~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Ezekiel 39:7: “And the nations shall know that I am the Lord.”

Let us pray. God of mercy, You have called each of us to come together to make decisions that affect so many people. Grant these Representatives the wisdom, knowledge, courage, and integrity to make choices that positively impact our State. Draw them together that they, being and acting as one, may accomplish what You desire. Bestow Your blessings upon our Nation, President, State, Governor, Speaker, staff, and all who contribute to the work done here. Protect our defenders of freedom, at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

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

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

**MOTION ADOPTED**

Rep. ANDERSON moved that when the House adjourns, it adjourn in memory of Ruth Ford Joyner of Georgetown, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 28, 2013

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 143:

S. 143 -- Senators Malloy, Ford, Massey, S. Martin and Hayes: A BILL TO AMEND ARTICLES 1, 2, 3 AND 4 OF TITLE 62, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO, AMONG OTHER THINGS, DEFINE THE JURISDICTION OF THE PROBATE CODE, TO DETERMINE INTESTATE SUCCESSION, TO PROVIDE FOR THE PROCESS OF EXECUTING A WILL, TO PROVIDE FOR THE PROCESS TO PROBATE AND ADMINISTER A WILL, AND TO PROVIDE FOR LOCAL AND FOREIGN PERSONAL REPRESENTATIVES; AND TO AMEND ARTICLES 6 AND 7 OF TITLE 62, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO PROVIDE FOR THE GOVERNANCE OF NONPROBATE TRANSFERS, AND TO AMEND THE SOUTH CAROLINA TRUST CODE.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**REPORTS OF STANDING COMMITTEE**

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

S. 348 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-10-35 SO AS TO PROVIDE FOR REQUIREMENTS FOR FIREPLACES IN LIEU OF REQUIREMENTS OF THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4235 -- Reps. Ballentine, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE ST. PETER BAPTIST CHURCH OF IRMO ON THE OCCASION OF ITS HISTORIC ONE HUNDREDTH ANNIVERSARY AND TO COMMEND THE CHURCH FOR A CENTURY OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4236 -- Rep. Hodges: A HOUSE RESOLUTION TO REMEMBER AND COMMEMORATE THE ONE HUNDRED FIFTIETH ANNIVERSARY OF HARRIET TUBMAN'S COMBAHEE RIVER RAID IN BEAUFORT COUNTY THAT RESCUED EIGHT HUNDRED SLAVES AND SUPPLIED UNION FORCES WITH THOUSANDS OF DOLLARS IN CONFISCATED GOODS ON JUNE 2, 1863.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4237 -- Rep. Barfield: A CONCURRENT RESOLUTION TO CONGRATULATE KIMBERLY MYERS, AYNOR HIGH SCHOOL CAREER AND TECHNOLOGY EDUCATION DEPARTMENT CHAIR, ON BEING NAMED 2013 TEACHER OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF TEACHERS OF FAMILY AND CONSUMER SCIENCES.

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

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | R. L. Brown |
| Burns | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Jefferson | King |
| Knight | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Neal |
| Newton | Norman | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Wood |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, May 29.

|  |  |
| --- | --- |
| Douglas "Doug" Brannon | Bill Chumley |
| Chandra Dillard | Wendell Gilliard |
| Jerry Govan | Chip Huggins |
| Ralph Kennedy | H.B. "Chip" Limehouse |
| M.S. McLeod | Walt J. McLeod |
| Wendy Nanney | Mandy Powers Norrell |
| Bakari Sellers | Ted Vick |
| Mark Willis | Harry Ott |
| Grady Brown |  |

**Total Present--121**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BALLENTINE a leave of absence for the day due to a family commitment.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Thomas Rowland of Columbia was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. HENDERSON presented to the House the Southside Christian School "Lady Sabres" Girls Track Team, the 2013 Class A Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. BURNS presented to the House the Blue Ridge Middle School Junior Beta Club Quiz Bowl Team, the Junior Middle School Beta Club Quiz Bowl Champions, their team leaders and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co‑sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co‑sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member’s or co‑sponsor’s written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3987 |
| Date: | ADD: |
| 05/29/13 | ERICKSON and NEWTON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4226 |
| Date: | ADD: |
| 05/29/13 | H. A. CRAWFORD |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4095 |
| Date: | REMOVE: |
| 05/29/13 | HIOTT, LIMEHOUSE, HIXON, OWENS, HARDWICK, ERICKSON, PITTS and HARDEE |

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 530 -- Senators Hayes, Campbell and L. Martin: A BILL TO AMEND SECTION 38-71-1730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSED PANEL HEALTH PLANS, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EMPLOYERS THAT OFFER ONLY CLOSED PANEL HEALTH PLANS TO ITS EMPLOYEES ALSO OFFER A POINT-OF-SERVICE OPTION TO ITS EMPLOYEES, TO MAKE CONFORMING CHANGES, AND TO INCREASE THE ALLOWABLE DIFFERENCES BETWEEN COINSURANCE PERCENTAGES FOR IN-NETWORK AND OUT-OF-NETWORK COVERED SERVICES AND SUPPLIES UNDER A POINT-OF-SERVICE OPTION.

S. 620 -- Senator Verdin: A BILL TO AMEND SECTION 56-3-2335 OF THE 1976 CODE, RELATING TO RESEARCH AND DEVELOPMENT LICENSE PLATES, SO AS TO INCLUDE THE MANUFACTURE AND RESEARCH AND DEVELOPMENT OF TRANSMISSIONS IN THIS STATE IN THE DEFINITION OF "RESEARCH AND DEVELOPMENT BUSINESS", TO DEFINE THE TERM "TRANSMISSIONS", TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE RESEARCH AND DEVELOPMENT LICENSE PLATES FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS' TRANSMISSIONS ON THE MOTOR VEHICLE, AND THE DEPARTMENT MAY ENTER INTO RECIPROCAL AGREEMENTS WITH OTHER STATES CONCERNING THE REGISTRATION AND OPERATION OF VEHICLES OWNED BY A RESEARCH AND DEVELOPMENT BUSINESS FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS' TRANSMISSIONS, TO PROVIDE IT IS THE SOLE RESPONSIBILITY OF THE RESEARCH AND DEVELOPMENT BUSINESS OR CONTRACTED FLEET OWNER TO TAKE ANY OTHER ACTIONS REQUIRED BY ANOTHER STATE THAT ARE NECESSARY FOR THE RESEARCH AND DEVELOPMENT BUSINESS OR CONTRACTED FLEET OWNER, AND TO LEGALLY TEST AND EVALUATE THE PERFORMANCE OF THE RESEARCH AND DEVELOPMENT BUSINESS' TRANSMISSIONS IN THAT STATE.

S. 117 -- Senators Hayes, Courson, O'Dell, Verdin and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-66-75 SO AS TO REQUIRE A HEALTH CARE PROVIDER TO GIVE A PATIENT AN OPPORTUNITY TO ALLOW DISCLOSURE OF CERTAIN INFORMATION TO DESIGNATED FAMILY MEMBERS AND OTHER INDIVIDUALS AND TO AUTHORIZE THE INVOLVEMENT OF THESE FAMILY MEMBERS AND OTHER INDIVIDUALS IN THE TREATMENT OF THE PATIENT; TO SPECIFY THE CONTENTS OF THE AUTHORIZATION; AND TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR GOOD FAITH DISCLOSURE OF INFORMATION; AND TO AMEND SECTION 44-66-20, AS AMENDED, RELATING TO DEFINITIONS IN THE ADULT HEALTH CARE CONSENT ACT, SO AS TO DEFINE "PATIENT" AND "TREATMENT" AND TO AMEND OTHER DEFINITIONS.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 341 -- Senators Alexander, Reese, Fair, Lourie, Cromer, L. Martin, Campbell, Shealy and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "EMERSON ROSE ACT" BY ADDING SECTION 44-37-70 SO AS TO REQUIRE EACH BIRTHING FACILITY LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PERFORM A PULSE OXIMETRY SCREENING ON EVERY NEWBORN IN ITS CARE, WHEN THE BABY IS TWENTY-FOUR TO FORTY-EIGHT HOURS OF AGE, OR AS LATE AS POSSIBLE IF THE BABY IS DISCHARGED FROM THE HOSPITAL BEFORE REACHING TWENTY-FOUR HOURS OF AGE.

**SENT TO THE SENATE**

The following Bill and Joint Resolution were taken up, read the third time, and ordered sent to the Senate:

H. 4202 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF NURSING, RELATING TO NURSE LICENSURE COMPACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4342, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 4205 -- Reps. Munnerlyn and Hayes: A BILL TO AMEND ACT 256 OF 1981, AS AMENDED, RELATING TO THE SCHOOL DISTRICT OF MARLBORO COUNTY, SO AS TO PROVIDE THE COUNTY SCHOOL BOARD MAY DETERMINE SALARIES AND ALLOWANCES OF BOARD MEMBERS AND APPROVE LOCAL TAX FUNDS NEEDED FOR THESE SALARIES AND ALLOWANCES, AND TO DELETE PROVISIONS REQUIRING THE BOARD MEMBERS TO RECEIVE A PER DIEM AND THE CHAIRMAN TO RECEIVE ADDITIONAL COMPENSATION.

