**Wednesday, May 30, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator SHOOPMAN.

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

As we read in Isaiah, the Lord declares:

“ ‘I will make justice the measuring line and righteousness the plumb line’.” (Isaiah 28:17)

Join me as we pray:

Holy Lord, over the past months incredible energy has been expended by these Senators and by their staff workers. Hours upon hours have gone into research, meetings, debates, votes, and discussions. In the final analysis, O God, may it all result in blessings and benefits for the people of South Carolina. As months and years pass, may these Senators see clear evidence that, indeed, their effort and diligence truly “measure up” in Your eyes. May this be so -- to Your glory, dear Lord.

Amen.

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

**Doctor of the Day**

Senator WILLIAMS introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day, along with a USC 1st year resident in family medicine.

**Leave of Absence**

At 11:20 A.M., Senator CROMER requested a leave of absence from 2:15 - 4:30 P.M.

**CO-SPONSOR ADDED**

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

S. 1408 Senator GROOMS

**RECALLED AND READ THE SECOND TIME**

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.

Senator CAMPSEN asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Education.

The Joint Resoluton was recalled from the Committee on Education.

The Senate proceeded to a consideration of the Joint Resolution, the question being the second reading of the resolution.

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

**RECALLED**

H. 4093 -- Reps. Pope, Sottile, Simrill, Hosey, Williams, Atwater, Quinn, Toole, Huggins, Brannon, Knight, Gambrell, Clyburn, McCoy, Gilliard, Owens, Merrill, Norman, Crawford, Bowers, Murphy, Bedingfield, Bowen, Branham, Chumley, Clemmons, Delleney, Hamilton, Hodges, Loftis, Lowe, D.C. Moss, V.S. Moss, Nanney, J.M. Neal, Ott, Ryan, G.M. Smith, G.R. Smith, J.R. Smith, Spires, Tallon, Taylor, Whitmire, Willis, Neilson and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑715 SO AS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS THE OFFICIAL STATE EMBLEM OF THE SERVICE AND SACRIFICE BY THOSE IN THE UNITED STATES ARMED FORCES WHO HAVE GIVEN THEIR LIVES IN THE LINE OF DUTY.

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

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

**RECALLED**

H. 3433 -- Reps. Herbkersman and Patrick: A BILL TO AMEND SECTION 7‑7‑110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVIEW AND RENAME CERTAIN VOTING PRECINCTS OF BEAUFORT COUNTY AND TO REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

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

**RECALLED**

H. 4801 -- Reps. Sandifer, Gambrell, Bowen, Whitmire, Agnew, Thayer, Putnam and White: A BILL TO AMEND SECTION 6‑13‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PIONEER RURAL WATER DISTRICT OF OCONEE AND ANDERSON COUNTIES, SO AS TO REVISE THE QUALIFICATIONS OF PERSONS WHO MAY BE APPOINTED TO THE GOVERNING BOARD OF THE DISTRICT AND THE MANNER OF THEIR APPOINTMENT; AND TO AMEND SECTION 6‑13‑240, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE DISTRICT ACTING THROUGH ITS GOVERNING BOARD, SO AS TO PROVIDE THAT THE DISTRICT MUST NOT CONTRACT FOR OR UNDERTAKE THE CONSTRUCTION OF ANY NEW FRESHWATER TREATMENT FACILITIES UNTIL JANUARY 1, 2016.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1560 -- Senator Ford: A BILL TO AMEND SECTION 59-127-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, SO AS TO PROVIDE THE SOUTH CAROLINA STATE ALUMNI ASSOCIATION SHALL APPOINT THE MEMBER WHO OCCUPIES SEAT TWELVE.

l:\council\bills\agm\19631ab12.docx

Read the first time and referred to the Committee on Education.

S. 1561 -- Senator Bryant: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE T.L. HANNA HIGH SCHOOL GIRLS SOCCER TEAM IN ANDERSON ON ITS OUTSTANDING SEASON AND IMPRESSIVE WIN OF THE 2012 CLASS AAAA STATE CHAMPIONSHIP TITLE.

l:\s-res\klb\020girl.mrh.klb.docx

The Senate Resolution was adopted.

S. 1562 -- Senator Ford: A SENATE RESOLUTION TO RECOGNIZE AND HONOR EDWARD MATTHEW GIBSON, SR. FOR HIS OUTSTANDING SERVICE TO HIS NATION AND TO CONGRATULATE HIM FOR BEING HONORED FOR HIS ACCOMPLISHMENTS AS A MEMBER OF THE FREE AND ACCEPTED MASONS.

l:\council\bills\gm\25138ahb12.docx

The Senate Resolution was adopted.

S. 1563 -- Senator Hayes: A SENATE RESOLUTION TO RECOGNIZE SETH NEELY OF SPARTANBURG METHODIST COLLEGE ON HIS TEAM CAPTURING THE 2012 NATIONAL JUNIOR COLLEGE ATHLETIC ASSOCIATION EASTERN DISTRICT BASEBALL CHAMPIONSHIP TITLE, TO HONOR HIM AND HIS TEAMMATES ON EARNING A BERTH AT THE 2012 JUNIOR COLLEGE WORLD SERIES IN COLORADO, AND TO CONGRATULATE HIM ON BEING AWARDED A BASEBALL SCHOLARSHIP TO WOFFORD COLLEGE.

l:\council\bills\rm\1617ac12.docx

The Senate Resolution was adopted.

S. 1564 -- Senator Pinckney: A SENATE RESOLUTION TO HONOR THE REVEREND MALACHI LEE DUNCAN, A NATIVE OF LEE COUNTY, FOR HIS NEARLY FOUR DECADES OF GOSPEL MINISTRY AND TO WISH HIM GOD’S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

l:\council\bills\rm\1621sd12.docx

The Senate Resolution was adopted.

H. 5307 -- Reps. Hosey and Clyburn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 278 IN ALLENDALE COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 TO FEED LOT ROAD “LIEUTENANT WINSTON ROBINSON, JR. HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “LIEUTENANT WINSTON ROBINSON, JR. HIGHWAY”.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 5308 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 527 IN LEE COUNTY FROM MOUNT PLEASANT HIGH SCHOOL TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 76 “ISAAC C. JOE HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "ISAAC C. JOE HIGHWAY".

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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.

The Concurrent Resolution was introduced and referred to the Committee on Judiciary.

H. 5338 -- Reps. Funderburk, Bales, G. A. Brown, Lucas, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, 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, 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 CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE KERSHAW COUNTY VOLUNTEER GUARDIAN AD LITEM PROGRAM ON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY AND TO THANK THE PROGRAM FOR ITS MANY YEARS OF OUTSTANDING COMMUNITY SERVICE ON BEHALF OF ABUSED AND NEGLECTED CHILDREN.

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

**REPORTS OF STANDING COMMITTEES**

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 1183 -- Senators Setzler, Rose, Land, Anderson, Bryant, Grooms, S. Martin, Knotts, Courson, Bright, Elliott, Peeler, Ryberg, Verdin, Shoopman, Leventis, Sheheen, Massey, Thomas and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑11‑270 SO AS TO PROVIDE THAT ALL OTHER FUNDS COLLECTED BY AN AGENCY MUST BE DEPOSITED IN THE GENERAL FUND AND MUST BE CONSIDERED GENERAL FUNDS, TO PROVIDE FOR DEFINITIONS, AND TO SPECIFY THE APPLICABILITY OF THIS SECTION.

Ordered for consideration tomorrow.

Senator SHEHEEN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3127 -- Reps. Rutherford, G.R. Smith, Clyburn, Weeks, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑21‑925 SO AS TO PROVIDE THAT A LIMITED PARDON MAY BE GRANTED TO A PERSON WHO HAS BEEN CONVICTED OF A NONVIOLENT FELONY OFFENSE THAT WOULD ALLOW HIM TO CARRY A FIREARM USED FOR HUNTING TO AND FROM HIS HUNTING DESTINATION AND USE IT WHILE HUNTING.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3130 -- Reps. Brady, Stringer, Long, Butler Garrick and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑19‑2470 SO AS TO CREATE THE OFFENSE OF SEXTING, TO PROVIDE FOR A CIVIL FINE AND THE CREATION OF AN EDUCATIONAL PROGRAM FOR A PERSON WHO COMMITS THE OFFENSE, TO PROVIDE FOR THE RESTRICTION OF A MINOR’S DRIVING PRIVILEGES UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE CERTAIN SAFEGUARDS FOR MINORS WHO COMMIT THE OFFENSE, AND TO PROVIDE FOR THE USE OF THE UNIFORM TRAFFIC TICKET FOR THE OFFENSE AND FOR JURISDICTION OVER THE OFFENSE IN THE MUNICIPAL OR MAGISTRATES COURT.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3209 -- Reps. Cobb‑Hunter, Long, Brady and Knight: A BILL TO AMEND SECTION 20‑4‑60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE THAT THE COURT MAY PROHIBIT HARM OR HARASSMENT TO A PET ANIMAL OWNED, POSSESSED, KEPT, OR HELD BY THE PETITIONER AND TO PROVIDE THAT IN ORDERING TEMPORARY POSSESSION OF PERSONAL PROPERTY, THE COURT MAY ORDER THE TEMPORARY POSSESSION OF PET ANIMALS.

Ordered for consideration tomorrow.

Senator SHEHEEN from the Committee on Judiciary submitted a majority favorable and Senator HUTTO a minority unfavorable report on:

H. 3235 -- Reps. Taylor, Young, J.R. Smith, Bikas, Chumley, Quinn, Clemmons and Barfield: A BILL TO AMEND SECTION 30‑4‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES AND THE TIME WITHIN WHICH CERTAIN RECORDS MUST BE FURNISHED UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE RECORDS MUST BE FURNISHED AT CURRENT MARKET VALUE TO THE PERSON REQUESTING THE RECORDS, AND TO PROVIDE WHERE A PUBLIC BODY GRANTS A REQUEST FOR RECORDS, IT MUST FURNISH THOSE RECORDS FOR INSPECTION OR COPYING IMMEDIATELY, BUT NO LATER THAN THIRTY DAYS AFTER THE DATE OF THE FORMAL REQUEST.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3747 -- Rep. Cooper: A BILL TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT BIOLOGICS ADMINISTERED BY A PHYSICIAN IN A PHYSICIAN’S OFFICE.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3779 -- Reps. Brady, Loftis, Bingham, Harrell and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE “BILL WYLIE ENTREPRENEURSHIP ACT OF 2011” BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS ALLOCATED BY THE DEPARTMENT OF COMMERCE FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, AND TO MAKE THE CREDIT TRANSFERABLE.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3986 -- Reps. Hayes and Bingham: A JOINT RESOLUTION TO ALLOW A SCHOOL DISTRICT THAT HAS RECEIVED FUNDS PURSUANT TO SECTION 59‑21‑430 THAT ARE SET TO LAPSE ON OR BEFORE JUNE 30, 2011, TO RETAIN THOSE FUNDS AND USE THEM FOR THE SAME PURPOSES UNTIL JUNE 30, 2012.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V.S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson, D.C. Moss and Frye: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑35‑122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A “DRUG TEST”.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 4082 -- Reps. Vick, Edge, Hiott, Hayes, R.L. Brown, Jefferson, Bowers, Anthony, Skelton, Williams, McLeod, G.M. Smith, Weeks, Gilliard, Agnew, Horne, Funderburk, Tribble, Pinson, Clemmons and Neilson: A BILL TO AMEND SECTION 38‑7‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF THE INSURANCE PREMIUM TAX, SO AS TO PROVIDE THAT SEVEN PERCENT OF THE ANNUAL REVENUE OF THIS TAX MUST BE TRANSFERRED TO THE SOUTH CAROLINA FORESTRY COMMISSION AND USED BY IT FOR FIREFIGHTING AND FIREFIGHTING EQUIPMENT REPLACEMENT AND FOREST INDUSTRY ECONOMIC ENHANCEMENT.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a majority favorable with amendment and Senator LEATHERMAN a minority unfavorable report on:

H. 4128 -- Reps. Pitts, Atwater, Toole, Chumley, Delleney, Hosey, D.C. Moss, G.R. Smith, Williams, Willis, Huggins, Bingham, Quinn and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 1, TITLE 1 SO AS TO PROVIDE THAT GOLD OR SILVER COIN, OR BOTH, SHALL BE LEGAL TENDER IN THIS STATE FOR PAYMENT OF CERTAIN DEBTS; AND BY ADDING ARTICLE 26 TO CHAPTER 1, TITLE 1 SO AS TO ESTABLISH A JOINT COMMITTEE FOR THE ADOPTION OF AN ALTERNATE FORM OF CURRENCY.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 4758 -- Reps. Johnson, Brantley, Sabb, Govan, Brannon, Munnerlyn, Anthony, Edge, Pope, Simrill, Whipper and Weeks: A BILL TO AMEND SECTION 14‑7‑110 AND SECTION 14‑7‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY COMMISSIONERS FOR THE PURPOSE OF THE SUMMONING OF JURORS IN CIRCUIT COURT AND THE USE OF A COMPUTER FOR THE DRAWING AND SUMMONING OF JURORS IN CIRCUIT COURT, RESPECTIVELY, BOTH SO AS TO DELETE REFERENCES TO JURY COMMISSIONERS AND ALLOW THE CLERK OF COURT OR THE DEPUTY CLERK TO PERFORM THE FUNCTION OF DRAWING AND SUMMONING JURORS.

Ordered for consideration tomorrow.

Senator CAMPBELL from the Committee on Judiciary submitted a favorable with amendment report on:

H. 4766 -- Reps. Stringer, Weeks and Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 33 SO AS TO ENACT THE “SOUTH CAROLINA BENEFIT CORPORATION ACT” WHICH PERMITS A CORPORATION TO ELECT AS A CORPORATE PURPOSE THE PROVIDING OF CERTAIN PUBLIC BENEFITS WITHOUT SUBJECTING THE CORPORATION OR ITS DIRECTORS TO LIABILITY OR DERIVATIVE SUIT EXCEPT FOR SPECIFIED REASONS.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a favorable with amendment report on:

H. 4798 -- Reps. McLeod and Bowers: A BILL TO AMEND SECTION 5‑7‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRIAL OF A PERSON IN A MUNICIPAL COURT, SO AS TO REVISE THE PERIOD OF TIME A PERSON MUST BE TRIED AFTER THE DATE OF HIS ARREST.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 4802 -- Reps. J.E. Smith, Quinn, Munnerlyn, Williams, Jefferson, Johnson, McEachern, Brannon, Dillard, McLeod, Stavrinakis, Sellers, Sabb, Brady, Ott, Vick, H.B. Brown, Branham, Bingham, Bowers, Cobb‑Hunter, Erickson, Harrison, Hart, Hayes, Herbkersman, Merrill, J.H. Neal, Pitts, G.M. Smith, Whipper and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE “SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT” WHICH PROVIDES THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING MAY AT HIS OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 4821 -- Reps. G.M. Smith, Pitts, Murphy, Horne, Hearn, McCoy, Stavrinakis, Bannister and Harrison: A BILL TO AMEND SECTION 8‑21‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COURT FEES AND COSTS, SO AS TO PROVIDE FOR THE FILING OF COURT DOCUMENTS BY ELECTRONIC MEANS FROM AN INTEGRATED ELECTRONIC FILING (E‑FILING) SYSTEM AND TO PROVIDE THAT FEES GENERATED FROM E‑FILING ARE TO BE USED IN SUPPORT OF COURT TECHNOLOGY.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 4888 -- Reps. Thayer, Owens, Daning, Brannon, Erickson, Whitmire, Atwater, R.L. Brown, Gambrell, J.M. Neal, Putnam and Willis: A BILL TO AMEND SECTION 38‑73‑470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITION OF THE UNINSURED MOTORIST FUND, SO AS TO PROVIDE THAT THE PORTION THAT WAS FORMERLY PAID TO THE DEPARTMENT OF PUBLIC SAFETY MUST BE PAID TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56‑1‑286, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER’S LICENSE OR PERMIT TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE PORTION OF THE FEE TO OBTAIN A TEMPORARY ALCOHOL LICENSE THAT WAS FORMERLY RETAINED BY THE DEPARTMENT OF PUBLIC SAFETY MUST BE DISTRIBUTED TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56‑3‑3910, RELATING TO THE ISSUANCE OF “SHAG” SPECIAL LICENSE PLATES, SO AS TO REVISE THE BIENNIAL PERIOD IN WHICH THE LICENSE PLATE MUST BE ISSUED OR REVALIDATED; TO AMEND SECTION 56‑3‑5200, RELATING TO “SOUTH CAROLINA: FIRST IN GOLF” SPECIAL LICENSE PLATES, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56‑5‑2951, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER’S LICENSE WHEN A DRIVER REFUSES TO SUBMIT TO TESTS TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56‑10‑552, RELATING TO THE UNINSURED ENFORCEMENT FUND, SO AS TO PROVIDE THAT THIS FUND WHICH WAS FORMERLY DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY MUST NOW BE DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES AND USED BY THE DEPARTMENT OF MOTOR VEHICLES AND THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 56‑15‑420, RELATING TO THE PROMULGATION OF CERTAIN REGULATIONS BY THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO PROVIDE THAT THESE REGULATIONS NOW WILL BE PROMULGATED BY THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56‑19‑420, AS AMENDED, RELATING TO CERTAIN FEES FOR SERVICES OFFERED BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REVISE THE DISTRIBUTION OF THESE FEES; AND TO REPEAL ARTICLE 60, CHAPTER 3, TITLE 56 RELATING TO THE ISSUANCE OF “SHRINERS” SPECIAL LICENSE PLATES.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Finance submitted a majority favorable with amendment and Senators MATTHEWS, PINCKNEY and ANDERSON a minority unfavorable report on:

H. 4894 -- Reps. White, Bedingfield, McCoy, Loftis, Bingham, Herbkersman, Parker, Bowen, Erickson, Taylor, G.M. Smith, Forrester, Frye, G.R. Smith, Merrill, Stringer, Lowe, Nanney, Tribble, Crawford, Ryan, Corbin, Southard, J.R. Smith, Allison, Barfield, Chumley, Clemmons, Cole, Crosby, Delleney, Edge, Hamilton, Hardwick, Harrell, Harrison, Hearn, Henderson, Hixon, Limehouse, Long, Lucas, D.C. Moss, Murphy, Norman, Owens, Pinson, Pitts, Putnam, Quinn, Simrill, Skelton, Sottile, Spires, Tallon, Thayer, Toole, Viers, Young, Atwater, Huggins and Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑6‑1145 SO AS TO AUTHORIZE A DEDUCTION FROM STATE OF SOUTH CAROLINA TAXABLE INCOME UP TO SPECIFIED AMOUNTS FOR TUITION PAID BY A PARENT OR LEGAL GUARDIAN FOR THEIR CHILD OR WARD TO ATTEND AN INDEPENDENT SCHOOL OR A PUBLIC SCHOOL OUTSIDE THE CHILD’S OR WARD’S SCHOOL DISTRICT OF RESIDENCE, AND TO ALSO AUTHORIZE A SIMILAR INCOME TAX DEDUCTION UP TO A SPECIFIED AMOUNT TO A PARENT OR LEGAL GUARDIAN FOR HOME SCHOOL EXPENDITURES; AND BY ADDING SECTION 12‑6‑1146 SO AS TO AUTHORIZE A CREDIT AGAINST A TAXPAYER’S SOUTH CAROLINA INCOME TAX LIABILITY OR CERTAIN OTHER TAX LIABILITY FOR CONTRIBUTIONS MADE TO NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS THAT PROVIDE GRANTS FOR CHILDREN WHO ARE ELIGIBLE FOR THE FEDERAL FREE OR REDUCED SCHOOL LUNCH PROGRAM, WHO ARE “EXCEPTIONAL NEEDS” CHILDREN, OR WHOSE FAMILIES MEET THE REQUIREMENTS FOR FEDERAL MEDICAID BENEFITS TO ATTEND INDEPENDENT SCHOOLS OF THEIR CHOICE, AND TO PROVIDE THE PROCEDURES FOR, AND CONDITIONS AND LIMITATIONS OF THESE TAX CREDITS.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 4945 -- Reps. Funderburk, Harrison, Brantley, McLeod, Butler Garrick, Munnerlyn, Taylor, J.H. Neal, Dillard, Bannister, G.R. Smith, Bowers, Cobb‑Hunter, Delleney, Hixon, Long, Pope and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑5‑185 SO AS TO AUTHORIZE A PERSON TO REGISTER TO VOTE ELECTRONICALLY ON THE INTERNET WEBSITE OF THE STATE ELECTION COMMISSION, TO PROVIDE A PROCEDURE FOR THIS TYPE OF REGISTRATION AND AUTHORIZE THE STATE ELECTION COMMISSION TO PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ACT.

Ordered for consideration tomorrow.

Senator CAMPBELL from the Committee on Judiciary submitted a favorable with amendment report on:

H. 5098 -- Reps. Hixon, Clyburn, Harrison, Taylor and Young: A BILL TO AMEND SECTION 61‑6‑2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS FOR THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IN A COUNTY OR MUNICIPALITY UPON A FAVORABLE REFERENDUM VOTE, SO AS TO FURTHER PROVIDE FOR THOSE ELECTIONS WHICH CONSTITUTE GENERAL ELECTIONS FOR PURPOSES OF THE REFERENDUMS REQUIRED UNDER THIS SECTION.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 5104 -- Reps. McLeod and Harrison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO REQUIRE ALL TESTIMONY GIVEN TO A COMMITTEE OR SUBCOMMITTEE OF THE GENERAL ASSEMBLY MUST BE UNDER OATH AND TO CREATE THE OFFENSES OF CONTEMPT OF THE GENERAL ASSEMBLY AND CRIMINAL CONTEMPT AND PROVIDE A PENALTY FOR A VIOLATION.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 29, 2012

Mr. President and Senators:

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

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32‑7‑100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

Very respectfully,

Speaker of the House

Received as information.

**H. 4763--SENATE INSISTS ON ITS AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32‑7‑100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

On motion of Senator LARRY MARTIN, the Senate insisted upon its amendments to H. 4763 and asked for a Committee of Conference.

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

**Message from the House**

Columbia, S.C., May 30, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Sandifer, Toole and J.E. Smith to the Committee of Conference on the part of the House on:

H. 3710 -- Reps. J.E. Smith, Hayes, D.C. Moss and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑1‑77 SO AS TO PROVIDE A BOARD OR COMMISSION THAT REGULATES THE LICENSURE OF A PROFESSION OR OCCUPATION UNDER TITLE 40 MAY ISSUE A TEMPORARY LICENSE FOR A PROFESSION OR OCCUPATION IT REGULATES TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE REQUIREMENTS FOR OBTAINING THIS LICENSE, AND TO PROVIDE TIME LIMITS ON THE VALIDITY OF THIS LICENSE.

Very respectfully,

Speaker of the House

Received as information.

**PRESIDENT PRESIDES**

At 11:14 A.M., the PRESIDENT assumed the Chair.

**Message from the House**

Columbia, S.C., May 30, 2012

Mr. President and Senators:

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

S. 788 -- Senator Verdin: A BILL TO AMEND CHAPTER 21, TITLE 47 OF THE 1976 CODE, RELATING TO THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT, BY AMENDING SECTION 47‑21‑70 TO PROVIDE ADDITIONAL LIABILITY EXEMPTIONS TO VETERINARIANS AND PEOPLE WHO HOLD A SUPERIOR INTEREST IN THE PROPERTY; BY ADDING SECTION 47‑21‑90 TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR A PERSON THAT SUFFERS DAMAGES AS A RESULT OF VIOLATIONS OF CHAPTER 21 RELATING TO ANIMAL FACILITY OPERATIONS; AND BY ADDING ARTICLE 5 TO PROVIDE THAT IT IS UNLAWFUL TO TAMPER WITH CROP OPERATIONS, TO INTERFERE WITH THE OPERATIONS OF A CROP OPERATION, TO FRAUDULENTLY GAIN ACCESS TO A CROP OPERATION, AND TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR VIOLATIONS OF THIS ACT RELATED TO CROP OPERATIONS, TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT, TO DEFINE NECESSARY TERMS, AND TO MAKE TECHNICAL CORRECTIONS.

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., May 30, 2012

Mr. President and Senators:

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

S. 1299 -- Senators Cleary, McGill and Ford: A BILL TO AMEND SECTION 54‑15‑20 OF THE 1976 CODE, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA COMMISSIONERS OF PILOTAGE FOR THE UPPER COASTAL AREA, TO INCREASE THE NUMBER OF MEMBERS ON THE COMMISSION FROM SIX TO EIGHT.

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., May 30, 2012

Mr. President and Senators:

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

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: A BILL 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 INCLUDE IN THE MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES UNIQUE DOCTORAL DEGREE PROGRAMS THAT ARE NOT DUPLICATIVE OF ANY RESEARCH UNIVERSITY DOCTORAL PROGRAMS IN THAT REGION, AND TO DEFINE “THAT REGION”.

Respectfully submitted,

Speaker of the House

Received as information.

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

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 3390 -- Reps. R.L. Brown and Whipper: A BILL TO AMEND SECTION 57‑9‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONING A COURT TO ABANDON OR CLOSE A STREET, ROAD, OR HIGHWAY, SO AS TO PROVIDE THAT NOTICE OF INTENTION TO FILE A PETITION MUST BE POSTED ALONG THE STREET, ROAD, OR HIGHWAY SUBJECT TO THE APPROVAL OF THE LOCATION OF THE POSTING BY THE GOVERNMENTAL ENTITY RESPONSIBLE FOR MAINTENANCE OF THE STREET, ROAD, OR HIGHWAY.

Senator GROOMS explained the Bill.

H. 4092 -- Reps. Limehouse, Sottile, Gilliard, Stavrinakis, McCoy, Whipper and R.L. Brown: A BILL 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 ON CAMPUSES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING WHEN IT IS PROHIBITED BY THE GOVERNING BODY OF THE INSTITUTION AND TO PROVIDE THAT A GOVERNING BODY IS NOT PRECLUDED FROM ESTABLISHING A SMOKE-FREE CAMPUS.

H. 4516 -- Reps. Harrison and Weeks: A BILL 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.

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

There was no objection.

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

Senator ALEXANDER explained the Bill.

The Bill was read the third time, passed and ordered enrolled for Ratification.

H. 4705 -- Reps. Brady, Butler Garrick, Long, Funderburk, Thayer, Henderson, Pope, Whipper and R.L. Brown: A BILL 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 POST PARTUM 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.

**HOUSE BILLS RETURNED**

The following House Bills were read the third time and ordered returned to the House with amendments:

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.

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”.

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.

**THIRD READING BILL**

The following Joint Resolution was read the third time and ordered sent to the House of Representatives:

S. 1397 -- Senators Gregory, Hayes, Davis, Sheheen, Jackson, Reese, Setzler, Grooms, Hutto, Bright, S. Martin, Lourie and Rose: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2015, THE COMMISSION ON HIGHER EDUCATION AND THE PRESIDENTS OF PUBLIC COLLEGES AND UNIVERSITIES SHALL SUPPORT THE GENERAL ASSEMBLY’S EFFORTS TO ESTABLISH ACCOUNTABILITY‑BASED FUNDING FOR PUBLIC COLLEGES AND UNIVERSITIES.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

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.

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

There was no objection.

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

**Motion Under Rule 26B**

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

There was no objection.

