~~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 Psalm 16:2: “You are my Lord; I have no good apart from you.”

Let us pray. Calling God, grant that we always say yes to You. You are our helper in all times of need. Grant to each of these Representatives and staff the ability to make a difference in the lives of the people of this State. May we be the light that shines in the darkness. Bless our Nation, State, and all who are in leadership positions and all who labor in these Halls of Government, that they may hear Your call. 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. CHALK moved that when the House adjourns, it adjourn in memory of Janet Fuller Erickson of Beaufort, mother-in-law of Representative Erickson, which was agreed to.

**MESSAGE FROM THE SENATE**

Columbia, S.C., April 27, 2010

Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor’s appointment of:

Sumter County Master-in-Equity

Term Commencing: December 31, 2010

Term Expiring: December 31, 2016

Seat: Master-in-Equity

Reappointment

The Honorable Richard L. Booth

141 North Main Street

Sumter, South Carolina 29150

Respectfully,

President of the Senate

Received as information.

**REPORTS OF STANDING COMMITTEE**

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

H. 4855 -- Reps. Sandifer and Skelton: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 93 AND PERIMETER ROAD IN THE CITY OF CLEMSON "BILL MCLELLAN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "BILL MCLELLAN INTERSECTION".

Ordered for consideration tomorrow.

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

H. 4879 -- Reps. Knight, Horne and A. D. Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION REPLACE THE SIGNS ALONG UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY THAT CONTAIN THE WORDS "CYPRESS SWAMP" WITH SIGNS THAT CONTAIN THE WORDS "GREAT CYPRESS SWAMP".

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

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

H. 4865 -- Rep. Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-674 SO AS TO DESIGNATE THE SOUTH CAROLINA PECAN FESTIVAL IN FLORENCE COUNTY AS THE OFFICIAL STATE PECAN FESTIVAL.

Ordered for consideration tomorrow.

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

S. 1030 -- Senators Hayes, Mulvaney, Coleman, Verdin, S. Martin, Bryant, O'Dell, Davis, Campsen and Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-714 SO AS TO DESIGNATE THE MARSH TACKY AS THE OFFICIAL STATE HERITAGE HORSE OF SOUTH CAROLINA.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4896 -- Rep. Clemmons: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR PRIVATE FIRST CLASS ROBERT LEE WILLIAMS OF THE MYRTLE BEACH POLICE DEPARTMENT FOR HIS OUTSTANDING LEADERSHIP AND SERVICE TO THE FORCE AND TO HIS SURROUNDING COMMUNITY, AND TO CONGRATULATE HIM FOR BEING NAMED THE MYRTLE BEACH ROTARY CLUB "OFFICER JOE MCGARRY MEMORIAL POLICE OFFICER OF THE YEAR" FOR 2009.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4897 -- Reps. Hodges, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, 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 RECOGNIZE AND HONOR MR. EVAN THOMPSON FOR HIS DEDICATED WORK AS THE EXECUTIVE DIRECTOR OF THE HISTORIC BEAUFORT FOUNDATION, AND TO WISH HIM CONTINUED SUCCESS IN HIS NEW POSITION AS THE EXECUTIVE DIRECTOR OF THE PRESERVATION SOCIETY OF CHARLESTON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4898 -- Rep. Hodges: A HOUSE RESOLUTION TO CONGRATULATE MRS. KATIE RICHARD GILLIARD OF COLLETON 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. 4899 -- Rep. McLeod: A HOUSE RESOLUTION TO DESIGNATE THE MONTH OF MAY 2010 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4900 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 38 IN MARLBORO COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAYS 15 AND 401 TO ITS INTERSECTION WITH HIGH STREET IN THE TOWN OF BLENHEIM "REPRESENTATIVE DOUG JENNINGS, JR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "REPRESENTATIVE DOUG JENNINGS, JR. HIGHWAY".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4901 -- Reps. Clyburn and Funderburk: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR THE MEMBERS OF THE 1960 GRADUATING CLASS OF JACKSON HIGH SCHOOL IN CAMDEN ON THE OCCASION OF THEIR GOLDEN ANNIVERSARY ON MAY 15, 2010, AND TO COMMEND THEM FOR THEIR MANY ACCOMPLISHMENTS AND CONTRIBUTIONS TO THEIR COMMUNITIES AND TO OUR FINE STATE AND NATION.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4902 -- Reps. Horne, A. D. Young and Harrell: A HOUSE RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH CAROLINA UPON THE DEATH OF PATRICK JOSEPH MURPHY OF DORCHESTER COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND TO HIS MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4903 -- Reps. Williams and Alexander: A HOUSE RESOLUTION TO CELEBRATE THE SEVENTH ANNUAL SOUTH CAROLINA PECAN FESTIVAL, TO BE HELD ON SATURDAY, NOVEMBER 6, 2010, IN FLORENCE, TO ENCOURAGE ALL SOUTH CAROLINIANS TO ATTEND AND ENJOY THIS FAMILY-FRIENDLY EVENT, AND TO WISH ITS ORGANIZERS EVERY SUCCESS FOR A GREAT EVENT.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4904 -- Reps. Loftis, Duncan, Frye, M. A. Pitts and Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 25, TITLE 57 SO AS TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO CREATE AND SUPERVISE A STATEWIDE PROGRAM RELATED TO PROVIDING DIRECTIONAL SIGNS ALONG THE STATE'S MAJOR HIGHWAYS AND INTERCHANGES LEADING TO TOURISM ORIENTED FACILITIES ENGAGED IN EDUCATIONAL OR TOURISM ACTIVITIES.

Referred to Committee on Education and Public Works

H. 4905 -- Reps. Funderburk, G. R. Smith and T. R. Young: A BILL TO AMEND SECTION 8-13-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REPORTING OF CAMPAIGN EXPENDITURES BY PERSONS RUNNING FOR AN OFFICE ELECTED BY THE GENERAL ASSEMBLY, SO AS TO REQUIRE THE REPORTING OF UNPAID INVOICES OR BILLS RECEIVED OR PAID BY THE CANDIDATE OR A PERSON ON HIS BEHALF FOR COMMUNICATION THROUGH TELEVISION, RADIO, TELEPHONE, PRINT PUBLICATION, INCLUDING MAIL, OR ELECTRONIC MEANS MADE BY OR ON BEHALF OF A CANDIDATE THAT IS DESIGNED TO INFLUENCE THE OUTCOME OF AN ELECTION.

Referred to Committee on Judiciary

H. 4906 -- Reps. Bannister, Hamilton, Wylie, Nanney, Bedingfield, Loftis, Allen, Cato and Stringer: A BILL TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

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

H. 4909 -- Reps. King, Gilliard, Parks, Dillard, Gunn, Howard and Mack: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-72 SO AS TO REQUIRE A STUDENT WHO PARTICIPATES ON A SCHOOL SPONSORED ATHLETIC TEAM TO BE ADMINISTERED A TEST TO DETERMINE IF THE STUDENT HAS SICKLE CELL ANEMIA DURING THE STUDENT'S PREPARTICIPATION PHYSICAL AND TO REQUIRE THE DOCTOR WHO ADMINISTERS THE TEST TO CLEAR THE STUDENT FOR PARTICIPATION ON THE TEAM BEFORE HE IS ELIGIBLE TO PARTICIPATE.

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

S. 973 -- Senators Campsen, Rose, Elliott and Knotts: A BILL A BILL TO AMEND TITLE 23, CHAPTER 3, ARTICLE 7 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ELECTRONIC SECURING AND TARGETING OF ONLINE PREDATORS ACT (E-STOP)", BY ADDING SECTION 23-3-555, SO AS TO PROVIDE THAT A SEX OFFENDER WHO IS REQUIRED TO REGISTER WITH THE SEX OFFENDER REGISTRY MUST PROVIDE INFORMATION REGARDING THE OFFENDER'S INTERNET ACCOUNTS WITH INTERNET ACCESS PROVIDERS AND THE OFFENDER'S INTERNET IDENTIFIERS, AND TO PROVIDE THAT AN AUTHORIZED INTERNET ENTITY MAY REQUEST CERTAIN SEX OFFENDER REGISTRY INFORMATION FROM SLED, AND TO PROVIDE THAT SLED MUST PROVIDE CERTAIN SEX OFFENDER REGISTRY INFORMATION TO AN AUTHORIZED INTERNET ENTITY, AND TO PROVIDE THAT CERTAIN SEX OFFENDERS MUST, AS A CONDITION OF PROBATION OR PAROLE, BE PROHIBITED FROM USING THE INTERNET TO ACCESS SOCIAL NETWORKING WEBSITES, COMMUNICATE WITH OTHER PERSONS OR GROUPS FOR THE PURPOSE OF PROMOTING SEXUAL RELATIONS WITH PERSONS UNDER THE AGE OF EIGHTEEN, AND COMMUNICATE WITH PERSONS UNDER THE AGE OF EIGHTEEN.

Referred to Committee on Judiciary

S. 1187 -- Senator Leatherman: A BILL TO AMEND SECTION 28-11-30 OF THE 1976 CODE, RELATING TO REIMBURSEMENT OF PROPERTY OWNERS FOR CERTAIN EXPENSES RELATED TO THE TAKING OF LAND FOR PUBLIC USE, TO PROVIDE THAT REESTABLISHMENT EXPENSES, PAYABLE PURSUANT TO FEDERAL GUIDELINES AND REGULATIONS TO MOVE A SMALL BUSINESS, FARM, OR NONPROFIT ORGANIZATION, MAY BE PAID IN AN AMOUNT UP TO FIFTY THOUSAND DOLLARS, NOTWITHSTANDING A LOWER LIMITATION IMPOSED BY FEDERAL REGULATIONS.

Referred to Committee on Judiciary

S. 1299 -- Senators Scott and Jackson: A BILL TO AMEND SECTION 5-7-200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR FORFEITURE OF THE OFFICE OF MAYOR OR COUNCILMAN AND THE FILLING OF A VACANCY IN EITHER OFFICE, SO AS TO PROVIDE AN ADDITIONAL PERIOD OF TIME THAT MAY BE UTILIZED TO FILL A VACANCY IN EITHER OFFICE.

Referred to Committee on Judiciary

S. 1300 -- Senators Shoopman, Cromer, Davis, Grooms, Bryant, Campbell, Rose, Alexander, Verdin, Campsen, Bright, McConnell, Fair, Cleary and L. Martin: A BILL TO AMEND SECTION 14-7-845 OF THE 1976 CODE, RELATING TO POSTPONEMENT OF JURY SERVICE, TO PROVIDE THAT PUBLIC OR PRIVATE SCHOOL EMPLOYEES OR ANYONE RESPONSIBLE FOR THE EDUCATION OF A CHILD MAY REQUEST A POSTPONEMENT OF JURY SERVICE; AND TO AMEND SECTION 14-7-860, RELATING TO EXCUSE OF JURORS FOR GOOD CAUSE, TO MAKE TECHNICAL CHANGES.

Referred to Committee on Judiciary

S. 1338 -- Senator Fair: A BILL TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE GREENVILLE HOSPITAL SYSTEM, ITS CREATION, BOARD, POWERS, AND DUTIES, SO AS TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES MAY ESTABLISH A POLICE DEPARTMENT, EMPLOY POLICE AND SECURITY OFFICERS, AND TO PROVIDE FOR THE POLICE DEPARTMENT'S DUTIES, RESPONSIBILITIES, POWERS, FUNCTIONS, AND JURISDICTION.

