~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Job 22:22: “Receive instruction from His mouth and lay up His words in your heart.”

Let us pray. Gracious God, thank You for Your spirit, infused into our lives. Continue to speak to us the words which are necessary for our living and our doing, so that what is accomplished here may be to Your honor and glory. Look in favor upon our Nation, State, and all our leaders. May they take Your words into their hearts. Protect our defenders of freedom, at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. SABB moved that when the House adjourns, it adjourn in memory of Mary Louise James McFadden of Salters, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the family of Ross Reeves of Reevesville who lost his life in an automobile accident.

**REPORT RECEIVED**

The following was received:

Joint Transportation Review Committee

Post Office Box 142

Columbia, SC 29202-0142

Date: June 1, 2012

To: Interested Parties

From: Joint Transportation Review Committee

Re: Notice of Initial Findings of Qualifications

The Joint Transportation Review Committee met on May 31, 2012. The Committee found the individuals listed below qualified to serve on the South Carolina Department of Transportation Commission.

Unless otherwise notified, a final report of qualifications will be released at 1:00 p.m. on Tuesday, June 5, 2012.

Third District:

Mr. Roy E. “Eddie” Adams of Seneca

Fifth District:

Mr. W. B. Cook of Gaffney

Mr. John W. Major of Blacksburg

Mr. Winston J. Smith of Lancaster

Unless otherwise notified, The JTRC will release a final report of qualifications at 1:00 p.m. on Tuesday, June 5, 2012.  Candidates may not solicit votes until after 1:00 p.m. on Tuesday, June 5, 2012.  Members of the General Assembly may not pledge their vote until after 1:00 p.m. on Tuesday, June 5, 2012.

Thank you for your attention to this matter.  Please do not hesitate to contact us if you have any questions.

Sincerely,

Senator Lawrence K. Grooms, Chairman

Representative James H. Lucas, Vice-Chairman

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 31, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on H. 3527:

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V. S. Moss, Cobb-Hunter, Herbkersman, Willis, Harrell, Pope, D. C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET-BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 31, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators Setzler, Ryberg and Alexander of the Committee of Conference on the part of the Senate on H. 4967:

H. 4967 -- Ways and Means Committee: A BILL TO AMEND SECTION 9-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS), SO AS TO PROVIDE FOR "CLASS THREE" MEMBERS OF SCRS WITH "CLASS THREE" MEMBERS MEANING AN EMPLOYEE MEMBER OF SCRS WITH AN EFFECTIVE DATE OF MEMBERSHIP AFTER JUNE 30, 2012; TO AMEND SECTIONS 9-1-10 FURTHER AND 9-1-1550, RELATING TO RETIREMENT BENEFITS UNDER THE SCRS, SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCRS MEMBERS ARE COMPUTED AFTER JUNE 30, 2012, AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCRS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-1-1815 SO AS TO PROVIDE FOR THE MANNER IN WHICH RETIRED SCRS MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-1-1810 RELATING TO INCREASES IN SCRS RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-1-1020, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCRS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF CLASS ONE SCRS MEMBERS TO SIX PERCENT OF EARNABLE COMPENSATION FROM FIVE AND ONE-HALF PERCENT AND THE REQUIRED DEDUCTIONS OF SCRS CLASS TWO AND CLASS THREE MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013, AND MAKE CONFORMING CHANGES; TO AMEND SECTION 9-1-1080, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCRS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TEN AND SIX-TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; TO AMEND SECTION 9-1-1140, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCRS, SO AS TO PROVIDE THAT THE REQUIRED COST IS THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE SCRS MEMBER'S CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-1-1510, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A SCRS RETIREMENT ALLOWANCE, SO AS TO PROVIDE THAT A SCRS CLASS THREE MEMBER MUST HAVE AT LEAST THIRTY YEARS OF CREDITABLE SERVICE TO BE ELIGIBLE TO RETIRE AT ANY AGE WITHOUT A BENEFIT REDUCTION; TO AMEND SECTION 9-1-1515, AS AMENDED, RELATING TO THE REQUIREMENTS FOR EARLY RETIREMENT IN SCRS, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9-1-1660, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A NOMINEE OF A DECEASED ACTIVE SCRS MEMBER TO RECEIVE A RETIREMENT ALLOWANCE, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9-1-2210, AS AMENDED, RELATING TO THE TEACHER AND EMPLOYEE RETENTION INCENTIVE (TERI) PROGRAM, SO AS TO CLOSE THE PROGRAM FOR SCRS CLASS THREE MEMBERS AND TO CONFORM THE CALCULATION OF RETIREMENT BENEFITS FOR TERI PARTICIPANTS; TO AMEND SECTION 9-9-60, AS AMENDED, RELATING TO RETIREMENT AND RETIREMENT ALLOWANCES FOR MEMBERS OF THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA (GARS), SO AS PROSPECTIVELY TO ELIMINATE PROVISIONS ALLOWING MEMBERS OF THE GENERAL ASSEMBLY WHO MEET CERTAIN AGE OR CREDITED SERVICE REQUIREMENTS OR WITH AGE AND CREDITED SERVICE REQUIREMENTS TO RECEIVE A GARS RETIREMENT BENEFIT WHILE CONTINUING TO SERVE IN THE GENERAL ASSEMBLY; TO AMEND SECTIONS 9-11-10 AND 9-11-60, BOTH AS AMENDED, RELATING TO DEFINITIONS AND ELIGIBILITY FOR RETIREMENT UNDER THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS), SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCPORS MEMBERS RETIRING AFTER JUNE 30, 2012, ARE COMPUTED AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCPORS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE SCPORS MEMBER'S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9-11-312 SO AS TO PROVIDE FOR THE MANNER IN WHICH SCPORS RETIRED MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9-11-310 RELATING TO COST OF LIVING ADJUSTMENTS UNDER SCPORS BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9-11-50, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCPORS, SO AS TO PROVIDE THAT THE REQUIRED COST MUST BE THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE MEMBERS CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9-11-210, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCPORS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF SCPORS CLASS TWO MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE-HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013; TO AMEND SECTION 9-11-220, AS AMENDED, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCPORS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TWELVE AND THREE TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; BY ADDING SECTION 9-16-335 SO AS TO PROVIDE THAT THE ASSUMED ANNUAL RATE OF RETURN ON THE INVESTMENTS OF THE RETIREMENT SYSTEM MUST BE ESTABLISHED BY THE GENERAL ASSEMBLY AND EFFECTIVE JULY 1, 2012, THE ASSUMED ANNUAL RATE OF RETURN ON RETIREMENT SYSTEM INVESTMENTS IS SEVEN AND ONE-HALF PERCENT; AND TO AMEND SECTIONS 9-1-1135, 9-8-185, 9-9-175, AND 9-11-265, RELATING TO INTEREST ON MEMBER'S CONTRIBUTIONS IN SCRS, GARS, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND SCPORS, SO AS TO PROVIDE THAT INTEREST IS NOT PAID ON INACTIVE ACCOUNTS, AND TO DEFINE "INACTIVE ACCOUNT".

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 31, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 149:

S. 149 -- Senators Campsen, Rose, McConnell, Ryberg, Fair, Massey, Leventis, Bryant, Davis, Shoopman, Grooms and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "EQUAL ACCESS TO INTERSCHOLASTIC ACTIVITIES ACT" BY ADDING SECTION 59-63-100 SO AS TO PERMIT HOME SCHOOL STUDENTS AND GOVERNOR'S SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES OF THE SCHOOL DISTRICT IN WHICH THE STUDENTS RESIDE SUBJECT TO CERTAIN CONDITIONS, AND TO PROVIDE ADDITIONAL REQUIREMENTS FOR CHARTER SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 5, 2012

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time today, for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. ALLISON the invitation was accepted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5359 -- Reps. Harrison, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO COMMEND BONNIE GOLDSMITH ANZELMO OF RICHLAND COUNTY FOR HER OUTSTANDING SERVICE TO THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, AND TO EXTEND BEST WISHES TO HER IN ALL HER FUTURE ENDEAVORS.

Whereas, it is appropriate to recognize persons who give tirelessly of their time and talents for the benefit of the great State of South Carolina, and Bonnie Anzelmo is one such South Carolinian worthy of this special recognition; and

Whereas, a 2001 graduate of the University of South Carolina, Ms. Anzelmo received her juris doctor degree from the University of South Carolina School of Law in 2004; and

Whereas, she began her service to the State in Governor Jim Hodges’s office and then as a law clerk to the Legislative Council, quickly distinguishing herself with outstanding skills in research and resolution drafting; and

Whereas, after a short stint in private practice, Ms. Anzelmo returned to state service when she joined the staff of the House Judiciary Committee in 2007, where she lent her expertise to the study of the complex areas of constitutional, criminal, family, and election law; and

Whereas, this bright young attorney with a strong work ethic and determination to go above and beyond what was required of her developed quite a reputation for excellence in her field not just with her fellow attorneys and coworkers but also with the members themselves; and

Whereas, Ms. Anzelmo’s dedication to the business of the committee and the House of Representatives did not go unnoticed, and she is fondly remembered by all who have had the privilege to know her for her terrific sense of humor, no‑nonsense approach, and the defining characteristic of always giving her all; and

Whereas, she certainly gave her all to raise awareness of blood cancers, a cause near and dear to her heart, when she ran the 2012 Myrtle Beach half‑marathon raising money for the Leukemia and Lymphoma Society. She also participated in the local “Bark to the Park” event helping support shelter pets across the Midlands. Ms. Anzelmo is also not afraid to roll up her sleeves and give blood in support of the American Red Cross; and

Whereas, the rabid Gamecock fan is married to Michael Anzelmo, the love of her life and perhaps the only man shorter than she that she could find at Tulane University Law School before they left together to continue their studies at the University of South Carolina School of Law, and together they are the proud owners of Scarlett the dog whose adventures keep the couple entertained; and

Whereas, her many and varied contributions to the House of Representatives, the House Judiciary Committee, and her community are to be commended and will not soon be forgotten; and

Whereas, this young woman with the gregarious personality, is greatly missed by the members and staff alike, particularly her second mom, Linda Anderson, but her service will be remembered for her dedication to her profession and her most generous heart. Fortunately, her career path has not taken her far as she continues to serve the State just across the lobby with the South Carolina Senate; and

Whereas, the members and staff of the House or Representatives express their sincere gratitude to Ms. Anzelmo for her hard work and the professionalism with which she did the work of the House of Representatives and wish her great success in the future. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the House of Representatives of the State of South Carolina commend Bonnie Goldsmith Anzelmo of Richland County for her outstanding service to the South Carolina House of Representatives, and extend best wishes to her in all her future endeavors.

Be it further resolved that a copy of this resolution be provided to Bonnie Goldsmith Anzelmo of Richland County.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5360 -- Reps. Gambrell, Bowen, Putnam, Thayer, White, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Toole, Tribble, Vick, Weeks, Whipper, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE PAUL L. AGNEW OF ANDERSON COUNTY FOR HIS DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF THE CITIZENS OF SOUTH CAROLINA AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, the members of the South Carolina House of Representatives learned with sincere regret that Paul Agnew will depart from the House of Representatives at the conclusion of his current term; and

Whereas, born in Anderson the son of Harry and the late Frances Agnew, he earned a bachelor’s degree from Erskine College in 1983 and a juris doctorate from the University of South Carolina School of Law in 1986, and he has been a member of the South Carolina Bar Association since 1987 and serves as the president of the Abbeville County Bar Association; and

Whereas, he married his beloved wife, Robyn Roper Agnew, in 1998, and he practices law in Due West when away from his duties in the House of Representatives; and

Whereas, in 1987, he served as a law clerk for the Honorable James E. Moore and as a public defender for Abbeville County from 1989 to 1990. He served as an instructor of government at Erskine College in 1988, 1990, 1992, and 1994 and as an instructor of business in 1989; and

Whereas, a member of Westminster Presbyterian Church, he has served his community on the Abbeville Opera House board of directors, Abbeville County Historical Society, Abbeville County Library Board, Abbeville‑Greenwood Regional Library Board, and in 1992 on the Regional United Way Board of Directors; and

Whereas, using his keen legal mind, he has served as attorney for Habitat for Humanity for Abbeville and McCormick counties since 1998 and as a Guardian *ad Litem* attorney since 2001; and

Whereas, he is a founding member of the Upper Savannah Land Trust and a member of the Abbeville County Development Board and of the Greater Abbeville Chamber of Commerce; and

Whereas, he has served the students of our State on the Piedmont Technical College Board of Visitors, Erskine College Board of Counselors, and the Erskine College Alumni Board; and

Whereas, he has served on the National Wild Turkey Federation, Ducks Unlimited, and as a member of the Sportsman Caucus; and

Whereas, since 2005, he has faithfully served his constituents and the citizens of District 11 in the House of Representatives, during which time he has served on the Agriculture and the Natural Resources & Environmental Affairs committees, and as the Environmental Affairs II Subcommittee chair. For his outstanding service, he was named the EMS Legislator of Year in 2009; and

Whereas, in all of his service, he has provided keen legal acumen and understanding as well as a love for the environment and the natural resources of the Palmetto State; and

Whereas, the members of the House of Representatives will miss the dedicated and earnest service that Paul Agnew, their friend and colleague, has given to the House of Representatives, and hope that he will enjoy deep fulfillment in the years to come. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the Honorable Paul L. Agnew of Anderson County for his dedicated service in the House of Representatives on behalf of the citizens of South Carolina, and wish him much success and happiness in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable Paul Agnew.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5361 -- Reps. G. R. Smith, Corbin, Dillard, Hamilton, Henderson, Loftis, Nanney, Stringer, Willis, Agnew, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Crawford, Crosby, Daning, Delleney, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE KARL B. ALLEN OF GREENVILLE COUNTY FOR HIS DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF HIS CONSTITUENTS AND THE CITIZENS OF SOUTH CAROLINA AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, the members of the South Carolina House of Representatives learned with sincere regret that Karl Allen will depart from the House of Representatives at the conclusion of his current term; and

Whereas, born in Greenville on October 13, 1960, the son of Jesse and Maudie Allen, he earned a bachelor’s degree from the University of South Carolina in 1982 and a juris doctorate in 1986; and

Whereas, he has one fine daughter, Brittanie Elizabeth, and when he is away from his duties in the House of Representatives, he practices law in Greenville; and

Whereas, deeply committed to his profession, he served as the past president of the National Association of Blacks in Criminal Justice, and he was admitted to United States Supreme Court in 1992 and holds membership in the South Carolina Bar Association; and

Whereas, he has served the citizens of District 25 in the House of Representatives since 2001, during which time he has served as a member of the Judiciary Committee; and

Whereas, in his twelve years of service, he has provided tremendous legal insight and understanding in this chamber, and his experience as a practicing attorney paid great dividends in this regard; and

Whereas, the members of the House of Representatives will miss the keen and dedicated service that Karl Allen, their friend and colleague, has given to the House of Representatives, and hope that he will enjoy deep fulfillment in the years to come. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the HonorableKarl B. Allen of Greenville County for his faithful service in the House of Representatives on behalf of his constituents and the citizens of South Carolina and wish him much success and happiness in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable Karl B. Allen.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5362 -- Reps. Hayes, Alexander, Agnew, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE JAMES A. "JIM" BATTLE OF MARION COUNTY FOR HIS DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF HIS CONSTITUENTS AND THE CITIZENS OF SOUTH CAROLINA AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, the members of the South Carolina House of Representatives learned with sincere regret that James A. “Jim” Battle will retire from the House of Representatives at the conclusion of his current term; and

Whereas, born in Mullins on October 14, 1942, the son of James and Blanche Battle, he earned a bachelor’s degree from The Citadel in 1964 and a master’s in business administration from the University of South Carolina in 1967; and

Whereas, in the patriotic tradition of a Palmetto son, he served his country in the United States Army during the Vietnam War, attaining the rank of first lieutenant; and

Whereas, he married his beloved wife, Katherine Ayres Campbell, in 1966, and together they reared a fine daughter, Bess, and when away from his duties in the House of Representatives, he is a merchant and farmer in Nichols; and

Whereas, he has faithfully served his constituents and the citizens of District 57 in the House of Representatives since 1997, during which time he has served on the Ways and Means Committee and has earned a deserved reputation among all his colleagues for a warm and friendly demeanor combined with uncompromising honor and integrity; and

Whereas, committed to his profession and his community, he served as the president of the South Carolina Aquaculture Association from 1994 to 1997, as the chairman of the Marion County Hospital District from 1995 to 1996, on the Center for Marine and Wetland Studies at Coastal Carolina University, and on the advisory board for Francis Marion University Business School; and

Whereas, for his outstanding service, he was named the South Carolina Guardian of Small Business by the National Federation of Independent Business in both 2002 and 2008 and the Legislator of the Year by Career and Technology Education Administrators’ Division of the South Carolina Association of School Administrators in 2008; and

Whereas, in his sixteen years of faithful service, Jim Battle has provided practical thinking and vigorous business acumen to this chamber; and

Whereas, the members of the House of Representatives will miss the keen and insightful service that Jim Battle, their friend and colleague, has given to the House of Representatives, and hope that he will enjoy much happiness and deep fulfillment in the years to come. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the Honorable James A. “Jim” Battle of Marion County for his dedicated service in the House of Representatives on behalf of his constituents and the citizens of South Carolina and wish him much success and happiness in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable James A. “Jim” Battle.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5363 -- Reps. Delleney, D. C. Moss, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE H. BOYD BROWN OF FAIRFIELD COUNTY FOR HIS DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF HIS CONSTITUENTS AND THE CITIZENS OF SOUTH CAROLINA AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, the members of the South Carolina House of Representatives learned with sincere regret that Boyd Brown will retire from the House of Representatives at the conclusion of his current term; and

Whereas, born in Columbia in 1986, the son of David and Melinda Brown, Boyd Brown earned a bachelor’s degree from the University of South Carolina in 2007, where he was a member of Kappa Alpha Order, Rho Chapter, and he remains an avid member of the Carolina Alumni Association; and

Whereas, as a college student, he was actively engaged in the Democratic Party and the corridors of government, serving as a legislative aide in the South Carolina General Assembly from 2005 to 2007; an intern for Representative John Spratt in the United States Congress in 2006; the third vice chairman of the Fairfield County Democratic Party in 2006; an assistant to Tommy Moore, a candidate for governor in 2006; and the president of the University of South Carolina College Democrats in 2006; and

Whereas, when away from his duties in the House of Representatives, he resides in Winnsboro where he is a businessman in contract‑business development; and

Whereas, a member of Sion Presbyterian Church, he has served his community through the South Carolina Economic Development Association, the South Carolina Farm Bureau Federation, and the Wateree Homeowner’s Association; and

Whereas, his concern for the natural resources of the Palmetto State have been bolstered by his membership in Ducks Unlimited, a world leader in wetlands and waterfowl conservation; and

Whereas, he has faithfully served the citizens of District 41 in the House of Representatives since 2009, providing practical and keen business insight to this chamber and serving as a member of the Judiciary Committee; and

Whereas, the members of the House of Representatives will miss the devoted and earnest service that H. Boyd Brown, their friend and colleague, has given to the House of Representatives, and hope that he will enjoy deep fulfillment in the years to come. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the HonorableH. Boyd Brown of Fairfield County for his dedicated service in the House of Representatives on behalf of his constituents and the citizens of South Carolina and wish him much success and happiness in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable H. Boyd Brown.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5364 -- Reps. Bingham, Atwater, Ballentine, Huggins, McLeod, Ott, Quinn, Spires, Toole, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bikas, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO COMMEND THE HONORABLE MARION B. FRYE FOR HIS FOURTEEN YEARS OF COMMITTED SERVICE TO THE CITIZENS OF DISTRICT 39 IN LEXINGTON AND SALUDA COUNTIES, AND TO WISH HIM HAPPINESS AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, for fourteen years, the Honorable Marion B. Frye has represented the citizens of House District 39 in Lexington and Saluda counties with faithful integrity in the House of Representatives of this great State; and

