the offender tested for Hepatitis B and HIV. An offender must not be tested under this section for Hepatitis B and HIV without a court order. To obtain a court order, the solicitor must demonstrate the following:

(1) the victim or the victim’s legal guardian requested the tests;

(2) there is probable cause that the offender committed the offense;

(3) there is probable cause that during the commission of the offense there was a risk that body fluids were transmitted from one person to another; and

(4) the offender has received notice of the petition and notice of his right to have counsel represent him at a hearing.

The results of the tests must be kept confidential and disclosed only to the solicitor who obtained the court order. The solicitor shall then notify only those persons designated in subsection (C).”

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

Amend title to conform.

/s/Sen. C. Bradley Hutto /s/Rep. R. Keith Kelly

/s/Sen. Michael T. Rose /s/Rep. J. Todd Rutherford

/s/Sen. Phillip W. Shoopman /s/Rep. F. Michael Sottile

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 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman, Knotts and Rose: A BILL TO AMEND SECTION 16‑3‑95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63‑13‑825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.322, H. 4172 by a vote of 97 to 9:

(R322, H4172) -- Reps. Forrester and Wylie: AN ACT 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.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R322, H4172) -- Reps. Forrester and Wylie: AN ACT 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.

With Senator HUTTO retaining the floor, Senator CLEARY asked unanimous consent to take the veto up for immediate consideration.

There was no objection.

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

Senator CLEARY spoke on the veto.

Senator CLEARY moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Grooms Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Mulvaney

Nicholson Peeler Rose

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--36**

**NAYS**

**Total--0**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Statement by Senator REESE**

Had I been present in the Chamber at the time the vote was taken on H. 4172, I would have voted in favor of overriding the veto on H. 4172.

Senator HUTTO resumed speaking on the Conference Report on H. 3418.

Pursuant to the provisions of Rule 14, Senator McCONNELL moved to carry over H. 3418, with Senator HUTTO retaining the floor on the Bill.

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

**Ayes 26; Nays 15**

**AYES**

Alexander Anderson Campbell

Coleman Cromer Elliott

Fair Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Matthews McConnell

McGill Nicholson Pinckney

Reese Scott Setzler

Sheheen Williams

**Total--26**

**NAYS**

Bright Bryant Campsen

Cleary Courson Davis

Grooms *Martin, Shane* Massey

Mulvaney Peeler Rose

Shoopman Thomas Verdin

**Total--15**

Consideration of H. 3418 was carried over.

**Statement by Senator CAMPBELL**

I completely support photo identification in order for the public to cast votes in elections as my votes in committee and the Senate show. I voted to carry over H. 3418 so we could get to budget votes which directly affect jobs and necessary citizens’ service. It also allows us to amend the *Sine Die* resolution which gives us the opportunity to return to address issues without a called Special Session which would be costly to the taxpayers of South Carolina. Worst case is we can take up photo identification to vote in 2011. The present photo identification would not be effective until 2012 so we can still get it done by this date.

**CONCURRENCE**

S. 1502 -- Senators McConnell and L. Martin: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2‑1‑180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 3, 2010, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT NOON ON TUESDAY, JUNE 15, 2010, AND CONTINUE IN SESSION FOR NO LONGER THAN THREE LEGISLATIVE DAYS, FOR THE CONSIDERATION OF CERTAIN MATTERS, TO FURTHER PROVIDE THAT IF THE GENERAL APPROPRIATIONS BILL OR ANY OTHER BILL PROVIDING FOR THE ORDINARY EXPENSES OF THE STATE GOVERNMENT FOR FISCAL YEAR 2010-2011 HAS NOT BEEN ENROLLED FOR RATIFICATION BY 5:00 P.M. ON THURSDAY JUNE 3, 2010, THEN EACH HOUSE SHALL REMAIN IN SESSION AFTER THIS TIME FOR CONSIDERATION OF ANY MATTER RELATING TO THE GENERAL APPROPRIATIONS BILL OR ANY OTHER BILL PROVIDING FOR THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR FISCAL YEAR 2010-2011 AND SHALL REMAIN IN SESSION UNTIL SUCH BILL IS ENROLLED FOR RATIFICATION AND TO PROVIDE THAT AFTER SUCH BILL IS ENROLLED, EACH HOUSE SHALL STAND ADJOURNED TO MEET ON THE SECOND TUESDAY FOLLOWING AND SHALL REMAIN IN SESSION FOR NO LONGER THAN THREE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, AND UPON ADJOURNMENT, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 11, 2011.