Referred to Greenville Delegation

S. 1340 -- Senator Cromer: A BILL TO AMEND SECTION 50-1-5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN TITLE 50, SO AS TO DEFINE CERTAIN WILDLIFE, FISH, AND PLANT SPECIES; TO AMEND SECTION 50-1-30, AS AMENDED, RELATING TO BIRD, GAME ANIMALS, AND FISH CLASSIFICATIONS RECOGNIZED IN TITLE 50, SO AS TO REVISE THESE CLASSIFICATIONS; BY ADDING SECTION 50-1-50 SO AS TO DEFINE INDIVIDUAL RIVERS, CREEKS, LAKES, BAYS, SOUNDS, HARBORS, AND RESERVOIRS REFERENCED IN TITLE 50; TO AMEND SECTION 50-5-1500, RELATING TO ANADROMOUS AND CATADROMOUS FISHERIES IN FRESHWATERS AND SALT WATERS, SO AS TO DELETE PROVISIONS RELATING TO LICENSES FOR TAKING SHAD, HERRING, OR STURGEON AND PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50-5-1556 SO AS TO PROVIDE THAT A COMMERCIAL FISHERMAN WHO SELLS SHAD, HERRING, OR EELS MUST SELL TO A WHOLESALE SEAFOOD DEALER OR LICENSED BAIT DEALER OR BE LICENSED AS SUCH; TO AMEND SECTION 50-9-30, RELATING TO RESIDENCY REQUIREMENTS FOR OBTAINING RECREATIONAL OR COMMERCIAL LICENSES, SO AS TO FURTHER SPECIFY THESE REQUIREMENTS; TO AMEND SECTION 50-9-80, RELATING TO REQUIREMENTS FOR ISSUANCE OF DUPLICATE LICENSES, SO AS TO FURTHER SPECIFY THESE REQUIREMENTS; BY ADDING ARTICLE 4 TO CHAPTER 9, TITLE 50 SO AS TO PROVIDE REQUIREMENTS FOR FRESHWATER COMMERCIAL FISHING LICENSES AND BAIT DEALER LICENSES AND TO PROVIDE LICENSURE REQUIREMENTS FOR TAKING SHAD, HERRING, OR EELS FOR COMMERCIAL PURPOSES; BY ADDING SECTION 50-9-545 SO AS TO PROVIDE LICENSURE REQUIREMENTS WHEN TAKING SHAD, HERRING, OR EELS FOR RECREATIONAL PURPOSES; BY ADDING SECTION 50-9-610 SO AS TO PROVIDE TAG AND PERMIT REQUIREMENTS WHEN USING CERTAIN DEVICES TO TAKE NONGAME FRESHWATER FISH; BY ADDING SECTION 50-13-1615 SO AS TO REQUIRE A PERSON SELLING OR POSSESSING FOR SALE FRESHWATER NONGAME FISH TO HAVE CERTAIN DOCUMENTATION VERIFYING THE ORIGIN OF THE FISH; BY ADDING SECTION 50-19-250 SO AS TO PROHIBIT NIGHT FISHING IN BRIDGE LAKE IN DORCHESTER COUNTY AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50-19-251 SO AS TO PROVIDE FOR CERTAIN FISHING AND RECREATIONAL ACTIVITIES ON SLADE LAKE AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50-19-1190 SO AS TO ESTABLISH A FISH SANCTUARY IN MARION COUNTY AND TO PROVIDE CRIMINAL PENALTIES FOR FISHING OR ENTERING UPON THE SANCTUARY; AND TO REPEAL SECTIONS 50-1-100, 50-13-1130, 50-13-1135, 50-13-1150, 50-13-1155, 50-13-1160, 50-19-1910, 50-19-1920, 50-19-1930, ARTICLE 39, CHAPTER 19, TITLE 50, 50-19-2620, AND 50-19-2630 ALL RELATING TO VARIOUS FISHING REGULATIONS AND LICENSURE REQUIREMENTS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 1347 -- Senators Hayes, Setzler, Matthews, Cromer and Knotts: A JOINT RESOLUTION TO PROVIDE SCHOOL ASSESSMENT FLEXIBILITY BY ALLOWING SCHOOLS AND SCHOOL DISTRICTS TO ELECTRONICALLY PROVIDE 2010 SCHOOL AND DISTRICT REPORT CARDS, TO PROVIDE THAT WRITING ASSESSMENTS SHALL BE ADMINISTERED TO ONLY GRADES FIVE AND EIGHT, TO PROVIDE THAT A SCHOOL OR SCHOOL DISTRICT SHALL NOT BE REQUIRED TO PUBLISH SCHOOL AND DISTRICT REPORT CARDS IN A NEWSPAPER, TO PROVIDE THAT SCHOOLS MAY OFFER WORKKEYS TO TENTH GRADE STUDENTS USING FUNDS APPROPRIATED FOR PSAT AND PLAN ASSESSMENT, TO PROVIDE THAT CERTAIN SOUTH CAROLINA TEACHER LOAN RECIPIENTS MAY RECEIVE A ONE-YEAR GRACE PERIOD, TO PROVIDE THAT CERTAIN FUNDS MUST BE ALLOCATED ACCORDING TO THE EDUCATION FINANCE ACT, AND TO PROVIDE FOR A TASK FORCE THAT SHALL EXAMINE END-OF-COURSE ASSESSMENTS.

Referred to Committee on Education and Public Works

S. 1348 -- Senator Campsen: A BILL TO AMEND CHAPTER 16, TITLE 12 OF THE 1976 CODE, RELATING TO THE ESTATE TAX, BY ADDING SECTION 12-16-1960 TO PROVIDE THAT THE WILL OR TRUST OF A DECEDENT WHO DIES IN 2010 THAT CONTAINS CERTAIN FORMULAE SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX LAW AS IT APPLIED ON DECEMBER 31, 2009.

Referred to Committee on Judiciary

S. 1363 -- Senators Hayes, Setzler and Courson: A BILL TO AMEND SECTION 59-26-85 OF THE 1976 CODE, RELATING TO THE INCREASE PAY FOR TEACHERS CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION PRIOR TO JULY 1, 2010, SHALL RECEIVE AN INCREASE IN PAY FOR THE LIFE OF THE CERTIFICATION, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION ON OR AFTER JULY 1, 2010, ONLY SHALL RECEIVE AN INCREASE IN PAY FOR THE INITIAL TEN YEARS OF THE CERTIFICATION, AND TO PROVIDE THAT ONLY TEACHERS WHO APPLY FOR CERTIFICATION PRIOR TO JULY 1, 2010, MAY RECEIVE A LOAN FOR THE APPLICATION FEE.

Referred to Committee on Education and Public Works

S. 1381 -- Judiciary Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO CHILD SUPPORT GUIDELINES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4109, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Judiciary

S. 1382 -- Judiciary Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, RELATING TO LAW ENFORCEMENT OFFICER AND E-911 OFFICER TRAINING & CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4067, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Judiciary

**HOUSE RESOLUTION**

The following was introduced:

H. 4907 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO CONGRATULATE THE HONORABLE ROBERT W. HANCOCK, UPON THE OCCASION OF HIS RETIREMENT AS A LEE COUNTY MAGISTRATE, AND TO COMMEND HIM FOR MANY YEARS OF DEDICATED SERVICE TO OUR STATE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4908 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE ELIZABETH CAROLYN JACKSON, RETIRED LEE COUNTY MAGISTRATE, FOR HER MANY YEARS OF DEDICATED SERVICE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1389 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. LONNIE RANDOLPH, JR., OF COLUMBIA UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA COMMISSION FOR CONSUMER AFFAIRS, AND TO EXPRESS THE GRATITUDE OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR HIS MORE THAN THIRTY YEARS OF TIRELESS SERVICE AS A MEMBER OF THAT COMMISSION.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1396 -- Senators Courson, Setzler, Hayes, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Ford, Grooms, 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, Scott, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO SUPPORT SOUTH CAROLINA IN SUBMITTING AN APPLICATION FOR A ROUND TWO "RACE TO THE TOP" AWARD, TO ASSIST THROUGH APPROPRIATE LEGISLATIVE REMEDIES TO STRENGTHEN THE STATE'S APPLICATION, AND TO ASSIST WITH IMPLEMENTATION.

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 | Allison |
| Anthony | Bales | Ballentine |
| 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 | Daning | Delleney |
| Dillard | Duncan | Edge |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hayes | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | Limehouse | Littlejohn |
| Long | Lowe | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Pinson | Rice |
| Sandifer | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Toole |
| Umphlett | Weeks | Whipper |
| White | Whitmire | Williams |
| Wylie | A. D. Young | T. R. Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, April 28.

|  |  |
| --- | --- |
| Bruce Bannister | Nikki Haley |
| Douglas Jennings | Patsy Knight |
| James Lucas | Wendy Nanney |
| Michael A. Pitts | Timothy E. Scott |
| James E. Stewart | Michael Thompson |
| Ted Vick | Thad Viers |
| Mark Willis | Karl Allen |
| Carl Anderson | Todd Rutherford |
| Bakari Sellers |  |

**Total Present--119**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. LOFTIS a leave of absence for the day to attend an energy conference.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ALLEN a temporary leave of absence.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**DOCTOR OF THE DAY**

Announcement was made that Dr. Otis Engleman of Summerville was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. SKELTON presented to the House the D. W. Daniel High School "Lions" Varsity Boys Basketball Team, the 2010 Class AAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4842 |
| Date: | ADD: |
| 04/28/10 | LUCAS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4470 |
| Date: | ADD: |
| 04/28/10 | PARKER, RICE and PINSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4546 |
| Date: | ADD: |
| 04/28/10 | BALES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4559 |
| Date: | ADD: |
| 04/28/10 | NEILSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4893 |
| Date: | ADD: |
| 04/28/10 | VIERS, TOOLE, NEILSON and DUNCAN |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4682 |
| Date: | REMOVE: |
| 04/28/10 | GAMBRELL |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4037 |
| Date: | REMOVE: |
| 04/28/10 | SOTTILE |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3645 |
| Date: | REMOVE: |
| 04/28/10 | KING |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4546 |
| Date: | REMOVE: |
| 04/28/10 | BEDINGFIELD |

**SENT TO THE SENATE**

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

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.

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. 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.

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.

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.

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.

**H. 3815--AMENDED AND SENT TO THE SENATE**

The following Bill was taken up:

H. 3815 -- Rep. Haley: A BILL TO AMEND SECTION 40-13-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS PERTAINING TO THE LICENSURE AND REGULATION OF COSMETOLOGISTS, SO AS TO SPECIFICALLY EXCLUDE FROM THE DEFINITION OF "SALON" A RENTAL BOOTH AND THE SPACE IN A SALON OCCUPIED BY AN INDEPENDENT CONTRACTOR; AND BY ADDING SECTION 40-13-255 SO AS TO PROVIDE THAT A PERSON PRACTICING UNDER AN INDIVIDUAL COSMETOLOGY LICENSE IN A BOOTH RENTAL OR AS AN INDEPENDENT CONTRACTOR MAY NOT BE CHARGED A LICENSURE OR LICENSURE RENEWAL FEE OTHER THAN THE FEE CHARGED FOR INDIVIDUAL LICENSURE OR LICENSURE RENEWAL.

Rep. RICE asked unanimous consent to amend the Bill on third reading, which was agreed to.

Rep. RICE proposed the following Amendment No. 1 (COUNCIL\NBD\12274AC10), which was adopted:

Amend the bill, as and if amended, Section 40-13-255 on page 2, line 5 after the /./ by inserting /However, an individual’s license must be designated as ‘booth renter’./

Renumber sections to conform.

Amend title to conform.

Rep. RICE explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the third time, and ordered sent to the Senate.

**H. 4540--RECOMMITTED**

The following Bill was taken up:

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.

Rep. BANNISTER moved to recommit the Bill to the Committee on Judiciary, which was agreed to.

**H. 4245--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Joint Resolution until Thursday, April 29, 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. 4506--DEBATE ADJOURNED**

Rep. BALLENTINE moved to adjourn debate upon the following Joint Resolution until Thursday, April 29, 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. 4181--REQUESTS FOR DEBATE**

The following Joint Resolution was taken up:

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.

Reps. SANDIFER, MERRILL, GUNN, UMPHLETT, SELLERS, WHITE, DUNCAN, WHIPPER, MACK, NORMAN, KING, OTT, HOSEY, JEFFERSON, J. H. NEAL, TOOLE, A. D. YOUNG, G. R. SMITH and R. L. BROWN requested debate on the Joint Resolution.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. DUNCAN a temporary leave of absence.

**H. 4562--DEBATE ADJOURNED**

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

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.

**H. 3492--DEBATE ADJOURNED**

Rep. KENNEDY moved to adjourn debate upon the following Bill until Thursday, May 6, which was adopted:

H. 3492 -- Reps. Kennedy, Brantley, 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--REQUESTS FOR DEBATE**

The following Bill was taken up:

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, Limehouse, Long, Millwood, Parker, E. H. Pitts, Sandifer, Scott, Sellers, Simrill, Sottile, Toole, White, Wylie, A. D. Young and Bowers: 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.

Rep. T. R. YOUNG proposed the following Amendment No. 1 (COUNCIL\MS\7833AHB10):

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

/SECTION 1. Section 56‑1‑176 of the 1976 Code is amended to read:

“Section 56‑1‑176. (A) School attendance is a condition for the issuance or reinstatement of a beginner’s permit, a conditional driver’s license, ~~and~~ a special restricted driver’s license, and a regular driver’s license for a person who is less than eighteen years of age. The Department of Motor Vehicles may not issue or reinstate a beginner’s permit, conditional driver’s license, ~~or~~ a special restricted driver’s license, or a regular driver’s license to a person less than eighteen years of age pursuant to Section 56‑1‑40, Section 56‑1‑50, Section 56‑1‑175, or Section 56‑1‑180 unless the person:

(1) has a high school diploma or a certificate of attendance, or a ~~General Education Development Diploma~~ South Carolina High School Equivalency Diploma (GED); or

(2) is enrolled in a public or private school or is home schooled under the provisions contained in ~~Section~~ Sections 59‑65‑40, 59‑65‑45, or 59‑65‑47, or is enrolled in an adult education program and is making progress toward completion of a program leading to a South Carolina High School Equivalency Diploma (GED) or regular high school diploma; and:

(a) the ~~person~~ student has conformed to the attendance laws, regulations, and policies of the school, school district, and the State Board of Education, as applicable; and

(b) the ~~person~~ student is not ~~suspended or~~ expelled from school.

(B) ~~Documentation~~ At the time of application for a license described in subsection (A), documentation of enrollment status must be presented to the Department of Motor Vehicles by the applicant on a form approved by the Department. The documentation must indicate whether the student is in compliance with the requirements as provided in ~~item (2)~~ subsection (A).

(C) The board of trustees of the school district or its designee, the governing body of a private school, and an official of a home school association shall notify the Department of Motor Vehicles when an enrolled student who is at least fifteen but less than eighteen years of age has accumulated seven or more total unlawful absences, been expelled, or dropped out of school as provided for in Section 56‑1‑177. This notification must be by an electronic method as determined by the Department of Motor Vehicles.

(D) Upon receipt of notice of a student whose attendance to school falls in either subsection (1) or subsection (2) of Section 56‑1‑177, the department of motor vehicles must within ten days notify the minor of the suspension of the minor’s license and driving privileges. The notice must be in the manner used by the department for similar driving suspensions.