**S. 127--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 127 -- Senators Alexander and Ford: A BILL TO AMEND ARTICLE 6, CHAPTER 38, TITLE 44 OF THE 1976 CODE, RELATING TO HEAD AND SPINAL CORD INJURIES, BY ADDING ARTICLE 6 TO CREATE THE SOUTH CAROLINA BRAIN INJURY LEADERSHIP COUNCIL, TO PROVIDE FOR THE RESPONSIBILITIES AND DUTIES OF THE COUNCIL, TO PROVIDE FOR THE COMPOSITION AND APPOINTMENT OF THE COUNCIL, AND TO PROVIDE FOR THE POWERS AND AUTHORITY OF THE COUNCIL.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to S. 127 (COUNCIL\GGS\127C001.GGS.VR13), which was adopted:

Amend the bill, as and if amended, by deleting Section 44-38-630(A)(14), as contained in SECTION 1, page 4, and inserting:

/ (14) Brain Injury Association of South Carolina. /

Amend the bill further by deleting Section 44-38-630(B), as contained in SECTION 1, page 4, and inserting:

/ (B) Council members shall include persons who are survivors of traumatic brain injury, family members, or legal guardians of these persons, health care professionals, representatives of service provider entities, or other interested parties knowledgeable about brain injuries. Membership shall meet requirements of the State Advisory Board designated by the federal Traumatic Brain Injury Act. /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 8

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bingham | Bowen | Bowers |
| Branham | Brannon | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | H. A. Crawford |
| Crosby | Daning | Delleney |
| Douglas | Erickson | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Hardee | Hardwick |
| Harrell | Hart | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Limehouse | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Neal | Newton |
| Norman | Owens | Parks |
| Pope | Powers Norrell | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Toole |
| Weeks | Wells | White |
| Whitmire | Williams | Wood |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Cole | Felder |
| Hamilton | Loftis | Nanney |
| Putnam | Willis |  |

**Total--8**

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

**H. 4203--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4203 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF COSMETOLOGY, RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4335, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. SPIRES explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowers | Branham | Brannon |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | Crosby |
| Delleney | Dillard | Douglas |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | Ott | Parks |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Vick |
| Weeks | Wells | Whipper |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--103**

Those who voted in the negative are:

**Total--0**

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

**S. 148--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Thursday, May 30, which was adopted:

S. 148 -- Senators Shealy, Bryant, Gregory and Alexander: A BILL TO AMEND CHAPTER 20, TITLE 37 OF THE 1976 CODE, RELATING TO CONSUMER IDENTITY THEFT PROTECTION, BY ADDING SECTION 37-20-161, TO PROVIDE FOR CERTAIN MEASURES TO SAFEGUARD A CLASS OF "PROTECTED CONSUMERS" FROM BECOMING VICTIMS OF IDENTITY THEFT, TO ALLOW REPRESENTATIVES, PROVIDING SUFFICIENT PROOF OF AUTHORITY, TO PLACE A PREEMPTIVE SECURITY FREEZE ON PROTECTED CONSUMER'S CREDIT REPORTS, TO PROVIDE THE LIMITATIONS OF THIS SECTION, TO PROVIDE REQUIREMENTS TO IMPLEMENT A SECURITY FREEZE, TO PROVIDE FOR THE DURATION AND EXTENT OF A SECURITY FREEZE, AND TO PROVIDE TERMS FOR REMOVAL OF A SECURITY FREEZE ON A PROTECTED CONSUMER'S CREDIT REPORT OR RECORD.

**S. 310--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 310 -- Senators Alexander and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-29-95 SO AS TO PROVIDE THE MANUFACTURED HOUSING BOARD SHALL ADOPT CERTAIN FINANCIAL RESPONSIBILITY GUIDELINES FOR ITS LICENSEES; BY ADDING SECTION 40-29-225 SO AS TO PROVIDE CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OF LICENSURE AS A MANUFACTURED HOME RETAIL DEALER, RETAIL SALESMAN, INSTALLER, CONTRACTOR, OR REPAIRER; BY ADDING SECTION 40-29-325 SO AS TO PROVIDE A DEALER SHALL INCLUDE HIS LICENSE NUMBER IN ADVERTISING, TO PROVIDE AN EXCEPTION, AND TO PROVIDE PENALTIES FOR A VIOLATION; BY ADDING SECTION 40-29-500 SO AS TO PROVIDE FAILURE TO OBTAIN AN APPROPRIATE BUILDING PERMIT BEFORE INSTALLING A MANUFACTURED HOME CONSTITUTES A VIOLATION; TO AMEND SECTION 40-29-80, RELATING TO BASES FOR SUSPENDING, REVOKING, RESTRICTING, OR DENYING A LICENSE BY THE BOARD, SO AS TO INCLUDE THE AIDING OR ABETTING AN UNLICENSED ENTITY TO EVADE THE PROVISIONS OF THE CHAPTER OR TO ALLOW USE OF A LICENSE BY AN UNLICENSED ENTITY; TO AMEND SECTION 40-29-200, RELATING TO APPLICATIONS FOR LICENSURE AND RENEWAL, SO AS TO PROVIDE AN APPLICANT FOR LICENSURE AS A RETAIL DEALER SHALL GIVE THE BOARD A FINANCIAL STATEMENT REVIEWED BY A CERTIFIED PUBLIC ACCOUNTANT, TO PROVIDE THE HOLDER OF A LIEN ON A MANUFACTURED HOME IS NOT SUBJECT TO THE PROVISIONS OF THIS CHAPTER FOR THE SALE, EXCHANGE, OR TRANSFER BY LEASE-PURCHASE A REPOSSESSED MANUFACTURED HOME MADE THROUGH A LICENSED MANUFACTURED HOME RETAILER, AND TO PROVIDE A PERSON LICENSED BY ANOTHER BOARD OR COMMISSION IN THIS STATE MAY NOT INSTALL A MANUFACTURED HOME BUT MAY REPAIR, INSPECT, OR IMPROVE A MANUFACTURED HOME CONSISTENT WITH THE REQUIREMENTS OF HIS LICENSE; AND TO AMEND SECTION 40-29-230, RELATING TO VIOLATIONS OF SURETY BOND, CLAIM, AND RELEASE REQUIREMENTS FOR APPLICANTS FOR LICENSURE BY THE BOARD, SO AS TO INCLUDE THE INABILITY OF AN APPLICANT TO SATISFY REQUISITE FINANCIAL RESPONSIBILITY GUIDELINES AS A BASIS FOR INCREASING THE AMOUNT OF THE REQUIRED SURETY BOND OR OTHER APPROVED SECURITY.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to S. 310 (COUNCIL\AGM\310C001. AGM.AB13), which was adopted:

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

/ SECTION 1. Chapter 29, Title 40 of the 1976 Code is amended by adding:

“Section 40‑29‑95. (A) The board shall consider the financial responsibility of an applicant as determined by this section and regulations promulgated by the board.

(B) A retail dealer applicant who fails to possess cash or cash equivalency in an amount equal to or greater than one hundred fifty thousand dollars or a credit score of less than seven hundred must appear before the board.

(C) Should the board license an applicant who is unable to meet the financial responsibility guidelines of this section or the regulations of the board, then the board may modify or restrict the activities of the licensee.”

SECTION 2. Chapter 29, Title 40 of the 1976 Code is amended by adding:

“Section 40‑29‑325. Licensed, manufactured housing retail dealers shall include their dealer license number on any print, Internet, or email advertisement by the retail dealer for the sale of a manufactured home located in South Carolina.”

SECTION 3. Chapter 29, Title 40 of the 1976 Code is amended by adding:

“Section 40‑29‑225. (A) As a prerequisite to renewal of a license issued under this chapter, a person licensed under this chapter as a manufactured home retail dealer, retail salesman, installer, contractor, or repairer must certify to the board his completion of a minimum of six hours of continuing education required under this section in the preceding two years. A person holding more than one type of license must not be required to complete more than six hours of continuing education collectively for the multiple licenses during each renewal cycle.

(B) The requirements for continuing education are:

(1) a continuing education course must be reviewed and approved by a vote of the Manufactured Housing Board at one of its periodic meetings;

(2) approval of a course must be valid for two years, after which the course must be resubmitted to the board;

(3) a continuing education course must be at least one hour in length, and must concern South Carolina and federal laws, regulations, court cases, business practices, technical, or engineering requirements that affect manufactured homes;

(4) a course participant must take a written or electronic test at the end of the course, and must pass the test with a correct score of at least seventy percent;

(5) at least two hours of the continuing education requirement must concern laws, regulations, or court cases specifically affecting manufactured housing in South Carolina;

(6) an application for approval of a continuing education course must contain an outline of the course, description of the background of the course instructor, and a copy of the test to be taken by course participants; and

(7) the course provider must be responsible for grading the continuing education course test required under this section and shall maintain records of course attendees and test results for four years after the date of the course.

(C) The license of a person who fails to comply with the continuing education requirements of this section shall lapse. The board may, for good cause shown, grant extensions of time to licensees to comply with these requirements. A licensee that has obtained an extension under this subsection and certified to the board his completion of the continuing education courses required by this section before the expiration of the granted extension must be considered in compliance with this section.”

SECTION 4. Section 40‑29‑200 of the 1976 Code is amended to read:

“Section 40‑29‑200. (A) All licenses expire June thirtieth of each even‑numbered year following the date of issue, unless sooner revoked or suspended.

(B) An applicant for licensure shall:

(1) demonstrate financial responsibility as required by ~~regulations of the board~~ Section 40‑29‑95;

(2) for a retail dealer, provide a financial statement reviewed by a licensed certified public accountant;

(~~2~~3) not have engaged illegally in the licensed classification;

(~~3~~4) demonstrate familiarity with the regulations adopted by the board concerning the classification for which application is made;

(~~4~~5) if a corporation, have complied with the laws of South Carolina regarding qualification for doing business in this State or have been incorporated in South Carolina and have and maintain a registered agent and a registered office in this State;

(~~5~~6) submit proof of registration with the Department of Revenue and submit a current tax identification number;

(~~6~~7) where applicable, pass an examination administered by the board or its designated test provider in the license classification for which application is made;

(~~7~~8) where applicable, complete training as prescribed by the board.

(C) A manufactured housing license is not required for a licensed real estate salesman or licensed real estate broker who negotiates or attempts to negotiate for any legal entity the listing, sale, purchase, exchange, lease, or other disposition of a used manufactured or mobile home in conjunction with the listing, sale, purchase, exchange, lease, or other disposition of real estate upon which the used manufactured or mobile home is located.

(D) The holder of a lien on a manufactured home who sells, exchanges, or transfers by lease‑purchase a repossessed manufactured home subject to the lien is not subject to the provisions of this chapter if the sale, exchange, or transfer is through a licensed manufactured home retail dealer. A sale by a lienholder conducted through the foreclosure process of Section 29‑3‑610, et seq. may not be subject to the provisions of this chapter.

(~~D~~E) A license must be issued in only one person’s name who may be the individual owner, stockholder, copartner, manufactured home retail salesman or other representative of a manufactured home manufacturer, manufactured home retail dealer, or other entity required to be licensed. It is the duty of a manufactured home retail dealer and manufactured home manufacturer to conspicuously display the licenses in the established place of business. Manufactured home retail salesmen and manufactured home contractors, installers, and repairers are required to carry their licenses on their persons at all times when they are doing business in this State, and they must be shown upon request.