Be it resolved by the Senate, the House of Representatives concurring:

(A) Pursuant to the provisions of Article III, Section 9 of the South Carolina Constitution and Section 2‑1‑180 of the 1976 Code, and the provisions of this resolution, the Sine Die adjournment date for the General Assembly for the 2010 session is recognized and extended to permit the General Assembly to continue in session after Thursday, June 3, 2010, under the terms and conditions stipulated in this resolution and for this purpose each house agrees that when the Senate and the House of Representatives adjourn on Thursday, June 3, 2010, not later than 5:00 p.m. or at any time prior, each house shall stand adjourned to meet in statewide session on Tuesday, June 15, 2010, at 12:00 noon and to continue in statewide session, if necessary, not later than 5:00 p.m. on Thursday, June 17, 2010. Further, each house agrees to limit itself to consideration of the following matters and subject to the following conditions, as applicable:

(1) receipt and consideration of legislation necessary to address any shortfall in revenue meeting the conditions of Section 11‑9‑890;

(2) receipt and consideration of gubernatorial vetoes;

(3) receipt and consideration of resolutions affecting Sine Die adjournment;

(4) receipt, consideration, and confirmation of appointments;

(5) receipt and consideration of resolutions expressing sympathy or congratulations;

(6) receipt and consideration of local legislation which has the unanimous consent of the affected delegation;

(7) concurrence and nonconcurrence in amendments to bills returned from the other house;

(8) appointment of members to conference and free conference committees; and

(9) receipt and consideration of conference and free conference reports.

(B) The President Pro Tempore of the Senate and the Speaker of the House of Representatives may set a mutually agreed upon time prior to Sine Die adjournment for officers of the Senate and House to ratify acts.

(C) When the Senate and the House of Representatives adjourn on Thursday, June 17, 2010, not later than 5:00 p.m. or at any time prior, each house shall stand adjourned to meet in statewide session at dates and times mutually agreed upon by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, provided that no such meeting may exceed three consecutive legislative days. Further, each house agrees to limit itself to consideration of the following matters and subject to the following conditions, as applicable:

(1) receipt and consideration of legislation necessary to address any shortfall in revenue meeting the conditions of Section 11‑9‑890;

(2) receipt and consideration of gubernatorial vetoes;

(3) receipt and consideration of resolutions affecting Sine Die adjournment;

(4) receipt and consideration of resolutions expressing sympathy or congratulations; and

(5) receipt, consideration, and confirmation of appointments.

(D) Upon adjournment of a statewide session called pursuant to subsection (C), or upon adjournment provided in subsection (A) if no statewide session is called pursuant to subsection (C), unless adjourned earlier, the General Assembly shall stand adjourned Sine Die at noon on January 11, 2011.

(E) No provision of this resolution shall prohibit or limit the ability of the House of Representatives or the Senate from meeting in organizational session pursuant to the provisions of Article III, Section 9 of the South Carolina Constitution.

The Concurrent Resolution was returned from the House with amendments.

Senator McCONNELL explained the resolution.

The question then was concurrence in the House amendments.

**Point of Order**

Senator GROOMS raised a Point of Order that when 5:00 P.M. arrives today, the Senate’s business would end and the Senate should stand adjourned *Sine Die*.

**Point of Order**

Senator McCONNELL raised a Point of Order that the Point of Order raised by Senator GROOMS is out of order inasmuch as it comes too early.

Senator SETZLER spoke on the Point of Order and stated that the Senate is currently in the day of Wednesday, June 16, 2010, and not Thursday, June 17, 2010.

Senator CAMPSEN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order raised by Senator GROOMS.

**Objection**

Senator GROOMS asked unanimous consent to make a Sense of the Senate motion.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the motion was out of order inasmuch as the Senate is considering the *Sine Die* Resolution.

Senator McCONNELL spoke on the Point of Order.

The PRESIDENT stated that the motion would require unanimous consent.

Senator LARRY MARTIN objected to taking up a Sense of the Senate motion.

Senator McCONNELL resumed explaining the resolution.

**Parliamentary Inquiry**

Senator LARRY MARTIN made a Parliamentary Inquiry as to whether or not the question of concurrence would mandate a majority vote or, inasmuch as it pertained to the *Sine Die* Resolution, a two-thirds vote would be required.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that concurrence in the House amendments would require a majority vote.

The PRESIDENT sustained the Point of Order

The question then was concurrence.

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

**Ayes 39; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Grooms

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Mulvaney

Nicholson Peeler Pinckney

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant

**Total--2**

The Senate concurred in the House amendments and a message was sent to the House accordingly.

**Motion Adopted**

On motion of Senator McCONNELL, the Senate agreed that, when the Senate adjourns today, it stand adjourned to reconvene ten minutes following adjournment.

The motion was adopted.