Senators MATTHEWS and COURSON proposed the following amendment (JUD5025.003), which was adopted:

Amend the bill, as and if amended, by striking page 1, lines 30-42, and page 2, lines 1-39 in their entirety and inserting the following:

/ SECTION 1. Section 59-127-20, as last amended by S. 1307, R. 203, of the 1976 Code is amended to read:

“Section 59-127-20. (A) South Carolina State University is managed and controlled by a board of trustees, composed of ~~thirteen~~ eleven members, ~~twelve~~ nine of whom are elected by the General Assembly~~, one member from each congressional district and five~~ from the State at large for terms of four years each and until their successors are elected and qualify. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina. A graduate of South Carolina State University, elected at large by secret ballot by the members of the South Carolina State University National Alumni Association, or its successor, is the tenth member of the board of trustees. The Governor of the State or his designee is ex officio, the ~~thirteenth~~ eleventh member of the board of trustees. In case of a vacancy on the board, the Governor may fill it by appointment until the next session of the General Assembly, except that the vacancies as provided in subsection (B) do not constitute a vacancy pursuant to this provision. Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively, ~~one corresponding in number to each congressional district and~~ Seats ~~Eight‑ Twelve~~ 1-11 at large. Seat 10 shall be occupied by a South Carolina State University graduate elected at large by secret ballot by members of the South Carolina State University National Alumni Association, or its successor. The Governor or his designee occupies Seat ~~Thirteen~~ 11. ~~Effective July 1, 2012, the member from former Seat Seven is transferred to Seat Eight, the member from former Seat Eight is transferred to Seat Nine, the member from former Seat Nine is transferred to Seat Ten, the member from former Seat Ten is transferred to Seat Eleven, and the member from former Seat Eleven is transferred to Seat Twelve.~~

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

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**SECOND READING BILL**

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

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.

**READ THE SECOND TIME**

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.

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

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Grooms

Hayes Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

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.

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

Senator PINCKNEY explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Grooms

Hayes Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

H. 5166 -- Reps. Willis, Pitts and Tribble: A BILL 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.

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

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Grooms

Hayes Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 4614 -- Reps. Pitts, Lucas, Hearn, Brannon, Weeks, Spires, Loftis and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 15, TITLE 63 SO AS TO SPECIFY CERTAIN PROCEDURES AND REQUIREMENTS FOR COURT‑ORDERED CHILD CUSTODY, INCLUDING, BUT NOT LIMITED TO, DEFINING “JOINT CUSTODY” AND “SOLE CUSTODY”, REQUIRING PARENTS TO JOINTLY PREPARE AND SUBMIT A PARENTING PLAN, WHICH THE COURT MUST CONSIDER BEFORE ISSUING TEMPORARY AND FINAL CUSTODY ORDERS; REQUIRING THE COURT TO MAKE FINAL CUSTODY DETERMINATIONS IN THE BEST INTEREST OF THE CHILD BASED UPON THE EVIDENCE PRESENTED, REQUIRING THE COURT TO CONSIDER JOINT CUSTODY IF EITHER PARENT SEEKS IT, STATING FINDINGS OF FACT AS TO WHY OR WHY NOT JOINT CUSTODY WAS AWARDED, PROVIDING MATTERS THAT MAY BE INCLUDED IN A CUSTODY ORDER, PROVIDING FACTORS THE COURT MAY CONSIDER IN ISSUING OR MODIFYING A CUSTODY ORDER WHEN CONSIDERING THE BEST INTEREST OF THE CHILD, AND AUTHORIZING A PARENT TO SEEK ARBITRATION OF AN ISSUE THAT CANNOT BE RESOLVED BETWEEN THE PARENTS; AND TO AMEND SECTION 63‑5‑30, RELATING TO THE RIGHTS AND DUTIES OF PARENTS TO THEIR CHILDREN, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROVIDED BY AN ORDER OF THE COURT, PARENTS HAVE EQUAL POWERS, RIGHTS, AND DUTIES CONCERNING ALL MATTERS AFFECTING THEIR CHILDREN.

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

Senator SHEHEEN proposed the following amendment (JUD4614.004), which was adopted:

Amend the committee amendment, as and if amended by, striking lines 34-43 on page 4614-4 and lines 1-14 on page 4614-5 and inserting the following:

/ SECTION 2. (A) The South Carolina Family Court Study Committee is created to study the feasibility of tracking the outcome of contested temporary and final custody proceedings in the family court.

(B) The study committee shall be composed of the following members:

(1) one member of the judiciary appointed by the Chief Justice of the South Carolina Supreme Court;

(2) the Director of Court Administration, or his designee;

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

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

(5) the Chairman of the House Judiciary Committee, or his designee;

(6) the Chairman of the Senate Judiciary Committee, or his designee; and

(7) the South Carolina Crime Victim Ombudsman, or his designee.

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

(D) Staff of the House of Representatives and the Senate shall serve as staff to the study committee, as needed.

(E) The study committee shall issue its findings concerning the feasibility of tracking the outcome of temporary and final contested custody proceedings in the family court by January 31, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

Senator LEVENTIS proposed the following amendment (JUD4614.006), which was adopted:

Amend the bill, as and if amended, by striking lines 24-26 on page [4614-2] and inserting:

/ (C) The South Carolina Supreme Court shall develop rules and forms for the implementation of the parenting plan. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD4614.003), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety after the title and inserting:

/ Whereas, fit parents have a right to make determinations concerning the care of their children; and

Whereas, the relationships between children and their fit parents should be respected and nurtured to the fullest extent possible; and

Whereas, the best interest of the child is the primary and controlling consideration of South Carolina courts in all child custody controversies. Now, therefore,

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

SECTION 1. Chapter 15, Title 63 of the 1976 Code is amended by adding:

“Article 2

Court-Ordered Child Custody

Section 63-15-210. As used in this article:

(1) ‘Joint custody’ means both parents have equal rights and responsibilities for major decisions concerning the child, including the child’s education, medical and dental care, extracurricular activities, and religious training; however, a judge may designate one parent to have sole authority to make specific, identified decisions while both parents retain equal rights and responsibilities for all other decisions.

(2) ‘Sole custody’ means a person, including, but not limited to, a parent who has temporary or permanent custody of a child and, unless otherwise provided for by court order, the rights and responsibilities for major decisions concerning the child, including the child’s education, medical and dental care, extracurricular activities, and religious training.

Section 63-15-220. (A) At all temporary hearings where custody is contested, each parent must prepare, file, and submit to the court a parenting plan, which reflects parental preferences, the allocation of parenting time to be spent with each parent, and major decisions, including, but not limited to, the child’s education, medical and dental care, extracurricular activities and religious training. However, the parties may elect to prepare, file, and submit a joint parenting plan. The court shall issue temporary and final custody orders only after considering these parenting plans; however, the failure by a party to submit a parenting plan to the court does not preclude the court from issuing a temporary or final custody order.

(B) At the final hearing, either party may file and submit an updated parenting plan for the court’s consideration.

(C) South Carolina Court Administration shall develop a parenting plan form that must be prepared, filed, and submitted to the court.

Section 63-15-230. (A) The court shall make the final custody determination in the best interest of the child based upon the evidence presented.

(B) The court may award joint custody to both parents or sole custody to either parent.

(C) If custody is contested or if either parent seeks an award of joint custody, the court shall consider all custody options, including, but not limited to, joint custody, and, in its final order, the court shall state its determination as to custody and shall state its reasoning for that decision.

(D) Notwithstanding the custody determination, the court may allocate parenting time in the best interest of the child.

Section 63-15-240. (A) In issuing or modifying an order for custody affecting the rights and responsibilities of the parents, the order may include, but is not limited to:

(1) the approval of a parenting plan;

(2) the award of sole custody to one parent with appropriate parenting time for the noncustodial parent;

(3) the award of joint custody, in which case the order must include:

(a) residential arrangements with each parent in accordance with the needs of each child; and

(b) how consultations and communications between the parents will take place, generally and specifically, with regard to major decisions concerning the child’s health, medical and dental care, education, extracurricular activities, and religious training;

(4) other custody arrangements as the court may determine to be in the best interest of the child.

(B) In issuing or modifying a custody order, the court must consider the best interest of the child, which may include, but is not limited to:

(1) the temperament and developmental needs of the child;

(2) the capacity and the disposition of the parents to understand and meet the needs of the child;

(3) the preferences of each child;

(4) the wishes of the parents as to custody;

(5) the past and current interaction and relationship of the child with each parent, the child’s siblings, and any other person, including a grandparent, who may significantly affect the best interest of the child;

(6) the actions of each parent to encourage the continuing parent-child relationship between the child and the other parent, as is appropriate, including compliance with court orders;

(7) the manipulation by or coercive behavior of the parents in an effort to involve the child in the parents’ dispute;

(8) any effort by one parent to disparage the other parent in front of the child;

(9) the ability of each parent to be actively involved in the life of the child;

(10) the child’s adjustment to his or her home, school, and community environments;

(11) the stability of the child’s existing and proposed residences;

(12) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, must not be determinative of custody unless the proposed custodial arrangement is not in the best interest of the child;

(13) the child’s cultural and spiritual background;

(14) whether the child or a sibling of the child has been abused or neglected;

(15) whether one parent has perpetrated domestic violence or child abuse or the effect on the child of the actions of an abuser if any domestic violence has occurred between the parents or between a parent and another individual or between the parent and the child;

(16) whether one parent has relocated more than 100 miles from the child’s primary residence in the past year, unless the parent relocated for safety reasons; and

(17) other factors as the court considers necessary.

Section 63-15-250. In addition to all rights and duties given to parents pursuant to Section 63-5-30:

(A) when a court orders sole custody to one parent, the custodial parent, except in cases of abuse, neglect, or abandonment, should facilitate opportunities for reasonable telephonic and electronic communication between the minor child and the noncustodial parent, as appropriate, as provided for by court order if the court determines that this type of communication is in the best interest of the child; and

(B) when a court orders joint custody to both parents, each parent should facilitate opportunities for reasonable telephonic and electronic communication between the minor child and the other parent, as appropriate, as provided for by court order if the court determines that this type of communication is in the best interest of the child.

Section 63-15-260. Notwithstanding the custody arrangement and in addition to all rights and duties given to parents pursuant to Section 63-5-30, each parent has equal access and the same right to obtain all educational records and medical records of his or her minor children and the right to participate in the children’s school activities and extracurricular activities that are held in public locations unless prohibited by an order of the court or State law.”

SECTION 2. (A) The South Carolina Family Court Study Committee is created to study the feasibility of tracking the outcome of contested custody proceedings in the family court.

(B) The study committee shall be composed of the following members:

(1) one member of the judiciary appointed by the Chief Justice of the South Carolina Supreme Court;

(2) the Director of Court Administration, or his designee;

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

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

(5) the Chairman of the House Judiciary Committee, or his designee;

(6) the Chairman of the Senate Judiciary Committee, or his designee; and

(7) the South Carolina Crime Victim Ombudsman, or his designee.

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

(D) Staff of the House of Representatives and the Senate shall serve as staff to the study committee, as needed.

(E) The study committee shall issue its findings concerning the feasibility of tracking the outcome of contested custody proceedings in the family court by January 31, 2013.

SECTION 3. Section 63-15-220, as added by SECTION 1 of this act, is effective 60 days after approval of the Governor. All other sections and subsections of this act take effect upon approval by the Governor and apply to causes of action arising on or after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted, as perfected.

**Expression of Personal Interest**

Senator RYBERG rose for an Expression of Personal Interest.

The question then was second reading of the Bill.

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

**Ayes 33; Nays 0; Present 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Ford Grooms Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

**PRESENT**

Anderson

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4513 -- Rep. Harrison: A BILL TO AMEND SECTION 43‑35‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE MEMBERSHIP AND MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 43‑35‑330, RELATING TO THE DUTIES OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE DUTIES OF THE COUNCIL AND ADD THE REQUIREMENT THAT THE COUNCIL ANNUALLY PREPARE AND DISTRIBUTE TO THE MEMBERSHIP AND THE MEMBERS OF THE GENERAL ASSEMBLY A REPORT OF THE COUNCIL’S ACTIVITIES AND ACCOMPLISHMENTS FOR THE CALENDAR YEAR.

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

The Committee on Medical Affairs proposed the following amendment (H-4513), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 3-7 and inserting:

/ (7) annually prepare a report of the council’s activities and accomplishments for the calendar year and distribute the report to council members, the chairman of the Medical Affairs Committee of the Senate, the chairman of the Medical, Military and Municipal Affairs Committee of the House of Representatives, directors or chairs of member agencies or entities who have a designee serving on the council, and other interested parties as well as publishing the report on the department’s website. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

H. 4654 -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D.C. Moss, V.S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: A BILL TO AMEND SECTION 48‑1‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48‑1‑130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER AND TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 48‑1‑250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS.

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

There was no objection.

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

Senators SHEHEEN and DAVIS proposed the following amendment (4654R004.VAS), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 26 and inserting:

/ 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, provided that the proposed or existing discharge is not exempt or excluded from permitting as is set forth in Section 48‑1‑90(A)(2). The person proposing to emit or emitting such discharge must be named on and served with the petition. The department must, within sixty days after receipt of such petition, issue a declaratory ruling as to the applicability of such program to such discharge. If the department determines a permit is required under such program and that no exception or exclusion exists, including, but not limited to, the exceptions set forth in Section 48‑1‑90(A)(2), the department must issue a declaration requiring the submission of an application to permit such 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 such unpermitted discharge, the department may further declare the existence of an emergency and order such action as the department deems necessary to address the emergency. Any person to whom such 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 must revoke all emergency orders as soon as conditions or operations change to the extent that an emergency no longer exists. A party contesting any 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. /

Amend the bill further, as and if amended, page 3, by striking lines 3-32.

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

Senator CAMPSEN proposed the following amendment (4654R003.GEC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 15 - 17 and inserting:

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

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.

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

There was no objection.

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

Senator SHEHEEN proposed the following amendment (NBD\  
12561CM12), which was adopted:

Amend the amendment bearing document number bbm\  
10706HTC12.docx, as and if amended, Part 50, SECTION I by deleting Section 8-11-188.

Amend the amendment further, Part 50, SECTION I by striking Section 8-11-189(B).

Amend the amendment further, Part 9, SECTION L by deleting Section 44-1-214.

Amend the amendment further, Part 23, SECTION A by striking Section 1-7-175(3).

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

Senator LEATHERMAN proposed the following amendment (BBM\10706HTC12), which was adopted:

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

/ SECTION 1. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of permanently codifying temporary provisos contained in prior versions of the annual general appropriations act.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 2. This act may be cited as the “Budget Proviso Codification Act of 2012”.

Part 1

Education

A. (1.2), (1.10) Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59‑17‑160. All school districts shall participate in the Medicaid program to the fullest extent possible by seeking appropriate reimbursement for services and administration of health and social services.

Reimbursements to school districts must not be used to supplant funds currently being spent on health and social services.

Section 59‑17‑170. It is the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State for students detained in such facilities. Students housed in local detention centers must be included in the average daily membership count of students for that district and reimbursement by the State Department of Education made accordingly.”

B. (1.12), (1.40) Chapter 69, Title 59 of the 1976 Code is amended by adding:

“Section 59‑69‑280. Each school district in this State, upon the approval of the district’s governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business. Each county treasurer is authorized to transfer the amounts needed into the account, upon receipt of a written order certified by the district governing body or the governing body’s designee. This order must contain a statement that the amount is for immediate disbursement for the payment of correct and legal obligations of the school district.

Section 59‑69‑290. In compensating for any reduction in funding, local districts shall give priority to providing funding for classroom teachers and classroom operations. Funding reductions first should be applied to administrative and nonclassroom expenses before classroom expenses are affected.”

C. (1.6), (1.14), (1.50) Chapter 5, Title 59 of the 1976 Code is amended by adding:

“Section 59‑5‑170. To finalize each school district’s allocations of employer contributions funds for retiree insurance from the prior fiscal year, the State Department of Education may adjust a school district’s allocation in the current fiscal year accordingly to reflect actual payroll and payments to the retirement system from the prior fiscal year. If the department is notified that a school district has failed to remit proper payments to cover employee fringe benefit obligations, the department shall withhold state funds to this school district until the obligations are met.

Section 59‑5‑180. State funds provided for teacher salaries may be used to pay salaries for those teachers holding temporary certificates. These temporary certificates remain valid for the current school year if the local board of education so requests. The State Department of Education shall submit to the General Assembly by March first of each year a report showing by district the number of temporary certificates by category; including an enumeration of the certificates carried forward from the previous year. A temporary certificate may not be continued more than twice.

Section 59‑5‑190. The State Department of Education may transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and Human Services.”

D. (1.48) Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑485. State funds must not be appropriated to a school that participates with or is a member of an association with policies that discriminate against or afford different treatment of students based on race or national origin.”

E. (1.33) Section 59‑19‑250 of the 1976 Code is amended to read:

“Section 59‑19‑250. The school trustees of ~~the several~~ a school ~~districts~~ district may sell or lease school property, real or personal, in ~~their~~ the school district whenever ~~they deem~~ the trustees consider it expedient to do so and apply the proceeds of any such sale or lease to the school fund of the district. ~~The consent of the county board of education or, in those counties which do not have a county board of education, the governing body of the county, shall be first obtained by the trustees desiring to make any such sale or lease. The board of trustees, within thirty days after making any such sale or lease, shall send a report thereof to the county board of education or, in those counties which do not have a county board of education, the governing body of the county, setting forth the terms and amount of the sale or lease.~~”

Part 2

Wil Lou Gray Opportunity School

A. (3.1) Section 59‑51‑20 of the 1976 Code is amended to read:

“Section 59‑51‑20. The school shall:

(1) serve as an alternative school cooperating with other agencies and organizations;

(2) provide training for persons interested in continuing their elementary or high school education or

in taking refresher courses preparatory to college, with emphasis on personal development, vocational efficiency, and effective citizenship;

(3) disseminate information concerning practices that have proven to be effective in working with its students; ~~and~~

(4) cooperate with the vocational rehabilitation department in providing personal and social adjustment and prevocational and vocational courses for persons with disabilities; and

(5) incorporate into its program, services for students ages fifteen and over who are considered truant and cooperate with the Department of Juvenile Justice, the family courts, and school districts to encourage the removal of truant students to the school when such students can be served appropriately by the school’s program.”

B. (3.2) Chapter 51, Title 59 of the 1976 Code is amended by adding:

“Section 59‑51‑60. Students attending school at the Wil Lou Gray Opportunity School who are sixteen years of age and are unable to remain enrolled due to the necessity of immediate employment or enrollment in post secondary education may be eligible to take the General Education Development (GED) Test. Before taking the GED, the student must be pretested using the official General Education Development Practice Test and score a minimum of 2200.”

C. (3.3), (3.8), (3.6), (3.7), (3.5), (3.4) Chapter 51, Title 59 of the 1976 Code is amended by adding:

“Section 59‑51‑25. The school may:

(1) carry forward to succeeding fiscal years the amount of the deferred salaries and employer contributions earned in the preceding fiscal year for non‑twelve month employees. These deferred funds are in addition to any other carry forwards allowed by law;

(2) sell goods that are by‑products of the school’s programs and operations, charge user fees and fees for services to the general public, individuals, organizations, agencies and school districts. Any unexpended revenue from these sources may be retained and carried forward into succeeding fiscal years and expended to meet the expenses of the school’s programs and operations;

(3) retain revenues derived from the lease of school properties titled to or utilized by the school and use revenues for general school operations, including, but not limited to, maintenance of these properties. Unexpended funds from these leases may be carried forward into succeeding fiscal years and used for the same purposes;

(4) retain and expend revenues generated from United States Department of Agriculture federal grants in accordance with federal regulations for the purpose of covering actual expenses in the school’s cafeteria and food service operations;

(5) utilize funds received from the Department of Education for vocational equipment on educational program initiatives; and

(6) at the discretion of the trustees, carry out improved forestry practices for timber holdings on school property and apply the revenues derived from them and any other revenue source on the property for the further improvement and development of the school forest and other school purposes.”

Part 3

School for the Deaf and the Blind

A. (4.3) Section 59‑47‑70 of the 1976 Code is amended to read:

“Section 59‑47‑70. (A) All deaf, hard of hearing, blind, and visually impaired persons of the State who are eligible, each case to be decided by the board of commissioners, must be admitted to the benefits of the school.

(B) Deaf, blind, multidisabled and other disabled students identified by the Board of Commissioners as target groups for admission to the school may be admitted by the school either through direct application by parents or on referral from the local school district. The Board of Commissioners shall define the appropriate admissions criteria including mental capacity, degree of disability, functioning level, age, and other factors considered necessary by the board. All placement hearings for admission to the school must be organized by the school. The school shall obtain information from the local school district concerning the needs of the student and shall prepare an Individualized Education Plan (IEP)for each student admitted. All parents applying for admission of their children must sign a statement certifying that they believe the South Carolina School for the Deaf and the Blind is the most appropriate placement which constitutes the least restrictive environment for the individual student, based upon needs identified in the placement meeting and the IEP. The decision concerning placement and least restrictive environment must be reviewed annually at the IEP conference.”

B. (4.1), (4.5), (4.4) Section 59‑47‑90 of the 1976 Code is amended to read:

“Section 59‑47‑90. (A) Pursuant to the authority of Section 59‑47‑80, the board of commissioners shall establish a maintenance fee schedule to be charged students attending the school. ~~Such~~ This schedule ~~may~~, in the discretion of the board, may be graduated in accordance with the financial resources and income of the parent or guardian of the student concerned, or may be excused entirely in proper cases. Failure to pay maintenance fees in accordance with the schedule prescribed by the board may result in the discharge of a student from the school when the board determines that payment of fees would not be an unreasonable burden upon those persons obligated to pay ~~such~~ the fees. All funds collected as maintenance fees~~, including any such fees collected prior to July 1 1970, shall~~ must be remitted to the State Treasurer for deposit in a special fund to be used for capital improvements at the school.

(B) The school may charge the parents of students at the school a student activity fee, differentiated according to the income of the family. The required student activity fee may not exceed forty dollars. This revenue may be retained by the school and carried forward into succeeding fiscal years and expended for the purpose of covering expenses for student activities.

(C) The school may charge a fee for the services of a mobility instructor to provide service on a contractual basis to various school districts in the State, and this revenue must be retained and carried forward into succeeding fiscal years and expended by the school for the purpose of covering expenses in the blind school.

(D) The school may charge appropriate tuition room and board, and other fees to students accepted into the adult vocational program. These fees must be determined by the Board of Commissioners, and the revenue retained and carried forward into succeeding fiscal years and expended by the school for the purpose of covering expenses in the adult vocational program.”

C. (4.2) Chapter 47, Title 59 of the 1976 Code is amended by adding:

“Section 59‑47‑105. The school shall receive through the Education Finance Act the average state share of the required weighted cost for each student enrolled in the school.”

D. (4.10), (4.9), (4.6), (4.8) Chapter 47, Title 59 of the 1976 Code is amended by adding:

“Section 59‑47‑35. The school may:

(1) carry forward in the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non‑twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount;

(2) sell goods that are by‑products of the school’s programs and operations, charge user fees and fees for services to the general public: individuals, organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of covering expenses of the school’s programs and operations; and

(3) retain and expend all revenues of the institution to cover actual expenses of food service and cafeteria operations and, in accordance with federal regulations, retain and expend all United States Department of Agriculture grant funds for the same purposes.”

E. (4.7) Chapter 47, Title 59 of the 1976 Code is amended by adding:

“Section 59‑47‑115. Notwithstanding Section 59‑67‑515 or any other provisions of law, the school buses of the South Carolina School for the Deaf and the Blind are authorized to travel at the posted speed limit.”

Part 4

John De La Howe

A. (5.1), (5.2), (5.3) Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59‑49‑135. The school may:

(1) retain and carry forward into succeeding fiscal years unexpended status offender funds distributed to the school by the Department of Education. These funds, when carried forward, must be used for the same purpose for which they were awarded;

(2) lease private residences on the agency’s campus to its employees. Revenue generated by such leases may be retained and used for general operating purposes including, but not limited, maintenance of these residences; and

(3) carry forward into succeeding fiscal years the amount of deferred salaries and employer contributions earned in the preceding fiscal year for non‑twelve month employees. These deferred funds are in addition to any other carry forwards allowed by law.”

Part 5

Commission on Higher Education

A. (6.18) Article 2, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59‑101‑615. In a fiscal year in which the general funds appropriated for an institution of higher learning are less than the general funds appropriated for that institution in the prior fiscal year, or whenever the General Assembly enacts or the State Budget and Control Board implements a midyear across‑the‑board budget reduction, agency heads for institutions of higher learning and the State Board for Technical and Comprehensive Education through policy and procedure for the Technical College System, may institute employee furlough programs of not more than twenty working days in the fiscal year in which the reduction occurs. The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds, place of work, or tenure status, and must include employees in classified positions and unclassified positions as well as agency heads. A furlough program also may be implemented by pay band for classified employees and by pay rate for unclassified employees. Law enforcement, employees who provide direct patient or client care, and front‑line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Scheduling of furlough days, or portions of days, are at the discretion of the agency or individual institution. If an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily count toward furlough days required by the mandatory furlough. During this furlough, affected employees are entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, institutions are responsible for making both employer and employee contributions during the time of the furlough if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this section does not constitute a grievance or appeal under the State Employee Grievance Act. If an institution’s reduction is due solely to the General Assembly transferring or deleting a program, this section does not apply. The implementation of a furlough program authorized by this section must be on an institution by institution basis. Agencies may allocate the employee’s reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs if that employee is nonexempt under the provisions of the federal Fair Labor Standards Act. State agencies shall report information regarding furloughs to the Human Resources Division of the State Budget and Control Board as requested.”

B. (6.10) Chapter 112, Title 59 of the 1976 Code is amended by adding:

“Section 59‑112‑115. Members of the Armed Forces of the United States, either active‑duty, retired, or separated from service, who are admitted to and enrolled in the South Carolina Troop‑to‑Teachers Alternative Route to Certification program are entitled to pay in‑state tuition rates at participating state institutions for requisite program work.”

C. (6.14) Chapter 150, Title 59 of the 1976 Code is amended by adding:

“Section 59‑150‑376. Foster children in the custody of the Department of Social Services and attending a higher education institution in South Carolina are eligible for an additional HOPE scholarship of up to $2,000 above the $2,500 maximum provided in Section 59‑150‑370. Foster children must apply for these funds no later than May first, of the preceding year. All other grants, both state and federal, for which these foster children are eligible must be applied first to the cost of attendance prior to using the additional need‑based grant funding. If the cost of attendance for a foster child is met with other grants and scholarships, then no additional need‑based grant may be used. The Department of Social Services, in cooperation with the Commission on Higher Education, shall track the numbers of recipients of this additional need‑based grant to determine its effectiveness in encouraging more foster children to pursue a secondary education. No more than $100,000 each year may be expended from HOPE scholarship appropriations or authorizations for this additional assistance.”

D. (6.17) Section 59‑111‑20 of the 1976 Code is amended by adding a new subsection to read:

“(C) The age limitation for those children of certain war veterans who may be admitted to any state‑supported college, university, or post high school technical education institution free of tuition as contained in subsection (B) is suspended for eligible children that successfully appeal to the Division of Veterans Affairs for a waiver on the grounds of a serious extenuating health condition.”

E. (6.19) Chapter 103, Title 59 of the 1976 Code is amended by adding:

“Section 59‑103‑155. Before the renewal of LIFE and Palmetto Fellows Scholarships at the beginning of each school year and to continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, as provided in Sections 59‑149‑15 and 59‑104‑25, respectively, students shall certify and the institutions shall verify that the student is meeting all requirements as stipulated by the policies established by the institution and the academic department to be enrolled as a declared major in an eligible program and is making academic progress toward completion of the student’s declared eligible major. These determinations are subject to the verification and audit of the Commission on Higher Education. Institutions shall return funds determined to have been awarded to ineligible students.”