(~~E~~F) The board may deny a license to an applicant who submits an application meeting the requirements of this chapter if the applicant has been convicted in a court of competent jurisdiction of a felony within the prior seven years or an offense involving moral turpitude.

(~~F~~G) No person may be issued a license as a manufactured home retail dealer unless the person can show proof satisfactory to the board of two years’ experience in the manufactured home industry or other relevant experience acceptable to the board.

(~~G~~H) Notwithstanding any other provision of law, the board may not grant reciprocity or issue a license to an applicant:

(1) whose license in another state is currently restricted in any way, including probationary or other conditions, or was surrendered in lieu of disciplinary action or was revoked;

(2) who has disciplinary action pending against him in another state; or

(3) who is currently under sentence, including probation or parole, for a felony, crime of moral turpitude, or other criminal violation related to any aspect of the business of manufactured housing.

(~~H~~I)(1) An applicant may be granted an apprentice salesperson license for up to one hundred twenty days. An apprentice salesperson license may not be issued to an applicant if the applicant has ever been:

(a) denied any type of license issued pursuant to this chapter;

(b) subject to suspension or revocation of a license issued pursuant to this chapter; or

(c) subject to any disciplinary action taken in accordance with this chapter.

(2) An applicant is subject to all of the requirements of this chapter and regulations promulgated pursuant to this chapter, except that an applicant is not required to complete the training, testing, and bond requirements established for a regular retail salesperson license.”

SECTION 5. Section 40‑29‑230(B)(3) of the 1976 Code is amended to read:

“(3) The board, upon a finding of a violation by a licensee or that an applicant is unable to meet the financial responsibility guidelines, may further require the licensee to increase the amount of a surety bond or other approved security. An increase must be proportioned to the seriousness of the offense ~~or~~, the repeat nature of the licensee’s violations, ~~but the~~ or related to the financial condition of an applicant. The total amount may not exceed an additional seventy‑five thousand dollars for manufacturers, fifty thousand dollars for dealers, twenty thousand dollars for salespersons, and ten thousand dollars for manufactured home contractors, installers, and repairers. The board, after one year, may reduce an increased surety bond or other approved security when satisfied that violations have been cured by appropriate corrective action and that the licensee is otherwise in good standing. The bonds cannot be reduced below amounts provided in this section.”

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 8

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Hamilton | Hardwick |
| Hayes | Henderson | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Neal | Newton | Ott |
| Parks | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Toole | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Willis |
| Wood |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Gilliard | Hardee | Howard |
| Norman | Pitts | Robinson-Simpson |
| Rutherford | Williams |  |

**Total--8**

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

**S. 75--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 75 -- Senator Cromer: A BILL TO AMEND SECTION 40-57-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSE RENEWALS FOR REAL ESTATE BROKERS AND SALESMEN, SO AS TO REQUIRE A CRIMINAL BACKGROUND CHECK FROM A SOURCE APPROVED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; AND BY ADDING SECTION 40-57-245 SO AS TO REQUIRE THAT THE DEPARTMENT ASSIGN ONE INVESTIGATOR FOR EVERY TWO THOUSAND FIVE HUNDRED LICENSEES TO ENSURE COMPLAINTS ARE PROCESSED AND CONSIDERED IN AN EXPEDITIOUS MANNER.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 75 (COUNCIL\AGM\75C001. AGM.AB13):

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

/ SECTION 1. Section 40‑57‑40 of the 1976 Code, as last amended by Act 279 of 2012, is further amended to read:

“Section 40‑57‑40. (A) The South Carolina Real Estate Commission consists of ten members elected or appointed as follows:

(1) seven members who are professionally engaged in the active practice of real estate, one elected from each of the seven congressional districts by a majority of house members and senators, representing the house and senate districts located within each of the congressional districts;

(2) two members representing the public who are not professionally engaged in the practice of real estate, each appointed by the Governor with the advice and consent of the Senate;

(3) the nine elected and appointed members shall elect from the State at large one additional member who must be in the active practice of real estate.

(B)(1) Members elected to the commission pursuant to subsection (A)(1) of this section must be elected as provided in this subsection. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.

(2) The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation immediately shall transmit the names of the persons elected to the Secretary of State.

(~~B~~C) Commission members serve a term of four years and until their successors are elected or appointed and qualify. A vacancy on the commission must be filled in the manner of the original election or appointment for the remainder of the unexpired term.

(~~C~~D) Before entering upon the discharge of the duties of the office, a member’s election or appointment must be certified by and the member shall take and file with the Secretary of State, in writing, an oath to perform the duties of the office as a member of the commission and to uphold the Constitutions of this State and the United States.

(~~D~~E) A member’s term commences on the date election or appointment is certified by the Secretary of State.

(~~E~~F) A member may be removed from office in accordance with Section 1‑3‑240.

(G)(1) The director, with the advice and consent of the commission, shall designate for the exclusive use of the commission one full‑time administrator who is a real estate broker licensed pursuant to the provisions of this chapter with at least five years experience as a real estate broker or salesman licensed pursuant to the provisions of this chapter. The experience requirements in this subitem apply only to an administrator hired after the effective date of this act.

(2) The director shall designate five full‑time inspector‑investigators for the exclusive use of the commission. Before conducting inspections or investigations on behalf of the commission, these inspector‑investigators must complete one hundred hours of training in programs that are approved by the commission and provide instruction on real estate principles, state statutory and regulatory law, and investigative techniques.

(3) The department may not assign work that is not exclusively related to carrying out the purposes of this chapter to a person assigned for the exclusive use of the commission under items (1) or (2) of this subsection without approval of the commission.

(4) A person employed by the commission under this subsection only may be terminated by the director.”

SECTION 2. Chapter 57, Title 40 of the 1976 Code is amended by adding:

“Section 40‑57‑115. In addition to other requirements established by law and for the purpose of determining an applicant’s eligibility for licensure as a salesman, broker, broker‑in‑charge, property manager, and property manager‑in‑charge, the commission shall require initial applicants to submit to a state criminal history background check, supported by fingerprints by the South Carolina Law Enforcement Division, and a national criminal history background check, supported by fingerprints by the Federal Bureau of Investigation. The results of these criminal history background checks must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. The cost of the state criminal history background check must be paid by the applicant upon application for the state check. The cost of the national criminal history background check is established by the Federal Bureau of Investigation and must be paid by the applicant upon application for the national check. The commission shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as necessary to support the administrative action.”

SECTION 3. Section 40‑57‑150 of the 1976 Code is amended to read:

“Section 40‑57‑150. (A) Investigations must be conducted in accordance with Section 40‑1‑80.

(B) A restraining order must be obtained in accordance with Section 40‑1‑100.

(C)(1) Whenever the department has reason to believe that a violation of this chapter has occurred, an investigation must be initiated within thirty days.

(2) The department shall conclude its investigation within one hundred fifty days from receipt of the complaint or seek a waiver of this period from the commission upon a showing of due diligence and extenuating circumstances.

(~~2~~3) A hearing on the charges must be at the time and place designated by the commission and must be conducted in accordance with the Administrative Procedures Act.

(~~3~~4) The commission shall render a decision and shall serve, within ninety days, notice, in writing, of the commission’s decision to the licensee charged. The commission also shall state in the notice the date upon which the ruling or decision becomes effective.

(~~4~~5) The department shall maintain a public docket or other permanent record in which must be recorded all orders, consent orders, or stipulated settlements.

(D) A licensee may voluntarily surrender his license in accordance with Section 40‑1‑150.

(E)(1) The commission may impose disciplinary action in accordance with Section 40‑1‑120.

(2) Upon determination by the commission that one or more of the grounds for discipline exists, as provided for in Section 40‑1‑110 or Section 40‑57‑140, the commission may impose a fine of not less than one hundred or more than one thousand dollars for each violation. The commission may recover the costs of the investigation and the prosecution as provided for in Section 40‑1‑170.

(3) Nothing in this section prevents a licensee from voluntarily entering into a consent order with the commission wherein violations are not contested and sanctions are accepted.

(F) The department shall annually post a report that provides the data for the number of complaints received, the number of investigations initiated, the average length of investigations, and the number of investigations that exceeded one hundred fifty days.”

SECTION 4. Section 40‑57‑145(A)(8) of the 1976 Code is amended to read:

“(8) is convicted of violating the federal and state fair housing laws, forgery, embezzlement, breach of trust, larceny, obtaining money or property under false pretense, extortion, fraud, conspiracy to defraud, or ~~any other offense classified as a felony or involving moral turpitude, or pleading guilty or nolo contendere to any such offense in a court of competent jurisdiction of this State, any other state, or any federal court~~ is required to register under the sex offender registry pursuant to Section 23‑3‑430, or has been convicted of a violent crime as defined in Section 16‑1‑60, has been convicted during the previous five years of a felony directly related to the practice of the profession, or has been convicted during the previous seven years of a felony, an essential element of which is dishonesty, reasonably related to the practice of the profession, or pleading guilty or nolo contendere to any such offense in a court of competent jurisdiction of this State, any other state, or any federal court;”

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER moved to adjourn debate on the amendment, which was agreed to.

Rep. ATWATER proposed the following Amendment No. 2 to S. 75 (COUNCIL\AGM\75C002.AGM.AB13), which was adopted:

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

/ SECTION 1. Section 40‑57‑40 of the 1976 Code, as last amended by Act 279 of 2012, is further amended to read:

“Section 40‑57‑40. (A) The South Carolina Real Estate Commission consists of ten members elected or appointed as follows:

(1) seven members who are professionally engaged in the active practice of real estate, one elected from each of the seven congressional districts by a majority of house members and senators, representing the house and senate districts located within each of the congressional districts;

(2) two members representing the public who are not professionally engaged in the practice of real estate, each appointed by the Governor with the advice and consent of the Senate;

(3) the nine elected and appointed members shall elect from the State at large one additional member who must be in the active practice of real estate.

(B)(1) Members elected to the commission pursuant to subsection (A)(1) of this section must be elected as provided in this subsection. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.

(2) The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation immediately shall transmit the names of the persons elected to the Secretary of State.

(~~B~~C) Commission members serve a term of four years and until their successors are elected or appointed and qualify. A vacancy on the commission must be filled in the manner of the original election or appointment for the remainder of the unexpired term.