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.276, H. 4174 by a vote of 108 to 0:

(R276, H4174) -- 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.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R276, H4174) -- 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.

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

Senator HAYES explained the veto.

Senator HAYES moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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 Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Mulvaney Nicholson Peeler

Rankin Reese Rose

Scott Setzler Shoopman

Verdin Williams

**Total--41**

**NAYS**

Sheheen

**Total--1**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 11, 2010

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 288, R. 296, which requires individuals convicted of a violent crime to surrender their drivers’ licenses and requires the Department of Motor Vehicles (DMV) to issue them new licenses that carry a symbol or code identifying the individuals as violent offenders.

(R296, S288) -- Senator L. Martin: AN ACT TO AMEND ARTICLE 1, CHAPTER 1, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑146 SO AS TO REQUIRE A CLERK OF COURT TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES OF A PERSON WHO IS CONVICTED OF A VIOLENT CRIME; TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO NOTIFY THE CONVICTED PERSON THAT HE SHALL SURRENDER HIS DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD TO THE DEPARTMENT; BY ADDING SECTION 56‑1‑148 SO AS TO PROVIDE THAT A PERSON CONVICTED OF A VIOLENT CRIME SHALL 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, AS AMENDED, RELATING TO THE CONTENTS OF A DRIVER’S LICENSE APPLICATION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF A SPECIAL IDENTIFICATION CARD BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO MAKE TECHNICAL CHANGES; AND TO PROVIDE THAT THE PROVISIONS OF SECTION 56‑1‑80 MUST BE MET UPON THE RENEWAL OF AN EXISTING DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD.

We struggled with this Bill in looking at ways to balance the Bill’s intent in attempting to protect our state’s law enforcement officers with civil liberty concerns. If this Bill passed, South Carolina would become the first state in the country to have adopted this licensing provision. Our take-away in analyzing this Bill is not entrenched opposition, but rather is a question of why not wait on moving forward. South Carolina’s police officers and highway patrolmen are courageous and encounter potentially deadly situations every time they make a traffic stop. In this regard, we applaud S. 288’s supporters for trying to make them safer when doing their jobs. Nevertheless, we are compelled to veto this Bill along the same rationale used in our opposition to warrantless searches because of the additional administrative costs imposed and privacy concerns.

First, S. 288 will impose additional administrative costs on DMV and the court system in a year in which their budgets are severely strained. Given that we would be first in the nation to pass this measure, it may be prudent to indeed wait and let this financial storm pass before moving forward. Under this Bill, when a person is convicted of a violent crime, the court must notify DMV of the conviction, and DMV is required to notify the offender that he must surrender his license. If the offender surrenders the license, then DMV must issue a special identification card that contains an affixed symbol or code that identifies the licensee as a violent offender. These administrative tasks will require man-hours from court and DMV employees, and DMV will have to spend an additional $25,000 to implement this new system through new training, license applications, and IT systems.

In most cases, though, the offenders will likely be serving time and will fail to surrender their licenses because they will not receive the notice. This will result in an inadvertent suspension of the offenders’ licenses. If the offenders later choose to reapply for a license, then they will encounter new administrative hurdles. If the offenders fail to reapply, they will be less likely to get a job due to lack of transportation or be more likely to reoffend by driving without a license. None of these scenarios will benefit the state or the offenders affected by this bill.

Second, S. 288 invades the privacy interests of offenders who have paid their debt to society and who are free to drive regardless of their past offenses. If drivers’ licenses were used only to drive, we would support this Bill. However, drivers’ licenses are used routinely as identification to buy goods, procure utility and other services, vote, cash checks, and obtain credit, among many other things. The parties on the other sides of these transactions have no compelling reason to know a person’s criminal history after they have completed their sentence. Affixing a symbol that brands these individuals as violent criminals will only hinder their reintegration into free society. One of the key ideas behind the sentencing reform measure passed this year was that we needed to recognize that nearly every criminal who does wrong to an individual, and society at large, indeed reenters society. In this regard, once a sentence has been served we should look for ways to make this reintegration easier, not harder. We should leave room for repentance, redemption, hope, faith and growth as the individual may have changed in meaningful ways since they did wrong. For this reason, we would encourage a clearer path to phasing out what could become a *de facto* “V” for violence symbol on one’s driver’s license.

Third, we do not believe that affixing a symbol or code to a driver’s license that identifies an individual as a violent criminal will make our law enforcement officers safer. Law enforcement officers are trained to know that they may be approaching a dangerous person each time they make a stop, and they should always be prepared to handle a potentially violent encounter regardless of whether a suspect or traffic violator has a criminal history. Merely affixing a symbol to a driver’s license will not prevent a would-be attacker, and law enforcement officers are trained to always take precautions to prevent and respond to attacks that would precede even the chance to see the symbol required under this Bill.