Part 6

Medical University of South Carolina

A. (17.2) Chapter 123, Title 59 of the 1976 Code is amended by adding:

“Section 59‑123‑113. The Rural Dentist Program, in coordination with the Department of Health and Environmental Control’s Public Health Dentistry Program, is established at the Medical University of South Carolina (MUSC). The funds appropriated to the Medical University of South Carolina for the Rural Dentist Program must be administered by the South Carolina Area Health Education Consortium physician recruitment office. The costs associated with administering this program are to be paid from the funds appropriated to the Rural Dentist Program and may not exceed four percent of the appropriation. The Medical University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered to. Unexpended general fund appropriations for the program carry forward to the succeeding fiscal year and must be expended for the same purposes. A board is established to manage and allocate these funds to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at MUSC. The board is composed as follows: the Dean, or the Dean’s` designee, of the MUSC College of Dental Medicine, ex officio; three members from the South Carolina Dental Education Foundation Board who represent rural areas appointed by the MUSC Board of Trustees; and the President of the South Carolina Dental Association, ex officio. The Director of Department of Health and Environmental Control’s Office of Primary Care; the Director or the director’s designee of the Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association also shall serve on the board ex officio, but without a vote. Members of this board shall serve without compensation.”

Part 7

State Board for Technical and Comprehensive Education

A. (18.2) Article 1, Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Section 59‑53‑59. Funds appropriated to the board unexpended at the end of a fiscal year may be carried forward into the succeeding fiscal year and expended by the board for direct training for new and expanded industry.”

B. (18.3) Article 1, Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Section 59‑53‑110. With approval of the Comptroller General, the State Board for Technical and Comprehensive Education may reimburse business and industry for prior year training costs billed to the agency after the fiscal year closes.”

C. (89.12) Article 1, Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Section 59‑53‑120. Notwithstanding any other provisions of law, funds at technical education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores may be retained by the college and expended only in accord with policies established by the respective college’s area commission and approved by the State Board for Technical and Comprehensive Education.”

Part 8

Department of Health and Human Services

A. (21.1) Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44‑6‑47. The Department of Health and Human Services shall recover all refunds and identified program overpayments, which must be collected in accordance with established collection policy and deposited in the Office of the State Treasurer in an account separate and distinct from the general fund. These funds must be expended in the fiscal year following their collection to improve accountability in future audits. If the funds collected exceed one percent of the total department appropriation for the year in which they are to be expended, the excess funds must be remitted to the general fund.”

B. (21.3) Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44‑6‑60. The Department of Health and Human Services shall remit to the Office of the State Auditor funds in an amount equal to fifty percent of the costs of conducting medical assistance audits for the department as provided for in Section 11‑7‑40. These costs must include those appropriated salary adjustments and employer contributions allowable under Medicaid. The funds must be remitted monthly based on invoices provided by the Office of the State Auditor.”

C. Section 11‑7‑40 of the 1976 Code is amended to read:

“Section 11‑7‑40. The State Auditor shall bill the South Carolina Department of Health and Human Services monthly for fifty percent of the costs incurred by the State Auditor ~~in~~ for conducting ~~the~~ medical assistance ~~audit~~ audits for the department. The ~~amount billed~~ costs incurred by the State Auditor ~~must~~ include those appropriated salary adjustments and employer contributions allowable under the Medicaid program. The Department of Health and Human Services shall remit the amount billed to ~~the credit of the general fund of~~ the Office of the State Auditor.”

D. (21.4, 21.9, 21.10) A. Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44‑6‑42. To carry out the duties and responsibilities required pursuant to this chapter or any other provision of law, the department may:

(1) fund the net costs of a third party liability and drug rebate collection effort from the monies collected in that effort;

(2) offset the administrative costs associated with controlling fraud and abuse;

(3) receive and expend registration fees for educational, training, and certification programs;

E. (21.8) Section 44‑6‑470 of the 1976 Code is amended to read:

“Section 44‑6‑470. (A) ~~Any~~ Use of funds collected by the department as a result of the imposition of civil monetary penalties or other enforcement actions must be for a purpose related to the protection of the health and property of residents of nursing homes that participate in the Medicaid program. These funds may be used for ~~the~~:

(1) the cost of relocating residents to other nursing homes, if necessary~~, and also may be used to~~;

(2) ~~reimburse~~ the reimbursement of residents for personal funds lost as a result of nursing home violations of ~~the requirements for participation in the~~ Medicaid program ~~by the nursing home. In addition, these funds may be used for other~~ requirements;

(3) costs directly associated with enforcement or corrective measures at facilities ~~found to be~~ out of compliance with ~~the requirements for participation in the~~ Medicaid program ~~or for~~ requirements;

(4) any other purpose that enhances or improves the health and quality of life for nursing home residents. ~~These requirements for the use of funds collected also apply to~~

(B) Funds received by the department that are collected as the result of enforcement actions ~~directed~~ conducted by federal authorities also may be used as provided for in subsection (A).

(C) The department may deposit funds collected and received pursuant to this section in the Office of the State Treasurer in an account separate and distinct from the general fund to be expended in accordance with subsection (A).”

F.1 (21.12) Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44‑6‑102. (A) The Department of Health and Human Services has the sole authority to determine the eligibility of applicants for the Medicaid program.

(B) The governing body in counties in which department employees conduct Medicaid eligibility determinations shall provide these employees with office space and facility service, including janitorial, utility, and telephone services and related supplies.”

2. On this section’s effective date, personnel at the Department of Social Services engaged full‑time in determining Medicaid eligibility and other Department of Social Services’ personnel engaged in determining Medicaid eligibility who are identified by agreement of the Department of Health And Human Services and the Department of Social Services are transferred to the Department of Health and Human Services.

G. (21.15) Article 1, Chapter 6, Title 44 of the 9176 Code is amended by adding”

“Section 44‑6‑55. The department shall expand its program integrity efforts by contracting with other entities to maximize the department’s ability to detect and eliminate provider fraud and by implementing other actions the department considers appropriate to expand these efforts.”

H. (21.16) Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44‑6‑107. The department shall perform post payment reviews in accordance with Medicaid regulations to ensure compliance with federal requirements prohibiting the use of Medicaid funds for abortions except under certain circumstances.”

I. (21.11) Section 44‑6‑80 of the 1976 Code is amended to read:

“Section 44‑6‑80. (A) The department ~~must~~ shall submit to the Governor, the State Budget and Control Board, and the General Assembly an annual report concerning the work of the department including details on improvements in the cost effectiveness achieved since the enactment of this chapter and ~~must~~ shall recommend changes for further improvements.

Interim reports must be submitted as needed to advise the Governor and the General Assembly of substantive issues.

(B) The department, in conjunction with the Office of Research and Statistics of the State Budget and Control Board, shall prepare a report that compares the reimbursement rate of Medicaid providers to the reimbursement rate of the Medicare Program and the State Health Plan. This report must be completed by January thirty‑first of each year, and submitted to the Governor and the members of the General Assembly.”

J. (21.24), (21.26) Section 44‑6‑30 of the 1976 Code, as last amended by Act 263 of 2004, is further amended to read:

“Section 44‑6‑30. The department shall:

(1) administer Title XIX of the Social Security Act (Medicaid), including the Early Periodic Screening, Diagnostic and Treatment Program, and the Community Long‑Term Care System;

(2) be designated as the South Carolina Center for Health Statistics to operate the Cooperative Health Statistics Program pursuant to the Public Health Services Act;

(3) be prohibited from engaging in the delivery of services;

(4) shall enroll and recertify eligible children to the State Children’s Health Insurance Program (SCHIP) and must use available state agency program data housed in the Office of Research and Statistics of the State Budget and Control Board, to include the Department of Social Services’ Supplemental Nutrition Assistance Program (SNAP) and the Department of Education’s free and reduced meal eligibility data;

(5) expand and increase its effort to identify, report, and combat Medicaid provider fraud. The department shall report to the General Assembly annually on the results of these efforts, including funds recovered or saved, and information pertaining to prosecutions of such actions, including plea agreements entered into. ”

K. (21.25) Article 1, Chapter 53, Title 12 of the 1976 Code is amended by adding:

“Section 44‑6‑49. The department is authorized to carry forward cash balances at the end of a fiscal year to the succeeding fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. The department shall submit a comprehensive report of all cash balances brought forward pursuant to this section. The report, at a minimum, for each account or subfund, must include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source or sources of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the State’s books for the fiscal year.”

Part 9

Department of Health and Environmental Control

A. (22.4) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑247. As a prerequisite to a child receiving services from the Children’s Rehabilitative Services of the department, that program shall use any available financial resources, including insurance benefits or governmental assistance programs, or both to which the child otherwise may be entitled in providing or arranging for medical care and related services to physically handicapped children eligible for these services.

B. (22.8) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑249. The Department of Health and Environmental Control may budget and expend funds derived from insurance refunds for prior year operations providing family health case services.

C. (22.14) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑250. The Department of Health and Environmental Control may collect, expend, and carry forward revenues in the following programs:

(1) sale of goods;

(2) sale of meals at Camp Burnt Gin;

(3) sale of publications, brochures;

(4) spoil easement areas revenue;

(5) performance bond forfeiture revenue for restoring damaged critical area;

(6) beach renourishment appropriations;

(7) photo copies and certificate forms;

(8) sale of listings and labels;

(9) sale of sets of the Code of Laws of South Carolina, 1976 and supplements thereto;

(10) sales of films and slides;

(11) sale of maps;

(12) sale of recyclables;

(13) sale or licensing, or both, of software products developed and owned by the department; and

(14) collection of registration fees for non‑DHEC employees.

Any unexpended balance carried forward pursuant to this section must be used for the same purpose.”

D. (22.16) Section 44‑7‑270 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

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

(B) Funds derived from an increase in the health licensing fee schedule must be retained by the department to fund increased responsibilities of health licensing programs. Failure to submit a license renewal application or fee to the department by the license expiration date shall result in a late fee of seventy‑five dollars or twenty‑five percent of the licensing fee amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal applications or fees, or both, by the time specified by the department shall result in enforcement actions. The department may waive all or any part of assessed late fees in extenuating circumstances, if the waiver is made public.”

E. (22.17) Section 44‑93‑170 of the 1976 Code is amended by adding a new paragraph at the end to read:

“The department may use not more than seventy‑five thousand dollars from the Infectious Waste Contingency Fund each year for personnel and operating expenses incurred in implementing this chapter.”

F. (22.18) Article 2, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44‑7‑95. When transfer of a Medicaid patient from a nursing home is necessary due to violations of state or federal law or Medicaid certification requirements, the Medicaid patient day permit must be transferred with the patient to the receiving nursing home. The receiving facility shall apply to retain permanently the Medicaid patient day permit within sixty days of receipt of the transferred patient.”

G. (22.19) Chapter 20, Title 48 of the 1976 Code is amended by adding:

“Section 48‑20‑105. The department may charge a reasonable fee for mineral sets. Revenues generated from the sale of mineral sets may be retained by the department in a revolving account with a maximum carry forward of two thousand dollars and must be expended for mineral set supplies and related mining and reclamation educational products.”

H. (22.20) Article 1, Chapter 5, Title 3 of the 1976 Code is amended by adding:

“Section 3‑5‑155. The Department of Health and Environmental Control may collect, retain, and expend funds received from the sale of or third party use, or both, of spoil easement areas, for the purpose of meeting this State’s responsibility for providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in this State.”

I. (22.21) Section 44‑1‑200 of the 1976 Code is amended to read:

“Section 44‑1‑200. (A)(1) The Department of Health and Environmental Control may provide home health services to those persons living in areas of the State in which adequate home health services are not available and may charge fees for such services. Home health services ~~shall~~ include care of the ill and disabled rendered at home including, but not limited to, bedside care, treatment, and rehabilitation services. In order that ~~it may~~ to provide ~~such~~ these services, the department may employ the necessary personnel, including nurses, physical therapists, speech therapists, occupational therapists, medical social workers, home health aides, nutritionists, and supervisory personnel~~,~~ and may purchase equipment and materials necessary to maintain an effective program.

(2) The department may compensate nonpermanent, part‑time employees on a fixed rate per visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per visit reimbursement from other sources. The per visit rate may vary based on the discipline providing the care and the geographical location of services rendered. The department may pay exempt or nonexempt employees, as defined by the Fair labor Standards Act, only when they are needed to work. These exempt or nonexempt employees may exceed twelve months but are not eligible for state benefits except for the option of contributing to the State Retirement System.

(B) The Department shall, wherever possible, assist and advise nonprofit agencies or associations in the development of home health services programs and may enter into agreements with ~~such~~ these agencies or associations specifying the type of assistance and advice ~~it~~ the department will provide.”

J. (22.23.) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑218. The department shall continue to deposit in the general fund all indirect cost recoveries derived from state general funds participating in the calculation of the approved indirect cost rate. Further administrative costs funded with other funds used in the indirect cost calculation must, based on their percentage, be retained by the department to support the remaining administrative costs of the department.”

K. (22.24) Section 44‑56‑160(B)(1) of the 1976 Code is amended to read:

“(1) thirteen percent must be held separate and distinct within the fund in a permitted site fund for the purpose of response actions arising from the operation of the permitted land disposal facilities in this State; use of these funds includes legal services related to environmental response, regulatory, and enforcement matters in administrative proceedings and actions in state and federal courts;”

L. (22.27) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑214. The department may transfer increased funds appropriated to the department in the general appropriations act to critical program areas to offset shortfalls in those program areas.”

M. (22.28, 22.29) Section 44‑7‑320(F) of the 1976 Code is amended to read:

“(F)(1) All penalties collected pursuant to this article must be deposited in the state treasury and credited to the general fund of the State, except as provided for in subsections (F)(2) and (F)(3) .

(2) The first fifty thousand dollars in penalties collected each fiscal year pursuant to this article must be retained by the department for the exclusive use of the Division of Health Facility Licensing to carry out and enforce those regulations relative to the division. These funds must be credited to a separate and distinct account within the department’s fiscal records.

(3) The first one hundred thousand dollars in penalties collected each fiscal year pursuant to this article must be retained by the department for the exclusive use of the Bureau of Health Facilities and Services Development to carry out and enforce those regulations relative to the bureau. These funds must be credited to a separate and distinct account within the department’s fiscal records.”

N. (22.30) Section 13‑7‑85D. of the 1976 Code, as added by Act 429 of 1980, is amended to read:

“D. The monies obtained from the levying of fines, penalties, or fees ~~under~~ each fiscal year pursuant to this article ~~shall accrue~~ must be deposited in the state treasury and credited to the general fund of the State, except that the first thirty thousand dollars of monies collected must be retained by the department for the exclusive use by the Bureau of Radiological Health to carry out and enforce regulations applicable to the bureau.”

O. (22.32) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑212. The department may provide the cost of meals to department employees who are required to work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.”

P. (22.33) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑216. If the President of the United States declares a state of emergency or the Governor declares a state of emergency in a county in this State, Fair Labor Standards Act exempt employees of the department may, at the discretion of the director, be paid for actual hours worked in lieu of accruing compensatory time, contingent upon available funds.”

Q. (22.38) Section 40‑43‑83(K) of the 1976 Code is amended to read:

“(K) The Department of Health and Environmental Control is exempt from the provisions of this section that require facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy and from the provisions of this section that require each pharmacy to have a pharmacist‑in‑charge~~;~~. However, if the department designates a pharmacist as a pharmacist‑in‑charge, the pharmacist may serve more than one department facility pharmacy and may serve as the pharmacist‑in‑charge at a facility pharmacy without being physically present at the facility pharmacy, over which he is the pharmacist‑in‑charge. Each health district in this State must have a permit to distribute or dispense prescription drugs, and only department pharmacists, nurses, and physicians may distribute or dispense vaccines and prescription drugs and devices for conditions or diseases that the department treats, monitors, or investigates. If there is a public health emergency or upon activation of the strategic national stockpile of medications and supplies, other medications may be dispensed as necessary.”

R. (22.42) Section 44‑37‑30(F) and (G) of the 1976 Code, as last amended by Act 255 of 2002, are further amended to read:

“(F) The department may suspend any activity related to blood sample storage, as provided for in this section, if state funds are insufficient to support the storage requirements of these samples. If the suspension of blood sample storage is necessary pursuant to this subsection, the samples may be destroyed in a scientifically appropriate manner after testing, and the department shall notify providers of this suspension at least thirty days before the suspension takes effect.

(G) The department shall promulgate regulations necessary for the implementation of this section. All forms must include information concerning the benefits of neonatal testing and storage of a blood sample.

~~(G)~~(H) A person who violates this section or the regulations promulgated pursuant to this section or who provides or obtains or otherwise tampers with a blood sample collected pursuant to this section is guilty of a misdemeanor and, upon conviction, may be fined not more than fifty thousand dollars or imprisoned for not more than three years.”

S. (22.1), (22.2), (22.7) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑175.(A) Out of the appropriation to the department in the annual general appropriations act for ‘Access to Care’, twenty‑five thousand dollars must be distributed to county health departments by the director, with the approval of the board for the following purposes:

(1) to insure the provision of a reasonably adequate public health program in each county;

(2) to provide funds to combat special health problems that may exist in certain counties;

(3) to establish and maintain demonstration projects in improved public health methods in one or more counties in the promotion of better public health service throughout the State;

(4) to encourage and promote local participation in financial support of the county health departments;

(5) to meet emergency situations which may arise in local areas; and

(6) to fit funds available to amounts budgeted when small differences occur.

The provisions of this section do not supersede or suspend the provisions of Section 13‑7‑30.

(B) General funds appropriated to the Department of Health and Environmental Control for allocation to counties for operation of county health units must be allowed on a basis approved by the board. The amount of general funds appropriated in the annual general appropriations act for ‘Access to Care’ must be allocated so that no county budget receives less than the amount received in the prior fiscal year, except when instructed by the State Budget and Control Board or the General Assembly to reduce funds within the department by a certain percentage. When a percentage reduction is ordered or enacted, the department may reduce ‘Access to Care’ funds to the county health units up to the stipulated percentage. reduction.

(C) Counties are relieved of contribution requirements for salary, fringe benefits and travel reimbursement for local health departments. In the annual general appropriations act, the General Assembly shall appropriate $5,430,697 for county health department salaries, fringe benefits and travel. These funds and other state funds appropriated for county health units may, based upon need, be utilized in either salary or travel categories. Each county shall provide all other operating expenses of the local health department in an amount at least equal to that appropriated for operations for each county in fiscal year 1981 ‑ 1982. If a county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations, exclusive of salaries and fringe benefits, an equal reduction must be made in funds appropriated for the operating expenses of the local health department.”

T. (22.3) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑310. Private donations or contributions for the operation of Camp Burnt Gin must be deposited in a restricted account. These funds may be carried forward to succeeding fiscal years and made available as needed to fund the operation of the camp. Withdrawals from this restricted account must be in accordance with approved procedures.”

Part 10

Department of Mental Health

A. (23.3) Section 44‑9‑90 of the 1976 Code, as last amended by Act 266 of 2008, is further amended by adding a new item at the end to read:

“(8) The department may retain and expend budgeted institution‑generated funds.”

B. (23.5) Chapter 9, Title 44 of the 1976 Code is amended by adding:

“Section 44‑9‑115. An employee of the department who holds a faculty appointment with the University of South Carolina School of Medicine may participate in the Practice Plan of that school if his participation does not occur during regular working hours. The department must handle funds generated by this participant pursuant to policies of the university that govern Practice Plan funds.”

C. (23.13) Chapter 9, Title 44 of the 1976 Code is amended by adding:

“Section 44‑9‑105. The cost of meals may be provided to state employees who are required to work during actual emergencies, emergency simulation exercises, and when the Governor declares a state of emergency if the employees are not permitted to leave their stations.”

D. (23.11) Chapter 9, Title 44 of the 1976 Code is amended by adding:

“Section 44‑9‑85. There is created the Uncompensated Patient Care Fund (UPCF) to be used by the department for medical costs incurred for patients that must be transferred to a private hospital for services. Unexpended funds in the UPCF at the end of a state fiscal year may be carried forward to the succeeding fiscal year and used for the same purpose.”

Part 11

Department of Disabilities and Special Needs

A. (24.1, 24.2, 24.4, 24.6 and 24.7) Section 44‑20‑250 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44‑20‑250. (A) The department shall coordinate services and programs with other state and local agencies for persons with intellectual disability, related disabilities, head injuries, and spinal cord injuries. The department may negotiate and contract with local agencies, county boards of disabilities and special needs, private organizations, and foundations in order to implement the planning and development of a full range of services and programs for persons with intellectual disability, related disabilities, head injuries, and spinal cord injuries subject to law and the availability of fiscal resources. The department has the same right to be reimbursed for expenses in providing disabilities and special needs services through a contractual arrangement as it has to be reimbursed for expenses provided through direct departmental services. The department shall develop service standards for programs of the department and for programs for which the department may contract and shall review and evaluate these programs on a periodic basis.

(B) The department may retain all revenue derived from production contracts earned by intellectually disabled trainees in Work Activity Programs, carry forward these funds to the immediately following fiscal year as necessary, and use these funds for operating expenses and permanent improvements of these Work Activity Programs.

(C) The department may retain revenues associated with the sale of any excess real property that is assigned to it or that it owns or controls, and may expend these funds as grants to purchase or build community residences and day program facilities for the individuals served by the department. The department shall follow all policies and procedures of the State Budget and Control Board and the Joint Bond Review Committee.

(D) The department may carry forward and retain settlements under Medicaid‑funded contracts.

(E) The department may continuously expend departmentally generated revenues authorized in the annual appropriations act.

(F) The department may continuously transfer capital, including but not limited to real property and buildings, to local providers of the department if the State Budget and Control Board approves this transfer.”

Part 12

Department of Alcohol and Other Drug Abuse Services

A. (25.1) Section 44‑49‑10 of the 1976 Code is amended by adding a new subsection at the end to read:

“(F) The department may charge fees for participation in education and professional development initiatives of the department provided under this chapter, and must retain revenue derived from these fees to increase funding of these initiatives.”

B. (25.2) Section 44‑49‑40 of the 1976 Code is amended by adding the following appropriately

lettered subsection at the end:

“( ) In that gambling is a serious problem in South Carolina, the department through its local county commissions may provide, from funds appropriated to the department, information, education, and referral services to persons experiencing gambling addictions.”

C. (25.3) Chapter 49, Title 44 of the 1976 Code is amended by adding:

“Section 44‑49‑90. Upon the payment of all applicable fees, any resident of South Carolina is eligible to take part in the treatment programs offered by the Department of Alcohol and Other Drug Abuse Services.”

Part 13

Department of Social Services

A. (26.3) Article 5, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63‑7‑2395. The expenditure of funds allocated by the department for burials of foster children must not exceed one thousand five hundred dollars per burial.”

B. (26.7) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑725. The Department of Social Services may charge fees and accept donations, grants, and bequests for services provided under the department’s direct responsibility. The following fees may be collected by the department and must be utilized to further develop and administer these program efforts:

Daycare

Family Childcare Homes (up to six children) $ 15

Group Childcare Homes (7‑12 children) $ 30

Registered Church Childcare (13+) $ 50

Licensed Childcare Centers (13‑49) $ 50

Licensed Childcare Centers (50‑99) $ 75

Licensed Childcare Centers (100‑199) $100

Licensed Childcare Centers (200+) $125

Central Registry Checks

Nonprofit Entities $ 8

For‑profit Agencies $ 25

State Agencies $ 8

Schools $ 8

Daycare $ 8

Other ‑ Volunteer Organizations $ 8

Other Children’s Services

Services Related to Adoption of Children from

Other Countries $225

Court‑ordered Home Studies in Non‑DSS Custody Cases $850

Licensing Residential Group Homes Fee for an

Initial License $250

For Renewal $ 75

Licensing Childcare Institutions Fee for an

Initial License $500

For Renewal $100

Licensing Child Placement Agencies Fee for an

Initial License $500

For Renewal $ 60

For Each Private Foster Home Under the

Supervision of a Child Placement Agency $ 15

Responsible Father Registry Search $ 50”

C. (26.8) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑730. The state portion of funds recouped from claims against a recipient for TANF and Food Stamp program benefits illegally obtained must be retained by the department. A portion of these funds must be distributed to local county offices for emergency and program operations.”

D. (26.9) Article 1, Chapter 5, Title 43 of the 1976 Code is amended by adding:

“Section 43‑5‑260. The department shall require all Temporary Assistance for Needy Families applicants and recipients to provide proof of age‑appropriate immunizations for children. If these immunizations have not been administered, the department shall assist in referring applicants to appropriate county health departments to obtain the immunizations.”

E. (26.11) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑75. From funds allocated in the general appropriations act to the Department of Social Services for employee pay increases, the department may allot funds for pay increases, without uniformity, to individual county directors and regional directors in classified positions. Pay increases for county directors and regional directors must be administered in accordance with the guidelines established by the State Budget and Control Board for the Executive Compensation System and other nonacademic unclassified employees. An employee subject to the provisions of this section is not eligible for any other compensation increase that may otherwise be provided for in the general appropriations act.”

F. (26.12) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑730. Department of Social Services investigative units are authorized to receive and expend funds awarded to these units as a result of a donation, contribution, prize, grant, or court order. These funds must be retained by the department on behalf of the investigative units and deposited in a separate, special account and must be carried forward from year to year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation, contribution, prize, grant, or court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services. These accounts shall not be used to supplant operating funds in the current or future budgets. The department shall report to the Senate Finance Committee and the House Ways and Means Committee by January thirtieth of each fiscal year on the amount of funds received and expended.”

G. (26.13) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑740. The Department of Social Services shall not duplicate services available at the Department of Employment and Workforce and other state agencies. All state agencies are directed to cooperate with Department of Social Services as it implements the Family Independence Act of 1995. Monies appropriated for the purpose of implementing the Family Independence Act of 1995, and used to hire persons or procure services for employment training purposes, must be reported to the Governor to ensure duplication of services does not occur.”

H. (26.14) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑750. Unless specifically directed by the General Assembly, when the Department of Social Services is directed to provide funds to a not‑for‑profit or 501(c)(3) organization, that organization must use the funds to serve persons who are eligible for services in one or more Department of Social Services programs.”

I. (26.15) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑760. The Department of Social Services is authorized to make grants to community‑based not‑for‑profit organizations for local projects that further the objectives of the Department of Social Services programs. The department shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the grants and to assure fairness and accountability in the award and administration of these grants. The department shall require a match from all grant recipients.”

J. (26.16) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑770. The Department of Social Services shall furnish as Family Foster Care payments for individual foster children under their sponsorship:

ages 0 ‑ 5 $332 per month

ages 6 ‑ 12 $359 per month

ages 13 + $425 per month.

These specified amounts are for the basic needs of the foster children. Basic needs within this proviso are identified as food (at home and away), clothing, housing, transportation, education and other costs as defined in the U.S. Department of Agriculture study of ‘Annual Cost of Raising a Child to Age Eighteen’. Further, each agency shall identify and justify, as another line item, all material or services, or both in excess of those basic needs listed above, which were a direct result of a professional agency evaluation of clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care not recognized by Medicaid may be considered as special needs if approved by the sponsoring/responsible agency and must be reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.”

K. (26.17) Chapter 1, Title 43 of the 1976 Code amended by adding:

“Section 43‑1‑780. (A) The Department of Social Services may impose monetary penalties against a person, facility, or other entity for violation of a statute or regulation pertaining to programs, other than foster home licensing, that the department regulates. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund.

(B) The department shall promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the decision to assess a penalty, the effect of failure to pay a penalty in a timely manner, and a schedule of penalty ranges that takes into account severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a contested case hearing before a designee of or panel appointed by the director of the department. Judicial review of the final agency decision concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final revocation and denial decisions in that particular program. The department, in accordance with regulations promulgated pursuant to this section, has sole discretion in determining the appropriateness of assessing a monetary penalty against a person or facility and the amount of the penalty.