Whereas, born the son of Bruce A. and Leta S. Frye, Leesville resident Marion Frye attended Newberry College and the University of South Carolina in preparation for his career as a self‑employed entrepreneur; and

Whereas, during his years in the House of Representatives, Marion Frye has proven his worth as a member of both the Agriculture, Natural Resources & Environmental Affairs Committee, which he serves as second vice chair, and the Invitations and Memorial Resolutions Committee; and

Whereas, Representative Frye believes in giving back to his community and does so in service to several organizations. He finds time to serve with the Fellowship of Christian Athletes, Gideons, and Highland Avenue Pentecostal Holiness Church. He is also a former board member for the Alcohol and Drug Abuse Committee; and

Whereas, as a proud husband and father, he finds his beloved wife, the former Judy Adams, and his three children, Dana Lynne, Marion, and DaLeta, a blessing. He draws his strength from their strong support; and

Whereas, Marion Frye’s colleagues in the House of Representatives, understanding that he will not seek re‑election, thank him for his dedicated service to the people of District 39 and extend heartiest wishes for all the best life has to offer in the coming years. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, commend the Honorable Marion B. Frye for his fourteen years of committed service to the citizens of District 39 in Lexington and Saluda counties, and wish him happiness and success in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to our distinguished colleague, the Honorable Marion B. Frye.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5365 -- Reps. Rutherford, Bales, Ballentine, Brady, Butler Garrick, Hart, Howard, McEachern, J. H. Neal, J. E. Smith, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO COMMEND THE HONORABLE JAMES HODGES HARRISON FOR HIS TWENTY-THREE YEARS OF COMMITTED SERVICE TO THE CITIZENS OF DISTRICT 75 IN RICHLAND COUNTY AND TO WISH HIM SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

Whereas, for twenty‑three years, the Honorable James Hodges Harrison has represented the citizens of House District 75 in Richland County with faithfulness and excellence in the House of Representatives of this great State; and

Whereas, to begin preparation for a multifaceted career, Columbia attorney Jim Harrison earned his bachelor’s degree at The Citadel in 1973, followed by completion of his juris doctor degree at the University of South Carolina in 1976; and

Whereas, heeding the call of his country, he activated for military service during Operation Desert Storm in Saudi Arabia (1991), Operation Uphold Democracy in Haiti (1994), and Operation Joint Endeavor in Bosnia (1996). A colonel (retired) in the United States Army Reserve, Jim Harrison graduated from the United States Army War College in 2000. The Bronze Star recipient was also recently awarded the Legion of Merit by the Secretary of the Army; and

Whereas, during his years in the House of Representatives, Jim Harrison has proven his worth as a member of the Judiciary Committee, which he has served as chairman since 1994; and

Whereas, Representative Harrison’s record as a legislator has been marked by notable success. He has made property tax relief and the rights of victims two of his top legislative priorities, and in 2006 his leadership helped secure passage of the Property Tax Relief Act, tougher penalties for criminal domestic violence, and “Jessica’s Law,” which made it easier to prosecute and convict sex offenders. He also led the fight to protect private‑property rights and strengthen incentives for companies looking to do business in South Carolina; and

Whereas, a respected leader among both parties in the General Assembly, he ably led the House of Representatives through two rounds of redistricting, guiding the body through the complicated and sometimes highly-charged process with his characteristic wisdom and good nature; and

Whereas, Representative Harrison believes in giving back to his community and does so in service with various organizations. He finds time to participate in the East Columbia Rotary Club, South Carolina Bar Association, and Richland County Bar Association and serves as a volunteer Guardian *ad litem* for abused and neglected children; and

Whereas, as a proud husband and father, he finds his beloved wife, Susan H. Harrison, and his two daughters, Catherine and Molly, a blessing. He draws his strength from their strong support and from his faith, nurtured through worship at Shandon Presbyterian Church; and

Whereas, a true statesman in every sense of the word, Jim Harrison’s departure from the House of Representatives will be felt by all who know him. He can boast a long list of legislative accomplishments but his legacy also includes being known as the chairman with the ready smile and the train whistle which he judiciously blew when the legislative train was on the track; and

Whereas, Jim Harrison’s colleagues in the House of Representatives and all those who have had the privilege of working with him in some capacity during his tenure as chairman of the House Judiciary Committee thank him for his dedicated service to the people of this State and extend heartiest wishes for all the best life has to offer in the coming years. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, commend the Honorable James Hodges Harrison for his twenty‑three years of committed service to the citizens of District 75 in Richland County and wish him success and fulfillment in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to our distinguished colleague, the Honorable James Hodges Harrison.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5366 -- Reps. Hardwick, Barfield, Clemmons, Edge, Hayes, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO COMMEND THE HONORABLE GEORGE M. HEARN, JR., FOR HIS FOUR YEARS OF COMMITTED SERVICE TO THE CITIZENS OF DISTRICT 105 IN HORRY COUNTY AND TO WISH HIM CONTENTMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, for four years, the Honorable George M. Hearn, Jr., has represented the citizens of House District 105 in Horry County with faithful integrity in the House of Representatives of this great State; and

Whereas, in preparation for a multifaceted career, George earned his bachelor of arts degree in economics from Duke University in 1974, and a law degree from the University of South Carolina in 1977. Following law school, he served as a clerk to the Honorable J. Woodrow Lewis, Chief Justice of South Carolina, from 1977 to 1979; and

Whereas, a native of Rock Hill, George is a son of Martha Hearn and the late George M. Hearn, Sr. He made Conway his home after his judicial clerkship, and has practiced law in Horry County ever since. Notably, George practiced law with his wife of 32 years, Kaye Gorenflo Hearn, before she began a judicial career in which she has risen to become an associate justice of the South Carolina Supreme Court; and

Whereas, during his years in the House of Representatives, George Hearn has proven his worth as a member of the Judiciary Committee, of which he is second vice chairman. He is known for his keen intellect, tireless work ethic, and unfalteringly affable demeanor; and

Whereas, an accomplished attorney, George has also served the South Carolina Bar with distinction as a member of the Board of Commissioners on Grievances and Discipline from 1983 until 1986, including service on its Executive Board from 1985 to 1986, the South Carolina Board of Bar Examiners from 1986 to 2008, including service as its chairman from 1997 to 2008, and service on the South Carolina Bar Foundation Board since 2006; and

Whereas, Representative Hearn believes in giving back to his community and does so in volunteer service with various organizations. Past or present positions include service, often as a board member, with the Horry County Red Cross, Horry County Shelter Home, Conway Hospital Foundation, Horry County Solid Waste Authority, and Conway Medical Center; and

Whereas, in recognition for his civic and professional accomplishments, George received the Gold Compleat Lawyer Award from the University of South Carolina School of Law Alumni Association. George is undoubtedly worthy of the award, which recognizes alumni who have made significant contributions to the legal profession and exemplify the highest standard of professional competence, ethics and integrity; and

Whereas, as a proud husband and father, he is blessed with his beloved wife, and his daughter, Kathleen Wrenn, a graduate of Wofford College and student at the Charleston School of Law. He draws his strength from their strong support and from his faith, nurtured through worship at St. Paul’s Episcopal Church; and

Whereas, George Hearn’s colleagues in the House of Representatives, understanding he will not seek re‑election, thank him for his dedicated service to the people of District 105 and extend heartiest wishes for all the best life has to offer in the coming years. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, commend the Honorable George M. Hearn, Jr., for his four years of committed service to the citizens of District 105 in Horry County and wish him contentment and success in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to our distinguished colleague, the Honorable George M. Hearn, Jr.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5367 -- Reps. G. M. Smith, Sabb, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE KEVIN L. JOHNSON OF CLARENDON COUNTY FOR HIS DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF HIS CONSTITUENTS AND THE CITIZENS OF SOUTH CAROLINA AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, the members of the South Carolina House of Representatives learned with sincere regret that Kevin Johnson will retire from the House of Representatives at the conclusion of his current term; and

Whereas, born in 1960 in Kentucky, the son of Sallie and the late Willie Johnson, Kevin Johnson earned a bachelor of science from the University of South Carolina in 1982; and

Whereas, he and his beloved wife, Gloria Johnson, married in 1987 and reside in Manning, and together they reared three fine children: Kimberly, Kenneth, and Kyndra; and

Whereas, an active member and Chairman of the Board of Trustees at Ebenezer Baptist Church, he has served on the Clarendon County Chamber of Commerce and on the Harvin Clarendon County Library Board; and

Whereas, deeply involved in his community, he served as Chairman of Black River Healthcare, Inc., from 1988 to 2004 and as President of the South Carolina Conference of Black Mayors from 2004 to 2010; he also participated in Leadership South Carolina in 1995, the National Conference of Black Mayors from 2003 to 2009, and the South Carolina Executive Institute in 2006; and he served on the Santee‑Lynches Council of Governments from 2000 to 2011, the South Carolina Association of Regional Councils from 2002 to 2011, and the Regional Counter Terrorism Coordinating Council; and

Whereas, he served the citizens of his city and county on Clarendon School District 2 from 1988 to 2000, on the Manning City Council from 1994 to 2000, and as mayor of the City of Manning from 2000 to 2011; and

Whereas, he has faithfully served the citizens of District 64 in the House of Representatives since April 4, 2011 when he was elected in a special election; during this time he has been a member of the Medical, Military, and Public and Municipal Affairs Committee; and

Whereas, during his tenure in office, he has provided practical and thoughtful insight for this chamber; and

Whereas, the members of the House of Representatives will miss the steady and earnest service that Kevin Johnson, their friend and colleague, has given to the House of Representatives, and hope that he will enjoy deep fulfillment in the years to come. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the HonorableKevin L. Johnson of Clarendon County for his dedicated service in the House of Representatives on behalf of his constituents and the citizens of South Carolina and wish him much success and happiness in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable Kevin L. Johnson.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5368 -- Reps. Lucas, Long, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Lowe, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE JAMES M. "JIMMY" NEAL OF LANCASTER COUNTY FOR HIS DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF HIS CONSTITUENTS AND THE CITIZENS OF SOUTH CAROLINA AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, the members of the South Carolina House of Representatives learned with sincere regret that James M. “Jimmy” Neal will retire from the House of Representatives at the conclusion of his current term after fourteen years of outstanding service; and

Whereas, born April 30, 1943, the son of the late James M. Neal and the late Annie Neal Smith, Jimmy Neal earned a bachelor’s in science from Clemson University in 1965 and a master’s in education from Winthrop University in 1978; and

Whereas, he married his beloved wife, Harriett Hawkins, in 1966, and together they reared two fine children, Bryant and Scott, and he resides in Kershaw, having served as a school principal before retiring; and

Whereas, a loyal member of Center Grove Baptist Church, he has been deeply involved in his community; he was a member of the Lancaster County Election Commission and was a member of the Lancaster County Literacy Council from 1990 to 1998; and

Whereas, he has faithfully served the citizens of District 44 in the House of Representatives since 1999, during which time he has served on the Education and Public Works Committee, where he served as first vice chair of the committee; this session he has been devoted in his service as chairman of the K-12 subcommittee; and

Whereas, for his significant contributions to education, he was inducted into the Lancaster County Education Hall of Fame in 2006, and for his outstanding service in the House of Representatives he was named Emergency Medical Services Legislator of the Year in 2007; and

Whereas, during his tenure in office, he provided keen and caring insight to this chamber concerning the needs of students and the educational system in the Palmetto State; and

Whereas, the members of the House of Representatives will miss the earnest and faithful service that Jimmy Neal, their friend and colleague, has given to the House of Representatives, and hope that he will enjoy deep fulfillment in the years to come. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the HonorableJames M. “Jimmy” Neal of Lancaster County for his dedicated service in the House of Representatives on behalf of his constituents and the citizens of South Carolina and wish him much success and happiness in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable James M. “Jimmy” Neal.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5369 -- Reps. Parks, Pitts, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Patrick, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE LEWIS EUGENE "GENE" PINSON OF GREENWOOD COUNTY FOR HIS FAITHFUL SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF HIS CONSTITUENTS AND THE CITIZENS OF SOUTH CAROLINA AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, the members of the South Carolina House of Representatives learned with sincere regret that Lewis Eugene “Gene” Pinson will retire from the House of Representatives at the conclusion of his current term; and

Whereas, born in 1949 in Greenwood to Thomas and Ruth Pinson, Gene Pinson graduated from The Citadel in 1972 and continues to support his alma mater through the Greater Greenwood Citadel Club and Citadel Alumni Association. He also completed graduate work at Liberty University and Clemson University; and

Whereas, in the patriotic tradition of a Palmetto son, he served in the United States Army from 1972 to 1973 as a second lieutenant, retired from the South Carolina National Guard at the rank of lieutenant colonel, and is a retired Greenwood Guardsmen; and

Whereas, he married his beloved wife, Carol V. Metger, in 1974, and together they reared three fine children: Brian, Emily, and Neal; and when away from his duties in the House of Representatives, he serves as the community relations director of Morningside Assisted Living in Greenwood; and

Whereas, a member and deacon of South Main Street Baptist Church, he has served on Crossroads Crisis Pregnancy Board since 2006, its vice chairman in 2008; a past Cub Scout Leader of Pack 910; and a master mason with Masonic Lodge No. 358; and

Whereas, he is a member of the Retired Officers’ Association; served as the Greenwood County Veterans’ Affairs officer from 1983 to 2002; is a member and past commander of the American Legion Post No. 20; and is a member and past chef de gare of Voiture Locale 435, also known as the 40 & 8; and

Whereas, dedicated to the needs of the larger community, he served with the Upper Savannah Council of Government and the GLEAMNS Human Resource Commission; and prior to serving in the House of Representatives, he served on the Greenwood County Council from 1976 to 1982 and on Greenwood School District No. 50 from 1986 to 1996; and

Whereas, since 2003, he has faithfully served District 13’s citizens in the House of Representatives, during which time he has served as Greenwood County Legislative Delegation vice chairman and on the Labor, Commerce and Industry and Rules committees; and

Whereas, for his vital work, he was named Outstanding Legislator by the South Carolina Association of Counties in 2003 and the Western Piedmont Education Consortium in 2007 and earned the Piedmont Technical College Gold Medallion Award in 2009; and

Whereas, a warm and gregarious campaigner, he has set the example for his peers as a Southern gentleman that has even included hugging constituents and kissing babies, and in all of his service, he has provided practical and thoughtful insight and passionate loyalty to the citizens of his district and our State; and

Whereas, the members of the House of Representatives will miss the dedicated service that Gene Pinson, our friend and colleague, has given to the House of Representatives, and hope that he will enjoy deep fulfillment in the years to come. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, recognize and commend the Honorable Lewis Eugene “Gene” Pinson of Greenwood County for his faithful service in the House of Representatives on behalf of the citizens of his district and the State of South Carolina, and wish him much success and happiness in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to the Honorable Lewis Eugene Pinson.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5370 -- Reps. Horne, Anderson, R. L. Brown, Crosby, Gilliard, Harrell, Limehouse, Mack, McCoy, Merrill, Murphy, Sottile, Stavrinakis, Whipper, Agnew, Alexander, Allen, Allison, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Govan, Hamilton, Hardwick, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Loftis, Long, Lowe, Lucas, McEachern, McLeod, D. C. Moss, V. S. Moss, Munnerlyn, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO COMMEND THE HONORABLE KEVIN R. RYAN FOR HIS TWO YEARS OF COMMITTED SERVICE TO THE CITIZENS OF DISTRICT 108 IN GEORGETOWN AND CHARLESTON COUNTIES AND TO WISH HIM HAPPINESS AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, for two years, the Honorable Kevin R. Ryan has represented the citizens of House District 108 in Georgetown and Charleston counties with faithful integrity in the House of Representatives of this great State; and

Whereas, a resident of Pawley’s Island, Kevin Ryan earned his bachelor’s degree at Clemson University in 2009. In his undergraduate days, he was a member of the South Carolina Student Legislature; and

Whereas, during his years in the House of Representatives, Kevin Ryan has proven his worth as a member of the Agriculture, Natural Resources and Environmental Affairs Committee, as well as the Wildlife and Fisheries Subcommittee; and

Whereas, in addition, he is a member of the Sportsmen’s Caucus, serves as vice chair of the Georgetown County Legislative Delegation, and is a board member of the Waccamaw Regional Council of Governments; and

Whereas, Kevin Ryan’s colleagues in the House of Representatives, understanding he will not seek re‑election, thank him for his dedicated service to the people of District 108 and extend heartiest wishes for all the best life has to offer in the coming years. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, commend the Honorable Kevin R. Ryan for his two years of committed service to the citizens of District 108 in Georgetown and Charleston counties and wish him happiness and success in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to our distinguished colleague, the Honorable Kevin R. Ryan.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5371 -- Reps. Willis, Pitts, McLeod, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Whipper, White, Whitmire, Williams and Young: A HOUSE RESOLUTION TO COMMEND THE HONORABLE DAVID TRIBBLE, JR., FOR HIS COMMITTED SERVICE TO THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND THE CITIZENS OF DISTRICT 15 IN LAURENS AND NEWBERRY COUNTIES, AND TO WISH HIM CONTENTMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

Whereas, for two years, the Honorable David Tribble, Jr., has represented the citizens of House District 15 in Laurens and Newberry counties with faithful integrity in the House of Representatives of this great State; and

Whereas, a financial services representative, David Tribble earned his bachelor’s degree at Presbyterian College in 1977, followed by a master’s degree from Clemson University in 2010. In 1991, he was named Outstanding Young Alumnus of Presbyterian College; and

Whereas, during his years in the House of Representatives, David Tribble has proven his worth as a member of the Medical, Military, Public and Municipal Affairs Committee, as well as the Military and Public Affairs Subcommittee; and

Whereas, Representative Tribble believes in giving back to his community and does so in service to various organizations. Past or present positions include service as mayor of Clinton (1981‑1986); board member for the Laurens County Healthcare System and the Municipal Association of South Carolina; chair of the Printing Industry of the Carolinas, Upper Savannah Council of Governments, and South Carolina Association of Regional Councils; and member of Laurens County Council (2004-2010); and

Whereas, as a proud husband and father, he finds his beloved wife, Dr. Leta Meole Tribble, and his four children, Blakely, David, Chandler, and Perrin, a blessing. He draws his strength from their strong support and from his faith, nurtured through worship at First Presbyterian Church of Clinton; and

Whereas, David Tribble’s colleagues in the House of Representatives, understanding he will not seek re‑election, thank him for his dedicated service to this body and the people of District 15, and extend heartiest wishes for all the best life has to offer in the coming years. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, commend the Honorable David Tribble, Jr., for his committed service to the South Carolina House of Representatives and the citizens of District 15 in Laurens and Newberry counties, and wish him contentment and success in all his future endeavors.

Be it further resolved that a copy of this resolution be presented to our distinguished colleague, the Honorable David Tribble, Jr.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5372 -- Reps. J. R. Smith, Clyburn, Hixon, Spires, Taylor, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams and Willis: A HOUSE RESOLUTION TO COMMEND THE HONORABLE THOMAS R. "TOM" YOUNG, JR., OF AIKEN COUNTY FOR HIS FOUR YEARS OF COMMITTED SERVICE AS A MEMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

Whereas, the Honorable Thomas R. “Tom” Young, Jr., of Aiken County for four years has loyally represented the citizens of House District 81 in the House of Representatives of this great State; and

Whereas, in preparation for his life’s work, Tom Young earned his bachelor’s degree in 1993 at the University of South Carolina (in the process also earning the coveted Algernon Sydney Sullivan Award for that year) and his Juris Doctorate at the University of South Carolina School of Law in 1996. A resident of his native Aiken, he serves as an attorney; and

Whereas, married to the former Heather Winkles since 2001, he is the proud father of two young daughters, Hailey Elizabeth and Ashley Caroline; and

Whereas, Representative Young has always believed strongly in personal involvement with his community, and his convictions have led him to serve the people of South Carolina in numerous capacities. These include volunteer service as an attorney for Millbrook Baptist Church, as well as service on the boards of the Greater Aiken Chamber of Commerce, Aiken County Dollars for Scholars, Children’s Place, and the USC Aiken Partnership; and

Whereas, Tom Young, a man of faith, finds strength through worship and active membership at St. John’s United Methodist Church, as well as through the firm support of his family; and

Whereas, in recognition of his spirit of excellence and dedicated service to the people of South Carolina, Tom Young has been granted various honors, such as the 2009 University of South Carolina Law Alumni Silver Compleat Lawyer Award and 2011 Business Advocate Award, presented by the South Carolina Chamber of Commerce; and

Whereas, as a South Carolina House member, Representative Young has served with distinction on the House Judiciary Committee; and

Whereas, on the occasion of his retirement from the House of Representatives, his House colleagues, grateful for Tom Young’s faithful service in that body, extend their best wishes for much success and fulfillment in the new challenges he looks forward to in the days ahead. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, commend the Honorable Thomas R. “Tom” Young, Jr., of Aiken County for his four years of committed service as a member of the South Carolina House of Representatives and wish him all the best in the years to come.

