~~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 Deuteronomy 8:1: “Do not forget the Lord.”

Let us pray. O Lord, our God, You have filled our life with the joy that comes from discovering Your transformative grace in our lives. Direct us in all we do that we may not forget where our strength comes from. Guide us in our deliberations and decisions. Bless our Nation, President, State, Governor, Speaker, and all who labor in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us, O Lord, as we pray. 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. BRANTLEY moved that when the House adjourns, it adjourn in memory of James (Jimmy) Roland Rhodes, Jr., of Jasper County, which was agreed to.

**MESSAGE FROM THE SENATE**

**H. 3245--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

Columbia, S.C., April 21, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 3245:

H. 3245 -- Reps. Delleney, Nanney, Simrill, G. R. Smith, G. M. Smith, Lucas, Cooper, Stringer, Parker, Allison, Pinson, Hamilton, Erickson, J. R. Smith, Clemmons, Bedingfield, E. H. Pitts, Owens, Rice, Hiott, Littlejohn, Stewart, Viers, Willis, Loftis, Toole, Wylie, Vick, Millwood, Haley, Duncan, Ballentine, Frye and Barfield: A BILL TO AMEND SECTION 44-41-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO PREREQUISITES TO PERFORMING AN ABORTION, SO AS TO PROVIDE THAT IF AN ULTRASOUND IS PERFORMED, AN ABORTION MUST NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN SIXTY MINUTES, FOLLOWING THE COMPLETION OF THE ULTRASOUND, TO REQUIRE THE WOMAN TO BE INFORMED OF THE PROCEDURE TO BE INVOLVED AND THE PROBABLE GESTATIONAL AGE OF THE EMBRYO OR FETUS, AND TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN ONE HOUR, AFTER THE WOMAN RECEIVES CERTAIN WRITTEN MATERIALS.

and asks for a Committee of Conference and has appointed Senators Hutto, Knotts and Bryant to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. DELLENEY, NANNEY and VICK to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**REPORTS OF STANDING COMMITTEES**

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

H. 4181 -- Reps. Scott, Long, Haley, Duncan and Bedingfield: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS, SO AS TO ADD A NEW SECTION PRESERVING THE FREEDOM OF SOUTH CAROLINIANS WITH RESPECT TO THE PROVIDING OF HEALTH CARE SERVICES, BY PROHIBITING ANY LAW, REGULATION, OR RULE TO COMPEL AN INDIVIDUAL, EMPLOYER, OR HEALTH CARE PROVIDER TO PARTICIPATE IN A HEALTH CARE SYSTEM, BY ALLOWING INDIVIDUALS AND EMPLOYERS TO PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES WITHOUT PENALTIES OR FINES FOR THESE DIRECT PAYMENTS, BY PROVIDING THAT THE PURCHASE OR SALE OF HEALTH INSURANCE IN PRIVATE HEALTH CARE SYSTEMS MUST NOT BE PROHIBITED BY LAW, REGULATION, OR RULE, BY PROVIDING THOSE INCENTIVES IN WHICH THE RIGHTS PROVIDED BY THIS SECTION DO NOT APPLY, AND TO PROVIDE APPROPRIATE DEFINITIONS.

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

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

H. 4352 -- Reps. Hodges and Dillard: A JOINT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE NEED TO FOSTER THE DEVELOPMENT OF MICROENTERPRISES IN THIS STATE, TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 20, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Ordered for consideration tomorrow.

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

S. 1097 -- Senators Alexander, L. Martin, Sheheen, O'Dell, Land, Mulvaney and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-21-110 TO CHAPTER 21, TITLE 41 SO AS TO ENACT THE "FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA" AND TO ESTABLISH THE JUNIOR FIREFIGHTERS PROGRAM.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 4562 -- Rep. Vick: A BILL TO AMEND SECTION 39-11-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGISTRATION FEES OF WEIGHMASTERS AND DEPUTY WEIGHMASTERS, SO AS TO REVISE THE REGISTRATION FEE FOR WEIGHMASTERS AND TO DELETE THE ADDITIONAL FEE FOR DEPUTY PUBLIC WEIGHMASTERS; TO AMEND SECTION 39-11-60, RELATING TO LENGTH OF REGISTRATION AND RENEWAL, SO AS TO REVISE THE TIME IN WHICH PUBLIC WEIGHMASTER REGISTRATIONS MUST BE RENEWED; TO AMEND SECTION 39-11-80, RELATING TO REFUSAL OR REVOCATION OF A LICENSE, SO AS TO DELETE THE REFUSAL OR REVOCATION OF A DEPUTY PUBLIC WEIGHMASTER LICENSE BY THE COMMISSIONER OF AGRICULTURE; AND TO REPEAL SECTIONS 39-11-40 AND 39-11-50 RELATING TO EMPLOYMENT OR DESIGNATION OF DEPUTY WEIGHMASTERS AND RENEWAL OF REGISTRATION, RESPECTIVELY.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

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

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report on:

S. 495 -- Senators Massey, Hutto and S. Martin: A BILL TO AMEND SECTION 50-11-2100 OF THE 1976 CODE, RELATING TO FIELD TRIALS, TO PROVIDE THAT A PARTICIPANT IN FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL RESOURCES IS NOT REQUIRED TO OBTAIN A HUNTING LICENSE IF THE PARTICIPANT IS NOT CARRYING A FIREARM AND NO GAME IS TAKEN, AND TO PROVIDE THAT NO FIELD TRIALS MAY BE HELD OUTSIDE OF THE REGULAR SEASON EXCEPT AS PERMITTED BY THE DEPARTMENT.

Ordered for consideration tomorrow.

**INTRODUCTION OF BILLS**

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

H. 4880 -- Reps. J. H. Neal, Mack and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-27-525 SO AS TO PROVIDE AN INDIVIDUAL MAY NOT BE DISQUALIFIED FROM RECEIVING BENEFITS FROM THE DEPARTMENT OF WORKFORCE ON THE SOLE BASIS OF BEING AVAILABLE FOR PART-TIME EMPLOYMENT IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 41-35-122 SO AS TO PROVIDE CERTAIN BENEFITS FOR AN INDIVIDUAL WHO MUST CARE FOR AN IMMEDIATE FAMILY MEMBER WITH A VERIFIED ILLNESS OR DISABILITY THAT MANDATES CERTAIN CARE AND TO DEFINE THE TERM IMMEDIATE FAMILY MEMBER; BY ADDING SECTION 41-35-135 SO AS TO PROVIDE A DEPENDENTS' ALLOWANCE FOR EACH DEPENDENT OF AN ELIGIBILITY FOR BENEFITS; BY ADDING SECTION 41-35-425 SO AS TO PROVIDE EXTENDED TRAINING BENEFITS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 41-27-150, AS AMENDED, RELATING TO THE BASE PERIOD FOR UNEMPLOYMENT BENEFITS, SO AS TO PROVIDE AN ALTERNATE BASE PERIOD; TO AMEND SECTION 41-35-125, AS AMENDED, RELATING TO BENEFITS FOR AN INDIVIDUAL WHO IS UNEMPLOYED BECAUSE OF DOMESTIC ABUSE, SO AS TO DEFINE AN IMMEDIATE FAMILY MEMBER AND TO PROVIDE A BENEFIT FOR A PERSON WHO, AMONG OTHER THINGS, REASONABLY BELIEVES THAT LEAVING WORK IS NECESSARY FOR THE SAFETY OF AN IMMEDIATE FAMILY MEMBER; AND TO AMEND SECTION 41-35-126, AS AMENDED, RELATING TO MILITARY RELOCATION BENEFITS, SO AS TO PROVIDE CERTAIN CONDITIONS FOR RECEIPT OF THESE BENEFITS.

Referred to Committee on Ways and Means

H. 4885 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

S. 1070 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING PART VII TO ARTICLE 5, TITLE 62 SO AS TO ENACT THE "UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT", TO DEFINE NECESSARY TERMS, PROVIDE A UNIFORM PROCEDURE FOR JURISDICTION OVER ADULT GUARDIANSHIPS, CONSERVATORSHIPS, AND OTHER PROTECTIVE PROCEEDINGS TO ENSURE ONLY ONE STATE HAS JURISDICTION AT A GIVEN TIME.

Referred to Committee on Judiciary

S. 1134 -- Senators Peeler and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 59 SO AS TO ENACT THE "SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE ACT" TO PROVIDE THAT SCHOOL DISTRICTS SHALL TAKE CERTAIN MEASURES TO HELP ENSURE THAT THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE ARE MET BY ASSISTING WITH ENROLLMENT, SCHOOL RECORDS AND CREDIT TRANSFERS, ACCESS TO RESOURCES AND ACTIVITIES, AND EXCUSED ABSENCE MAKE-UP REQUIREMENTS; TO PROVIDE THAT SCHOOL DISTRICTS SHALL PROVIDE ACCESS TO AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES FOR SCHOOL RECORDS OF CHILDREN IN FOSTER CARE; AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE AN EDUCATIONAL ADVOCATE FOR CHILDREN IN FOSTER CARE.

Referred to Committee on Education and Public Works

S. 1303 -- Senator Fair: A BILL TO AMEND SECTION 42-7-65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AVERAGE WEEKLY WAGE DESIGNATED FOR CERTAIN CATEGORIES OF EMPLOYEES, SO AS TO ESTABLISH THE AVERAGE WEEKLY WAGE FOR AN INMATE WHO WORKS IN A FEDERALLY APPROVED PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM.

Referred to Committee on Ways and Means

**HOUSE RESOLUTION**

The following was introduced:

H. 4881 -- Reps. Horne, A. D. Young, Knight and Harrell: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE PINEWOOD PREPARATORY SCHOOL BOYS BASKETBALL TEAM OF SUMMERVILLE FOR WINNING THE 2010 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) CLASS AAA STATE CHAMPIONSHIP TITLE, AND TO CONGRATULATE THE PLAYERS, COACHES, AND SCHOOL OFFICIALS ON YET ANOTHER VICTORIOUS SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

On motion of Rep. HORNE, with unanimous consent, the following was taken up for immediate consideration:

H. 4882 -- Reps. Horne, A. D. Young, Knight and Harrell: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE PINEWOOD PREPARATORY SCHOOL BOYS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2010 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4883 -- Reps. Anderson, Agnew, Alexander, Allen, Allison, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE ANNIE MAE GREGGS OF GEORGETOWN COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4884 -- Rep. Gilliard: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND MR. HAROLD T. DUKES, AND MRS. MELISSA BARFIELD FOR THEIR FAITHFUL COMMITMENT TO CHILDREN'S CANCER COOPERATIVE, INC., AND FOR MAKING IT A PREMIERE PROVIDER OF FINANCIAL ASSISTANCE TO PEDIATRIC PATIENTS AND THEIR FAMILIES.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1376 -- Senator Courson: A CONCURRENT RESOLUTION HONORING THE ACHIEVEMENTS OF MS. HOMA HASSAN OF COLUMBIA COLLEGE AS AN OUTSTANDING SCHOLAR, LEADER, AND CITIZEN AND COMMEND HER FOR HER DEDICATION TO ACADEMIC EXCELLENCE, LEADERSHIP DEVELOPMENT, AND SERVICE, AND FOR PROUDLY REPRESENTING HER INSTITUTION AND STATE REGIONALLY, NATIONALLY, AND INTERNATIONALLY WITH UNWAVERING AMITY AND GRACE.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The following was taken up for immediate consideration:

S. 1384 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE COLUMBIA COLLEGE AS A PREMIER INSTITUTION OF HIGHER EDUCATION FOR WOMEN THAT PLAYS A VITAL ROLE IN OUR STATE AND TO DECLARE SATURDAY, APRIL 24, 2010, AS COLUMBIA COLLEGE DAY IN SOUTH CAROLINA.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Barfield | Battle |
| Bedingfield | Bingham | Bowers |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Chalk |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Kirsh |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. M. Neal | Neilson | Ott |
| Owens | Parker | Parks |
| Pinson | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Stringer | Thompson | Toole |
| Umphlett | Weeks | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, April 22.

|  |  |
| --- | --- |
| Harry Cato | Mike Anthony |
| Ted Vick | Joseph Neal |
| Ralph Norman | Michael A. Pitts |
| Thad Viers | Leon Stavrinakis |
| Grady Brown | Bruce Bannister |
| Chris Hart | Jackson "Seth" Whipper |
| Nikki Haley |  |

**Total Present--118**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MILLWOOD a leave of absence for the day due to personal reasons.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. J. E. SMITH a leave of absence for the day due to military training.

**DOCTOR OF THE DAY**

Announcement was made that Dr. John B. Eberly of Taylors was the Doctor of the Day for the General Assembly.

STATEMENT FOR THE JOURNAL

Due to a previously scheduled appointment, it was necessary for me to be absent on the afternoon of Wednesday, April 21, when the House finally got around to debating the cigarette tax increase legislation. I would have voted against a 50 cent per pack increase in the cigarette tax. I have never voted for the cigarette tax due to the conflicting nature of where the General Assembly wanted to spend the money. Historically, the General Assembly’s plans have set the taxpayers of South Carolina up for funding shortfalls when the cigarette tax revenues fall off - an historical fact that we can point to in state after state where the cigarette tax has been raised. I was amazed to see how quickly my colleagues in the House, after continually pointing to the need to fund healthcare and Medicaid with cigarette tax dollars, proceeded to offer amendments to spend the anticipated extra dollars on other pet projects, once the increase went from 30 cents to 50 cents.

Rep. Jeff Duncan

**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-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3645 |
| Date: | ADD: |
| 04/22/10 | R. L. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4181 |
| Date: | ADD: |
| 04/22/10 | BEDINGFIELD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4538 |
| Date: | ADD: |
| 04/22/10 | WHIPPER |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4546 |
| Date: | REMOVE: |
| 04/22/10 | OTT, HOWARD and DUNCAN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4269 |
| Date: | REMOVE: |
| 04/22/10 | WYLIE |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4831 |
| Date: | REMOVE: |
| 04/22/10 | WILLIAMS |

**SENT TO THE SENATE**

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

H. 3988 -- Rep. Funderburk: A BILL TO AMEND SECTION 39-20-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENFORCEMENT OF A LIEN IN CONNECTION WITH A SELF-SERVICE STORAGE FACILITY, SO AS TO PROVIDE FOR ANOTHER PROCEDURE FOR ENFORCEMENT OF A LIEN AGAINST A TITLED VEHICLE.

H. 3924 -- Reps. Harrison, Miller, Harrell, Clemmons and Weeks: A BILL TO AMEND SECTION 48-34-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO REFERENCE OTHER SPECIFIC STATUTORY AND REGULATORY REQUIREMENTS; AND TO AMEND SECTION 48-34-50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT NO PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE MAY BE HELD LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN AND TO DEFINE GROSS NEGLIGENCE.

H. 3369 -- Reps. T. R. Young, Huggins, E. H. Pitts, Ballentine, Bingham, Haley, Cato, Clyburn, Hearn, G. M. Smith, G. R. Smith, J. R. Smith, Spires, Stewart, Viers, Wylie and Weeks: A BILL TO AMEND SECTION 16-15-342, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF CRIMINAL SOLICITATION OF A MINOR, SO AS TO INCREASE THE PENALTY FOR THE OFFENSE.