(C) The authority to assess monetary penalties is in addition to other statutory provisions authorizing the department to seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other type of operating or practice registrations, approvals, or certificates.”

L. (26.22) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑195. The cost of meals may be provided to state employees who are required to work during actual emergencies, emergency simulation exercises, and when the Governor declares a state of emergency if the employees are not permitted to leave their stations.”

M. (26.5) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 41‑1‑270. A Department of Social Services employee whose salary is paid in full or in part from federal funds is exempt from serving as a court examiner.”

N. (26.6) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43‑1‑280. The Department of Social Services is authorized to advance sufficient funds during each fiscal year from the Temporary Assistance for Needy Families assistance payments general fund appropriations to the Temporary Assistance for Needy Families assistance payments federal account only for the purpose of allowing a sufficient cash flow in the federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided in this section, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

Part 14

Commission for the Blind

A. (27.1) Chapter 25, Title 43 of the 1976 Code is amended by adding:

“Section 43‑25‑75. Notwithstanding any other provision of law, in order for the Commission for the Blind to provide rehabilitation services to clients, state funds for this service must be matched by federal funds to the maximum amount available under the federal Vocational Rehabilitation Program.”

Part 15

Housing Finance and Development Authority

A. (32.1, 32.2, 32.4) Article 1, Chapter 13, Title 31 of the 1976 Code is amended by adding:

“Section 31‑13‑100. (A)All federal rental assistance administrative fees shall be carried forward each year for use by the authority in the administration of the federal programs under contract with the authority.

(B) Monies withdrawn from the authority’s various bond‑financed trust indentures and resolutions, which monies are deposited with the State Treasurer to pay program expenses, may be carried forward by the authority each year.

(C) The authority shall deposit in the state general fund indirect cost recoveries for the authority’s portion of each year’s Statewide Central Services Cost Allocation Plan (SWCAP). The authority shall retain recoveries in excess of the SWCAP amount to be deposited in the state general fund.”

B. (32.3) Section 31‑13‑430(D) of the 1976 Code is amended to read:

“(D) Members of the advisory committee are not eligible for reimbursement for travel, lodging, meals, or per diem as is provided for by law for boards, committees, and commissions. Membership on the committee must include representation from rural communities.”

Part 16

Forestry Commission

A. (33.1), (33.2), (33.3) Chapter 23, Title 48 of the 1976 Code is amended by adding:

“Section 48‑23‑92. (A) The commission may use unexpended federal grant funds available to the commission in the current fiscal year to pay for commission expenses incurred in the prior fiscal year.

(B) The commission may retain all funds received as reimbursement of expenditures from other state agencies or from federal agencies when commission personnel and equipment are mobilized due to an emergency.

Section 48‑23‑94. The commission may pay the cost of physical examinations for agency personnel who are required to receive physical examinations before receiving a law enforcement commission.”

Part 17

Department of Agriculture

A. (34.3) Section 39‑22‑150 of the 1976 Code, as last amended by Act 375 of 1998, is further amended to read:

“Section 39‑22‑150. All net revenues derived from operation of the state warehouse system must be transferred annually to a special account in the State Treasury until the sum of three million dollars accrues. When the fund reaches three million dollars, these transfers shall cease; however, all interest and investment revenue shall accrue solely to the fund and be returned annually to the fund. In order to support the increase of this fund, the funds must be invested at interest by the State Treasurer who shall credit the interest earned on the funds to the increase of the fund up to and above three million dollars. In addition to the interest, the commissioner shall assess an amount ratably against each warehouseman in this State issuing warehouse receipts a special additional fee not to exceed ten cents a bale of cotton or one cent a bushel of soybeans and one‑half cent a bushel of any other stored feed grains or oil seeds for which warehouse receipts have been issued. The additional assessment may be charged not more than once for each receipt issued on a bale of cotton or bushel of grain. When the fund has reached the total sum of one million five hundred thousand dollars, the special additional assessment must be discontinued. If the fund is reduced to below one million dollars, the assessment must be resumed. The funds must be used to guarantee state warehouse receipts in excess of an amount recovered from the bonds required by this chapter, and to protect and reimburse depositors against losses as defined in Section 39‑22‑15. If there is an insufficient amount of money in the fund to cover all claims against the fund, payments must be made on a pro rata basis up to one hundred percent of the total loss of each claimant. If payment is not received in the amount of one hundred percent, then additional amounts must be paid as funds become available until payment of one hundred percent of the total is attained. The state’s guarantee of warehouse receipts is based on monies available through the required bonds and the fund. Upon approval of a claim to the fund and before payment from the fund, the claimant shall subrogate his interest, if any, to the department in a cause of action against all parties relating to the claim. In no event may the funds be available for the reimbursement of an insurer or surety on the bonds required by this chapter, Chapter 19 of this title, or Chapter 7 ~~of~~, Title 36, who has paid a loss under this chapter. All income, interest, or otherwise, derived from this guaranty fund must be reinvested in the fund. Fifty thousand dollars of the income must be paid into the general fund of the State. Another fifty thousand dollars must be retained by the department to cover the costs of administering the program. Any of the funds not appropriated for the employment of additional auditors for the warehousemen and Dealers and Handlers Division of the Department of Agriculture must be returned to the fund.”

B. (34.4) Section 39‑9‑65 of the 1976 Code, as last amended by Act 501 of 1994, is further amended to read:

“Section 39‑9‑65. The Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, “Uniform Laws and Regulations”, and its supplements and revisions, apply to the registration of servicepersons and service agencies in the State, except as modified or rejected by regulation. The department may collect a twenty‑five dollar registration fee for those servicepersons registered pursuant to this section. Registration fees must be retained by the department to offset expenses in administering the program.”

C. (34.7) Chapter 1, Title 46 of the 1976 Code is amended by adding:

“Section 46‑1‑160. The department may assist and provide Certificates of Free Sale for producers wishing to export their South Carolina products to other states and countries. The department may charge up to two hundred fifty dollars for each export certification of agricultural products and retain the revenues to offset expenses in the program.”

D. (34.8) Section 46‑27‑210 of the 1976 Code is amended to read:

“Section 46‑27‑210. Each manufacturer, importer, jobber, agent or seller before selling or offering or exposing for sale in this State any commercial feed shall, for each and every feed bearing a distinct name or trademark, file for registration with the Commissioner a copy of the statement required in Section 46‑27‑310 and accompany the statement, on request, by a sealed container of at least one pound of the commercial feed. The sample shall correspond within reasonable limits to the feed which it represents in the percentages of crude protein, crude fat and crude fiber which it contains. Registration of each label must be submitted annually along with a fifteen dollar fee, which must be retained by the department to offset expenses in the program.”

Part 18

Clemson University Public Service Activities

A. (35.7) Section 46‑25‑810 of the 1976 Code, as last amended by Act 107 of 2005, is further amended to read:

“Section 46‑25‑810. For the purpose of carrying out the provisions of this chapter, all registrants or guarantors who distribute or sell any commercial fertilizer in South Carolina shall pay to the division an inspection tax of one dollar and fifty cents for each ton of commercial fertilizer sold. A report of tonnage is due and the inspection tax payable quarterly for periods ending September thirtieth, December thirty‑first, March thirty‑first, and June thirtieth. The report is due within thirty days following the end of each quarter covering tonnage of commercial fertilizer sold during the preceding quarter by the registrant or guarantor transacting, distributing, or selling to a nonregistrant. If the tonnage report is not filed and the payment of inspection taxes is not made within fifteen days after the date due, a collection fee amounting to ten percent of the amount due must be assessed against the guarantor, and the amount of fees due constitutes a debt and becomes the basis of a judgment against the guarantor. If the tonnage report is not filed and the payment of the inspection tax and collection fee is not made within thirty days after the date due, the registration of the commercial fertilizer registered by the delinquent guarantor is automatically canceled. If the report is false, fifteen days after due written notice and opportunity for hearing have been given, the commission may cancel the registration of commercial fertilizer registered by the delinquent guarantor.”

B. (35.8) Section 46‑26‑80 of the 1976 Code, as last amended by Act 378 of 1992, is further amended to read:

“Section 46‑26‑80. ~~(a)~~(A) It ~~shall be~~ is the duty of the commission who may act through its authorized agent to sample, inspect, make analyses of and test agricultural liming materials distributed within the State as it may deem necessary to determine whether ~~such~~ the agricultural liming materials are in compliance with the provisions of this chapter. Any officer or agent of the commission or of a committee thereof authorized by the commission may enter upon any public or private premises or carriers during regular business hours ~~in order~~ to have access to agricultural liming material subject to the provisions of this chapter and regulations pertaining thereto, and to the records relating to their distribution.

~~(b)~~(B) The methods of analysis and sampling ~~shall~~ must be those approved by the commission and ~~shall~~ must be guided by the Association of Official Analytical Chemists procedures.

~~(c)~~(C) The results of official analysis of agricultural liming materials and portions of official samples ~~shall~~ must be distributed by the commission as provided ~~in the regulations~~ by regulation at least annually.

(D) For purposes of executing the provisions of this chapter, all registrants of bulk liming materials or landplaster who sell or distribute in South Carolina shall pay to the division an inspection fee of fifty cents for each ton sold.”

Part 19

Department of Natural Resources

A. (37.1, 37.4) Article 1, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50‑3‑85. (A) The department is authorized to produce publications for disseminating facts and findings from studies and investigations and other information that may assist the General Assembly, the Office of the Governor, other agencies, and the public.

(B) Publications may be made available to the public for a fee. The fee must not exceed the cost to produce and distribute the publication. All revenues from the sale of publications must be credited to the department’s operating revenue fund. Revenues and funds collected but not expended must be carried forward annually.

(C) The department may produce the ‘South Carolina Wildlife’ magazine. The publication must primarily promote and raise awareness of natural resources in this State. The publication must be self sustaining and the department may offer advertising space in the publication if necessary. The department may determine the subscription rate based on production costs. By‑products of the publication and other items related to promoting natural resources may be offered for sale by the department to support the publication. All revenues from the sale of subscriptions and by‑products must be credited to the departments’ operating revenue fund. Revenues and funds collected but not expended must be carried forward annually and used for the same purpose.”

B. (37.2) Article 3, Chapter 23, Title 50 of the 1976 Code is amended by adding:

“Section 50‑23‑530. The department may enter into a contractual agreement with the Department of Revenue to collect the casual sales tax due at the time application is made for title or registration for a watercraft or outboard motor. The Department of Revenue shall reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax and the reimbursement must be paid from revenues generated by the casual sales tax.”

C. (37.5) Article 1, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50‑3‑75. The department may collect and expend revenues derived from the sale of goods and services in order to support segments of the aerial photography, climatology, flood mitigation, geological services, and hydrology programs not covered by the department’s annual appropriation. Revenues must be credited to the department’s operating revenue fund. Revenues and funds collected but not expended must be carried forward annually and used for the same purpose.”

D. (37.6) Article 3, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50‑3‑355. The department may authorize natural resource enforcement officers on special assignment an annual clothing allowance not to exceed six hundred dollars. The Board of the Department of Natural Resources annually may authorize an adjustment in the allowance but that adjustment may not exceed three percent of the then applicable maximum allowance amount as most recently adjusted. The clothing allowance must be prorated based on the duration of the assignment for the fiscal year. Only that clothing used in the line of duty qualifies for the allowance. The allowance is not authorized when the enforcement officer’s official uniform is appropriate for the special assignment.”

E. (37.7) Article 1, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50‑3‑115. The department is authorized to pay for the cost of a physical examination for department personnel who are required to undergo a physical examination before receiving a law enforcement commission.”

Part 20

Department of Parks, Recreation and Tourism

A. (39.3, 39.7) Section 51‑1‑40 of the 1976 Code, as last amended by Act 356 of 2002, is further amended by adding two new subsections at the end to read:

“(D) The department may carry forward any unexpended funds appropriated to it in the annual general appropriations act on the advertising line within Program II. A. Tourism Sales and Marketing from the prior fiscal year into the current fiscal year to be used for the same purpose. Those purposes include the Tourism Partnership Fund, destination specific marketing grants, and the agency advertising fund.

(E) The department may close the State House Gift Shop on weekends.”

B. (39.6) Chapter 62, Title 12 of the 1976 Code is amended by adding:

“Section 12‑62‑25. When an application for motion picture incentives is filed in accordance with the established policy and procedures of the South Carolina Film Commission, the department may charge an application fee for the motion picture incentive programs and may retain and expend these funds for the purposes of meeting administrative, data collection, credit analysis, cost‑benefit analysis, reporting and auditing and other statutory obligations. A fee schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.”

C. (39.11) Section 12‑62‑50(A)(1) of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

“(1) The South Carolina Film Commission may rebate to a motion picture production company a portion of the South Carolina payroll of the employment of persons subject to South Carolina income tax withholdings in connection with production of a motion picture. The rebate may not exceed ~~fifteen~~ twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production when total production costs in South Carolina equal or exceed one million dollars during the taxable year. The rebates in total may not annually exceed ten million dollars and shall come from the state’s general fund. For purposes of this section, ‘total aggregate payroll’ does not include the salary of an employee whose salary is equal to or greater than one million dollars for each motion picture.”

D. (39.5, 39.11) Section 12‑62‑60(A)(1) and (B) of the 1976 Code, as last amended by Act 56 of 2004, is further amended to read:

“(1) An amount equal to twenty‑six percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the department for the exclusive use of the South Carolina Film Commission. The department may rebate to a motion picture production company up to ~~fifteen~~ thirty percent of the expenditures made by the motion picture production company in the State if the motion picture production company has a minimum in‑state expenditure of one million dollars. The distribution of rebates may not exceed the amount annually funded to the department for the South Carolina Film Commission from the admissions tax collected by the State.”

“(B) Up to seven percent of the amount provided to the department in subsection (A) may be used exclusively for ~~marketing and special events~~ the following purposes:

(1) to allow for assistance with recruitment and infrastructure development of the film industry;

(2) to develop a film crew base;

(3) to develop ally support in the film industry;

(4) marketing and special events; and

(5) to allow for assistance with the auditing and legal service expenses associated with the Motion Picture Incentive Act.”

Part 21

Department of Commerce

A. (40.2) Article 11, Chapter 1, Title 13 of the 1976 Code is amended by adding:

“Section 13‑1‑1745. The council may use up to ten percent of the amount set aside pursuant to Section 12‑28‑2910 for actual operating expenses in support of its administrative program costs and business recruitment and retention and up to sixty thousand dollars to support the Geographic Information Systems (GIS) program, as approved by the council. Any balance of these funds on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the current fiscal year.”

B. (40.8) Section 13‑1‑30 of the 1976 Code, as last amended by Act 11 of 2005, is further amended by adding a new subsection at the end to read:

“(D) The Secretary of Commerce may appoint the staff of the department’s foreign offices on a contractual basis on the terms the secretary considers appropriate subject to review by the Office of Human Resources of the State Budget and Control Board.”

C. (40.12) Section 13‑1‑25 of the 1976 Code, as added by Act 86 of 2003, is amended by adding a new subsection at the end to read:

“(C) Application fees received by the department accompanying an application requiring approval by the Coordinating Council for Economic Development must be deposited by the department within five business days of the council’s approval of the application.”

D. (40.13) Section 13‑1‑380(G) of the 1976 Code, as last added by Act 181 of 1993, is amended to read:

“(G) ~~Following its initial report,~~ The council shall submit to the Governor and to the General Assembly by ~~the end~~ March fifteenth of each ~~calendar~~ year an annual report on recycling activities in this State which ~~shall~~ must, at a minimum, include the following:

(1) any revisions which the council determines are necessary to its initial report;

(2) a description and analysis of the amounts and types of solid waste materials recovered or recycled in this State during the preceding year;

(3) recommendations regarding materials which should be added to or deleted from source separation, recovery, and recycling programs; and

(4) any other recommendations, including tax incentives, to facilitate the development of markets for recovered materials or products in this State.”

Part 22

Judicial Department

A. (44.1), (44.2) Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑260. County salary supplements for Judicial Department personnel are prohibited.”

“Section 14‑1‑270. Every county shall provide for each circuit and family judge residing in the county an office with all utilities including a private telephone. Every county shall provide an office and utilities for Supreme Court justices and judges of the Court of Appeals residing in the county upon the request of the justice or judge.”

Part 23

Office of Attorney General

A. (45.1, 45.3, 45.4) Article 1, Chapter 7, Title 1 of the 1976 Code is amended by adding:

“Section 1‑7‑175. The Office of the Attorney General may:

(1) use unexpended federal funds in the current fiscal year to pay for expenses incurred in the prior fiscal year;

(2) retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year; and

(3) retain donations received by the Office of the Attorney General, carry forward unexpended donations received to succeeding fiscal years, and expend donations according to an agreement between the donors and the Attorney General.”

Part 24

Prosecution Coordination Commission

A. (46.1), (46.2), (46.3), (46.4), (46.5) Section 1‑7‑1000 of the 1976 Code is amended to read:

“Section 1‑7‑1000. (A) Circuit solicitors shall receive a salary equal to that of a circuit judge ~~as provided~~ to be appropriated by the General Assembly in the annual general appropriations act.

(B) Each solicitor must be paid an expense allowance of five hundred dollars a month to be appropriated by the General Assembly in the annual general appropriations act.

(C) An unexpended balance at the end of a fiscal year may be carried forward into the succeeding year and expended for the operational expenses of the solicitor’s office.

(D)(1) Amounts appropriated in the annual general appropriations act for judicial circuits state support must be apportioned among the state’s judicial circuits on a per capita basis based on the most recent United States Census. These payments must be made as soon after the beginning of each calendar quarter as practical.

(2) It is the intent of the General Assembly that the amounts appropriated in the annual general appropriations act for solicitors’ offices are in addition to any amounts presently being provided by counties for these services and may not be used to supplant funding already allocated by counties for such services.”

Part 25

Commission on Indigent Defense

A. (47.4) Chapter 1, title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑245. The funds appropriated to the Commission on Indigent Defense in the annual general appropriations act for the South Carolina appellate Court Rule 608 Appointments (608 Appointment) must be used for civil court appointments including termination of parental rights, abuse and neglect, probate court commitments, the Sexually Violent Predator Act, and post conviction relief to reimburse court‑appointed private attorneys and for other expenditures as specified in this section. Funds appropriated for 608 Appointments may not be transferred or used for any other purpose.

A portion of 608 Appointment funds must be used for termination of parental rights cases and abuse and neglect cases to reimburse private attorneys who are appointed by the family court to represent guardians ad litem, children, or parents pursuant to the provisions of Sections 63‑7‑1620, Article 5, Chapter 11, Title 63, 63‑9‑320(A)(2) et seq.; 63‑19‑810 et seq.; and 63‑19‑2220 et seq.; for probate court commitment cases to reimburse private attorneys who are appointed by the probate court to represent indigent persons; and for sexually violent predator cases to reimburse private attorneys who are appointed by the circuit court pursuant to Chapter 48, Title 44, the Sexually Violent Predator Act, to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel must be reimbursed a reasonable fee to be determined on the basis of fifty dollars an hour. Reimbursement also may be made on the basis of a set fee. The method of payment and the amount of the set fee must be determined by the Commission on Indigent Defense. Reimbursement may not exceed two thousand dollars for any case under which the private attorney is appointed.

A portion of 608 Appointment funds must be used for non–capital post conviction relief cases. Any attorney appointed must be compensated at a rate not to exceed forty dollars an hour for time expended out of court and sixty dollars an hour for time expended in court, or on the basis of a set fee. The method of payment and amount of set fee must be determined by the Commission on Indigent Defense. Compensation and costs may not exceed one thousand dollars in any single case.

Reimbursement in excess of the hourly rate and limit provided in this section is authorized only if the court certifies, in a written order with specific findings of fact, before the fees are incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees may be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant’s attorney to obtain these services on behalf of the defendant and authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, before the expenses are incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments must be made from funds appropriated for this purpose from the Commission on Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses may be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of 608 Appointment funds may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil court appointments, to be reimbursed in accordance with applicable provisions of law.”

B. (47.7) Article 1, Chapter 3, Title 17 of the 1976 Code is amended by adding:

“Section 17‑3‑35. Every person placed on probation after June 30, 2003, who was represented by a public defender or appointed counsel, must be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected by the clerk of court and sent monthly to the Commission on Indigent Defense to be divided between the Conflict Fund and the Defense of Indigents/Per Capita Fund administered by that office. However, if a defendant fails to pay this fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment must be collected and remitted before any other fees.”

C. (47.8) Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑250. (A) A person requesting appointment of counsel in any termination of parental rights, abuse and neglect, or any other civil court action in this State shall execute an affidavit that the person is financially unable to employ counsel and that affidavit must set forth all of the person’s assets. This affidavit must be completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion of them to the Commission on Indigent Defense.

(B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may be waived or reduced, but if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such method as the trial judge considers appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the Commission on Indigent Defense monthly. The monies must be deposited in an interest–bearing account separate from the general fund of the state and all other funds and used only to provide for indigent defense services. The monies must be administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Commission on Indigent Defense monthly when reporting the amount of funds collected or waived.

(C) In matters in which a juvenile is brought before a court, the parents or legal guardian of the juvenile shall execute the required affidavit, based upon their financial status and are responsible for paying any fee. In matters concerning juveniles, the parents or legal guardians of the juvenile, must be advised in writing of this requirement at the earliest stage of the proceedings against the juvenile.

(D) Nothing contained in this section restricts or hinders a court from appointing counsel in any emergency proceedings or where existing statutes do not provide sufficient time for an individual to complete the application process.

(E) The appointment of counsel, as provided pursuant to this section, creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel. This claim must be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim does not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of the claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days’ notice that judgment will be entered. When a claim is reduced to judgment, it has the effect as a judgment, except as modified by this subsection.”

Part 26

State Law Enforcement Division

A. (48.1) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑52. Funds awarded to SLED by either court order, from donations, or from contributions must be deposited in a special account with the State Treasurer, and may be carried forward from year to year, and withdrawn from the Treasurer as needed to fulfill the purposes and conditions of the order, donations, or contributions, if specified, and if not specified, as may be directed by the Chief of the State Law Enforcement Division. Funds expended from the special account annually must be reported by October first to the Senate Finance Committee and the House Ways and Means Committee.”

B. (48.2) Article 3, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑117. Revenue generated from the operation of the division’s criminal justice computer/communications center and not expended during the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.”

C. (48.3) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑53. Any unexpended balance on June thirtieth, of each prior fiscal year, for ‘Agents Operations’ may be carried forward by SLED and expended for the same purpose in the current fiscal year.”

D. (48.4) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑54. State appropriations to SLED that are required to provide a match for federal grant programs in a prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.”

E. (48.5) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

Section 23‑3‑22. SLED is authorized to provide its agents and criminalists with an annual clothing allowance on a pro rata basis not to exceed six hundred dollars per agent/criminalist for required clothing used in the line of duty.”

F. (48.6) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑56. SLED is authorized to charge a witness fee of one hundred thirty dollars per hour up to one thousand dollars per day for each employee testifying in a civil matter which does not involve the State as a party in interest. This fee must be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances, and deposited into a designated revenue account.”

G. (48.7) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑23. SLED is authorized to pay for the cost of physical examinations for division personnel who are required to receive physical examinations before receiving a law enforcement commission.”

H. 1. (48.18, 48.11) Chapter 18, Title 40 of the 1976 Code is amended by adding:

“Section 40‑18‑35. (A) The revenues of fees imposed by SLED pursuant to Regulation 73.408 must be credited, retained, or remitted as follows:

(1) one‑third must be credited to the general fund of the State;

(2) one‑third must be retained by SLED for its use in defraying expenses incurred pursuant to this chapter; and

(3) one‑third must be remitted to the South Carolina Department of Public Safety for the purposes provided pursuant to Section 23‑6‑60.

(B) Unexpended revenues retained by SLED pursuant to subsection (A)(2) of this section carry forward to the succeeding fiscal year and must be used for the same purposes.”

2. Section 23‑3‑50 of the 1976 Code is amended to read:

“Section 23‑3‑50. Notwithstanding any other provisions of law, all revenue from fees and licenses received by the State ~~Law‑Enforcement~~ Law Enforcement Division related to enforcement and regulation of ~~private detective and security companies (Section 40‑17‑160 of the 1976 Code),~~ gun dealers (Section 16‑23‑10), gun permits (Sections 23‑31‑110 and 17‑5‑110) and massage parlors (Section 40‑29‑160) ~~shall~~ must be remitted to the State Treasurer as collected and credited to the general fund of the State.

I. (48.8) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑24. SLED may provide meals to its employees who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises, and when the Governor declares a state of emergency.”

J. (48.9) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑57. SLED is authorized to be reimbursed for security related law enforcement services provided to entities authorized to transport sensitive materials within the borders of the State. SLED shall determine all costs associated with security details and is authorized to coordinate the collection, retention, and distribution to any assisting agency. SLED and each assisting agency shall expend any funds associated with minimizing risks related to the transportation of these hazardous materials for the implementation of homeland security initiatives.”

K. (48.10) Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑455. Each sheriff is authorized to charge and collect an annual amount of one hundred fifty dollars from each sex offender required to register by law. If the sex offender has been declared indigent by the sheriff of the county in which the offender must register and provides proof of the declaration at the time of registration, the fee will be waived automatically. If an offender is not declared indigent and fails to pay the fee, he officially is declared unregistered. This fee shall be divided between the sheriffs and SLED with one hundred dollars of the fee retained by the sheriffs and the remaining fifty dollars remitted by the sheriffs to SLED on a quarterly basis. These funds must be used to support the Statewide Sex Offender Registry.”

L. (48.12) Article 4, Chapter 3, Title 31 of the 1976 Code is amended by adding:

“Section 23‑31‑218. SLED is authorized to charge one hundred dollars for the issuance of a Certified Concealable Weapons Permit Instructor certificate, and one hundred dollars every three years for each renewal. These funds may be collected, retained, expended and carried forward by SLED.”

M. (48.13) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑58. SLED is authorized to collect a twenty‑five dollar expungement fee for each request to expunge a criminal record. These funds must be used to offset the operational and research expenses associated with processing these expungement requests. SLED is authorized to collect, retain, expend, and carry forward these funds. A person found to be not guilty by a court of competent jurisdiction or whose charges have been dismissed or nolle prossed is excluded from the fee requirement.”

N. (48.14) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑59. SLED is authorized to collect, retain, expend, and carry forward all funds received from other state or federal agencies in a current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year.”

O. (48.15) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑60. SLED is authorized to retain, expend, and carry forward all monies associated with illegal gaming devices seized by the division, once orders of destruction and awarding of these monies have been received from a court of competent jurisdiction.”

P. (89.35) Article 9, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑675. Funds collected by the Department of Corrections, the Department of Probation, Parole and Pardon Services, and the Department of Juvenile Justice to process DNA samples must be remitted to SLED to offset the expenses incurred to operate the State DNA Database Program. SLED may retain, expend, and carry forward these funds. Any carry forward funds resulting from the DNA Database Program must be used solely to operate the DNA Database Program.”

Part 27

Department of Public Safety

A. (49.2) Article 1, Chapter 6, Title 23 of the 1976 Code is amended by adding:

“Section 23‑6‑60. The Department of Public Safety shall receive, expend, retain, and carry forward all revenues remitted to it by the State Law Enforcement Division pursuant to Section 40‑18‑35(A)(3). The funds received must be used in the Bureau of Protective Services Program to provide security for state agencies and the Capitol Complex.”