(E) Upon receipt of notice of suspension of the minor’s license and driving privileges, the minor student’s parent or guardian or in a case where the parent or guardian is unavailable an advocate for the student may appeal the decision. The notice must provide that a person aggrieved by the department’s determination may file a request for a contested case hearing with the Office of Motor Vehicle Hearings in accordance with its rules of procedure. The Office of Motor Vehicle Hearings has exclusive jurisdiction to conduct these hearings. In such appeal, the student’s parent or guardian has the burden of demonstrating with clear and convincing evidence the need for a waiver as provided in this section. A waiver of the requirements of this section may be granted by the Office of Motor Vehicle Hearings if the student has a personal or family hardship that requires that the student have a driver’s license. For purposes of this section, a personal or family hardship means a medical condition of the student or a member of his immediate family that requires that he maintain a driver’s license to receive or transport an immediate family member for treatments, or employment requiring the student to maintain a driver’s license to support himself or his immediate family. The filing of an appeal does not stay the suspension until a final decision is issued on appeal. The Office of Motor Vehicle Hearings shall notify the appropriate school district, governing body of a private school, or official of a home school association when an appeal decision results in the granting of a waiver of the provisions of Section 56‑1‑177. Any appeal from the determination of the Office of Motor Vehicle Hearings shall be to the Administrative Law Court.

(F) A person who has appealed a suspension of his privilege to operate a motor vehicle under this section may obtain a special route‑restricted driver’s license that is valid until the final disposition of his appeal. The special route‑restricted driver’s license allows the person to only operate a motor vehicle as transportation between his home and work, or as a part of his work duties, or relating to a medical emergency.

If the Department of Motor Vehicles issues a special route‑restricted driver’s license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A change in the employment hours, place of employment, status as a student, or residence must be reported immediately to the Department of Motor Vehicles by the person.

The fee for a special route‑restricted driver’s license is one hundred dollars. No additional fee is due because of changes in the place and hours of employment or residence. Twenty dollars of this fee must be deposited in the state general fund and eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles.

The operation of a motor vehicle outside the time limits and route imposed by a special route‑restricted driver’s license by the person issued that license is a violation of Section 56‑1‑460.

(G) The suspension of driving privileges as provided in this section shall end upon the date of such minor’s eighteenth birthday unless such minor can show that the minor complies with the requirements of subitems (A)(1) and (A)(2) of this section.”

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

“Section 56‑1‑177. A person’s, who is less than eighteen years of age, privilege to operate a motor vehicle must be suspended if the person has:

(1) been expelled from or dropped out of school for seven consecutive school days; or

(2) accumulated seven or more unexcused absences in the current academic year or seven or more unexcused absences in the previous academic semester.”

SECTION 3. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑46. Any person who drives a motor vehicle on a public highway of this State when his license to drive has been suspended, cancelled, revoked, or denied pursuant to Section 56-1-176 or 56-1-177 may be penalized pursuant to the provisions contained in Section 56‑1‑440, but may not be penalized pursuant to the provisions contained in Section 56‑1‑460.”

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. The Department of Education and the Department of Motor Vehicles may promulgate regulations to implement the provisions of this act.

SECTION 6. This act takes effect on August 1, 2011. /

Renumber sections to conform.

Amend title to conform.

Rep. T. R. YOUNG explained the amendment.

Rep. T. R. YOUNG spoke in favor of the amendment.

Reps. RUTHERFORD, BALES, G. M. SMITH, JEFFERSON, GUNN, FUNDERBURK, WHIPPER, R. L. BROWN, WEEKS, BRANTLEY and KING requested debate on the Bill.

**H. 4820--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

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.

Rep. ALLISON explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| R. L. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Edge | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Haley | Hayes |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | 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 | Rice | Rutherford |
| Scott | Sellers | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Thompson |
| Toole | Umphlett | Vick |
| Viers | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |

**Total--96**

Those who voted in the negative are:

**Total--0**

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

**ORDERED TO THIRD READING**

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

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.

Rep. ALLISON explained the Bill.

**H. 4260--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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

Rep. R. L. BROWN proposed the following Amendment No. 1 (COUNCIL\SWB\8061CM10), which was adopted:

Amend the bill, as and if amended, Section 57‑9‑10, as contained in SECTION 1, by deleting line 33 on page 1, and inserting:

/ such change, and posted by the petitioning party along the street, road, or highway, subject to approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway.” /

Renumber sections to conform.

Amend title to conform.

Rep. BRANHAM explained the amendment.

The amendment was then adopted.

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

**H. 3839--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3839 -- Reps. Edge, Harrison, Viers and McLeod: 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.

Rep. EDGE proposed the following Amendment No. 1 (COUNCIL\DKA\3989DW10):

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

/ SECTION 1. Chapter 21, Title 5 of the 1976 Code is amended by adding:

“Article 9

Municipal Finance Accountability Act of 2010

Section 5‑21‑910. For purposes of this article:

(1) ‘Employee’ means an employee of a municipality.

(2) ‘Official’ means the mayor or council member of a municipality.

Section 5‑21‑920. This article may be cited as the ‘Municipal Finance Accountability Act of 2010’.

Section 5‑21‑930. (A) There is created the Municipal Finance Accountability Commission composed of the following members:

(1) the State Treasurer;

(2) the Chairman of the Senate Finance Committee or member of Senate Finance Committee designated by the Chairman;

(3) the Chairman of the House Ways and Means Committee or member of the House Ways and Means Committee designated by the Chairman;

(4) four members appointed by the Governor upon the recommendation of the Municipal Association of South Carolina of which at least one must be a current or former elected municipal official and at least one must be a current or former city manager, administrator, or municipal finance officer currently or formerly serving in this State. The remaining two members appointed by the Governor must be elected municipal officials, city managers or administrators, municipal finance officers currently or formerly serving in this State, or independent accountants licensed by the South Carolina Board of Accountancy who practice in the field of municipal accounting.

(B) Appointed members shall serve for terms of four years and until their successors are appointed and qualify, except that of those first appointed, two shall serve for a term of two years and the term must be noted on the appointment. Regardless of the date of appointment, all terms expire July first of the applicable year. A vacancy must be filled in the manner of original appointment for the unexpired portion of the term.

(C) The State Treasurer shall serve as chairman.

(D) The commission shall meet at least quarterly. Action of the commission must be taken by resolution adopted by majority vote of those present and voting. A majority of the commission constitutes a quorum.

(E) Members of the commission shall serve without compensation but may receive mileage, subsistence, and per diem, authorized by law for members of state boards, committees, and commissions.

(F) The Attorney General shall provide legal services as the commission considers necessary to carry out its duties and responsibilities.

(G) For administrative purposes, the commission shall operate as a division of the Office of the State Treasurer.

Section 5‑21‑940. The chairman shall appoint a secretary of the commission, and may appoint other deputies and assistants as necessary, who are responsible to the chairman through the secretary. The commission may delegate powers to the secretary and his deputies to act in the name of the commission. Actions taken by the secretary or his deputies, including signing documents and papers provided for in this article, are effective as though the chairman has taken the action or signed the documents or papers. Actions taken by the secretary or his deputies and assistants may be appealed to the full commission.

Section 5‑21‑950. The commission may establish, charge, and collect fees for expenses incurred by the commission in connection with carrying out its duties and responsibilities under the provisions of this article. Fees may be charged to the municipality being assisted by the commission and may be withheld from that municipality’s state‑shared revenues and the monies distributed to a municipality pursuant to Chapter 27, Title 6, the State Aid to Subdivisions Act, and other funds distributed to a municipality by the State Treasurer for credit to the municipality’s general fund including, but not limited to, distributions from the County/Municipal Revenue Fund pursuant to Section 4‑10‑50, and distributions of state accommodations tax revenue pursuant to Section 6‑4‑10(1).

Section 5‑21‑960. This State designates the commission and its staff as agents and attorneys‑in‑fact authorized to request and receive information from the Internal Revenue Service and other federal and state agencies related to a municipality of this State that is subject to an order issued or investigation being conducted pursuant to the terms of this article. A certificate signed by the secretary of the commission is conclusive evidence of the commission’s right to proceed under this article.

Section 5‑21‑970. (A) The mayor of the municipality shall file a copy of the audit report required by Section 5‑7‑240, to include documents referenced in or accompanying the audit report, or the annual financial report allowed by subsection (B), with the commission no later than nine months after the close of the municipality’s fiscal year. After this date, the State Treasurer shall hold in escrow all state‑shared revenues distributed by the Office of the State Treasurer monies distributed to a municipality pursuant to Chapter 27, Title 6, the State Aid to Subdivisions Act, and other funds distributed to a municipality by the State Treasurer for credit to the municipality’s general fund including, but not limited to, distributions from the County/Municipal Revenue Fund pursuant to Section 4‑10‑50, and distributions of state accommodations tax revenue pursuant to Section 6‑4‑10(1) due the municipality until the required financial report is received or the commission directs payments be made to the municipality.

(B) Instead of the annual audit report required by Section 5‑7‑240, the council of a municipality that has annual revenues of less than three hundred thousand dollars may provide for an annual financial report with agreed upon procedures as established by the commission. A municipality that files an annual financial report as allowed by this section shall comply with the requirements of Section 5‑7‑240 for use and selection of an independent licensed accountant and for public presentation of the statement by the accountant. A municipality that files an annual financial report as allowed by this section and that operates a municipal court also shall comply with the review, supplementary schedule, and other requirements of Section 14‑1‑208(E). The minimum amount of designated annual revenue for substitution of an annual financial report may be adjusted by the commission as warranted by current economic conditions.

Section 5‑21‑980. (A) The commission may take action as it considers advisable to evaluate the municipality’s fiscal affairs, consult with the municipal council, and take other action as authorized by this chapter if a municipality:

(1) fails to pay any installment of principal or interest on its outstanding general obligation debt or revenue debt by the due date and remains in default for thirty days;

(2) fails to transfer to the appropriate agency:

(a) taxes withheld on the income of employees;

(b) employer or employee contributions for social security or pension or retirement plans;

(c) other employee benefits; or

(3) fails to file an annual audit or an annual financial report as required by Section 5‑21‑970; or

(4) files with the commission an annual audit report or annual financial report that, in the determination of the commission, shows substantial evidence of fiscal mismanagement or impending fiscal instability.

(B) In cases where the conditions of subsection (A) exist:

(1) the commission first shall make written inquiry of the municipal council to request clarification and the municipality’s plan for resolution;

(2) if the response is not sufficient to resolve the commission’s concerns, or if no response is received by the commission within thirty days, the commission shall evaluate the necessity for action and if necessary shall formulate a plan for restoring the municipality to fiscal stability or otherwise resolving the situation;

(3) the plan adopted by the commission may require appropriate action necessary to establish the fiscal stability of the municipality and the commission may negotiate with the municipality’s creditors in order to assist the municipality in formulating a resolution; and

(4) during its implementation, the plan may be amended by the commission after consultation with the municipality.

(C) When a plan is developed that the commission finds to be fair and equitable and reasonably within the ability of the municipality to meet, the commission shall enter an order to the municipality to take the necessary steps to implement the plan. When an order is entered, the members of the municipal council and all officials and employees of the municipality shall do all things necessary to implement the plan. The commission may apply to the court of competent jurisdiction for an order to enforce the commission’s order.

(D) Pursuant to the provisions of this section, the commission may require periodic reports on the municipality’s fiscal affairs. If, when acting under the authority of this section, the commission recommends modifications to the municipality’s current or proposed budget, the municipal council shall amend the budget ordinance or make the modification before adopting the proposed budget ordinance.

Section 5‑21‑990. (A) The commission has the authority to take possession and control books and records of a municipality it considers necessary and assume full control of its financial affairs if the governing body of the municipality persists in failing or refusing to comply with the provisions of this article after notice and warning from the commission.

(B) If the commission takes action pursuant to the provisions of this section, the commission is vested with the powers of the municipal council as to the levy of taxes, expenditure of monies, adoption of budgets, and other financial powers conferred upon the municipal council by law. The commission shall provide appropriate public notice of its exercise of these powers.

(C) Nothing done pursuant to the authority of this article or under color of authority granted under this article shall make the commission or this State liable for the debt, liability, or obligation of a municipality.

Section 5‑21‑1000. The power and authority granted to the commission in this article shall continue with respect to a municipality until the commission issues an order finding that the municipality has performed and continues to perform the duties required of it in the plan for restoring the municipality to financial stability.

Section 5‑21‑1010. If an official or employee of a municipality persists, after notice and warning from the commission, in failing or refusing to comply with a provision of this article, he is subject to forfeiture of his office or employment. The commission may enter an order suspending the official or employee from further performance of his office or employment after first giving him notice and an opportunity to be heard in his own defense, pending the outcome of quo warranto proceedings. Upon suspending an official or employee under this section, the commission shall report the circumstances to the Attorney General, who shall initiate and prosecute quo warranto proceedings against the official or employee in circuit court. If an official or employee persists in performing an official act in violation of an order of the commission, the commission also may apply to circuit court for a restraining order and injunction.

Section 5‑21‑1020. In addition to other duties, the commission shall approve orientation programs that satisfy the educational requirements in Section 5‑21‑1030 and distribute a list of approved programs to municipal officials.

Section 5‑21‑1030. (A) An official of a municipality, who was not serving as an official on the effective date of this article, shall enroll in, attend, and complete an orientation program approved by the commission, of no fewer than seven hours, on matters pertaining to the administration and operations of municipal governments. This orientation program must be completed within one year of taking office or within one year of an orientation program being approved by the commission. An approved course includes, but is not be limited to, orientation in municipal finance and budgeting; methods of taxation; planning, zoning, and land use; municipal services and governance; the Freedom of Information Act; the ethics, duties, and responsibilities of members of a municipal council; and other matters as considered necessary and appropriate by the commission.