**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. 652 -- Senators Knotts, Elliott, Ford and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-56-75 SO AS TO REQUIRE PROFESSIONAL FUNDRAISING COUNSEL, PROFESSIONAL SOLICITORS, AND COMMERCIAL CO-VENTURERS TO MAINTAIN LISTS OF DONORS FROM CAMPAIGNS AND SOLICITATIONS CONDUCTED BY THE SOLICITOR; TO PROVIDE THAT THESE LISTS ARE THE PROPERTY OF THE CHARITABLE ORGANIZATION; TO RESTRICT THE USE OF DONOR LISTS BY THE CAMPAIGN SOLICITOR; AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 931 -- Senator L. Martin: A BILL TO AMEND SECTION 44-48-40 OF THE 1976 CODE, RELATING TO THE EFFECTIVE DATE OF PAROLE OR CONDITIONAL RELEASE OF SEXUALLY VIOLENT PREDATORS, TO PROVIDE THAT WRITTEN NOTICE MUST BE GIVEN TWO HUNDRED SEVENTY DAYS RATHER THAN ONE HUNDRED DAYS, AND TO PROVIDE THAT THE PAROLE OR CONDITIONAL RELEASE ORDER DOES NOT TAKE EFFECT FOR ONE HUNDRED EIGHTY DAYS, RATHER THAN NINETY DAYS, AFTER ISSUANCE OF THE ORDER; TO AMEND SECTION 44-48-80, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD AFTER PROBABLE CAUSE IS FOUND TO EXIST THAT THE PERSON IS A SEXUALLY VIOLENT PREDATOR, TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY PENDING CONCLUSION OF THE PROCEEDINGS IN THIS CHAPTER AND THAT THE COURT MUST DIRECT THE PERSON TO BE TRANSPORTED TO AN APPROPRIATE FACILITY OF THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 44-48-90, RELATING TO THE TIME WITHIN WHICH A JURY TRIAL MUST BE REQUESTED AND HELD TO DETERMINE IF A PERSON IS A SEXUALLY VIOLENT PREDATOR, TO PROVIDE THAT A JURY TRIAL MUST BE REQUESTED WITHIN THIRTY DAYS AFTER THE DETERMINATION OF PROBABLE CAUSE UNDER SECTION 44-48-80, TO PROVIDE THAT THE TRIAL MUST BE HELD WITHIN NINETY DAYS OF ISSUANCE OF THE COURT APPOINTED EVALUATOR'S OPINION, AND TO PROVIDE THAT UPON RECEIPT OF THE ISSUANCE OF THE OPINION, EITHER PARTY MAY RETAIN HIS OWN EXPERT TO CONDUCT A SUBSEQUENT EVALUATION; TO AMEND SECTION 44-48-100, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD UPON A MISTRIAL IN DETERMINING IF THE PERSON IS A SEXUALLY VIOLENT PREDATOR, TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY; AND TO AMEND SECTION 44-48-120, RELATING TO PROCEDURES REQUIRED WHEN THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH DETERMINES A PERSON COMMITTED TO THE DEPARTMENT AS A SEXUALLY VIOLENT PREDATOR IS NO LONGER LIKELY TO COMMIT ACTS OF SEXUAL VIOLENCE, TO REQUIRE THE DIRECTOR TO CERTIFY THIS DETERMINATION IN WRITING AND TO NOTIFY THE ATTORNEY GENERAL OF THIS CERTIFICATION AND OF THE PATIENT'S AUTHORIZATION TO PETITION THE COURT FOR RELEASE, TO PROVIDE THAT THE ATTORNEY GENERAL MAY REQUEST AN EXAMINATION BEFORE A HEARING ON THE RELEASE IS HELD, AND TO PROVIDE THAT EITHER PARTY MAY REQUEST THAT THE HEARING BE HELD BEFORE A JURY.

**H. 3561--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Tuesday, April 27, which was adopted:

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

**H. 3854--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

H. 3854 -- Rep. Cooper: A BILL TO AMEND TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAXATION, SO AS TO REVISE CERTAIN CHAPTERS AND SECTIONS PERTAINING TO VARIOUS TAX MATTERS.

**H. 4520--DEBATE ADJOURNED**

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

H. 4520 -- Reps. Bales, Neilson and Clemmons: A BILL TO AMEND SECTION 51-3-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USE OF FACILITIES AND CAMPSITES AT REDUCED RATES BY THE AGED, BLIND, OR DISABLED, SO AS TO PROVIDE THAT SUCH PERSONS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS AT ONE HALF THE PRESCRIBED FEE, AND TO PROVIDE THAT DISABLED VETERANS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS WITHOUT CHARGE; BY ADDING SECTION 51-3-75 SO AS TO PROVIDE THAT BASED ON A REVIEW OF BUSINESS AND PERSONAL USE OF A PARTICULAR STATE PARK OR FACILITY BY THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, AND THE LABOR AND INSURANCE REQUIREMENTS IT SUSTAINS AT THAT FACILITY, IT MAY ALTER THE MANAGEMENT PLAN FOR THAT PARK OR FACILITY BY PERMITTING THE RELETTING OF CAMPSITES, CAMPING FACILITIES, OR OTHER AMENITIES BEFORE THE RENTAL TERM OF THE ORIGINAL RENTER HAS EXPIRED IF VACATED BY THE ORIGINAL RENTER BEFORE THE END OF THE STATED TERM, AND TO PROVIDE THE DEPARTMENT ALSO MAY WAIVE THE CHARGES FOR ITS REUSE AND FOR THE USE OF THESE AND OTHER AMENITIES.

**S. 382--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

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

**S. 372--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

S. 372 -- Senators Hayes and Ford: A BILL TO AMEND SECTION 62-2-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, SO AS TO CLARIFY THAT AN INTEREST AS A BENEFICIARY IN A TESTAMENTARY TRUST OR IN PROPERTY PASSING TO AN INTER VIVOS TRUST THROUGH THE DECEDENT'S WILL IS A BENEFICIAL INTEREST CHARGEABLE TO THE ELECTIVE SHARE; AND TO AMEND SECTION 62-7-401, AS AMENDED, RELATING TO CREATION OF A TRUST, SO AS TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE'S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

**H. 4540--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

H. 4540 -- Reps. Brady, Erickson, Harrison, Hardwick, Bowen, Cato, Harvin, Hearn, Scott, T. R. Young, Horne, Clemmons, Bedingfield, Nanney, G. R. Smith and Weeks: A BILL TO AMEND SECTION 63-7-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM TRYING TO PRESERVE AND REUNIFY A FAMILY, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN FAMILY PRESERVATION AND REUNIFICATION IS NO LONGER REQUIRED; TO AMEND SECTION 63-7-1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST THAT THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY THE FAMILY; TO AMEND SECTION 63-7-1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1700, RELATING TO THE FAMILY COURT REVIEWING A CHILD'S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT IN SOME INSTANCES A PARENT'S CONDUCT INVOLVING A CHILD, OTHER THAN A CHILD OF THE PARENT, MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-9-60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; AND BY ADDING SECTION 63-9-70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION.

**S. 217--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PLACES OF CONFINEMENT FOR INMATES, SO AS TO SUBSTITUTE THE TERM "REGIONAL COUNTY OR MUNICIPAL JAIL" FOR THE TERM "COUNTY JAIL", AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24-3-27, RELATING TO THE ESTABLISHMENT OF LOCAL REGIONAL CORRECTIONAL FACILITIES, SO AS TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED; TO AMEND SECTION 24-3-30, RELATING TO DESIGNATION OF PLACES OF CONFINEMENT, SO AS TO REVISE THE LIST OF PERSONS FROM WHICH THE STATE MUST OBTAIN CONSENT BEFORE AN INMATE MAY BE PLACED IN A FACILITY MAINTAINED BY A LOCAL GOVERNMENTAL ENTITY; TO AMEND SECTION 24-3-50, RELATING TO THE PENALTY FOR A PRISONER WHO FAILS TO REMAIN WITHIN THE EXTENDED LIMITS OF HIS CONFINEMENT, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PRISONER CONFINED IN A LOCAL FACILITY, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-60, RELATING TO THE CLERKS OF COURT PROVIDING NOTICE TO THE DEPARTMENT OF CORRECTIONS OF THE NUMBER OF CONVICTS SENTENCED TO IMPRISONMENT IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-70, RELATING TO ALLOWABLE EXPENSES INCURRED FOR THE TRANSPORTATION OF CONVICTS TO THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-80, RELATING TO THE DETENTION OF A PRISONER BY COMMITMENT AUTHORIZED BY THE GOVERNOR, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-81, RELATING TO CONJUGAL VISITS WITHIN THE STATE PRISON SYSTEM, SO AS TO PROVIDE THAT NO PRISONER IN THE STATE PRISON SYSTEM OR WHO IS BEING DETAINED IN A LOCAL GOVERNMENTAL FACILITY IS PERMITTED TO HAVE CONJUGAL VISITS; TO AMEND SECTION 24-3-130, RELATING TO THE USE OF INMATE LABOR ON PUBLIC WORKS PROJECTS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-131, RELATING TO THE SUPERVISION OF INMATES USED ON PUBLIC PROJECTS, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-140, RELATING TO THE USE OF CONVICT LABOR AT THE STATE HOUSE, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-160, RELATING TO THE COST OF MAINTAINING CONVICTS BY STATE INSTITUTIONS, SO AS TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-170, RELATING TO THE USE OF CONVICTS BY CLEMSON UNIVERSITY, SO AS TO SUBSTITUTE THE TERMS "FEE" FOR THE TERM "HIRE", "INMATES" FOR THE TERM "CONVICTS", "EMPLOYEES" FOR THE TERM "GUARDS", AND "PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-180, RELATING TO THE PROVISION OF TRANSPORTATION AND CLOTHING FOR CONVICTS WHO HAVE BEEN DISCHARGED, SO AS TO SUBSTITUTE THE TERMS "INMATE" FOR THE TERM "CONVICT" AND THE TERM "STATE PRISON" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-190, RELATING TO APPROPRIATION OF CLOSE OF THE YEAR BALANCES FOR THE SUPPORT OF THE PENITENTIARY, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "PENITENTIARY" AND THE TERM "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-310, RELATING TO THE GENERAL ASSEMBLY'S INTENT FOR ESTABLISHING A PRISON INDUSTRIES PROGRAM, SO AS TO SUBSTITUTE THE TERM "PRISON" FOR THE TERM "CONVICT", AND "INMATES" FOR THE TERM "CONVICTS"; TO AMEND SECTION 24-3-320, RELATING TO THE PURCHASE OF EQUIPMENT AND MATERIALS AND EMPLOYMENT OF PERSONNEL FOR THE ESTABLISHMENT AND MAINTENANCE OF PRISON INDUSTRIES, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS" AND TO DELETE THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-330, RELATING TO THE PURCHASE OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-340, RELATING TO THE STATE'S PURCHASE OF PRODUCTS THAT ARE NOT PRODUCED BY CONVICT LABOR, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-37-370, RELATING TO THE PRIORITY OF DISTRIBUTION OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-400, RELATING TO THE PRISON INDUSTRIES ACCOUNT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-420, RELATING TO PENALTIES FOR VIOLATIONS OF THE PROVISIONS RELATING TO THE PRISON INDUSTRIES PROGRAM, SO AS TO DELETE THE TERM "JAIL"; TO AMEND SECTION 24-3-520, RELATING TO THE TRANSPORTATION OF A PERSON SENTENCED TO DEATH, SO AS TO REVISE THIS PROVISION AND PROVIDE THAT THE FACILITY MANAGER WHO HAS CUSTODY OF THE INMATE HAS THE AUTHORITY TO TRANSFER HIM TO THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 24-3-540, RELATING TO THE DEATH CHAMBER AND THE TRANSPORTING OF A PERSON TO A PLACE TO BE ELECTROCUTED, SO AS TO SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-550, RELATING TO WITNESSES THAT MAY BE PRESENT DURING AN EXECUTION, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-560, RELATING TO THE CERTIFICATION OF THE EXECUTION OF A PERSON, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-570, RELATING TO THE DISPOSITION OF THE BODY OF A PERSON WHO HAS BEEN EXECUTED, SO AS TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND "PRISON SYSTEM" FOR THE TERM "PENITENTIARY"; TO AMEND SECTION 24-3-710, RELATING TO THE INVESTIGATION OF THE MISCONDUCT THAT OCCURS IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "PRISON SYSTEM" FOR THE TERM "PENITENTIARY", AND PROVIDE THAT THE DIRECTOR OF THE STATE PRISON SYSTEM'S AUTHORITY TO INVESTIGATE MISCONDUCT IN THE STATE PRISON SYSTEM IS THE SAME AUTHORITY THAT AN OFFICIAL IN CHARGE OF A LOCAL FACILITY MAY EXERCISE; TO AMEND SECTION 24-3-720, RELATING TO ENLISTING THE AID OF CITIZENS TO SUPPRESS PRISON RIOTS AND DISORDERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-740, RELATING TO THE COMPENSATION OF A PERSON WHO ASSISTS THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-750, RELATING TO PROVIDING IMMUNITY TO A PERSON WHO ASSISTS THE DEPARTMENT OF CORRECTIONS IN SUPPRESSING DISORDER, RIOT, OR INSURRECTION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-760, RELATING TO THE POWERS OF THE KEEPER WHEN THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS ABSENT, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-920, AS AMENDED, RELATING TO REWARDS FOR THE CAPTURE OF AN ESCAPED CONVICT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "CONVICT"; TO AMEND SECTION 24-3-930, RELATING TO EXEMPTING CERTAIN PERSONS EMPLOYED BY THE PENITENTIARY FROM SERVING ON JURIES AND MILITARY OR STREET DUTY, SO AS TO SUBSTITUTE THE TERM "STATE PRISON SYSTEM" FOR THE TERM "PENITENTIARY" AND THE TERM "OTHER EMPLOYEES" FOR THE TERM "OTHER OFFICERS"; TO AMEND SECTION 24-3-940, RELATING TO PROHIBITING PRISONERS FROM GAMBLING, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-3-951, RELATING TO THE POSSESSION OR USE OF MONEY BY PRISONERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24-3-965, RELATING TO THE TRIAL OF CERTAIN OFFENSES RELATED TO CONTRABAND IN MAGISTRATES COURT, SO AS TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO PROVIDE THAT THIS PROVISION APPLIES TO REGIONAL DETENTION FACILITIES AND PRISON CAMPS, AND TO DEFINE THE TERM CONTRABAND; TO AMEND SECTION 24-5-10, RELATING TO A SHERIFF'S RESPONSIBILITIES AS THE CUSTODIAN OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER" AND MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-5-12, RELATING TO COUNTIES THAT ASSUME CERTAIN RESPONSIBILITIES WITH REGARD TO THE CUSTODY OF COUNTY JAILS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO PROVIDE THE CIRCUMSTANCES IN WHICH A COUNTY CAN DEVOLVE ITS POWER TO OPERATE A JAIL UPON A SHERIFF; TO AMEND SECTION 24-5-20, RELATING TO THE EMPLOYMENT OF A JAILER, SO AS TO DELETE THE PROVISION THAT ALLOWS A SHERIFF WHO DOES NOT LIVE IN A JAIL TO APPOINT A JAILER, TO PROVIDE THAT A SHERIFF WHO HAS CONTROL OF A JAIL SHALL APPOINT A FACILITY MANAGER WHO HAS CONTROL AND CUSTODY OF THE JAIL UNDER THE SUPERVISION OF THE SHERIFF, AND TO PROVIDE THAT IN CASES WHERE THE SHERIFF DOES NOT CONTROL A JAIL, THE COUNTY'S GOVERNING BODY SHALL APPOINT THE FACILITY MANAGER; TO AMEND SECTION 24-5-50, RELATING TO A SHERIFF'S KEEPING OF PRISONERS COMMITTED BY A CORONER, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGERS" FOR THE TERM "JAILERS", AND TO PROVIDE THIS PROVISION ALSO APPLIES TO GOVERNING BODIES THAT HAVE CUSTODY OF A JAIL TECHNICAL CHANGE; TO AMEND SECTION 24-5-60, RELATING TO SHERIFFS AND JAILERS KEEPING PRISONERS COMMITTED BY THE UNITED STATES GOVERNMENT, SO AS TO SUBSTITUTE THE TERM "GOVERNING BODIES" FOR THE TERM "JAILERS", AND TO PROVIDE THAT A SHERIFF OR FACILITY MANAGER MAY CHARGE A FEE FOR KEEPING THESE PRISONERS; TO AMEND SECTION 24-5-80, RELATING TO PROVIDING BLANKETS AND BEDDING TO PRISONERS, SO AS TO REVISE THE ITEMS THAT A PRISONER MUST BE FURNISHED TO INCLUDE SUFFICIENT FOOD, WATER, CLOTHING, HYGIENE PRODUCTS, BEDDING, AND SHELTER; TO AMEND SECTION 24-5-90, RELATING TO THE UNLAWFUL DISCRIMINATION IN THE TREATMENT OF PRISONERS, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "JAILER", AND TO REVISE THE PENALTY FOR A VIOLATION OF THIS PROVISION; TO AMEND SECTION 24-5-110, RELATING TO THE RETURN TO COURT BY A SHERIFF OF THE NAMES OF PRISONERS WHO ARE CONFINED ON THE FIRST DAY OF THE TERM OF GENERAL SESSIONS COURT, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF", AND TO PROVIDE THAT THE USE OF ELECTRONIC RECORDS SATISFIES THIS REQUIREMENT; TO AMEND SECTION 24-5-120, RELATING TO A SHERIFF'S ANNUAL REPORT ON THE CONDITION OF A JAIL, SO AS TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "SHERIFF"; TO AMEND SECTION 24-5-170, RELATING TO THE REMOVAL OF PRISONERS FROM A JAIL THAT MAYBE DESTROYED, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO A JAIL THAT IS RENDERED UNINHABITABLE, AND TO REVISE THE PROCEDURES TO TRANSFER THESE PRISONERS TO ANOTHER FACILITY; TO AMEND SECTIONS 24-5-300, 24-5-310, 24-5-320, AS AMENDED, 24-5-330, 24-5-350, 24-5-360, AS AMENDED, 24-5-370, 24-5-380, AND 24-5-390, ALL RELATING TO DEFINITIONS, AND THE APPOINTMENT, TRAINING, PHYSICAL COMPETENCE, DUTIES, IDENTIFICATION CARDS, UNIFORMS, AND WORKERS' COMPENSATION BENEFITS FOR RESERVE DETENTION OFFICERS, SO AS TO DELETE THE TERM "JAILER"; TO AMEND SECTION 24-7-60, RELATING TO THE CARE OF CONVICTS SENTENCED TO LABOR ON A COUNTY PUBLIC WORKS PROJECT, SO AS TO MAKE TECHNICAL CHANGES, AND TO SUBSTITUTE THE TERM "INMATES" FOR THE TERM "CONVICTS", AND THE TERM "GENERAL FUND" FOR THE TERM "ROAD FUND"; TO AMEND SECTION 24-7-110, RELATING TO THE HEALTH OF CONVICTS IN A COUNTY'S CUSTODY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM "MEDICAL PERSONNEL" FOR THE TERM "PHYSICIAN", "INMATES" FOR THE TERM "CONVICTS", "COUNTY JAIL, DETENTION FACILITY, PRISON CAMP, OR OTHER LOCAL FACILITIES" FOR THE TERM "CHAIN GANG", AND TO REVISE THE PROCEDURE TO PROVIDE AND PAY FOR HEALTH CARE SERVICES FOR INMATES IN A COUNTY'S CUSTODY; TO AMEND SECTION 24-7-120, RELATING TO THE INCARCERATION OF CONVICTS BY MUNICIPAL AUTHORITIES, SO AS TO PROVIDE STANDARDS THAT A MUNICIPAL AUTHORITY MUST MAINTAIN WHEN IT SUPERVISES PERSONS SENTENCED TO A PUBLIC WORK DETAIL, OR OPERATES A JAIL, AND TO REVISE THIS PROVISION TO ALLOW A MUNICIPALITY TO ENTER INTO AGREEMENTS TO HOUSE THEIR PRISONERS IN COUNTY FACILITIES; TO AMEND SECTION 24-7-155, RELATING TO THE PROHIBITION OF CONTRABAND IN A COUNTY OR MUNICIPAL PRISON, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO MULTI-JURISDICTIONAL FACILITIES, TO SUBSTITUTE THE TERM "INMATE" FOR THE TERM "PRISONER", TO DELETE A REFERENCE TO THE TERM "SUPERINTENDENT OF THE FACILITY", AND TO PROVIDE THAT THE FACILITY MAY DESIGNATE ADDITIONAL ITEMS OF CONTRABAND THAT ARE PROHIBITED; TO AMEND SECTION 24-9-30, RELATING TO MINIMUM STANDARDS THAT MUST BE MET BY FACILITIES THAT HOUSE PRISONERS OR PRETRIAL DETAINEES, SO AS TO DELETE THE PROVISION THAT REQUIRES A COPY OF CERTAIN INSPECTION REPORTS BE SENT TO CERTAIN JUDGES OF THE JUDICIAL CIRCUIT IN WHICH THE FACILITY IS LOCATED, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24-9-35, RELATING TO REPORTS OF DEATHS OF INCARCERATED PERSONS, SO AS TO MAKE TECHNICAL CHANGES, PROVIDE THAT THIS PROVISION APPLIES TO MULTI-JURISDICTIONAL FACILITIES AND TO SUBSTITUTE THE TERM "FACILITY MANGER" FOR THE TERM "JAILER"; TO AMEND SECTION 24-9-40, RELATING TO THE CERTIFICATION OF ARCHITECTURAL PLANS BEFORE A CONFINEMENT FACILITY IS CONSTRUCTED, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO THE RENOVATION OF CONFINEMENT FACILITIES; TO AMEND SECTIONS 24-13-10, 24-13-20, 24-13-30, 24-13-40, 24-13-50, 24-13-80, 24-13-125, 24-13-150, 24-13-210, 24-13-230, 24-13-235, 24-13-260, 24-13-410, 24-13-420, 24-13-430, 24-13-440, 24-13-450, 24-13-460, 24-13-470, 24-13-640, 24-13-660, 24-13-910, 24-13-915, 24-13-940, AND 24-13-1540, ALL RELATING TO THE INCARCERATION OF PRISONERS, THE REDUCTION IN A PRISONER'S SENTENCE, PRISONER OFFENSES, THE PRISON WORK RELEASE PROGRAM, FURLOUGHS, THE SHOCK INCARCERATION PROGRAM, AND THE HOME DETENTION PROGRAM, SO AS TO SUBSTITUTE THE TERM "LOCAL DETENTION FACILITIES" FOR THE TERM "CHAIN GANGS", SUBSTITUTE THE TERMS "INMATES" AND "CONVICTS" FOR THE TERM "PRISONERS", TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "FACILITY MANAGER" FOR THE TERM "OFFICIAL", TO REVISE THE DEFINITION OF THE TERM "DETENTION FACILITY", TO REVISE THE TYPE AND COST OF MEDICAL SERVICES THAT MAYBE PAID FROM AN INMATE'S ACCOUNT, TO PROVIDE THAT IT IS UNLAWFUL FOR A PRISONER TO ESCAPE FROM CUSTODY OR TO POSSESS ITEMS THAT MAY BE USED TO FACILITATE AN ESCAPE, AND TO DELETE A REFERENCE TO THE TERM "LOCAL CORRECTIONAL FACILITY"; TO AMEND SECTION 16-7-140, RELATING TO PENALTIES FOR VIOLATING PROVISIONS THAT PROHIBIT THE WEARING OF MASKS AND PLACING A BURNING CROSS ON A PROPERTY WITHOUT ITS OWNER'S PERMISSION, SO AS TO DELETE A REFERENCE TO THE TERM "COUNTY JAIL"; TO AMEND SECTION 63-3-620, AS AMENDED, RELATING TO PENALTIES FOR A PERSON'S FAILURE TO OBEY CERTAIN ORDERS OF A COURT AND STATUTES RELATING TO THE CHILDREN'S CODE OF LAW, SO AS TO SUBSTITUTE THE TERM "DETENTION FACILITY" FOR THE TERM "CORRECTIONAL FACILITY", AND TO DELETE A PROVISION THAT PLACES RESTRICTIONS ON WHO MAY PARTICIPATE IN A WORK/PUNISHMENT PROGRAM; TO REPEAL SECTIONS 24-3-150, 24-3-200, 24-5-30, 24-5-70, 24-5-100, 24-5-140, 24-5-150, 24-5-160, 24-7-70, 24-7-80, 24-7-130, 24-7-140, AND 24-7-150 RELATING TO THE TRANSFER OF CONVICTS TO A COUNTY CHAIN GANG, THE TRANSFER OF A PRISONER TO A COUNTY OTHER THAN THE COUNTY WHERE HE WAS SENTENCED, THE APPOINTMENT OF A JAILER BY A SHERIFF, THE USE OF FEDERAL PRISONERS BY A COUNTY, A SHERIFF'S IMPRESSING A SUFFICIENT NUMBER OF GUARDS TO SECURE A PRISONER WHO IS ACCUSED OF A CAPITAL OFFENSE, THE HOUSING OF FEMALE CONVICTS, THE CONFINEMENT OF PERSONS CHARGED WITH A CRIME IN A PRISON LOCATED IN AN INDUSTRIAL COMMUNITY, THE LEASE OF COUNTY CONVICTS, THE DIETING AND CLOTHING AND MAINTENANCE OF CERTAIN PRISONERS BY LOCAL GOVERNMENTAL AUTHORITIES, AND THE COLLECTION AND DISPOSITION OF MONEY BY A COUNTY FOR THE HIRING OF CONVICTS; BY ADDING ARTICLE 2 TO CHAPTER 5, TITLE 24 SO AS TO ENACT THE LOCAL DETENTION FACILITY MUTUAL AID AND ASSISTANCE ACT TO ALLOW LOCAL DETENTION FACILITIES TO ASSIST EACH OTHER IN PROVIDING SAFE AND SECURE HOUSING OF INMATES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 24-21-560, RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES COMMUNITY SUPERVISION PROGRAM, SO AS TO REVISE THE MAXIMUM AGGREGATE AMOUNT OF TIME A PRISONER MAY BE REQUIRED TO BE INCARCERATED WHEN SENTENCED FOR SUCCESSIVE COMMUNITY SUPERVISION PROGRAM REVOCATIONS.