Be it further resolved that a copy of this resolution be presented to our distinguished colleague, the Honorable Tom Young.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5373 -- Reps. Ott, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO COMMEMORATE THE TWENTY-FIFTH ANNIVERSARY OF THE FIRING OF TWO MISSILES FROM AN IRAQI JET ON THE USS STARK, WHICH TOOK THE LIVES OF THIRTY-SEVEN SAILORS IN THE UNITED STATES NAVY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5374 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO RECOGNIZE THOMAS ASHRIELL "TERRY" SLATER, DIRECTOR OF CHORAL ACTIVITIES AT LEE CENTRAL HIGH SCHOOL, FOR HIS MANY YEARS OF EXEMPLARY SERVICE AS A MUSIC TEACHER AND TO CONGRATULATE HIM ON BEING INDUCTED INTO THE LEE COUNTY OPERA HOUSE WALL OF FAME BY THE LEE COUNTY ARTS COUNCIL.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5375 -- Reps. Gilliard, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR LIEUTENANT LISA A. MCCRAY OF CHARLESTON COUNTY FOR OVER TWENTY-FIVE YEARS OF OUTSTANDING SERVICE IN THE FIELD OF LAW ENFORCEMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5376 -- Reps. G. M. Smith, Weeks, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF THE REVEREND DONNIE ELY COLLINS OF SUMTER COUNTY AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1569 -- Senators Grooms, Pinckney, Campsen, Campbell, Malloy, Scott, Alexander, Anderson, Bright, Bryant, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Gregory, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORT ACCESS ROAD IN NORTH CHARLESTON THE "ROBERT FORD PORT CONNECTOR".

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

**INTRODUCTION OF BILLS**

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

S. 418 -- Senator Leatherman: A BILL TO ENACT THE PROVISO CODIFICATION ACT OF 2011, TO PROVIDE FOR THE CODIFICATION IN THE SOUTH CAROLINA CODE OF LAWS OF CERTAIN PROVISOS CONTAINED IN THE ANNUAL GENERAL APPROPRIATIONS ACT, AND TO PROVIDE FOR OTHER PROVISIONS RELATED TO THE ANNUAL GENERAL APPROPRIATIONS ACT EFFECTIVE FOR FISCAL YEAR 2011-2012 ONLY.

Referred to Committee on Ways and Means

S. 1353 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 8-13-1140 OF THE 1976 CODE, RELATING TO THE DISCLOSURE OF ECONOMIC INTERESTS BY PUBLIC OFFICERS AND EMPLOYEES, TO REQUIRE A PERSON THAT IS REQUIRED TO FILE THE STATEMENT TO FILE FOR ANY YEAR IN WHICH THAT PERSON HOLDS OFFICE FOR ANY PORTION OF THE YEAR.

Referred to Committee on Judiciary

S. 1555 -- Senators Knotts, Setzler and Massey: A BILL TO AMEND SECTION 7-7-380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

S. 1556 -- Senator Pinckney: A BILL TO AMEND ACT 601 OF 1971, AS AMENDED, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE JASPER COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT BEGINNING WITH THE YEAR 2012, THE COUNTY BOARD OF EDUCATION RATHER THAN THE COUNTY COUNCIL SHALL IMPOSE THE TAX LEVY NECESSARY FOR SCHOOL PURPOSES, AND TO PROVIDE FOR PROCEDURES FOR AND LIMITATIONS ON THIS SCHOOL TAX LEVY.

Referred to Committee on Education and Public Works

S. 1557 -- Senator Pinckney: A BILL TO AMEND SECTION 30-5-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERFORMANCE OF THE REGISTER OF DEEDS' DUTIES BY CLERK OF COURT IN CERTAIN COUNTIES, SO AS TO PROVIDE THAT BEGINNING IN 2014 THE REGISTER OF DEEDS IN JASPER COUNTY BE ELECTED RATHER THAN APPOINTED; AND TO AMEND SECTION 30-3-12, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS TO PROVIDE FOR AN APPOINTMENT PROCESS FOR THE JASPER COUNTY REGISTER OF DEEDS PRIOR TO AN ELECTED JASPER COUNTY REGISTER OF DEEDS BECOMING EFFECTIVE.

Referred to Committee on Judiciary

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, June 5.

|  |  |
| --- | --- |
| Mark Willis | V. S. Moss |
| Tommy Stringer | Joseph Neal |
| Kris Crawford | Anne Parks |
| Patsy Knight | William Bowers |
| B. W. Bannister | David Mack |
| Lewis E. Pinson |  |

**Total Present--118**

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Mark Salley of Columbia was the Doctor of the Day for the General Assembly.

**S. 1504--CONTINUED**

The following Bill was taken up:

S. 1504 -- Senator Pinckney: A BILL TO AMEND ACT 476 OF 1998, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

Rep. HERBKERSMAN moved to continue the Bill, which was agreed to.

**S. 1504--MOTION TO RECONSIDER TABLED**

Rep. HERBKERSMAN moved to reconsider the vote whereby the following Bill was continued:

S. 1504 -- Senator Pinckney: A BILL TO AMEND ACT 476 OF 1998, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

Rep. HERBKERSMAN moved to table the motion to reconsider, which was agreed to.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 512 -- Senator Grooms: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING THE PROTECTION OF GAME, BY ADDING SECTION 50-11-36 TO PROHIBIT HUNTING MIGRATORY WATERFOWL ON LAKE MOULTRIE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE PENALTIES.

**S. 1044--DEBATE ADJOURNED**

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

S. 1044 -- Senators Knotts, Cromer and Ford: A BILL TO AMEND SECTION 38-59-250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE REQUIREMENTS FOR THE INITIATION OF OVERPAYMENT RECOVERY EFFORTS PURSUANT TO THE SOUTH CAROLINA HEALTH CARE FINANCIAL RECOVERY AND PROTECTION ACT, SO AS TO ADD REQUIREMENTS CONCERNING AN APPEAL.

**S. 580--DEBATE ADJOURNED**

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

S. 580 -- Senator Setzler: A BILL TO AMEND SECTION 40-18-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, SO AS TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO A PERSON BASED SOLELY ON HIS BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES, THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER-BASED INFORMATION, OR SYSTEM VULNERABILITY TESTING.

**S. 1340--DEBATE ADJOURNED**

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

S. 1340 -- Senators Malloy and Knotts: A BILL TO AMEND SECTION 41-15-520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES OF EMPLOYEES ALLEGING DISCRIMINATION, SO AS TO PROVIDE PROCEDURES THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL FOLLOW UPON RECEIPT OF A COMPLAINT ALLEGING SUCH DISCRIMINATION.

**S. 1438--AMENDED AND REJECTED**

The following Bill was taken up:

S. 1438 -- Senators Lourie, Alexander, Sheheen, Courson, Nicholson, Hutto and Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 84 TO TITLE 44 SO AS TO CREATE THE COMMISSION ON HUNGER WITHIN AND STAFFED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES.

Rep. CORBIN moved to adjourn debate on the Bill until Sunday, July 1.

Rep. MUNNERLYN moved to table the motion, which was agreed to.

The Medical, Military, Public and Municipal Affairs Committee proposed the following Amendment No. 1 to S. 1438 (COUNCIL\NBD\12487AC12), which was adopted:

Amend the bill, as and if amended, by deleting Section 44‑84-‑0(17), on page 4, and inserting:

/ (17) President of the Hispanic Leadership Council;

(18) President of the South Carolina Retail Association. /

Renumber sections to conform.

Amend title to conform.

Rep. MUNNERLYN explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 40; Nays 65

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Dillard | Funderburk | Gilliard |
| Govan | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| King | McLeod | Munnerlyn |
| J. M. Neal | Neilson | Ott |
| Rutherford | Sabb | Sellers |
| J. E. Smith | Spires | Stavrinakis |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--40**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Chumley |
| Clemmons | Cole | Corbin |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Hearn | Henderson | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lucas | McCoy | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Norman | Owens |
| Parker | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Taylor | Thayer | Toole |
| Tribble | White | Whitmire |
| Willis | Young |  |

**Total--65**

So, the Bill was rejected.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 1438. If I had been present, I would have voted in favor of the Bill.

Rep. Joe McEachern

**S. 1007--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1007 -- Senator Rose: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, BY ADDING SECTION 57-3-755 TO PROVIDE THAT THE DEPARTMENT MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE.

Rep. DANING explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Atwater | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | H. B. Brown |
| R. L. Brown | Chumley | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Frye |
| Funderburk | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Limehouse | Loftis | Long |
| Lucas | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Taylor | Thayer | Toole |
| Tribble | Weeks | Whipper |
| White | Whitmire | Willis |
| Young |  |  |

**Total--97**

Those who voted in the negative are:

**Total--0**

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

**S. 473--REJECTED**

The following Bill was taken up:

S. 473 -- Senators Lourie, Setzler and Ford: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT AGENTS, SO AS TO REVISE DEFINITIONS, TO INCLUDE DEFINITIONS FOR "ADMINISTRATOR", "DEPARTMENT", AND "FINANCIAL SERVICES CONTRACT", TO REVISE THE POWERS OF THE DEPARTMENT OF CONSUMER AFFAIRS WITH RESPECT TO ATHLETE AGENTS AND STUDENT ATHLETES, TO PROVIDE FOR INSPECTION OF OUT-OF-STATE RECORDS, TO REQUIRE AN APPLICANT TO UNDERGO A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK AND TO PROVIDE FINGERPRINTS, TO PROVIDE FOR REPORTING AND MAINTENANCE OF CRIMINAL HISTORY RECORDS CHECK RESULTS, TO REVISE CONSIDERATIONS THE DEPARTMENT MAY MAKE WHEN ISSUING A CERTIFICATE OF REGISTRATION, TO REVISE THE TIME IN WHICH A CERTIFICATE OF REGISTRATION IS VALID AND TO PROVIDE THAT THE CERTIFICATE IS NONTRANSFERABLE AND NONASSIGNABLE, TO PROVIDE THAT IF A PERSON AGGRIEVED BY DEPARTMENT ACTION FAILS TO REQUEST A CONTESTED CASE THE ADMINISTRATIVE ACTION IS FINAL, TO PROVIDE THAT FUNDS COLLECTED BY THE DEPARTMENT MUST BE USED TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER, TO REQUIRE THAT THE ADDRESS OF THE ATHLETE AGENT BE INCLUDED IN AN AGENCY CONTRACT, TO REVISE WHAT THE CONTRACT MUST CONTAIN, TO PROVIDE ADDITIONAL PROHIBITED ACTS OF ATHLETE AGENTS, TO ALLOW THE DEPARTMENT TO ISSUE A CEASE AND DESIST ORDER AND IMPOSE A PENALTY UPON FINDING OF MISCONDUCT, TO PROVIDE REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS CHAPTER.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to S. 473 (COUNCIL\NBD\12485SD12), which was rejected:

Amend the bill, as and if amended, by striking Section 59‑102‑175, as contained in SECTION 1, and inserting:

/ Section 59‑102‑175. (A) Within thirty days after the occurrence of any of the following events, an educational institution must file a report with the department:

(1) receipt of a notice of a contract received by the educational institution pursuant to this chapter; and

(2) an athlete agent registering with the educational institution or otherwise receiving approval from the institution to contact a student athlete.

(B) An educational institution must report to the department any known instances of student athletes receiving anything of value directly or indirectly from an athlete agent within fourteen days after making a determination the incident occurred. The report required by this subsection may be delayed if it would impede a National Collegiate Athletic Association investigation. In this instance, the report must be made within fourteen days after the association or educational institution determines that it no longer compromises an investigation.

(C) the educational institution must make reports pursuant to subsections (A) and (B) in a manner prescribed by the department. All information reported is public record pursuant to Chapter 4, Title 30, unless otherwise prohibited by state or federal law, including the Family Educational Rights and Privacy Act.

(D) The department may assess a late penalty of twenty dollars per day each day the report is past due.

(E) Damages provided by Section 59‑102‑150 and Section 59‑102‑170 do not apply to this section. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was rejected.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 10; Nays 96

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Brantley | G. A. Brown | H. B. Brown |
| Hayes | Hosey | Howard |
| McLeod | J. H. Neal | J. M. Neal |
| Weeks |  |  |

**Total--10**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Butler Garrick | Chumley | Clemmons |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Jefferson | Johnson |
| King | Limehouse | Loftis |
| Long | Lucas | McCoy |
| McEachern | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neilson | Norman |
| Owens | Parker | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--96**

So, the Bill was rejected.

**S. 1220--DEBATE ADJOURNED**

The following Bill was taken up:

S. 1220 -- Senators Campbell, Hayes and Ford: A BILL TO AMEND SECTION 48-2-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR CERTAIN ENVIRONMENTAL PROGRAMS, INCLUDING THE SURFACE WATER WITHDRAWAL PROGRAM, WHICH ARE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND FOR ADMINISTRATION OF THESE PROGRAMS, SO AS TO ENUMERATE THE FEES FOR SURFACE WATER WITHDRAWAL APPLICATIONS AND PERMITS THAT WOULD OTHERWISE HAVE BEEN REPEALED JANUARY 1, 2013; BY ADDING SECTION 49-4-175 SO AS TO REIMPOSE THE FEES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY CHARGE FOR SURFACE WATER WITHDRAWAL AND APPLICATIONS AND PERMITS AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN THESE FEES TO IMPLEMENT AND OPERATE THE SURFACE WATER WITHDRAWAL PROGRAM; AND TO AMEND ACT 247 OF 2010, BY REPEALING PROVISIONS THAT PROSPECTIVELY REPEAL THE IMPOSITION OF SURFACE WATER WITHDRAWAL PERMIT FEES.

Reps. HARDWICK and HIOTT proposed the following Amendment No. 1 to S. 1220 (COUNCIL\NBD\12588AC12), which was ruled out of order:

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

/ SECTION \_\_. The Department of Health and Environmental Control shall conduct a study of water resources, which must include but is not limited to, a review of the status of surface water, ground water, Carolina bays, and wetlands. The department shall submit the findings of this study to the President Pro Tem of the Senate and Speaker of the House of Representatives not later than July 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Rep. HARDWICK explained the amendment.

**POINT OF ORDER**

Rep. MCLEOD raised the Point of Order that under Rule 9.3 Amendment No. 1 to S. 1220 was out of order in that it was not germane to the Bill.

REP. HARDWICK spoke to the point of germaneness and stated that the amendment created a study committee concerning water usage.

SPEAKER HARRELL sustained the Point of Order and ruled Amendment No. 1 out of order.

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

**S. 1100--DEBATE ADJOURNED**

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

S. 1100 -- Senators McGill, Cleary and Ford: A BILL TO AMEND SECTION 4-10-330 OF THE 1976 CODE, RELATING TO THE CAPITAL PROJECT SALES TAX ACT, TO PROVIDE THAT THE AUTHORIZED PROJECTS THAT ARE ALLOWED TO BE FUNDED BY A COUNTY CAPITAL PROJECT SALES TAX TO INCLUDE DREDGING, DEWATERING, CONSTRUCTION OF SPOIL SITES, AND DISPOSAL OF SPOIL MATERIALS.

Further proceedings were interrupted by the introduction of the *Sine Die* Resolution.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5377 -- Rep. Harrell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 7, 2012, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, JUNE 19, 2012, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 21, 2012, FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN MONDAY, NOVEMBER 12, 2012, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

Rep. HARRELL explained the Concurrent Resolution.

The yeas and nays were taken resulting as follows:

Yeas 117; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--117**

Those who voted in the negative are:

**Total--0**

So, the Concurrent Resolution was agreed to and ordered sent to the Senate.

**SPEAKER IN CHAIR**

**S. 859--DEBATE ADJOURNED**

Rep. SELLERS moved to adjourn debate upon the following Bill until Tuesday, June 12, which was adopted:

S. 859 -- Senators Rose, Fair and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 44-7-272, 44-7-274, 44-7-276, AND 44-7-278 SO AS TO ESTABLISH PROVISIONS FOR RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN AND ADOLESCENTS TO PROHIBIT LICENSURE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OF A FACILITY UNLESS IT IS AT LEAST ONE THOUSAND FEET FROM A SCHOOL, CHILDCARE FACILITY, PARK, PUBLIC SWIMMING POOL, AND MASS TRANSPORTATION STOPS; THAT REQUIRES A FACILITY TO NOTIFY LAW ENFORCEMENT OF THE ADMISSION OF A CHILD WHO HAS CHARGES FOR A VIOLENT CRIME PENDING OR WHO HAS BEEN CONVICTED OF A VIOLENT CRIME WITHIN THE PREVIOUS FIVE YEARS, TO PROVIDE SANCTIONS FOR FACILITIES IN VIOLATION OF THIS REQUIREMENT, AND TO REQUIRE A CHILD TO REGISTER AS A SEX OFFENDER IF THE PROVISIONS OF REGISTRATION APPLY TO THAT CHILD'S OFFENSE; THAT REQUIRE THE DEPARTMENT TO DEVELOP LEVELS OF FACILITY LICENSURE, AND LEVELS OF LICENSURE FOR PROGRAMS WITHIN A FACILITY, BASED UPON CLIENT DISORDERS AND BEHAVIOR AND SUPERVISION, SAFETY, AND SECURITY FACTORS WITHIN EACH FACILITY OR PROGRAM LEVEL; AND THAT REQUIRE THESE FACILITIES TO NOTIFY LAW ENFORCEMENT UPON A CLIENT LEAVING THE FACILITY WITHOUT PERMISSION AND TO MAINTAIN RECORDS OF THESE MATTERS, WHICH ARE SUBJECT TO INSPECTION BY THE DEPARTMENT.

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

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

**THE HOUSE RESUMES**

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

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**RECURRENCE TO THE MORNING HOUR**

Rep. STAVRINAKIS moved that the House recur to the morning hour, which was agreed to.

**HOUSE RESOLUTION**

The following was introduced:

H. 5378 -- Reps. King, J. H. Neal, H. B. Brown, Delleney and D. C. Moss: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF THE REVEREND GEORGE BENJAMIN "BEN" GUY, JR., OF CHESTER AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5379 -- Reps. Limehouse, R. L. Brown, Crosby, Gilliard, Harrell, Horne, Mack, McCoy, Merrill, Murphy, Ryan, Sottile, Stavrinakis, Whipper, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Govan, Hamilton, Hardwick, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Loftis, Long, Lowe, Lucas, McEachern, McLeod, D. C. Moss, V. S. Moss, Munnerlyn, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO HONOR LIEUTENANT GOVERNOR GLENN F. MCCONNELL OF CHARLESTON FOR HIS THIRTY-TWO YEARS OF ABLE AND FRUITFUL REPRESENTATION OF SENATE DISTRICT 41 IN THE SOUTH CAROLINA GENERAL ASSEMBLY, AND TO COMMEND HIM FOR HIS MANY ACCOMPLISHMENTS BENEFITTING THE CITIZENS OF DISTRICT 41 AND CHARLESTON COUNTY.