(B) The reasonable cost of tuition, fees, housing, travel, and meals incurred by a public official to satisfy the requirements of subsection (A) must be paid from funds appropriated by the municipal council for these purposes. Reasonable costs are determined by the municipal council in its reimbursement policies.

Section 5‑21‑1040. An elected municipal official who satisfied the educational requirements in Section 5‑21‑1030 for a prior term as an elected municipal official is not required to comply with the training requirement for a subsequent term except after a break in service.

Section 5‑21‑1050. (A) An elected municipal official shall certify that he has satisfied the educational requirements in Section 5‑21‑1030 by filing a certification form and documentation with the municipal clerk no later than the date he shall complete satisfactorily the educational requirements of Section 5‑21‑1030.

(B) Each certification form substantially must conform to the following form and all applicable portions of the form must be completed:

‘To report compliance with educational requirements required in Section 5‑21‑1030, a person elected to the office of mayor or municipal council and who is not serving as a mayor or council member on the effective date of Article 9, Chapter 21, Title 5 of the 1976 Code, shall complete and file this form with the municipal clerk within one year of taking office or within one year of an orientation program being approved by the Municipal Finance Accountability Commission.

Name of elected municipal official: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

First day in office:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Filing date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I have attended an approved course that meets the educational requirements in Section 5‑21‑1030.

Also attached with this form is documentation that I attended the program.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’

Section 5‑21‑1060. The clerk shall keep in the official public records originals of all filed forms and documentation that certify compliance with educational requirements.

Section 5‑21‑1070. An elected municipal official is subject to forfeiture of office pursuant to the provisions of Section 5‑7‑210 or 5‑21‑1010 if he:

(1) fails to satisfactorily complete the requisite number of hours of education and training within the time frame required pursuant to Section 5‑21‑1030; or

(2) fails to file the certification form and documentation required by the commission pursuant to Section 5‑21‑1050.”

SECTION 2. Section 5‑7‑200 of the 1976 Code is amended to read:

“Section 5‑7‑200. (A) A mayor or ~~councilman~~ council member shall forfeit his office if he:

(1) lacks at any time during his term of office any qualification for the office prescribed by the ~~general~~ law and the Constitution of this State;

(2) violates any express prohibition or affirmative duty or requirement of Chapters 1 to ~~17~~ 21; or

(3) is convicted of a crime involving moral turpitude.

(B) A vacancy in the office of mayor or council ~~shall~~ must be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty days or more ~~prior to~~ before the next general election.”

SECTION 3. Section 5‑7‑240 of the 1976 Code is amended to read:

“Section 5‑7‑240. (A) Except as allowed by Section 5‑21‑970, the council shall provide for an independent annual audit of all financial statements, records, and transactions of the municipality and any agency funded in whole by municipal funds. The audit must be performed at the close of each fiscal year and council may provide for more frequent audits as it ~~deems~~ considers necessary. Special audits may be provided for ~~any~~ an agency receiving municipal funds as the municipality ~~deems~~ considers necessary. The audited financial statements must be accomplished in accordance with the auditing standards generally accepted in this country and the standards applicable to financial audits contained in Governmental Auditing Standards, issued by the Comptroller General of the United States. ~~Such~~ These audits ~~shall~~ must be made by ~~a certified public~~ an independent accountant ~~or public accountant or firm of such accountants~~ licensed by the South Carolina Board of Accountancy who ~~have~~ has no personal interest, direct or indirect, in the fiscal affairs of the municipal government or ~~any of~~ its officers. The council ~~may~~, without requiring competitive bids, may designate ~~such~~ an accountant ~~or firm~~ annually or for a period not exceeding four years, provided, that the designation for any particular fiscal year ~~shall~~ must be made no later than thirty days after the beginning of ~~such~~ that fiscal year. The auditor must be selected by and reports directly to the governing body of the municipality. An engagement letter must be provided following auditing standards generally accepted in the United States. The report of the audit ~~shall~~ must be presented by the auditor at a public meeting of the governing body and must be made available for public inspection. The council, ~~may~~ in its discretion, may accept independent audits of municipal agencies and departments and include ~~such~~ these audits in its general report of the audit of the municipality.

(B) Each official and employee of the municipality having custody of public money or responsibility for keeping records of public financial or fiscal affairs shall produce books and records requested by the auditor and shall divulge this information relating to fiscal affairs as requested. A member of a governing body or employee who conceals, falsifies, or refuses to deliver or divulge books, records, or information, with an attempt to mislead the auditor or impede or interfere with the audit, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.”

SECTION 4. Section 5‑21‑50 of the 1976 Code is amended to read:

“Section 5‑21‑50. ~~All towns in this State of more than two hundred population shall keep an itemized account of all receipts and disbursements and shall publish quarterly statements of such accounts in some newspaper in the county in which such town is situated or shall post such quarterly statements at some conspicuous place or places in the town.~~ A municipality shall prepare on at least a quarterly basis a summary statement of finances to include a cash balance report and a statement of accounts with a comparison of actual to budgeted revenues and expenditures. This statement must be provided to the municipal council and, upon request, to members of the public or interested organizations.”

SECTION 5. Section 6‑1‑50 of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“Section 6‑1‑50. Counties and municipalities receiving revenues from state aid, currently known as Aid to Subdivisions, shall submit annually to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section a financial report detailing their sources of revenue, expenditures by category, indebtedness, and other information as the State Budget and Control Board, Office of Research and Statistics, Economic Research Section requires. The State Budget and Control Board, Office of Research and Statistics, Economic Research Section shall determine the content and format of the annual financial report. The financial report for the most recently completed fiscal year must be submitted to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section by January fifteenth of each year. If an entity fails to file the financial report by January fifteenth, then the chief administrative officer of the entity ~~shall~~ must be notified in writing that the entity has thirty days to comply with the requirements of this section. The Director of the Office of Research and Statistics ~~may~~, for good cause, may grant a local entity an extension of time to file the annual financial report. Notification by the Director of the Office of Research and Statistics to the ~~Comptroller General~~ State Treasurer that an entity has failed to file the annual financial report thirty days after written notification to the chief administrative officer of the entity must result in the withholding of ten percent of subsequent payments of state aid to the entity until the report is filed. The State Budget and Control Board, Office of Research and Statistics, Economic Research Section is responsible for collecting, maintaining, and compiling the financial data provided by counties and municipalities in the annual financial report required by this section.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of amendments.

**H. 4837--RECALLED FROM COMMITTEE ON JUDICIARY**

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

H. 4837 -- Reps. J. E. Smith, Miller and McLeod: A BILL TO AMEND SECTION 12-21-3940, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BINGO LICENSE REQUIRED FOR NONPROFIT ORGANIZATIONS, SO AS TO ELIMINATE THE PROHIBITION ON ISSUING SUCH A LICENSE TO A NONPROFIT ORGANIZATION THAT IS A NONPUBLIC, LIMITED MEMBERSHIP ORGANIZATION ESTABLISHED FOR SOCIAL, BENEVOLENT, PATRIOTIC, RECREATIONAL, OR FRATERNAL PURPOSES WHICH HOLDS A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK.

**OBJECTION TO RECALL**

Rep. KELLY asked unanimous consent to recall H. 4255 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall S. 1204 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. COOPER asked unanimous consent to recall S. 1363 from the Committee on Ways and Means.

Rep. KENNEDY objected.

**H. 4798--RECALLED FROM COMMITTEE ON INVITATIONS AND MEMORIAL RESOLUTIONS**

On motion of Rep. GUNN, with unanimous consent, the following Bill was ordered recalled from the Committee on Invitations and Memorial Resolutions:

H. 4798 -- Rep. Gunn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-611 SO AS TO PROVIDE THAT THE HONOR AND REMEMBER FLAG IS THE OFFICIAL STATE FLAG TO HONOR FALLEN SOLDIERS.

**OBJECTION TO RECALL**

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

Rep. UMPHLETT objected.

**OBJECTION TO RECALL**

Rep. MERRILL asked unanimous consent to recall H. 4889 from the Committee on Ways and Means.

Rep. G. R. SMITH objected.

**OBJECTION TO RECALL**

Rep. BEDINGFIELD asked unanimous consent to recall H. 3164 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. HERBKERSMAN asked unanimous consent to recall H. 4765 from the Committee on Education and Public Works.

Rep. KENNEDY objected.

**S. 191, R. 140--GOVERNOR'S VETO--RECONSIDERED AND OVERRIDDEN**

The motion of Rep. WEEKS to reconsider the vote whereby the Veto was sustained was taken up.

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

Yeas 74; Nays 32

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Ballentine | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Bowers | Brady | Branham |
| R. L. Brown | Cato | Chalk |
| Cole | Cooper | Daning |
| Edge | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Herbkersman |
| Hiott | Horne | Huggins |
| Hutto | Kelly | Kirsh |
| Knight | Limehouse | Littlejohn |
| Long | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | D. C. Moss | V. S. Moss |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Pinson |
| Rice | Sandifer | Scott |
| Simrill | Skelton | D. C. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| White | Whitmire | Wylie |
| A. D. Young | T. R. Young |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Bales | Bedingfield |
| Brantley | Cobb-Hunter | Delleney |
| Dillard | Govan | Gunn |
| Haley | Harvin | Hodges |
| Hosey | Howard | Jefferson |
| Kennedy | King | Lowe |
| Mack | Mitchell | Nanney |
| J. H. Neal | Ott | Parks |
| M. A. Pitts | Rutherford | G. M. Smith |
| G. R. Smith | Viers | Weeks |
| Whipper | Williams |  |

**Total--32**

So, the motion to reconsider the vote whereby the Veto was sustained was agreed to.

Rep. COBB-HUNTER spoke in favor of the Veto.

Rep. JEFFERSON spoke in favor of the Veto.

Rep. TOOLE spoke against the Veto.

Rep. PARKER spoke against the Veto.

Rep. OTT spoke in favor of the Veto.

Rep. JENNINGS spoke against the Veto.

Rep. HOSEY spoke in favor of the Veto.

Rep. J. H. NEAL spoke in favor of the Veto.

Rep. SCOTT spoke against the Veto.

Rep. HART spoke against the Veto.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. WILLIS a temporary leave of absence.

Rep. KENNEDY spoke in favor of the Veto.

Rep. KELLY spoke against the Veto.

Rep. MCEACHERN spoke against the Veto.

Rep. M. A. PITTS spoke in favor of the Veto.

Rep. HARRELL spoke against the Veto.

Rep. A. D. YOUNG moved cloture on the entire matter.

Rep. A. D. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 57; Nays 53

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Brady | Cato | Chalk |
| Cooper | Daning | Delleney |
| Edge | Forrester | Frye |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Kelly | Kirsh | Limehouse |
| Long | Lucas | Miller |
| D. C. Moss | V. S. Moss | Neilson |
| Norman | Owens | Parker |
| Pinson | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Toole | Umphlett | Whitmire |
| Wylie | A. D. Young | T. R. Young |

**Total--57**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Ballentine |
| Bedingfield | Bowers | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Cole | Dillard | Funderburk |
| Govan | Gunn | Haley |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | Jennings | Kennedy |
| King | Knight | Lowe |
| Mack | McEachern | McLeod |
| Mitchell | Nanney | J. H. Neal |
| J. M. Neal | Ott | Parks |
| M. A. Pitts | Rutherford | Sellers |
| G. M. Smith | G. R. Smith | Thompson |
| Vick | Weeks | Whipper |
| White | Williams |  |

**Total--53**

So, cloture was ordered.

Rep. RUTHERFORD spoke in favor of the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 74; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Bowers |
| Brady | Branham | H. B. Brown |
| Cato | Chalk | Cole |
| Cooper | Daning | Edge |
| Forrester | Frye | Funderburk |
| Gilliard | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Jennings | Kelly | Kirsh |
| Limehouse | Littlejohn | Long |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Millwood |
| D. C. Moss | V. S. Moss | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Pinson | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Vick |
| White | Whitmire | Wylie |
| A. D. Young | T. R. Young |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bedingfield | Brantley | G. A. Brown |
| Clyburn | Cobb-Hunter | Delleney |
| Dillard | Govan | Gunn |
| Haley | Hart | Harvin |
| Hodges | Hosey | Howard |
| Jefferson | Kennedy | King |
| Knight | Lowe | Mack |
| Mitchell | Nanney | J. H. Neal |
| Ott | Parks | M. A. Pitts |
| Rutherford | Sellers | G. M. Smith |
| G. R. Smith | Weeks | Whipper |
| Williams |  |  |

**Total--37**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on the Governor’s Veto of S. 191, R. 140. If I had been present, I would have voted to override the Veto.

Rep. Mike Gambrell

STATEMENT FOR THE JOURNAL

Today, Wednesday, April 28, 2010, I had a meeting which was scheduled a month earlier with doctors who are concerned about the healthcare legislation which recently passed the U.S. Congress. Due to their schedules, we met in conjunction with another meeting they were attending. Due to this meeting, scheduled over a lunch-hour timeframe, I requested a temporary leave of absence from the House.

With just two days left prior to the May 1st cross-over deadline, I wrongly assumed that we would be dealing with pending House Bills needing 2nd and 3rd reading, thus missing the vote on the Governor’s Veto on S. 191.

Rep. Jeff Duncan

**POINT OF ORDER**

Rep. G. R. SMITH raised the Point of Order that the vote on the veto was out of order in that it was not a two-thirds vote of the House and that the vote should be recalculated.