(~~C~~D) Before entering upon the discharge of the duties of the office, a member’s election or appointment must be certified by and the member shall take and file with the Secretary of State, in writing, an oath to perform the duties of the office as a member of the commission and to uphold the Constitutions of this State and the United States.

(~~D~~E) A member’s term commences on the date election or appointment is certified by the Secretary of State.

(~~E~~F) A member may be removed from office in accordance with Section 1‑3‑240.

(G)(1) The director, with the advice and consent of the commission, shall designate for the exclusive use of the commission one full‑time administrator who is a real estate broker licensed pursuant to the provisions of this chapter with at least five years experience as a real estate broker or salesman licensed pursuant to the provisions of this chapter. The experience requirements in this subitem apply only to an administrator hired after the effective date of this act.

(2) The director shall designate at least five full‑time inspector‑investigators for the exclusive use of the commission. Before conducting inspections or investigations on behalf of the commission, these inspector‑investigators must complete one hundred hours of training in programs that are approved by the commission and provide instruction on real estate principles, state statutory and regulatory law, and investigative techniques.

(3) The department may not assign work that is not exclusively related to carrying out the purposes of this chapter to a person assigned for the exclusive use of the commission under items (1) or (2) of this subsection without approval of the commission.

(4) A person employed by the commission under this subsection only may be terminated by the director.”

SECTION 2. Chapter 57, Title 40 of the 1976 Code is amended by adding:

“Section 40‑57‑115. In addition to other requirements established by law and for the purpose of determining an applicant’s eligibility for licensure as a salesman, broker, broker‑in‑charge, property manager, and property manager‑in‑charge, the commission shall require initial applicants to submit to a state criminal history background check, supported by fingerprints by the South Carolina Law Enforcement Division, and a national criminal history background check, supported by fingerprints by the Federal Bureau of Investigation. The results of these criminal history background checks must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. The cost of the state criminal history background check must be paid by the applicant upon application for the state check. The cost of the national criminal history background check is established by the Federal Bureau of Investigation and must be paid by the applicant upon application for the national check. The commission shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as necessary to support the administrative action.”

SECTION 3. Section 40‑57‑150 of the 1976 Code is amended to read:

“Section 40‑57‑150. (A) Investigations must be conducted in accordance with Section 40‑1‑80.

(B) A restraining order must be obtained in accordance with Section 40‑1‑100.

(C)(1) Whenever the department has reason to believe that a violation of this chapter has occurred, an investigation must be initiated within thirty days.

(2) The department shall conclude its investigation within one hundred fifty days from receipt of the complaint or seek a waiver of this period from the commission upon a showing of due diligence and extenuating circumstances.

(~~2~~3) A hearing on the charges must be at the time and place designated by the commission and must be conducted in accordance with the Administrative Procedures Act.

(~~3~~4) The commission shall render a decision and shall serve, within ninety days, notice, in writing, of the commission’s decision to the licensee charged. The commission also shall state in the notice the date upon which the ruling or decision becomes effective.

(~~4~~5) The department shall maintain a public docket or other permanent record in which must be recorded all orders, consent orders, or stipulated settlements.

(D) A licensee may voluntarily surrender his license in accordance with Section 40‑1‑150.

(E)(1) The commission may impose disciplinary action in accordance with Section 40‑1‑120.

(2) Upon determination by the commission that one or more of the grounds for discipline exists, as provided for in Section 40‑1‑110 or Section 40‑57‑140, the commission may impose a fine of not less than one hundred or more than one thousand dollars for each violation. The commission may recover the costs of the investigation and the prosecution as provided for in Section 40‑1‑170.

(3) Nothing in this section prevents a licensee from voluntarily entering into a consent order with the commission wherein violations are not contested and sanctions are accepted.

(F) The department shall annually post a report that provides the data for the number of complaints received, the number of investigations initiated, the average length of investigations, and the number of investigations that exceeded one hundred fifty days.”

SECTION 4. Section 40‑57‑145(A)(8) of the 1976 Code is amended to read:

“(8) is convicted of violating the federal and state fair housing laws, forgery, embezzlement, breach of trust, larceny, obtaining money or property under false pretense, extortion, fraud, conspiracy to defraud, or ~~any other offense classified as a felony or involving moral turpitude, or pleading guilty or nolo contendere to any such offense in a court of competent jurisdiction of this State, any other state, or any federal court~~ is required to register under the sex offender registry pursuant to Section 23‑3‑430, or has been convicted of a violent crime as defined in Section 16‑1‑60, has been convicted during the previous five years of a felony directly related to the practice of the profession, or has been convicted during the previous seven years of a felony, an essential element of which is dishonesty, reasonably related to the practice of the profession, or pleading guilty or nolo contendere to any such offense in a court of competent jurisdiction of this State, any other state, or any federal court;”

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 75 (COUNCIL\AGM\75C001. AGM.AB13), which was tabled:

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

/ SECTION 1. Section 40‑57‑40 of the 1976 Code, as last amended by Act 279 of 2012, is further amended to read:

“Section 40‑57‑40. (A) The South Carolina Real Estate Commission consists of ten members elected or appointed as follows:

(1) seven members who are professionally engaged in the active practice of real estate, one elected from each of the seven congressional districts by a majority of house members and senators, representing the house and senate districts located within each of the congressional districts;

(2) two members representing the public who are not professionally engaged in the practice of real estate, each appointed by the Governor with the advice and consent of the Senate;

(3) the nine elected and appointed members shall elect from the State at large one additional member who must be in the active practice of real estate.

(B)(1) Members elected to the commission pursuant to subsection (A)(1) of this section must be elected as provided in this subsection. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.

(2) The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation immediately shall transmit the names of the persons elected to the Secretary of State.

(~~B~~C) Commission members serve a term of four years and until their successors are elected or appointed and qualify. A vacancy on the commission must be filled in the manner of the original election or appointment for the remainder of the unexpired term.

(~~C~~D) Before entering upon the discharge of the duties of the office, a member’s election or appointment must be certified by and the member shall take and file with the Secretary of State, in writing, an oath to perform the duties of the office as a member of the commission and to uphold the Constitutions of this State and the United States.

(~~D~~E) A member’s term commences on the date election or appointment is certified by the Secretary of State.

(~~E~~F) A member may be removed from office in accordance with Section 1‑3‑240.

(G)(1) The director, with the advice and consent of the commission, shall designate for the exclusive use of the commission one full‑time administrator who is a real estate broker licensed pursuant to the provisions of this chapter with at least five years experience as a real estate broker or salesman licensed pursuant to the provisions of this chapter. The experience requirements in this subitem apply only to an administrator hired after the effective date of this act.

(2) The director shall designate five full‑time inspector‑investigators for the exclusive use of the commission. Before conducting inspections or investigations on behalf of the commission, these inspector‑investigators must complete one hundred hours of training in programs that are approved by the commission and provide instruction on real estate principles, state statutory and regulatory law, and investigative techniques.

(3) The department may not assign work that is not exclusively related to carrying out the purposes of this chapter to a person assigned for the exclusive use of the commission under items (1) or (2) of this subsection without approval of the commission.

(4) A person employed by the commission under this subsection only may be terminated by the director.”

SECTION 2. Chapter 57, Title 40 of the 1976 Code is amended by adding:

“Section 40‑57‑115. In addition to other requirements established by law and for the purpose of determining an applicant’s eligibility for licensure as a salesman, broker, broker‑in‑charge, property manager, and property manager‑in‑charge, the commission shall require initial applicants to submit to a state criminal history background check, supported by fingerprints by the South Carolina Law Enforcement Division, and a national criminal history background check, supported by fingerprints by the Federal Bureau of Investigation. The results of these criminal history background checks must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. The cost of the state criminal history background check must be paid by the applicant upon application for the state check. The cost of the national criminal history background check is established by the Federal Bureau of Investigation and must be paid by the applicant upon application for the national check. The commission shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as necessary to support the administrative action.”

SECTION 3. Section 40‑57‑150 of the 1976 Code is amended to read:

“Section 40‑57‑150. (A) Investigations must be conducted in accordance with Section 40‑1‑80.

(B) A restraining order must be obtained in accordance with Section 40‑1‑100.

(C)(1) Whenever the department has reason to believe that a violation of this chapter has occurred, an investigation must be initiated within thirty days.

(2) The department shall conclude its investigation within one hundred fifty days from receipt of the complaint or seek a waiver of this period from the commission upon a showing of due diligence and extenuating circumstances.

(~~2~~3) A hearing on the charges must be at the time and place designated by the commission and must be conducted in accordance with the Administrative Procedures Act.

(~~3~~4) The commission shall render a decision and shall serve, within ninety days, notice, in writing, of the commission’s decision to the licensee charged. The commission also shall state in the notice the date upon which the ruling or decision becomes effective.

(~~4~~5) The department shall maintain a public docket or other permanent record in which must be recorded all orders, consent orders, or stipulated settlements.

(D) A licensee may voluntarily surrender his license in accordance with Section 40‑1‑150.

(E)(1) The commission may impose disciplinary action in accordance with Section 40‑1‑120.

(2) Upon determination by the commission that one or more of the grounds for discipline exists, as provided for in Section 40‑1‑110 or Section 40‑57‑140, the commission may impose a fine of not less than one hundred or more than one thousand dollars for each violation. The commission may recover the costs of the investigation and the prosecution as provided for in Section 40‑1‑170.

(3) Nothing in this section prevents a licensee from voluntarily entering into a consent order with the commission wherein violations are not contested and sanctions are accepted.

(F) The department shall annually post a report that provides the data for the number of complaints received, the number of investigations initiated, the average length of investigations, and the number of investigations that exceeded one hundred fifty days.”

SECTION 4. Section 40‑57‑145(A)(8) of the 1976 Code is amended to read:

“(8) is convicted of violating the federal and state fair housing laws, forgery, embezzlement, breach of trust, larceny, obtaining money or property under false pretense, extortion, fraud, conspiracy to defraud, or ~~any other offense classified as a felony or involving moral turpitude, or pleading guilty or nolo contendere to any such offense in a court of competent jurisdiction of this State, any other state, or any federal court~~ is required to register under the sex offender registry pursuant to Section 23‑3‑430, or has been convicted of a violent crime as defined in Section 16‑1‑60, has been convicted during the previous five years of a felony directly related to the practice of the profession, or has been convicted during the previous seven years of a felony, an essential element of which is dishonesty, reasonably related to the practice of the profession, or pleading guilty or nolo contendere to any such offense in a court of competent jurisdiction of this State, any other state, or any federal court;”

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 115; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cole |
| H. A. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Parks | Pitts |
| Pope | Powers Norrell | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--115**

Those who voted in the negative are:

**Total--0**

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

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

**H. 4009--RECONSIDERED**

The motion of Rep. RUTHERFORD to reconsider the vote whereby H. 4009 was rejected was taken up.