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

**S. 1044--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Wednesday, June 6, which was adopted:

S. 1044 -- Senators Knotts, Cromer and Ford: A BILL TO AMEND SECTION 38-59-250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE REQUIREMENTS FOR THE INITIATION OF OVERPAYMENT RECOVERY EFFORTS PURSUANT TO THE SOUTH CAROLINA HEALTH CARE FINANCIAL RECOVERY AND PROTECTION ACT, SO AS TO ADD REQUIREMENTS CONCERNING AN APPEAL.

**S. 580--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Wednesday, June 6, which was adopted:

S. 580 -- Senator Setzler: A BILL TO AMEND SECTION 40-18-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, SO AS TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO A PERSON BASED SOLELY ON HIS BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES, THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER-BASED INFORMATION, OR SYSTEM VULNERABILITY TESTING.

**S. 1340--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Wednesday, June 6, which was adopted:

S. 1340 -- Senators Malloy and Knotts: A BILL TO AMEND SECTION 41-15-520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES OF EMPLOYEES ALLEGING DISCRIMINATION, SO AS TO PROVIDE PROCEDURES THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL FOLLOW UPON RECEIPT OF A COMPLAINT ALLEGING SUCH DISCRIMINATION.

**S. 1220--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1220 -- Senators Campbell, Hayes and Ford: A BILL TO AMEND SECTION 48-2-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR CERTAIN ENVIRONMENTAL PROGRAMS, INCLUDING THE SURFACE WATER WITHDRAWAL PROGRAM, WHICH ARE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND FOR ADMINISTRATION OF THESE PROGRAMS, SO AS TO ENUMERATE THE FEES FOR SURFACE WATER WITHDRAWAL APPLICATIONS AND PERMITS THAT WOULD OTHERWISE HAVE BEEN REPEALED JANUARY 1, 2013; BY ADDING SECTION 49-4-175 SO AS TO REIMPOSE THE FEES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY CHARGE FOR SURFACE WATER WITHDRAWAL AND APPLICATIONS AND PERMITS AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN THESE FEES TO IMPLEMENT AND OPERATE THE SURFACE WATER WITHDRAWAL PROGRAM; AND TO AMEND ACT 247 OF 2010, BY REPEALING PROVISIONS THAT PROSPECTIVELY REPEAL THE IMPOSITION OF SURFACE WATER WITHDRAWAL PERMIT FEES.

Reps. HARDWICK, BINGHAM, OTT and HIOTT proposed the following Amendment No. 3 to S. 1220 (COUNCIL\NBD\ 12612AC12), which was adopted:

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

/ SECTION \_\_. The Board of the Department of Health and Environmental Control shall appoint a committee to study the future impact of the surface water withdrawal program, as funded pursuant to Chapter 2, Title 48, on water use as it relates to rights of users and consumers and the general impact on the economy. The committee also shall consider future fees and economic and environmental issues as they pertain to groundwater use and consumption and correlative rights, as well as the impact of development on all water resources including, but not limited to, wetlands. The committee shall submit its findings to the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives no later than July 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Rep. HARDWICK explained the amendment.

The amendment was then adopted.

Reps. HARDWICK and HIOTT proposed the following Amendment No. 2 to S. 1220 (COUNCIL\NBD\12590AC12), which was adopted:

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

/ SECTION \_\_. A. Section 48-1-90 of the 1976 Code is amended to read:

“Section 48‑1‑90. ~~(a)~~(A)(1) It shall be unlawful for ~~any~~ a person, directly or indirectly, to throw, drain, run, allow to seep or otherwise discharge into the environment of the State organic or inorganic matter, including sewage, industrial wastes and other wastes, except as in compliance with a permit issued by the Department.

(2) The permit requirements of subsection (A)(1), Section 48-1-100, and Section 48-1-110 do not apply to:

(a) discharges in a quantity below applicable threshold permitting requirements established by the department;

(b) discharges for which the department has no regulatory permitting program;

(c) discharges exempted by the department from permitting requirements; or

(d) normal farming, silviculture, aquaculture, ranching, and wildlife habitat management activities that are not prohibited by or otherwise subject to regulation.

(3) Subsection (A)(2) must not be construed to:

(a) impair or affect common law rights;

(b) repeal prohibitions or requirements of other statutory law or common law; or

(c) diminish the department’s authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in Section 48‑1‑10(7), or to respond to accidental discharges or spills.

(4) A person must first petition the department in writing for a declaratory ruling as to the applicability of a specific, existing regulatory program to a proposed or existing discharge into the environment, if the proposed or existing discharge is not exempt or excluded from permitting pursuant to Section 48‑1‑90(A)(2). The person proposing to emit or emitting the discharge must be named on and served with the petition. Within sixty days after receipt of the petition, the department shall issue a declaratory ruling as to the applicability of the program to the discharge. If the department determines a permit is required under the program and that no exception or exclusion exists, including, but not limited to, the exceptions provided for in Section 48‑1‑90(A)(2), the department shall issue a declaration requiring the submission of an application to permit the discharge pursuant to the applicable permitting program. If the department further determines that immediate action is necessary to protect the public health or property due to the unpermitted discharge, the department may further declare the existence of an emergency and order action as the department considers necessary to address the emergency. A person to whom the emergency order is directed may apply directly to the Administrative Law Court for relief and must be afforded a hearing within forty‑eight hours. Regardless of whether a hearing is held, the department shall revoke all emergency orders as soon as conditions or operations change to the extent that an emergency no longer exists. A party contesting a department decision on a petition may request a contested case hearing in the Administrative Law Court. Notwithstanding the administrative remedy provided for in this section, no private cause of action is created by or exists under this chapter.

~~(b)~~(B)(1) ~~Any~~ A person who discharges organic or inorganic matter into the waters of this State as described in subsection (a) to the extent that the fish, shellfish, aquatic animals, wildlife or plant life indigenous to or dependent upon the receiving waters are damaged or destroyed or ~~any~~ property ~~are~~ is damaged or destroyed ~~shall be~~ is liable to the State for ~~such~~ damages ~~as may be proved~~. The action ~~shall~~ must be brought by the State in its own name or in the name of the Department.

(2) The amount of ~~any~~ a judgment for damages recovered by the State, less ~~cost~~ costs, ~~shall~~ must be remitted to the agency, commission, department, or political subdivision of the State that has jurisdiction over the fish, shellfish, aquatic animals, wildlife, or plant life or property damaged or destroyed.

(3) The civil remedy ~~herein~~ provided ~~shall~~ in subsection (B)(2) is not ~~be~~ exclusive, and ~~any~~ an agency, commission, department, or political subdivision of the State with appropriate authority may undertake in its own name an action to recover ~~such~~ damages ~~as it may deem advisable~~ independent of this subsection.”

B. Section 48-1-130 of the 1976 Code is amended to read:

“Section 48-1-130. ~~Any~~ A person discharging sewage, industrial waste or other waste or air contaminant into ~~any of~~ the ~~waters or ambient air~~ environment of the State, in such manner or quantity as to cause pollution, without regard to the time that ~~such~~ the discharge began or whether ~~such~~ or not the continued discharge has been by virtue of a permit issued by the Department, shall discontinue the discharge ~~of such sewage, industrial waste or other wastes into, or in such manner or quantity as to cause pollution of, the waters of the State upon receipt of a final order of the Department issued pursuant to the provisions of this chapter. But in the case of such discharges, except those discharges causing an actual or potential hazard to public health, no final order of discontinuance of discharge shall be entered until a reasonable time after service of an order of the Department determining that such discharge constitutes pollution in contravention of the standards adopted by the Department and directing the alleged polluter to take such steps as may be necessary to abate the polluting content of such discharge to conform to the standards of the Department~~. An order is subject to review pursuant to Section 44-1-60 and the Administrative Procedures Act. This section does not abrogate any of the department’s emergency powers.”

C. Section 48-1-250 of the 1976 Code is amended to read:

“Section 48-1-250. ~~Causes of action resulting from the violation of the prohibitions contained in this chapter inure to and are for the benefit of any person or persons damaged as the result of any such violation.~~ No private cause of action is created by or exists under this chapter. A determination by the Department that pollution exists or a violation of ~~any of the prohibitions~~ a prohibition contained in this chapter has occurred, whether or not actionable by the State, ~~create~~ creates no presumption of law or fact inuring to or for the benefit of ~~persons~~ a person other than the State.”

D. (A) There is created the “Isolated Wetlands and Carolina Bays Task Force” to review, study, and make recommendations concerning issues related to isolated wetlands and Carolina Bays in South Carolina. The task force must be comprised of the following members:

(1) the Chairman of the Senate Agriculture and Natural Resources Committee, ex officio, or his designee, who shall serve as chairman;

(2) the Chairman of the House of Representatives Agriculture, Natural Resources and Environmental Affairs Committee, ex officio, or his designee, who shall serve as vice‑chairman;

(3) one member representing the South Carolina Chamber of Commerce;

(4) one member representing the Coastal Conservation League;

(5) one member representing the Conservation Voters of South Carolina;

(6) one member representing the South Carolina Association of Realtors;

(7) one member representing the South Carolina Association of Homebuilders, upon consultation with the South Carolina Association of General Contractors;

(8) one member representing the South Carolina Farm Bureau;

(9) one member representing the South Carolina Manufacturer’s Alliance;

(10) one member representing the South Carolina Chapter of the Sierra Club;

(11) one member representing the South Carolina Wildlife Federation;

(12) one member representing the Environmental Law Project; and

(13) one member representing the utilities industry.

(B) The task force shall meet as soon as practicable after the effective date of this act for organizational purposes.

(C) The members of the task force shall serve without compensation and may not receive mileage or per diem.

(D) Vacancies on the task force must be filled in the same manner as the original appointment.

(E) The task force shall compile a comprehensive inventory of existing data and information regarding Carolina Bays and isolated wetlands in South Carolina. The inventory, as far as possible, must identify the number, distribution, size, description, and characteristics of the Carolina Bays and isolated wetlands throughout the State. The task force also shall compile a glossary of standard terms and definitions used when describing Carolina Bays and isolated wetlands, their various types, and characteristics.

(F) During its review and study of Carolina Bays and isolated wetlands, and in its findings and recommendations, the task force shall consider at a minimum:

(1) the biological, hydrological, ecological, and economic values and services of Carolina Bays and isolated wetlands;

(2) prior disturbances of Carolina Bays and isolated wetlands and the cumulative impacts of disturbances to isolated wetlands and their functions;

(3) methods to avoid adverse impact on Carolina Bays and isolated wetlands;

(4) methods to minimize adverse impact on Carolina Bays and isolated wetland functions that can be avoided;

(5) manner of compensation for any loss of Carolina Bays and isolated wetland functions that cannot be avoided or minimized;

(6) methods to provide public notice of wetlands permitting applications;

(7) the utility of using a general permitting program for Carolina Bays and isolated wetlands disturbance, where practical;

(8) the proper balance between the economic development value of a proposed permitted activity and the impact on Carolina Bays and isolated wetlands;

(9) achieving a goal of “no net loss” wetlands;

(10) concerning proposals to impact Carolina Bays and isolated wetlands, including those appearing to be geographically isolated, the aggregate benefits and services of similarly situated wetlands in the watershed;

(11) concerning mitigation for Carolina Bays and isolated wetland impacts, whether a watershed based approach should be followed in order to replace wetland functions and services where they are most needed in the impacted watershed; and

(12) whether, and the extent to which, the standards used by the Department of Health and Environmental Control in evaluating discharges to federal wetlands can and should be used for non‑federal wetlands.

(G) The task force shall submit a report of its findings and recommendations related to Carolina Bays to the General Assembly on January 2, 2013. The task force shall submit a report of its findings and recommendations related to isolated wetlands on July 2, 2013, at which time the study committee is abolished.

(H) The staffing for the task force must be provided by the appropriate committees or offices of the Senate and House of Representatives. The task force may utilize staff of other government agencies with relevant issue area expertise upon request.

E. The term “permit” as used in the Pollution Control Act is inclusive and intended to mean all permits, certifications, determinations, or other approvals required by law issued by the department, consistent with the definition of “license” as found in Chapter 23, Title 1 of the Administrative Procedures Act.

F. The repeal or amendment by this section of any law or any other provision contained in this section, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, liabilities, or rights and does not amend or repeal any provisions of the South Carolina Pollution Control Act for any federal project for which a final Environmental Impact Statement has been issued but no subsequent record of decision has been issued as of the date of this enactment and for any such project, the Pollution Control Act remains in full force and effect as it existed prior to the passage of this section. After the effective date of this act, all laws repealed or amended by this section 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 section, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws or other provisions contained in this section.

G. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this section 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 section, the General Assembly hereby declaring that it would have passed this section, 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.

H. This section takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. HARDWICK explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 77; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anthony |
| Atwater | Bales | Ballentine |
| Barfield | Bedingfield | Bowen |
| Bowers | Brannon | Brantley |
| Chumley | Clemmons | Clyburn |
| Cole | Crawford | Crosby |
| Delleney | Forrester | Frye |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Lucas |
| Mack | McEachern | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pope | Putnam | Quinn |
| Sabb | Sandifer | Sellers |
| Skelton | G. R. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Willis | Young |  |

**Total--77**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | H. B. Brown |  |

**Total--2**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 1220. If I had been present, I would have voted in favor of the Bill.

Rep. Laurie Funderburk

RECORD FOR VOTING

I was on a conference call about an economic development issue and was not able to be in the Chambers during the vote on S. 1220. If I had been present, I would have voted in favor of the Bill.

Rep. Dwight Loftis

**S. 1100--DEBATE ADJOURNED**

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

S. 1100 -- Senators McGill, Cleary and Ford: A BILL TO AMEND SECTION 4-10-330 OF THE 1976 CODE, RELATING TO THE CAPITAL PROJECT SALES TAX ACT, TO PROVIDE THAT THE AUTHORIZED PROJECTS THAT ARE ALLOWED TO BE FUNDED BY A COUNTY CAPITAL PROJECT SALES TAX TO INCLUDE DREDGING, DEWATERING, CONSTRUCTION OF SPOIL SITES, AND DISPOSAL OF SPOIL MATERIALS.

**S. 1354--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1354 -- Senators Bryant, Thomas, Ford and L. Martin: A BILL TO AMEND SECTION 35-1-604 OF THE 1976 CODE, RELATING TO SECURITIES VIOLATIONS, TO REQUIRE ALL CEASE AND DESIST ORDERS ISSUED BY THE SECURITIES COMMISSIONER TO BE PUBLIC DOCUMENTS AND TO REQUIRE PUBLICATION ON THE ATTORNEY GENERAL'S WEBSITE.

The Judiciary Committee proposed the following Amendment No. 1 to S. 1354 (COUNCIL\AGM\19635AB12), which was adopted:

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

/ SECTION 1. Section 35‑1‑604 of the 1976 Code is amended to read:

“Section 35‑1‑604. (a) If the Securities Commissioner determines that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of this chapter or a rule adopted or order issued under this chapter or that a person has materially aided, is materially aiding, or is about to materially aid an act, practice, or course of business constituting a violation of this chapter or a rule adopted or order issued under this chapter, the Securities Commissioner may:

(1) issue an order directing the person to cease and desist from engaging in the act, practice, or course of business or to take other action necessary or appropriate to comply with this chapter;

(2) issue an order denying, suspending, revoking, or conditioning the exemptions for a broker‑dealer under Section 35‑1‑401(b)(1)(D) or (F) or an investment adviser under Section 35‑1‑403(b)(1)(C); or

(3) issue an order under Section 35‑1‑204.

(b) An order under subsection (a) is effective on the date of issuance. Upon issuance of the order, the Securities Commissioner shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement of any civil penalty or costs of investigation the Securities Commissioner will seek, a statement of the reasons for the order, and notice that, within 15 days after receipt of a request in a record from the person, the matter will be scheduled for a hearing. If a person subject to the order does not request a hearing and none is ordered by the Securities Commissioner within 30 days after the date of service of the order, the order, which may include a civil penalty or costs of the investigation if a civil penalty or costs were sought becomes final as to that person by operation of law. If a hearing is requested or ordered, the Securities Commissioner, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend it until final determination.

(c) If a hearing is requested or ordered pursuant to subsection (b), a hearing must be held. A final order may not be issued unless the Securities Commissioner makes findings of fact and conclusions of law in a record. The final order may make final, vacate, or modify the order issued under subsection (a).

(d) In a final order under subsection (c), the Securities Commissioner may impose a civil penalty in an amount not to exceed $10,000 for each violation.

(e) In a final order, the Securities Commissioner may charge the actual cost of an investigation or proceeding for a violation of this chapter or a rule adopted or order issued under this chapter.

(f) If a petition for judicial review of a final order is not filed in accordance with Section 35‑1‑609, the Securities Commissioner may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court. A copy of a final order must be forwarded to the South Carolina Department of Revenue and the South Carolina Secretary of State’s Office.

(g) If a person does not comply with an order under this section, the Securities Commissioner may petition a court of competent jurisdiction to enforce the order. The court may not require the Securities Commissioner to post a bond in an action or proceeding under this section. If the court finds, after service and opportunity for hearing, that the person was not in compliance with the order, the court may adjudge the person in civil contempt of the order. The court may impose a further civil penalty against the person for contempt in an amount not less than $500 but not greater than $5,000 for each violation and may grant any other relief the court determines is just and proper in the circumstances.

(h) All orders issued under this section are public documents subject to the Freedom of Information Act and must be published on the Attorney General’s website searchable by the name of the parties involved.”

SECTION 2. This act takes effect upon approval by the Governor and applies only to orders issued after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. COLE explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bowen | Bowers |
| Brady | Brannon | Brantley |
| H. B. Brown | Chumley | Clyburn |
| Cole | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Johnson |
| King | Knight | Long |
| Lucas | Mack | McEachern |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Whipper | Whitmire |
| Williams | Willis | Young |

**Total--96**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I was on a conference call about an economic development issue and was not able to be in the Chambers during the vote on S. 1354. If I had been present, I would have voted in favor of the Bill.

Rep. Dwight Loftis

**S. 1099--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1099 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-19-650 SO AS TO PROVIDE THAT MEMBERS OF THE BOARD OF JUVENILE PAROLE SHALL RECEIVE A HEARING FEE.

The Judiciary Committee proposed the following Amendment No. 1 to S. 1099 (COUNCIL\SWB\5351CM12), which was adopted:

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

/ SECTION 1. Article 5, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63‑19‑650. Members of the Board of Juvenile Parole shall receive compensation in an amount provided by the General Assembly in the annual appropriations act.”

SECTION 2. Section 24‑21‑55 of the 1976 Code is amended to read:

“Section 24‑21‑55. The Department of Probation, Parole and Pardon Services shall receive ~~a hearing fee under a plan approved by the Budget and Control Board~~ compensation in an amount provided by the General Assembly in the annual appropriations act.”

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

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

Rep. OTT moved to adjourn debate on the Bill.

Rep. DELLENEY moved to table the motion.

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

Yeas 61; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Brady |
| Chumley | Clemmons | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Knight |
| Loftis | Long | Lucas |
| McCoy | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Owens | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Simrill | Skelton |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Stringer | Tallon |
| Taylor | Toole | Tribble |
| White | Whitmire | Willis |
| Young |  |  |

**Total--61**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Bales |
| Battle | Bowers | Branham |
| Brannon | H. B. Brown | Butler Garrick |
| Dillard | Gilliard | Govan |
| Hart | Hayes | Hodges |
| Hosey | Jefferson | Johnson |
| King | Mack | McEachern |
| McLeod | Munnerlyn | Neilson |
| Ott | Parker | Parks |
| Pinson | Sabb | Sellers |
| J. E. Smith | Thayer | Whipper |
| Williams |  |  |

**Total--37**

So, the motion to adjourn debate was tabled.