SPEAKER *PRO TEMPORE* CATO stated that in accordance with House Rule 10.3.4, the Veto was overridden by a necessary two-thirds vote and the votes are those of the members of the House who are present and voting. Therefore, he overruled the Point of Order and stated that the Veto was overridden.

Rep. LIMEHOUSE moved that the House recede until 3:30 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 3:30 p.m. the House resumed, Acting Speaker BINGHAM in the chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**R. 171, H. 3395--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R171) H. 3395 -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A. D. Young, Edge, Bedingfield, J. R. Smith, G. R. Smith, D. C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E. H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T. R. Young and Wylie: AN ACT TO AMEND SECTION 11-11-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE AND MANNER OF REPLENISHMENT OF THAT AMOUNT; TO AMEND SECTION 11-11-320, AS AMENDED, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH REVENUES IN THE FUND MUST BE USED IN EACH FISCAL YEAR INCLUDING A REQUIREMENT THAT THE CAPITAL RESERVE FUND MAY NOT BE USED TO OFFSET A MIDYEAR BUDGET REDUCTION; TO AMEND SECTION 11-9-890, RELATING TO THE DELINEATION OF FISCAL YEAR REVENUE ESTIMATES BY QUARTERS AND ACTIONS REQUIRED TO AVOID YEAR-END DEFICITS, SO AS TO REVISE PROCEDURES REQUIRED TO REDUCE GENERAL FUND APPROPRIATIONS AND EXPENDITURES AND THE CRITERIA WHICH REQUIRES SUCH REDUCTIONS; TO AMEND SECTION 1-11-495, RELATING TO MONITORING REVENUES AND EXPENDITURES TO DETERMINE YEAR-END DEFICITS, SO AS TO FURTHER PROVIDE FOR WHEN REDUCTIONS BY THE STATE BUDGET AND CONTROL BOARD MAY BE ORDERED, TO PROVIDE THAT THE REDUCTIONS ARE SUBJECT TO ANY BILL OR RESOLUTION ENACTED BY THE GENERAL ASSEMBLY, AND TO ADD A REQUIREMENT THAT TO RECOGNIZE A DEFICIT REQUIRES FOUR VOTES OF THE MEMBERS OF THE STATE BUDGET AND CONTROL BOARD; TO REPEAL SECTION 11-11-325 RELATING TO BUDGET SHORTFALLS AND THE REQUIREMENT THAT THE STATE BUDGET AND CONTROL BOARD FIRST MUST REDUCE THE CAPITAL RESERVE FUND BEFORE MANDATING CUTS TO OPERATING APPROPRIATIONS IF A REVENUE SHORTFALL IS PROJECTED; AND TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE PROVISIONS TAKE EFFECT.

Rep. COOPER explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 78; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Brady | Brantley |
| G. A. Brown | H. B. Brown | Cole |
| Cooper | Daning | Delleney |
| Duncan | Edge | Forrester |
| Frye | Gambrell | Govan |
| Harrell | Harrison | Harvin |
| Hayes | Hearn | Herbkersman |
| Hodges | Horne | Huggins |
| Hutto | Jefferson | Kelly |
| Kirsh | Limehouse | Long |
| Lowe | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | Mitchell | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Sellers | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Whipper |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--78**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kennedy |  |  |

**Total--1**

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I was temporarily out of the Chamber on district business during the vote on the Governor’s Veto on H. 3395, R. 171. If I had been in the Chamber, I would have voted to override the Veto.

Rep. Laurie Slade Funderburk

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on the Governor’s Veto on H. 3395, R. 171. If I had been present, I would have voted to override the Veto.

Rep. Dennis Moss

**H. 3161--POINT OF ORDER**

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

H. 3161 -- Rep. Harrison: A BILL TO AMEND SECTION 1-23-660, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT, SO AS TO REQUIRE THE OFFICE OF MOTOR VEHICLE HEARINGS TO EMPLOY CERTAIN PROFESSIONAL AND SUPPORT STAFF; AND TO AMEND SECTION 56-5-2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST AN ADMINISTRATIVE HEARING, SO AS TO INCREASE THE FILING FEE FROM ONE HUNDRED FIFTY TO TWO HUNDRED FIFTY DOLLARS AND PROVIDE FOR THE DISTRIBUTION OF THE FILING FEE FUNDS COLLECTED.

Rep. HARRISON explained the Senate Amendments.

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

Rep. HARRISON moved to table the motion.

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

Yeas 51; Nays 60

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| Delleney | Dillard | Edge |
| Funderburk | Govan | Hardwick |
| Harrison | Hayes | Hearn |
| Hiott | Horne | Howard |
| Hutto | Jennings | Kelly |
| Knight | Littlejohn | Lucas |
| McLeod | Miller | D. C. Moss |
| V. S. Moss | Neilson | Owens |
| Rutherford | Sandifer | Sellers |
| Skelton | D. C. Smith | G. M. Smith |
| Stavrinakis | Stringer | Viers |
| Weeks | Wylie | T. R. Young |

**Total--51**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Bedingfield |
| Bowen | Brantley | R. L. Brown |
| Cato | Chalk | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Daning | Duncan | Forrester |
| Frye | Gilliard | Gunn |
| Hamilton | Harrell | Harvin |
| Herbkersman | Hodges | Hosey |
| Huggins | Jefferson | Kennedy |
| King | Kirsh | Limehouse |
| Long | Lowe | Mack |
| McEachern | Merrill | Millwood |
| Mitchell | Nanney | J. M. Neal |
| Norman | Ott | Parker |
| Pinson | M. A. Pitts | Rice |
| Simrill | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stewart |
| Thompson | Toole | Umphlett |
| Vick | Whipper | White |
| Williams | Willis | A. D. Young |

**Total--60**

So, the House refused to table the motion to commit the Bill to the Ways and Means Committee.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**SENT TO THE SENATE**

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

H. 4413 -- Reps. Chalk, Gunn, Hardwick, Clemmons, Lowe, Crawford, Long, J. M. Neal, G. R. Smith, Harrison, A. D. Young, Horne, Brady, Erickson, Herbkersman, Millwood, Allison, Parker, Duncan, M. A. Pitts, Harvin, Williams, Neilson, Battle, Miller, Huggins, Spires, Willis, Hearn, Scott, Daning, J. E. Smith, Vick and H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE "LICENSURE OF IN-HOME CARE PROVIDER ACT" SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN-HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN-HOME CAREGIVERS EMPLOYED BY IN-HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT'S RESPONSIBILITIES UNDER THIS CHAPTER.

H. 3748 -- Reps. Duncan, Clemmons, Chalk and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-24 SO AS TO PROVIDE THAT THE VALUE OF OWNER OCCUPIED PROPERTY MUST BE INCLUDED IN THE CALCULATION OF THE INDEX OF TAXPAYING ABILITY UNTIL A PERMANENT CHANGE IN THE METHOD OF ITS CALCULATION IS ENACTED; AND TO CREATE THE INDEX OF TAXPAYING ABILITY STUDY COMMITTEE, TO PROVIDE FOR ITS MEMBERSHIP AND ITS PURPOSE, AND TO REQUIRE THE COMMITTEE TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY BY JANUARY 10, 2010, UPON WHICH DATE THE COMMITTEE SHALL DISSOLVE.

H. 4215 -- Reps. Harrison, McLeod and Weeks: A BILL TO AMEND SECTION 18-3-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A DECISION OF A MAGISTRATE, SO AS TO PROVIDE THAT AN APPELLANT MUST SERVE A NOTICE OF APPEAL OF A DECISION OF A MAGISTRATE UPON THE OFFICER OR ATTORNEY WHO PROSECUTED THE CASE IN ADDITION TO THE MAGISTRATE WHO TRIED THE CASE.

H. 4243 -- Reps. Owens, Harrell, Cato, Duncan, Harrison, Sandifer, Whitmire, Allison, Skelton, E. H. Pitts, Bowen, Wylie, Rice, G. R. Smith, Limehouse, Daning, Long, Littlejohn, Hutto, A. D. Young, Simrill, Loftis, Stewart, D. C. Smith, Bedingfield and Haley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE MUST DETERMINE APPLICATION COMPLIANCE; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-210, AS AMENDED, RELATING TO CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL, SO AS TO ALLOW A PRIVATE SCHOOL TO DISSOLVE AND IMMEDIATELY SEEK TO FORM A CHARTER SCHOOL; AND TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP.

H. 4663 -- Reps. Sandifer, Bales, Cato, McEachern, Hamilton, Loftis, G. R. Smith, Wylie, Stringer, Willis, Clemmons, Barfield, Ballentine, Whitmire, White, Toole, Huggins, Pinson, Gunn, Norman, Millwood, Simrill, Delleney, Owens, Bannister, Rice, Erickson, D. C. Moss, Stewart, Mitchell, Bowen, J. E. Smith, Dillard, Herbkersman, Chalk, Haley, Viers, Anderson, T. R. Young, Nanney and Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-9-55 SO AS TO PROVIDE THAT A BUILDING CODE PROVISION THAT REQUIRES AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM BE INSTALLED IN A NEW ONE-FAMILY OR TWO-FAMILY DWELLING MAY NOT BE ENFORCED, TO PROVIDE CERTAIN PROSPECTIVE HOMEOWNERS MAY CHOOSE WHETHER TO HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED, TO MAKE THE INSTALLATION OF AN AUTOMATIC SPRINKLER SYSTEM APPROVED BY THE INTERNATIONAL RESIDENTIAL CODE AVAILABLE WHERE REQUIRED BY THAT CODE, AND TO PROVIDE WHERE THE PROVISIONS OF THIS SECTION CONTROL EVEN WHEN THEY CONFLICT WITH ANOTHER LAW OR LOCAL ORDINANCE.

H. 4505 -- Rep. Nanney: A BILL TO AMEND SECTION 14-1-214, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF FINES, FEES, AND COURT COSTS BY CREDIT OR DEBIT CARD, SO AS TO INCLUDE REGISTERS OF DEEDS IN THE LIST OF PERSONS ASSOCIATED WITH THE COURTS WHO MAY ACCEPT PAYMENT BY CREDIT OR DEBIT CARD.

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.

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.

**RECURRENCE TO THE MORNING HOUR**

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

**LEAVE OF ABSENCE**

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

**H. 4562--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GGS\22602SD10), which was adopted:

Amend the bill, as and if amended, by striking Section 39‑11‑30 of the 1976 Code, as contained in SECTION 1 and inserting:

/ Section 39‑11‑30. ~~Each public weighmaster shall pay a registration fee of five dollars to the Department of Agriculture for the privilege of operating in the locality of his principal place of business. An additional registration fee of one dollar shall be paid for each deputy public weighmaster and for each additional registration fee the Department shall issue a deputy’s license. No deputy weighmaster may be registered unless the principal business locality has a licensed weighmaster.~~ All employees designated by a registered and approved public weighmaster also are covered under the provisions of this chapter. /

Amend the bill further, as and if amended, by striking Section 39‑11‑60 of the 1976 Code, as contained in SECTION 2 and inserting:

/ Section 39‑11‑60. ~~Notwithstanding the provisions of Section 39‑11‑50, after June 8, 1971 registrations and renewals thereof for public weighmasters and deputy weighmasters shall be for three years.~~ Beginning on July 1, 2011, all registrations for public weighmasters are valid for one year and must be renewed annually on the anniversary date of the registration approval. All registration fees for public weighmasters shall be set by regulation. /

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

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

**H. 3839--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3839 -- Reps. Edge, Harrison, Viers and McLeod: 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.

Rep. EDGE proposed the following Amendment No. 1(COUNCIL\DKA\3989DW10):

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

/ SECTION 1. Chapter 21, Title 5 of the 1976 Code is amended by adding:

“Article 9

Municipal Finance Accountability Act of 2010

Section 5‑21‑910. For purposes of this article:

(1) ‘Employee’ means an employee of a municipality.

(2) ‘Official’ means the mayor or council member of a municipality.

Section 5‑21‑920. This article may be cited as the ‘Municipal Finance Accountability Act of 2010’.

Section 5‑21‑930. (A) There is created the Municipal Finance Accountability Commission composed of the following members:

(1) the State Treasurer;

(2) the Chairman of the Senate Finance Committee or member of Senate Finance Committee designated by the Chairman;

(3) the Chairman of the House Ways and Means Committee or member of the House Ways and Means Committee designated by the Chairman;

(4) four members appointed by the Governor upon the recommendation of the Municipal Association of South Carolina of which at least one must be a current or former elected municipal official and at least one must be a current or former city manager, administrator, or municipal finance officer currently or formerly serving in this State. The remaining two members appointed by the Governor must be elected municipal officials, city managers or administrators, municipal finance officers currently or formerly serving in this State, or independent accountants licensed by the South Carolina Board of Accountancy who practice in the field of municipal accounting.

(B) Appointed members shall serve for terms of four years and until their successors are appointed and qualify, except that of those first appointed, two shall serve for a term of two years and the term must be noted on the appointment. Regardless of the date of appointment, all terms expire July first of the applicable year. A vacancy must be filled in the manner of original appointment for the unexpired portion of the term.

(C) The State Treasurer shall serve as chairman.

(D) The commission shall meet at least quarterly. Action of the commission must be taken by resolution adopted by majority vote of those present and voting. A majority of the commission constitutes a quorum.

(E) Members of the commission shall serve without compensation but may receive mileage, subsistence, and per diem, authorized by law for members of state boards, committees, and commissions.