Rep. RUTHERFORD spoke in favor of the motion to reconsider.

Rep. JEFFERSON spoke in favor of the motion to reconsider.

The question then recurred to the motion to reconsider, which was agreed to.

**OBJECTION TO RECALL**

Rep. HARDWICK asked unanimous consent to recall S. 551 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. SELLERS objected.

**S. 641--RECALLED FROM COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

On motion of Rep. HARDWICK, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs:

S. 641 -- Senator Campsen: A JOINT RESOLUTION TO DEFINE FALCONRY AND MAKE IT LAWFUL TO ENGAGE IN FALCONRY IN SOUTH CAROLINA JANUARY 1, 2014, THROUGH DECEMBER 31, 2014, TO PROVIDE FOR THE REGULATION OF FALCONRY, AND TO PROVIDE A PENALTY FOR VIOLATIONS.

**H. 3717--RECALLED FROM COMMITTEE ON JUDICIARY**

On motion of Rep. DELLENEY, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 3717 -- Reps. Quinn, Bannister, Allison, Sandifer, Sellers, Clemmons, Ballentine, Atwater, Toole, Kennedy, Vick, Erickson, Long, Bernstein, Munnerlyn, Horne, Funderburk, Brannon, Henderson, Wood, Dillard and M. S. McLeod: A BILL TO AMEND SECTION 16-3-1700, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE OFFENSES OF HARASSMENT AND STALKING, SO AS TO INCLUDE IN THE PURVIEW OF THE OFFENSES PERSONS WHO COMMIT THE OFFENSES WHILE SUBJECT TO THE TERMS OF A RESTRAINING ORDER ISSUED BY THE FAMILY COURT; AND TO AMEND SECTIONS 16-3-1710, 16-3-1720, AND 16-3-1730, ALL AS AMENDED, RELATING TO PENALTIES FOR HARASSMENT IN THE SECOND DEGREE, HARASSMENT IN THE FIRST DEGREE, AND STALKING, RESPECTIVELY, ALL SO AS TO INCLUDE PERSONS SUBJECT TO A RESTRAINING ORDER ISSUED BY THE FAMILY COURT.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3344 from the Committee on Judiciary.

Rep. ATWATER objected.

**S. 551--RECALLED FROM COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

On motion of Rep. HIOTT, with unanimous consent, the following Bill was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs:

S. 551 -- Senator Corbin: A BILL TO AMEND SECTION 50-11-310 OF THE 1976 CODE, RELATING TO OPEN SEASON FOR ANTLERED DEER, TO PROVIDE THAT OPEN SEASON IN GAME ZONE 1, WITH ARCHERY EQUIPMENT AND FIREARMS, IS OCTOBER 11 THROUGH JANUARY 1, AND TO PROVIDE THAT ON WMA LANDS, THE DEPARTMENT MAY PROMULGATE REGULATIONS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT TO ESTABLISH SEASONS FOR THE HUNTING AND TAKING OF DEER.

**H. 3472--DEBATE ADJOURNED**

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

H. 3472 -- Reps. Owens, Harrell, Patrick, Gambrell, Taylor, Wells, Anthony, Mitchell, Cobb-Hunter, Allison, Pitts, Daning, Wood and Southard: A BILL TO AMEND SECTION 59-40-210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL AND THE REQUIREMENT THAT THE CONVERTED PRIVATE SCHOOL NOT BE ALLOWED TO OPEN AS A CHARTER SCHOOL FOR A PERIOD OF TWELVE MONTHS, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST THE CONVERTED PRIVATE SCHOOL BEING ALLOWED TO OPEN AS A CHARTER SCHOOL FOR A PERIOD OF TWELVE MONTHS DOES NOT APPLY UNDER SPECIFIED CONDITIONS IF THE ENROLLMENT OF THE CONVERTED PRIVATE SCHOOL FOR THE MOST RECENTLY COMPLETED SCHOOL TERM BEFORE THE DATE OF THE PROPOSED CONVERSION REFLECTS THE RACIAL COMPOSITION OF THE LOCAL SCHOOL DISTRICT IN WHICH THE CONVERTED PRIVATE SCHOOL IS LOCATED.

Rep. MERRILL moved to adjourn debate upon the Senate Amendments until Thursday, May 30, which was agreed to.

**H. 3751--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3751 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO CONFORM WITH FEDERAL MANDATES ENACTED BY THE UNITED STATES CONGRESS IN THE TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011; BY ADDING SECTION 41-41-45 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL IMPOSE A PENALTY ON FRAUDULENT OVERPAYMENTS OF UNEMPLOYMENT BENEFITS; BY ADDING SECTION 41-33-910 SO AS TO CREATE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE INTEGRITY FUND AND PROVIDE FOR ITS SOURCE AND USE; BY ADDING SECTION 41-35-135 SO AS TO PROVIDE THE DEPARTMENT SHALL CHARGE THE ACCOUNT OF AN EMPLOYER WHEN THE EMPLOYER FAILS TO RESPOND TIMELY OR ADEQUATELY TO A REQUEST BY THE DEPARTMENT FOR INFORMATION CONCERNING A CLAIM FOR UNEMPLOYMENT BENEFITS WHEN THE EMPLOYER HAS DEMONSTRATED A PATTERN OF FAILING TO TIMELY OR ADEQUATELY RESPOND TO THESE REQUESTS; AND TO AMEND SECTION 43-5-598, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE SOUTH CAROLINA EMPLOYABLES PROGRAM ACT, SO AS TO REVISE THE DEFINITION OF "NEW HIRE" TO APPLY WHERE THE SEPARATION OF AN EMPLOYEE FROM EMPLOYMENT IS FOR AT LEAST SIXTY CONSECUTIVE DAYS.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 15

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Branham | Brannon |
| Burns | Chumley | Clemmons |
| Clyburn | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Kennedy | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Newton | Norman |
| Ott | Owens | Pitts |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Ryhal | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Willis | Wood |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| R. L. Brown | Dillard | Gilliard |
| Hart | Howard | Jefferson |
| King | McEachern | Mitchell |
| Neal | Parks | Robinson-Simpson |
| Rutherford | Sabb | Williams |

**Total--15**

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

**H. 3762--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3762 -- Reps. Ott, Skelton, Hardwick, Hodges, Knight, Bales, Jefferson, Parks, Sellers, Finlay, Funderburk, Gagnon, Gambrell, George, Hayes, Hiott, Hixon, Horne, Lowe, D. C. Moss, Norman, Pitts, Putnam, Riley, White, Williams and Vick: A BILL TO AMEND SECTIONS 50-11-740, AS AMENDED, AND 50-11-745, RELATING TO THE CONFISCATION, FORFEITURE, SALE, AND RELEASE OF PROPERTY USED FOR THE UNLAWFUL HUNTING OF WILDLIFE, SO AS TO PROVIDE ADDITIONAL TYPES OF PROPERTY THAT ARE COVERED BY BOTH PROVISIONS, AND TO REVISE THE PENALTIES THAT MAY BE IMPOSED FOR THE UNLAWFUL HUNTING OF WILDLIFE.

Rep. HARDWICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowers | Branham |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cole | H. A. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Ott |
| Parks | Pitts | Pope |
| Putnam | Ridgeway | Riley |
| Rivers | Rutherford | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Vick | Weeks |
| Wells | White | Whitmire |
| Williams | Willis | Wood |

**Total--105**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3762. If I had been present, I would have voted in favor of the Senate amended version of the Bill.

Rep. V. Stephen Moss

**H. 3061--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3061 -- Reps. McCoy, M. S. McLeod, Stavrinakis and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-95 SO AS TO REQUIRE THE DEPARTMENT OF EDUCATION TO DEVELOP AND DISTRIBUTE MODEL POLICIES CONCERNING THE NATURE AND RISK OF CONCUSSIONS SUSTAINED BY STUDENT ATHLETES, TO REQUIRE EACH LOCAL SCHOOL DISTRICT TO DEVELOP ITS OWN POLICY, TO REQUIRE THE REVIEW OF THE POLICY BY STUDENT ATHLETES AND THEIR PARENTS OR GUARDIANS, TO REQUIRE THE REMOVAL FROM PLAY AND MEDICAL EVALUATION OF A STUDENT ATHLETE BELIEVED TO HAVE SUSTAINED A CONCUSSION DURING PLAY, TO ALLOW FOR THE EVALUATION TO BE UNDERTAKEN BY A VOLUNTEER HEALTH CARE PROVIDER, AND TO PROVIDE THAT LOCAL SCHOOL DISTRICTS ARE NOT REQUIRED TO ENFORCE THE PROVISIONS OF THIS SECTION.

Rep. OWENS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cole | H. A. Crawford | Crosby |
| Daning | Delleney | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Owens | Parks |
| Pitts | Pope | Powers Norrell |
| Putnam | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--109**

Those who voted in the negative are:

**Total--0**

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

**S. 639--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 639 -- Senators McElveen, Campsen and Gregory: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO ENACT LEGISLATION AND THE UNITED STATES FISH AND WILDLIFE SERVICE TO PROMULGATE REGULATIONS AUTHORIZING THE STATE OF SOUTH CAROLINA TO MANAGE DOUBLE-CRESTED CORMORANTS IN THE STATE.

The Concurrent Resolution was adopted and sent to the Senate.

**S. 710--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 710 -- Senators Scott, Campsen, Grooms, Hayes, Reese, Courson, Nicholson and Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF MOTOR VEHICLES BESTOW SPECIAL RECOGNITION UPON CONGRESSIONAL MEDAL OF HONOR RECIPIENTS COLONEL CHARLES MURRAY, JR., CORPORAL FREDDIE STOWERS, MAJOR GENERAL JAMES E. LIVINGSTON, SERGEANT FIRST CLASS WEBSTER ANDERSON, MASTER SERGEANT JOHN BAKER, JR., AND SEAMAN ROBERT BLAKE, AND THE WIVES OF COLONEL CHARLES MURRAY, JR., MAJOR GENERAL JAMES E. LIVINGSTON AND MASTER SERGEANT JOHN BAKER, JR., BY NAMING DEPARTMENT OF MOTOR VEHICLES' BUILDINGS IN THEIR HONOR.