The question then recurred to the adoption of the amendment.

The amendment was then adopted by a division vote of 44 to 43.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 51; Nays 48

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bannister | Brady | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Loftis | Lucas |
| McCoy | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Norman |
| Patrick | Pinson | Pitts |
| Pope | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Stringer | Tallon | Taylor |
| Toole | Tribble | White |
| Whitmire | Willis | Young |

**Total--51**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Battle |
| Bedingfield | Bowers | Branham |
| Brantley | H. B. Brown | Butler Garrick |
| Dillard | Frye | Gilliard |
| Govan | Hart | Hayes |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Long |
| Mack | McEachern | Munnerlyn |
| J. M. Neal | Neilson | Ott |
| Parker | Parks | Putnam |
| Quinn | Rutherford | Sabb |
| J. E. Smith | Southard | Spires |
| Stavrinakis | Thayer | Williams |

**Total--48**

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

**S. 1055--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1055 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 14-27-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE JUDICIAL COUNCIL, SO AS TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE COUNCIL, THE CHIEF JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS, AND A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW, TO CHANGE THE PERSON SERVING FROM THE SOUTH CAROLINA BAR FROM THE PRESIDENT OF THE SOUTH CAROLINA BAR TO ONE PERSON RECOMMENDED BY THE SOUTH CAROLINA BAR, AND TO ADD AS A MEMBER, A MUNICIPAL COURT JUDGE IN LIEU OF ONE OF THE TWO MAGISTRATE COURT JUDGES; TO AMEND SECTION 14-27-30 RELATING TO THE CHIEF JUSTICE APPOINTING A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW AND APPOINTING THE SUMMARY COURT JUDGES; AND TO AMEND SECTION 14-27-40 RELATING TO THE TERMS OF SERVICE, SO AS TO PROVIDE THAT THE CHIEF JUDGE SERVES DURING THE TERM OF HIS OFFICE, AND THE PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW SERVES FOR A FOUR-YEAR TERM.

The Judiciary Committee proposed the following Amendment No. 1 to S. 1055 (COUNCIL\AGM\19636AB12), which was adopted:

Amend the bill, as and if amended, Section 14‑27‑20(9), as contained in SECTION 1, page 2, lines 9‑10, by deleting the item in its entirety and inserting:

/ ~~(7)~~(9) the President of the South Carolina Bar or his designee; /

Amend the bill further, Section 14‑27‑40, as contained by SECTION 2, lines 5‑7, by deleting / ~~the President of the South Carolina Bar~~ the person recommended by the South Carolina Bar and appointed by the Chief Justice / and inserting / the President of the South Carolina Bar or his designee /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bowen |
| Bowers | Brady | Branham |
| Brannon | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lucas | Mack | McCoy |
| McEachern | McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Norman |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--103**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brantley |  |  |

**Total--1**

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

**S. 263--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56-5-2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56-5-2930, 56-5-2935, OR 56-5-2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56-5-2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

The Judiciary Committee proposed the following Amendment No. 1 to S. 263 (COUNCIL\SWB\5354CM12):

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

/ SECTION 1. Section 56‑5‑2910 of the 1976 Code is amended to read:

“Section 56‑5‑2910. (A) When the death of a person ensues within three years as a proximate result of injury received by the driving of a vehicle in reckless disregard of the safety of others, the person operating the vehicle is guilty of reckless vehicular homicide. A person who is convicted of, pleads guilty to, or pleads nolo contendere to reckless vehicular homicide is guilty of a felony, and must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned not more than ten years, or both. The Department of Motor Vehicles ~~must~~ shall revoke for five years the driver’s license of a person convicted of reckless vehicular homicide.

(B) After one year from the date of revocation, the person ~~whose driver’s license has been revoked for five years pursuant to Subsection (A)~~ may petition the circuit court in the county of ~~his~~ the person’s residence for reinstatement of ~~his~~ the person’s driver’s license. ~~He~~ The person shall serve a copy of the petition upon the solicitor of the county ~~and~~. The solicitor shall notify the representative of the victim of the reckless homicide of ~~his~~ the person’s intent to seek reinstatement of ~~his~~ the person’s driver’s license. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person’s driver’s license upon the following conditions:

(1) intoxicating alcohol, beer, wine, drugs, or narcotics were not involved in the vehicular accident which resulted in the reckless homicide conviction or plea;

(2) the petitioner has served ~~his~~ the term of imprisonment or paid ~~his~~ the fine, assessment, and restitution in full, or both; and

(3) the person’s overall driving record, attitude, habits, character, and driving ability would make it safe to reinstate the privilege of operating a motor vehicle.

The circuit court may order the reinstatement of the driver’s license before the completion of the full five‑year revocation period, or the judge may order the granting of a ~~provisional~~ route restricted license for the remainder of the five‑year period to allow the person to drive to and from employment or school, or the judge may place other restrictions on the driver’s license reinstatement. The order of the judge must be transmitted to the Department of Motor Vehicles within ten days.

(C) If the person’s privilege to operate a motor vehicle is reinstated ~~pursuant to subsection (B)~~, a subsequent violation of the motor vehicle laws for any moving violation requires the automatic cancellation of the person’s driver’s license and imposition of the full period of revocation for the reckless vehicular homicide violation.”

SECTION 2. Section 56‑5‑2946 of the 1976 Code is amended to read:

“Section 56‑5‑2946. (A) Notwithstanding any other provision of law, a person must submit to either one or a combination of chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or a combination of alcohol and drugs if there is probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945.

(B) The tests must be administered at the direction of a law enforcement officer ~~who has probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945~~. The administration of one test does not preclude the administration of other tests. The resistance, obstruction, or opposition to testing pursuant to this section is evidence admissible at the trial of the offense which precipitated the requirement for testing. A person who is tested or gives samples for testing may have a qualified person of his choice conduct additional tests at his expense and must be notified of that right. A person’s request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial.

(C) The provisions of Section 56‑5‑2950, relating to the administration of tests to determine a person’s alcohol concentration, additional tests at the person’s expense, the availability of other evidence on the question of whether or not the person was under the influence of alcohol, drugs, or a combination of them, availability of test information to the person or his attorney, and the liability of medical institutions and persons administering the tests are applicable to this section and also extend to the officer requesting the test, the State or its political subdivisions, or governmental agency, or entity which employs the officer making the request, and the agency, institution, or employer, either governmental or private, of persons administering the tests. Notwithstanding any other provision of state law pertaining to confidentiality of hospital records or other medical records, information regarding tests performed pursuant to this section must be released, upon subpoena, to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of Section 56‑5‑2945.”

SECTION 3. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2948. When a person is suspected of causing a motor vehicle incident resulting in the death of another person by the investigating law enforcement officer on the scene of the incident, the driver must submit to field sobriety tests if he is physically able to do so.”

SECTION 4. This act takes effect six months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Reps. CRAWFORD, SELLERS, OTT, MCEACHERN, TALLON, BRANNON, R. L. BROWN, JEFFERSON, HOSEY and AGNEW requested debate on the Bill.

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

**RECURRENCE TO THE MORNING HOUR**

Rep. BANNISTER moved that the House recur to the morning hour, which was agreed to.

**REPORT OF STANDING COMMITTEE**

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

S. 1569 -- Senators Grooms, Pinckney, Campsen, Campbell, Malloy, Scott, Alexander, Anderson, Bright, Bryant, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Gregory, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORT ACCESS ROAD IN NORTH CHARLESTON THE "ROBERT FORD PORT CONNECTOR".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5382 -- Rep. Allen: A HOUSE RESOLUTION TO RECOGNIZE MICHAEL NEWUIETT UPON THE OCCASION OF BARTLEY PERKINS DAY AT NEW FORKSVILLE BAPTIST CHURCH AND TO HONOR HIM FOR YEARS OF SIGNIFICANT SERVICE TO HIS FAMILY, HIS COMMUNITY, AND HIS GOD.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5380 -- Reps. McLeod and Tribble: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSTATE HIGHWAY 26 AND SOUTH CAROLINA HIGHWAY S-36-32 (JALAPA ROAD) INTERCHANGE IN NEWBERRY COUNTY AS THE "SENATOR BOB LAKE INTERCHANGE" IN RECOGNITION OF THE DISTINGUISHED PUBLIC SERVICE OF THE HONORABLE ROBERT C. LAKE, JR., AND TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE SIGNS OR MARKERS REFLECTING THIS DESIGNATION.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5381 -- Reps. McLeod and Tribble: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE WILSON ROAD BRIDGE OVER THE CSX RAILROAD IN NEWBERRY COUNTY AS THE "HIGHWAY COMMISSIONER EARL BERGEN BRIDGE" IN RECOGNITION OF HIS VISION AND SIGNIFICANT ACCOMPLISHMENTS IN CREATING THE PRESENT ROADWAY SYSTEM FOR THE CITY AND COUNTY OF NEWBERRY, AND TO REQUEST THE DEPARTMENT OF TRANSPORTATION TO ERECT APPROPRIATE SIGNS OR MARKERS REFLECTING THIS DESIGNATION.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1566 -- Senator L. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON HIGHWAY 137, BETWEEN NORRIS AND LIBERTY, THAT CROSSES THE TWELVE MILE RIVER, IN HONOR OF DR. VIRGIL MITCHELL, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS "DR. VIRGIL MITCHELL BRIDGE".

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

**S. 1100--DEBATE ADJOURNED**

Rep. LOFTIS moved to adjourn debate upon the following Bill until Thursday, June 7, which was adopted:

S. 1100 -- Senators McGill, Cleary and Ford: A BILL TO AMEND SECTION 4-10-330 OF THE 1976 CODE, RELATING TO THE CAPITAL PROJECT SALES TAX ACT, TO PROVIDE THAT THE AUTHORIZED PROJECTS THAT ARE ALLOWED TO BE FUNDED BY A COUNTY CAPITAL PROJECT SALES TAX TO INCLUDE DREDGING, DEWATERING, CONSTRUCTION OF SPOIL SITES, AND DISPOSAL OF SPOIL MATERIALS.

**S. 168--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 168 -- Senators Shoopman, Verdin and Leventis: A BILL TO AMEND SECTION 16-11-580, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR CUTTING, REMOVING, OR TRANSPORTING TIMBER PRODUCTS WITHOUT THE CONSENT OF THE LANDOWNER, SO AS TO INCREASE THE PENALTY FROM FIVE HUNDRED DOLLARS TO FIFTEEN HUNDRED DOLLARS IF THE VALUE OF THE TIMBER IS ONE THOUSAND DOLLARS OR LESS AND TO ESTABLISH MINIMUM AND MAXIMUM PENALTIES FOR TIMBER PRODUCTS VALUED AT MORE THAN ONE THOUSAND DOLLARS BUT LESS THAN FIVE THOUSAND DOLLARS AND FOR TIMBER PRODUCTS VALUED AT FIVE THOUSAND DOLLARS OR MORE.

Rep. BANNISTER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--111**

Those who voted in the negative are:

**Total--0**

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

**S. 45--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 45 -- Senators McConnell, Campsen and Ford: A BILL TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17-15-55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT'S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT'S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, IF THE STATE'S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT, OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY-EIGHT HOURS.

The Judiciary Committee proposed the following Amendment No. 1 to S. 45 (COUNCIL\MS\7822AHB12), which was tabled:

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

/ SECTION 1. Section 17‑15‑30 of the 1976 Code is amended to read:

“Section 17‑15‑30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community, ~~the~~ a court may, on the basis of available information, consider the nature and circumstances of ~~the~~ an offense charged and ~~the~~ an accused’s:

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) ~~The~~ A court shall consider, if available:

(1) ~~the~~ an accused’s criminal record;

(2) any charges pending against ~~the~~ an accused at the time release is requested;

(3) all incident reports generated as a result of ~~the~~ an offense charged~~, if available~~; and

(4) whether ~~the~~ an accused is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status.

(C)(1) Prior to or at the time of ~~the~~ a hearing, the arresting law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable, attending the hearing~~ agency shall provide the court with the following information, if available:

~~(1)~~(a) the accused’s criminal record;

~~(2)~~(b) any charges pending against the accused at the time release is requested;

~~(3)~~(c) all incident reports generated as a result of the offense charged; and

~~(4)~~(d) any other information that will assist the court in determining conditions of release.

~~(D)~~(2) The arresting law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable,~~ agency shall inform the court if any of the information ~~required in subsection (C)~~ is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable,~~ agency to provide the court with the information ~~required in subsection (C)~~ does not constitute grounds for the postponement or delay of the person’s hearing.

(D) If a person has previously been released on bail pending trial and during the release the person is charged with and arrested for a violent offense as defined by Section 16‑1‑60 while out on bond, and a court finds by a preponderance of the evidence, that no condition or combination of conditions will reasonably assure the person’s appearance as required or the safety of another person and the community, the court may deny the person’s release pending trial.

(E) A court hearing ~~this matter~~ these matters has contempt powers to enforce ~~these~~ the provisions of this section.”

SECTION 2. Chapter 15, Title 17 of the 1976 Code is amended by adding:

“Section 17‑15‑55. (A)(1) The circuit courts, at their discretion, may review and reconsider bond for general sessions offenses set by summary court judges. Also, the circuit courts shall consider motions regarding reconsideration of bond for general sessions offenses set by summary court judges upon motions filed with the clerks of court. Hearings on these motions must be scheduled.

(2) After a circuit court judge has heard and ruled upon a defendant’s motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court. The circuit court may hear defense motions to reconsider based on the length of time the defendant has been held for trial. The chief judge shall schedule a hearing.

(B)(1) Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. The motions must be filed with the clerks of court, and a copy must be served on the chief judge, defense counsel, and bond surety, if any.

(2) If the state’s motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an bond hearing to be conducted by the circuit court judge or a designee. The chief judge shall order the solicitor to notify the defense counsel and bond surety of the time and date of the hearing, and the solicitor shall provide proof that notice was made. Upon notice by the State, the defense counsel and bond surety shall make reasonable efforts to notify the defendant of the hearing and secure the defendant’s presence at the hearing. The court may not proceed with the hearing in the absence of the defendant, defense counsel, or bond surety.”

SECTION 3. Section 17‑15‑10 of the 1976 Code is amended to read:

“(A) Any person charged with a noncapital offense triable in either the magistrate’s, county or circuit court, shall, at his appearance before any of such courts, be ordered released pending trial on his own recognizance without surety in an amount specified by the court, unless the court determines in its discretion that such a release will not reasonably assure the appearance of the person as required, or unreasonable danger to the community will result. If such a determination is made by the court, it may impose any one or more of the following conditions of release:

~~(a)~~(1) Require the execution of an appearance bond in a specified amount with good and sufficient surety or sureties approved by the court;

~~(b)~~(2) Place the person in the custody of a designated person or organization agreeing to supervise him;

~~(c)~~(3) Place restrictions on the travel, association or place of abode of the person during the period of release;

~~(d)~~(4) Impose any other conditions deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

(B) Any person charged with the offense of burglary in the first degree pursuant to Section 16-11-311 may have his bond hearing for that charge in summary court unless the solicitor objects.”

SECTION 4. The provisions of Section 1 of Act 115 of 2012 which amended Section 17-15-20 of the 1976 Code and allow sureties to be relieved of an appearance bond under certain designated circumstances are retroactive and apply to all existing and future appearance bonds.

SECTION 5. Except as provided in SECTION 4, 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 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER moved to table the amendment, which was agreed to.

Rep. BANNISTER proposed the following Amendment No. 4 to S. 45 (COUNCIL\MS\7829AHB12):

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

/ SECTION 1. Section 17‑15‑30 of the 1976 Code is amended to read:

“Section 17‑15‑30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community, ~~the~~ a court may, on the basis of available information, consider the nature and circumstances of ~~the~~ an offense charged and ~~the~~ an accused’s:

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) ~~The~~ A court shall consider, if available:

(1) ~~the~~ an accused’s criminal record;

(2) any charges pending against ~~the~~ an accused at the time release is requested;

(3) all incident reports generated as a result of ~~the~~ an offense charged~~, if available~~; and

(4) whether ~~the~~ an accused is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status.

(C)(1) Prior to or at the time of ~~the~~ a hearing, the arresting law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable, attending the hearing~~ agency shall provide the court with the following information, if available:

~~(1)~~(a) the accused’s criminal record;

~~(2)~~(b) any charges pending against the accused at the time release is requested;

~~(3)~~(c) all incident reports generated as a result of the offense charged; and

~~(4)~~(d) any other information that will assist the court in determining conditions of release.

~~(D)~~(2) The arresting law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable,~~ agency shall inform the court if any of the information ~~required in subsection (C)~~ is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable,~~ agency to provide the court with the information ~~required in subsection (C)~~ does not constitute grounds for the postponement or delay of the person’s hearing.

~~(E)~~(D) A court hearing ~~this matter~~ these matters has contempt powers to enforce ~~these~~ the provisions of this section.”

SECTION 2. Chapter 15, Title 17 of the 1976 Code is amended by adding:

“Section 17‑15‑55. (A)(1) The circuit courts, at their discretion, may review and reconsider bond for general sessions offenses set by summary court judges. Also, the circuit courts shall consider motions regarding reconsideration of bond for general sessions offenses set by summary court judges upon motions filed with the clerks of court. Hearings on these motions must be scheduled. The rules of evidence do not apply to bond hearings.

(2) After a circuit court judge has heard and ruled upon a defendant’s motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant’s prima facie showing of a material change in circumstances which relate to the factors provided in Section 17-15-30, and which have arisen since the prior motion to reconsider. In addition, the circuit court may hear further defense motions to reconsider based on the length of time the defendant has been held for trial but not sooner than six months. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances. Information regarding the defendant’s guilt or innocence does not qualify as a change in circumstances for purposes of reconsidering bond absent the solicitor’s consent.

(B)(1) Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. The motions must be filed with the clerks of court, and a copy must be served on the chief judge, defense counsel of record, and bond surety, if any.

(2) After a circuit court judge has heard and ruled upon the state’s motion to reconsider a bond set by a summary court judge, further state motions to reconsider may be heard by the circuit court only upon the state’s prima facie showing of a material change in circumstances which have arisen since the prior motion to reconsider. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances.

(3) If the state’s motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing to be conducted by the circuit court judge within forty-eight hours of receiving service of the state’s motion or as soon as practical. The chief judge shall order the solicitor to notify the defense counsel of record and bond surety of the time and date of the hearing, and the solicitor shall provide proof reasonable efforts were made to affect the notice. Upon notice by the State, the defense counsel of record and bond surety shall make reasonable efforts to notify the defendant of the emergency hearing. The court may proceed with the hearing despite the absence of the defendant or bond surety. The court may not proceed with the hearing if the defense counsel of record is not present. If an emergency bond hearing is held without the presence of the defendant and bond is revoked, the judge having heard the matter may conduct the hearing on the defendant’s motion to reconsider the revocation. Defense motions to reconsider revocation must be filed with the clerk of court and served on the solicitor and bond surety.”

SECTION 3. Section 17‑15‑10 of the 1976 Code is amended to read:

“(A) Any person charged with a noncapital offense triable in either the magistrate’s, county or circuit court, shall, at his appearance before any of such courts, be ordered released pending trial on his own recognizance without surety in an amount specified by the court, unless the court determines in its discretion that such a release will not reasonably assure the appearance of the person as required, or unreasonable danger to the community will result. If such a determination is made by the court, it may impose any one or more of the following conditions of release:

~~(a)~~(1) Require the execution of an appearance bond in a specified amount with good and sufficient surety or sureties approved by the court;

~~(b)~~(2) Place the person in the custody of a designated person or organization agreeing to supervise him;

~~(c)~~(3) Place restrictions on the travel, association or place of abode of the person during the period of release;

~~(d)~~(4) Impose any other conditions deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

(B) Any person charged with the offense of burglary in the first degree pursuant to Section 16-11-311 may have his bond hearing for that charge in summary court unless the solicitor objects.”