(F) The Attorney General shall provide legal services as the commission considers necessary to carry out its duties and responsibilities.

(G) For administrative purposes, the commission shall operate as a division of the Office of the State Treasurer.

Section 5‑21‑940. The chairman shall appoint a secretary of the commission, and may appoint other deputies and assistants as necessary, who are responsible to the chairman through the secretary. The commission may delegate powers to the secretary and his deputies to act in the name of the commission. Actions taken by the secretary or his deputies, including signing documents and papers provided for in this article, are effective as though the chairman has taken the action or signed the documents or papers. Actions taken by the secretary or his deputies and assistants may be appealed to the full commission.

Section 5‑21‑950. The commission may establish, charge, and collect fees for expenses incurred by the commission in connection with carrying out its duties and responsibilities under the provisions of this article. Fees may be charged to the municipality being assisted by the commission and may be withheld from that municipality’s state‑shared revenues and the monies distributed to a municipality pursuant to Chapter 27, Title 6, the State Aid to Subdivisions Act, and other funds distributed to a municipality by the State Treasurer for credit to the municipality’s general fund including, but not limited to, distributions from the County/Municipal Revenue Fund pursuant to Section 4‑10‑50, and distributions of state accommodations tax revenue pursuant to Section 6‑4‑10(1).

Section 5‑21‑960. This State designates the commission and its staff as agents and attorneys‑in‑fact authorized to request and receive information from the Internal Revenue Service and other federal and state agencies related to a municipality of this State that is subject to an order issued or investigation being conducted pursuant to the terms of this article. A certificate signed by the secretary of the commission is conclusive evidence of the commission’s right to proceed under this article.

Section 5‑21‑970. (A) The mayor of the municipality shall file a copy of the audit report required by Section 5‑7‑240, to include documents referenced in or accompanying the audit report, or the annual financial report allowed by subsection (B), with the commission no later than nine months after the close of the municipality’s fiscal year. After this date, the State Treasurer shall hold in escrow all state‑shared revenues distributed by the Office of the State Treasurer monies distributed to a municipality pursuant to Chapter 27, Title 6, the State Aid to Subdivisions Act, and other funds distributed to a municipality by the State Treasurer for credit to the municipality’s general fund including, but not limited to, distributions from the County/Municipal Revenue Fund pursuant to Section 4‑10‑50, and distributions of state accommodations tax revenue pursuant to Section 6‑4‑10(1) due the municipality until the required financial report is received or the commission directs payments be made to the municipality.

(B) Instead of the annual audit report required by Section 5‑7‑240, the council of a municipality that has annual revenues of less than three hundred thousand dollars may provide for an annual financial report with agreed upon procedures as established by the commission. A municipality that files an annual financial report as allowed by this section shall comply with the requirements of Section 5‑7‑240 for use and selection of an independent licensed accountant and for public presentation of the statement by the accountant. A municipality that files an annual financial report as allowed by this section and that operates a municipal court also shall comply with the review, supplementary schedule, and other requirements of Section 14‑1‑208(E). The minimum amount of designated annual revenue for substitution of an annual financial report may be adjusted by the commission as warranted by current economic conditions.

Section 5‑21‑980. (A) The commission may take action as it considers advisable to evaluate the municipality’s fiscal affairs, consult with the municipal council, and take other action as authorized by this chapter if a municipality:

(1) fails to pay any installment of principal or interest on its outstanding general obligation debt or revenue debt by the due date and remains in default for thirty days;

(2) fails to transfer to the appropriate agency:

(a) taxes withheld on the income of employees;

(b) employer or employee contributions for social security or pension or retirement plans;

(c) other employee benefits; or

(3) fails to file an annual audit or an annual financial report as required by Section 5‑21‑970; or

(4) files with the commission an annual audit report or annual financial report that, in the determination of the commission, shows substantial evidence of fiscal mismanagement or impending fiscal instability.

(B) In cases where the conditions of subsection (A) exist:

(1) the commission first shall make written inquiry of the municipal council to request clarification and the municipality’s plan for resolution;

(2) if the response is not sufficient to resolve the commission’s concerns, or if no response is received by the commission within thirty days, the commission shall evaluate the necessity for action and if necessary shall formulate a plan for restoring the municipality to fiscal stability or otherwise resolving the situation;

(3) the plan adopted by the commission may require appropriate action necessary to establish the fiscal stability of the municipality and the commission may negotiate with the municipality’s creditors in order to assist the municipality in formulating a resolution; and

(4) during its implementation, the plan may be amended by the commission after consultation with the municipality.

(C) When a plan is developed that the commission finds to be fair and equitable and reasonably within the ability of the municipality to meet, the commission shall enter an order to the municipality to take the necessary steps to implement the plan. When an order is entered, the members of the municipal council and all officials and employees of the municipality shall do all things necessary to implement the plan. The commission may apply to the court of competent jurisdiction for an order to enforce the commission’s order.

(D) Pursuant to the provisions of this section, the commission may require periodic reports on the municipality’s fiscal affairs. If, when acting under the authority of this section, the commission recommends modifications to the municipality’s current or proposed budget, the municipal council shall amend the budget ordinance or make the modification before adopting the proposed budget ordinance.

Section 5‑21‑990. (A) The commission has the authority to take possession and control books and records of a municipality it considers necessary and assume full control of its financial affairs if the governing body of the municipality persists in failing or refusing to comply with the provisions of this article after notice and warning from the commission.

(B) If the commission takes action pursuant to the provisions of this section, the commission is vested with the powers of the municipal council as to the levy of taxes, expenditure of monies, adoption of budgets, and other financial powers conferred upon the municipal council by law. The commission shall provide appropriate public notice of its exercise of these powers.

(C) Nothing done pursuant to the authority of this article or under color of authority granted under this article shall make the commission or this State liable for the debt, liability, or obligation of a municipality.

Section 5‑21‑1000. The power and authority granted to the commission in this article shall continue with respect to a municipality until the commission issues an order finding that the municipality has performed and continues to perform the duties required of it in the plan for restoring the municipality to financial stability.

Section 5‑21‑1010. If an official or employee of a municipality persists, after notice and warning from the commission, in failing or refusing to comply with a provision of this article, he is subject to forfeiture of his office or employment. The commission may enter an order suspending the official or employee from further performance of his office or employment after first giving him notice and an opportunity to be heard in his own defense, pending the outcome of quo warranto proceedings. Upon suspending an official or employee under this section, the commission shall report the circumstances to the Attorney General, who shall initiate and prosecute quo warranto proceedings against the official or employee in circuit court. If an official or employee persists in performing an official act in violation of an order of the commission, the commission also may apply to circuit court for a restraining order and injunction.

Section 5‑21‑1020. In addition to other duties, the commission shall approve orientation programs that satisfy the educational requirements in Section 5‑21‑1030 and distribute a list of approved programs to municipal officials.

Section 5‑21‑1030. (A) An official of a municipality, who was not serving as an official on the effective date of this article, shall enroll in, attend, and complete an orientation program approved by the commission, of no fewer than seven hours, on matters pertaining to the administration and operations of municipal governments. This orientation program must be completed within one year of taking office or within one year of an orientation program being approved by the commission. An approved course includes, but is not be limited to, orientation in municipal finance and budgeting; methods of taxation; planning, zoning, and land use; municipal services and governance; the Freedom of Information Act; the ethics, duties, and responsibilities of members of a municipal council; and other matters as considered necessary and appropriate by the commission.

(B) The reasonable cost of tuition, fees, housing, travel, and meals incurred by a public official to satisfy the requirements of subsection (A) must be paid from funds appropriated by the municipal council for these purposes. Reasonable costs are determined by the municipal council in its reimbursement policies.

Section 5‑21‑1040. An elected municipal official who satisfied the educational requirements in Section 5‑21‑1030 for a prior term as an elected municipal official is not required to comply with the training requirement for a subsequent term except after a break in service.

Section 5‑21‑1050. (A) An elected municipal official shall certify that he has satisfied the educational requirements in Section 5‑21‑1030 by filing a certification form and documentation with the municipal clerk no later than the date he shall complete satisfactorily the educational requirements of Section 5‑21‑1030.

(B) Each certification form substantially must conform to the following form and all applicable portions of the form must be completed:

‘To report compliance with educational requirements required in Section 5‑21‑1030, a person elected to the office of mayor or municipal council and who is not serving as a mayor or council member on the effective date of Article 9, Chapter 21, Title 5 of the 1976 Code, shall complete and file this form with the municipal clerk within one year of taking office or within one year of an orientation program being approved by the Municipal Finance Accountability Commission.

Name of elected municipal official: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

First day in office:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Filing date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I have attended an approved course that meets the educational requirements in Section 5‑21‑1030.

Also attached with this form is documentation that I attended the program.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’

Section 5‑21‑1060. The clerk shall keep in the official public records originals of all filed forms and documentation that certify compliance with educational requirements.

Section 5‑21‑1070. An elected municipal official is subject to forfeiture of office pursuant to the provisions of Section 5‑7‑210 or 5‑21‑1010 if he:

(1) fails to satisfactorily complete the requisite number of hours of education and training within the time frame required pursuant to Section 5‑21‑1030; or

(2) fails to file the certification form and documentation required by the commission pursuant to Section 5‑21‑1050.”

SECTION 2. Section 5‑7‑200 of the 1976 Code is amended to read:

“Section 5‑7‑200. (A) A mayor or ~~councilman~~ council member shall forfeit his office if he:

(1) lacks at any time during his term of office any qualification for the office prescribed by the ~~general~~ law and the Constitution of this State;

(2) violates any express prohibition or affirmative duty or requirement of Chapters 1 to ~~17~~ 21; or

(3) is convicted of a crime involving moral turpitude.

(B) A vacancy in the office of mayor or council ~~shall~~ must be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty days or more ~~prior to~~ before the next general election.”

SECTION 3. Section 5‑7‑240 of the 1976 Code is amended to read:

“Section 5‑7‑240. (A) Except as allowed by Section 5‑21‑970, the council shall provide for an independent annual audit of all financial statements, records, and transactions of the municipality and any agency funded in whole by municipal funds. The audit must be performed at the close of each fiscal year and council may provide for more frequent audits as it ~~deems~~ considers necessary. Special audits may be provided for ~~any~~ an agency receiving municipal funds as the municipality ~~deems~~ considers necessary. The audited financial statements must be accomplished in accordance with the auditing standards generally accepted in this country and the standards applicable to financial audits contained in Governmental Auditing Standards, issued by the Comptroller General of the United States. ~~Such~~ These audits ~~shall~~ must be made by ~~a certified public~~ an independent accountant ~~or public accountant or firm of such accountants~~ licensed by the South Carolina Board of Accountancy who ~~have~~ has no personal interest, direct or indirect, in the fiscal affairs of the municipal government or ~~any of~~ its officers. The council ~~may~~, without requiring competitive bids, may designate ~~such~~ an accountant ~~or firm~~ annually or for a period not exceeding four years, provided, that the designation for any particular fiscal year ~~shall~~ must be made no later than thirty days after the beginning of ~~such~~ that fiscal year. The auditor must be selected by and reports directly to the governing body of the municipality. An engagement letter must be provided following auditing standards generally accepted in the United States. The report of the audit ~~shall~~ must be presented by the auditor at a public meeting of the governing body and must be made available for public inspection. The council, ~~may~~ in its discretion, may accept independent audits of municipal agencies and departments and include ~~such~~ these audits in its general report of the audit of the municipality.

(B) Each official and employee of the municipality having custody of public money or responsibility for keeping records of public financial or fiscal affairs shall produce books and records requested by the auditor and shall divulge this information relating to fiscal affairs as requested. A member of a governing body or employee who conceals, falsifies, or refuses to deliver or divulge books, records, or information, with an attempt to mislead the auditor or impede or interfere with the audit, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.”

SECTION 4. Section 5‑21‑50 of the 1976 Code is amended to read:

“Section 5‑21‑50. ~~All towns in this State of more than two hundred population shall keep an itemized account of all receipts and disbursements and shall publish quarterly statements of such accounts in some newspaper in the county in which such town is situated or shall post such quarterly statements at some conspicuous place or places in the town.~~ A municipality shall prepare on at least a quarterly basis a summary statement of finances to include a cash balance report and a statement of accounts with a comparison of actual to budgeted revenues and expenditures. This statement must be provided to the municipal council and, upon request, to members of the public or interested organizations.”

SECTION 5. Section 6‑1‑50 of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“Section 6‑1‑50. Counties and municipalities receiving revenues from state aid, currently known as Aid to Subdivisions, shall submit annually to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section a financial report detailing their sources of revenue, expenditures by category, indebtedness, and other information as the State Budget and Control Board, Office of Research and Statistics, Economic Research Section requires. The State Budget and Control Board, Office of Research and Statistics, Economic Research Section shall determine the content and format of the annual financial report. The financial report for the most recently completed fiscal year must be submitted to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section by January fifteenth of each year. If an entity fails to file the financial report by January fifteenth, then the chief administrative officer of the entity ~~shall~~ must be notified in writing that the entity has thirty days to comply with the requirements of this section. The Director of the Office of Research and Statistics ~~may~~, for good cause, may grant a local entity an extension of time to file the annual financial report. Notification by the Director of the Office of Research and Statistics to the ~~Comptroller General~~ State Treasurer that an entity has failed to file the annual financial report thirty days after written notification to the chief administrative officer of the entity must result in the withholding of ten percent of subsequent payments of state aid to the entity until the report is filed. The State Budget and Control Board, Office of Research and Statistics, Economic Research Section is responsible for collecting, maintaining, and compiling the financial data provided by counties and municipalities in the annual financial report required by this section.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HARRISON spoke in favor of the amendment.