**H. 4049--DEBATE ADJOURNED**

Rep. CRAWFORD moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

H. 4049 -- Reps. Nanney and Loftis: A BILL TO AMEND SECTION 29-3-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

**H. 3246--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3246 -- Reps. Pinson and Hayes: A BILL TO AMEND SECTION 1-11-720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO EXTEND THIS ELIGIBILITY TO THE SOUTH CAROLINA ATHLETIC COACHES ASSOCIATION.

Rep. NEILSON explained the Bill.

Rep. HAYES spoke in favor of the Bill.

Reps. UMPHLETT, COBB-HUNTER, HAYES, TOOLE, NEILSON, CLEMMONS, BOWERS, KENNEDY, WEEKS, CRAWFORD, DANING, HOSEY, CLYBURN, WILLIAMS, JEFFERSON and BRANTLEY requested debate on the Bill.

**S. 1146--DEBATE ADJOURNED**

Rep. NEILSON moved to adjourn debate upon the following Bill until Thursday, April 29, which was adopted:

S. 1146 -- Senator Alexander: A BILL TO AMEND SECTIONS 9-1-1770, 9-1-1775, 9-8-110, 9-9-100, 9-11-120, 9-11-125, AND 9-11-140 OF THE 1976 CODE, RELATING TO THE PAYMENT OF DEATH BENEFITS IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS, TO REPEAL CERTAIN DUTIES AND RESPONSIBILITIES OF THE BOARD, TO PROVIDE THAT BENEFITS PAID PURSUANT TO THE ACCIDENTAL DEATH INSURANCE BENEFIT SHALL NOT BE TREATED AS A LIFE INSURANCE BENEFIT, AND TO PROVIDE THAT ADJUSTMENTS TO BENEFITS SHALL BE MADE IN THE MANNER PROVIDED IN SECTION 9-11-310.

**S. 1145--DEBATE ADJOURNED**

Rep. NEILSON moved to adjourn debate upon the following Bill until Thursday, April 29, which was adopted:

**S. 906--DEBATE ADJOURNED**

Rep. NEILSON moved to adjourn debate upon the following Bill until Thursday, April 29, which was adopted:

S. 906 -- Senators Leatherman, Land, Coleman and Elliott: A BILL TO AMEND SECTION 9-8-50 OF THE 1976 CODE, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, TO PROVIDE THAT A MEMBER UPON TERMINATION WHO DOES NOT QUALIFY FOR A MONTHLY BENEFIT MAY TRANSFER HIS SERVICE CREDIT TO THE SOUTH CAROLINA RETIREMENT SYSTEM, AND TO CLARIFY PROVISIONS RELATED TO THE TRANSFER OF EARNED SERVICE CREDIT IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS.

**ORDERED TO THIRD READING**

The following Bill was taken up, read the second time, and ordered to a third reading:

H. 4599 -- Reps. Daning, Clemmons, D. C. Moss, Sellers, Brantley, Erickson, Hardwick, Kennedy, Whipper, Jefferson, Loftis, Gilliard, McEachern, Pinson, Merrill, Crawford, Umphlett, Harrison, V. S. Moss, Bowen, Gambrell, Lowe, H. B. Brown, Govan, Viers, Sottile, Whitmire, Agnew, Ballentine, Barfield, Bedingfield, Cobb-Hunter, Gunn, Hamilton, Harrell, Harvin, Hearn, Herbkersman, Horne, Hosey, Howard, J. H. Neal, Owens, M. A. Pitts, Sandifer, Scott, D. C. Smith, G. R. Smith, Thompson, Toole, Vick, Willis, Wylie and A. D. Young: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE TUITION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO CONTINUE TO EXTEND IN-STATE TUITION RATES UPON TRANSFER TO AN ELIGIBLE INSTITUTION UPON CERTAIN CONDITIONS, AND TO REQUIRE A TRANSFERRING INSTITUTION TO VERIFY ELIGIBILITY AND THE TRANSFERRING STUDENT TO PROVIDE NECESSARY DOCUMENTATION.

Rep. NEILSON explained the Bill.

**H. 4599--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. DANING, with unanimous consent, it was ordered that H. 4599 be read the third time tomorrow.

**H. 3768--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3768 -- Rep. Chalk: A BILL TO AMEND SECTION 4-10-25, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF CERTAIN CONSTRUCTION CONTRACTS FROM A LOCAL OPTION SALES TAX FOR COUNTY OR MUNICIPAL OPERATIONS UNDER WHICH TANGIBLE PERSONAL PROPERTY IS TO BE DELIVERED AFTER THE IMPOSITION DATE OF THE TAX, SO AS TO REVISE THE TERMS AND CONDITIONS UNDER WHICH THESE CONSTRUCTION CONTRACTS ARE EXEMPT.

Rep. LITTLEJOHN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Herbkersman | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Viers | Weeks | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| G. R. Smith |  |  |

**Total--1**

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

**H. 3768--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. CHALK, with unanimous consent, it was ordered that H. 3768 be read the third time tomorrow.

**H. 3122--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3122 -- Rep. Huggins: A BILL TO AMEND SECTION 12-60-430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FAILURE OF A TAXPAYER TO MAKE A REPORT OR FILE A RETURN REQUIRED BY LAW OR A TAXPAYER WHO FILES A FRIVOLOUS RETURN, SO AS TO FURTHER PROVIDE FOR THE INFORMATION THE DEPARTMENT MUST CONSIDER WHEN MAKING AN ESTIMATE OF THE TAX LIABILITY OF THE TAXPAYER UNDER THESE CIRCUMSTANCES.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19986SD10):

Amend the bill, as and if amended, by striking subsection (C) of Section 12‑60‑430 of the 1976 Code, as contained in SECTION 1 and inserting:

/ (C) The ‘best information available’ for purposes of subsections (A) and (B) of this section means either previous returns filed by the taxpayer, if any, or information supplied by the taxpayer upon request of the department sent by first class mail, return receipt requested, if no previous returns have been filed. /

Renumber sections to conform.

Amend title to conform.

Rep. LITTLEJOHN explained the amendment.

Reps. SANDIFER, LOWE, UMPHLETT, G. M. SMITH, LITTLEJOHN, BOWERS, DANING, BALES, BEDINGFIELD, KNIGHT and WYLIE requested debate on the Bill.

**S. 728--DEBATE ADJOURNED**

Rep. LITTLEJOHN moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

S. 728 -- Senators Hayes, Fair and Ford: A BILL TO AMEND SECTION 12-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENTITLEMENT TO TAX CREDITS UNDER THE TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO FURTHER PROVIDE FOR THE APPLICABILITY OF SPECIFIC REQUIREMENTS FOR TEXTILE MILL SITES ACQUIRED BEFORE AND AFTER 2007, TO REVISE THE ALLOWABLE AMOUNT OF THE CREDITS IN CERTAIN INSTANCES, TO PROVIDE THAT THE TAX CREDITS ALLOWED INCLUDE CREDITS AGAINST INSURANCE PREMIUM TAXES, TO MAKE A TECHNICAL CORRECTION, AND TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CREDITS ARE VESTED IN A TAXPAYER AND MAY BE ALLOCATED TO PARTNERS OR MEMBERS; BY ADDING SECTION 12-65-50 SO AS TO PROVIDE TRANSITION RULES APPLICABLE TO SPECIFIC MILL SITES; AND BY ADDING SECTION 12-65-60 SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY CERTIFICATION PROCESS.

**S. 1066--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

S. 1066 -- Senators O'Dell and Sheheen: A BILL TO AMEND CHAPTER 6, TITLE 12 OF THE 1976 CODE, BY ADDING SECTION 12-6-3595 TO PROVIDE A TAX CREDIT EQUAL TO ONE HUNDRED PERCENT OF AN AMOUNT CONTRIBUTED TO THE SOUTH CAROLINA EXISTING MANUFACTURERS' RETENTION AND GROWTH FUND, TO PROVIDE THAT THE CREDIT MAY NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS FOR A SINGLE TAXPAYER AND NOT TO EXCEED AN AGGREGATE OF FOUR MILLION DOLLARS FOR EACH TAX YEAR, AND TO PROVIDE THE PROCESS AND REQUIREMENTS FOR CLAIMING THE CREDIT.

**S. 1131--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

S. 1131 -- Senators Peeler and Coleman: A BILL TO AMEND SECTION 4-29-67, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUSTRIAL DEVELOPMENT PROJECTS REQUIRING A FEE IN LIEU OF PROPERTY TAXES AGREEMENT, SO AS TO ADD CERTAIN DEFINITIONS, TO FURTHER PROVIDE FOR THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED NUCLEAR PLANT FACILITY, TO PROVIDE FOR THE TIMELINE WHEN THE SPONSOR MUST ENTER INTO AN INITIAL LEASE AGREEMENT WITH THE COUNTY IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY, AND THE TIMELINES WHEN THE SPONSOR MUST MEET MINIMUM INVESTMENT REQUIREMENTS IN THE CASE OF A QUALIFIED NUCLEAR PLANT FACILITY AND PLACE THE PROJECT INTO SERVICE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; AND TO AMEND SECTION 12-44-40, AS AMENDED, RELATING TO THE REQUIRED FEE AGREEMENT BETWEEN THE SPONSOR AND THE COUNTY UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO PROVIDE THE TIME WITHIN WHICH A SPONSOR HAS TO ENTER INTO A FEE AGREEMENT IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY.