The Concurrent Resolution was adopted and sent to the Senate.

**S. 711--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 711 -- Senators L. Martin and Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION RENAME THE L.E.C. ROAD OF S-39-90 THAT BEGINS ON SOUTH CAROLINA HIGHWAY 8 AND ENDS ON MCDANIEL AVENUE IN PICKENS, SOUTH CAROLINA, AS THE "C. DAVID STONE ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS ROAD THAT CONTAIN THE WORDS "C. DAVID STONE ROAD".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4166--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4166 -- Reps. Clemmons and Goldfinch: A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION REVISING OR REQUIRING REVISIONS TO THE BOUNDARIES OF THE SOUTHEASTERN UNITED STATES FEDERAL OUTER CONTINENTAL SHELF ADMINISTRATIVE DISTRICTS' BOUNDARIES ESTABLISHED BY THE BUREAU OF OCEAN ENERGY MANAGEMENT OF THE UNITED STATES DEPARTMENT OF INTERIOR TO PROTECT SOUTH CAROLINA'S INTERESTS WITH RESPECT TO COMMERCIAL ENERGY LEASES IN THESE DISTRICTS.

Rep. GOLDFINCH explained the Concurrent Resolution.

The Concurrent Resolution was adopted and sent to the Senate.

STATEMENT FOR THE JOURNAL

I abstained from voting on H. 4166, due to a potential conflict of interest.

Rep. Eric Bedingfield

**MOTION PERIOD**

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

**H. 3639--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Tuesday, June 4, which was adopted:

H. 3639 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-15-70 SO AS TO PROVIDE FOR THE FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONTRACTS BY STIPULATING THAT STATE OR LOCAL ENTITIES, OFFICIALS, AND EMPLOYEES, IN REGARD TO A PUBLIC BUILDING, MAY NOT REQUIRE OR PROHIBIT A BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR FROM ENTERING INTO OR ADHERING TO AN AGREEMENT WITH ONE OR MORE LABOR ORGANIZATIONS IN REGARD TO THE PROJECT AND MAY NOT OTHERWISE DISCRIMINATE AGAINST A BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR FOR BECOMING OR REFUSING TO BECOME A SIGNATORY TO AN AGREEMENT WITH ONE OR MORE LABOR ORGANIZATIONS IN REGARD TO THE PROJECT, TO PROVIDE THAT STATE AND LOCAL ENTITIES, OFFICIALS, AND EMPLOYEES SHALL NOT AWARD A GRANT, TAX ABATEMENT, OR TAX CREDIT CONDITIONED UPON THE INCLUSION OF SUCH AGREEMENTS IN THE AWARD, AND TO PROVIDE EXCEPTIONS TO AND EXEMPTIONS FROM THESE PROVISIONS.

**H. 3818--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Tuesday, June 4, which was adopted:

H. 3818 -- Reps. K. R. Crawford, Sandifer, Erickson, Simrill, G. M. Smith, Gambrell and Bannister: A BILL TO AMEND SECTION 38-71-1730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSED PANEL HEALTH PLANS, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EMPLOYERS THAT OFFER ONLY CLOSED PANEL HEALTH PLANS TO ITS EMPLOYEES ALSO OFFER A POINT-OF-SERVICE OPTION TO ITS EMPLOYEES, TO MAKE CONFORMING CHANGES, AND TO INCREASE THE ALLOWABLE DIFFERENCES BETWEEN COINSURANCE PERCENTAGES FOR IN-NETWORK AND OUT-OF-NETWORK COVERED SERVICES AND SUPPLIES UNDER A POINT-OF-SERVICE OPTION.

**H. 3925--DEBATE ADJOURNED**

Rep. W. J. MCLEOD moved to adjourn debate upon the following Bill until Tuesday, June 4, which was adopted:

H. 3925 -- Reps. Hardwick and Loftis: A BILL TO AMEND SECTION 48-1-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO CLARIFY PERSONS WHO MAY FILE A PETITION WITH THE DEPARTMENT DO NOT INCLUDE CERTAIN AGENCIES AND DEPARTMENTS OF THE STATE AND TO PROVIDE THAT ANY DECISION OF THE DEPARTMENT WITH RESPECT TO THE TYPE OF REVIEW OBTAINED IS NOT SUBJECT TO JUDICIAL REVIEW; TO AMEND SECTION 48-1-250, AS AMENDED, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO AMEND SECTION 6 OF ACT 198 OF 2012, RELATING TO THE SAVINGS CLAUSE, SO AS TO PROVIDE THAT THE SAVINGS CLAUSE OF ACT 198 OF 2012 APPLIES ONLY TO CASES FILED BEFORE JUNE 6, 2012, AND TO ANY FEDERAL PROJECT FOR WHICH A FINAL ENVIRONMENTAL IMPACT STATEMENT WAS ISSUED PRIOR TO JUNE 6, 2012, BUT NO RECORD OF DECISION WAS ISSUED PRIOR TO JUNE 6, 2012.

**H. 3827--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3827 -- Reps. Pitts and Loftis: A BILL TO AMEND SECTION 44-1-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUESTS FOR FINAL REVIEW OF DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BY THE DEPARTMENT BOARD, SO AS TO PROVIDE THAT A PARTY MAY REQUEST A CONTESTED CASE HEARING ON A DEPARTMENT DECISION BEFORE THE ADMINISTRATIVE LAW COURT OR MAY REQUEST A REVIEW OF THE DEPARTMENT DECISION BY THE BOARD; TO PROVIDE THAT IF A REVIEW BY THE BOARD IS REQUESTED, THE BOARD HAS SIXTY DAYS WITHIN WHICH TO CONDUCT ITS REVIEW AND ISSUE A DETERMINATION WHICH BECOMES THE FINAL AGENCY DECISION UNLESS A REQUEST FOR A CONTESTED CASE HEARING IS REQUESTED BEFORE THE ADMINISTRATIVE LAW COURT; TO PROVIDE THAT IF A CONTESTED CASE HEARING IS REQUESTED, THE PARTY MAY REQUEST THE ADMINISTRATIVE LAW COURT TO REMAND THE CASE TO THE BOARD FOR FURTHER REVIEW; TO PROVIDE THAT UPON REMAND, THE BOARD HAS SIXTY DAYS WITHIN WHICH TO CONDUCT ITS REVIEW AND ISSUE A STATEMENT WITH THE ADMINISTRATIVE LAW COURT AND THE PARTIES PROVIDING REVISIONS OR MODIFICATIONS, IF ANY, MADE TO THE DEPARTMENT DECISION; AND TO PROVIDE THAT IF AN EMERGENCY ORDER IS ISSUED BY THE DEPARTMENT, THE PERSON AGAINST WHOM IT IS ISSUED MAY APPLY TO THE ADMINISTRATIVE LAW COURT FOR RELIEF AND MUST BE AFFORDED A HEARING WITHIN FORTY-EIGHT HOURS.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3827 (COUNCIL\GGS\3827C001.GGS.AC13):

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

/ SECTION 1. Timely resolutions of disputes with minimal delay regarding determinations and decisions made by the South Carolina Department of Health and Environmental Control promote economic development, ensure the protection of the State’s natural resources and environment, and allow earlier implementation of healthcare projects for the benefit of the State’s citizens. The current process imposes unreasonable and unnecessary delay which may be eliminated by allowing challenges to Department decisions to be made directly to the South Carolina Administrative Law Court.

SECTION 2. Section 44‑1‑60 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44‑1‑60. (A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case shall be made using the procedures set forth in this section.

(B) The department staff shall comply with all requirements for public notice, receipt of public comments and public hearings before making a department decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment and public hearings.

(C) ~~The initial decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department shall be a staff decision.~~ The staff’s decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department must be in writing and shall constitute a decision by the department as set forth in Subsection (D)(2). In making such a ~~staff~~ written department decision on ~~any~~a permit, license, certification or other approval, the department staff shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such permit, license, certification or other approval. ~~At the time that such staff decision is made,~~ The department ~~shall issue a department decision, and~~ shall base its department decision on the administrative record which shall consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record may also include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department decision need not be issued for routine permits for which no adverse public comments have been received.

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

(2) The ~~staff~~ written department decision becomes the final agency decision fifteen calendar days after notice of the ~~staff~~ department decision has been mailed to the applicant, unless a written request ~~for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person~~ for a contested case is filed with the Administrative Law Court within fifteen calendar days after notice of the department decision is mailed to the applicant, permittee, or licensee, and persons who have requested in writing to be notified of the department decision and served upon the Clerk of the DHEC Board and applicant, permittee, or licensee. The Administrative Law Court shall give consideration to the provisions of Section 1‑23‑330 regarding the department’s specialized knowledge.

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

(E) A person to whom an emergency order is issued by the department 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.

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. All statutes and regulations must be interpreted to conform with this statutory amendment to allow challenges to department decisions to be filed directly to the South Carolina Administrative Law Court, and to the extent any existing provision in statute or regulation conflicts with this statutory amendment that provision is superseded.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent, does not affect pending actions, rights, duties, or liabilities founded on it, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law. 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, 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. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

AMEND THE TITLE TO READ:

/ TO AMEND SECTION 44-1-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUESTS FOR FINAL REVIEW OF DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BY THE BOARD, SO AS TO REMOVE THE BOARD FROM CHALLENGES TO DEPARTMENT DECISIONS AND TO PROVIDE THAT CHALLENGES TO THESE DECISIONS MUST BE FILED WITH THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT /.

Rep. HIOTT moved to adjourn debate on the amendment, which was agreed to.

Rep. W. J. MCLEOD moved to adjourn debate on the Bill until Tuesday, June 4.

Rep. HIOTT moved to table the motion.