For these reasons, I am vetoing and returning without my approval S. 288, R. 296.

Sincerely,

/s/ Mark Sanford

**VETO OVERRIDDEN**

(R296, S288) -- Senator L. Martin: AN ACT TO AMEND ARTICLE 1, CHAPTER 1, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑146 SO AS TO REQUIRE A CLERK OF COURT TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES OF A PERSON WHO IS CONVICTED OF A VIOLENT CRIME; TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO NOTIFY THE CONVICTED PERSON THAT HE SHALL SURRENDER HIS DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD TO THE DEPARTMENT; BY ADDING SECTION 56‑1‑148 SO AS TO PROVIDE THAT A PERSON CONVICTED OF A VIOLENT CRIME SHALL 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, AS AMENDED, RELATING TO THE CONTENTS OF A DRIVER’S LICENSE APPLICATION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF A SPECIAL IDENTIFICATION CARD BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO MAKE TECHNICAL CHANGES; AND TO PROVIDE THAT THE PROVISIONS OF SECTION 56‑1‑80 MUST BE MET UPON THE RENEWAL OF AN EXISTING DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD.

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

Senator LARRY MARTIN spoke on the veto.

Senator LARRY MARTIN moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 33; Nays 7**

**AYES**

Alexander Bright Bryant

Campbell Cleary Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Peeler Rankin Reese

Rose Setzler Sheheen

Shoopman Thomas Verdin

**Total--33**

**NAYS**

Campsen Ford Jackson

Matthews Nicholson Scott

Williams

**Total--7**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**RECESS**

At 11:53 A.M., on motion of Senator PEELER, the Senate receded from business subject to the Call of the Chair.

**AFTERNOON SESSION**

The Senate reassembled at 2:16 P.M. and was called to order by the ACTING PRESIDENT, Senator LARRY MARTIN.

Senator McCONNELL was recognized to make remarks to the Senate.

**Motion Adopted**

    Senator McCONNELL asked unanimous consent to make a motion that:

    (a)  on June 17, 2010, the Senate would adopt S. 1528, the *Sine Die* Resolution, that includes consideration of the report of the Committee of Conference on H. 3418; and

    (b) on June 17, 2010, the revised Conference Report on H. 3418 would be signed by all three conferees -- Senators CAMPSEN, MALLOY and SHOOPMAN, and that pursuant to the provisions of S. 1528 the Report would be adopted upon its adoption by the House of Representatives; and

    (c)  S. 1528, the *Sine Die* Resolution, would be forwarded to the House of Representatives for consideration and no further action would be taken by the Senate on H. 3418; and

    (d)  after the adoption of this motion, the Senate would proceed to  the Morning Hour; and

    (e)  at the conclusion of the Morning Hour, the Senate would stand adjourned until Thursday, June 17, 2010.

There was no objection and the motion was adopted.

**Statement by Senator KNOTTS**

I have informed Senator PEELER, Chairman of the Republican Caucus, the full Republican Caucus, Senator McCONNELL, Speaker *Pro Tem*, and Senator COURSON that if and when another cloture vote comes, I intend to vote cloture to bring the issue to a close or in order to hopefully bring about a compromise to send a Senate version to the House. I also informed Senator HUTTO and Senator SETZLER, leaders of the Democratic Caucus, that if and when another cloture vote comes, I intend to vote cloture to bring this Bill to a close and that a compromise needs to be considered to send the Senate version back to the House approved by the full Senate. I reluctantly previously agreed along with the majority of the Republican Caucus and Democratic Caucus to carry over H. 3418 in order to move on to other important business facing the South Carolina Senate which greatly impacts the people of Lexington County and the rest of our State with the agreement to revisit it before *Sine Die*. I do not favor voting cloture because I think it serves our interests when we allow all sides to be heard and thereby get a better legislative product through a compromise. Numerous attempts were made to end debate, and each failed. We now have endured countless hours of debate and the opponents of voter ID have had ample time to express their views. Now, it is time to act. The next time there is an opportunity to end debate, I will do so without reservation. It is time for the people to get an up and down vote on voter ID. The argument has been by Senator McCONNELL that the House Bill has constitutional issues and problems passing judicial review. My holding out helped bring the Democrats and the Republicans to a unanimous agreement to pass voter identification back to the House with the Senate version.