Part 28

Law Enforcement Training Council

A. (50.1), (50.2) Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23‑23‑140. (A) To complete projects begun in a prior fiscal year, the Law Enforcement Training Council, Criminal Justice Academy may expend federal and earmarked funds available to the council in the current fiscal year for expenses incurred in the prior fiscal year.

(B) The Law Enforcement Training Council, Criminal Justice Academy may collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are mobilized and expenses incurred due to emergency.”

Part 29

Department of Corrections

A. (51.4, 51.10, 51.26) Section 24‑13‑80 of the 1976 Code, as last amended by Act 237 of 2010, is further amended by adding three new subsections at the end to read:

“(E) Any unclaimed funds remaining in any inmate account, after appropriate and necessary steps are taken to determine and contact a rightful owner of the funds, must be deposited into the Inmate Welfare Fund.

(F) The department may charge inmates a nominal fee for any medical treatment or consultation provided at the request of or initiated by the inmate. A nominal copay must be charged for prescribed medications. Inmates may not be charged for psychological or mental health visits.

(G) If the department incurs expenses for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation, including transportation, through the deceased inmate’s E. H. Cooper account, if funds are available.”

B. (51.6) Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24‑1‑240. All funds received by this State from the United States Department of Justice pursuant to the State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state correctional facilities must be retained by the South Carolina Department of Corrections to offset incurred expenses.”

C. (51.9) Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24‑1‑245. All funds received by the department from the Social Security Administration pursuant to Section 1611(e)(1)(I) of the Social Security Act, which provides payment for information regarding incarcerated Social Security Insurance recipients, must be retained by the department and credited to a fund entitled ‘Special Social Security’ for the care and custody of inmates housed in the state correctional facilities.”

D. (51.15) Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24‑1‑255. Funds generated by inmates engaged in the cleaning and waxing of private vehicles, or any other adult work activity center, must be placed in a special account and utilized for the welfare of the inmate population.”

E. (51.16) Section 24‑13‑150 of the 1976 Code, as last amended by Act 237 of 2010, is further amended by adding a new subsection at the end to read:

“(C) The Director of the Department of Corrections and other persons having charge of prisoners who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom subsection (A) applies, on the first day of the month in which their sentences expire, and if the first day of the month falls on a Saturday, Sunday, or a state holiday, the prisoners may be released on the last weekday before the first of the month which is not a holiday.”

F. (51.25) The first undesignated paragraph of Section 17‑7‑10 of the 1976 Code is amended to read:

“The coroner of the county in which a body is found dead or the solicitor of the judicial circuit in which the county lies shall order an autopsy or post‑mortem examination to be conducted to ascertain the cause of death. If any person dies while detained, incarcerated, or under the jurisdiction of a municipal, county, or regional holdover facility, holding cell, overnight lockup or jail, a county or regional prison camp, or a state correctional facility, the coroner of the county in which the death occurs or, should that be unknown, the county in which the institution is located shall order an autopsy immediately upon notification of the death. However, if the official in charge of the institution is unable to arrange an autopsy within the State of South Carolina, he shall provide the coroner with an affidavit attesting to this inability. An autopsy is not required for an inmate of the South Carolina Department of Corrections executed pursuant to a valid order of the Supreme Court of South Carolina.”

G. (51.2) Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24‑1‑300. Revenue derived wholly from the canteen operations within the Department of Corrections on behalf of the inmate population may be retained and expended by the department for the continuation of the operation of the canteens and the welfare of the inmate population or, at the discretion of the director, used to supplement the costs of operations. The canteen operation is to be treated as an enterprise fund within the department and is not to be subsidized by state appropriated funds.”

H. (51.7) Article 1, Chapter 13, Title 24 of the 1976 Code is amended by adding:

“Section 24‑13‑180. An offender committed to the custody of the Department of Corrections, who has been evaluated to function at less than an eighth grade educational level, or less than the equivalent of an eighth grade educational level, may be required by department officials to enroll and actively participate in academic education programs. Funds appropriated to the department for educational programs must be prioritized to assure such remedial services are provided.”

I. (51.11) Chapter 1, Title 24 of the 1976 Code is amended by adding

“Section 24‑1‑310. The Director of the Department of Corrections, at his discretion, is authorized to utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs of operations.”

J. (51.18) Chapter 1, Title 24 of the 1976 Code is amended by adding

“Section 24‑1‑320. The Department of Corrections is authorized to charge an inmate who participates in community programs a reasonable fee for the cost of supplying electronic and telephonic monitoring. The fees charged may not exceed the actual cost of the monitoring.”

K. (51.19) Chapter 1, Title 24 of the 1976 code is amended by adding:

“Section 24‑1‑330. The Department of Corrections may collect and record private health insurance information from inmates. The department may file against any private insurance policy covering an inmate to recoup any health care expenditures covered by the policy. Health care must be provided in accordance with law and standards regardless of whether or not an inmate is covered by insurance.”

L. (51.20) Article 7, Chapter 13, Title 24 of the 1976 Code is amended by adding:

“Section 24‑13‑670. The Department of Corrections is authorized to charge a four dollar per‑day transportation fee to participants in the work release program only when transportation is provided by the department. Monies collected must be credited to the Department of Corrections, and utilized solely to fund transportation of work release participants and vehicle replacement for the work release program.”

M. (51.24) Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24‑1‑340. Inmate barbers in the Inmate Barbering Program at the Department of Corrections shall not be subject to the licensing requirement of Section 40‑7‑30.”

Part 30

Department of Probation, Parole and Pardon Services

A. (52.2, 52.5, 52.6) Section 24‑21‑87 of the 1976 Code, as added by Act 353 of 2008, is amended by adding at the end:

“(C) The department may charge offenders an application fee set by the department, not to exceed one hundred dollars, to offenders applying for transfers out of or into the state pursuant to Article 12 of this chapter, the Interstate Compact for Adult Offender Supervision. The application fee must be retained by the department to offset the cost of the compact. All unexpended funds at year end may be retained and carried forward by the department to be expended for the same purpose.

(D) The department may charge offenders a fee set by the department, not to exceed fifty dollars, for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee must be retained by the department to offset the cost of drug testing. All unexpended funds at year end may be retained and carried forward by the department to be expended for the same purpose.

(E) The department may charge an adult offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty‑five dollar public service employment set‑up fee. The fee must be retained by the department and applied to the department’s supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the number of offenders who were assessed the set‑up fee and the amount of funds collected.”

Part 31

Department of Juvenile Justice

A. (53.15)Section 63‑19‑350(15) of the 1976 Code is amended by adding:

“(15) juveniles must be assigned to intensive probation or aftercare services by the Department of Juvenile Justice. Juveniles assigned to these intensive supervision services must be those juveniles who require enhanced supervision, monitoring and contacts, or a higher level of treatment services. Intensive supervision must be provided by the department in all regions of the State. In conjunction with establishing these intensive supervision services, the department shall develop an array of graduated sanctions and impose these sanctions on offenders being provided intensive supervision services for technical rule violations and minor infractions, whenever feasible to do so, in lieu of reincarceration of the juvenile in a secure correctional facility. The array of graduated sanctions developed by the department may include, as a condition of probation or parole, placement of a juvenile in a staff or environmentally secure residential program. Case workers selected to monitor, supervise, and serve juveniles assigned to intensive supervision services shall have caseloads of no more than twenty juveniles;

(16) granting up to a ten‑day reduction of the probationary or parole term of 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.”

B. (53.8) Section 63‑19‑420 of the 1976 Code is amended to read:

“Section 63‑19‑420. The ~~director~~ department is authorized to sell mature trees, other timber, and farm products and commodities suitable for commercial purposes from lands owned by the department. Before the sale of timber, the director shall consult with the State Forester to determine the economic feasibility of and obtain approval for the sales. Funds derived from the sales must be credited to the account of the department to be used for capital improvements subject to the approval of the State Budget and Control Board or family support services after setting aside a reasonable amount, as determined by the State Forester, for restoration of the lands from which the trees and other timber are sold.”

C. (53.9) Article 3, Chapter 19, Title 63 of the 1976 Code is amended by adding:

“Section 63‑19‑500. The department may conduct and pay for the cost of pre‑employment drug testing and random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.”

D. (53.10) Section 63‑19‑360 of the 1976 Code is amended by adding a new appropriately numbered item at the end to read:

“( ) placing juveniles in marine and wilderness programs or other community residence programs operated by nongovernmental entities. Juveniles receiving services in these community residence programs must either be referred to a program by the family court as a condition of probation, released to a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to a program by the department.”

Part 32

Human Affairs Commission

A. (54.2, 54.3, 54.4) Section 1‑13‑70 of the 1976 Code is amended by adding a new appropriately lettered subsection at the end to read:

“( ) To retain, carry forward, and expend for the purpose of general operations of the commission all revenue derived from:

(1) donations and registration fees received from attendance at Human Affairs Forums;

(2) fees received from training and technical assistance provided by the commission to entities other than state agencies; and

(3) providing requested copies of commission files, final opinions, orders, and determinations.”

Part 33

Commission for Minority Affairs

A. (55.1, 55.2) Section 1‑31‑30 of the 1976 Code is amended by adding a new undesignated paragraph at the end to read:

“The commission is authorized to retain, carry forward, and expend revenue derived from private sources for agency research, forums, training, and institutes, including revenue derived from registration fees, for the purpose of conducting future endeavors for the same purpose.”

B. (55.3, 55.4) Chapter 31, Title 1 of the 1976 Code is amended by adding:

“Section 1‑31‑60. The commission may retain and carry forward funds derived from:

(1) revenues pooled from public and private sources for the purpose of awarding grants to address problems in the minority community; and

(2) bingo revenues received pursuant to Section 12‑21‑4200(3).”

Part 34

Department of Consumer Affairs

A. (64.1), (64.2), (64.3), (64.4), (64.5) Part 5, Chapter 6, Title 37 of the 1976 Code is amended by adding:

“Section 37‑6‑513. (A) Funds paid to the department in settlement of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended within the department’s budget to offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, unexpended amounts of these funds at the end of a fiscal year may be carried forward and expended for the same purposes in the succeeding fiscal year.

(B) Funds received by the department pursuant to registration fees imposed pursuant to Chapter 102, Title 59, relating to athlete agents and student athletes may be retained by the department for its enforcement duties pursuant to that chapter.

(C) Unexpended encumbered appropriated funds at the end of a fiscal year for the Consumer Advocacy expert witness/assistance program, pursuant to Section 37‑6‑603, may be carried forward into the succeeding fiscal year in order to meet contractual obligations existing as of June thirtieth and not paid by July thirty‑first.

(D) The department may retain all consumer credit grantor notification filing fees collected pursuant to Section 37‑6‑203 and all maximum rate schedules filing fees collected pursuant to Sections 37‑2‑305 and 37‑3‑305. These fees must be used to offset the cost of administering and enforcing Chapters 2 and 3, Title 37 and may be applied to the cost of operations. Unexpended balances of the funds at the end of a fiscal year may be carried forward to the succeeding fiscal year and used for the same purposes.

(E) The department may retain all fees collected pursuant to Sections 39‑61‑80, 39‑61‑120, 40‑39‑120, and 44‑79‑80. These retained fees must be used to implement the requirements of the programs mandated by these respective sections.”

Part 35

Department of Motor Vehicles

A. (66.1), (66.2), (66.5) Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

Section 56‑1‑347. (A) Revenue received from the sale of legal manuals and other publications, postal reimbursement, third party commercial driver license testing, photo copying, sale of miscellaneous refuse and recyclable materials, insurance claim receipts, and tuition from nonmandated, advanced, or specialized courses must be retained by the Department of Motor Vehicles (department) and expended in budgeted operations and other related services or programs as the director of the department considers necessary. The department shall report annually to the General Assembly the amount of miscellaneous revenue retained and carried forward.

(B) In order to complete projects begun in a prior fiscal year, the department may expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year.

(C)(1) The department may charge and collect processing fees and fees to recover the costs of the production, purchase, handling, and mailing of documents, publications, records, and data sets. Fees charged by the department pursuant to this section may not exceed fees that the department charged for these purposes as of February 1, 2001. Funds derived pursuant to this item may be retained by the department.

(2) The department may charge fees to defray the costs associated with auditing and enforcing compliance with all federal and state statutes and regulations governing personal information allowed or required by law to be disseminated by the department to eligible recipients. Fees charged pursuant to this subsection do not apply to state agencies.

(3) The Comptroller General shall place fees collected pursuant to this subsection into a special restricted account for the use of the department.”

B. (66.4) Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑7. The department may not sell, provide or otherwise furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver’s license or personal identification card. Photographs and digitized images from a driver’s license or personal identification card are not considered by public records.”

C. (66.7) Section 56‑1‑5(B) of the 1976 Code is amended to read:

“(B)(1) Upon the signature of the Governor, all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit within the Department of Public Safety are transferred to and devolved upon the Department of Motor Vehicles.

(2) In addition to the functions, powers, duties, responsibility, and authority of the Department of Motor Vehicles (DMV) under item (1), the department also may develop and implement a plan to reduce the hours of operation in underused DMV field offices.”

Part 36

Department of Employment and Workforce

A.(67.1, (67.2) Article 5, Chapter 27, Title 41 of the 1976 Code is amended by adding:

“Section 41‑27‑655. (A) All user fees collected by the South Carolina Occupational Information Coordinating Committee (SCOICC) through the department for the operation of the South Carolina Occupational Information System (system) may be retained by the SCOICC and used for the exclusive purpose of operating the system. Unexpended user fees at the end of a fiscal year may be carried forward to the succeeding fiscal year and used for the same purposes.

(B) Earmarked funds collected for the LMI‑training‑development sessions, media services, and program contracts through the department may be retained by the department to be used for the exclusive purpose of operating these programs. Unexpended earmarked funds at the end of a fiscal year may be carried forward to the succeeding fiscal year and used for the same purposes.”

Part 37

Department of Transportation

A. (68.A.1) Section 57‑11‑80 of the 1976 Code is amended to read:

“Section 57‑11‑80. “(A) The department shall adopt a budget in accordance with the provisions of Chapters 9 and 11, Title 11.

(B) Notwithstanding the prohibition provided pursuant to Section 11‑9‑20(A), the department may expend all cash balances brought forward from the previous year and all income including all federal funds, unexpended general funds, and proceeds from bond sales accruing to the department. However, in no case may the expenditures of the department in a fiscal year exceed the amount of cash balances brought forward from the preceding year plus the amount of all income including federal funds, general funds, and proceeds from bond sales.”

B. (68.A.2) Article 1, Chapter 11, Title 57 of the 1976 Code is amended by adding:

“Section 57‑11‑30. The department, with the approval of the State Treasurer, may establish in the State Treasury special funds for department funds as considered advisable for proper accounting purposes.”

C. (68.A.5) Article 1, Chapter 11, Title 57 of the 1976 Code is amended by adding:

“Section 57‑11‑50. The department may establish an appropriate fee schedule to be charged for copies of records, lists, bidder’s proposals, plans, maps, and related documents based on the department’s estimate of the actual costs and handling costs of producing the copies.”

D. (68.A.8) Article 1, Chapter 11, Title 57 of the 1976 Code is amended by adding:

“Section 57‑11‑60. Rest areas of the department must be charged in‑district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less than in‑district rates.”

E. (68A.7) Article 7, Chapter 3, Title 57 of the 1976 Code is amended by adding:

“Section 57‑3‑787. The department may provide meals to employees of the department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises, and when the Governor declares a state of emergency.”

Part 38

Division of Aeronautics

A. (68D.2), (68D.3), (68D.4), (68D.8) Chapter 1, Title 55 of the 1976 Code is amended by adding:

“Section 55‑1‑110. Revenue received from the rental of the division’s office space may be retained and expended to cover the cost of building operations.

Section 55‑1‑120. (A) The division shall provide hangar and parking facilities for government owned or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking facility maintenance. The hangar fee schedule must be determined by the division and shall not exceed local average market rates.

(B) Personnel from an agency owning or operating aircraft must be responsible for ground movement of its aircraft.

Section 55‑1‑130. Due to the special funding available to the four air carrier airports (Columbia, Charleston, Greenville‑Spartanburg, Myrtle Beach Jetport) from United States Department of Transportation and Federal Aviation Administration (FAA) appropriations based on enplanements in South Carolina, all general aviation airports shall receive funding prior to the four air carrier airports. This policy may be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.

Section 55‑1‑140. (A) Any funds appropriated by the General Assembly for aviation grants must be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects;

(2) for maintenance projects of general aviation airports; and

(3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation industry and the promotion of aviation in general.

(B) Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this section, but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems. (C) The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address:

(1) priorities among improvements qualifying for grants;

(2) an airport selection process to ensure an equitable distribution of funds among eligible airports; and

(3) the criteria for distribution of funds among eligible airports.

(D) In addition to subsection (C), enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. Also, the commission has discretion consistent with Section 55‑5‑170 to establish a program to grant State Aviation Fund dollars for these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller relative contribution from the fund.

(E) By September first of each year, the commission shall prepare a report detailing the expenditure of these funds. The report must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

(F) Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for the same purposes.”

Part 39

Legislative Department

A. (70.23) Section 2‑15‑65 of the 1976 Code is amended to read:

“Section 2‑15‑65. (A) Notwithstanding any other provision of law, in order to further comply with federal requirements and increase the oversight abilities of the General Assembly, the Legislative Audit Council shall ensure that an appropriate amount is budgeted for audit purposes in all Title XX federal programs and shall designate and assign audit responsibility in accordance with state and federal laws and regulations and the intent of the General Assembly.

(B) The Legislative Audit Council may use funds appropriated in the annual general appropriations act as state matching funds for federal funds available for audits and reviews. The council also may charge state agencies for federal funds, if available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the Legislative Audit Council as reimbursement for the costs of audits and reviews.”

Part 40

Administrative Law Court

A. (71.2) Section 1‑23‑640 of the 1976 Code, as last amended by Act 334 of 2008, is further amended to read:

Title for A‑B at the end

“Section 1‑23‑640. (A) The court shall maintain its principal offices in the City of Columbia. However, judges of the court shall hear contested cases at the court’s offices or at a suitable location outside the City of Columbia when determined by the chief judge.

(B) Every county shall provide for each administrative law judge residing in that county at the resident administrative law judge’s request, an office within existing physical facilities if space is available, to include all utilities and a private telephone. The request may be made only if that judge’s residence is fifty or more miles from the Columbia offices of the Administrative Law Court.”

B. (71.1) Article 5, Chapter 23, Title 1 of the 1976 Code is amended by adding:

“Section 1‑23‑675. Revenues received by the Administrative Law Court from printing and distributing copies of agency documents may be retained by it and used to defray the cost of printing and distributing such documents.”

Part 41

Office of Governor

A. (72.1) Article 1, Chapter 3, Title 1 of the 1976 Code is amended by adding:

“Section 1‑3‑60. Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA, Section 72B ‘Implementing Federal Programs’ may be carried forward to the current fiscal year and used for matching committed or unanticipated grant funds, or both.”

B. (72.3, 72.4) Section 63‑11‑1140 of the 1976 Code is amended by adding two paragraphs at the end to read:

“The amount appropriated in this section under Special Items Children’s Case Resolution System for Private Placement of Handicapped School‑Age Children must be used for expenses incurred in the evaluation of children referred to the CCRS to facilitate appropriate placement and to pay up to forty percent when placement is made in state and up to thirty percent when placement must be made out of state of the excess cost of private placement over and above one‑per‑pupil share of state and local funds generated by the Education Finance Act, and the one‑per‑pupil share of applicable federal funds; provided it has been established that all other possible public placements are exhausted or inappropriate. The balance of funding responsibility necessary to provide the child with services must be determined by the Children’s Case Resolution System (CCRS) and apportioned among the appropriate public agencies on the basis of the reasons for the private placement. When the amount appropriated in this section is exhausted, the funding responsibility must be apportioned according to the procedures of the CCRS.

Under this section, ‘significant fiscal impact’ in the current fiscal year must be defined for each designated agency as the greater of: (1) funds appropriated by the General Assembly for the current fiscal year on cases referred to, decided, or placed through the Children’s Case Resolution System; or (2) that agency’s assigned shares in the current fiscal year of five cases decided by the Children’s Case Resolution System.”

C. (72.7, 72.8) Article 14, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑1430. (A) It is the intent of the General Assembly that the amounts appropriated for victim assistance programs in solicitors’ offices must be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for these services. A reduction by a county in funding for victim assistance programs in solicitors’ offices shall result in a corresponding decrease of state funds provided to the solicitors’ office in that county for victim assistance services. Each solicitor’s office shall submit an annual financial and programmatic report that describes the use of these funds. The report must be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on October first for the preceding fiscal year.

(B) The funds appropriated for Victim/Witness Program must be equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be distributed to the solicitor’s office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness Program in the circuit which shall provide, but not be limited to, the following services:

(1) make available to victims/witnesses information concerning their cases from filing in general sessions court through disposition;

(2) keep the victim/witness informed of his rights and support his right to protection from intimidation;

(3) inform victims/witnesses of, and make appropriate referrals to available services such as medical, social, counseling, and victims’ compensation services;

(4) assist in the preparation of victims/witnesses for court;

(5) provide assistance and support to the families or survivors of victims where appropriate;

(6) provide other necessary support services to victims/witnesses such as contact with employers or creditors; and

(7) promote public awareness of the program and services available for crime victims.

The funds may not be used for other victim‑related services until the above functions are provided in an adequate manner.”

D. (72.11) Section 63‑11‑700 of the 1976 Code is amended by adding subsection (H) at the end to read:

“(H) The Division for Review of the Foster Care of Children is authorized to restructure its programs, including but not limited to, suspending reviews of children privately placed in private foster care and/or changing the location of reviews of children in public foster care, to maintain continuous operations within existing resources as dictated by budget reductions. These decisions must be based upon the availability of existing funds. This provision supersedes previous statutory or regulatory mandates.”

E. (72.13) Section 63‑11‑500 of the 1976 Code, as last amended by Act 202 of 2010, is further amended by adding two new subsections at the end to read:

“(C) Both the program and the funds appropriated to the Office of the Governor, Division of Children’s Services, Guardian ad Litem Program must be administered separately from other programs within the Division of Children’s Services and must be expended for the exclusive use of the Guardian ad Litem Program.

(D) The Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem program and be deposited in the State Treasury in a separate and distinct fund know as the ‘South Carolina Guardian ad Litem Trust Fund’. Unexpended revenues in this fund carry forward to succeeding fiscal years, and earnings in this fund must be credited to it. The Guardian ad Litem program also may carry forward to succeeding fiscal years other funds authorized in preceding fiscal years for program operations.”

F. (72.14) Section 63‑11‑1330 of the 1976 Code is amended by adding a paragraph at the end to read:

“The Continuum of Care for Emotionally Disturbed Children Division may carry forward appropriated funds for the continuation of services.”

G. (72.17) Section 10‑3‑60 of the 1976 Code is amended to read:

“Section 10‑3‑60. ~~Revenues generated from the rentals of the facilities of the Governor’s Mansion Complex may be retained and expended for the budgeted operation of the complex~~ Revenue collected from rental of the Mansion Complex facilities and grounds must be retained and expended by the Office of the Governor, Mansion and Grounds to support its operations. Unexpended funds must be carried forward from the prior fiscal year and be used for the same purposes.”

Part 42

Office of Lieutenant Governor

A. (73.2, 73.3, and 73.6) Section 43‑21‑110 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 43‑21‑110. (A) The General Assembly shall provide an annual appropriation to carry out the work of the ~~commission~~ division.

(B) Of the state funds appropriated under ‘Distribution to Subdivisions’, the first allocation by the Office on Aging must be for the provision of required state matching funds according to the Office on Aging formula for distributing Older Americans Act funds. The balance of this item must be distributed to the planning and service areas of the State. In the event state appropriations are reduced, reductions to the planning and service areas must be based on amounts distributed in accordance with the previous requirements.

(C) The Office on Aging is authorized to receive and expend registration fees for educational, training and certification programs.

(D) Unexpended funds from appropriations to the Office on Aging for Home and Community‑Based Services must be carried forward from the prior fiscal year and used for the same purpose.”

Part 43

Office of Comptroller General

A. (75.1) Chapter 3, Title 11 of the 1976 Code is amended by adding:

“Section 11‑3‑135. The Comptroller General may designate certain employees to sign, in his stead, warrants drawn against the State Treasurer and the State Treasurer may accept these signatures when notified by the Comptroller General. This provision does not relieve the Comptroller General of responsibility with respect to the warrants signed by his designees.”

Part 44

Office of State Treasurer

A. (76.10) Chapter 5, Title 11 of the 1976 Code is amended by adding:

“Section 11‑5‑145. The State Treasurer may designate certain employees to sign payments in accordance with Section 11‑5‑140 to meet the ordinary expenses of the State. This provision does not relieve the State Treasurer of responsibility with respect to the payments signed by his designees.”

B. (76.3) Section 11‑9‑660 of the 1976 Code is amended by adding a new subsection at the end to read:

“(D) The State Treasurer may pool funds from accounts for investment purposes and may invest all monies in the same types of investments provided pursuant to this section.”

Part 45

Election Commission

A. (79.6) Section 7‑13‑40 of the 1976 Code, as last amended by Act 236 of 2000, is further amended by adding an unnumbered paragraph at the end to read:

“Section 7‑13‑40. Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.”

Part 46

State Budget and Control Board

A. (80A.2) 1.Subarticle 9, Article 3, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11‑35‑1270. Before any governmental body procures any artifact with a value in excess of one thousand dollars, the head of the purchasing agency shall prepare a written determination specifying the need for such objects, identifying the benefits to the State, and determining that the item is reasonably priced, except where specific statutory authority is otherwise provided. Except for the South Carolina Museum Commission, the Confederate Relic Room, the State Budget and Control Board, and the South Carolina Hunley Commission, these determinations must be reviewed for concurrence and approved by the South Carolina Arts Commission before acquisition. As used in this section, ‘artifact’ means: (i) an art object such as a painting, antique, sculpture, or similar object, including without limitation an example of fine art, decorative art, and folk art and craft work; (ii) a historical object, including either a current, specific item or an object of future historical significance; or (iii) a scientific specimen, including without limitation study skins, skeletal mounts, taxidermy mounts, models, fossils, rocks and minerals, and other such materials representative of, or illustrative of, the natural world. In procurements for the State Museum or the Confederate Relic Room, ‘artifact’ also means: (iv) collection disciplines, to include cultural history, science and technology, art and natural history; and (v) exhibits, to include design and fabrication and specialty materials not commercially available that are used as components of exhibits.”

2. Section 11‑35‑710(10) of the 1976 Code is amended to read:

“(10) ~~South Carolina Arts Commission and South Carolina Museum Commission for the purchase of one‑of‑a‑kind items such as paintings, antiques, sculpture, and similar objects. Before a governmental body procures the objects, the head of the purchasing agency shall prepare a written determination specifying the need for the objects and the benefits to the State. The South Carolina Arts Commission shall review the determination and forward a recommendation to the board for approval~~ Reserved;”

3. Items (14) and (15) of Section 11‑35‑1510 are amended to read:

“(14) Section 11‑35‑3220 (Architect Engineer, Construction Management and Land Surveying Services Procurement Procedures); ~~and~~

(15) Section 11‑35‑3230 (Exception for Small Architect‑Engineer and Land Surveying Services Contracts); and

(16) Section 11‑35‑1270 (Historical artifacts, scientific specimens, and artwork).”

4. Section 11‑35‑1270 of the 1976 Code, as added by item (1) of this subsection, supersedes any exemptions for the acquisition of artifacts, as defined in Section 11‑35‑1270 of the 1976 Code, as added by this subsection, which has been previously granted by the State Budget and Control Board pursuant to Section 11‑35‑710 of the 1976 Code.