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

Yeas 72; Nays 33

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Bedingfield | Bingham |
| Brannon | Burns | Chumley |
| Clemmons | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Felder |
| Finlay | Forrester | Gagnon |
| Gambrell | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Henderson | Hiott | Hixon |
| Horne | Huggins | Kennedy |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Newton | Norman | Pitts |
| Pope | Putnam | Quinn |
| Riley | Rivers | Ryhal |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Vick | Wells | White |
| Whitmire | Willis | Wood |

**Total--72**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Bernstein | Bowers | Branham |
| G. A. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Dillard | Douglas |
| Funderburk | Gilliard | Govan |
| Hart | Hosey | Howard |
| King | Mack | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| Munnerlyn | Parks | Powers Norrell |
| Ridgeway | Sabb | J. E. Smith |
| Weeks | Whipper | Williams |

**Total--33**

So, the motion to adjourn debate was tabled.

Reps. HARDWICK, HIOTT and V. S. MOSS proposed the following Amendment No. 2 to H. 3827 (COUNCIL\GGS\3827C002. GGS.AC13), which was adopted:

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

/ SECTION 1. Timely resolutions of disputes with minimal delay regarding determinations and decisions made by the South Carolina Department of Health and Environmental Control promote economic development, ensure the protection of the State’s natural resources and environment, and allow earlier implementation of healthcare projects for the benefit of the State’s citizens. The current process imposes unreasonable and unnecessary delay which may be eliminated by allowing challenges to Department decisions to be made directly to the South Carolina Administrative Law Court.

SECTION 2. Section 44‑1‑60 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44‑1‑60. (A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case ~~shall~~ must be made using the procedures set forth in this section.

(B) The department staff shall comply with all requirements for public notice, receipt of public comments and public hearings before making a department decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment and public hearings.

(C) ~~The initial decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department shall be a staff decision.~~ The staff’s decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department must be in writing and shall constitute a decision by the department as set forth in Subsection (D)(2). In making such a ~~staff~~ written department decision on ~~any~~ a permit, license, certification or other approval, the department staff shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such permit, license, certification or other approval. ~~At the time that such staff decision is made,~~ The department ~~shall issue a department decision, and~~ shall base its department decision on the administrative record which shall consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record may also include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department decision need not be issued for routine permits for which no adverse public comments have been received.

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

(2)(a) The ~~staff~~ written department decision becomes the final agency decision fifteen calendar days after notice of the ~~staff~~ department decision has been mailed to the applicant, unless :

(i) a written request for ~~final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person~~ a contested case is filed with the Administrative Law Court within fifteen calendar days after notice of the department decision is mailed to the applicant, permittee, or licensee, and persons who have requested in writing to be notified of the department decision and served upon the clerk of the board and applicant, permittee, or licensee; or

(ii) at the option of the applicant, permittee, or licensee, a written request for review is filed with the board by the applicant, permittee, or licensee within fifteen calendar days after notice of the department decision.

(b) If a request for review is made pursuant to item (ii), the board shall conduct any informal review it considers appropriate within sixty days of the request for review pursuant to procedures established by the board. Upon issuance of a written determination from the board, which must be the department decision and must be issued no later than sixty days from the date of the request for review, this decision becomes the final agency decision fifteen calendar days after notice of the decision has been mailed to the applicant, permittee, or licensee unless a written request for a contested case is filed with the Administrative Law Court within fifteen calendar days after notice of the decision is mailed to the applicant, permittee, or licensee, and persons who have requested in writing to be notified of the department decision and served upon the clerk of the board and the applicant, permittee, or licensee.

(c) Within ten days of receipt of the notice of assignment from the Administrative Law Court, the permit or license applicant may file a written request for remand to the board for further review. The Administrative Law Court shall grant this request for remand and shall retain jurisdiction over the matter as a contested case, which must be stayed during the remand. The board must conduct any informal review it considers appropriate within sixty days of the order for remand pursuant to procedures established by the board. At the conclusion of the review or upon the expiration of the sixty‑day remand period, the department shall file a statement with the Administrative Law Court and the parties setting forth revisions, modifications, amendments, or changes, if any, to the department decision.

(3) The ~~filing fee must be in the amount of one hundred dollars unless the department establishes a fee schedule by regulation after complying with the requirements of Article 1, Chapter 23, Title 1. This fee must be retained by the department in order to help defray the costs of the proceedings and legal expenses~~ Administrative Law Court shall give consideration to the provisions of Section 1‑23‑330 regarding the department’s specialized knowledge.

( ~~F~~E) A person to whom an emergency order is issued by the department 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.

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. All statutes and regulations must be interpreted to conform with this statutory amendment to allow challenges to department decisions to be filed directly to the South Carolina Administrative Law Court, and to the extent any existing provision in statute or regulation conflicts with this statutory amendment that provision is superseded.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent, does not affect pending actions, rights, duties, or liabilities founded on it, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law. 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, 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. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

AMEND THE TITLE TO READ:

/ TO AMEND SECTION 44‑1‑60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUESTS FOR FINAL REVIEW OF DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BY THE DEPARTMENT BOARD, SO AS TO PROVIDE THAT A PARTY MAY REQUEST A CONTESTED CASE HEARING ON A DEPARTMENT DECISION BEFORE THE ADMINISTRATIVE LAW COURT OR MAY REQUEST A REVIEW OF THE DEPARTMENT DECISION BY THE BOARD; TO PROVIDE THAT IF A REVIEW BY THE BOARD IS REQUESTED, THE BOARD HAS SIXTY DAYS WITHIN WHICH TO CONDUCT ITS REVIEW AND ISSUE A DETERMINATION WHICH BECOMES THE FINAL AGENCY DECISION UNLESS A REQUEST FOR A CONTESTED CASE HEARING IS REQUESTED BEFORE THE ADMINISTRATIVE LAW COURT; TO PROVIDE THAT IF A CONTESTED CASE HEARING IS REQUESTED, THE PARTY MAY REQUEST THE ADMINISTRATIVE LAW COURT TO REMAND THE CASE TO THE BOARD FOR FURTHER REVIEW; TO PROVIDE THAT UPON REMAND, THE BOARD HAS SIXTY DAYS WITHIN WHICH TO CONDUCT ITS REVIEW AND ISSUE A STATEMENT WITH THE ADMINISTRATIVE LAW COURT AND THE PARTIES PROVIDING REVISIONS OR MODIFICATIONS, IF ANY, MADE TO THE DEPARTMENT DECISION; AND TO PROVIDE THAT IF AN EMERGENCY ORDER IS ISSUED BY THE DEPARTMENT, THE PERSON AGAINST WHOM IT IS ISSUED MAY APPLY TO THE ADMINISTRATIVE LAW COURT FOR RELIEF AND MUST BE AFFORDED A HEARING WITHIN FORTY-EIGHT HOURS. /

Rep. HIOTT explained the amendment.

The amendment was then adopted.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3827 (COUNCIL\GGS\3827C001.GGS.AC13), which was tabled:

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

/ SECTION 1. Timely resolutions of disputes with minimal delay regarding determinations and decisions made by the South Carolina Department of Health and Environmental Control promote economic development, ensure the protection of the State’s natural resources and environment, and allow earlier implementation of healthcare projects for the benefit of the State’s citizens. The current process imposes unreasonable and unnecessary delay which may be eliminated by allowing challenges to Department decisions to be made directly to the South Carolina Administrative Law Court.

SECTION 2. Section 44‑1‑60 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44‑1‑60. (A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case shall be made using the procedures set forth in this section.

(B) The department staff shall comply with all requirements for public notice, receipt of public comments and public hearings before making a department decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment and public hearings.

(C) ~~The initial decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department shall be a staff decision.~~ The staff’s decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department must be in writing and shall constitute a decision by the department as set forth in Subsection (D)(2). In making such a ~~staff~~ written department decision on ~~any~~a permit, license, certification or other approval, the department staff shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such permit, license, certification or other approval. ~~At the time that such staff decision is made,~~ The department ~~shall issue a department decision, and~~ shall base its department decision on the administrative record which shall consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record may also include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department decision need not be issued for routine permits for which no adverse public comments have been received.

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

(2) The ~~staff~~ written department decision becomes the final agency decision fifteen calendar days after notice of the ~~staff~~ department decision has been mailed to the applicant, unless a written request ~~for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person~~ for a contested case is filed with the Administrative Law Court within fifteen calendar days after notice of the department decision is mailed to the applicant, permittee, or licensee, and persons who have requested in writing to be notified of the department decision and served upon the Clerk of the DHEC Board and applicant, permittee, or licensee. The Administrative Law Court shall give consideration to the provisions of Section 1‑23‑330 regarding the department’s specialized knowledge.

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

(E) A person to whom an emergency order is issued by the department 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.

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

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

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

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

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

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

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

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

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

SECTION 3. All statutes and regulations must be interpreted to conform with this statutory amendment to allow challenges to department decisions to be filed directly to the South Carolina Administrative Law Court, and to the extent any existing provision in statute or regulation conflicts with this statutory amendment that provision is superseded.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent, does not affect pending actions, rights, duties, or liabilities founded on it, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law. 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, 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. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

AMEND THE TITLE TO READ:

/ TO AMEND SECTION 44-1-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUESTS FOR FINAL REVIEW OF DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BY THE BOARD, SO AS TO REMOVE THE BOARD FROM CHALLENGES TO DEPARTMENT DECISIONS AND TO PROVIDE THAT CHALLENGES TO THESE DECISIONS MUST BE FILED WITH THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT /.

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

Rep. J. E. SMITH spoke against the Bill.

Rep. HENDERSON moved that the House recede until 2:15 p.m., which was agreed to.

Further proceedings were interrupted by the House receding, the pending question being consideration of the Bill.

**THE HOUSE RESUMES**

At 2:15 p.m. the House resumed, Acting SPEAKER NEWTON in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. NANNEY a leave of absence for the remainder of the day due to illness.