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sent the following vetoes to the Senate which were sustained:

**R. 293, H. 4657--GENERAL APPROPRIATIONS ACT**

**Veto 2 Part IA, Section 6; Page 25; Commission on Higher Education, Section I. Administration; Special Items; SCAMP; $187,410.**

**Veto 3 Part IA, Section 6; Page 25; Commission on Higher Education, Section I. Administration; Special Items; Greenville Higher Ed Center; $67,967.**

**Veto 4 Part IA, Section 6; Page 25; Commission on Higher Education, Section I. Administration; Special Items; Think Tec/Fastrac-Entreprenurial Ed/Mento; $105,216.**

**Veto 5 Part IA, Section 6; Page 25; Commission on Higher Education, Section I. Administration; Special Items; Access and Equity; $416,336.**

**Veto 7 Part IA, Section 14; Page 43; South Carolina State University; I. Education & General; A. Unrestricted; Special Items; Transportation Center; $778,683.**

**Veto 8 Part IA, Section 14; Page 43; South Carolina State University; I. Education & General; A. Unrestricted; Special Items; Teacher Training & Development; $478,786.**

**Veto 9 Part IA, Section 15A; Page 45; University of South Carolina; I. University of South Carolina; A. USC – Non-Medicine; Special Items; African American Professors Program; $178,805.**

**Veto 10 Part IA, Section 15A; Page 45; University of South Carolina; I. University of South Carolina; A. USC – Non-Medicine; Special Items; Congaree Initiative; $216,054.**

**Veto 11 Part IA, Section 15A; Page 45; University of South Carolina; I. University of South Carolina; A. USC – Non-Medicine; Special Items; Nano Technology Research; $558,573.**

**Veto 12 Part IA, Section 15A; Page 45; University of South Carolina; I. University of South Carolina; A. USC – Non-Medicine; Special Items; Hydrogen Research; $558,573.**

**Veto 13 Part IA, Section 15A; Page 45; University of South Carolina; I. University of South Carolina; A. USC – Non-Medicine; Special Items; Technology Incubator; $111,714.**

**Veto 17 Part IA, Section 17B; Page 66; Area Health Education Consortium; I. Consortium; A. General; Special Items; Rural Physicians Program; $422,244.**

**Veto 18 Part IA, Section 17B; Page 66; Area Health Education Consortium; I. Consortium; A. General; Special Items; Infrastructure Development; $393,974.**

**Veto 26 Part IA; Section 21; Page 78; Department of Health and Human Services; II. Program Services; A. Health Services; Personal Service; 1. Medical Administration; Other Personal Services; $384,184.**

**Veto 30 Part IA, Section 28; Page 119; Department of Archives and History, Section IV. Historical Services; Special Items: Old Exchange Building; $145,500.**

**Veto 40 Part IA, Section 37; Page 146; Department of Natural Resources; Section II. Programs & Services; H. Marine Resources; 1. Marine Conservation and Management; Unclassified Positions; $25,000.**

**Veto 41 Part IA, Section 37; Page 148; Department of Natural Resources; Section II. Programs & Services; I. Land, Water & Conservation; 2. Conservation; Other Operating Expenses; $20,662.**

**Veto 42 Part IA, Section 39; Page 154; Department of Parks, Recreation and Tourism; II. Programs and Services; I. State Film Office; Total Film Office; $309,680.**

**Veto 43 Part IA, Section 51; Page 182; Department of Corrections; II. Programs and Services; C. Work and Vocational Activities; Total Personal Service; All General Funds; $944,836.**

**Veto 44 Part IA, Section 54; Page 194; Human Affairs Commission; I. Administration; Total Administration; All General Funds; $447,001.**

**Veto 45 Part IA, Section 54; Page 194; Human Affairs Commission; II. Consultive Services; Total Consultive Services; All General Funds; $138,402.**

**Veto 46 Part IA, Section 64; Page 210; Department of Consumer Affairs; Section I. Administration; Total Administration; All General Funds; $410,880.**

**Veto 47 Part IA, Section 64; Page 210; Department of Consumer Affairs; Section III. Consumer Services; Total Consumer Services; All General Funds; $265,924.**

**Veto 49 Part IA, Section 70B; Page 230; Leg. Dept-House of Representatives, Section I. Administration; Personal Service; Representatives @ $10,400; $1,289,600.**

**Veto 50 Part IA, Section 73; Page 244; Lieutenant Governor’s Office, Section I. Administration; Personal Service; Unclassified Positions; $159,238.**

**Veto 51 Part IA, Section 79; Page 256; Election Commission, Section IV. Distribution to Subdivision; Aid to County-Election Commission; $449,017.**

**Veto 52 Part IA, Section 80A; Pages 258 through 272; Budget and Control Board; (All General Fund line amounts); $25,234,009.**