**H. 4245--DEBATE ADJOURNED**

Rep. MERRILL moved to adjourn debate upon the following Joint Resolution until Tuesday, April 27, which was adopted:

H. 4245 -- Reps. Merrill, Daning, Long, Wylie and Hutto: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ALLOW RAFFLES TO BE CONDUCTED BY CHARITABLE OR NONPROFIT ORGANIZATIONS AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION ALLOWED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THE CONDUCT AND MANAGEMENT OF THE RAFFLES, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ASSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

**H. 4270--DEBATE ADJOURNED**

Rep. DELLENEY moved to adjourn debate upon the following Joint Resolution until Tuesday, April 27, which was adopted:

H. 4270 -- Reps. Merrill, Daning, Wylie, Kirsh and Hutto: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, BY ADDING A NEW PARAGRAPH SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL ENACT A GENERAL LAW AUTHORIZING A CHARITABLE ORGANIZATION TO CONDUCT A RAFFLE, AND WHICH DEFINES THE TYPE OF ORGANIZATION ALLOWED TO CONDUCT A RAFFLE, PROVIDES THE STANDARDS FOR THE CONDUCT AND MANAGEMENT OF THE RAFFLE, PROVIDES PENALTIES FOR VIOLATIONS, AND ENSURES THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLE IS CONDUCTED, AND TO PROVIDE THAT A RAFFLE CONDUCTED IN CONFORMITY WITH LAWS ENACTED PURSUANT TO THIS PARAGRAPH IS NOT CONSIDERED A LOTTERY PROHIBITED BY THE CONSTITUTION.

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

**H. 4663--REQUESTS FOR DEBATE WITHDRAWN**

Reps. BALES, KENNEDY and J. H. NEAL withdrew their requests for debate on H. 4663; however, other requests for debate remained on the Bill.

**H. 3492--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. COOPER, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

H. 3492 -- Reps. Kennedy, Bingham, Brantley, Cato, McEachern, Clyburn, Hodges, Hosey, Jefferson, King and Williams: A BILL TO AMEND SECTION 40-59-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN CONNECTION WITH THE LICENSURE AND REGULATION OF RESIDENTIAL HOME BUILDERS SO AS TO INCREASE FROM FIVE THOUSAND DOLLARS TO FIFTEEN THOUSAND DOLLARS THE AMOUNT THAT A PERSON MAY UNDERTAKE IN THE CONSTRUCTION, REPAIR, OR IMPROVEMENT OF A RESIDENTIAL BUILDING WITHOUT BEING CONSIDERED A RESIDENTIAL HOME BUILDER SUBJECT TO LICENSURE AND REGULATIONS BY THE SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION.

**H. 3645--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. T. R. YOUNG, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

H. 3645 -- Reps. T. R. Young, Merrill, Hardwick, J. R. Smith, D. C. Smith, Haley, Erickson, Stringer, Stewart, G. R. Smith, Harrison, Gullick, Nanney, Cato, Huggins, Crawford, Spires, Allison, Ballentine, Bannister, Bedingfield, Bingham, Clyburn, Cole, Forrester, Hamilton, Harrell, Hearn, Herbkersman, Horne, Hosey, King, Limehouse, Long, Millwood, Parker, E. H. Pitts, Sandifer, Scott, Sellers, Simrill, Sottile, Toole, White, Wylie, A. D. Young and R. L. Brown: A BILL TO AMEND SECTION 56-1-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS TO WHOM THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE A DRIVER'S LICENSE OR PERMIT, SO AS TO PROVIDE THAT A DRIVER'S LICENSE MAY NOT BE ISSUED TO A PERSON WHO IS UNDER EIGHTEEN YEARS OLD OR A PERSON WHO HOLDS A CONDITIONAL DRIVER'S LICENSE; TO AMEND SECTION 56-1-176, RELATING TO SCHOOL ATTENDANCE CONDITIONS ASSOCIATED WITH THE ISSUANCE OF CONDITIONAL AND SPECIAL RESTRICTED DRIVER'S LICENSES, TO PROVIDE THAT THESE AND ADDITIONAL CONDITIONS SHALL APPLY TO THE ISSUANCE OR REINSTATEMENT OF A BEGINNER'S PERMIT, CONDITIONAL DRIVER'S LICENSE, SPECIAL RESTRICTED DRIVER'S LICENSE, AND A REGULAR DRIVER'S LICENSE ISSUED TO A PERSON LESS THAN EIGHTEEN YEARS OF AGE, TO PROVIDE FOR THE SUSPENSION OF A PERSON'S PERMIT OR LICENSE IF HE FAILS TO COMPLY WITH THESE CONDITIONS, AND TO REQUIRE THAT THE SUSPENSION REMAIN IN EFFECT UNTIL THE PERSON HAS DEMONSTRATED COMPLIANCE WITH THESE CONDITIONS FOR ONE FULL SEMESTER SUBSEQUENT TO THE SEMESTER DURING WHICH HIS PERMIT OR LICENSE WAS SUSPENDED; BY ADDING SECTION 56-1-177 SO AS TO PROVIDE THAT A MINOR'S PRIVILEGE TO DRIVE MUST BE SUSPENDED UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE REINSTATEMENT OF A DRIVER'S LICENSE THAT HAS BEEN SUSPENDED; TO AMEND SECTION 56-1-180, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO INCREASE THE MAXIMUM AGE OF A PERSON WHO MAY BE ISSUED THIS DRIVER'S LICENSE; TO AMEND SECTION 59-65-10, RELATING TO COMPULSORY SCHOOL ATTENDANCE, SO AS TO PROVIDE THAT A CHILD MUST ATTEND SCHOOL UNTIL HE ATTAINS THE AGE OF EIGHTEEN; TO AMEND SECTION 63-19-20, RELATING TO DEFINITIONS OF THE CHILDREN'S CODE, SO AS TO DEFINE "CHILD" FOR THE PURPOSE OF TRUANCY AS A PERSON WHO IS LESS THAN EIGHTEEN YEARS OF AGE; TO AMEND SECTION 63-19-1030, RELATING TO PREHEARING INQUIRY AND INVESTIGATION IN PROCEEDINGS AGAINST A CHILD, SO AS TO SPECIFY HOW COURT DOCUMENTS FOR TRUANCY PETITIONS MUST BE TITLED; TO AMEND SECTION 63-19-1420, RELATING TO SUSPENSION OR RESTRICTION OF A CHILD'S DRIVER'S LICENSE, SO AS TO PROVIDE THAT A COURT MAY RESTRICT THE DRIVER'S LICENSE OF A CHILD WHO IS ADJUDICATED DELINQUENT FOR TRUANCY; AND TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF A CHILD, SO AS TO PROVIDE THAT A CHILD MAY BE COMMITTED FOR A VIOLATION OF A COURT ORDER TO ATTEND SCHOOL PRIOR TO THE CHILD'S EIGHTEENTH BIRTHDAY.

**H. 4820--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. ALLISON, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Education and Public Works:

H. 4820 -- Reps. Allison, Harrell, Cato, Mitchell, G. R. Smith, Bedingfield, Parker, Millwood, Bannister, Forrester, Hamilton, Kelly, Littlejohn, Nanney, Stringer and Wylie: A JOINT RESOLUTION TO PROVIDE THAT IN 2011 AND 2012, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN SUCH MANUFACTURER'S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SIX HUNDRED NINETY-NINE DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

**OBJECTION TO RECALL**

Rep. ERICKSON asked unanimous consent to recall H. 4682 from the Committee on Education and Public Works.

Rep. COBB-HUNTER objected.

**H. 4821--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. ALLISON, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

H. 4821 -- Reps. Allison, Harrell, Cato, Mitchell, Parker, Millwood, Hamilton, G. R. Smith, Bedingfield, Bannister, Forrester, Kelly, Littlejohn, Nanney, Stringer and Wylie: A BILL TO AMEND SECTION 56-3-2330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANUFACTURER LICENSE PLATES FOR MOTOR VEHICLES, SO AS TO INCREASE FROM FOUR TO FIVE HUNDRED THE NUMBER OF THESE PLATES THAT MAY BE ISSUED TO A MANUFACTURER AND TO INCREASE FROM TEN TO TWENTY DAYS THE MAXIMUM NUMBER OF CONSECUTIVE DAYS THAT VEHICLES WITH THESE PLATES MAY BE USED IN CONNECTION WITH CIVIC AND SPORTING EVENTS.

**H. 4260--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. R. L. BROWN, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

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

**H. 3839--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. EDGE, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

H. 3839 -- Reps. Edge, Harrison and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 21, TITLE 5 SO AS TO ENACT THE "MUNICIPAL FINANCE OVERSIGHT ACT OF 2009" TO CREATE THE MUNICIPAL FINANCE OVERSIGHT COMMISSION AND AN EXECUTIVE COMMITTEE OF THE COMMISSION, PROVIDE FOR THEIR COMPOSITION, POWERS, DUTIES, AND RESPONSIBILITIES, REQUIRE MUNICIPALITIES TO SUBMIT ANNUAL FINANCIAL REPORTS AND ANNUAL AUDITS, PROVIDE FOR SANCTIONS AGAINST MUNICIPALITIES THAT FAIL TO COMPLY WITH THE COMMISSION'S PLAN FOR REFINANCING, ADJUSTING, OR COMPROMISING A DEBT, PROVIDE PENALTIES FOR AN OFFICER OR EMPLOYEE OF A MUNICIPALITY WHO FAILS TO COMPLY WITH THE PROVISIONS OF ARTICLE 9, CHAPTER 21; AND TO AMEND SECTION 6-1-50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FINANCIAL REPORT SUBMITTED BY COUNTIES AND MUNICIPALITIES TO THE STATE BUDGET AND CONTROL BOARD, OFFICE OF RESEARCH AND STATISTICS, ECONOMIC RESEARCH SECTION, SO AS TO DELETE THE REQUIREMENT THAT THE REPORT BE SUBMITTED BY A MUNICIPALITY.

**S. 1024--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. COOPER, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

S. 1024 -- Senators O'Dell, Knotts and Setzler: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO ALLOW THE SURVIVING SPOUSE OF A DECEDENT WHO WAS ELIGIBLE FOR THE EXEMPTION OF THE DWELLING OWNED BY A PERSON WITH CERTAIN SPECIFIC ILLNESSES CAUSING THE SAME AMBULATORY DIFFICULTIES AS PERSONS WITH PARAPARESIS OR HEMIPARESIS.

**H. 4808--RECALLED FROM COMMITTEE ON JUDICIARY**

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

H. 4808 -- Reps. Clemmons and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-1-70 SO AS TO PROVIDE CERTAIN DEFINITIONS RELATED TO TRANSFER FEE COVENANTS, TO STATE CERTAIN FINDINGS RELATED TO TRANSFER FEE COVENANTS, TO PROVIDE A TRANSFER FEE COVENANT RECORDED AFTER THE EFFECTIVE DATE OF THIS SECTION, OR ANY LIEN TO THE EXTENT THAT IT PURPORTS TO SECURE THE PAYMENT OF A TRANSFER FEE, IS NOT BINDING ON OR ENFORCEABLE AGAINST THE AFFECTED REAL PROPERTY OR ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE OF ANY INTEREST IN THE PROPERTY, AND TO PROVIDE THE SECTION DOES NOT IMPLY THAT A TRANSFER FEE COVENANT RECORDED BEFORE THE EFFECTIVE DATE OF THIS SECTION IS VALID OR ENFORCEABLE.

**H. 4559--RECALLED FROM COMMITTEE ON MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

On motion of Rep. BARFIELD, with unanimous consent, the following Bill was ordered recalled from the Committee on Medical, Military, Public and Municipal Affairs:

H. 4559 -- Reps. Barfield, Huggins, Crawford, Jefferson, Williams, H. B. Brown, Viers, Govan, Chalk, G. M. Smith, Weeks, Bowen, Clemmons, Gunn, Hardwick, Harrison, Hart, Hearn, Long, V. S. Moss, J. H. Neal, Ott, J. E. Smith, Toole, Vick, White and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 53, TITLE 44 TO ENACT THE "UTILIZATION OF UNUSED PRESCRIPTION DRUGS ACT" SO AS TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, IN CONSULTATION WITH THE BOARD OF PHARMACY, SHALL DEVELOP A VOLUNTARY PROGRAM WHEREBY HEALTH CARE FACILITIES CAN DONATE UNUSED PRESCRIPTION DRUGS OF PATIENTS WHO NO LONGER NEED THEM AND WHO HAVE VOLUNTARILY AGREED TO DONATE THEIR PRESCRIPTION DRUGS TO CHARITABLE CLINICS PROVIDING SERVICES TO MEDICALLY INDIGENT PERSONS; TO PROVIDE THAT CERTAIN PROGRAM PROCEDURES AND REQUIREMENTS MUST BE PROMULGATED IN REGULATION BY THE DEPARTMENT AND BY THE BOARD OF PHARMACY, INDIVIDUALLY, TO CARRY OUT THE PROVISIONS OF THIS ARTICLE; AND TO CREATE AN ADVISORY COUNCIL TO OVERSEE AND ADVISE THE DEPARTMENT IN ESTABLISHING THIS PROGRAM AND IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS ARTICLE; BY ADDING SECTION 44-53-60 SO AS TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, IN CONJUNCTION WITH THE BOARD OF PHARMACY, SHALL DEVELOP A PROGRAM TO RECEIVE AND DISPOSE OF UNUSED MEDICATIONS FROM THE PUBLIC AND SHALL DEVELOP GUIDELINES FOR THE SAFE AND PROPER DISPOSAL OF MEDICATIONS WHICH MUST BE AVAILABLE AND DISTRIBUTED TO THE PUBLIC.

**OBJECTION TO RECALL**

Rep. MCLEOD asked unanimous consent to recall H. 4837 from the Committee on Judiciary.

Rep. HAMILTON objected.

**RECURRENCE TO THE MORNING HOUR**

Rep. BEDINGFIELD moved that the House recur to the Morning Hour, which was agreed to.

**HOUSE RESOLUTION**

The following was introduced:

H. 4886 -- Rep. Cobb-Hunter: A HOUSE RESOLUTION TO AUTHORIZE THE ANNUAL YOUTH LEGISLATIVE CONFERENCE TO USE THE HOUSE CHAMBER ON MONDAY, SEPTEMBER 27, 2010, FROM 9:00 A.M. TO 12:00 NOON FOR ITS ANNUAL MOCK SESSION.

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

**INTRODUCTION OF BILLS**

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

H. 4887 -- Rep. Stavrinakis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DISTRICT OF CHARLESTON COUNTY FOR FISCAL YEARS 2010-2011 AND 2011-2012 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUED FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS.

On motion of Rep. STAVRINAKIS, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 4888 -- Reps. Duncan, Ott and Forrester: A JOINT RESOLUTION TO ADOPT THE PROPOSED "TAILORING RULE" OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN SOUTH CAROLINA UPON ITS ADOPTION BY THE EPA IN ORDER TO GIVE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SUFFICIENT TIME TO PROMULGATE APPROPRIATE REGULATIONS REGARDING GREENHOUSE GASES.

Rep. DUNCAN asked unanimous consent to have the Joint Resolution placed on the Calendar without reference.

Rep. COBB-HUNTER objected.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

**H. 4520--COMMITTED**

The following Bill was taken up:

H. 4520 -- Reps. Bales, Neilson and Clemmons: A BILL TO AMEND SECTION 51-3-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USE OF FACILITIES AND CAMPSITES AT REDUCED RATES BY THE AGED, BLIND, OR DISABLED, SO AS TO PROVIDE THAT SUCH PERSONS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS AT ONE HALF THE PRESCRIBED FEE, AND TO PROVIDE THAT DISABLED VETERANS MAY GAIN ADMISSION TO AND USE THE CAMPGROUNDS OF STATE PARKS WITHOUT CHARGE; BY ADDING SECTION 51-3-75 SO AS TO PROVIDE THAT BASED ON A REVIEW OF BUSINESS AND PERSONAL USE OF A PARTICULAR STATE PARK OR FACILITY BY THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, AND THE LABOR AND INSURANCE REQUIREMENTS IT SUSTAINS AT THAT FACILITY, IT MAY ALTER THE MANAGEMENT PLAN FOR THAT PARK OR FACILITY BY PERMITTING THE RELETTING OF CAMPSITES, CAMPING FACILITIES, OR OTHER AMENITIES BEFORE THE RENTAL TERM OF THE ORIGINAL RENTER HAS EXPIRED IF VACATED BY THE ORIGINAL RENTER BEFORE THE END OF THE STATED TERM, AND TO PROVIDE THE DEPARTMENT

ALSO MAY WAIVE THE CHARGES FOR ITS REUSE AND FOR THE USE OF THESE AND OTHER AMENITIES.