**H. 3827--ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of the Bill:

H. 3827 -- Reps. Pitts and Loftis: A BILL TO AMEND SECTION 44-1-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUESTS FOR FINAL REVIEW OF DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BY THE DEPARTMENT BOARD, SO AS TO PROVIDE THAT A PARTY MAY REQUEST A CONTESTED CASE HEARING ON A DEPARTMENT DECISION BEFORE THE ADMINISTRATIVE LAW COURT OR MAY REQUEST A REVIEW OF THE DEPARTMENT DECISION BY THE BOARD; TO PROVIDE THAT IF A REVIEW BY THE BOARD IS REQUESTED, THE BOARD HAS SIXTY DAYS WITHIN WHICH TO CONDUCT ITS REVIEW AND ISSUE A DETERMINATION WHICH BECOMES THE FINAL AGENCY DECISION UNLESS A REQUEST FOR A CONTESTED CASE HEARING IS REQUESTED BEFORE THE ADMINISTRATIVE LAW COURT; TO PROVIDE THAT IF A CONTESTED CASE HEARING IS REQUESTED, THE PARTY MAY REQUEST THE ADMINISTRATIVE LAW COURT TO REMAND THE CASE TO THE BOARD FOR FURTHER REVIEW; TO PROVIDE THAT UPON REMAND, THE BOARD HAS SIXTY DAYS WITHIN WHICH TO CONDUCT ITS REVIEW AND ISSUE A STATEMENT WITH THE ADMINISTRATIVE LAW COURT AND THE PARTIES PROVIDING REVISIONS OR MODIFICATIONS, IF ANY, MADE TO THE DEPARTMENT DECISION; AND TO PROVIDE THAT IF AN EMERGENCY ORDER IS ISSUED BY THE DEPARTMENT, THE PERSON AGAINST WHOM IT IS ISSUED MAY APPLY TO THE ADMINISTRATIVE LAW COURT FOR RELIEF AND MUST BE AFFORDED A HEARING WITHIN FORTY-EIGHT HOURS.

Rep. J. E. SMITH spoke against the Bill.

Rep. W. J. MCLEOD spoke against the Bill.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. W. J. MCLEOD continued speaking.

Rep. SABB moved to adjourn debate on the Bill.

Rep. PITTS moved to table the motion.

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

Yeas 68; Nays 35

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brannon | Burns |
| Chumley | Clemmons | Cole |
| H. A. Crawford | Crosby | Daning |
| Delleney | Edge | Felder |
| Finlay | Forrester | Gagnon |
| Gambrell | George | Goldfinch |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Hiott |
| Hixon | Horne | Huggins |
| Kennedy | Loftis | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Norman |
| Ott | Owens | Pitts |
| Pope | Putnam | Quinn |
| Riley | Rivers | Ryhal |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Vick | Wells | Whitmire |
| Willis | Wood |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Bales | Bernstein |
| Bowers | G. A. Brown | R. L. Brown |
| Cobb-Hunter | Dillard | Douglas |
| Erickson | Funderburk | Gilliard |
| Govan | Hosey | Howard |
| Jefferson | King | Long |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Munnerlyn |
| Neal | Newton | Parks |
| Powers Norrell | Ridgeway | Robinson-Simpson |
| Sabb | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--35**

So, the motion to adjourn debate was tabled.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. LIMEHOUSE a leave of absence for the remainder of the day due to a funeral.

Rep. SABB spoke against the Bill.

Rep. NEAL spoke against the Bill.

Rep. R. L. BROWN moved to recommit the Bill to the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. HIOTT moved to table the motion.

Rep. J. E. SMITH demanded the yeas and nays which were taken, resulting as follows:

Yeas 63; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Barfield |
| Bedingfield | Bingham | Burns |
| Chumley | Clemmons | Cole |
| H. A. Crawford | Crosby | Daning |
| Delleney | Edge | Felder |
| Forrester | Gagnon | Gambrell |
| Goldfinch | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Hiott | Hixon | Horne |
| Huggins | Knight | Loftis |
| Lowe | Lucas | D. C. Moss |
| V. S. Moss | Murphy | Norman |
| Ott | Owens | Pitts |
| Pope | Putnam | Quinn |
| Riley | Rivers | Ryhal |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Vick | Wells |
| Whitmire | Willis | Wood |

**Total--63**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Bales | Bernstein |
| Bowers | Branham | R. L. Brown |
| Cobb-Hunter | Dillard | Douglas |
| Erickson | Funderburk | Gilliard |
| Govan | Hodges | Hosey |
| Howard | Jefferson | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| Munnerlyn | Neal | Newton |
| Parks | Powers Norrell | Ridgeway |
| Robinson-Simpson | Rutherford | Sabb |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper | Williams |  |

**Total--38**

So, the motion to recommit the Bill was tabled.

Rep. NEAL spoke against the Bill.

Rep. MCEACHERN spoke against the Bill.

Rep. WHIPPER spoke against the Bill.

**SPEAKER IN CHAIR**

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 71; Nays 34

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Barfield | Bedingfield |
| Bingham | Burns | Chumley |
| Clemmons | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Edge | Erickson | Felder |
| Finlay | Forrester | Gagnon |
| Gambrell | George | Goldfinch |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Hiott |
| Hixon | Horne | Huggins |
| Kennedy | Loftis | Long |
| Lowe | Lucas | McCoy |
| D. C. Moss | V. S. Moss | Murphy |
| Norman | Ott | Owens |
| Pitts | Pope | Putnam |
| Quinn | Riley | Rivers |
| Ryhal | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Toole |
| Vick | Wells | Whitmire |
| Willis | Wood |  |

**Total--71**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bernstein | Bowers |
| Branham | G. A. Brown | R. L. Brown |
| Cobb-Hunter | Dillard | Douglas |
| Funderburk | Gilliard | Hodges |
| Hosey | Howard | Jefferson |
| Mack | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| Munnerlyn | Neal | Newton |
| Parks | Powers Norrell | Ridgeway |
| Robinson-Simpson | Rutherford | Sabb |
| J. E. Smith | Stavrinakis | Whipper |
| Williams |  |  |

**Total--34**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3827. If I had been present, I would have voted in favor of the Bill.

Rep. Douglas Brannon

**H. 3827--MOTION TO RECONSIDER TABLED**

Rep. HARDWICK moved to reconsider the vote whereby the following Bill was given second reading:

H. 3827 -- Reps. Pitts and Loftis: A BILL TO AMEND SECTION 44-1-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUESTS FOR FINAL REVIEW OF DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BY THE DEPARTMENT BOARD, SO AS TO PROVIDE THAT A PARTY MAY REQUEST A CONTESTED CASE HEARING ON A DEPARTMENT DECISION BEFORE THE ADMINISTRATIVE LAW COURT OR MAY REQUEST A REVIEW OF THE DEPARTMENT DECISION BY THE BOARD; TO PROVIDE THAT IF A REVIEW BY THE BOARD IS REQUESTED, THE BOARD HAS SIXTY DAYS WITHIN WHICH TO CONDUCT ITS REVIEW AND ISSUE A DETERMINATION WHICH BECOMES THE FINAL AGENCY DECISION UNLESS A REQUEST FOR A CONTESTED CASE HEARING IS REQUESTED BEFORE THE ADMINISTRATIVE LAW COURT; TO PROVIDE THAT IF A CONTESTED CASE HEARING IS REQUESTED, THE PARTY MAY REQUEST THE ADMINISTRATIVE LAW COURT TO REMAND THE CASE TO THE BOARD FOR FURTHER REVIEW; TO PROVIDE THAT UPON REMAND, THE BOARD HAS SIXTY DAYS WITHIN WHICH TO CONDUCT ITS REVIEW AND ISSUE A STATEMENT WITH THE ADMINISTRATIVE LAW COURT AND THE PARTIES PROVIDING REVISIONS OR MODIFICATIONS, IF ANY, MADE TO THE DEPARTMENT DECISION; AND TO PROVIDE THAT IF AN EMERGENCY ORDER IS ISSUED BY THE DEPARTMENT, THE PERSON AGAINST WHOM IT IS ISSUED MAY APPLY TO THE ADMINISTRATIVE LAW COURT FOR RELIEF AND MUST BE AFFORDED A HEARING WITHIN FORTY-EIGHT HOURS.

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

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4059 -- Reps. Pitts, Clemmons, Loftis, Huggins, Erickson, J. R. Smith, Burns, Riley, Gambrell, Putnam, Merrill, Crosby, Kennedy, H. A. Crawford, Brannon, Hardee, Bedingfield, Quinn, Bingham, Finlay, Vick, G. R. Smith, Allison, Ballentine, Chumley, Daning, Delleney, Edge, Forrester, Gagnon, Goldfinch, Hamilton, Hardwick, Henderson, Hiott, Hixon, Hosey, Lowe, D. C. Moss, Murphy, Nanney, Newton, Norman, Ott, Patrick, Pope, Ridgeway, Simrill, G. M. Smith, Tallon, Taylor, Thayer, White, Willis and Wood: A CONCURRENT RESOLUTION EXPRESSING AN INVITATION FROM THE MEMBERS OF THE GENERAL ASSEMBLY TO OUT-OF-STATE BUSINESSES INVOLVED IN THE MANUFACTURING OF FIREARMS AND AMMUNITION AND ACCESSORIES FOR FIREARMS TO CONSIDER LOCATING OR EXPANDING EXISTING OPERATIONS IN SOUTH CAROLINA AND TO GUARANTEE THAT SOUTH CAROLINA AND SOUTH CAROLINIANS WILL OFFER THEM A WARM WELCOME.

H. 4230 -- Reps. Rutherford, Bales, Ballentine, Bernstein, Douglas, Finlay, Hart, Howard, McEachern, Neal, J. E. Smith, Alexander, Allison, Anderson, Anthony, Atwater, Bannister, Barfield, Bedingfield, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Felder, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE WAVERLY HISTORIC DISTRICT OF RICHLAND COUNTY AND CONGRATULATE ITS ASSOCIATION, RESIDENTS, AND EXTENDED COMMUNITY UPON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY IN 2013 AND TO COMMEND THEM FOR THEIR DEDICATION TO THE PRESERVATION OF WAVERLY'S BUILDINGS AND HISTORY.

H. 4237 -- Rep. Barfield: A CONCURRENT RESOLUTION TO CONGRATULATE KIMBERLY MYERS, AYNOR HIGH SCHOOL CAREER AND TECHNOLOGY EDUCATION DEPARTMENT CHAIR, ON BEING NAMED 2013 TEACHER OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF TEACHERS OF FAMILY AND CONSUMER SCIENCES.

**ADJOURNMENT**

At 5:12 p.m. the House, in accordance with the motion of Rep. ANDERSON, adjourned in memory of Ruth Ford Joyner of Georgetown, to meet at 10:00 a.m. tomorrow.

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