B. (80A.3) Article 1, Chapter 11, Title 1 of the 1976 Code is amended to read:

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

(B) Funds appropriated to the State Budget and Control Board in the annual general appropriations act for State House maintenance, operations, and renovations must be set aside in a separate fund for the operations and maintenance of the State House. The State Budget and Control Board shall report annually to the State House Committee on amounts expended from this fund.”

C. (80A.5), (80A.6) Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8‑11‑172. (A) No supplement may be paid to a state agency employee unless the agency head or designated official of the employing agency has approved the conditions and amount of salary supplement. Any compensation, excluding travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the employing agency to the Human Resources Division of the State Budget and Control Board. The report must include the amount, source, and any condition of the supplement. The employing agency shall report this information on or before August thirty‑first of each year and shall include the total amount and source of the salary supplement received by the employee during the preceding fiscal year. The Human Resources Division of the State Budget and Control Board shall formulate policies and procedures to ensure compliance with the reporting provisions of this section.

(B) Appropriated funds may be used for compensation increases for classified and unclassified state employees and state agency heads only in the same ratio that the employee’s base salary is paid from appropriated funds.”

D. (80A.11) Section 1‑11‑725 of the 1976 Code, as added by Act 353 of 2008, is amended to read:

“Section 1‑11‑725. The State Budget and Control Board’s experience rating of all local disabilities and special needs ~~providers~~ entities pursuant to Section 1‑11‑720(A)(3) must be rated as a single group when rating all optional groups participating in the state employee health insurance program. These entities also must be awarded funding increases as provided for state agencies to cover the employer’s share for the cost of providing health and dental insurance to those employees.”

E. (80A.13) Section 1‑11‑720 of the 1976 Code, as last amended by Act 31 of 2011, is further amended by adding a new subsection at the end to read:

“(D) Members of the South Carolina Lottery Commission and members of the South Carolina Transportation Infrastructure Bank board and their eligible dependents are eligible to participate in the state health and dental insurance plans upon paying the full premium costs as determined by the State Budget and Control Board.”

F. (80A.14) Article 5, Chapter 11, Title 1 of the 1976 Code is amended by adding:

“Section 1‑11‑765. The Employee Adoption Assistance Program is established to provide grants to eligible employees to assist them with the direct costs of adoption. The program is an employee benefit through the Employee Insurance Program (EIP) and must be funded from the appropriation for the State Health Plan in the annual general appropriations act. Total funding for the Adoption Program may not exceed the amount appropriated for this purpose in the annual general appropriations act. Employees are eligible for the Adoption Program if they participate in the EIP, have adopted a child during the prior fiscal year, apply for the grant during the annual application period, and meet any other Adoption Program criteria. The application period is July first through September thirtieth of the current fiscal year for an adoption in the prior fiscal year. The maximum grant amount is ten thousand dollars in the case of the adoption of a special needs child and five thousand dollars for all other child adoptions. If the total amount needed to fund grants at the maximum level exceeds the appropriated amount, the amount of a grant to an eligible employee must be determined by dividing the appropriated amount evenly among qualified program applicants, with the adoption of a special needs child qualifying for twice the benefit of a nonspecial needs child.”

G. (80A.15) Chapter 7, Title 8 of the 1976 Code is amended by adding:

“Section 8‑7‑100. Notwithstanding the provisions of Section 8‑11‑610, a permanent full‑time state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States may use up to forty‑five days of accumulated annual leave and may use up to ninety days of accumulated sick leave in a calendar year as if it were annual leave.”

H. (80A.16) Article 1, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59‑101‑182. All leases for antenna and tower operations located on campuses of public institutions of higher learning must conform to the present and any future master plans for the campus as determined solely by the institution of higher learning.”

I. (80A.28) Section 7 of Act 82 of 2007 is designated Section 16‑8‑340 of the 1976 Code and amended to read:

“Section 16‑8‑340. (A) There is established in the appropriate office of the State Budget and Control Board a Community Safety Anti‑Gang Matching Grants program to provide funding for local programs to prevent youth idleness and intervene with at‑risk youth. These grants may be awarded to counties and municipalities upon application for after school programs, summer youth employment programs, and police and sheriff anti‑gang task forces. Grants must be awarded on a two‑for‑one matching basis with the local match component consisting of cash. Grant applications must be reviewed and rated by the Governor’s Committee on Criminal Justice, Crime, and Delinquency, but responsibility for the award of grants is solely with the board. Funding for these grants must be in the amount as the General Assembly shall provide by law.

(B) The Attorney General may make recommendations for Community Safety Anti‑Gang Grants and matching grants programs authorized pursuant to this section.”

J. (80A.29) Section 1‑11‑710 of the 1976 Code, as last amended by Act 195 of 2008, is further amended by adding a new subsection at the end to read:

“(E) For health plans adopted pursuant to this section, the State Budget and Control Board may differentiate between tobacco users and nonusers regarding rates charged to enrollees in the health plans by imposing a surcharge on enrollee rates based upon tobacco use. The surcharge for tobacco use may not exceed forty dollars a month for each subscriber or sixty dollars a month for each subscriber and dependents.”

K. 1. (80A.30), (89.71) Section 8‑11‑160 of the 1976 Code, as last amended by Act 20 of 1987, is further amended to read:

“Section 8‑11‑160. (A)(1) All boards and commissions, including the Commission on Indigent Defense and the Prosecution Coordination Commission, are required to submit justification of an agency head’s performance and salary recommendations to the Agency Head Salary Commission. This commission consists of four appointees of the chairman of the House Ways and Means Committee, four appointees of the chairman of the Senate Finance Committee, and three appointees of the Governor with experience in executive compensation.

(2) Salary increases for agency heads must be based on recommendations by each agency board or commission to the Agency Head Salary Commission and their recommendations to the General Assembly.

(B) For a state agency head or technical college president vacancy, the governing board of the agency, the Governor, or the appointing authority of a technical college president, must have the prior favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. An agency head or technical college president must not be paid a salary higher than that recommended by the commission. Boards and commissions, or the Governor if the Governor is the appointing authority, of newly created agencies or technical colleges may not offer or pay a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary Commission. The funding of the salaries of any agency head or technical college president should come from resources within the agency.”

2. Section 8‑11‑165 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 8‑11‑165. ~~It is the intent of the General Assembly that a salary and fringe benefit survey for agency heads must be conducted by the Office of Human Resources of the State Budget and Control Board every three years. The staff of the office shall serve as the support staff to the Agency Head Salary Commission.~~

(A) The State Budget and Control Board, every four years, shall contract for a study of agency head and technical college president compensation. The cost of the study must be shared by the participating agencies. The staff of the State Budget and Control Board shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of the respective salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical college president to provide salary increases for an agency head or technical college president not to exceed that recommended by the Agency Head Salary Commission. An agency head or technical college president may not be paid less than the minimum of the pay range nor receive an increase that would have the effect of raising the salary above the maximum of the pay range.

(B) ~~No~~ An employee of agencies reviewed by the Agency Head Salary Commission may not receive a salary in excess of ninety‑five percent of the midpoint of the agency head salary range or the agency head actual salary, whichever is greater, except on approval of the State Budget and Control Board, and except for employees of higher education technical colleges, colleges, and universities.

~~No president of a technical college may receive a salary in excess of ninety‑five percent of the midpoint of the agency head salary range or the agency head actual salary, whichever is greater, except on approval of the Agency Head Salary Commission and the State Budget and Control Board.~~

~~The Agency Head Salary Commission may recommend to the State Budget and Control Board that agency head salaries be adjusted to the minimum of their salary ranges and may recommend to the board that agency head salaries be adjusted when necessary up to the midpoints of their respective salary ranges. These increases must be based on criteria developed and approved by the Agency Head Salary Commission.~~

(C) All new members appointed to a governing board of an agency where the performance of the agency head is reviewed and ranked by the Agency Head Salary Commission shall attend the training in agency head performance appraisal provided by the commission within the first year of their appointment unless specifically excused by the chairman of the Agency Head Salary Commission.”

L. (80A.31) Section 53‑5‑30 of the 1976 Code is amended to read:

“Section 53‑5‑30. ~~Whenever any of the~~ When a legal ~~holidays mentioned~~ holiday specified in Section 53‑5‑10 ~~shall fall~~ falls on ~~upon~~ Sunday the following Monday ~~next following shall be~~ is deemed a public holiday and ~~whenever any of the holidays mentioned~~ when a holiday specified in ~~such~~ that section ~~shall fall upon~~ falls on Saturday the preceding Friday ~~next preceding shall be~~ is deemed a public holiday for all ~~of the~~ purposes ~~aforesaid~~. If either the following Monday or the preceding Friday is also a legal holiday, then the State Human Resources Division shall designate the day on which the legal holiday is observed by state employees. To insure that no more than the legal holidays specified in Section 53‑5‑10 are observed in the calendar year, a New Year’s Day that falls on Saturday must be observed on the following Monday. ~~In such cases all~~ All bills of exchange, checks, and promissory notes which would otherwise be presentable for acceptance or payment on ~~any such~~ a Monday or Friday observed as a holiday pursuant to this section ~~shall be~~ are deemed ~~to be~~ presentable for acceptance or payment on the secular or business day ~~next~~ succeeding the holiday.”

Part 47

Department of Revenue

A. (81.1) Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12‑4‑398. If an employee of the department is subpoenaed to testify in litigation not involving the department, the party subpoenaing the employee shall reimburse the department for the employee’s expenses. Expenses include, but are not limited to, the cost of materials and the average daily salary of the employee.”

B. (81.2) Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12‑4‑400. Funds awarded to the department by court order must be retained in a special account and carried forward from year to year, and expended as needed to accomplish the purposes and conditions of the order, if specified, and if not specified, as directed by the director of the department.”

C. (81.4) Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12‑4‑402. The department shall share equally with the South Carolina Business One Stop program the collection assistance fees imposed on overdue tax debt. The funds received by the department from this fee must be used for administration of the revenue laws in a fair and impartial manner. Unexpended fees at the end of the fiscal year are carried forward to the succeeding fiscal year and also must be shared equally between the department and the South Carolina Business One Stop program.”

D. (81.5) Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12‑4‑404. The Department of Revenue is exempt from across the board budget cuts ordered by the State Budget and Control Board pursuant to Section 1‑11‑495.”

E. (81.7) 1. Section 12‑21‑2420 of the 1976 Code, as last amended by Act 74 of 2001, is further amended by adding a new item before the last unnumbered paragraph to read:

“(16) On amounts that an accredited college or university requires a season ticket holder to pay to a nonprofit athletic booster organization that is exempt from federal income taxation in order to receive the right to purchase athletic event tickets.”

2. The exemption allowed pursuant to Section 12‑21‑2420(16) as contained in subsection 1 of this section also applies retroactively for all open tax periods as of the effective date of this section.

Part 48

Aid to Subdivisions, State Treasurer

A. (86.4) Chapter 5, Title 11 of the 1976 Code is amended by adding:

“Section 11‑5‑135. (A) The amounts appropriated in the annual general appropriations act as state salary supplements for clerks of court, probate judges, coroners, sheriffs, and registers of deeds must be distributed by the State Treasurer to each county treasurer equally on a quarterly basis, and must be used as a salary supplement for each clerk of court, probate judge, county coroner, county sheriff, and register of deeds.

(B) The amount appropriated in the annual general appropriations act as state salary supplements for county auditors and county treasurers must be equally distributed to each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions not be reduced as a result of the state supplement and that the supplement shall not disqualify each county auditor and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for each county auditor and county treasurer must be paid in accordance with the schedule and method of payment established for state employees.

(C) The amounts appropriated in the annual general appropriations act as state salary supplements for clerks of court, probate judges, sheriffs, registers of deeds, coroners, auditors, and treasurers are exempt from any across the board cut mandated by the State Budget and Control Board or General Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials without any required corresponding reduction in the county’s state aid to subdivisions distribution. However, any reduction in these officials’ budgets must be made in consultation with the affected official.”

Part 49

Public Officers and Employees

A. (89.73) Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Section 8‑1‑195. Agencies and offices of state government that employ attorneys, at their discretion, may use other appropriated funds, including general fund carry‑forward funds, to pay the costs of mandatory dues owed to the South Carolina Bar by these attorneys.”

Part 50

General Provisions

A. (89.6, 89.10, 89.32, 89.37, 89.55) Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Article 27

Miscellaneous

Section 1‑1‑1800. (A) Any agency appropriated case services funds that receives case service billings from the prior fiscal year after the current fiscal year begins may use the appropriation from the previous fiscal year to pay the previous year’s case service obligations in the current fiscal year. This section does not apply to billings received in the prior fiscal year through a timely agency payment approval process.

(B) Amounts appropriated to the Department of Health and Environmental Control, Department of Social Services and Department of Health and Human Services may be expended to cover program operations of prior fiscal years where adjustment of such prior years are necessary under federal regulations or audit exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies shall be submitted to the State Auditor, the Senate Finance Committee and the House Ways and Means Committee, within five days of receipt of such actions.

Section 1‑1‑1810. Any state agency, including public institutions of higher learning as defined in Section 59‑103‑5, that operates an early childhood development center or childcare facility shall charge, at a minimum, fees that are comparable to those charged by private childcare facilities in the local community. The institution or agency shall not restrict enrollment to the facility or reduce the fees for the facility solely for the children of faculty, staff, and students.

Section 1‑1‑1820. A state agency shall not expend appropriated funds for any type of menu option telephone answering device, unless the menu option system provides the caller with access to a nonelectronic attendant or automatically transfers the caller to a nonelectronic attendant. This section applies during the hours of 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays. This section does not apply to integrated voice response systems that are specifically designed to exclude human interaction. No additional personnel may be hired to implement the requirements of this section.

Section 1‑1‑1830. Any insurance reimbursement to a state agency may be used to offset expenses related to the claim. These funds may be retained, expended, and carried forward.”

B. (89.13) Title 44 of the 1976 Code is amended by adding”

“CHAPTER 136

South Carolina Health and Human Services Data Warehouse

Section 44‑136‑10. As used in this chapter:

(1) ‘Office’ means the Office of Research and Statistics of the State Budget and Control Board.

(2) ‘Warehouse’ means the South Carolina Health and Human Services Data Warehouse established pursuant to Section 44‑136‑20.

Section 44‑136‑20. There is established within the Office of Research and Statistics of the State Budget and Control Board, the South Carolina Health and Human Services Data Warehouse (warehouse). The purpose of the warehouse is to ensure that the operation of health and human services agencies may be enhanced by coordination and integration of client information. Client data is defined as person‑level data that is created, received, and maintained, or any of these, by state agencies and other entities required to report client information to the Office of Research and Statistics pursuant to this chapter. To integrate client information, client data from health and human services state agencies must be linked to improve client outcome measures, enabling state agencies to analyze coordination and continuity of care issues. The addition of this data must enhance existing agency systems by providing client data from other state agency programs to assist in the provision of client services. Certain client information must be delivered to the office to assist in the development and maintenance of the warehouse. The following agencies shall report client information:

(1) Department of Health and Human Services;

(2) Department of Health and Environmental Control;

(3) Department of Mental Health;

(4) Department of Alcohol and Other Drug Abuse Services;

(5) Department of Disabilities and Special Needs;

(6) Department of Social Services;

(7) Department of Vocational Rehabilitation;

(8) Department of Education;

(9) Department of Juvenile Justice;

(10) Department of Corrections;

(11) Department of Probation, Parole and Pardon Services;

(12) Office of the Governor, Children’s Foster Care Review Board;

(13) Office of the Governor, Continuum of Care for Emotionally Disturbed Children;

(14) Office of the Lieutenant Governor, Division on Aging;

(15) South Carolina School for the Deaf and the Blind;

(16) Commission for the Blind; and

(17) other entities as considered necessary by the office.

Section 44‑136‑30. These agencies and department specified in Section 44‑136‑20 shall collect and provide client data in formats and schedules to be specified by the office. The office shall enter into a memorandum of agreement with each agency, department, or division. These agreements must specify, but are not limited to, the confidentiality of client information, the conditions for the release of data that may identify agencies, departments, divisions, programs and services, or clients, any restrictions on the release of data to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the data may be used for research purposes, and any security measures to be taken to insure the confidentiality of client information.

To ensure accountability and the coordinated, efficient delivery of health and human services, the office shall implement, in consultation with state health and human services agencies and other entities as considered necessary by the office, an integrated data system that includes client data from all participating agencies.

Section 44‑136‑40. To provide for inclusion of other entities into the warehouse and other research and analytic oriented applications assisting the state in the efficient and effective provision of services, the office may enter into agreements or transactions with any federal, state, or municipal agency or other public institution or with any private individual, partnership, firm, corporation, association, or other entity to provide statistical, research, and information dissemination services including, but not limited to, program and outcomes evaluation, program monitoring/surveillance, projects to determine the feasibility of data collection or analyses, or both, information dissemination and research. The confidentiality of data collected under these initiatives must comply with applicable state and federal laws governing the privacy of data.

Section 44‑136‑50. The office may promulgate regulations and prescribe policies and procedures, in consultation with the participating agencies, for the development, protection and operation of the warehouse, other research and analytic‑oriented applications, and their underlying processes.

Section 44‑136‑60. The office shall develop internet‑accessible secure analytic query tools, such as analytic cubes, using integrated client data from the warehouse. All agencies must cooperate with the office in the development of these analytic tools. It is the intent of this chapter that the analytic tools developed under this section are made available to members of the General Assembly and their research staff members, state agencies, and researchers. To that end, the office, in consultation with the participating agencies, shall promulgate regulations addressing access to and use and release of information generated through use of the query tools.

Section 44‑136‑70. All state agencies participating in the warehouse shall utilize it and its associated software applications in the day‑to‑day operation of their programs and for coordination, collaboration, program evaluation, and outcomes analysis. The Department of Health and Environmental Control is exempt from usage of the integrated client management system and the analytic query tools in the day‑to‑day operation of their Client Automated Record and Encounter System and their South Carolina Community Assessment Network, but shall provide the warehouse with client data from the system and network.

No state agency shall duplicate any of the responsibilities of this chapter.

Section 44‑136‑80. Where state law, regulations, and agency policies and procedures conflict or are in any way inconsistent with the provisions of this chapter, the provisions of this chapter apply.”

C. (89.14) Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8‑11‑125. (A) It is the policy of the State of South Carolina to recruit, hire, train, and promote employees without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to apply to all levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation, benefits, promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of the State to take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex, national origin, age, religion or physical disability.

(B) Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by October thirty‑first, of each year.

(C) In accordance with Section 1‑13‑110, the State Human Affairs Commission shall submit a report on the status of state agencies’ affirmative action plans and programs to the General Assembly by February first of each year. This report must contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period, a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of whether affirmative action goals were achieved. For each job group referenced in the report, where the hiring of personnel does not reflect the percentage goals established in the agency’s affirmative action plan for the year in question, the state agency shall submit a detailed explanation to the State Human Affairs Commission by February fifteenth, explaining why goals were not achieved.

The State Human Affairs Commission shall review the explanations and notify the State Budget and Control Board of any agency not in satisfactory compliance with meeting its stated goals.

(D) The State Budget and Control Board shall notify an agency not in compliance that the agency’s request for additional appropriations for the current appropriation cycle, may not be processed until the State Budget and Control Board, after consultation with the State Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its affirmative action plan, and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and circumstances of the agency. This requirement does not affect additional appropriation requests for public assistance payments or aid to entities. This section does not apply to those agencies that have been exempted from the reporting requirements of the State Human Affairs Commission.”

D. (89.15) Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11‑11‑195. (A) To provide the necessary control over the number of employees, the State Budget and Control Board (board) shall maintain close supervision over the number of state employees, and require specifically the following:

(1) that no state agency exceed the total authorized number of full‑time equivalent (FTE) positions and those funded from state sources as provided in each section of the annual general appropriations act except by majority vote of the board; and

(2) that the board shall maintain and make, as necessary, periodic adjustments, an official record of the total number of authorized full‑time equivalent positions by agency for state and total funding sources.

(B)(1) Within thirty days of the date of enactment of the annual general appropriations act or by August first, whichever comes later, each state agency shall have established on the State Budget and Control Board records all positions authorized in the annual general appropriations act. After that date, the board shall delete any nonestablished positions immediately from the official record of authorized full‑time equivalent positions. No positions may be established by the board in excess of the total number of authorized full‑time equivalent positions. Each agency, upon notification to the board, may change the funding source of state FTE positions established on the board records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state appropriated personal service funds. An agency may not change funding sources that will cause the agency to exceed the authorized number of state or total full‑time equivalent positions. Each agency may transfer FTE’s between programs as needed to accomplish the agency mission.

(2) By September thirtieth of each year, the board shall prepare a personal service analysis, by agency, which shows the number of established positions for the fiscal year and the amount of funds required, by source of funds, to support the FTE’s for the applicable fiscal year at a funding level of one hundred percent. The board shall then reconcile each agency’s personal service detail with the agency’s personal service appropriation as contained in the annual general appropriations act adjusted for any pay increases and any other factors necessary to reflect the agency’s personal service funding level. The board shall provide a copy of each agency’s personal service reconciliation to the Senate Finance and House Ways and Means Committees.

(3) Any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at the direction of the board.

(C) Full‑time equivalent positions must be determined under the following guidelines:

(1) the annual work hours for each FTE must be the agency’s full‑time standard annual work hours;

(2) the state FTE must be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that position; and

(3) all institutions of higher education shall use a value of 0.75 FTE for each position determined to be full‑time faculty with a duration of nine months.

The FTE method of accounting shall be utilized for all authorized positions.

(D) The number of positions authorized in the annual general appropriations act must be reduced in the following circumstances:

(1) upon request by an agency;

(2) when anticipated federal funds are not made available; or

(3) when the board, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

(E) The board annually shall reconcile personal service funds with full‑time employee count. Unfunded positions must be eliminated no later than January fifteenth of the current fiscal year unless specifically exempted by law or by the board. The board shall report the full‑time employee count and unfunded position status to the Senate Finance Committee and the House Ways and Means Committee by February first of the current fiscal year.

(F) New permanent positions in state government may not be funded by supplemental appropriation acts but temporary positions may be so funded.

(G) The provisions of this section do not apply to personnel exempt from the State Classification and Compensation Plan pursuant to Section 8‑11‑260(i).

(H) The Governor, in making appropriation recommendations to the House Ways and Means Committee, shall provide that the level of personal service appropriation recommended for each agency is at least ninety‑seven percent of the funds required to meet one hundred percent of the funds needed for the full‑time equivalent positions recommended by the Governor, exclusive of new positions.”

E. (89.25) Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11‑11‑235. (A) Each state agency may carry forward general fund appropriations unspent at the end of a fiscal year to the succeeding fiscal year as provided in this section.

(B) The carry forward allowed pursuant to subsection (A) of this section is limited to ten percent of general fund appropriations made to the agency for a fiscal year calculated after applying any midyear reductions in such appropriations.

(C) The carry forward allowed pursuant to this section is suspended if necessary to avoid a fiscal year‑end general fund deficit. For purposes of this subsection, the amount of the general fund deficit is determined after first applying the Capital Reserve Fund provisions in Section 11‑11‑320(D), and before any transfers from the General Reserve Fund. The amount of general funds needed to avoid a year‑end deficit is obtained by an equal percentage reduction from each agency’s carry‑forward amount.

(D) Agencies which have general fund carry‑forward authority pursuant to a separate provision of law shall exclude the amount carried forward as allowed by that separate provision of law from their base for purposes of calculating the ten percent carry forward allowed pursuant to this section.

(E) Funds allowed to be carried forward by an agency pursuant to this section and funds carried forward by an agency as allowed pursuant to a separate provision of law are not considered part of the agency’s base appropriations for any succeeding years. Agencies may not withhold services in order to carry forward general funds.”

F. (89.26, 89.40) Article 1, Chapter 7, Title 2 of the 1976 Code is amended by adding:

“Section 2‑7‑130. By January thirty‑first of each year, each agency shall conduct a jurisdictional audit for the purpose of identifying laws, regulations, and Part 1B general appropriation provisos that are no longer used or no longer needed. After identifying these laws, the agency shall prepare a draft repealing the identified laws and submit the draft to the appropriate standing committee of each house of the General Assembly.

Section 2‑7‑131. Each state agency shall provide to the Chairman of Senate Finance Committee and the Chairman of House Ways and Means Committees a report detailing the amount of its outstanding debt and all methods it has used to collect that debt. The report is due annually by the last day of February for the previous calendar year. For purposes of this section, outstanding debt means a sum remaining due and owed to a state agency by a nongovernmental entity for more than sixty calendar days.”

G. (89.27) Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11‑11‑265. (A) Notwithstanding any other provision of law, the State Medicaid Plan shall provide benefits to disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA) option. By January thirty‑first of each year, a state agency that provides benefits to disabled children, including but not limited to, the Department of Social Services, the Continuum of Care, the Department of Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, and the Department of Health and Human Services shall collectively review and identify existing state appropriations within their respective budgets that can be used as state match to serve disabled children.

(B) Effective July 1, 2012, these funds shall be used to implement TEFRA option benefits. Agencies providing services under the provisions of this section must not spend less in the current fiscal year than expended in the previous fiscal year on disabled children.”

H. (89.34) Chapter 11, Title 34 of the 1976 Code is amended by adding:

“Section 34‑11‑140. In lieu of any other provision of law, any state agency may collect a service charge pursuant to Section 34‑11‑70 to cover the costs associated with the processing and collection of dishonored instruments or electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person upon which it was drawn when presented, or the instrument contains an incorrect or insufficient signature. Such funds shall be retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward.”

I. (89.38), (89.52), (89.77) Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8‑11‑188. State agencies, in consultation with the Division of Human Resources of the State Budget and Control Board, may implement a program to realign resources to include provisions for a separation incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year. Employees participating in this program are not eligible to participate in the Teacher and Employee Retention Incentive program. Employees participating in the program are considered to have voluntarily quit their employment without good cause and are subject to the provisions of Section 41‑35‑120(1) of the South Carolina Employment Security Law. Any program developed under this provision must involve voluntary participation from employees and must be funded within existing appropriations. The program must be approved by the agency head and the Director of the Human Resources Division based on ability to demonstrate recurring cost savings for realignment or permanent downsizing. State agencies shall report the prior year’s results to the State Budget and Control Board by August fifteenth, of the current fiscal year. The State Budget and Control Board shall report the results to the Senate Finance Committee and the House Ways and Means Committee.

Section 8‑11‑189. (A) All constitutional officers and agency heads may take up to thirty‑six days furlough in a fiscal year. The officials will retain all responsibilities and authority during the furlough. All funds saved as a result of this furlough may be retained by that agency and expended at the discretion of the constitutional officer or agency head. During this furlough, the constitutional officer or agency head is entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency is responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the constitutional officer or agency head remains solely responsible for making those contributions.

(B) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly enacts or the State Budget and Control Board implements a midyear across‑the‑board budget reduction, agency heads may institute a voluntary employee furlough program of not more than ninety days in a fiscal year. During this voluntary furlough, the state employees are entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. If an agency’s reduction is due solely to the General Assembly transferring or deleting a program, this subsection does not apply.”

J. (89.42) Section 11‑11‑170 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) State agencies are authorized to retain and carry forward any unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds for the same purpose.”

K. (89.46) Article 1, Chapter 11, Title 25 of the 1976 Code is amended by adding:

“Section 25‑11‑95. (A) The Director of the Division of Veterans’ Affairs shall appoint an additional claims representative within the Division of Veterans’ Affairs, who, in addition to being charged with the duty of assisting all ex‑servicemen, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all claims which they have for monetary compensation, hospitalization, training, and insurance benefits under the terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The person appointed as a claims representative under this section must be versed in federal legislation relating to these matters and the rules, regulations, and practice of the Veterans’ Administration as created by Congress and his appointment must be approved by the Governor.