Reps. WHITE, OTT, JEFFERSON, KENNEDY, R. L. BROWN, AGNEW, DUNCAN, M. A. PITTS, SANDIFER, HOSEY, BRANTLEY, NORMAN and KING requested debate on the Bill.

**H. 4559--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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, Willis, Whipper, R. L. Brown and Neilson: 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.

Rep. BARFIELD proposed the following Amendment No. 1 (COUNCIL\NBD\12297AC10), which was adopted:

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

/SECTION 1. This act may be cited as the “Utilization of Unused Prescription Drugs Act”.

SECTION 2. Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Article 16

Utilization of Unused Prescription Drugs

Section 44‑53‑1810. As used in this article:

(1) ‘Charitable clinic’ means an ambulatory care facility organized as a nonprofit corporation that has a licensed out‑patient pharmacy located at the facility or that has a contract with a retail pharmacy to participate in the program established pursuant to this article.

(2) ‘Department’ means the Department of Health and Environmental Control.

(3) ‘Health care facility’ means acute care hospitals, psychiatric hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, and the Department of Disabilities and Special Needs.

(4) ‘Medically indigent’ means a person eligible to receive Medicaid or Medicare benefits or a person who has no prescription drug coverage and who otherwise lacks reasonable means to purchase prescribed drugs.

(5) ‘Pharmacy’ means a location for which a pharmacy permit is required and in which prescription drugs and devices are maintained, compounded, and dispensed for patients by a pharmacist. This definition includes a location where pharmacy-related services are provided by a pharmacist.

(6) ‘Prescription drug’ means a drug that may be dispensed only upon prescription by a licensed health care professional with prescriptive authority, as provided for in law. This term does not include controlled substances, as defined in Section 44‑53‑110, or a drug that can only be dispensed to a patient registered with the drug’s manufacturer in accordance with federal Food and Drug Administration requirements.

Section 44‑53‑1820. (A) The Department of Health and Environmental Control, in consultation and cooperation with the Board of Pharmacy, shall develop and implement a voluntary program consistent with public health and safety through which unused prescription drugs may be transferred from health care facilities to charitable clinics for the purpose of redispensing the medication to residents who are medically indigent.

(B) Participation in the program by individual residents, health care facilities, charitable clinics, pharmacies, and prescription drug manufacturers is voluntary. Nothing in this article requires a resident of any health care facility, charitable clinic, pharmacy, pharmacist, or prescription drug manufacturer to participate in the program.

(C) The department shall provide written notification to all eligible health care facilities to post a sign clearly and conspicuously in each facility to notify its residents of the program.

Section 44‑53‑1830. The following criteria must be used in soliciting and accepting unused prescription drugs for use pursuant to this article:

(1) Health care facilities that have entered into an agreement to participate with a charitable clinic shall document each resident’s participation in the program with a written statement that the resident’s excess and otherwise eligible unused prescription drugs may be donated to a charitable clinic for the purpose of dispensing to medically indigent persons.

(2) Only prescription drugs in their original manufacturer’s sealed multi‑dose blister packages, unit dose containers, or perforated blister packages may be accepted and dispensed.

(3) Prescription drugs may not be accepted with less than a ninety-day expiration or beyond use date.

(4) A prescription drug must not be accepted or dispensed if the pharmacist accepting or dispensing the drug, in his or her judgment, has reason to believe that the drug is adulterated, misbranded, or has been improperly stored.

(5) No controlled substances or a drug that can only be dispensed to a patient registered with the drug’s manufacturer in accordance with federal Food and Drug Administration requirements may be accepted.

Section 44‑53‑1840. (A) A pharmacy operating in conjunction with a charitable clinic may dispense prescription drugs donated pursuant to this article to persons who are medically indigent residents.

(B) A pharmacy operating in conjunction with a charitable clinic wherein both meet the eligibility requirements established and authorized pursuant to this article and that accepts donated prescription drugs shall:

(1) comply with all applicable federal and state laws relating to the storage, distribution, and dispensing of prescription drugs;

(2) inspect all prescription drugs prior to dispensing the prescription drugs to determine that the drugs are not adulterated or misbranded; and

(3) dispense prescription drugs only pursuant to a valid prescription issued by a licensed health care professional with prescriptive authority, as provided for in law.

(C) Prescription drugs donated pursuant to this article must not be sold or billed to a third party payor.

Section 44‑53‑1850. (A) For matters related only to the lawful donation, acceptance, or dispensing of prescription drugs under this article, the following persons and entities participating in this program, in compliance with criteria provided for in this article, in the absence of bad faith, are immune from criminal or civil liability for injury, death, or loss to person or property and are not subject to professional disciplinary action:

(1) a charitable clinic, a licensed health care professional with prescriptive authority, as provided for in law, or a pharmacy that accepts or dispenses prescription drugs pursuant to this article;

(2) a resident of a facility, or the resident’s next of kin or legal guardian or estate, who agrees to donate unused prescription drugs;

(3) the Department of Health and Environmental Control and other governmental entities;

(4) the Board of Pharmacy;

(5) a prescription drug manufacturer, governmental entity, or health care facility that participates in this program that donates prescription drugs pursuant to this article;

(6) a prescription drug manufacturer or its representative that directly donates prescription drugs in professional samples to a charitable clinic or a pharmacy participating in this program;

(7) a pharmacy or pharmacist operating in conjunction with a charitable clinic or a pharmacy that employs a licensed health care professional who accepts or can legally dispense prescription drugs.

(B) For matters related to the donation, acceptance, or dispensing of a prescription drug manufactured by a prescription drug manufacturer that is donated by an entity pursuant to this article, a prescription drug manufacturer is, in the absence of bad faith, immune from criminal or civil liability for injury, death, or loss to person or property including, but not limited to, liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug.

Section 44‑53‑1860. The Board of Pharmacy, in consultation with the Department of Health and Environmental Control, shall develop policies to implement the provisions of this article pertaining to:

(1) eligibility criteria for pharmacies and charitable clinics authorized to receive and dispense donated prescription drugs pursuant to this article;

(2) establishment of drug eligibility criteria that includes all prescription drugs approved by the federal Food and Drug Administration;

(3) standards and procedures for transfer, acceptance, safe storage, security, and dispensing of donated prescription drugs;

(4) standards and procedures for inspecting donated prescription drugs to ensure that the drugs are in compliance with the provisions of this article and to ensure that, in the professional judgment of the pharmacist, the medications meet all federal and state standards for product integrity;

(5) procedures for verifying whether pharmacies and pharmacists participating in the program are licensed and in good standing with the Board of Pharmacy; and

(6) establishment of standards for acceptance of unused prescription medications from health care facilities.”

SECTION 3. This act takes effect upon approval by the Governor and upon development of policies by the Board of Pharmacy in consultation with the Department of Health and Environmental Control./

Renumber sections to conform.

Amend title to conform.

Rep. ALEXANDER explained the amendment.

The amendment was then adopted.

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

**H. 3853--DEBATE ADJOURNED**

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

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--DEBATE ADJOURNED**

The following Bill was taken up:

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.

Rep. MILLER explained the Bill.

Rep. SKELTON moved to adjourn debate on the Bill until Thursday, April 29, which was agreed to.

**H. 4682--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4682 -- Reps. Erickson, Herbkersman, Chalk, Bowen, Brady, 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.

Reps. KENNEDY, WHITE, WEEKS, GAMBRELL, MCLEOD, HOSEY, LITTLEJOHN, WYLIE, KING and PINSON requested debate on the Bill.

**H. 3393--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. SPIRES proposed the following Amendment No. 1 (COUNCIL\NBD\12271AC10), which was adopted:

Amend the bill, as and if amended, by deleting lines 33 - 37 on page 1 and inserting:

/Whereas, the primary purpose of this act is to promote, preserve, and protect the public health and safety and to prepare for the threat of pandemic influenza by expanding access to influenza vaccines. Now, therefore/

Amend the bill, further, by striking all after the enacting words and inserting:

/SECTION 1. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40‑43‑190. (A)(1) The Board of Medical Examiners shall issue a written protocol for the administration of influenza vaccines by pharmacists without an order of a practitioner. The administration of influenza vaccines as authorized in this section must not be to persons under the age of eighteen years.

(2) The written protocol must further authorize pharmacists to administer without an order of a practitioner those medications necessary in the treatment of adverse events. These medications must be used only in the treatment of adverse events and must be limited to those delineated within the written protocol.

(3) The written protocol must be issued no later than January 1, 2011.

(B) The written protocol must provide that:

(1) A pharmacist seeking authorization to administer influenza vaccines as authorized in this section shall successfully complete a course of training accredited by the Accreditation Council for Pharmacy Education or a similar health authority or professional body approved by the Board of Pharmacy and the Board of Medical Examiners. Training must comply with current Centers for Disease Control guidelines and must include study materials, hands‑on training, and techniques for administering influenza vaccines and must provide instruction and experiential training in the following content areas:

(a) mechanisms of action for influenza vaccines, contraindications, drug interactions, and monitoring after vaccine administration;

(b) standards for adult immunization practices;

(c) basic immunology and vaccine protection;

(d) vaccine‑preventable diseases;

(e) recommended immunization schedules;

(f) vaccine storage management;

(g) biohazard waste disposal and sterile techniques;

(h) informed consent;

(i) physiology and techniques for vaccine administration;

(j) prevaccine and postvaccine assessment and counseling;

(k) immunization record management;

(l) management of adverse events, including identification, appropriate response, emergency procedures, documentation, and reporting;

(m) understanding of vaccine coverage by federal, state, and local entities;

(n) needle stick management.

(2) A pharmacist administering an influenza vaccine without an order of a practitioner pursuant to this section shall:

(a) obtain the signed written consent of the person being vaccinated or that person’s guardian;

(b) maintain a copy of the vaccine administration in that person’s record and provide a copy to the person or the person’s guardian;

(c) notify that person’s designated physician or primary care provider of any influenza vaccine administered;

(d) report administration of an influenza vaccine to any statewide immunization registry established by the Department of Health and Environmental Control as the department may require;

(e) maintain a current copy of the written protocol at each location at which a pharmacist administers an influenza vaccine pursuant to this section.

(3) A pharmacist may not delegate the administration of influenza vaccines to a pharmacy technician as defined in Section 40‑43‑30 or any other person who is not a pharmacist.

(4) A pharmacist administering influenza vaccines shall, as part of the current continuing education requirements pursuant to Section 40‑43‑130, complete no less than one hour of continuing education each license year regarding administration of influenza vaccines.

(C) Informed consent must be documented in accordance with the written protocol for influenza vaccine administration issued pursuant to this section.

(D) All records required by this section must be maintained in the pharmacy for a period of at least six years.

Section 40‑43‑200. (A) There is created a Joint Pharmacist Administered Influenza Vaccines Committee as a committee to the Board of Medical Examiners which consists of seven members with experience regarding influenza vaccines. The committee is comprised of two physicians selected by the Board of Medical Examiners, two pharmacists selected by the Board of Pharmacy, and two advanced practice nurse practitioners selected by the Board of Nursing. One member of the Department of Health and Environmental Control designated by the Commissioner of the Department also shall serve on the committee.

(B) The committee shall meet at least once annually and at other times as may be necessary. Five members constitute a quorum for all meetings. At its initial meeting, and at the beginning of each year thereafter, the committee shall elect from its membership a chairperson to serve for a one year term.

(C) The committee shall assist and advise the Board of Medical Examiners in establishing a written protocol for the purpose of authorizing pharmacists to administer influenza vaccinations without an order of a practitioner as authorized by Section 40‑43‑190 and shall provide a suggested written protocol to the board no later than four months after the passage of this act.”

SECTION 2. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40-43-145. Each pharmacy must have posted in a conspicuous public location a written notice of the procedure to file a complaint with the Board of Pharmacy. The written notice must be approved by the board. The notice must be in a type and a format which is easily readable by patients and must include a telephone number, e‑mail contact, and mailing address that a patient may use to file a complaint with the board.”

SECTION 3. This act takes effect July 1, 2010./

Renumber sections to conform.

Amend title to conform.

Rep. SPIRES explained the amendment.

The amendment was then adopted.

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

**ORDERED TO THIRD READING**

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

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.

Rep. VICK explained the Joint Resolution.

H. 4893 -- Reps. Limehouse, Stavrinakis, Gilliard, Sottile, Viers, Toole, Neilson and Duncan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-190 SO AS TO ESTABLISH THE "STATE DAY OF PRAYER" AS THE FIRST THURSDAY IN MAY OF EACH YEAR.

Rep. LIMEHOUSE explained the Bill.

**H. 4616--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4616 -- Reps. Littlejohn, Brantley, Hodges, Jefferson, R. L. Brown, Clemmons, Cobb-Hunter, Herbkersman, Weeks and M. A. Pitts: 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.

Rep. LITTLEJOHN proposed the following Amendment No. 1 (LEGWORK\HOUSE\COMBINED\_COUNCIL\_AMENDMENTS\20842SD10KRL), which was adopted:

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

/SECTION 1. Section 50‑9‑510(19) of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding at the end:

“(19) In addition to the fees for licenses provided for in items (1) through (18) of this section, the purchaser of the license may add a voluntary contribution in any amount to the fee of each license or license renewal beginning July 1, 2010, to be used for the purposes of Section 50‑1‑275. The revenue from this voluntary contribution must be expended as provided in Section 50‑1‑275.”