**Veto 53 Part IB; Section 1.91; Page 313; Department of Education: Salary Increase Suspension**

**Veto 54 Part IB; Section 21.44; Page 353; Department of Health and Human Services; Rural Hospital Grants**

**Veto 55 Part IB; Section 21.47; Page 353; Department of Health and Human Services; Community Health Plan Grants**

**Veto 59 Part IB; Section 35.4; Page 374; CU-PSA: Spring Dairy Exhibition**

**Veto 62 Part IB; Section 37.18; Page 377; Department of Natural Resource; Wildlife Expo**

**Veto 63 Part IB; Section 39.14; Page 380; Parks, Recreation, and Tourism; Flexibility**

**Veto 66 Part IB; Section 76.11; Page 424; State Treasurer’s Office; Printing Wage Statements**

**Veto 67 Part IB, Section 80A.57; Page 438; Budget and Control Board, EIP Benefits**

**Veto 68 Part IB; Section 89.80; Page 464; General Provision; Lt. Governor Security Detail**

**Veto 69 Part IB; Section 89.96; Page 469; GP: Solar Power Income Tax Credit**

**Veto 70 Part IB; Section 89.143; Page 477; General Provisos: I-95 Corridor**

**Veto 74 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 7; House of Representatives; Reapportionment; $1,000,000.**

**Veto 75 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 8; Budget and Control Board; Reapportionment; $20,000.**

**Veto 76 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 9; Budget and Control Board; Operating Expenses; $297,855.**

**Veto 86 Part IB; Section 90.16; Page 483; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 27; Department of Agriculture; Operating Expenses; $1,000,000.**

**Veto 87 Part IB; Section 90.17; Page 484; Statewide Revenue; Non-Recurring Revenue Transfers; Transfer of $1,000,000 from Department of Motor Vehicles to Budget & Control Board (SCEIS).**

**Veto 88 Part IB; Section 90.17; Page 484; Statewide Revenue; Non-Recurring Revenue Transfers; Transfer of $1,158,284 from the Educational Broadband Spectrum Lease to the SCEIS program within the Budget and Control Board.**

**Veto 89 Part IB; Section 90.18; Page 484; Statewide Revenue; Health Care Maintenance of Effort Funding; Item 3; Department of Health and Environmental Control; $7,407,035.**

**Veto 90 Part IB; Section 90.18; Page 484; Statewide Revenue; Health Care Maintenance of Effort Funding; Item 6; Department of Alcohol and Other Drug; Abuse Services; $500,000.**

**Veto 101 Part III; Section 2; Page 488; (A)(36); Secretary of State; $40,000.**

**Veto 103 Part III; Section 2; Page 488; (A)(38); Budget and Control Board, State Auditor’s Office; $111,948.**

**Veto 104 Part III; Section 2; Page 488; (A)(39); Department of Archives and History; $200,000.**

**Veto 106 Part III; Section 2; Page 488; (A)(44); State Museum; $50,000.**

**Veto 107 Part IV; Page 489-490; Enhanced Federal Medical Assistance Percentage.**

Respectfully submitted,

Speaker of the House

Received as Information

**Message from the House**

Columbia, S.C., June 16, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sent the following vetoes to the Senate, which were overridden:

**R. 293, H. 4657--GENERAL APPROPRIATIONS ACT**

**Veto 1 Part IA, Section 1; Page 2; Department of Education; Section V. Standards and Learning; Special Items; High Schools That Work; $1,403,145.**

**Veto 6 Part IA, Section 6; Page 26; Commission on Higher Education; Section II. Service Programs; Special Items; EEDA; $1,213,065.**

**Veto 14 Part IA, Section 15A; Page 45; University of South Carolina; I. University of South Carolina; A. USC – Non-Medicine; Special Items; Small Business Development Center; $523,121.**

**Veto 15 Part IA, Section 17A; Page 64, Medical University of South Carolina; I. Educational and General; A. Unrestricted; Special Items; Hypertension Initiative; $512,741.**

**Veto 16 Part IA, Section 17A; Page 64, Medical University of South Carolina; I. Educational and General; A. Unrestricted; Special Items; Diabetes Center; $289,088.**

**Veto 19 Part IA, Section 18; Page 68; Technical and Comprehensive Education Board; I. Administration, Total Administration; All General Funds; $3,012,760.**

**Veto 20 Part IA, Section 18; Page 69; Technical and Comprehensive Education BD; II. Instructional Programs; B. System Wide Programs and Initiatives; Total Personal Service; All General Funds; $624,717.**

**Veto 21 Part IA, Section 18; Page 69; Technical and Comprehensive Education BD; II. Instructional Programs; B. System Wide Programs and Initiatives; Other Operating Expenses; $367,724.**