SECTION 4. The provisions of Section 1 of Act 115 of 2012 which amended Section 17-15-20 of the 1976 Code and allow sureties to be relieved of an appearance bond under certain designated circumstances are retroactive and apply to all existing and future appearance bonds.

SECTION 5. Except as provided in SECTION 4, 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 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Reps. OTT, SELLERS, J. H. NEAL, WILLIAMS, SABB, MUNNERLYN, BRANTLEY, RUTHERFORD, HOSEY and HARDWICK requested debate on the Bill.

**S. 300--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 300 -- Senators Fair, Hutto, Jackson, Knotts, Rankin and Ford: A BILL TO AMEND SECTION 63-19-1440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO AUTHORIZE THE DEPARTMENT OF JUVENILE JUSTICE TO ALLOW A JUVENILE WHO IS TEMPORARILY COMMITTED TO ITS CUSTODY, AFTER BEING ADJUDICATED FOR A STATUS OFFENSE, MISDEMEANOR OFFENSE, OR A PROBATION VIOLATION OR CONTEMPT, TO UNDERGO A COMMUNITY EVALUATION WITH CERTAIN SAFEGUARDS AND EXCEPTIONS.

The Judiciary Committee proposed the following Amendment No. 1 to S. 300 (COUNCIL\MS\7820AHB12), which was adopted:

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

/ SECTION 1. Section 63‑19‑1440(C) of the 1976 Code is amended to read:

“(C) The court, before committing a child as a delinquent or as a part of a sentence including commitments for contempt, shall order a community evaluation or temporarily commit the child to the Department of Juvenile Justice for not more than forty‑five days for evaluation. A community evaluation is equivalent to a residential evaluation, but it is not required to include all components of a residential evaluation. However, in either evaluation the department shall make a recommendation to the court on the appropriate disposition of the case and shall submit that recommendation to the court before final disposition. The department is authorized to allow any child adjudicated delinquent for a status offense, a misdemeanor offense, or violation of probation or contempt for any offense who is temporarily committed to the department’s custody for a residential evaluation, to reside in that child’s home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child must not be conducted because the child presents an unreasonable flight or public safety risk to his home community. The court may waive in writing the evaluation of the child and proceed to issue final disposition in the case if the child:

(1) has previously received a residential evaluation or a community evaluation and the evaluation is available to the court;

(2) has been within the past year temporarily or finally discharged or conditionally released for parole from a correctional institution of the department, and the child’s previous evaluation or other equivalent information is available to the court; or

(3) receives a determinate commitment sentence not to exceed ninety days.”

SECTION 2. Article 17, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63-19-1835. The department may grant up to a ten-day reduction of the probationary or parole term to probationers and parolees who are under the department’s supervision for each month they are compliant with the terms and conditions of their probation or parole order.”

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

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Branham | Brannon |
| Brantley | H. B. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gilliard | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Weeks | Whipper |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--109**

Those who voted in the negative are:

**Total--0**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CHUMLEY a leave of absence for the remainder of the day to attend a meeting.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. NEILSON a leave of absence for the remainder of the day to attend a meeting.

**S. 1329--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1329 -- Senator Fair: A BILL TO AMEND SECTION 24-21-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, AND THE MEMBERS OF THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT THE MEMBER OF THE BOARD WHO IS APPOINTED ON AN AT-LARGE BASIS MUST BE SELECTED FROM ONE OF THE CONGRESSIONAL DISTRICTS AND AT LEAST ONE APPOINTEE SHALL POSSESS THE QUALIFICATIONS THAT THE AT-LARGE APPOINTEE FORMERLY MET.

Rep. DELLENEY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | H. B. Brown |
| Butler Garrick | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--113**

Those who voted in the negative are:

**Total--0**

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

**S. 1321--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 1321 -- Senators Malloy, McConnell, Knotts, Ford and Campsen: A BILL TO AMEND THE "OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010", CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16-11-110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16-23-500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22-3-560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22-5-920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS' RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24-19-10, RELATING TO THE DEFINITION OF A "YOUTHFUL OFFENDER", SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16-11-312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE-YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24-21-5 AND SECTION 24-21-100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24-21-280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY-DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44-53-370 AND SECTION 44-53-375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44-53-470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER’S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56-5-2990 OR SECTION 56-5-2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56-1-460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON'S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56-5-2990 OR SECTION 56-5-2945; AND BY AMENDING SECTION 56-1-460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON'S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

Reps. BANNISTER, CRAWFORD, OTT, WHIPPER, SANDIFER, ANDERSON, G. R. SMITH, BATTLE, HAMILTON, BARFIELD, HARDWICK, WEEKS, HIXON, HART, WILLIS and J. R. SMITH requested debate on the Bill.

**S. 741--DEBATE ADJOURNED**

Rep. HIOTT moved to adjourn debate upon the following Bill until Wednesday, June 6, which was adopted:

S. 741 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

**OBJECTION TO RECALL**

Rep. AGNEW asked unanimous consent to recall H. 4348 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. LOFTIS objected.

**OBJECTION TO RECALL**

Rep. HARRISON asked unanimous consent to recall S. 1557 from the Committee on Judiciary.

Rep. MERRILL objected.

**H. 4813--DEBATE ADJOURNED**

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

H. 4813 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Rep. WHITE moved to adjourn debate upon the Senate Amendments until Wednesday, June 6, which was agreed to.

**H. 4814--DEBATE ADJOURNED**

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

H. 4814 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2011-2012, TO PROVIDE REPORTING REQUIREMENTS WITH RESPECT TO A SPECIFIC APPROPRIATION, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Rep. WHITE moved to adjourn debate upon the Senate Amendments until Wednesday, June 6, which was agreed to.

**H. 4054--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4054 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-36 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON LAKE KEOWEE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE A PENALTY.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Brannon | H. B. Brown |
| R. L. Brown | Butler Garrick | Clemmons |
| Cobb-Hunter | Cole | Corbin |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Owens | Parker |
| Patrick | Pope | Quinn |
| Ryan | Sabb | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Crawford | Pitts | Putnam |

**Total--3**

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

**S. 1031--DEBATE ADJOURNED**

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

S. 1031 -- Senators Lourie, L. Martin, Elliott, Setzler and Alexander: A BILL TO AMEND SECTION 56-5-5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56-5-5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56-5-5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHED IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56-5-5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS A FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56-5-5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56-5-5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

Rep. G. R. SMITH moved to adjourn debate upon the Senate Amendments until Wednesday, June 6, which was agreed to.

**H. 4652--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4652 -- Reps. Sandifer, Harrell, Lucas, Bingham, Hardwick, Harrison, Owens, White, Allison, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bikas, Bowen, Brady, Brannon, Chumley, Clemmons, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Edge, Erickson, Forrester, Frye, Gambrell, Hamilton, Hearn, Henderson, Herbkersman, Hiott, Hixon, Horne, Huggins, Limehouse, Loftis, Long, Lowe, McCoy, Merrill, D. C. Moss, V. S. Moss, Murphy, Nanney, Norman, Parker, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Ryan, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Tribble, Viers, Whitmire, Willis, Young, Battle, Hayes and Anthony: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 41-7-10, RELATING TO PUBLIC POLICY CONCERNING THE RIGHT TO WORK, SO AS TO PROVIDE CERTAIN DEFINITIONS AND TO LIMIT APPLICABILITY OF THOSE DEFINITIONS; TO AMEND SECTION 41-7-80, RELATING TO PENALTIES FOR A VIOLATION OF RIGHT TO WORK LAWS, SO AS TO PROVIDE A RANGE FOR AN APPLICABLE FINE FROM ONE THOUSAND DOLLARS TO A MAXIMUM OF TEN THOUSAND DOLLARS; TO AMEND SECTION 41-7-90, RELATING TO COURT REMEDIES AVAILABLE TO A PERSON FOR A VIOLATION OF HIS RIGHT TO WORK, SO AS TO PERMIT TREBLE DAMAGES, REQUIRE A PERSON SEEKING THIS RELIEF TO CONTEMPORANEOUSLY PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION WITH THE BASIS FOR THE LAWSUIT, AND PROVIDE AN EXCEPTION; TO AMEND SECTION 41-7-100, RELATING TO CIVIL PENALTIES THE DEPARTMENT MAY ASSESS FOR A VIOLATION AND RELATED APPEALS, SO AS TO PROVIDE A CIVIL PENALTY MAY NOT EXCEED TEN THOUSAND DOLLARS; TO ADD SECTION 41-7-110 SO AS TO PROVIDE AN EMPLOYER OR AN EMPLOYEE WITH PERMISSION MAY CONSPICUOUSLY POST CERTAIN NOTICE CONCERNING THE RIGHTS OF AN EMPLOYEE; AND TO ADD SECTION 41-7-130 REQUIRING CERTAIN REPORTS TO BE FILED WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 83; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brannon |
| H. B. Brown | Clemmons | Cole |
| Corbin | Crawford | Crosby |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Knight |
| Limehouse | Loftis | Long |
| Lucas | McCoy | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | White | Whitmire |
| Willis | Young |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Brantley | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Dillard |
| Gilliard | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| Munnerlyn | J. H. Neal | Parks |
| Sabb | Sellers | J. E. Smith |
| Whipper | Williams |  |

**Total--26**

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

**H. 4687--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4687 -- Reps. King, Parks, Butler Garrick, J. E. Smith and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-63-74 SO AS TO REQUIRE DEATH CERTIFICATES TO BE ELECTRONICALLY TRANSMITTED AMONG ALL PARTIES REQUIRED TO COMPLETE THE DEATH CERTIFICATE; TO REQUIRE ELECTRONIC FILING OF THE DEATH CERTIFICATE WITH THE BUREAU OF VITAL STATISTICS, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO PROVIDE THAT REQUIRED SIGNATURES MUST BE PROVIDED ELECTRONICALLY; AND TO DEFINE "ELECTRONIC SIGNATURE".

Rep. KING explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brannon | Brantley |
| G. A. Brown | H. B. Brown | Butler Garrick |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Limehouse | Loftis | Long |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Norman | Ott |
| Owens | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--107**

Those who voted in the negative are:

**Total--0**

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

**H. 5287--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 5287 -- Reps. Pope, Delleney, King, Long, D. C. Moss, V. S. Moss, Norman and Simrill: A BILL TO AMEND SECTION 22-2-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY JURY AREAS, SO AS TO PROVIDE FOR JURY AREAS IN RICHLAND AND YORK COUNTIES.

Rep. POPE explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 110; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Brantley |
| G. A. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Norman | Ott |
| Owens | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | White | Williams |
| Willis | Young |  |

**Total--110**

Those who voted in the negative are:

**Total--0**

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

**H. 5025--POINT OF ORDER**

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

H. 5025 -- Reps. Govan, Cobb-Hunter, King, Limehouse, J. H. Neal, Ott, R. L. Brown and Gilliard: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT AND THREE ALUMNI MEMBERS, AND TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, INCLUDING A PROVISION THAT THE TERMS OF ALL PRESENTLY ELECTED MEMBERS OF THE BOARD SHALL EXPIRE ON JUNE 30, 2012, AT WHICH TIME THEIR SUCCESSORS ELECTED AS PROVIDED BY THIS SECTION SHALL TAKE OFFICE.

**POINT OF ORDER**

Rep. COBB-HUNTER made the Point of Order that the Senate Amendments were improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**S. 836--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 836 -- Senators Grooms, Verdin, Knotts, Bright, Bryant, Courson, Campsen, McConnell, Cleary, Rose, Hayes, Shoopman, Massey, Campbell, Fair, Gregory, Cromer, L. Martin and Alexander: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 10 TO ENACT THE INTERSTATE HEALTHCARE COMPACT, TO PROVIDE THAT COMPACT MEMBERS MUST TAKE ACTION TO OBTAIN CONGRESSIONAL CONSENT TO THE COMPACT, TO PROVIDE THAT THE LEGISLATURE IS VESTED WITH THE RESPONSIBILITY TO REGULATE HEALTHCARE DELIVERED IN THEIR STATE, TO PROVIDE FOR HEALTHCARE FUNDING, TO ESTABLISH THE INTERSTATE ADVISORY HEALTH CARE COMMISSION AND TO PROVIDE ITS COMPOSITION, POWERS, DUTIES, AND AUTHORITY, TO PROVIDE THE EFFECTIVE DATE OF THE COMPACT, TO PROVIDE FOR AMENDING THE COMPACT, TO PROVIDE FOR THE MANNER OF WITHDRAWAL FROM THE COMPACT, AND TO PROVIDE NECESSARY DEFINITIONS.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brannon | G. A. Brown | H. B. Brown |
| Clemmons | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Horne |
| Huggins | Knight | Limehouse |
| Loftis | Long | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | White |
| Whitmire | Willis | Young |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Bales | Brantley |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Dillard | Gilliard |
| Hart | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Mack | McEachern |
| McLeod | Munnerlyn | J. H. Neal |
| Parks | Rutherford | Sabb |
| Sellers | J. E. Smith | Weeks |
| Williams |  |  |

**Total--31**

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

**H. 5332--COMMITTED**

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

H. 5332 -- Rep. Harrell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 7, 2012, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, JUNE 19, 2012, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 21, 2012, FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN MONDAY, NOVEMBER 12, 2012, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

Rep. LUCAS moved to commit the Concurrent Resolution to the Committee on Judiciary, which was agreed to.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 1419 -- Senators Thomas, Ford and Hayes: A BILL TO AMEND CHAPTER 45, TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE BROKERS AND SURPLUS LINES INSURANCE, SO AS TO DEFINE TERMS, TO PROVIDE THAT THE REVENUE COLLECTED FROM THE BROKER'S PREMIUM TAX RATE MUST BE CREDITED TO A SPECIAL EARMARKED FUND, TO PROVIDE THE MANNER IN WHICH THE FUND MAY BE USED AND DISBURSED, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO CONDUCT EXAMINATIONS OF BROKER RECORDS, TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THE CHAPTER, TO PROVIDE THE MANNER IN WHICH THE NONADMITTED AND REINSURANCE REFORM ACT OF 2010 MAY BE IMPLEMENTED; AND TO AMEND SECTION 38-7-160, RELATING TO MUNICIPAL LICENSE FEES AND TAXES, SO AS TO DISALLOW A MUNICIPALITY FROM CHARGING AN ADDITIONAL LICENSE FEE OR TAX BASED UPON A PERCENTAGE OF PREMIUMS FOR PURPOSES OF SURPLUS LINES INSURANCE.

**S. 263--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56-5-2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56-5-2930, 56-5-2935, OR 56-5-2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56-5-2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

The Judiciary Committee proposed the following Amendment No. 1 to S. 263 (COUNCIL\SWB\5354CM12), which was adopted:

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

/ SECTION 1. Section 56‑5‑2910 of the 1976 Code is amended to read:

“Section 56‑5‑2910. (A) When the death of a person ensues within three years as a proximate result of injury received by the driving of a vehicle in reckless disregard of the safety of others, the person operating the vehicle is guilty of reckless vehicular homicide. A person who is convicted of, pleads guilty to, or pleads nolo contendere to reckless vehicular homicide is guilty of a felony, and must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned not more than ten years, or both. The Department of Motor Vehicles ~~must~~ shall revoke for five years the driver’s license of a person convicted of reckless vehicular homicide.

(B) After one year from the date of revocation, the person ~~whose driver’s license has been revoked for five years pursuant to Subsection (A)~~ may petition the circuit court in the county of ~~his~~ the person’s residence for reinstatement of ~~his~~ the person’s driver’s license. ~~He~~ The person shall serve a copy of the petition upon the solicitor of the county ~~and~~. The solicitor shall notify the representative of the victim of the reckless homicide of ~~his~~ the person’s intent to seek reinstatement of ~~his~~ the person’s driver’s license. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person’s driver’s license upon the following conditions:

(1) intoxicating alcohol, beer, wine, drugs, or narcotics were not involved in the vehicular accident which resulted in the reckless homicide conviction or plea;

(2) the petitioner has served ~~his~~ the term of imprisonment or paid ~~his~~ the fine, assessment, and restitution in full, or both; and

(3) the person’s overall driving record, attitude, habits, character, and driving ability would make it safe to reinstate the privilege of operating a motor vehicle.

The circuit court may order the reinstatement of the driver’s license before the completion of the full five‑year revocation period, or the judge may order the granting of a ~~provisional~~ route restricted license for the remainder of the five‑year period to allow the person to drive to and from employment or school, or the judge may place other restrictions on the driver’s license reinstatement. The order of the judge must be transmitted to the Department of Motor Vehicles within ten days.

(C) If the person’s privilege to operate a motor vehicle is reinstated ~~pursuant to subsection (B)~~, a subsequent violation of the motor vehicle laws for any moving violation requires the automatic cancellation of the person’s driver’s license and imposition of the full period of revocation for the reckless vehicular homicide violation.”

SECTION 2. Section 56‑5‑2946 of the 1976 Code is amended to read:

“Section 56‑5‑2946. (A) Notwithstanding any other provision of law, a person must submit to either one or a combination of chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or a combination of alcohol and drugs if there is probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945.

(B) The tests must be administered at the direction of a law enforcement officer ~~who has probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945~~. The administration of one test does not preclude the administration of other tests. The resistance, obstruction, or opposition to testing pursuant to this section is evidence admissible at the trial of the offense which precipitated the requirement for testing. A person who is tested or gives samples for testing may have a qualified person of his choice conduct additional tests at his expense and must be notified of that right. A person’s request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial.

(C) The provisions of Section 56‑5‑2950, relating to the administration of tests to determine a person’s alcohol concentration, additional tests at the person’s expense, the availability of other evidence on the question of whether or not the person was under the influence of alcohol, drugs, or a combination of them, availability of test information to the person or his attorney, and the liability of medical institutions and persons administering the tests are applicable to this section and also extend to the officer requesting the test, the State or its political subdivisions, or governmental agency, or entity which employs the officer making the request, and the agency, institution, or employer, either governmental or private, of persons administering the tests. Notwithstanding any other provision of state law pertaining to confidentiality of hospital records or other medical records, information regarding tests performed pursuant to this section must be released, upon subpoena, to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of Section 56‑5‑2945.”

SECTION 3. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2948. When a person is suspected of causing a motor vehicle incident resulting in the death of another person by the investigating law enforcement officer on the scene of the incident, the driver must submit to field sobriety tests if he is physically able to do so.”

SECTION 4. This act takes effect six months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER spoke in favor of the amendment.

Rep. BINGHAM spoke in favor of the amendment.

Rep. G. M. SMITH spoke in favor of the amendment.

Rep. CRAWFORD spoke against the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 64; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brannon | Clemmons |
| Daning | Delleney | Erickson |
| Frye | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Hixon | Horne |
| Huggins | Limehouse | Long |
| Lucas | McCoy | McLeod |
| Merrill | Nanney | J. M. Neal |
| Norman | Owens | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Toole | Tribble |
| White | Whitmire | Willis |
| Young |  |  |

**Total--64**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Anthony | Bales | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Dillard | Forrester | Funderburk |
| Hart | Hiott | Hodges |
| Hosey | Howard | Jefferson |
| Johnson | King | Knight |
| Loftis | Mack | McEachern |
| V. S. Moss | Munnerlyn | J. H. Neal |
| Ott | Parker | Parks |
| Sabb | Sandifer | J. E. Smith |
| Thayer | Vick | Weeks |
| Whipper | Williams |  |

**Total--44**

So, the amendment was adopted.

Rep. MCLEOD proposed the following Amendment No. 2 to S. 263 (COUNCIL\DKA\4150CM12), which was ruled out of order:

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

/ SECTION \_\_. Article 1, Chapter 2, Title 56 of the 1976 Code is amended by adding:

“Section 56‑2‑135. Notwithstanding another provision of law, a golf cart may be operated at night along an authorized roadway within the State as long as it has proper headlights and is insured.” /

Renumber sections to conform.

Amend title to conform.

Rep. MCLEOD explained the amendment.