(B) Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this section may represent the Division of Veterans’ Affairs on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control, assist the Division of Veterans’ Affairs in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent the director in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the director.”

L. (89.54) Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑485. The Governor’s School for the Arts and Humanities, Special School for Science and Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School may charge, collect, and expend fees charged for facility an equipment rental and registration at these schools. Unexpended fee revenues may be carried forward to succeeding fiscal years.”

M. (89.56) Section 1‑1‑970 of the 1976 Code is amended to read:

“Section 1‑1‑970. ~~All agencies, departments and institutions of state government shall furnish to the State Personnel Division not later than fifteen days following the close of the second quarter of each even‑numbered year a current personnel organization chart in a form prescribed by the division showing all authorized positions, the personnel grade and compensation of each and indications as to whether such positions are filled or vacant.~~

~~All agencies, departments and institutions of state government shall furnish to the State Personnel Division not later than fifteen days following the close of each quarter except the second quarter of each even‑numbered year any and all changes or alterations to the personnel organization chart in a form prescribed by the division.~~

~~The State Personnel Division shall ensure that all reports submitted to the division by agencies, departments and institutions of state government are accurate and up‑to‑date and, based on that information, shall furnish to the Legislative Audit Council organizational charts and alterations to existing charts for each such agency, department and institution in such form as the division and Audit Council shall determine.~~

~~The charts prepared by the division shall be furnished to the Audit Council not later than thirty days following the end of each quarter.~~ All agencies, departments, and institutions of state government shall furnish to the Division of Human Resources of the State Budget and Control Board:

(1) a current personnel organizational chart annually no later than September first of the current fiscal year, or upon request of the division; and

(2) notification of any change to the agency’s organizational structure which impacts an employee’s grievance rights within thirty days of the change.

The organizational chart must be in a form prescribed by the Division of Human Resources of the State Budget and Control Board showing all authorized positions, class titles, class codes, class slots, and indications as to whether the positions are filled or vacant. In addition, the organizational chart must clearly identify those employees who are exempt from the State Employee Grievance Procedure Act.”

N. (89.57) Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11‑11‑225. Upon restructuring of state agencies by the General Assembly, the State Budget and Control Board shall work with affected state agencies in order to phase‑in operations of restructured organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than December thirty‑first, of the current fiscal year, unless otherwise directed by law. The board also shall work with the affected agencies to identify and facilitate the transfer of any portion of their operations, including transfer of funds in the current fiscal year affected by the restructured organization enacted by the General Assembly, but which have not already been accomplished. Until sufficient changes can be made to the state’s accounting system and the appointment of appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue processing documents within the account structure existing as of June thirtieth, of the most recently completed fiscal year. Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no later than December thirty‑first, of the current fiscal year, unless otherwise directed by law. The State Budget Division shall prepare the subsequent detail budget to conform Part IA and corresponding paragraphs in the annual general appropriations act to any restructuring changes.”

O. (89.74) Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11‑11‑181. The Department of Corrections, Department of Disabilities and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of Juvenile Justice, Department of Mental Health, and Department of Vocational Rehabilitation are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining health care workers in critical needs health care jobs based on objective guidelines established by the State Budget and Control Board. Employees may receive up to five thousand dollars, not to exceed an accumulation of more than ten thousand dollars, in bonuses a year. Payment of these bonuses is not a part of the employee’s base salary and is not earnable compensation for purposes of employee and employer contributions to the respective state retirement systems.

These agencies also may provide paid educational leave for any employees in a full‑time equivalent position to attend class while enrolled in health care degree programs that are related to the agency’s mission. This leave is at the agency head’s discretion.

These agencies may enter into an agreement with psychiatrists and nurses newly employed in those positions to repay them for their outstanding student loans associated with completion of a health care degree. The employee must be employed in a critical needs area, as identified at the agency head’s discretion. Critical needs areas may include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties. Agencies may pay these employees up to twenty percent or seven thousand five hundred dollars, whichever is less, of their outstanding student loan each year over a five‑year period. Payments must be made directly to the employee at the end of each year of employment. The agency is responsible for verifying the principle balance of the employee’s student loan before issuing payments.

Employees of these agencies working on a practicum or required clinical experience towards completion of a health care degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

These agencies also may allow tuition reimbursement for a maximum of ten credit hours a semester; allow probationary employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement for employees willing to pursue a degree in a health care program. An agency may pay up to fifty percent of an employee’s tuition through tuition prepayment. The remaining tuition may be reimbursed to the employee after successful completion of the class.”

P. (89.75) Section 11‑11‑15 of the 1976 Code is amended to read:

“Section 11‑11‑15. (A) The functions of the State Budget and Control Board in the preparation and submission to the General Assembly of the recommended state budget are devolved upon the Governor. Wherever the phrase ‘State Budget and Control Board’ appears in the context of preparing and submitting budget recommendations to the General Assembly, it means the Governor. In preparing the recommended state budget, the Governor may consult with the State Treasurer, the Comptroller General, or other state officials as needed. The Budget Division of the State Budget and Control Board shall assist the Governor in preparing the budget recommendations, but this function of the Budget Division may not be construed as altering the overall management and administration of the Budget Division as an entity of the State Budget and Control Board.

(B) The annual executive budget proposed by the Governor must be certified by the Director of the State Budget Division of the State Budget and Control Board or the director’s designee in the same manner as the House Ways and Means and Senate Finance Committee versions of the annual general appropriations bill are certified.”

Q. (89.50) Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑560. Notwithstanding another provision of law, the Department of Motor Vehicles shall provide access, in compliance with all state and federal privacy protection statutes, to the following data and reports without charge to the South Carolina Department of Transportation:

(1) all collision data and collision reports;

(2) registration information used for toll enforcement; and

(3) driving records of employees or prospective employees.”

Part 51

Statewide Revenue

A. (90.5) Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑237. (A) In addition to all other assessments and surcharges required to be imposed by law, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates or municipal court for misdemeanor traffic offenses or for nontraffic violations. No portion of this surcharge may be waived, reduced, or suspended. The additional surcharge imposed by this section does not apply to parking citations.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction which heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Criminal Justice Academy.

(C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.”

SECTION 3. The numbers in parentheses following the individually lettered subparts in each part of Section 1 of this act are references to paragraphs in Part IB of the general appropriations act for fiscal year 2012‑2013, and are for purposes of identification only.

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 5. The purpose of this, the Budget Proviso Codification Act of 2012, is to enact into permanent law temporary provisions that are reenacted annually in the annual general appropriations act. With respect to the imposition of fees and assessments, this act must not be construed in a manner that would result in a doubling of the fees and assessments by deeming them to be imposed cumulatively pursuant to both temporary and permanent law.

SECTION 6. If any part, subpart, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, subpart, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, subparts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 7. This act takes effect July 1, 2013. However, for those provisions providing for the carry forward of an agency’s unexpended funds at the end of a fiscal year to that agency’s budget for the succeeding fiscal year, this act is effective for that agency’s unexpended funds as of June 30, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 35; Nays 1; Present 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Coleman

Courson Davis Elliott

Fair Ford Gregory

Grooms Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

McGill Nicholson Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright

**Total--1**

**PRESENT**

*Martin, Shane*

**Total--1**

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

**Statement by Senator SHANE MARTIN**

I voted “Present” on this Bill, S. 418, because the amendment was 40 pages long and I did not have time to read the amendment.  Therefore, I couldn’t in good faith cast a vote for or against.

**AMENDED, READ THE SECOND TIME**

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.

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

There was no objection.

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

Senator RANKIN proposed the following amendment (1353R001.LAR), which was adopted:

Amend the bill, as and if amended, page 2, line 6, by adding a new subsection to read:

/ (D) Updated statements of economic interests must also include the the name of each contributor, the amount of the contribution made by each contributor, and the date of the contribution to a political action committee organized by or on behalf of the person filing the updated statement of economic interest. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 23; Nays 16**

**AYES**

Alexander Campbell Courson

Davis Elliott Ford

Hutto Jackson Knotts

Land Lourie Malloy

Matthews McGill Nicholson

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Bright Bryant Campsen

Fair Gregory Grooms

Hayes Leatherman *Martin, Larry*

*Martin, Shane* O'Dell Peeler

Ryberg Shoopman Thomas

Verdin

**Total--16**

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 35; Nays 3**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Coleman

Courson Davis Elliott

Fair Ford Gregory

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright Grooms *Martin, Shane*

**Total--3**

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

**Statement by Senators SHANE MARTIN, BRIGHT and GROOMS**

We applaud the efforts of S.1353 and support the Bill as originally introduced.  However, because of the unfortunate adoption of an amendment that restricts the Constitutional rights of free speech, we had to vote against the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3028 -- Reps. Clemmons, Taylor, Clyburn and Long: A BILL TO AMEND SECTION 59‑26‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUCTION, ANNUAL, AND CONTINUING CONTRACTS FOR TEACHERS, SO AS TO INCREASE THE INDUCTION CONTRACT PERIOD FROM ONE YEAR TO FIVE YEARS.

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

There was no objection.

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

The Education Committee proposed the following amendment (DKA\4058SD12), which was adopted:

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

/ SECTION 1. Section 59‑26‑40(C) of the 1976 Code, as last amended by Act 283 of 2004, is further amended to read:

“(C) At the end of each year of the three‑year induction period, the district may employ the teacher under another induction contract, an annual contract, or may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the induction contract level. At the end of the ~~one‑year~~ three‑year induction contract period, a teacher shall become eligible for employment at the annual contract level. At the discretion of the local school district in which the induction teacher was employed, the district may employ the teacher under an annual contract or the district may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. A person must not be employed as an induction teacher for more than ~~one year~~ three years. This subsection does not preclude his employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education. During the induction contract period, the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply.”

SECTION 2. Section 59‑26‑40(J) of the 1976 Code, as last amended by Act 283 of 2004, is further amended to read:

“(J) After successfully completing an induction contract ~~year~~ period, not to exceed three years, and an annual contract period, a teacher shall become eligible for employment at the continuing contract level. This contract status is transferable to any district in this State. A continuing contract ~~teachers~~ teacher shall have full procedural rights that currently exist under law relating to employment and dismissal. ~~Teachers~~ A teacher employed under a continuing ~~contracts~~ contract must be evaluated on a continuous basis. At the discretion of the local district and based on an individual teacher’s needs and past performance, the evaluation may be formal or informal. Formal evaluations must be conducted with a process developed or adopted by the local district in accordance with State Board of Education regulations. The formal process also must include an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Informal evaluations which should be conducted for accomplished teachers who have consistently performed at levels required by state standards, must be conducted with a goals‑based process in accordance with State Board of Education regulations. The professional development goals must be established by the teacher in consultation with a building administrator and must be supportive of district strategic plans and school renewal plans.”

SECTION 3. Section 59‑26‑40(L) of the 1976 Code, as last amended by Act 283 of 2004, is further amended to read:

“(L) ~~Teachers~~ A teacher certified under the career and technology education work‑based certification process ~~are~~ is exempt from the provisions of the South Carolina Education Improvement Act of 1984 which require the completion of scholastic requirements for teaching at an approved college or university. After completing ~~an~~ the induction contract ~~year~~ period, not to exceed three years, the ~~teachers~~ teacher may be employed for a maximum of four years under an annual ~~contracts~~ contract to establish ~~their~~ his eligibility for employment as a continuing contract ~~teachers~~ teacher. Before being eligible for a continuing contract, ~~these teachers~~ a teacher shall pass a basic skills examination developed in accordance with Section 59‑26‑30, a state approved skill assessment in ~~their~~ his area, and ~~the~~ performance evaluations as required for teachers who are employed under annual contracts. Certification renewal requirements for ~~these~~ teachers are those promulgated by the State Board of Education.”

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

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Davis

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin

**Total--37**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4786 -- Reps. Sandifer and D.C. Moss: A BILL TO AMEND SECTION 41‑35‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, SO AS TO EXTEND CERTAIN PROVISIONS OF THIS SECTION TO SERVICES PROVIDED BY AN INSTITUTION FOR AN EDUCATIONAL INSTITUTION WHILE EMPLOYED BY A PRIVATE EMPLOYER HOLDING A CONTRACTUAL RELATIONSHIP WITH THE EDUCATIONAL INSTITUTION.

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

The Committee on Labor, Commerce and Industry proposed the following amendment (4786R001.WGR), which was adopted:

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

/ TO AMEND SECTION 41‑35‑20 OF THE 1976 CODE, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, TO INCLUDE SERVICES PROVIDED BY SUBSTITUTE TEACHERS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 41‑35‑20 of the 1976 Code is amended to read:

“Section 41‑35‑20. (1) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education as defined in Section 41‑27‑290 or educational institution as defined in Section 41‑27‑340 must not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual’s contract, if the individual has a contract or a reasonable assurance that the individual will perform services in this capacity for both these academic years or both these terms.

(2) With respect to services performed after December 31, 1977, in any other capacity for an educational institution or institution of higher education, irrespective of whether the institution is a public, private, or nonprofit organization, benefits are not payable on the basis of these services to any individual for any week which commences during a period between two successive academic years or terms if the individual performs these services in the first of those academic years or terms and there is a reasonable assurance that the individual will perform these services in the second of those academic years or terms. However, if compensation is denied to any individual under this subsection and the individual was not offered an opportunity to perform these services for the educational institution or institution of higher education for the second of these academic years or terms, the individual is entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this subsection.

(3) ~~The provisions of subsections (1) and (2) apply both to employees of the educational institution concerned or to persons employed by a governmental agency or entity which is established and operated exclusively for the purpose of providing services to one or more educational institutions if these persons perform these services in the educational institution.~~ With respect to any services described in subsections (1) and (2), benefits are not payable on the basis of services in any such capacities to any individual for any week which commences during an established and customary vacation period or holiday recess if the individual performs these services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform these services in the period immediately following the vacation period or holiday recess.

(4) With respect to any services described in subsections (1), ~~and~~ (2), and (3) of this section, benefits are not payable on the basis of services in any such capacities ~~as specified in subsections (1) and (2) of this section~~ to any individual who performed these services in an educational institution or institution of higher education while in the employ of an educational service agency. For purposes of this section, ‘educational service agency’ means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing these services to one or more educational institutions.

(5) With respect to any services described in subsections (1), (2), and ~~(4)~~ (3), benefits are not payable on the basis of services in any such capacities to any individual ~~for any week which commences during an established and customary vacation period or holiday recess if the individual performs these services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform these services in the period immediately following the vacation period or holiday recess~~ who performed these services for a private employer holding a contractual relationship with the educational institution and is providing the services to or on behalf of an educational institution or an institution of higher education, provided that the private employer notifies the Department of Employment and Workforce of the separation of an individual subject to this subsection.

(6) In this section ‘reasonable assurance’ means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term.”

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

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Davis Elliott

Fair Gregory Grooms

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

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

**AMENDED, CARRIED OVER AS AMENDED**

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2905 TO INCLUDE MOPEDS IN THE DEFINITION OF MOTOR VEHICLES FOR THE PURPOSES OF THE ARTICLE.

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

Senator RANKIN proposed the following amendment (3163R005.LAR), which was adopted:

Amend the bill, as and if amended, page 2, line 25, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Section 56‑2‑100(A) of the 1976 Code is amended to read:

“(A) A low speed vehicle may be operated only on a ~~secondary~~ highway for which the posted speed limit is thirty‑five miles an hour or less.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Senator SCOTT proposed the following amendment (JUD3163.003), which was adopted:

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

/ SECTION 1. 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 2. Section 56‑5‑3720 of the 1976 Code is amended to read:

“Section 56-5-3720. It is unlawful for a person to sell a moped for use on the public highways and streets of this State or operate a moped upon the public highways and streets of this State without operable pedals if the moped is equipped with pedals, at least one rearview mirror, operable running lights, and brake lights which are operable when either brake is deployed. A moped must be equipped with a lamp on the front, which must emit a white light visible from a distance of at least five hundred feet to the front and with a lamp on the rear, which must emit a red light visible from a distance of at least five hundred feet to the rear. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.”

SECTION 3. Section 56-5-3730 of the 1976 Code is amended to read:

“Section 56-5-3730. The operator of a moped must have the operating lights turned on at all times while the moped is in operation on the public highways and streets of this State. A moped must be equipped with a lamp on the front, which must emit a white light visible from a distance of at least five hundred feet to the front and with a lamp on the rear, which must emit a red light visible from a distance of at least five hundred feet to the rear.”

SECTION 4. 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; or

(2) for a second or subsequent offense, by imprisonment of not less than five days, but not more than one year, no part of which may be suspended.

(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.”

SECTION 5. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

On motion of Senator SCOTT, the Bill was carried over, as amended.

**CARRIED OVER**

H. 4451 -- Reps. Bowen, Whipper, Bikas, Sottile, Herbkersman, D.C. Moss, Allison, Parker, Huggins, Bowers and Hearn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56‑5‑3890, 56‑5‑3895, AND 56‑5‑3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES COLLECTED FROM FINES ASSOCIATED WITH VIOLATIONS OF THESE PROVISIONS; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF IMPROPER USE OF AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE.

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

**CARRIED OVER**

H. 4887 -- Rep. Johnson: A BILL TO AMEND SECTION 7‑27‑275, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLARENDON COUNTY ELECTION COMMISSION AND THE CLARENDON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE CLARENDON COUNTY ELECTION COMMISSION AND THE CLARENDON COUNTY BOARD OF REGISTRATION INTO A SINGLE ENTITY.

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

**ADOPTED**

S. 1391 -- Senator Fair: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 25 IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH BOWERS ROAD TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 414 “J. METZ LOOPER HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “J. METZ LOOPER HIGHWAY”.

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

**ADOPTED**

S. 1048 -- Senators Verdin and Elliott: A CONCURRENT RESOLUTION TO CREATE, STRENGTHEN, AND EXPAND LOCAL FARM AND FOOD ECONOMIES THROUGHOUT SOUTH CAROLINA BY SUPPORTING STATE POLICIES THAT ENCOURAGE STATE AGENCIES, STATE‑OWNED FACILITIES, AND STATE PARTNERS TO PURCHASE LOCAL SOUTH CAROLINA FARM OR FOOD PRODUCTS.

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

**RECOMMITTED TO COMMITTEE ON JUDICIARY**

S. 163 -- Senators Shoopman, Rose, Verdin and Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑95 SO AS TO CREATE THE OFFENSES OF UNLAWFULLY PROVIDING BEER OR WINE TO A PERSON UNDER THE AGE OF TWENTY‑ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY‑ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61‑6‑4083 SO AS TO CREATE THE OFFENSES OF UNLAWFULLY PROVIDING ALCOHOLIC LIQUORS TO A PERSON UNDER THE AGE OF TWENTY‑ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY‑ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES.

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

Senator MALLOY asked unanimous consent to recommit the Bill to the Committee on Judiciary.

There was no objection and the Bill was recommitted.

**RECESS**

At 12:15 P.M., on motion of Senator COURSON, the Senate receded from business until 1:30 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:30 P.M. and was called to order by the PRESIDENT.

**Point of Quorum**

At 1:38 P.M., Senator LEATHERMAN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator LEATHERMAN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Knotts Leatherman Malloy

*Martin, Larry Martin, Shane* McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Setzler Sheheen Shoopman

Thomas Verdin Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators MATTHEWS, LOURIE, SCOTT, PINCKNEY, RANKIN, LAND, FORD and ELLIOTT recorded their presence subsequent to the Call of the Senate.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE *SINE DIE* RESOLUTION.**

**RECESS**

At 2:10 P.M., on motion of Senator LARRY MARTIN, the Senate receded from business subject to the Call of the Chair.

At 2:36 P.M., the Senate resumed.

**Motion Adopted**

On motion of Senator LARRY MARTIN, with unanimous consent, Senators PEELER, ELLIOTT, REESE, FAIR and O’DELL were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**AMENDED AND ADOPTED**

**MOTION TO RECONSIDER ADOPTION OF**

**RESOLUTION CARRIED OVER**

S. 1553 -- Senators Courson and L. Martin: 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.

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

**Amendment No. 2**

Senators SETZLER and LARRY MARTIN proposed the following amendment (1553R002.LAM), which was adopted:

Amend the concurrent resolution, as and if amended, page 2, by striking lines 21-28 and inserting the following:

/ (7) receipt, consideration, and disposition of conference and free conference reports on S. 149, S. 1220, H. 3066, H. 3124, H. 3506, H. 3527, H. 3730; H. 3757 and H. 4967; and

(8) convening of a joint assembly to conduct elections for offices or vacancies in any offices filled by election of the General Assembly./

Amend the concurrent resolution further, as and if amended, page 3, by striking subsection (F) and inserting:

/ (F) For purposes of Section 1‑3‑210 and after June 21, 2012, when neither the House of Representatives or the Senate have been called into session pursuant to the provisions of this resolution, the General Assembly intends that the legislature be considered in recess for purposes of the Governor being allowed to fill vacancies by interim appointments, except for the office of magistrate which may only be filled by interim appointment upon recommendation of the respective Senatorial delegation. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

The question then was the adoption of the Concurrent Resolution, as amended.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McGill O’Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright

**Total--1**

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

**S. 1553--Motion to Reconsider Carried Over**

Having voted on the prevailing side, Senator LARRY MARTIN moved to reconsider the vote whereby the Concurrent Resolution was adopted.

On motion of Senator LARRY MARTIN, the motion to reconsider the vote whereby the Concurrent Resolution was adopted, was carried over.

**RECALLED, AMENDED AND ADOPTED**

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.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Judiciary.

The Concurrent Resolution was recalled from the Committee on Judiciary.

**Amendment No. 1**

Senator LARRY MARTIN proposed the following amendment (5332R001.LAM), which was adopted:

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

/ (A) Pursuant to the provisions of Section 9, Article III of the South Carolina Constitution, 1895, and by the two‑thirds vote required by that section in order to recede for more than thirty consecutive calendar days, each house agrees, in this resolution, to recede from the other body either for a period less than thirty days or for more than thirty days as the case may be.

(B) Further, the General Assembly by this resolution agrees to bind itself subject to the provisions of this resolution. The Sine Die adjournment date for the General Assembly for the 2012 session is recognized and extended to permit the General Assembly to continue in session after Thursday, June 7, 2012, under the terms and conditions stipulated in this resolution and for this purpose each house agrees that when the Senate and the House of Representatives adjourn on Thursday, June 7, 2012, not later than 5:00 p.m. or at any time prior, each house shall stand adjourned to meet in statewide session on Tuesday, June 19, 2012, at 12:00 noon and to continue in statewide session, if necessary, until not later than 5:00 p.m. on Thursday, June 21, 2012. Each house agrees to limit itself to consideration of the following matters and subject to the following conditions, as applicable:

(1) receipt and consideration of gubernatorial vetoes;

(2) receipt and consideration of the General Appropriations Bill, the Capital Reserve Fund Bill, and introduction, receipt, and consideration of a Continuing Resolution to fund the ordinary expenses of state government until the passage of the General Appropriations Bill;

(3) introduction, receipt, and consideration of resolutions affecting Sine Die adjournment;

(4) receipt, consideration, and confirmation of appointments;

(5) introduction, receipt, and consideration of resolutions expressing sympathy or congratulations;

(6) receipt and consideration of local legislation which has the unanimous consent of the affected delegation;

(7) receipt, consideration, and disposition of conference and free conference reports on S. 149, S. 1220, H. 3066, H. 3124, H. 3506, H. 3527, H. 3730; H. 3757 and H. 4967; and

(8) convening of a joint assembly to conduct elections for offices or vacancies in any offices filled by election of the General Assembly.

(C) When each house recedes subject to subsection (A) and not later than 5:00 p.m. on Thursday, June 21, 2012, the General Assembly shall stand in recess subject to the call of the Speaker of the House for the House of Representatives and the President Pro Tempore of the Senate for the Senate at times they consider appropriate for their respective bodies to meet for the consideration of the following matters and subject to the following conditions, as applicable:

(1) introduction, receipt, and consideration of resolutions affecting Sine Die adjournment;

(2) receipt and consideration of gubernatorial vetoes;

(3) receipt and consideration of the General Appropriations Bill, the Capital Reserve Fund Bill, and introduction, receipt, and consideration of a Continuing Resolution to fund the ordinary expenses of state government until the passage of the General Appropriations Bill, concurrence and nonconcurrence and amendments to these bills returned from the other house, and the appointment of members to conference and free conference committees and receipt, consideration, and disposition of conference and free conference reports on the matters identified in this item;

(4) receipt and consideration of legislation necessary to address any shortfall in revenue meeting the conditions of Section 11‑9‑890;

(5) introduction, receipt, and consideration of resolutions expressing sympathy or congratulations;

(6) convening of a joint assembly to conduct elections for offices or vacancies in any offices filled by election of the General Assembly; and

(7) receipt, consideration, and confirmation of magistrate appointments.

(D) The President Pro Tempore of the Senate and the Speaker of the House of Representatives may set a mutually agreed upon time or times prior to Sine Die adjournment for officers of the Senate and House to ratify acts.

(E) Unless the session is otherwise adjourned Sine Die at an earlier date, the 2012 session of the General Assembly shall stand adjourned Sine Die not later than Monday, November 12, 2012, when the terms of office of the senators and representatives chosen at the 2012 general election begin.

(F) For purposes of Section 1‑3‑210 and after June 21, 2012, when neither the House of Representatives or the Senate have been called into session pursuant to the provisions of this resolution, the General Assembly intends that the legislature be considered in recess for purposes of the Governor being allowed to fill vacancies by interim appointments, except for the office of magistrate which may only be filled by interim appointment upon recommendation of the respective Senatorial delegation.

(G) For purposes of the Administrative Procedures Act in regard to the one hundred twenty day period the General Assembly has to review state agency regulations, this one hundred twenty day period is tolled Friday, June 8, 2012, until January 8, 2013. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

The question then was the adoption of the Concurrent Resolution, as amended.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Coleman

Courson Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McGill O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright

**Total--1**

The Concurrent Resolution was adopted, ordered returned to the House of Representatives with amendments.

**THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

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

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

H. 4726 -- Reps. Pitts, Parks and Pinson: A BILL 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 A RESIDENTIAL SUBDIVISION 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.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator LARRY MARTIN explained the amendments.

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

**Ayes 36; Nays 1**

**AYES**

Alexander Bryant Campbell

Campsen Coleman Courson

Davis Elliott Fair

Gregory Grooms Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright

**Total--1**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 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.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HUTTO explained the House amendments.

**Amendment No. 1**

Senator HUTTO proposed the following amendment (AGM\  
19645AB12), which was adopted:

Amend the bill, as and if amended, Section 44‑10‑120, as contained in SECTION 1, page 6, lines 20‑24, by deleting the Section in its entirety and inserting:

/ Section 44‑10‑120. South Carolina’s participation in the compact does not include the administration of Medicare (42 U.S.C. 1395, et seq.) or the Children’s Health Insurance Program unless the General Assembly takes action that specifically authorizes inclusion of the Medicare program or the Children’s Health Insurance Program in the compact.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Davis Elliott

Fair Ford Gregory

Grooms Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

The amendment was adopted.

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

**CARRIED OVER**

S. 105 -- Senators Verdin, Leventis and L. Martin: A BILL TO AMEND THE 1976 CODE, BY ADDING ARTICLE 8 TO CHAPTER 25, TITLE 57, TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO CREATE AND SUPERVISE A STATEWIDE PROGRAM RELATED TO PROVIDING DIRECTIONAL SIGNS ALONG THE STATE’S MAJOR HIGHWAYS AND INTERCHANGES LEADING TO AGRITOURISM ORIENTED FACILITIES ENGAGED IN EDUCATIONAL OR AGRITOURISM ACTIVITIES.