**Veto 22 Part IA, Section 19; Page 72; Educational Television Commission; I. Internal Administration; Total Internal Administration; All General Funds; $1,180,134.**

**Veto 23 Part IA, Section 19; Page 72; Educational Television Commission; II. A. Program and Services; Total Public Education; All General Funds; $3,353,032.**

**Veto 24 Part IA, Section 19; Page 73; Educational Television Commission; II. Program and Services; E. Public Affairs; Total Public Affairs; All General Funds; $710,000.**

**Veto 25 Part IA, Section 20; Page 75; Vocational Rehabilitation; II. Vocational Rehab Programs; B. Special Projects; Other Operating Expenses; $58,479.**

**Veto 27 Part IA, Section 22; Page 82; Dept of Health and Environmental Control, I. Administration; Total Administration; $4,534,052.**

**Veto 28 Part 1A, Section 22; Page 84; Dept of Health and Environmental Control; II. Family Health; 1. Infectious Disease; Other Operating Expenses; $3,213,439.**

**Veto 29 Part IA, Section 28; Page 118; Department of Archives and History, Section I. Administration & Planning; Other Operating Expenses; $635,445.**

**Veto 31 Part 1A, Section 29; Page 121; State Library; IV. Discovery and Delivery; Personal Service; Distribution To Subdivisions; Aid County-Libraries; $4,653,933.**

**Veto 32 Part IA, Section 30; Page 122; Arts Commission, Section II. Statewide Arts Services; All General Funds; $1,212,733.**

**Veto 33 Part 1A, Section 31; Page 124; State Museum Commission; I. Administration; A. Administration; Other Operating Expenses; $1,643,893.**

**Veto 34 Part IA, Section 33; Page 131; Forestry Commission, Section II. Forest Landowner Assistance; Other Operating Expenses; $1,086,210.**

**Veto 35 Part IA, Section 34; Page 133-134; Department of Agriculture; Section III. Consumer Services; All General Funds; $376,500.**

**Veto 36 Part 1A, Section 34; Page 134; Department of Agriculture; Section IV. Marketing Services; A. Marketing and Promotions; Total Marketing and Promotions; All General Funds; $562,905.**

**Veto 37 Part IA, Section 35; Page 136; Clemson University (Public Service Activities), Section I. Regulatory & Public Service; All General Funds; $478,736.**

**Veto 38 Part IA, Section 35; Page 136; Clemson University (Public Service Activities), Section II. Livestock-Poultry Health; A. General; Total Personal Service; All General Funds; $1,598,679.**

**Veto 39 Part IA, Section 36; Page 139; SC State University (Public Service Activities); II. Research & Extension; Total Personal Service; All General Funds; $369,085.**

**Veto 48 Part IA, Section 70A; Page 229; Leg. Dept-The Senate, Section II. Employee Benefits; C. State Employer Contributions; Total Employee Benefits; $3,000,000.**

**Veto 56 Part IB; Section 89.87; Page 466; General Provisions; Flexibility, Lines 39-45**

**Veto 57 Part 1B, Section 89.87; Page 467; General Provisions; Flexibility, Lines 1-2**

**Veto 58 Part 1B, Section 89.87; Page 467; General Provisions; Flexibility, Lines 14-15**

**Veto 60 Part IB; Section 37.16; Page 377; Department of Natural Resources; County Funds**

**Veto 61 Part IB; Section 37.17; Page 377; Department of Natural Resources; County Game Funds/Equipment Purchase**

**Veto 64 Part IB; Section 39.15; Page 380; Parks, Recreation, and Tourism; Additional Motion Picture Bonus-Rebate**

**Veto 65 Part IB; Section 65.12; Page 406; Labor, Licensing, and Regulation; SC ERT/Urban Search and Rescue**

**Veto 71 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 2; Budget and Control Board; SCEIS; $2,179,716.**

**Veto 72 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 3; Commission on Higher Education; SREB Dues; $413,929.**

**Veto 73 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 6; The Senate; Reapportionment; $1,000,000.**

**Veto 77 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 11; Department of Education; Career and Technology Education (CATE) Textbooks Resources Materials; $662,000.**

**Veto 78 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 12; Department of Education; Transportation; $900,000.**

**Veto 79 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 14; Department of Education; Governor’s School for the Arts and Humanities; $500,000.**

**Veto 80 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 15; Department of Education; Governor’s School for Math and Science; $500,000.**

**Veto 81 Part IB; Section 90.16; Page 482; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 16; Prosecution Coordination Commission; Operating Expenses; $1,000,000**

**Veto 82 Part IB; Section 90.16; Page 483; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 17; Commission on Indigent Defense; Operating Expenses; $1,000,000.**