Rep. BALES explained the Bill.

Rep. COOPER moved to commit the Bill to the Committee on Ways and Means.

Rep. BALES moved to table the motion.

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

Yeas 16; Nays 80

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bales | R. L. Brown |
| Frye | Govan | Hayes |
| Jefferson | Kennedy | King |
| McLeod | J. H. Neal | Ott |
| Sandifer | Simrill | Weeks |
| Whipper |  |  |

**Total--16**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowers | Brady | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Gunn | Haley | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jennings | Kelly |
| Kirsh | Limehouse | Littlejohn |
| Long | Lowe | Lucas |
| McEachern | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Scott | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Vick | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--80**

So, the House refused to table the motion.

The question then recurred to the motion to commit the Bill to Ways and Means, which was agreed to.

**H. 4506--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Tuesday, April 27, which was adopted:

H. 4506 -- Reps. Lucas, Harrison, J. E. Smith, Harrell, Battle and Rutherford: A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS' MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

**H. 4269--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4269 -- Reps. Herbkersman, D. C. Smith, Umphlett, Ballentine, J. R. Smith, Limehouse, Lowe, Bingham, Merrill, Toole, R. L. Brown, T. R. Young, Stewart, McLeod, G. A. Brown, Hiott, Rice, J. E. Smith, Duncan, Agnew, Hutto, Clemmons, Chalk, Clyburn, Hosey, Crawford, Battle, Pinson, Ott, Lucas, Hayes, Stavrinakis, Knight, D. C. Moss, Brady, Horne, Sellers, H. B. Brown and Sottile: A BILL TO AMEND ACT 200 OF 2002, RELATING TO THE SOUTH CAROLINA CONSERVATION BANK ACT, SO AS TO DELETE A PROVISION WHICH PROVIDES THAT NO FURTHER DEED RECORDING FEES OR OTHER FUNDS MAY BE CREDITED TO THE CONSERVATION BANK TRUST FUND IN ANY YEAR WHEN A MAJORITY OF STATE AGENCY APPROPRIATIONS ARE REDUCED IN THE ANNUAL GENERAL APPROPRIATIONS ACT OR WHEN THE STATE BUDGET AND CONTROL BOARD IMPOSES ACROSS THE BOARD CUTS AND INSTEAD PROVIDE FOR A REDUCTION ON A PERCENTAGE BASIS IN THE AMOUNT OF DEED RECORDING FEES WHICH MAY BE TRANSFERRED TO THE TRUST FUND, AND TO EXTEND THE EXPIRATION DATE OF THE PROVISIONS OF LAW RELATING TO THE CONSERVATION BANK ACT AND OTHER RELATED DATES PERTAINING TO THE CLOSURE OF THE CONSERVATION BANK ACT AND CONSERVATION BANK FUND.

Reps. HAMILTON requested debate on the Bill.

Rep. LOFTIS moved to adjourn debate on the Bill until Tuesday, April 27.

Rep. MERRILL moved to table the motion, which was agreed to by a division vote of 40-26.

Reps. BEDINGFIELD, LOFTIS, G. R. SMITH and UMPHLETT requested debate on the Bill.

**H. 4430--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4430 -- Reps. Merrill, Lowe, Bingham, Hutto, Limehouse, Crawford, Harrell, Harrison and G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-218 SO AS TO PROVIDE THAT IF A MUNICIPALITY CONSISTS OF REAL PROPERTY LOCATED IN TWO OR MORE COUNTIES AND ONE OF THOSE COUNTIES BUT NOT ALL UNDERGOES AND IMPLEMENTS A COUNTYWIDE REASSESSMENT AND EQUALIZATION PROGRAM IN A PARTICULAR YEAR, ANY HIGHER REAL PROPERTY TAX VALUATIONS IN THAT COUNTY RESULTING FROM THE REASSESSMENT SHALL NOT APPLY FOR PURPOSES OF COMPUTING MUNICIPAL AD VALOREM TAXES UNTIL THE YEAR IN WHICH ALL OTHER COUNTIES IN THE MUNICIPALITY HAVE COMPLETED AND IMPLEMENTED SUCH A REASSESSMENT AND EQUALIZATION PROGRAM.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3976HTC10), which was adopted:

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

/ SECTION 1. Chapter 43, Title 12 of the 1976 Code is amended by adding:

“Section 12‑43‑219. If the boundaries of a municipality extend into more than one county and those counties implement the countywide appraisal and equalization programs required pursuant to Section 12‑43‑217 on different schedules, then the governing body of the municipality shall set an equivalent millage to be used thereafter to compute municipal ad valorem property taxes. The equivalent millage to be set by the municipal governing body shall be determined by methodology established by the respective county auditors which shall be consistent with the methodology for calculating equivalent millage to be established by the Department of Revenue for use in such situations, the purpose of this section being to equalize the tax burdens within this municipality.”

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

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.

The amendment was then adopted.

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

**H. 4430--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. MERRILL, with unanimous consent, it was ordered that H. 4430 be read the third time tomorrow.

**H. 4538--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4538 -- Reps. Crawford, Bedingfield, Anderson and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 140 TO TITLE 44 SO AS TO ESTABLISH THE SOUTH CAROLINA HEALTH INFORMATION EXCHANGE (SCHIEX), TO ESTABLISH THE SOUTH CAROLINA HEALTH INFORMATION EXCHANGE COUNCIL AS THE GOVERNING BODY OF SCHIEX TO OVERSEE AND GOVERN THE EXCHANGE OF HEALTH-RELATED INFORMATION AMONG HEALTH CARE ORGANIZATIONS, TO PROVIDE FOR THE COUNCIL'S POWERS AND DUTIES, AND TO FURTHER PROVIDE FOR THE ELECTRONIC MOVEMENT OF HEALTH-RELATED INFORMATION AMONG HEALTH CARE ORGANIZATIONS IN THE STATE.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12258AC10), which was adopted:

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

by Striking all after the enacting words and inserting:

/SECTION 1. Title 44 of the 1976 Code is amended by adding:

“CHAPTER 140

South Carolina Health Information Exchange

Section 44‑140‑10. The General Assembly finds that:

(1) Congress has enacted the Health Information Technology for Economic and Clinical Health Act of 2009, also known as HITECH, to advance the use of health information technology and health information exchange to improve quality and efficiency of health care and to decrease the costs of health care.

(2) HITECH authorizes funding for states to establish health information exchanges, and the State of South Carolina has received such a cooperation agreement.

(3) HITECH also provides for monetary incentives to encourage qualified health care professionals and hospitals to adopt electronic health records and to utilize the state health information exchange and also penalizes Medicare providers who do not utilize this technology.

(4) The establishment of a statewide health information exchange is necessary for the State and health care providers in the State to comply with these HITECH provisions and is an essential element for improving health care for all South Carolinians and thus improving their health status.

(5) The Office of the National Coordinator for Health Information Technology (ONC) has created the national Information Health Network (NHIN). Currently, SCHIEx, the designated Health Information Exchange pursuant to the State Health Information Exchange Cooperative Agreement Program with the ONC is the approved portal for exchange of health information with NHIN. Until such time as NHIN has matured and is capable of accepting additional certified, designated health information exchanges, SCHIEx is the portal to this national network for the state agencies to include the Department of Health and Human Services and the Department of Health and Environmental Control.

(6) Because SCHIEx is currently the designated portal for exchange for state agencies with NHIN, federal reimbursement incentives are dependent upon a hospital’s or other provider’s ability to connect to SCHICx. This is due to federal requirements for the reporting of hospital quality measures to the State, capability to submit electronic data to immunization registries, capability to provide electronic submission of reportable lab results, and a capability to provide electronic syndromic surveillance data.

(7) The proper establishment and operation of a statewide health information exchange requires the creation of a governance body composed of a broad‑based group of stakeholders with the expertise to ensure the efficient and secure exchange of electronic health information of South Carolina.

(8) SCHIEx is charged with establishing an orderly process and governance structure capable of responding to future changes in technology and capacity both at the state and national level. It is expected that changes will take place adjustments made by the governance body allowing for flexibility as the technical capabilities increase nationally, within the state health information exchange and within regional health information exchanges across the State. These future changes will likely include direct reporting of individual hospitals, hospital systems, regional health information exchanges and/ or individual providers to NHIN, while maintaining the states mandated responsibility to protect the privacy and security of patient health information. The South Carolina Health Information Exchange Council created pursuant to this chapter is expected to provide this essential component of continual evaluation and process adjustment.

Section 44‑140‑20. As used in this chapter:

(1) ‘Certified telemedicine program’ means a telemedicine program certified by the council as meeting standards established by the council.

(2) ‘Council’ means the South Carolina Health Information Exchange Council created pursuant to this chapter.

(3) ‘Electronic health record’ or ‘EHR’ means an electronic record of health‑related information regarding an individual that conforms to nationally recognized interoperability standards and that can be created, managed, and consulted by authorized clinicians and staff across more than one health care organization.

(4) ‘Executive director’ means the executive director of the council designated pursuant to Section 44‑140‑50.

(5) ‘Health care organization’ or ‘HCO’ means health care providers, medical home networks, public health agencies, and payors and entities offering patient engagement services including, but not limited to, Patient Health Records.

(6) ‘Health information exchange’ or ‘HIE’ means the electronic movement of health‑related information among health care organizations in this State according to nationally recognized standards.

(7) ‘Health information organization’ or ‘HIO’ means an organization that oversees and governs the exchange of health‑related information among health care organizations according to nationally recognized standards.

(8) ‘Office’ means the Office of Research and Statistics of the State Budget and Control Board.

(9) ‘Regional health information organization’ or ‘RHIO’ means a health information organization that brings together health care stakeholders within a defined geographic area and governs health information exchange among them for the purpose of improving health care in that community.

(10) ‘South Carolina Health Information Exchange’ or ‘SCHIEx’ means the health information organization that has been designated as the official statewide HIE.

(11) ‘Telemedicine’ is the use of medical information exchanged from one site to another via electronic communications to improve patients’ health status or diagnose and treat illness.

Section 44‑140‑30. There is established the South Carolina Health Information Exchange known as SCHIEx. SCHIEx must be governed by the South Carolina Health Information Exchange Council established pursuant to this chapter and operated by the Office of Research and Statistics of the State Budget and Control Board. SCHIEx is the official statewide Health Information Exchange for this State.

Section 44‑140‑40. (A) There is established the South Carolina Health Information Exchange Council, a body corporate and politic, which shall serve as the governance authority for SCHIEx and as the HIO for the State and shall perform other functions as provided by law. The council consists of:

(1) a representative of a hospital in this State that is a regional referral center;

(2) a pharmacist licensed in good standing and practicing in this State;

(3) a representative of a reference laboratory licensed by the Department of Health and Environmental Control;

(4) a representative of a business in this State that is not related to health care and that has one hundred or more employees;

(5) a physician licensed in good standing and practicing in this State;

(6) a family medicine physician licensed in good standing and actively practicing in this State in a rural health clinic;

(7) a patient representative nominated by the Department of Consumer Affairs;

(8) representatives of two health plans serving this State;

(9) a representative of the telecommunications industry who has expertise in wireless communications;

(10) a primary care physician licensed in good standing and actively practicing in a federally qualified health center;

(11) a physician licensed in good standing and practicing in this State;

(12) a representative of a health care business operating in this State that is not a hospital or physician practice;

(13) a representative of a regional health information organization in this State that provides countywide services or serves a population of more than ten thousand;

(14) a representative of a business in this State that is not related to health care and that has fewer than one hundred employees;

(15) a representative of a community based hospital;

(16) a patient representative nominated by the Director of the Department of Insurance;

(17) a representative of the telecommunications industry who has expertise in fiber communications;

(18) a representative of a medical professional school in this State;

(19) a representative of the biopharmaceutical industry;

(20) the Director of the South Carolina Regional Extension Service or his designee;

(21) a representative of a company with significant experience in providing administrative services for the processing of electronic health care transactions to private health plans and government health care programs;

(22) the Commissioner or a designee of the Department of Health and Environmental Control;

(23) the Director or a designee of the Department of Health and Human Services;

(24) the Executive Director of the State Budget and Control Board or a designee with experience regarding the State Health Plan.

The members enumerated in items (1) through (10) must be appointed by the President *Pro Tempore* of the Senate for four‑year terms and until their successors are appointed and qualify. The members enumerated in items (11) through (21) must be appointed by the Speaker of the House of Representatives for four‑year terms and until their successors are appointed and qualify. A vacancy in appointed members of the council must be filled by the appointing authority for the vacated position for the unexpired portion of the term. The remaining members serve ex officio.

(B) The council annually shall elect a chairman from among its members. The council shall rotate the position of chairman among the members of the council on an annual basis. No member who has served as chairman is eligible to serve again as chairman for a period of four years after last serving as chairman.

(C) Members of the council must not be compensated for service on the council. Council members may be reimbursed for actual and reasonable travel expenses incurred in the performance of their duties as council members when SCHIEx becomes financially self‑sustaining.

(D) The council shall meet on a regular basis but no less than quarterly. A majority of the members constitute a quorum for taking action, and decisions must be by majority vote.

(E) There must be an executive committee of not more than seven members of the council, composed of one physician representative appointed by the President *Pro Tempore* of the Senate, one hospital representative appointed by the Speaker of the House of Representatives, the health plan representative, the administrative services representative, the regional health information organization representative, and the telecommunications industry representative. The executive committee shall meet monthly and is responsible for developing recommendations for approval by the full council.

Section 44‑140‑50. (A) The office shall designate the executive director of the council. The office shall provide staff assistance to the council.

(B) The council and the office may cooperate and coordinate with public and private entities, including Health Sciences South Carolina, in conducting outreach programs on participation in SCHIEx.

Section 44‑140‑60. The council shall:

(1) oversee the development, implementation, and operation of SCHIEx in compliance with all applicable state and federal requirements;

(2) establish a legal and policy framework for statewide HIE operations and for the financial stability of the statewide HIE exchange system;

(3) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation;

(4) develop and implement a strategic plan for the statewide HIE as approved by the National Coordinator for Health Information Technology. The strategic plan must include, but is not limited to:

(a) a description of the council, its decision making authority, and governance model;

(b) a business plan that provides for the financial sustainability of HIE governance and operations;

(c) specification of how the State will meet ‘meaningful use’ HIE requirements established by the Secretary of the United States Department of Health and Human Services;

(d) a description of HIE accountability and transparency requirements;

(e) a description of how privacy and security issues related to health information exchange within the State and interstate will be addressed;

(f) a description of how policies and procedures will be developed to enable and foster information exchange within the State and interstate; and

(g) a description of how the State will address issues of noncompliance with federal and state laws and policies applicable to HIE;

(5) review and, if needed, revise the strategic plan on an annual basis; however, to the extent that the terms of a federal cooperative agreement require approval of changes to the strategic plan by the National Coordinator for Health Information Technology or other federal authority, changes to the strategic plan adopted by the council must not take effect until these changes have been approved by the National Coordinator for Health Information Technology or other competent federal authority;

(6) develop and implement an operational plan for the statewide HIE as approved by the National Coordinator for Health Information Technology. The operational plan must include details on how the strategic plan will be carried forward and executed to enable the statewide HIE. The operational plan must include, but is not limited to, a:

(a) description of the ongoing development of the governance and policy structures;

(b) detailed cost estimate and staffing plan based on the provisions of the strategic plan;

(c) description of activities to implement financial policies, procedures, and controls to maintain compliance with generally accepted accounting principles and relevant Office of Management and Budget circulars;

(d) description of how the technical architecture will accommodate the requirements to ensure statewide availability of HIE and how technical solutions will be deployed;

(e) description of how the State will leverage current HIE capacity; and

(f) description of how the HIE will comply with federal and state legal and policy requirements, including privacy and security provisions;

(7) review and, if needed, revise the operational plan on an annual basis; however, to the extent that the terms of a federal cooperative agreement require approval of changes to the operational plan by the National Coordinator for Health Information Technology or other federal authority, changes to the operational plan adopted by the council must not take effect until these changes have been approved by the National Coordinator for Health Information Technology or other competent federal authority;

(8) develop and implement financial policies and procedures, consistent with state and federal requirements that provide for the financial sustainability of the statewide HIE;

(9) develop and implement privacy and security policies and procedures governing statewide HIE that are consistent with state and federal law including, but not limited to, the privacy provisions of the American Reinvestment and Recovery Act of 2009, the Privacy Act of 1974, the HIPAA Security Rule, the HIPAA Privacy Rule, the Federal Information Security Management Act of 2002, the Confidentiality of Alcohol and Drug Abuse Patient Records, and the HHS Privacy and Security Framework Principles. The council’s policies and procedures must include the right of patients to opt out of having their individual health and identifying information exchanged through an HIE. The council’s policies and procedures must prohibit the misuse of electronic health records while facilitating the development of the statewide HIE;

(10) develop the necessary agreements to facilitate the secure exchange of health information through SCHIEx and among all trading partners;

(11) ensure that all public programs participate in the SCHIEx; and

(12) establish standards for telemedicine programs and certify telemedicine programs meeting those standards, including establishing a fee schedule for conducting these certifications.