SECTION 2. Chapter 1, Title 50 of the 1976 Code is amended by adding:

“Section 50‑1‑275. (A) Seventy‑five cents of each dollar of a voluntary contribution authorized by Section 50‑9‑510(19) must be used to feed hungry individuals in the manner provided in this section. Twenty‑five cents of each dollar of a voluntary contribution must be retained by the Department of Natural Resources to promote the purposes of this section, and for the promotion and utilization of Section 12‑6‑3750 encouraging the donation of deer for processing for ultimate distribution to charitable organizations engaged in distributing food to the needy.

(B) A special fund, administered by the department into which seventy‑five cents of each dollar of a voluntary contribution referenced in subsection (A) shall be deposited, is hereby created. Interest earned on these monies shall remain in the fund and all balances in the fund must be carried forward each year so that no part of the fund reverts to the general fund of the State.

(C) Within each game zone of this State, a board is hereby established consisting of three members to administer the feed the hungry efforts established by this section. All members must be appointed by the Governor upon recommendation of the county legislative delegations representing that game zone. The members shall serve at the pleasure of their appointing authority and without compensation, mileage, or per diem. Vacancies must be filled in the manner of original appointment.

(D) All monies in the fund shall be allocated annually to each game zone of this State equally. The board of that game zone as established in subsection (C) shall determine how its allocation must be expended during the next year, including direct grants to feed needy citizens in that locality, purchase of perishable and nonperishable food items for distribution to citizens of that locality, and underwriting other programs designed to provide food to needy adults and children. However, no funds may be given individually to citizens for their use in obtaining needed food products or may be given to church or civic organizations involved in similar programs to supplement their funds.

(E) The department, together with the Comptroller General, shall specify the procedures for the processing of funds from a game zone’s allocation to the recipients of those funds and for the documentation that is to be required.”

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

Amend the bill further, by amending the title to read:

/TO AMEND SECTION 50‑9‑510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND OTHER LICENSES AND THE FEES FOR THE LICENSES, SO AS TO PERMIT A PURCHASER OF A LICENSE TO MAKE VOLUNTARY CONTRIBUTION TOWARD A PROGRAM TO FEED HUNGRY INDIVIDUALS AND PROVIDE THAT THESE CONTRIBUTIONS 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 THESE VOLUNTARY CONTRIBUTIONS MUST BE USED FOR THE PURPOSE OF FEEDING HUNGRY INDIVIDUALS, INCLUDING THE ESTABLISHMENT OF A THREE‑MEMBER BOARD IN EACH GAME ZONE TO OVERSEE THE EXPENDITURE OF THE FUNDS ALLOCATED TO THAT GAME ZONE FOR THIS PURPOSE./

Renumber sections to conform.

Amend title to conform.

Rep. LITTLEJOHN explained the amendment.

The amendment was then adopted.

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

**OBJECTION TO RECALL**

Rep. DUNCAN asked unanimous consent to recall H. 4888 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. M. A. PITTS asked unanimous consent to recall H. 4842 from the Committee on Invitations and Memorial Resolutions.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

Rep. KELLY asked unanimous consent to recall H. 4255 from the Committee on Judiciary.

Rep. KENNEDY objected.

**OBJECTION TO RECALL**

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

Rep. HAMILTON objected.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3523 from the Committee on Judiciary.

Rep. KING objected.

**OBJECTION TO RECALL**

Rep. MILLER asked unanimous consent to recall S. 405 from the Committee on Ways and Means.

Rep. KING objected.

**OBJECTION TO RECALL**

Rep. DUNCAN asked unanimous consent to recall H. 4840 from the Committee on Agriculture, Natural Resources and Environmental Affairs.

Rep. FRYE objected.

**MOTION PERIOD**

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

**H. 3122--DEBATE ADJOURNED**

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

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.

**H. 4546--INTERRUPTED 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, Bowers and Bales: 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.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12259AC10), which was rejected:

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

/SECTION 1. (A) There is established the Self‑directed Semi‑independent Agency Pilot Project. In accordance with the provisions of this joint resolution this pilot project establishes the professional and occupational licensing boards enumerated below as separate and distinct individual agencies to the extent provided for in this joint resolution and no longer under the Department of Labor, Licensing and Regulation as of January 1, 2011:

(1) South Carolina State Board of Accountancy;

(2) Board of Registration for Professional Engineers and Land Surveyors;

(3) South Carolina Board of Architectural Examiners;

(4) South Carolina Board of Medical Examiners;

(5) South Carolina Board of Pharmacy;

(6) South Carolina Real Estate Commission;

(7) South Carolina Board of Funeral Service; and

(8) South Carolina Real Estate Appraisers Board.

(B) Notwithstanding any other provision of law, each project agency shall become self‑directed and semi‑independent as specified in this joint resolution and must be administered by the Department of Labor, Licensing and Regulation only to the extent the project agency contracts with the department for these administrative services.

(C) A prospective professional or occupational licensing board listed in subsection (A) must not participate in the pilot project unless approved by both a chairman of a standing committee of the Senate designated by the President *Pro Tempore* of the Senate and a chairman of a standing committee of the House designated by the Speaker of the House.

(D) A professional or occupational licensing board seeking to participate in this pilot project must submit a report to the General Assembly, through the chairmen designated pursuant to subsection (C), and to the Governor that includes a description of the agency’s activities in the previous fiscal year. The report must be submitted by September 15, 2010, and include:

(1) an audit conducted under the procedures of Section 4(A);

(2) a financial report of the previous fiscal year;

(3) a description of any changes in licensing fees;

(4) a report on the number of examination candidates, licensees, certificate holders, and enforcement activities and any changes in those figures;

(5) a description of all new rules adopted or repealed;

(6) the total amount of per diem expenses and travel expenses paid for each member of the governing body of each project agency;

(7) a detailed report of all revenue received including, but not limited to, fees, fines, settlements, gifts, grants, donations, and all expenses incurred by the proposed project agency in the previous fiscal year;

(8) job descriptions and salaries for all proposed project agency personnel and the total amount of projected per diem expenses and travel expenses for all prospective project agency employees; and

(9) the prospective project agency’s operating plan and projected budget covering the initial two year period of the pilot project.

SECTION 2. In addition to the duties enumerated in the enabling legislation specifically applicable to each project agency, which has the following duties:

(1) A project agency shall adopt a budget annually using generally accepted accounting principles. The budget must be reviewed and approved only by the project agency’s governing board notwithstanding any other provision of law, including the general appropriations act. No costs may be incurred by the general revenue fund. A project agency must be responsible for all costs, both direct and indirect.

(2) A project agency shall keep financial and statistical information as necessary to disclose completely and accurately the financial condition and operation of the project agency.

SECTION 3. A project agency is vested with all authority conferred upon the Department of Labor, Licensing and Regulation in Section 40‑1‑50 and is responsible for all administrative, fiscal, investigative, inspection, clerical, secretarial, and license renewal operations and activities of the boards and commissions enumerated in Section 40‑1‑40. A project agency may fulfill these responsibilities through internal or external means, including, but not limited to, directly employed staff or by contract with the Department of Labor, Licensing and Regulation or a third party selected by the project agency.

SECTION 4. (A) Nothing in this joint resolution shall affect the duty of the State Auditor to audit a project agency. The State Auditor shall enter into a contract and schedule with each project agency to conduct audits, including financial reports and performance audits. Costs incurred in performing these audits must be reimbursed by the project agency.

(B) The Legislative Audit Council shall submit a performance and management report on the pilot project by September 15, 2014.

SECTION 5. A project agency annually shall submit to the to the Governor, the House Ways and Means Committee, the House Labor, Commerce and Industry Committee, the Senate Finance Committee and the Senate Labor, Commerce and Industry Committee a report that includes a description of the agency’s activities in the previous fiscal year. The report must be submitted by September fifteenth of the subsequent fiscal year and include:

(1) an audit conducted under the procedures of Section 4(A);

(2) a financial report of the previous fiscal year;

(3) a description of any changes in licensing fees;

(4) a report on the number of examination candidates, licensees, certificate holders, and enforcement activities and any changes in those figures;

(5) a description of all new rules adopted or repealed;

(6) the salary for all project agency personnel and the total amount of per diem expenses and travel expenses paid for all project agency employees;

(7) the total amount of per diem expenses and travel expenses paid for each member of the governing body of each project agency;

(8) each project agency’s operating plan and budget covering a two year period; and

(9) a detailed report of all revenue received including, but not limited to, fees, fines, settlements, gifts, grants, donations, and all expenses incurred by the project agency in the previous fiscal year.

SECTION 6. (A) Subject to the limitations, if any, in the applicable enabling legislation, each project agency may set the amount of fees, penalties, and fines by statute or regulation as necessary for the purpose of carrying out the functions of the project agency.

(B) All fees and funds collected by a project agency during the pilot project and any funds appropriated to the project agency must be placed on deposit with the State Treasurer and credited to a fund separate and distinct from the general fund of the State. No transfers may be made out of this fund to the Department of Labor, Licensing and Regulation except by a contractual agreement entered into by the project agency.

(C) On July 1, 2010, the Department of Labor, Licensing and Regulation shall deposit an amount equal to a project agency’s existing cash carry forward as of April 1, 2010.

SECTION 7. (A) If a board or commission no longer has status under this joint resolution as a self‑directed semi‑independent project agency either because of the expiration of this joint resolution or for any other reason, the board or commission is liable for any expenses or debts incurred by the board or commission during the time the board or commission participated in the pilot project. The project agency’s liability under this section includes liability for any lease entered into by the project agency. The State is not liable for any expense or debt covered by this subsection, and money from the general revenue fund may not be used to repay the expense or debt.

(B) If a board or commission no longer has status under this joint resolution as a self‑directed semi‑independent project agency either because of the expiration of this joint resolution or for any other reason, ownership of any property or other asset acquired by the board or commission during the time the board or commission participated in the pilot project must be transferred to the State.

SECTION 8. Employees of the project agencies are members of the South Carolina Retirement System pursuant to Chapter 1, Title 9, and transition to independent status has no effect on their membership.

SECTION 9. (A)The transfer of a project agency, as defined by this joint resolution, to semi‑independent status and the expiration of semi‑independent status does not cancel, suspend, or prevent any:

(1) debt owed to or by the project agency;

(2) fine, tax, penalty, or obligation of any party;

(3) contract or other obligation of any party; or

(4) action taken by the project agency in administration or enforcement of its duties.

(B) Each project agency shall continue to have and exercise the powers and duties allocated to it in its enabling legislation, except as specifically amended by this joint resolution.

(C) Title to all supplies, materials, records, equipment, books, and papers used by each project agency is transferred to each respective project agency. Nothing in this joint resolution has any effect on property already owned by the project agencies. At its sole option, each project agency may continue to occupy its current premises at the rates prescribed by the State Budget and Control Board for costs for the duration of the pilot project.

(D) Any fees collected prior to January 1, 2011, collected for examinations conducted after January 1, 2011, must be made available to the project agency.

SECTION 10. Except as otherwise provided, this joint resolution takes effect July 1, 2010, and is repealed September 1, 2015, unless extended by action of the General Assembly./

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

Rep. COBB-HUNTER spoke against the amendment.

Rep. MCLEOD spoke against the amendment.

The question then recurred to the adoption of the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 43; Nays 66

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bannister | Barfield |
| Bingham | Bowen | Brady |
| R. L. Brown | Cato | Chalk |
| Cole | Cooper | Duncan |
| Edge | Forrester | Frye |
| Gambrell | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Horne | Huggins | Kelly |
| Knight | Limehouse | Long |
| Lowe | V. S. Moss | Owens |
| Parker | Pinson | M. A. Pitts |
| Rice | Sandifer | Skelton |
| J. R. Smith | Sottile | Spires |
| Toole | White | Whitmire |
| A. D. Young |  |  |

**Total--43**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Ballentine |
| Battle | Bedingfield | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Clyburn | Cobb-Hunter | Daning |
| Delleney | Dillard | Funderburk |
| Gilliard | Gunn | Hamilton |
| Harvin | Herbkersman | Hiott |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Kirsh |
| Littlejohn | Lucas | McEachern |
| McLeod | Merrill | Miller |
| Millwood | D. C. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parks |
| Sellers | Simrill | D. C. Smith |
| G. M. Smith | G. R. Smith | Stavrinakis |
| Stewart | Stringer | Thompson |
| Umphlett | Vick | Viers |
| Weeks | Whipper | Williams |
| Willis | Wylie | T. R. Young |

**Total--66**

So, the amendment was rejected.

RECORD FOR VOTING

I would have voted no on the destructuring Bill No. H. 4546.

Rep. Nikki Haley

Further proceedings were interrupted by the House adjourning, the pending question being consideration of amendments.

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4901 -- Reps. Clyburn and Funderburk: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR THE MEMBERS OF THE 1960 GRADUATING CLASS OF JACKSON HIGH SCHOOL IN CAMDEN ON THE OCCASION OF THEIR GOLDEN ANNIVERSARY ON MAY 15, 2010, AND TO COMMEND THEM FOR THEIR MANY ACCOMPLISHMENTS AND CONTRIBUTIONS TO THEIR COMMUNITIES AND TO OUR FINE STATE AND NATION.

**ADJOURNMENT**

At 5:39 p.m. the House, in accordance with the motion of Rep. CHALK, adjourned in memory of Janet Fuller Erickson of Beaufort, mother-in-law of Representative Erickson, to meet at 10:00 a.m. tomorrow.

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