**Veto 83 Part IB; Section 90.16; Page 483; Statewide Revenue; Nonrecurring Revenue Increased Enforcement Collections; Item 18; B&C Board, Employee Benefits; Health Plan – Employer Increase; $147,076.**

**Veto 84 Part IB; Section 90.16; Page 483; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 20; John de la Howe School; Operating Expenses; $308,765.**

**Veto 85 Part IB; Section 90.16; Page 483; Statewide Revenue; Nonrecurring Revenue – Increased Enforcement Collections; Item 21; Wil Lou Gray Opportunity School; Operating Expenses; $308,764.**

**Veto 91 Part IB; Section 90.18; Page 484; Statewide Revenue; Health Care Maintenance of Effort Funding; Item 7; Commission for the Blind; $100,000.**

**Veto 92 Part III; Section 2; Page 487; (A)(22); State Library; $1,172,758.**

**Veto 93 Part III; Section 2; Page 487; (A)(23); Forestry Commission; $500,000.**

**Veto 94 Part III; Section 2; Page 487; (A)(24); Department of Agriculture; $200,000.**

**Veto 95 Part III; Section 2; Page 487; (A)(25); Clemson University – PSA; $2,600,000.**

**Veto 96 Part III; Section 2; Page 487; (A)(26); South Carolina State University – PSA; $500,000.**

**Veto 97 Part III; Section 2; Page 487; (A)(28); Administrative Law Court; $100,000.**

**Veto 98 Part III; Section 2; Page 487; (A)(31); Prosecution Coordination Commission; $500,000.**

**Veto 99 Part III; Section 2; Page 487; (A)(32); Commission on Indigent Defense; $700,000.**

**Veto 100 Part III; Section 2; Page 488; (A)(34); Law Enforcement Training Council; $120,000.**

**Veto 102 Part III; Section 2; Page 488; (A)(37); Leg Dept. – Codification of Law and Legislative Council; $100,000.**

**Veto 105 Part III; Section 2; Page 488; (A)(40); Arts Commission; $250,000.**

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 16, 2010

Mr. President and Senators:

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

(R272, H3790) -- 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.

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 16, 2010

Mr. President and Senators:

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

(R323, H4187) -- Reps. White and Kirsh: AN ACT 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 TO 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 AND A PROVISION THAT LIMITS THE TERM THAT AN ENTITY MAY ASSIGN TO PRIVATE PARTIES THE OPERATION SPACE, AREA, IMPROVEMENTS AND EQUIPMENT ON AN AIRPORT OR LANDING FIELD.

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., May 16, 2010

Mr. President and Senators:

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

(R329, H4542) -- Reps. Harrison, Weeks and McLeod: AN ACT TO AMEND SECTION 8‑13‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE; AND TO AMEND SECTION 8‑13‑1372, AS AMENDED, RELATING TO THE AUTHORITY OF STATE ETHICS COMMISSION TO DETERMINE THAT ERRORS OR OMISSIONS ON CAMPAIGN REPORTS ARE INADVERTENT AND MAY BE HANDLED AS TECHNICAL VIOLATIONS, SO AS TO CHANGE REFERENCES OF THE STATE ETHICS COMMISSION TO THE APPROPRIATE SUPERVISORY OFFICE.

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 16, 2010

Mr. President and Senators:

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

(R283, H4715) -- 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.

Respectfully submitted,

Speaker of the House

Received as Information

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

**STATEWIDE APPOINTMENT**

**Confirmation**

Having received a favorable report from the Judiciary Committee, the following appointment was confirmed in open session:

Reappointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2010, and to expire June 30, 2016

At-Large:

Susan S. Barden, 4819 Landrum Drive, Columbia, SC 29206

**Statement by Senator LAND**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator HUTTO**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator RANKIN**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator HAYES**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator MALLOY**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator SHEHEEN**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator THOMAS**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator MASSEY**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator DAVIS**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator CAMPSEN**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator SETZLER**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**Statement by Senator COLEMAN**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers’ Compensation Commission.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Myrtle Beach Air Force Base Redevelopment Authority, with the term to commence July 1, 2010, and to expire July 1, 2014

Myrtle Beach City Council:

Robert H. Reed, 715 Antigua Drive, Myrtle Beach, SC 29572

**MOTION ADOPTED**

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John M. Harrison of Powdersville, S.C.

and

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of

Mr. Jack Goolsby of Easley, S.C., beloved husband of Jane Goolsby, State Director for the Office of U.S. Senator Lindsey Graham.

**ADJOURNMENT**

At 2:31 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet at 2:45 P.M. on Thursday, June 17, 2010.