Section 44‑140‑70. The council may:

(1) exercise all powers granted to business corporations not in conflict with the South Carolina Constitution;

(2) approve all regulations proposed by the office for the establishment and operation of SCHIEx;

(3) enter into contracts of any type on terms and conditions determined by the council;

(4) accept revenue from public or private sources, or both, for the establishment and operation of SCHIEx;

(5) approve reasonable fees set by the office for establishment and operation of the statewide HIE so as to ensure the financial sustainability of the statewide HIE and for certification of telemedicine medicine programs;

(6) establish committees of the council and delegate responsibilities to these committees and appoint special advisory groups to the council.

Section 44‑140‑80. The office shall promulgate regulations in accordance with the Administrative Procedures Act for the establishment and operation of the statewide HIE consistent with the provisions of this chapter.

Section 44‑140‑90. (A)(1) An HCO desiring to participate in SCHIEx must sign the agreements required by the council to ensure the secure exchange of health information through SCHIEx and among all SCHIEx participants.

(2) If the executive director determines that an HCO has violated any of the agreements required by the council, the executive director may terminate the HCO’s participation in SCHIEx or impose an administrative penalty of up to one thousand dollars for each violation, or both.

(3) An HCO aggrieved by a decision of the executive director may, within fifteen days of receipt of notice of the decision, file a petition for review of the decision by the appeals subcommittee of the council as a contested case in accordance with the Administrative Procedures Act and subsection (C). The filing of a petition for review does not stay a decision by the executive director to terminate an HCO’s participation in SCHIEx.

(B) A telemedicine program must be certified by the executive director prior to operation to be deemed a certified telemedicine program.

(C) The chairman of the council shall designate three members of the council to serve as the council’s appeals subcommittee. An HCO or an organization sponsoring a telemedicine program aggrieved by the final decision of the council’s appeals subcommittee may file an appeal with the Administrative Law Court, in its appellate jurisdiction, in accordance with the Administrative Procedures Act and the rules of the Administrative Law Court. Service of a petition requesting a review under this section does not stay the decision of the council’s appeals subcommittee. The process set forth in this section constitutes the exclusive remedy for an HCO or an organization sponsoring a telemedicine program with respect to a decision by the council or its staff under this section.

Section 44‑140‑100. (A) The State, its agencies and employees, and the council, its staff and employees, are immune from suit and liability for any acts performed in the course of official duties pursuant to this chapter so long as these acts do not constitute actual fraud, actual malice, intent to harm, or a crime of moral turpitude.

(B) Nothing in this section affects the power of a court of equity to enjoin unlawful acts committed by governmental entities or mandate lawful action by governmental entities.

Section 44‑140‑110. Notwithstanding any other provision of law, a health care organization participating in SCHIEx or a RHIO or a hospital system HIE that participates in SCHIEx may release patient records and medical information, including the results of any laboratory or other tests ordered or requested by an authorized health care provider within the scope of his or her license or practice act, to another health information organization that requests the information via a HIE for treatment purposes with or without express written consent or authorization from the patient. A health information organization that receives or views this information from a patient’s electronic health record or incorporates this information into the health information organization’s electronic medical record for the patient in providing treatment is considered an authorized person for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory Improvement Amendments.

Section 44‑140‑120. The council shall submit a report to the Speaker of the House of Representatives, the President *Pro Tempore* of the Senate, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than January fifteenth of each year regarding the activities of the council, the status and financial stability of SCHIEx, and recommendations, if any, for legislative changes to improve SCHIEx.”

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

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

The amendment was then adopted.

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

**H. 4538--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. CRAWFORD, with unanimous consent, it was ordered that H. 4538 be read the third time tomorrow.

**H. 4608--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4608 -- Reps. Sandifer and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-90-85 SO AS TO ESTABLISH CERTAIN CONDITIONS UNDER WHICH A PROTECTED CELL MAY BE CREATED AND MAINTAINED; BY ADDING SECTION 38-90-213 SO AS TO AUTHORIZE A CAPTIVE INSURANCE COMPANY TO MAINTAIN ITS RECORDS IN A CERTAIN MANNER; BY ADDING SECTION 38-90-215 SO AS TO AUTHORIZE A PROTECTED CELL TO BE FORMED AS A SEPARATE CORPORATION OR LIMITED LIABILITY COMPANY AND TO PROVIDE CONDITIONS FOR THIS ACTION; BY ADDING SECTION 38-90-455 SO AS TO AUTHORIZE A SPECIAL PURPOSE FINANCIAL CAPTIVE TO MAINTAIN ITS RECORDS IN A CERTAIN MANNER; BY ADDING SECTION 38-90-457 SO AS TO AUTHORIZE A PROTECTED CELL OF A SPECIAL PURPOSE FINANCIAL CAPTIVE TO BE FORMED AS A SEPARATE CORPORATION OR LIMITED LIABILITY COMPANY; TO AMEND SECTION 33-9-100, RELATING TO ARTICLES OF DOMESTICATION, SO AS TO CHANGE REFERENCES OF "STATE" TO "JURISDICTION"; TO AMEND SECTION 38-90-10, AS AMENDED, RELATING TO DEFINITIONS USED IN CHAPTER 90, TITLE 38 PERTAINING TO CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE THE DEFINITION OF "SPECIAL PURPOSE CAPTIVE INSURANCE COMPANY"; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS, SO AS TO CHANGE THE MANNER IN WHICH VARIOUS TYPES OF CAPTIVE INSURANCE COMPANIES MAY BE INCORPORATED OR ORGANIZED; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO APPLICATION OF PROVISIONS, DIRECTOR DISCRETION, AND EXEMPTION OF SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT EXEMPTIONS MAY BE EXTENDED ON A CASE BY CASE BASIS AND MAKE A SPECIAL PURPOSE CAPTIVE INSURANCE COMPANY SUBJECT TO PROVISIONS OF CHAPTER 90, TITLE 38 NOT OTHERWISE APPLICABLE TO IT; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO APPLICABILITY OF PROVISIONS RELATING TO INSURANCE REORGANIZATIONS, RECEIVERSHIPS, AND INJUNCTIONS, AND SPONSORED CAPTIVE INSURANCE COMPANY ASSETS AND CAPITAL PROVISIONS, SO AS TO PROVIDE THAT THE TERMS AND CONDITIONS OF CHAPTERS 26 AND 27, TITLE 38 APPLY TO EACH OF THE SPONSORED CAPTIVE INSURANCE COMPANY'S PROTECTED CELL, INDEPENDENTLY, OR BOTH, WITHOUT CAUSING OR EFFECTING CERTAIN ACTIONS; TO AMEND SECTION 38-90-210, RELATING TO FORMATION OF A SPONSORED CAPTIVE INSURANCE COMPANY AND ESTABLISHING PROTECTED CELLS, SO AS TO ADD CONDITIONS UNDER WHICH A SPONSORED CAPTIVE INSURANCE COMPANY FORMED OR LICENSED PROVIDED BY CHAPTER 90, TITLE 38 MAY ESTABLISH AND MAINTAIN ONE OR MORE PROTECTED CELLS TO INSURE RISKS OF ONE OR MORE OF ITS PARTICIPANTS; TO AMEND SECTION 38-90-220, AS AMENDED, RELATING TO REQUIREMENTS APPLICABLE TO SPONSORS, SO AS TO PROVIDE THAT THE DIRECTOR MAY APPROVE AN ADDITIONAL ENTITY UNDER CERTAIN CONDITIONS; TO AMEND SECTION 38-90-230, AS AMENDED, RELATING TO PARTICIPANTS IN SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE CONDITIONS UNDER WHICH A PARTICIPANT WHOSE RISKS ARE INSURED THROUGH A PROTECTED CELL ENTITY FORMED PURSUANT TO THE PROVISIONS OF SECTION 38-90-215; TO AMEND SECTION 38-90-235, RELATING TO TERMS, CONDITIONS, AND EXCEPTIONS FOR PROTECTED CELL INSURANCE COMPANIES APPLY TO SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE FOR THE APPLICABILITY OF LAW WHEN A CONFLICT OCCURS; TO AMEND SECTION 38-90-485, RELATING TO THE EFFECT OF CREATION, NAMING, AND MANAGEMENT OF ASSETS OF A PROTECTED CELL, SO AS TO PROVIDE FOR AN EXCEPTION TO PROTECT CELLS FORMED PURSUANT TO THE PROVISIONS OF SECTION 38-90-457; AND TO AMEND SECTION 38-90-830, RELATING TO EXEMPTIONS, POWERS, AND DUTIES OF A SOUTH CAROLINA COASTAL CAPTIVE INSURANCE COMPANY, SO AS TO DELETE THE AUTHORITY OF A SOUTH CAROLINA COASTAL CAPTIVE INSURANCE COMPANY FORMED AS A SPONSORED CAPTIVE INSURANCE COMPANY TO CREATE A PROTECTED CELL AS A LEGAL PERSON SEPARATE FROM THE PROTECTED CELL COMPANY AND DELETE THE AUTHORITY TO ORGANIZE A PROTECTED CELL UNDER AVAILABLE INCORPORATION OR ORGANIZATION OPTIONS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3973DW10):

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

/ SECTION 1. Article 1, Chapter 90, Title 38 of the 1976 Code is amended by adding:

“Section 38‑90‑213. (A)(1) Except with respect to protected cells formed pursuant to Section 38‑90‑215, the creation of a protected cell does not create, with respect to that protected cell, a legal person separate from the sponsored captive insurance company.

(2) Notwithstanding the provision of item (1), a protected cell must have its own distinct name or designation that includes the words ‘protected cell’. The sponsored captive insurance company shall transfer all assets attributable to the protected cell to one or more separately established and identified protected cell accounts bearing the name or designation of that protected cell.

(3) Subject to the provisions of Section 38‑90‑215, although it is not a separate legal person, the property of a sponsored captive insurance company in a protected cell is subject to orders of a court by name as it would have been if the protected cell were a separate legal person.

(4) The property of a sponsored captive insurance company in a protected cell must be served in its own name with process in all civil actions or proceedings involving or relating to the activities of that protected cell or a breach by the sponsored captive insurance company of a duty to the protected cell or to a participant in the manner described in Section 15‑9‑270.

(5) A protected cell exists only at the pleasure of the sponsored captive insurance company. At the cessation of business of a protected cell in accordance with the plan approved by the director, the sponsored captive insurance company voluntarily shall close out the protected cell account.

(B) Nothing in this section may be construed to prohibit a sponsored captive insurance company from contracting with, or arranging for, an investment advisor, commodity trading advisor, or other third party to manage the assets of a protected cell, if all remuneration, expenses, and other compensation of the third party advisor or manager are payable from the assets of that protected cell and not from the assets of other protected cells or the assets of the sponsored captive insurance company’s general account, unless approved by the director.

(C) Creditors with respect to a protected cell are not entitled to have recourse against the protected cell assets of other protected cells or the assets of the sponsored captive insurance company’s general account. If an obligation of a sponsored captive insurance company relates only to the general account, the obligation of the sponsored captive insurance company extends only to that creditor, with respect to that obligation, and is entitled to have recourse only to the assets of the sponsored captive insurance company’s general account.

(D) The assets of the protected cell may not be used to pay expenses or claims other than those attributable to the protected cell. Protected cell assets are available only to creditors of the sponsored captive insurance company that are creditors only with respect to that protected cell and, accordingly, are entitled, in conformity with this article, to have recourse to the protected cell assets attributable to that protected cell and absolutely are protected from the creditors of the sponsored captive insurance company that are not creditors with respect to that protected cell and who, accordingly, are not entitled to have recourse to the protected cell assets attributable to that protected cell. If an obligation of a sponsored captive insurance company to a person or participant arises from a participant contract or is otherwise incurred with respect to a protected cell:

(1) that obligation of the sponsored captive insurance company extends only to the protected cell assets attributable to that protected cell, and the person or participant, with respect to that obligation, is entitled to have recourse only to the protected cell assets attributable to that protected cell; and

(2) that obligation of the sponsored captive insurance company does not extend to the protected cell assets of another protected cell or the assets of the sponsored captive insurance company’s general account, and that person or participant, with respect to that obligation, is not entitled to have recourse to the protected cell assets of another protected cell or the assets of the sponsored captive insurance company’s general account. The sponsored captive insurance company’s capital as required by Sections 38‑90‑40 and 38‑90‑50 must be available at all times to pay expenses of or claims against the sponsored captive insurance company and may not be used to pay expenses or claims attributable to any protected cell.

(E) Notwithstanding another provision of law, a sponsored captive insurance company may allow for a security interest in accordance with applicable law to attach to protected cell assets or a protected cell account when in favor of a creditor of the protected cell to the extent those protected cell assets are not required at all times to support the risk, but without otherwise affecting the discharge of liabilities under any participant contract, or as otherwise approved by the director.

(F) A sponsored captive insurance company shall establish administrative and accounting procedures necessary to properly identify the one or more protected cells of the sponsored captive insurance company and the protected cell assets and protected cell liabilities to each protected cell. A sponsored captive insurance company shall keep protected cell assets and protected cell liabilities:

(1) separate and separately identifiable from the assets and liabilities of the sponsored captive insurance company’s general account; and

(2) attributable to one protected cell separate and separately identifiable from protected cell assets and protected cell liabilities attributable to other protected cells.

(G) All contracts or other documentation reflecting protected cell liabilities clearly must indicate that only the protected cell assets are available for the satisfaction of those protected cell liabilities. Each participant contract must contain provisions identifying the protected cell to which the transaction is attributed. In addition, each participant contract clearly must disclose that the assets of that protected cell, and only those assets, are available to pay the obligations of that protected cell.

(H) Notwithstanding the provisions of subsection (G) and subject to the provisions of this article and another applicable law or regulation, the failure to include this language in a participant contract may not be used as the sole basis by creditors, insureds or reinsureds, insurers or reinsurers, or other claimants to circumvent the provisions of this section.

Section 38‑90‑215. (A) Notwithstanding another provision of this title, the protected cell or protected cells of a sponsored captive insurance company may be formed as separate corporations or limited liability companies. The provisions of this article and Chapter 10 of this title applicable to protected cells of a sponsored captive insurance company apply to protected cells incorporated or organized as separate legal entities but only to the extent these provisions are not contrary to this section.

(B) To form a protected cell as a separate legal entity, the following applies:

(1) The name of the protected cell entity must include the words ‘protected cell company’ or ‘protected cell corporation’.

(2) The articles of incorporation or articles of organization must refer to the sponsored captive insurance company for which it is a protected cell entity and must state that the protected cell entity is incorporated or organized for the limited purposes authorized by the sponsored captive insurance company’s license. A copy of the prior written approval of the director to add the protected cell entity, required by Section 38‑90‑210(B)(8), must be attached to and filed with the articles of incorporation or articles of organization.

(3) A protected cell entity may be owned, in whole or in part, by the sponsored captive insurance company. Ownership and management rights in a protected cell entity may be divided between the sponsored captive insurance company and one or more participants upon the terms and conditions approved by the director. Neither the sponsored captive insurance company’s nor any participant’s ownership interest in a protected cell entity may be transferred, except as authorized by the director.

(4) Amounts attributed to a protected cell entity pursuant to this section, including assets transferred to the protected cell entity’s accounts and its capital and surplus, are owned by the protected cell entity.

(5) Upon cessation of business of the protected cell entity in accordance with the plan approved by the director, the protected cell entity shall dissolve and wind up its affairs.

(6) A protected cell entity formed pursuant to the provisions of this section has the privileges of and is subject to the provisions of law applicable to its formation, as well as the applicable provisions contained in this article. If a conflict occurs between a provision of the applicable law and a provision of this article, the latter controls.

(7) All remuneration, expenses, and other compensation of third parties are payable only from the assets of the protected cell entity affected by the contract and not from the assets of other protected cells, protected cell entities, or the assets of the sponsored captive insurance company’s general account, unless approved by the director.

(C) The director is vested with regulatory authority over a protected cell entity to the same extent as if the separately formed protected cell entity were incorporated or organized as a captive insurance company. The director, by rule, regulation, or order, may require conditions upon the sponsored captive insurance company and its separately formed protected cell entity or entities as the director considers advisable.”