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

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, DEBATE INTERRUPTED**

H. 3508 -- Reps. Gambrell, Sandifer, Harrell, Erickson, Limehouse, Weeks, H.B. Brown, Agnew, Allison, Anthony, Bales, Bannister, Bedingfield, Bingham, Brady, Brannon, G.A. Brown, Cole, Crosby, Forrester, Hardwick, Harrison, Hayes, Hiott, Hixon, Horne, Lowe, Lucas, McCoy, D.C. Moss, Owens, Parker, Pinson, Pitts, Skelton, J.E. Smith, J.R. Smith, Sottile, Tallon, Vick, White, Taylor, Hamilton, Battle, Allen, Dillard, Alexander, Cooper, Mack and Bowen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO RETITLE ARTICLE 23, CHAPTER 9, TITLE 58, RELATING TO GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS AS “GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDERS”; BY ADDING SECTION 58‑9‑2660 SO AS TO PROVIDE A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER MAY PETITION THE PUBLIC SERVICE COMMISSION TO DESIGNATE ONE OR MORE AREAS AS AN “UNSERVED AREA”, TO SPECIFY THE PROCEDURE FOR MAKING AND PROTESTING THIS PETITION, TO PROVIDE FOR A HEARING OF A PROTEST TO A PETITION, TO PROVIDE FOR THE APPLICATION OF CERTAIN PROVISIONS OF LAW TO AN UNSERVED AREA, AND TO PROVIDE A PROCESS FOR PETITIONING FOR A DETERMINATION THAT AN AREA HAS CEASED TO BE AN UNSERVED AREA; TO AMEND SECTION 58‑9‑10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING TELEPHONE COMPANIES, SO AS TO MODIFY THE DEFINITION OF “BROADBAND SERVICE”; TO AMEND SECTION 58‑9‑2600, RELATING TO THE PURPOSE OF ARTICLE 23, CHAPTER 9, TITLE 58, SO AS TO MAKE CONFORMING CHANGES AND CLARIFY THE SCOPE OF THE ARTICLE; TO AMEND SECTION 58‑9‑2610, RELATING TO DEFINITIONS CONCERNING GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 58‑9‑2620, AS AMENDED, RELATING TO DUTIES, RESTRICTIONS, RATE COMPUTATIONS, AND ACCOUNTING REQUIREMENTS OF GOVERNMENT‑OWNED TELECOMMUNICATIONS SERVICE PROVIDERS, SO AS TO MAKE CONFORMING CHANGES, TO GIVE THE OFFICE OF REGULATORY STAFF JURISDICTION TO INVESTIGATE THE COMPLIANCE OF A GOVERNMENT‑OWNED COMMUNICATIONS PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, TO PROVIDE THE COMMISSION MAY ENFORCE THE COMPLIANCE OF A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER WITH THE PROVISIONS OF THIS CHAPTER, AND TO CLARIFY THAT THIS SECTION DOES NOT EXPAND OR LIMIT THE JURISDICTION OF THE COMMISSION OR OFFICE OF REGULATORY STAFF WITH RESPECT TO ANY SERVICE PROVIDER OTHER THAN A GOVERNMENT‑OWNED COMMUNICATIONS SERVICE PROVIDER; TO AMEND SECTION 58‑9‑2630, RELATING TO CERTAIN TAX COLLECTIONS AND PAYMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 58‑9‑2650, AS AMENDED, RELATING TO LIABILITY INSURANCE RATES FOR COMMUNICATIONS OPERATIONS, SO AS TO MAKE CONFORMING CHANGES.

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

**Amendment No. P1**

Senator MALLOY proposed the following amendment (3508MW10), which was adopted:

Amend the committee report, as and if amended, page [3508-10], after “funds” on line 30, by deleting :

/ on or before December 31, 2025, /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD3508.016), which was adopted:

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

/ Whereas, the technology used to provide communications services has evolved and continues to evolve at an ever-increasing pace; and

Whereas, certain political subdivisions of the State have applied for and received federal grants to provide certain broadband projects in designated areas of the State; and

Whereas, the General Assembly finds that it is appropriate to update the existing statutes addressing government-owned telecommunications service providers in a manner that does not prevent those political subdivisions from complying with the terms and conditions of such federal grants.

Now, therefore:

SECTION 1. Article 23, Chapter 9, Title 58 of the 1976 Code is re-titled “Government‑Owned Communications Service Providers”.

SECTION 2. Article 23, Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Section 58‑9‑2660. (A) A government‑owned communications service provider may petition the commission to designate one or more areas as an unserved area. The petition must identify with specificity each 2010 Census tract within a persistent poverty county described in Section 58-9-2610(G) and each 2010 census block in any other county for which this designation is sought. The petition must also identify each county that contains any Census tract or block identified in the petition. If an objection is not filed pursuant to subsection (C), the commission must grant the petition and designate each 2010 Census tract or block identified in the petition as an unserved area.

(B) The commission shall maintain a list, by county, of all broadband service providers who have provided to the commission written notification that they wish to receive notice of petitions to designate unserved areas in a particular county or counties. The commission must serve electronic notice of the petition described in subsection (A) on all broadband service providers in the affected county or counties that requested notice of petitions within five working days of the petition’s filing. The commission must also post public notice of the filing of the petition on its website.

(C)(1) A broadband service provider that has not notified the commission of its wish to receive notice of petitions pursuant to subsection (B) or a resident of an area designated in a petition filed pursuant to subsection (A) may, within thirty days after the commission posts public notice of the filing of the petition on its website, file with the commission an objection to this designation on the ground that one or more areas designated in the petition is not an unserved area.

(2) A provider of broadband service in the area designated in a petition filed pursuant to subsection (A) that notified the commission of its wish to receive notice of petitions may, within thirty days after service of the notice required in subsection (B), file with the commission an objection to this designation on the ground that one or more areas designated in the petition is not an unserved area.

(3) Any provider or resident filing an objection must file testimony supporting the objection within thirty days after the objection is filed. If no testimony is filed in support of the objection, the petition must be granted.

(D) If an objection is filed pursuant to subsection (C), the commission must:

(1) give the petitioner an opportunity to submit prefiled testimony responding to the objection;

(2) hold a hearing on the dispute; and

(3) rule on the petition within ninety days after the objection is filed.

(E) Upon a commission designation that an area is an unserved area, the provisions of Sections 58‑9‑2620, 58‑9‑2630, and 58‑9‑2650 must not apply to a broadband service provided by the petitioner in that area until the later of:

(1) thirty-six months after the effective date of this act; or

(2) twelve months after the commission determines pursuant to subsection (F) that the area is no longer an unserved area.

(F) A provider of broadband service or a resident of an area designated as an unserved area may petition the commission to determine that the area is no longer an unserved area. After notice and an opportunity for a hearing, the commission must grant the petition if, considering only broadband service that is available from providers other than the government-owned communications service provider that filed the petition resulting in the designation by the commission of the area as an unserved area, the commission determines that the area no longer satisfies the relevant definition of ‘unserved’ in Section 58-9-2610(G).”

SECTION 3. Section 58‑9‑10(17) of the 1976 Code, as added by Act 6 of 2003, is amended to read:

“(17) The term ‘broadband service’ means ~~any~~ a service that is used to deliver video or to provide access to the Internet or content and services similar to that accessible through the Internet, and that consists of the offering of:

(a) a capability to transmit information at a rate that is generally not less than one hundred ninety kilobits per second in at least one direction; or

(b) ~~any service that combines computer processing, information storage, and protocol conversion to enable users to access Internet content and services~~ a service that uses one or more of the following to provide this access:

(i) computer processing;

(ii) information storage; and

(iii) protocol conversion.”

SECTION 4. Section 58‑9‑2600 of the 1976 Code, as added by Act 360 of 2002, is amended to read:

“Section 58‑9‑2600. This article regulates the provision of ~~telecommunications~~ communications service by an agency ~~or~~, entity ~~of the State or~~, instrumentality, or a political subdivision of this State, excluding the State Budget and Control Board, for services provided as of ~~this article’s~~ the effective date of this article.”

SECTION 5. Section 58‑9‑2610 of the 1976 Code, as added by Act 360 of 2002, is amended to read:

“Section 58‑9‑2610. As used in this article:

(A)(1) ‘Government‑owned ~~telecommunications~~ communications service provider’ means a state or local political subdivision ~~or~~, instrumentality of the State, person, or entity providing ~~telecommunications~~ a communications service to the public for hire over a facility, operation, or system that is directly or indirectly owned by, operated by, or a financial benefit obtained by or derived from, an agency, instrumentality, or entity of the State or ~~any~~ local government. ‘Government‑owned ~~telecommunications~~ communications service provider’ does not include the State Budget and Control Board for services provided as of ~~this article’s~~ the effective date of this article.

(2) The term ‘government‑owned ~~telecommunications~~ communications service provider’ does not include ~~any~~ a state or local governmental entity, instrumentality, or agency that obtains or derives financial benefit solely from leasing or renting, to ~~any~~ a person or entity, property that is not, in and of itself, a facility used to provide ~~telecommunications~~ a communications service.

~~(2)~~(B) ‘Communications service’ means a telecommunications service, a broadband service, or both.

(C) ‘Telecommunications service’ ~~for the purpose of this section is~~ means a telecommunications service as defined in Section 58‑9‑2200(1).

(D) Broadband service means a service that meets the definition of ‘broadband service’ in Section 58-9-10(17) and that has transmission speeds that are equal to or greater than the requirements for basic broadband tier 1 service as defined by the Federal Communications Commission for broadband data gathering and reporting. This definition does not modify or otherwise affect the definition of ‘broadband services’ for the purposes of Section 58-9-280(G).

~~(3)~~(E) ‘Person’ as defined in Section 58‑9‑10(4) includes a ‘government‑owned ~~telecommunications~~ communications service provider’.

~~(4)~~(F) ‘Public’ means the public generally or ~~any~~ a limited portion of the public, including a person or corporation. The term ‘public’ excludes governmental agencies or entities when they receive ~~telecommunications~~ communications service from the State Budget and Control Board pursuant to its statutory authority or other legal requirements.

(G) ‘Unserved area’ means:

(1) within a county that is identified as a persistent poverty county by the United States Department of Agriculture, Economic Research Service pursuant to the most recent data from the Bureau of the Census, a nongovernment-owned communications service provider’s territory within a 2010 Census tract, as designated by the United States Census Bureau, in which at least seventy-five percent of households have either no access to broadband service or access to broadband service only from a satellite provider; and

(2) within any other county, a 2010 Census block, as designated by the United States Census Bureau, in which at least ninety percent of households have either no access to broadband service or access to broadband service only from a satellite provider.

For the purposes of this subsection, ‘household’ has the same meaning as prescribed by the United States Census Bureau.

(H) ‘Commission’ means the South Carolina Public Service Commission.”

SECTION 6. Section 58‑9‑2620 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“Section 58‑9‑2620. Notwithstanding any other provision of law, a government‑owned ~~telecommunications~~ communications service provider ~~shall~~ must:

(1) be subject to the same local, state, and federal regulatory, statutory, and other legal requirements ~~that~~ to which nongovernment‑owned ~~telecommunications~~ communications service providers are subject ~~to~~, including regulation and other legal requirements by the ~~Public Service~~ commission and the Office of Regulatory Staff;

(2) not ~~be the recipient of any~~ receive a financial ~~benefits of any type that~~ benefit that is not available to a nongovernment‑owned ~~telecommunications~~ communications service ~~providers are~~ provider on the same terms and conditions as it is available to a government-owned communications service provider, including, but not limited to, tax exemptions and governmental subsidies of any type. Tax exempt capital financing may be used consistent with Sections 58‑9‑2620(4)(a) and 58‑9‑2630(C);

(3) not be permitted to subsidize the cost of providing ~~telecommunications~~ a communications service with funds from any other ~~nontelecommunications~~ noncommunications service, operation, or other revenue source. If a determination is made that a direct or indirect subsidy has occurred, the government‑owned ~~telecommunications~~ communications service provider immediately ~~shall~~ must increase prices for ~~telecommunications~~ communications service in a manner that ensures that the subsidy ~~shall~~ will not continue, and any amounts used directly or indirectly to subsidize the past operations ~~shall~~ will be reimbursed to the general treasury of the appropriate state or local government. This subsection does not prohibit a government-owned communications service provider from providing matching funds or in-kind contributions in order to comply with the terms of a federal grant as long as it imputes the matching funds and the value of the in-kind contributions in calculating the cost incurred and in the rates to be charged for the provision of a communications service;

(4) impute, in calculating the cost incurred and in the rates to be charged for the provision of ~~telecommunications services~~ a communications service, the following:

(a) cost of capital component that is the equivalent to the cost of capital available to nongovernment‑owned ~~telecommunications~~ communications service providers in the same state or locality; and

(b) an amount equal to all taxes, licenses, fees, and other assessments applicable to a nongovernment‑owned ~~telecommunications~~ communications provider including, but not limited to, federal, state, and local taxes, rights‑of‑way franchise consent, or administrative fees, and pole attachment fees;

(5) keep separate books and separately account for the revenues, expenses, property, and source of investment dollars associated with the provision of ~~telecommunications~~ communications service; and

(6) be required to prepare and publish an independent annual audit in accordance with generally accepted accounting principles that reflects the full cost of providing the service, including all direct and indirect costs. The indirect costs ~~shall~~ must include, but are not limited to, amounts for rights‑of‑way franchise, consent, or administrative fees, regulatory fees, occupation taxes, pole attachment fees, and ad valorem taxes. The annual accounting must reflect any direct or indirect subsidies received by the government‑owned ~~telecommunications~~ communications service provider.

(7) Notwithstanding any other provision of law, the Office of Regulatory Staff has jurisdiction to investigate, and the commission has authority to enforce, a government‑owned communications service provider to comply with the provisions of this section.

Records demonstrating compliance with the provisions of this section ~~shall~~ must be filed with the ~~Public Service~~ commission ~~and~~, provided to the Office of Regulatory Staff and ~~be~~ made available for public inspection and copying. ~~The compliance shall be overseen by the Office of Regulatory Staff pursuant to and not inconsistent with its power and jurisdiction set forth by law.~~ Nothing in this article expands or restricts the existing jurisdiction of the commission or the Office of Regulatory Staff regarding a service or provider other than a government‑owned communications service provider.”

SECTION 7. Section 58‑9‑2630 of the 1976 Code, as added by Act 360 of 2002, is amended to read:

“Section 58‑9‑2630. (A) A government‑owned ~~telecom-munications~~ communications service provider shall pay or collect taxes ~~each year~~ annually in a manner equivalent to taxes paid by a nongovernment‑owned ~~telecommunications~~ communications service ~~providers~~ provider through payment of the following:

(1) all state taxes, including corporate income taxes~~,~~ under Section 12‑6‑530, and utility license taxes under Section 12‑20‑100;

(2) all local taxes, including local business license taxes, under Section 58‑9‑2230, together with any franchise fees and other local taxes and fees, including impact, user, service, or permit fees, pole rental fees, and rights‑of‑way franchise, consent, or administrative fees; and

(3) all property taxes on otherwise exempt real and personal property that are directly used in the provision of ~~telecommunication services~~ a communications service.

(B) A government‑owned ~~telecommunications~~ communications service provider shall ~~be required to~~ compute, collect, and remit taxes in the same manner as a nongovernment‑owned ~~telecommunications~~ communications service provider and ~~shall~~ must be entitled to the same deductions.

(C) A government‑owned ~~telecommunications~~ communications service provider shall annually remit to the general fund of the government entity owning the ~~telecommunications~~ communications service provider an amount ~~equivalent~~ equal to ~~any and~~ all taxes or fees a private sector ~~telecommunications~~ communications service provider ~~would be required to~~ must pay.

(D) The taxpayer confidentiality provisions contained in Title 12 ~~shall~~ do not apply to the ~~filings~~ filing of a government‑owned ~~telecommunications~~ communications service ~~providers~~ provider. ~~Provided,~~ However, the Department of Revenue shall require an annual report of all ~~telecommunications~~ communications service providers. The report ~~shall~~ must require ~~any telecommunications~~ a communications company licensed in this State to report the total gross of retail ~~telecommunications,~~ communications to which the business license tax is applicable~~,~~ pursuant to Section 58‑9‑2220. This information ~~shall~~ must be available to any entity authorized to collect a tax on retail ~~telecommunications~~ communications or ~~their~~ its agent. Information provided to an entity or agent authorized to collect a tax ~~may~~ must not be disclosed or provided ~~in any manner~~ to ~~any other~~ another person. ~~Such~~ This information may only be used by an entity or agent of an entity authorized to collect a tax for purposes of determining the accuracy of tax returns, filings, and payment of taxes.”

SECTION 8. Section 58‑9‑2650 of the 1976 Code, as added by Act 360 of 2002, is amended to read:

“Section 58‑9‑2650. The Department of Insurance must determine the South Carolina average market rate for private sector liability insurance for ~~telecommunications~~ communications operations. ~~In order~~ To have government‑owned and nongovernment‑owned ~~telecommunications~~ communications service providers in the same competitive position, to the extent possible, the rate paid for liability insurance for government‑owned ~~telecommunications~~ communications operations must be equal to or greater than the average market rate for private sector liability insurance in South Carolina as determined by the Department of Insurance. To the extent that any government‑owned ~~telecommunications~~ communications service provider pays less than the average market rate for this insurance established by the Department of Insurance, the difference ~~shall~~ must be remitted by the government‑owned ~~telecommunications~~ communications service provider to the general fund of the government owning ~~the telecommunications~~ that communications service provider. ~~Provided,~~ However, nothing in this section ~~shall~~ may be construed to mean ~~that~~ a government‑owned ~~telecommunication providers are~~ communications provider is not covered by the South Carolina Tort Claims Act.”

SECTION 9. Article 23, Chapter 9, Title 58 of the 1976 Code of Laws is amended by adding:

“Section 58-9-2670 (A). For any government-owned communications service provider that, on or before the effective date of this act, was awarded funding for a Comprehensive Community Infrastructure middle-mile project pursuant to the Broadband Technology Opportunities Program administered by the United States Department of Commerce’s National Telecommunications and Information Administration:

(1) the provisions of Section 58-9-2630 do not apply;

(2) the provisions of Sections 58-9-2620, 58-9-2650, and 58-9-2660 do not apply to the provision of communications services by a government-owned communications service provider to the government entity that owns the communications facility, operation, or system; and

(3) the provisions of Section 58-9-2620, 58-9-2650, and 58-9-2660 do not apply to the extent that the middle-mile services it offers are used to actually provide communications services to end users in unserved areas. The provider may use any reasonable methodology to comply with this provision. On an annual basis, the provider must file with the commission and provide to the Office of Regulatory Staff a detailed explanation of the methodology it uses to comply with this section, along with supporting documentation, and the explanation and documentation must be made available for public inspection and copying.

(B) The provisions of Sections 58-9-2620, 58-9-2630, 58-9-2650, and 58-9-2660 do not apply to any government-owned communications service provider, that, on or before the effective date of this act, was awarded a grant for a last mile project pursuant to the Broadband Initiatives Program administered by the United States Department of Agriculture’s Rural Utilities Service, to the extent that the government-owned communications service provider provides communications services to addresses that are within the area set forth in its application for the grant, referenced above or to addresses that satisfy each of the following five criteria: (i) are within the border of the grant recipient’s county; (ii) are six miles or further from the center point of any incorporated area with a population in excess of 10,000 as determined by the 2010 census; (iii) are outside any area that, as of December 31, 2011, was served by a rural telephone company, as defined in 47 U.S.C. §153(37), that provided service to less than 15,000 access lines within its local exchange study area in the State; (iv) are outside the boundaries of any industrial or business park owned in whole or in part by the grant recipient’s county and occupied by one or more persons or entities as of the effective date of this act; and (v) are one mile or further from the center of any incorporated area or unincorporated community with a population of no more than 1,500 as long as the address is, as of December 31, 2011, within an exchange of a rural telephone company as defined in 47 U.S.C. §153(37). The provisions of Sections 58‑9‑2620, 58‑9‑2630, 58‑9‑2650, and 58‑9‑2660 apply to the extent that the government-owned communications service provider provides communications service to any other addresses. In order not to impede efficient network design, nothing in this subsection prohibits the incidental placement of the government-owned communications service provider’s facilities outside the borders of the grant recipient’s county as long as such facilities are not used to provide any communications services to any addresses outside the grant recipient’s county.

(C) The provisions of Sections 58-9-2620, 58-9-2630, 58-9-2650, and 58-9-2660 do not apply to any municipality that is a government-owned communications service provider and that: (i) applied, on or before December 31, 2011, for a grant for a last mile project pursuant to the Broadband Initiatives Program administered by the United States Department of Agriculture's Rural Utilities Service; (ii) expended funds in excess of $25,000 to complete business plans or feasibility studies in support of such application; and (iii) is awarded federal funds on or before December 31, 2025 to support the project identified in the application referenced in item (i) of this subsection. The exemption provided in this subsection applies only to the extent that the municipality that is a government-owned communications service provider provides communications services to addresses that are within both the county in which the municipality is located and the area described in its grant application referenced in item (i) of this subsection.

(D) For any government-owned communications service provider that, on or before the effective date of this act, was also a charter member institution of the South Carolina LightRail Consortium, the provisions of Sections 58‑9‑2620, 58‑9‑2630, and 58‑9‑2650 do not apply to the institution or any of its affiliated organizations in the provision of connection to national research and educational networks described in 59-151-110(A), provided that: (i) the institution and its affiliated organizations use such connection solely for research and education-related activities; (ii) under no circumstances will the institution or any of its affiliated organizations provide service that connects commercial sites or that carries commercial traffic, commercial internet traffic or K-12 traffic originated in South Carolina; and (iii) neither such charter member institution of the South Carolina LightRail Consortium nor any affiliated organization is authorized to otherwise compete with the commercial communications or information offerings of private sector participants. As used in this subsection, ‘affiliated organization’ means an entity formed for the purpose of owning, leasing, providing or operating the facilities used to provide service to the charter member institution and to related entities that support the mission of the charter member institution. For purposes of this subsection, occasional and incidental use of the connection by persons appropriately granted such access to the connection for purposes that are not directly related to the missions of the charter member institutions is not considered as competing with the commercial communications or information offerings of private sector participants.

(E) Nothing in this act is intended nor may be construed to prohibit the MUSC or the MUSC Authority from using the South Carolina Lightrail, in furtherance of a documented research project, to transmit medical imaging between MUSC and the MUSC Authority and other hospital or healthcare facilities taking part in the project.

SECTION 10. The provisions of this act do not expand, diminish, or otherwise affect the provisions of Chapter 151, Title 59 regarding the South Carolina LightRail Consortium.

SECTION 11. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

**Amendment No. 2**

Senator HUTTO proposed the following amendment (JUD3508.018), which was adopted:

Amend the bill, as and if amended, by striking subsection 58-9-2670(B) and inserting:

/ (B) The provisions of Sections 58-9-2620, 58-9-2630, 58-9-2650, and 58-9-2660 do not apply to any government-owned communications service provider, that, on or before the effective date of this act, was awarded a grant for a last mile project pursuant to the Broadband Initiatives Program administered by the United States Department of Agriculture’s Rural Utilities Service, to the extent that the government-owned communications service provider provides communications services to addresses that are within the area set forth in its application for the grant, referenced above or to addresses that satisfy each of the following five criteria: (i) are within the border of the grant recipient’s county; (ii) are six miles or further from the center point of any incorporated area that, as of December 31, 2011, had a population in excess of 10,000 as determined by the 2010 census; (iii) are outside any area that, as of December 31, 2011, was served by a rural telephone company, as defined in 47 U.S.C. §153(37), that provided service to less than 15,000 access lines within its local exchange study area in the State; (iv) are outside the boundaries of any industrial or business park owned in whole or in part by the grant recipient’s county and occupied by one or more persons or entities as of the effective date of this act; and (v) are one mile or further from the center of any incorporated area or unincorporated community with a population of no more than 1,500 as long as the address is, as of December 31, 2011, within an exchange of a rural telephone company as defined in 47 U.S.C. §153(37). The provisions of Sections 58‑9‑2620, 58‑9‑2630, 58‑9‑2650, and 58‑9‑2660 apply to the extent that the government-owned communications service provider provides communications service to any other addresses. In order not to impede efficient network design, nothing in this subsection prohibits the incidental placement of the government-owned communications service provider’s facilities outside the borders of the grant recipient’s county as long as such facilities are not used to provide any communications services to any addresses outside the grant recipient’s county. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 3**

Senator HUTTO proposed the following amendment (JUD3508.020), which was adopted:

Amend the bill, as and if amended, by striking subsection 58-9-2660(E), lines 17-26 on page 3 and inserting:

/ (E) Upon a commission designation that an area is an unserved area, the provisions of Sections 58‑9‑2620, 58‑9‑2630, and 58‑9‑2650 must not apply to a broadband service provided by the petitioner in that area until the later of:

(1) sixty months after the effective date of this act if, at the time an area is designated as an unserved area, the transmission speed requirements for basic broadband tier 1 service as defined by the Federal Communications Commission for broadband gathering and reporting are the same as they were on the effective date;

(2) thirty-six months after the effective date of this act if, at the time an area is designated as an unserved area, the transmission speed requirements for basic broadband tier 1 service as defined by the Federal Communications Commission for broadband gathering and reporting are different than they were on the effective date of this act; or

(3) twelve months after the commission determines pursuant to subsection (F) that the area is no longer an unserved area. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

Senator MALLOY spoke on the Bill.

**Point of Quorum**

At 4:56 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Senator MATTHEWS moved that the Senate stand adjourned.

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

**Ayes 4; Nays 30**

**AYES**

Ford Matthews Pinckney

Sheheen

**Total--4**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Fair Gregory Grooms

Jackson Knotts Land

Lourie Malloy *Martin, Larry*

*Martin, Shane* McGill Nicholson

Peeler Rankin Reese

Rose Scott Setzler

Shoopman Verdin Williams

**Total--30**

The Senate refused to adjourn.

Senator MALLOY resumed speaking on the Bill.

**Point of Quorum**

At 5:36 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Senator KNOTTS moved that the Senate stand adjourned.

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

**Ayes 4; Nays 28**

**AYES**

Ford Hutto Matthews

Pinckney

**Total--4**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Fair Gregory Grooms

Knotts Land Malloy

*Martin, Larry Martin, Shane* McGill

Nicholson Peeler Rankin

Reese Rose Scott

Setzler Shoopman Verdin

Williams

**Total--28**

The Senate refused to adjourn.

Senator MALLOY resumed speaking on the Bill.

**MOTION ADOPTED**

On motion of Senator COURSON, the Senate agreed that, when the Senate adjourns, it stand adjourned to meet at 10:30 A.M. tomorrow.

**Objection**

With Senator MALLOY retaining the floor, Senator COURSON asked unanimous consent to make a motion that the Senate stand adjourned.

Senator BRIGHT objected.

Senator MALLOY resumed speaking on the Bill.

Senator COURSON spoke on the Bill.

Senator COURSON moved that the Senate stand adjourned.

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

**Ayes 25; Nays 8**

**AYES**

Alexander Bryant Campbell

Campsen Courson Cromer

Fair Ford Gregory

Grooms Hutto Jackson

Knotts Leatherman Malloy

*Martin, Larry* Matthews McGill

Nicholson Pinckney Rankin

Reese Scott Setzler

Williams

**Total--25**

**NAYS**

Bright Coleman Davis

*Martin, Shane* Peeler Rose

Shoopman Verdin

**Total--8**

Debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Isaac Davis of Morrisville Community in Williamsburg County, S.C., a wonderful South Carolinian.

**ADJOURNMENT**

At 6:13 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 10:30 A.M.

\* \* \*