**POINT OF ORDER**

Rep. SKELTON raised the Point of Order that under Rule 9.3 Amendment No. 2 was out of order in that it was not germane to S. 263.

SPEAKER HARRELL sustained the Point of Order.

Rep. TALLON proposed the following Amendment No. 4 to S. 263 (COUNCIL\SWB\5392CM12), which was ruled out of order:

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

/ SECTION \_\_. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56-5-2905. For purposes of this article, ‘motor vehicle’ is defined as a vehicle that is self-propelled, including mopeds, golf carts, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.”

SECTION \_\_. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2937. (A) Notwithstanding any other provision of law, a person convicted of violating Section 56‑5‑2930, Section 56-5-2933, or Section 56-5-2945 while operating a moped must be punished as follows:

(1) for a first offense, by a fine of not more than five hundred dollars or imprisonment of not more than thirty days;

(2) for a second offense, by imprisonment of not less than five days, but not more than one year; or

(3) For a third or subsequent offense, by imprisonment of five years.

(B) A conviction for a violation of Section 56‑5‑2930, Section 56‑5‑2933, or Section 56-5-2945 may be used for enhancement purposes under this section.” /

Renumber sections to conform.

Amend title to conform.

Rep. TALLON explained the amendment.

**POINT OF ORDER**

Rep. SELLERS raised the Point of Order that Amendment No. 4 was not germane to S. 263.

Rep. TALLON argued contra.

SPEAKER HARRELL sustained the Point of Order.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 70; Nays 41

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Clemmons | Crosby | Daning |
| Erickson | Frye | Funderburk |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Huggins | Limehouse | Long |
| Lucas | McCoy | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | J. M. Neal |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Toole | Tribble |
| White | Whitmire | Willis |
| Young |  |  |

**Total--70**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Anthony |
| Bales | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Delleney | Dillard |
| Forrester | Govan | Hart |
| Hodges | Hosey | Howard |
| Jefferson | Johnson | King |
| Knight | Loftis | Mack |
| McEachern | Munnerlyn | J. H. Neal |
| Ott | Parks | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Thayer | Vick | Weeks |
| Whipper | Williams |  |

**Total--41**

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

RECORD FOR VOTING

I was meeting with a Senator in the Senate Chambers and was absent for the vote on S. 263. If I had been present, I would have voted in favor of the Bill.

Rep. Bill Taylor

STATEMENT FOR THE JOURNAL

Regarding my vote on S. 263, while I support strong DUI legislation, I voted against S. 263, because current law allows for a blood test, which is more accurate and reliable. A field sobriety test or an “assessment” based on the judgment of a non-qualified medical person, could put an innocent person in jeopardy, personally and financially. Current law also provides for a sobriety test when there is reasonable suspicion by law enforcement of drug or alcohol impairment of a driver.

Rep. Dwight Loftis

**RATIFICATION OF ACTS**

At 4:20 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R211, S. 102) -- Senators Grooms, Fair, Verdin and Campsen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑238 SO AS TO PROHIBIT QUALIFIED HEALTH PLANS OFFERED THROUGH A HEALTH CARE EXCHANGE REQUIRED BY THE FEDERAL “PATIENT PROTECTION AND AFFORDABLE CARE ACT” FROM OFFERING ABORTION COVERAGE, AND TO PROVIDE FOR CERTAIN EXCEPTIONS.

(R212, S. 149) -- Senators Campsen, Rose, McConnell, Ryberg, Fair, Massey, Leventis, Bryant, Davis, Shoopman, Grooms and Hayes: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “EQUAL ACCESS TO INTERSCHOLASTIC ACTIVITIES ACT” BY ADDING SECTION 59‑63‑100 SO AS TO PERMIT HOME SCHOOL STUDENTS AND GOVERNOR’S SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES OF THE SCHOOL DISTRICT IN WHICH THE STUDENTS RESIDE SUBJECT TO CERTAIN CONDITIONS, AND TO PROVIDE ADDITIONAL REQUIREMENTS FOR CHARTER SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES.

(R213, S. 429) -- Senators Hayes and Ford: AN ACT TO AMEND SECTION 62‑7‑918, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNIFORM PRINCIPAL AND INCOME ACT, SO AS TO PROVIDE FOR THE PROCESS TO DETERMINE THE ALLOCATION OF PAYMENT MADE FROM A SEPARATE FUND TO CERTAIN TRUSTS AND TO PROVIDE COMMENT; AND TO AMEND SECTION 62‑7‑929, RELATING TO THE UNIFORM PRINCIPAL AND INCOME ACT, SO AS TO PROVIDE THE SOURCE OF FUNDS THAT MUST PAY FOR A TAX ON A TRUST’S SHARE OF THE TAXABLE INCOME OF THE ENTITY AND TO PROVIDE COMMENT.

(R214, S. 1014) -- Senator Knotts: AN ACT TO AMEND SECTION 17‑5‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS REQUIRED FOR CANDIDATES FOR CORONER, SO AS TO ELIMINATE TWO YEARS EXPERIENCE AS A LICENSED PRIVATE DETECTIVE AS A QUALIFICATION FOR THE BALLOT AND ADD AS QUALIFICATIONS BEING A MEDICAL DOCTOR OR HOLDING A BACHELOR OF SCIENCE DEGREE IN NURSING, TO REPLACE ON THE CORONERS TRAINING ADVISORY COMMITTEE THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WITH THE DIRECTOR OF THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, AND TO PROVIDE THAT THE COMMITTEE SHALL DETERMINE THOSE FORENSIC SCIENCE DEGREE AND CERTIFICATION PROGRAMS THAT QUALIFY AS “RECOGNIZED” FOR PURPOSES OF THE TRAINING REQUIREMENTS REQUIRED FOR CANDIDATES FOR CORONER.

(R215, S. 1029) -- Senator L. Martin: AN ACT TO AMEND SECTION 50‑1‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GEOGRAPHIC BOUNDARIES OF CERTAIN BODIES OF WATER, SO AS TO GIVE A NUMERICAL DESIGNATION TO EACH BODY OF WATER ENUMERATED IN THE SECTION AND TO MAKE OTHER TECHNICAL CHANGES TO THE SECTION.

(R216, S. 1033) -- Senators Verdin and Elliott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING CHAPTER 43, TITLE 46 RELATING TO THE MIGRANT FARM WORKERS COMMISSION, ITS MEMBERS, POWERS, AND DUTIES.

(R217, S. 1059) -- Senators Cromer and Elliott: AN ACT TO AMEND SECTION 48‑4‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO ADJUST THE COMPOSITION OF THE BOARD TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT, TO REVISE THE PROCEDURES BY WHICH A BOARD MEMBER IS APPOINTED CHAIRMAN, AND TO STAGGER THE MEMBERS’ TERMS; TO AMEND SECTION 48‑4‑60, RELATING TO THE APPOINTMENT OF THE DIRECTOR OF THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO PROVIDE THAT THE DIRECTOR MUST BE APPOINTED WITH THE ADVICE AND CONSENT OF THE SENATE; TO AMEND SECTION 48‑4‑50, RELATING TO THE DUTIES OF THE GOVERNING BOARD, SO AS TO CLARIFY THAT THE GOVERNING BOARD HAS NO DUTY OR AUTHORITY CONCERNING THE MANAGEMENT OF, CONTROL OVER, OR ADMINISTRATION OF THE DAY TO DAY AFFAIRS OF THE DEPARTMENT; AND TO CLARIFY THE EFFECT OF CONGRESSIONAL REAPPORTIONMENT UPON THE MEMBERSHIP AND COMPOSITION OF THE GOVERNING BOARD.

(R218, S. 1092) -- Senators Jackson, Courson, Lourie and Scott: AN ACT TO ABOLISH THE RICHLAND COUNTY BOARD OF ASSESSMENT CONTROL AND DEVOLVE ALL OF ITS DUTIES, POWERS, AND FUNCTIONS UPON THE RICHLAND COUNTY COUNCIL AND TO REPEAL SECTION 1 OF ACT 952 OF 1958.

(R219, S. 1134) -- Senator McGill: AN ACT TO AMEND ACT 1377 OF 1968, AS AMENDED, RELATING TO CAPITAL IMPROVEMENT BOND AUTHORIZATIONS, SO AS TO REVISE THE PURPOSE FOR WHICH CAPITAL IMPROVEMENT BOND AUTHORIZATIONS MAY BE USED AT WILLIAMSBURG TECHNICAL COLLEGE.

(R220, S. 1143) -- Senators Verdin and Rose: A JOINT RESOLUTION TO ESTABLISH SOUTH CAROLINA CIVIL WAR HERITAGE TRAILS AS THE OFFICIAL CIVIL WAR ERA HISTORIC DRIVING TRAILS OF SOUTH CAROLINA; TO PERMIT SOUTH CAROLINA CIVIL WAR HERITAGE TRAILS TO CONSULT WITH THE SOUTH CAROLINA CIVIL WAR SESQUICENTENNIAL ADVISORY BOARD AND THE DEPARTMENT OF ARCHIVES AND HISTORY CONCERNING THE PLANNING, DEVELOPMENT, ESTABLISHMENT, MAINTENANCE, AND MARKETING OF THE TRAILS; TO ENCOURAGE THE DEPARTMENT OF TRANSPORTATION TO WORK WITH SOUTH CAROLINA CIVIL WAR HERITAGE TRAILS CONCERNING THE PLACEMENT OF SIGNS ADJACENT TO THE STATE HIGHWAY SYSTEM; AND TO ENCOURAGE THE APPROPRIATE GOVERNMENT AGENCIES TO COOPERATE WITH SOUTH CAROLINA CIVIL WAR HERITAGE TRAILS CONCERNING EDUCATIONAL AND MARKETING MATERIALS.

(R221, S. 1247) -- Senators Alexander, Rankin and Hutto: AN ACT TO AMEND SECTION 58‑3‑250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE OF FINAL ORDERS AND DECISIONS OF THE PUBLIC SERVICE COMMISSION, SO AS TO ALLOW THE COMMISSION TO SERVE A FINAL ORDER OR DECISION BY ELECTRONIC SERVICE, REGISTERED MAIL, OR CERTIFIED MAIL.

(R222, S. 1319) -- Senators L. Martin, Matthews, Hayes and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑75‑1010 SO AS TO PROVIDE THAT A TITLE INSURER MAY ISSUE CLOSING OR SETTLEMENT INSURANCE, TO PROVIDE FOR LOSS AGAINST WHICH THIS INSURANCE MAY INDEMNIFY AN INSURED, AND TO PROVIDE THAT A PREMIUM CHARGED PURSUANT TO THIS SECTION MUST BE APPROVED BY THE DEPARTMENT AND MUST NOT BE SUBJECT TO ANY AGREEMENT REQUIRING A DIVISION OF FEES OR PREMIUMS COLLECTED ON BEHALF OF THE TITLE INSURER.

(R223, S. 1331) -- Senators Leatherman and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13‑17‑89 SO AS TO PROVIDE THAT NO PROVISION IN CHAPTER 17, TITLE 13 MAY BE CONSTRUED TO AUTHORIZE THE SOUTH CAROLINA RESEARCH AUTHORITY TO COMMIT THE CREDIT AND TAXING POWER OF THE STATE, TO PROVIDE A WRITTEN NOTICE REQUIREMENT WHEN THE AUTHORITY HAS CERTAIN RELATIONSHIPS WITH A NONPROFIT ENTITY THAT ESTABLISHES A FOR‑PROFIT ENTITY, AND TO PROVIDE THAT A FAILURE TO PROVIDE THIS NOTICE MAY NOT BE CONSTRUED TO INDICATE THE AUTHORITY MAY PLEDGE THE CREDIT AND TAXING POWER OF THE STATE; TO AMEND SECTION 13‑17‑40, AS AMENDED, RELATING TO THE MEMBERSHIP AND TERMS OF THE BOARD OF TRUSTEES AND EXECUTIVE COMMITTEE OF THE AUTHORITY, SO AS TO PROVIDE FOR THE ELECTION OF TWO ADDITIONAL TRUSTEES, TO PERMIT A UNIVERSITY PRESIDENT WHO IS AN EX OFFICIO MEMBER OF THE BOARD TO DESIGNATE THE CHIEF RESEARCH OFFICER OF HIS UNIVERSITY TO PARTICIPATE AND VOTE IN NO MORE THAN TWO MEETINGS OF THE EXECUTIVE COMMITTEE EACH YEAR, TO PROVIDE FOR MEMBERS’ TERMS, FILLING OF VACANCIES, AND REMOVAL OF EXECUTIVE COMMITTEE MEMBERS, AND TO ALLOW THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE AND THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, OR THEIR DESIGNEE, TO SERVE ON THE BOARD, AND TO DELETE ARCHAIC REFERENCES; TO AMEND SECTION 13‑17‑70, AS AMENDED, RELATING TO THE POWERS OF THE BOARD OF TRUSTEES OF THE AUTHORITY, SO AS TO PROVIDE THE BOARD MAY PROVIDE GUARANTEES AS SECURITY FOR CERTAIN OBLIGATIONS; TO AMEND SECTION 13‑17‑87, AS AMENDED, RELATING TO COSTS ASSOCIATED WITH INNOVATION CENTERS ESTABLISHED BY THE AUTHORITY, SO AS TO MAKE CERTAIN FINANCING OPTIONAL RATHER THAN MANDATORY, TO EXPAND THE SOURCES OF FUNDING AVAILABLE FOR FINANCING THESE COSTS, AND TO PROHIBIT THE USE OF A PLEDGE OF CREDIT AND TAXING POWER OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE TO FINANCE THESE COSTS; AND TO AMEND SECTION 8‑13‑770, AS AMENDED, RELATING TO MEMBERS OF THE GENERAL ASSEMBLY SERVING ON BOARDS, SO AS TO MAKE CONFORMING CHANGES.

(R224, S. 1364) -- Senator Cromer: AN ACT TO AMEND SECTIONS 50‑5‑1705 AND 50‑5‑1710, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LAWFUL SIZE AND CATCH LIMITS FOR CERTAIN FISH, SO AS TO PROVIDE LAWFUL SIZE AND CATCH LIMITS FOR SHEEPSHEAD (ARCHOSARGUS PROBATOCEPHALUS).

(R225, S. 1392) -- Senators Campbell and Ford: AN ACT TO AMEND SECTION 34‑13‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TOTAL LIABILITIES OF ANY ONE BORROWER TO A BANK, SO AS TO DEFINE “TOTAL LIABILITIES” WHICH SHALL INCLUDE “DERIVATIVE TRANSACTIONS” AND TO ALSO DEFINE “DERIVATIVE TRANSACTIONS” FOR THIS PURPOSE; AND TO AMEND SECTION 34‑13‑70, RELATING TO THE MAXIMUM AMOUNT OF LOANS BY A STATE BANK TO A BORROWER, SO AS TO DEFINE “LOAN” WHICH SHALL INCLUDE “DERIVATIVE TRANSACTIONS”, AND TO ALSO DEFINE “DERIVATIVE TRANSACTIONS” FOR THIS PURPOSE.

(R226, S. 1429) -- Senators Alexander and Ford: AN ACT TO AMEND ARTICLE 3, CHAPTER 36, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALZHEIMER’S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER AND ITS ADVISORY COUNCIL, SO AS TO CLARIFY THAT THIS CENTER IS IN THE OFFICE OF THE LIEUTENANT GOVERNOR.

(R227, S. 1492) -- Senator Bryant: AN ACT TO PROVIDE THAT IF THE BOUNDARY LINE BETWEEN TWO SCHOOL DISTRICTS IN ANDERSON COUNTY BISECTS A PARCEL OF REAL PROPERTY ON WHICH A HOME IS LOCATED THAT CONSTITUTES THE PRINCIPAL RESIDENCE OF SCHOOL‑AGED CHILDREN LIVING THEREIN AS WELL AS THEIR PARENTS OR LEGAL GUARDIANS, OR, IN THE ALTERNATIVE, BISECTS AN ADJOINING PARCEL OR PARCELS OWNED BY THE PARENTS OR LEGAL GUARDIANS OR MEMBERS OF THEIR IMMEDIATE FAMILY ALL OF WHICH ARE CONTIGUOUS TO EACH OTHER, THOSE CHILDREN ARE ENTITLED TO ATTEND THE SCHOOLS OF EITHER DISTRICT REGARDLESS OF THE DISTRICT IN WHICH THE BUILDING ITSELF CONSTITUTING THE PRINCIPAL RESIDENCE IS LOCATED, AND REGARDLESS OF THE AMOUNT OF SCHOOL OPERATING OR DEBT SERVICE AD VALOREM PROPERTY TAXES RECEIVED BY OR REIMBURSED TO EITHER DISTRICT.

(R228, H. 3111) -- Reps. Young, Sandifer, Hayes and D.C. Moss: AN ACT TO AMEND SECTION 42‑15‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANDATORY APPROVAL OF CERTAIN ATTORNEY AND PHYSICIAN FEES BY THE WORKERS’ COMPENSATION COMMISSION, SO AS TO PROVIDE FOR THE ADOPTION AND ADJUSTMENT OF FEE SCHEDULES BY THE COMMISSION, TO PROVIDE FOR THE ADJUSTMENT OF PROPOSED FEE SCHEDULES BY THE COMMISSION, AND TO PROVIDE FOR AN APPEAL PROCESS FROM A DECISION OF THE COMMISSION CONCERNING A FEE SCHEDULE; AND TO AMEND SECTION 1‑23‑600, AS AMENDED, RELATING TO ENUMERATED EXCEPTIONS FROM CONTESTED CASES FROM DEPARTMENTS OF THE EXECUTIVE BRANCH THAT MUST BE HEARD BY THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE THE EXEMPTION OF THE WORKERS’ COMPENSATION COMMISSION.

(R229, H. 3390) -- Reps. R.L. Brown and Whipper: AN ACT TO AMEND SECTION 57‑9‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONING A COURT TO ABANDON OR CLOSE A STREET, ROAD, OR HIGHWAY, SO AS TO PROVIDE THAT A NOTICE OF INTENTION TO FILE A PETITION MUST BE POSTED ALONG THE STREET, ROAD, OR HIGHWAY SUBJECT TO THE APPROVAL OF THE LOCATION OF THE POSTING BY THE GOVERNMENTAL ENTITY RESPONSIBLE FOR MAINTENANCE OF THE STREET, ROAD, OR HIGHWAY, AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PROMULGATE REGULATIONS THAT WILL ESTABLISH THE MINIMUM MANDATORY SIZE, LANGUAGE, AND POSITIONING OF SIGNS PURSUANT TO THIS SECTION.

(R230, H. 3478) -- Reps. Young, D.C. Moss, Gambrell, Agnew, Bowen, H.B. Brown, Clyburn, Spires, Frye, Bingham, Cobb‑Hunter, Hardwick, Hayes, Herbkersman, Hixon, Horne, Hosey, Lucas, McEachern, Ott, Quinn, G.R. Smith, J.R. Smith, Taylor, Umphlett and White: AN ACT TO AMEND SECTION 39‑41‑235, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETROLEUM PRODUCTS AND DIESEL FUEL SUITABLE FOR BLENDING, SALE OF UNBLENDED PRODUCTS WITHOUT NECESSARY ADDITIVES, RECORDKEEPING AND REGISTRATION, ENFORCEMENT, WHOLESALER RESPONSIBILITY, LIABILITY, AND NOTICE, SO AS TO PROVIDE THAT THESE REQUIREMENTS APPLY TO EVERY TERMINAL OPERATOR, SUPPLIER, PERMISSIVE SUPPLIER, REFINER, OR ANY OTHER PERSON OR ENTITY INVOLVED IN THE BULK TRANSFER OF MOTOR FUEL, TO PROVIDE THOSE CIRCUMSTANCES WHEN CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS DO NOT APPLY BECAUSE OF SPECIFIED HINDRANCES TO COMPLIANCE, AND TO PROVIDE THOSE CIRCUMSTANCES LIMITING THE LIABILITY OF A REFINER, SUPPLIER, WHOLESALER, OR RETAILER FOR THE DISPENSING OF INCOMPATIBLE MOTOR FUEL AT A RETAIL SITE.