SECTION 3. Article 3, Chapter 90, Title 38 of the 1976 Code is amended by adding:

“Section 38‑90‑457. (A) Notwithstanding another provision of this title, the protected cell or protected cells of the SPFC may be formed as separate corporations or limited liability companies. The provisions of this article and Chapter 10 of this title applicable to protected cells of the SPFC apply to protected cells incorporated or organized as separate legal entities but only to the extent these provisions are not contrary to this section.

(B) To form a protected cell as a separate legal entity, the following applies:

(1) The name of the protected cell entity must include the words ‘protected cell company’ or ‘protected cell corporation’.

(2) The articles of incorporation or articles of organization must refer to the SPFC for which it is a protected cell entity and must state that the protected cell entity is incorporated or organized for the limited purposes authorized by the SPFC’s license and as set forth in any order or orders of the director relative to the SPFC. A copy of the prior written approval of the director to add the protected cell entity, required by Section 38‑90‑480(C), must be attached to and filed with the articles of incorporation or articles of organization.

(3) A protected cell entity may be owned, in whole or in part, by the SPFC. Ownership and management rights in a protected cell entity may be divided between the SPFC and the protected cell entity’s counterparty upon the terms and conditions approved by the director. Neither the SPFC’s nor the counterparty’s ownership interest in a protected cell entity may be transferred, except as authorized by the director.

(4) Amounts attributed to a protected cell entity pursuant to this section, including assets transferred to the protected cell entity’s accounts and its capital and surplus, are owned by the protected cell entity.

(5) Upon cessation of business of the protected cell entity in accordance with the plan approved by the director, the protected cell entity shall dissolve and wind up its affairs.

(6) A protected cell entity formed pursuant to the provisions of this section has the privileges of and is subject to the provisions of law applicable to its formation, as well as the applicable provisions contained in this article. If a conflict occurs between a provision of the applicable law and a provision of this article, the latter controls. Nothing contained in this section with respect to a protected cell entity abrogates limits, or rescinds in any way the authority of the Securities Commissioner pursuant to the provisions of Title 35.

(7) All remuneration, expenses, and other compensation of third parties are payable only from the assets of the protected cell entity affected by the contract and not from the assets of other protected cells, protected cell entities, or the assets of the SPFC’s general account, unless approved by the director.

(C) The director is vested with regulatory authority over a protected cell entity to the same extent as if the separately formed protected cell entity were incorporated or organized as a SPFC. The director, by rule, regulation, or order, may require conditions upon the SPFC and its separately formed protected cell entity or entities as the director considers advisable.”

SECTION 4. Section 33‑9‑100(b) and (c) of the 1976 Code are amended to read:

“(b) A foreign corporation that becomes a domestic corporation ~~must~~ shall file, within five business days with the ~~state~~ jurisdiction where previously incorporated, articles of dissolution or the equivalent or other appropriate filing authorized by the law of that ~~state~~ jurisdiction.

(c) The articles of domestication shall certify:

(1) the date and jurisdiction of each ~~state~~ jurisdiction where the corporation has been incorporated before the filing of the articles of domestication;

(2) the name of the corporation immediately before the filing of the articles of domestication, as well as the corporate name to be used pursuant to Section 33‑4‑101;

(3) that the corporation shall file, within five business days with the ~~state~~ jurisdiction where previously incorporated, articles of dissolution or the equivalent, or ~~such~~ other appropriate filing as authorized by the law of ~~such state~~ that jurisdiction;

(4) that articles of domestication do not contain a provision that would require action by one or more separate voting groups on a proposed amendment pursuant to Section 33‑10‑104;

(5) that the filing of the articles of domestication has been authorized by a majority of the votes cast by all shareholders entitled to vote on the proposal, unless a greater vote is required by the articles of incorporation or other charter documents existing immediately before the filing of the articles of incorporation; and

(6) that the articles of dissolution or their equivalent or other appropriate filing as authorized by the law of the ~~state~~ jurisdiction where the corporation was previously incorporated, must be filed within five business days after these articles of domestication are filed.”

SECTION 5. Section 38‑90‑180 of the 1976 Code, as last amended by Act 28 of 2009, is further amended to read:

“Section 38‑90‑180. (A) Except as otherwise provided in this section, the terms and conditions ~~set forth~~ provided for in Chapters 26 and 27 of this title pertaining to insurance reorganizations, receiverships, and injunctions apply in full to captive insurance companies formed or licensed ~~under~~ pursuant to the provisions of this chapter or each of a sponsored captive insurance company’s protected cells, independently, or both, without causing or otherwise effecting a conservation, rehabilitation, receivership, or liquidation of the sponsored captive insurance company or another protected cell.

(B) In the case of a sponsored captive insurance company:

(1) the assets of the protected cell may not be used to pay expenses or claims other than those attributable to the protected cell; ~~and~~

(2) its capital and surplus at all times must be available to pay expenses of or claims against the sponsored captive insurance company and may not be used to pay expenses or claims attributable to a protected cell~~.~~;

(3) notwithstanding the provisions of Chapters 26 and 27 of this title or other laws of this State:

(a) the director may apply by petition to the circuit court for an order authorizing the director to conserve, rehabilitate, or liquidate one or more protected cells, independently, without causing or otherwise effecting a conservation, rehabilitation, receivership, or liquidation of the sponsored captive insurance company generally or another of its protected cells;

(b) a court’s order for relief pursuant to Chapters 26 and 27 of this title may be made in respect of one or more protected cells by name, rather than the sponsored captive insurance company generally; and

(c) the director may not seek to have a sponsored captive insurance company declared insolvent as long as at least one of its protected cells remains solvent.

(C) The provisions of subsection (B) do not prohibit the director from taking action permitted pursuant to the provisions of Chapter 26 or 27 with respect only to the conservation or rehabilitation of a sponsored captive insurance company, provided the director would have had sufficient grounds to seek to declare the sponsored captive insurance company insolvent, subject to and without otherwise affecting the provisions of subsection (B)(3)(c).”

SECTION 6. Section 38‑90‑210(B) of the 1976 Code is amended to read:

“(B) A sponsored captive insurance company formed or licensed ~~under~~ provided by this chapter may establish and maintain one or more protected cells to insure risks of one or more participants, subject to the following conditions:

(1) the shareholders of a sponsored captive insurance company must be limited to its participants and sponsors;

(2) each protected cell must be accounted for separately on the books and records of the sponsored captive insurance company to reflect the financial condition and results of operations of the protected cell, net income or loss, dividends or other distributions to participants, and other factors may be provided in the participant contract or required by the director;

(3) amounts attributed to a protected cell pursuant to this chapter, including assets transferred to a protected cell account, are owned by the sponsored captive insurance company, and the sponsored captive insurance company may not be, or may not hold itself out to be, a trustee with respect to those protected cell assets of that protected cell account;

(4) all attributions of assets and liabilities between a protected cell and the general account of the sponsored captive insurance company must be in accordance with the plan of operation approved by the director. Other attributions of assets or liabilities may not be made by a sponsored captive insurance company between its general account and its protected cell or cells. The sponsored captive insurance company shall attribute all insurance obligations, assets, and liabilities relating to a participant contract to a particular protected cell;

(5) the assets of a protected cell must not be chargeable with liabilities arising out of any other protected cell or insurance business the sponsored captive insurance company may conduct;

~~(4)~~(6) ~~no~~ a sale, an exchange, or other transfer of assets may not be made by the sponsored captive insurance company between or among any of its protected cells without the consent of the director and each other protected ~~cells~~ cell which is a party to a sale, an exchange, or other transfer;

~~(5)~~(7) ~~no~~ a sale, an exchange, transfer of assets, dividend, or distribution may not be made from a protected cell to a sponsor or participant without the director’s approval and ~~in no event may~~ the approval may not be given if the sale, exchange, transfer, dividend, or distribution would result in insolvency or impairment with respect to a protected cell;

~~(6)~~(8) a sponsored captive insurance company annually shall file with the director financial reports the director requires, which shall include, but are not limited to, accounting statements detailing the financial experience of each protected cell;

~~(7)~~(9) a sponsored captive insurance company shall notify the director in writing within ten business days of a protected cell that is insolvent or otherwise unable to meet its claim or expense obligations;

~~(8)~~(10) ~~no~~ a participant contract shall not take effect without the director’s prior written approval, and the addition of each new protected cell and withdrawal of any participant of any existing protected cell constitutes a change in the business plan requiring the director’s prior written approval.”

SECTION 7. Section 38‑90‑220 of the 1976 Code, as last amended by Act 58 of 2001, is further amended to read:

“Section 38‑90‑220. A sponsor of a sponsored captive insurance company must be an insurer licensed pursuant to the laws of a state, an insurance holding company that controls an insurer licensed pursuant to the laws of any state and subject to registration pursuant to the insurance holding company system laws of the state of domicile of the insurer, a reinsurer authorized or approved pursuant to the laws of a state, ~~or~~ a captive insurance company formed or licensed pursuant to this chapter, or another entity approved by the director in the exercise of his discretion after finding that approval of the entity as a sponsor is not inconsistent with the purposes of this chapter. A risk retention group may not be either a sponsor or a participant of a sponsored captive insurance company. The business written by a sponsored captive insurance company with respect to each protected cell must be:

(1) fronted by an insurance company licensed pursuant to the laws of:

(a) any state; or

(b) any jurisdiction if the insurance company is a wholly owned subsidiary of an insurance company licensed pursuant to the laws of any state;

(2) reinsured by a reinsurer authorized or approved by this State; or

(3) secured by a trust fund in the United States for the benefit of policyholders and claimants funded by an irrevocable letter of credit or other asset acceptable to the director. The amount of security provided by the trust fund may not be less than the reserves associated with those liabilities, including reserves for losses, allocated loss adjustment expenses, incurred but unreported losses, and unearned premiums for business written through the participant’s protected cell. The director may require the sponsored captive to increase the funding of a trust established pursuant to this item. If the form of security in the trust is a letter of credit, the letter of credit must be established, issued, or confirmed by a bank chartered in this State, a member of the federal reserve system, or a bank chartered by another state if that state‑chartered bank is acceptable to the director. A trust and trust instrument maintained pursuant to this item must be in a form and upon terms approved by the director.”

SECTION 8. Section 38‑90‑230(C) of the 1976 Code, as last amended by Act 58 of 2001, is further amended to read:

“(C) A participant need not be a shareholder of the sponsored captive insurance company or an affiliate of the company. Notwithstanding the provisions of this subsection, the participant whose risks are insured through a protected cell entity formed pursuant to Section 38‑90‑215, the sponsor, or the sponsored captive insurance company, must be the owner of that protected cell entity, unless otherwise approved by the director.”

SECTION 9. Section 38‑90‑235(A) of the 1976 Code, as added by Act 58 of 2001, is amended to read:

“(A) Except as otherwise provided in this chapter, the terms and conditions provided in Chapter 10 relating to a protected cell insurance company apply in full to a sponsored captive insurance company. If a conflict occurs between a provision of Chapter 10 and a provision of this article, the latter controls.”

SECTION 10. Section 38‑90‑485(A)(1), (2), and (3) of the 1976 Code, as added by Act 332 of 2006, is amended to read:

“(1) Except with respect to protected cells formed pursuant to Section 38‑90‑457, the creation of a protected cell does not create, with respect to that protected cell, a legal person separate from the SPFC.

(2) Notwithstanding the provision of item (1), a protected cell must have its own distinct name or designation that includes the words ‘protected cell’ The SPFC shall transfer all assets attributable to the protected cell to one or more separately established and identified protected cell accounts bearing the name or designation of that protected cell.

(3) Subject to the provisions of Section 38‑90‑457, although it is not a separate legal person, the property of the SPFC in a protected cell is subject to orders of a court by name as it would have been if the protected cell were a separate legal person.”

SECTION 11. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BRADY explained the amendment.

Reps. KENNEDY, GUNN, COBB-HUNTER, JEFFERSON, J. H. NEAL, ERICKSON, SANDIFER, LOFTIS, BALES, CLEMMONS, BEDINGFIELD and J. R. SMITH requested debate on the Bill.

**H. 4546--REQUESTS FOR DEBATE**

The following Joint Resolution was taken up:

H. 4546 -- Reps. Sandifer, Harrell, Bingham, Cato, Cooper, Harrison, White, Branham, Hardwick, Crawford, Bowen, Skelton, Sottile, Hiott, Toole, Kelly, Forrester, Cole, Bannister, Bedingfield and Bowers: A JOINT RESOLUTION TO ESTABLISH THE SELF-DIRECTED SEMI-INDEPENDENT AGENCY PILOT PROJECT SO AS TO CREATE CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS AS SEPARATE AND DISTINCT INDIVIDUAL STATE AGENCIES TO THE EXTENT PROVIDED FOR IN THIS JOINT RESOLUTION AS OF JANUARY 1, 2011, TO PROVIDE FOR THEIR POWERS AND DUTIES WITH REGARD TO THEIR FISCAL, REGULATORY, AND OPERATIONAL RESPONSIBILITIES, AND TO PROVIDE THAT THIS JOINT RESOLUTION IS REPEALED JULY 1, 2015, UNLESS EXTENDED BY THE GENERAL ASSEMBLY.

Reps. HALEY, BALLENTINE, J. H. NEAL, DUNCAN, GUNN, WILLIAMS, JEFFERSON, COBB-HUNTER, GOVAN, KENNEDY, CRAWFORD, HOSEY, CLYBURN, WEEKS, LOWE, CLEMMONS, HUGGINS, SANDIFER, GILLIARD, MACK, NORMAN, KING, J. R. SMITH, PARKS, ALLEN, DILLARD, BEDINGFIELD and ANDERSON requested debate on the Joint Resolution

**H. 4838--AMENDED AND REQUESTS FOR DEBATE**

The following Joint Resolution was taken up:

H. 4838 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE EDUCATION LEVEL AND YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2009-2010 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2009-2010 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2009-2010; AND TO DEFINE CERTAIN TERMS.

Rep. COOPER proposed the following Amendment No. 1 (COUNCIL\AGM\19997BH10), which was adopted:

Amend the joint resolution, as and if amended, SECTION 1, page 1, line 29, by deleting / educational level and /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. EDGE proposed the following Amendment No. 2 (COUNCIL\AGM\18003BH10), which was tabled:

Amend the joint resolution, as and if amended, SECTION 1, as contained on pages 1‑2, by adding the following subsection at the end to read:

/ D. The provisions of this joint resolution do not apply to districts that have ten million dollars or more in their undesignated fund balance. These districts shall provide the STEP increase to teachers, provided that these districts employ at least the same number of teachers in Fiscal Year 2010‑2011 as they did in 2009‑2010. /

Renumber sections to conform.

Amend title to conform.

Rep. EDGE explained the amendment.

Reps. BALES requested debate on the Joint Resolution.

Rep. FORRESTER moved to table the amendment.

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

Yeas 65; Nays 32

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Bales | Bannister | Bedingfield |
| Bingham | Bowers | Brady |
| Cato | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Haley | Hamilton | Harrell |
| Harrison | Hearn | Horne |
| Kelly | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | McLeod | Merrill |
| D. C. Moss | V. S. Moss | J. M. Neal |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Stewart | Stringer |
| Thompson | Umphlett | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--65**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Ballentine |
| Barfield | Battle | Branham |
| H. B. Brown | Clyburn | Edge |
| Gilliard | Harvin | Hodges |
| Hosey | Howard | Huggins |
| Hutto | Jennings | Kennedy |
| King | Kirsh | Mack |
| McEachern | Miller | J. H. Neal |
| Parks | Sellers | Simrill |
| G. M. Smith | Stavrinakis | Toole |
| Vick | Weeks |  |

**Total--32**

So, the amendment was tabled.

Reps. WEEKS, KENNEDY, SELLERS, HOSEY, COOPER, CLYBURN, NEILSON, JEFFERSON, OTT, GOVAN, J. H. NEAL, HUGGINS, WHITE, J. R. SMITH, KING, PARKS, GILLIARD, BALLENTINE, BINGHAM, GAMBRELL, MCEACHERN and RICE requested debate on the Joint Resolution.

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

**RECURRENCE TO THE MORNING HOUR**

Rep. LOFTIS moved that the House recur to the Morning Hour, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 22, 2010

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. 652:

S. 652 -- Senators Knotts, Elliott, Ford and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-56-75 SO AS TO REQUIRE PROFESSIONAL FUNDRAISING COUNSEL, PROFESSIONAL SOLICITORS, AND COMMERCIAL CO-VENTURERS TO MAINTAIN LISTS OF DONORS FROM CAMPAIGNS AND SOLICITATIONS CONDUCTED BY THE SOLICITOR; TO PROVIDE THAT THESE LISTS ARE THE PROPERTY OF THE CHARITABLE ORGANIZATION; TO RESTRICT THE USE OF DONOR LISTS BY THE CAMPAIGN SOLICITOR; AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**INTRODUCTION OF BILLS**

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

H. 4889 -- Rep. Merrill: A BILL TO AMEND CHAPTER 19, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GAMBLING AND LOTTERIES, BY ADDING ARTICLE 3 SO AS TO ALLOW CHARITABLE ORGANIZATIONS TO CONDUCT RAFFLES AND SPECIAL LIMITED CHARITY FUNDRAISING EVENTS; TO DEFINE THESE EVENTS; TO DEFINE THE TYPE OF ORGANIZATION ALLOWED TO CONDUCT THESE EVENTS; TO PROVIDE STANDARDS FOR THE MANAGEMENT AND CONDUCT OF THESE EVENTS; TO PROVIDE PENALTIES FOR VIOLATIONS.

Referred to Committee on Ways and Means

S. 1372 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATION OF SUMTER SCHOOL DISTRICTS 2 AND 17, SO AS TO EXTEND THE TERM OF OFFICE FOR MEMBERS THAT ARE SET TO EXPIRE IN 2010; TO PROVIDE THAT THE SUPERINTENDENT OF THE CONSOLIDATED SCHOOL DISTRICT SHALL SELECT AND APPOINT AN ASSISTANT SUPERINTENDENT; AND TO AUTHORIZE THE BOARDS OF TRUSTEES OF SUMTER SCHOOL DISTRICTS 2 AND 17 TO ISSUE GENERAL OBLIGATION BONDS OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES UP TO THE CONSTITUTIONAL DEBT LIMIT OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES, TO PROVIDE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF BONDS.

Referred to Sumter Delegation

**ORDERED TO THIRD READING**

The following Bills were taken up, read the second time, and ordered to a third reading:

H. 4233 -- Rep. Harrison: A BILL TO AMEND SECTION 12-21-1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE BEER AND WINE LICENSE TAX, SO AS TO CONFORM THE DEFINITION OF "BEER" FOR PURPOSES OF THIS LICENSE TAX TO THE REVISED DEFINITION FOR "BEER" PROVIDED BY LAW FOR THE REGULATION OF BEER AND WINE SALES AND CONSUMPTION.

Rep. COOPER explained the Bill.

S. 1351 -- Senators Grooms, Campbell and Campsen: A BILL TO AMEND SECTION 7-7-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO CREATE NEW PRECINCTS, REDESIGNATE AND RENAME CERTAIN PRECINCTS, AND CHANGE THE MAP DESIGNATION ON WHICH THE LINES OF THOSE PRECINCTS ARE DELINEATED.

H. 4746 -- Reps. Mitchell, Loftis, Harrell, Knight, V. S. Moss and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 1 SO AS TO CREATE THE "SOUTH CAROLINA ENVIRONMENTAL JUSTICE EQUITABLE REDEVELOPMENT COMMISSION" AND THE SOUTH CAROLINA INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE, AN ADVISORY COMMITTEE TO THE COMMISSION, AND TO PROVIDE FOR THEIR MEMBERS, POWERS, AND DUTIES.

Rep. MITCHELL explained the Bill.

**H. 4233--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. COOPER, with unanimous consent, it was ordered that H. 4233 be read the third time tomorrow.

**S. 1351--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. DANING, with unanimous consent, it was ordered that S. 1351 be read the third time tomorrow.

**H. 4746--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. MITCHELL, with unanimous consent, it was ordered that H. 4746 be read the third time tomorrow.

**S. 391--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose, Davis, Bright, S. Martin and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-29-300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS' TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41-29-310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41-29-10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41-29-20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41-29-30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41-27-10, 41-27-30, 41-27-150, 41-27-160, 41-27-190, 41-27-210, AS AMENDED, 41-27-230, 41-27-235, AS AMENDED, 41-27-260, AS AMENDED, 41-27-360, 41-27-370, AS AMENDED, 41-27-380, 41-27-390, 41-27-510, 41-27-550, 41-27-560, 41-27-570, 41-27-580, 41-27-600, 41-27-610, 41-27-620, 41-27-630, 41-27-670, 41-29-40, 41-29-50, 41-29-60, 41-29-70, 41-29-80, 41-29-90, 41-29-100, 41-29-110, 41-29-120, AS AMENDED, 41-29-130, 41-29-140, 41-29-150, 41-29-170, AS AMENDED, 41-29-180, 41-29-190, 41-29-200, 41-29-210, 41-29-220, 41-29-230, 41-29-240, 41-29-250, 41-29-270, 41-29-280, 41-29-290, 41-33-10, 41-33-20, 41-33-30, 41-33-40, 41-33-45, 41-33-80, AS AMENDED, 41-33-90, 41-33-100, 41-33-110, 41-33-120, 41-33-130, 41-33-170, 41-33-180, 41-33-190, 41-33-200, 41-33-210, 41-33-430, 41-33-460, 41-33-470, 41-33-610, 41-33-710, 41-35-10, 41-35-30, 41-35-100, 41-35-110, AS AMENDED, 41-35-115, AS AMENDED, 41-35-120, AS AMENDED, 41-35-125, 41-35-126, 41-35-130, AS AMENDED, 41-35-140, 41-35-330, 41-35-340, 41-35-410, 41-35-420, AS AMENDED, 41-35-450, 41-35-610, 41-35-630, 41-35-640, AS AMENDED, 41-35-670, 41-35-680, AS AMENDED, 41-35-690, 41-35-700, 41-35-710, AS AMENDED, 41-35-720, 41-35-730, 41-35-740, 41-35-750, AS AMENDED, 41-37-20, 41-37-30, 41-39-30, 41-39-40, 41-41-20, AS AMENDED, 41-41-40, AS AMENDED, 41-41-50, 41-42-10, 41-42-20, 41-42-30, AND 41-42-40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41-29-260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\AGM\19988AB10), which was adopted:

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

/ SECTION 1. Article 9, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑940. (A)(1) A candidate for or person intending to become a candidate for the Department of Workforce Appellate Panel may not directly or indirectly seek the pledge of a member of the General Assembly’s vote or directly or indirectly contact a member of the General Assembly regarding screening for that panel until:

(a) the qualifications of all candidates for that office have been determined by the Department of Workforce Review Committee; and

(b) the review committee has released formally to the General Assembly its report regarding the qualifications of all candidates for the office.

(2) For purposes of this section, ‘indirectly seeking a pledge’ means a candidate, or someone acting on behalf of and at the request of the candidate, who requests a person to contact a member of the General Assembly on his behalf before the review committee has released formally to the General Assembly its report regarding the qualifications of all candidates for the office.

(3) A prohibition in this section extends to no announcement of candidacy by the candidate or statement by the candidate detailing his qualifications.

(B) A member of the General Assembly may not offer his pledge to a candidate or potential candidate for the Department of Workforce Appellate Panel until:

(1) the qualifications of all candidates for that panel have been determined by the Department of Workforce Review Committee; and

(2) the review committee has released formally to the General Assembly its report regarding the qualifications of all candidates for the office. The committee’s formal release of this report must occur no earlier than forty‑eight hours after the names of all candidates found qualified by the review committee have been released initially to the General Assembly.

(C) A member of the General Assembly may not trade a thing of value, including a pledge to vote for legislation or for another candidate, in exchange for another member’s pledge to vote for a candidate for the Department of Workforce Appellate Panel.

(D)(1) A violation of this section by:

(a) a member of the General Assembly:

(i) may be considered by the Department of Workforce Review Committee when it considers the candidate’s qualifications; and

(ii) must be reported by the review committee to the House or Senate Ethics Committee, as applicable; and

(b) an incumbent appellate panelist seeking reelection must be reported by the Department of Workforce and the Department of Workforce Appellate Panel to the State Ethics Commission.

(2) A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days.

(3) A case tried for a violation of this section may not be transferred from general sessions court pursuant to Section 22‑3‑545.”

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

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

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

**S. 391--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. COOPER, with unanimous consent, it was ordered that S. 391 be read the third time tomorrow.

**S. 1172--DEBATE ADJOURNED**

Rep. HARRISON moved to adjourn debate upon the following Bill until Tuesday, April 27, which was adopted:

S. 1172 -- Senators Fair, Hutto, Jackson, Alexander, Ford, L. Martin, Campbell, Rose, Knotts and Cromer: A BILL TO AMEND SECTION 63-7-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM TRYING TO PRESERVE AND REUNIFY A FAMILY, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN FAMILY PRESERVATION AND REUNIFICATION IS NO LONGER REQUIRED; TO AMEND SECTION 63-7-1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST THAT THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY THE FAMILY; TO AMEND SECTION 63-7-1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1700, RELATING TO THE FAMILY COURT REVIEWING A CHILD'S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT IN SOME INSTANCES A PARENT'S CONDUCT INVOLVING A CHILD, OTHER THAN A CHILD OF THE PARENT, MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-9-60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; AND BY ADDING SECTION 63-9-70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION.

**H. 3853--RECALLED FROM COMMITTEE ON JUDICIARY**

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

H. 3853 -- Rep. Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 29 TO TITLE 14 SO AS TO ENACT THE "MIDDLE COURT PROCESSES ACT", TO REQUIRE THE CREATION AND ADMINISTRATION OF A MIDDLE COURT PROCESS IN EACH JUDICIAL CIRCUIT BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE APPOINTMENT, POWERS, AND DUTIES OF A MIDDLE COURT JUDGE, TO PROVIDE REQUIREMENTS FOR AN OFFENDER TO QUALIFY FOR ADMISSION TO A MIDDLE COURT PROCESS, AND TO REQUIRE FUNDING OF THE MIDDLE COURT PROCESS BY THE GENERAL ASSEMBLY TO THE JUDICIAL DEPARTMENT, THE OFFICE OF THE ATTORNEY GENERAL, AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES.

**H. 4695--RECALLED FROM COMMITTEE ON JUDICIARY**

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

H. 4695 -- Reps. Anderson, Miller, Crawford, Brantley, Allen, G. A. Brown, Dillard, Hayes, Hodges, Hosey, Jefferson, Littlejohn, Lowe and J. H. Neal: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-31-1040 SO AS TO PROVIDE FOR THE MANNER IN WHICH A NONPROFIT CORPORATION MAY CONVERT TO A FOR PROFIT CORPORATION; BY ADDING SECTION 33-31-1045 SO AS TO PROVIDE FURTHER CONDITIONS FOR THE CONVERSION OF A PUBLIC BENEFIT OR RELIGIOUS CORPORATION TO A FOR PROFIT CORPORATION; AND TO AMEND SECTION 33-1-200, AS AMENDED, RELATING TO FILING REQUIREMENTS UNDER THE BUSINESS CORPORATION ACT, SO AS TO ADD A REFERENCE TO THE CHAPTER ON NONPROFIT CORPORATIONS.

**H. 4682--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

On motion of Rep. KING, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works:

H. 4682 -- Reps. Erickson, Herbkersman, Chalk, Bowen, Brady, Gambrell, Harrison and Sandifer: A BILL TO AMEND SECTION 59-10-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESIGNATION OF PHYSICAL ACTIVITY DIRECTORS, SO AS TO PROVIDE THAT DANCE INSTRUCTION THAT MEETS CERTAIN STANDARDS MAY BE USED TO SATISFY ONE-HALF OF THE REQUIRED PHYSICAL EDUCATION MINUTES.

**H. 3393--RECALLED FROM COMMITTEE ON MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

On motion of Rep. SPIRES, with unanimous consent, the following Bill was ordered recalled from the Committee on Medical, Military, Public and Municipal Affairs:

H. 3393 -- Reps. Spires, Clyburn, Herbkersman, Hosey, Jefferson, Knight, Long, D. C. Smith, J. R. Smith, Williams, Forrester, A. D. Young, Huggins and Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-190 SO AS TO ESTABLISH A JOINT COMMITTEE WITH MEMBERS FROM THE BOARD OF MEDICAL EXAMINERS AND BOARD OF PHARMACY TO ASSIST THESE BOARDS IN ESTABLISHING A PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINES WITHOUT AN ORDER OF A PRACTITIONER; BY ADDING SECTION 40-43-200 SO AS TO REQUIRE THE STATE BOARD OF PHARMACY AND THE BOARD OF MEDICAL EXAMINERS TO ISSUE A JOINT WRITTEN PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINATIONS WITHOUT AN ORDER OF A PRACTITIONER; AND TO AMEND SECTION 40-43-86, AS AMENDED, RELATING TO, AMONG OTHER THINGS, VARIOUS PHARMACY FACILITY, STAFFING, AND PRESCRIPTION REQUIREMENTS, SO AS TO INCREASE THE MAXIMUM AMOUNT OF A LEGEND DRUG THAT A PHYSICIAN IN CHARGE OF AN EMERGENCY ROOM MAY DISPENSE FROM A SEVENTY-TWO HOUR SUPPLY TO A ONE HUNDRED FORTY-FOUR HOUR SUPPLY.

**OBJECTION TO RECALL**

Rep. CLEMMONS asked unanimous consent to recall H. 4806 from the Committee on Judiciary.

Rep. KING objected.

**OBJECTION TO RECALL**

Rep. DUNCAN asked unanimous consent to recall H. 4822 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. BALES objected.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3892 from the Committee on Education and Public Works.

Rep. WHITMIRE objected.

**OBJECTION TO RECALL**

Rep. CLYBURN asked unanimous consent to recall H. 4622 from the Committee on Ways and Means.

Rep. V. S. MOSS objected.

**OBJECTION TO RECALL**

Rep. ERICKSON asked unanimous consent to recall H. 4111 from the Committee on Judiciary.

Rep. SELLERS objected.

**H. 4715--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. VICK, with unanimous consent, the following Joint Resolution was ordered recalled from the Committee on Ways and Means:

H. 4715 -- Rep. Vick: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF JEFFERSON NATIONAL GUARD ARMORY IN JEFFERSON, SOUTH CAROLINA, TO THE COUNTY OF CHESTERFIELD.

**H. 4616--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. LITTLEJOHN, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

H. 4616 -- Reps. Littlejohn, Brantley, Hodges, Jefferson, R. L. Brown, Clemmons, Cobb-Hunter, Herbkersman and Weeks: A BILL TO AMEND SECTION 50-9-510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND OTHER LICENSES, SO AS TO ADD A ONE-DOLLAR SURCHARGE TO EACH LICENSE FEE CONTAINED IN THE SECTION AND PROVIDE THAT THIS SURCHARGE MUST BE USED FOR THE PURPOSE OF FEEDING HUNGRY INDIVIDUALS IN THE MANNER PROVIDED IN SECTION 50-1-275; AND TO ADD SECTION 50-1-275 SO AS TO PROVIDE FOR THE MANNER IN WHICH THE ONE-DOLLAR SURCHARGE MUST BE USED FOR THE PURPOSE OF FEEDING HUNGRY INDIVIDUALS, INCLUDING THE ESTABLISHMENT OF A SEVEN-MEMBER BOARD IN EACH GAME ZONE TO OVERSEE THE EXPENDITURE OF THE FUNDS ALLOCATED TO THAT GAME ZONE FOR THIS PURPOSE.

**H. 3280--DEBATE ADJOURNED**

Rep. T. R. YOUNG moved to adjourn debate upon the following Joint Resolution until Tuesday, April 27, which was adopted:

H. 3280 -- Reps. T. R. Young, Allison, Parker, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Horne, Funderburk, Wylie, Bedingfield, Harrell, A. D. Young, Viers, Gunn, Erickson, Clemmons and Loftis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

**H. 4779--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4779 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARNERS FERRY ROAD BEGINNING AT INTERSTATE 77 INTERCHANGE CONTINUING TO THE INTERSECTION OF PINEVIEW ROAD THE "CAPTAIN L. D. 'DOUG' BARDEN MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CAPTAIN L. D. 'DOUG' BARDEN MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1111--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1111 -- Senators Campsen, Grooms and Cleary: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 41 IN CHARLESTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 TO THE CHARLESTON/BERKELEY COUNTY LINE THE "MAJOR GENERAL ABRAHAM J. TURNER HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "MAJOR GENERAL ABRAHAM J. TURNER HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1344--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1344 -- Senators Alexander, Rankin, Hutto, McConnell and Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, AS THE TIME TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SECOND DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FOURTH DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SIXTH DISTRICT, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO THE AT-LARGE SEAT ON THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY, WHOSE TERM EXPIRES IN 2012; AND TO ELECT A SUCCESSOR TO THE SECOND DISTRICT, SEAT 3, ON THE BOARD OF TRUSTEES OF FRANCIS MARION UNIVERSITY, WHOSE TERM EXPIRES IN 2014.

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1345--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1345 -- Senators Land and Leventis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 76 IN SUMTER COUNTY, FROM THE SUMTER-LEE COUNTY LINE TO ITS INTERSECTION WITH BELL ROAD, AS THE "MAYOR WILLIE M. JEFFERSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "MAYOR WILLIE M. JEFFERSON HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

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

**ADJOURNMENT**

At 12:33 p.m. the House, in accordance with the motion of Rep. BRANTLEY, adjourned in memory of James (Jimmy) Roland Rhodes, Jr., of Jasper County, to meet at 10:00 a.m. tomorrow.

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