(R231, H. 3657) -- Reps. Cooper and Ott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑45‑17 SO AS TO PROVIDE MINIMUM CONTINUING EDUCATION COURSE REQUIREMENTS FOR COUNTY TAX COLLECTORS AND PROVIDE EXCEPTIONS; BY ADDING SECTION 12‑59‑85 SO AS TO ALLOW A COUNTY FORFEITED LAND COMMISSION TO REFUSE TO ACCEPT TITLE TO PROPERTY WHEN REFUSAL IS IN THE PUBLIC INTEREST; AND TO AMEND SECTIONS 12‑51‑50, AS AMENDED, AND 12‑51‑70, RELATING TO DELINQUENT TAX SALES, SO AS TO PROVIDE FOR THE SALES DATE AND TO INCREASE FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS THE DAMAGES FOR WHICH A DEFAULTING BIDDER IS LIABLE.

(R232, H. 3720) -- Reps. Cooper, Henderson and Patrick: AN ACT TO AMEND SECTION 12‑6‑3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE JOBS TAX CREDIT, SO AS TO REVISE THE REQUIREMENTS OF A QUALIFYING SERVICE‑RELATED FACILITY AND A TECHNOLOGY INTENSIVE FACILITY; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO TAX CREDITS FOR PROVIDING INFRASTRUCTURE, SO AS TO INCREASE THE MAXIMUM AGGREGATE CREDIT TO FOUR HUNDRED THOUSAND DOLLARS ANNUALLY AND TO DEFINE SITE PREPARATION COSTS; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO THE DEFINITION OF ‘TERMINATION DATE’ FOR PURPOSES OF FEE IN LIEU OF TAXES, SO AS TO PROVIDE THAT WITH RESPECT TO A FEE AGREEMENT INVOLVING AN ENHANCED INVESTMENT, THE TERMINATION DATE IS THE LAST DAY OF A PROPERTY TAX YEAR THAT IS NO LATER THAN THE THIRTY-NINTH YEAR FOLLOWING THE FIRST PROPERTY TAX YEAR IN WHICH THE PROPERTY IS PLACED IN SERVICE, AND TO ALLOW FOR AN EXTENSION; TO AMEND SECTIONS 4‑12‑30, 4‑29‑67, AND 12‑44‑90, ALL AS AMENDED, RELATING TO FEE IN LIEU OF TAXES, SO AS TO PROVIDE THAT A COUNTY AUDITOR OR COUNTY ASSESSOR MAY REQUEST AND OBTAIN ANY FINANCIAL BOOKS AND RECORDS FROM A SPONSOR THAT SUPPORT THE SPONSOR’S TAX FORM OR RETURN TO VERIFY THE CALCULATIONS OF THE FEE IN LIEU OF TAXES TAX FORM OR RETURN;  AND TO AMEND SECTION 12‑36‑2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT COMPUTERS, COMPUTER EQUIPMENT, COMPUTER HARDWARE AND SOFTWARE PURCHASES FOR A DATACENTER AND ELECTRICITY USED BY A DATACENTER.

(R233, H. 4033) -- Reps. Patrick and Loftis: AN ACT TO AMEND SECTION 4‑10‑330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CAPITAL PROJECT SALES TAX ACT, SO AS TO PROVIDE THAT THE AUTHORIZED PROJECTS THAT ARE ALLOWED TO BE FUNDED BY A COUNTY CAPITAL PROJECT SALES TAX INCLUDE DREDGING, DEWATERING, CONSTRUCTION OF SPOIL SITES, AND DISPOSAL OF SPOIL MATERIALS; AND TO AMEND SECTIONS 5‑37‑40, 5‑37‑50, AND 5‑37‑100, ALL AS AMENDED, RELATING TO THE MUNICIPAL IMPROVEMENT ACT, SO AS TO PROVIDE THAT A MUNICIPAL IMPROVEMENT DISTRICT MAY BE CREATED FOR THE SOLE PURPOSE OF THE WIDENING AND DREDGING OF WATERWAYS WITHOUT PRIOR WRITTEN CONSENT OF OWNERS OF OWNER‑OCCUPIED RESIDENTIAL PROPERTY AT THE TIME THE IMPROVEMENT DISTRICT IS CREATED.

(R234, H. 4092) -- Reps. Limehouse, Sottile, Gilliard, Stavrinakis, McCoy, Whipper and R.L. Brown: AN ACT TO AMEND SECTION 44‑95‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACES WHERE SMOKING IS PROHIBITED, SO AS TO PROVIDE THAT SMOKING IS NOT ALLOWED IN BUILDINGS, PORTIONS OF BUILDINGS, AND AREAS CONTIGUOUS TO THESE BUILDINGS OWNED, LEASED, OR OPERATED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING THAT THE GOVERNING BODY OF THE INSTITUTION HAS DESIGNATED AS NONSMOKING.

(R235, H. 4516) -- Reps. Harrison and Weeks: AN ACT TO AMEND SECTION 43‑35‑15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INVESTIGATION OF ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS IN CERTAIN FACILITIES OPERATED BY THE STATE, SO AS TO PROVIDE THAT NONCRIMINAL REPORTS OF ABUSE, NEGLECT, AND EXPLOITATION OF PERSONS COMMITTED TO THE DEPARTMENT OF MENTAL HEALTH PURSUANT TO THE SEXUALLY VIOLENT PREDATOR ACT MUST BE REFERRED BY THE STATE LAW ENFORCEMENT DIVISION TO THE CLIENT ADVOCACY PROGRAM OF THE DEPARTMENT OF MENTAL HEALTH FOR INVESTIGATION.

(R236, H. 4689) -- Reps. Hiott, Skelton, Owens, Hixon, Loftis, Hodges, Knight, Dillard, Erickson, Crawford, Clyburn and Anderson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑143 SO AS TO PROVIDE HEALTH AND SANITARY REQUIREMENTS FOR HOME BASED FOOD PRODUCTION OPERATIONS, INCLUDING SANITATION REQUIREMENTS, LABELING REQUIREMENTS, AND PROCEDURES FOR PROTECTING FOOD ITEMS WHILE PREPARING, PROCESSING, PACKAGING, STORING, AND DISTRIBUTING; TO PROVIDE THAT THESE OPERATIONS MAY NOT SELL FOOD ITEMS FOR RESALE OR WHOLESALE; TO PROVIDE THAT THESE OPERATIONS ARE NOT RETAIL FOOD ESTABLISHMENTS; TO EXEMPT OPERATIONS WITH A NET EARNINGS OF LESS THAN FIVE HUNDRED DOLLARS ANNUALLY; AND TO PROVIDE THAT AN OPERATION MAY APPLY FOR AN EXEMPTION FROM INSPECTION AND LABEL REVIEW BY THE DEPARTMENT OF AGRICULTURE IF ITS ANNUAL SALES ARE LESS THEN FIFTEEN THOUSAND DOLLARS.

(R237, H. 4705) -- Reps. Brady, Butler Garrick, Long, Funderburk, Thayer, Henderson, Pope, Whipper and R.L. Brown: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑37‑60 SO AS TO REQUIRE HOSPITALS TO PROVIDE PARENTS OF NEWBORNS, PRIOR TO DISCHARGE, EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE AND TO REQUIRE THIS INFORMATION TO INCLUDE THE CENTER FOR DISEASE CONTROL’S RECOMMENDATION THAT PARENTS RECEIVE THE TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINE DURING POSTPARTUM TO PROTECT NEWBORNS FROM THE TRANSMISSION OF PERTUSSIS; AND TO PROVIDE THAT HOSPITALS ARE NOT REQUIRED TO PROVIDE OR PAY FOR A VACCINATION AGAINST PERTUSSIS.

(R238, H. 4726) -- Reps. Pitts, Parks and Pinson: AN ACT TO AMEND SECTION 6‑11‑1230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF PUBLIC SERVICE DISTRICT AND SPECIAL PURPOSE DISTRICT COMMISSIONS, INCLUDING, AMONG OTHER THINGS, THE POWER TO ASSESS THE COST OF THE ESTABLISHMENT AND CONSTRUCTION OF A SEWER LATERAL COLLECTION LINE, SO AS TO PROVIDE THAT IF ON THE EFFECTIVE DATE OF THIS ACT A RESIDENTIAL SUBDIVISION HAD RECEIVED CONCEPTUAL APPROVAL FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR SEPTIC TANK USE AND SUBSEQUENTLY FIVE OR MORE LOTS IN THE SUBDIVISION WERE DENIED PERMITS BY THE DEPARTMENT, AN ASSESSMENT MAY BE LEVIED ON THE ABUTTING PARCELS IN THE SUBDIVISION FOR THE ACTUAL COSTS OF THE SEWER LATERAL COLLECTION LINES, TRANSMISSION LINES, AND ASSOCIATED INFRASTRUCTURE AND TO PROVIDE THAT A LETTER OR CERTIFICATE OF THE DEPARTMENT ESTABLISHES THESE CONDITIONS AUTHORIZING THE ASSESSMENT; AND TO AMEND SECTION 6-11-100, RELATING TO POWERS AND DUTIES OF BOARDS OF COMMISSIONERS OF SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICTS, SO AS TO PROVIDE THAT PROPERTY PURCHASED BY THESE BOARDS MAY BE HELD IN THE NAME OF THE COMMISSION OR THE NAME OF THE DISTRICT.

(R239, H. 4886) -- Rep. Willis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 17, 2012, BY THE STUDENTS OF FOUNTAIN INN ELEMENTARY SCHOOL OF GREENVILLE COUNTY SCHOOL DISTRICT, WHEN THE SCHOOL WAS CLOSED DUE TO BAT INFESTATION, IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

(R240, H. 4904) -- Reps. Bingham, Allison, Anthony and G.R. Smith: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2012 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2012 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE‑FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS USING SPECIFIED FUNDS APPROPRIATED FOR FISCAL YEAR 2012‑2013, OR FOR THESE PURPOSES IN PRIOR YEARS; TO PROVIDE FOR FISCAL YEAR 2012‑2013 A ONE‑YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; AND TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT.

(R241, H. 5026) -- Rep. J.E. Smith: AN ACT TO AMEND SECTION 1‑23‑600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE AN OBSOLETE REFERENCE EXEMPTING APPEALS FROM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO THE COURT; TO AMEND SECTION 56‑1‑286, AS AMENDED, RELATING TO THE SUSPENSION OR DENIAL OF THE DRIVERS’ LICENSE, PERMIT, OR NONRESIDENT’S OPERATING PRIVILEGE OF A PERSON WHO DRIVES AN AUTOMOBILE WHILE HAVING AN ALCOHOL CONCENTRATION OF TWO‑HUNDREDTHS OF ONE PERCENT, SO AS TO PROVIDE HE MAY SEEK A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS FOR A SUSPENSION UNDER THIS SECTION, TO MAKE CONFORMING CHANGES, TO PROVIDE THE DEPARTMENT AND ARRESTING OFFICER HAVE THE BURDEN OF PROOF IN THIS CONTESTED CASE, AND TO PROVIDE THE HEARING OFFICER SHALL RESCIND THE SUSPENSION IF NEITHER THE DEPARTMENT NOR ARRESTING OFFICER APPEAR AT THE HEARING, REGARDLESS OF WHETHER THE PERSON REQUESTING THE HEARING OR HIS ATTORNEY APPEARS AT THE HEARING; TO AMEND SECTION 56‑5‑2942, AS AMENDED, RELATING TO MANDATORY IMMOBILIZATION OF CERTAIN MOTOR VEHICLES, SO AS TO PROVIDE THE DEPARTMENT MAY ISSUE A DETERMINATION PERMITTING OR DENYING THE RELEASE OF THE VEHICLE TO ITS REGISTERED OWNER OR A MEMBER OF THE HOUSEHOLD OF THE REGISTERED OWNER BASED ON AN AFFIDAVIT FROM HIM CONTAINING CERTAIN INFORMATION, AND TO PROVIDE FOR AN APPEAL FROM A DEPARTMENT DETERMINATION TO THE OFFICE OF MOTOR VEHICLES FOR A CONTESTED HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT AND THE RULES AND PROCEDURES OF THE DEPARTMENT; TO AMEND SECTION 56‑5‑2951, AS AMENDED, RELATING TO THE SUSPENSION OR DENIAL OF THE DRIVERS’ LICENSE, PERMIT, OR NONRESIDENT’S OPERATING PRIVILEGE OF A PERSON WHO REFUSES TO SUBMIT TO CERTAIN ALCOHOL CONCENTRATION TESTING, AMONG OTHER THINGS, SO AS TO PROVIDE A PERSON MAY SEEK A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS FOR A SUSPENSION UNDER THIS SECTION, TO MAKE CONFORMING CHANGES, AND TO PROVIDE THE DEPARTMENT AND ARRESTING OFFICER HAVE THE BURDEN OF PROOF IN THIS CONTESTED CASE, AND TO PROVIDE THE HEARING OFFICER SHALL RESCIND THE SUSPENSION IF NEITHER THE DEPARTMENT NOR ARRESTING OFFICER APPEAR AT THE HEARING, REGARDLESS OF WHETHER THE PERSON REQUESTING THE HEARING OR HIS ATTORNEY APPEARS AT THE HEARING; AND TO AMEND SECTION 56‑5‑2952, AS AMENDED, RELATING TO THE FILING FEE FOR A CONTESTED CASE HEARING, SO AS TO INCREASE THE FEE TO TWO HUNDRED DOLLARS OR AS OTHERWISE PROVIDED BY THE OFFICE OF MOTOR VEHICLES, AND TO PROVIDE FUNDS RECEIVED FROM THE FEE MUST BE RETAINED BY THE ADMINISTRATIVE LAW COURT AND MUST FIRST BE USED TO MEET THE EXPENSES OF THE OFFICE OF MOTOR VEHICLE HEARINGS IN A CERTAIN MANNER.

(R242, H. 5027) -- Reps. Hodges, Bowers and R.L. Brown: AN ACT TO AMEND SECTION 7‑7‑200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN COLLETON COUNTY, SO AS TO ADD THE “WALTERBORO NO. 5” PRECINCT, TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

(R243, H. 5051) -- Reps. Limehouse, Barfield, Tribble, Sabb, Hosey, Southard, J.H. Neal, Crawford, Parker, Brantley, Neilson, Erickson, Clemmons, Hearn, Hardwick, Loftis, Murphy, Ryan, McCoy, Anderson, Butler Garrick, Whitmire, Williams, Sottile, Alexander, Allen, Bowen, Pinson, Brannon, Johnson, Huggins, Spires, Sellers, Agnew, Anthony, Atwater, Bales, Bannister, Battle, Bedingfield, Bingham, Bowers, Branham, G.A. Brown, H.B. Brown, R.L. Brown, Chumley, Clyburn, Cobb‑Hunter, Cole, Corbin, Crosby, Daning, Delleney, Dillard, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Howard, Jefferson, King, Long, Lowe, Lucas, Mack, McEachern, McLeod, D.C. Moss, V.S. Moss, Munnerlyn, J.M. Neal, Norman, Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Stringer, Tallon, Taylor, Toole, Vick, Weeks, Whipper, White and Willis: AN ACT TO AMEND SECTION 59‑103‑15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HIGHER EDUCATION MISSION AND GOALS FOR ALL PUBLIC HIGHER EDUCATION INSTITUTIONS IN THIS STATE, SO AS TO ALLOW A FOUR YEAR COLLEGE OR UNIVERSITY, WITH APPROVAL OF THE COMMISSION ON HIGHER EDUCATION, TO OFFER A DOCTORAL DEGREE IN MARINE SCIENCE.

(R244, H. 5166) -- Reps. Willis, Pitts and Tribble: AN ACT TO AMEND SECTION 7‑7‑360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LAURENS COUNTY, SO AS TO REDESIGNATE CERTAIN PRECINCTS, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

(R245, H. 5167) -- Rep. Frye: AN ACT TO REAPPORTION THE SEVEN SPECIFIC ELECTION DISTRICTS FROM WHICH CERTAIN MEMBERS OF THE GOVERNING BODY OF THE SALUDA COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS, AND MAKE NECESSARY CONFORMING CHANGES.

(R246, H. 5315) -- Reps. Stavrinakis, Whipper and R.L. Brown: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED DURING THE PERIOD OF JANUARY 3, 2012, THROUGH JANUARY 4, 2012, BY THE STUDENTS OF STALL HIGH SCHOOL IN CHARLESTON COUNTY WHEN THE SCHOOL WAS CLOSED DUE TO A GAS LEAK ARE EXEMPT FROM THE MAKE‑UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

**MOTION NOTED**

Rep. BINGHAM moved to reconsider the vote whereby the following Bill was rejected and the motion was noted:

S. 1438 -- Senators Lourie, Alexander, Sheheen, Courson, Nicholson, Hutto and Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 84 TO TITLE 44 SO AS TO CREATE THE COMMISSION ON HUNGER WITHIN AND STAFFED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES.

**MOTION NOTED**

Rep. SANDIFER moved to reconsider the vote whereby the following Bill was rejected and the motion was noted:

S. 473 -- Senators Lourie, Setzler and Ford: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT AGENTS, SO AS TO REVISE DEFINITIONS, TO INCLUDE DEFINITIONS FOR "ADMINISTRATOR", "DEPARTMENT", AND "FINANCIAL SERVICES CONTRACT", TO REVISE THE POWERS OF THE DEPARTMENT OF CONSUMER AFFAIRS WITH RESPECT TO ATHLETE AGENTS AND STUDENT ATHLETES, TO PROVIDE FOR INSPECTION OF OUT-OF-STATE RECORDS, TO REQUIRE AN APPLICANT TO UNDERGO A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK AND TO PROVIDE FINGERPRINTS, TO PROVIDE FOR REPORTING AND MAINTENANCE OF CRIMINAL HISTORY RECORDS CHECK RESULTS, TO REVISE CONSIDERATIONS THE DEPARTMENT MAY MAKE WHEN ISSUING A CERTIFICATE OF REGISTRATION, TO REVISE THE TIME IN WHICH A CERTIFICATE OF REGISTRATION IS VALID AND TO PROVIDE THAT THE CERTIFICATE IS NONTRANSFERABLE AND NONASSIGNABLE, TO PROVIDE THAT IF A PERSON AGGRIEVED BY DEPARTMENT ACTION FAILS TO REQUEST A CONTESTED CASE THE ADMINISTRATIVE ACTION IS FINAL, TO PROVIDE THAT FUNDS COLLECTED BY THE DEPARTMENT MUST BE USED TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER, TO REQUIRE THAT THE ADDRESS OF THE ATHLETE AGENT BE INCLUDED IN AN AGENCY CONTRACT, TO REVISE WHAT THE CONTRACT MUST CONTAIN, TO PROVIDE ADDITIONAL PROHIBITED ACTS OF ATHLETE AGENTS, TO ALLOW THE DEPARTMENT TO ISSUE A CEASE AND DESIST ORDER AND IMPOSE A PENALTY UPON FINDING OF MISCONDUCT, TO PROVIDE REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS CHAPTER.

Rep. SKELTON moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5356 -- Rep. Barfield: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR GENERAL JAMES HACKLER FOR HIS MANY CONTRIBUTIONS TO COASTAL CAROLINA UNIVERSITY AND TO HONOR THE MEMORY OF THIS COASTAL CAROLINA GOLF BENEFACTOR BY RENAMING QUAIL CREEK GOLF CLUB AT COASTAL CAROLINA UNIVERSITY AS "GENERAL JAMES HACKLER GOLF COURSE," REFERRED TO AS "THE HACKLER COURSE."

**ADJOURNMENT**

At 5:33 p.m. the House, in accordance with the motion of Rep. SABB, adjourned in memory of Mary Louise James McFadden of Salters, to meet at 10:00 a.m. tomorrow.

\*\*\*