~~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 111:4B: “The Lord is gracious and compassionate.”

Let us pray. Gracious God, in the beginning of a new day, grant these Representatives and staff the vision, the strength, and the compassion they need, as they work together to serve the people of this State. Put into their hearts and minds the desire for meaningful service. Bless our Nation, President, State, Governor, Speaker, staff, and all who serve in these Halls of Government. Protect our defenders of freedom at home and abroad as they protect us. Hear us as we pray, O Lord. 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. ANTHONY moved that when the House adjourns, it adjourn in memory of Paul S. Greer, Sr., of Union, great-uncle of Representative Dennis Moss, which was agreed to.

**REGULATIONS WITHDRAWN AND RESUBMITTED**

Document No. 4075

Agency: Board of Cosmetology

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

Requirements of Licensure in the Field of Cosmetology

Received by Speaker of the House of Representatives

January 12, 2010

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration May 12, 2010

Withdrawn and Resubmitted June 01, 2010

**H. 3418--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., May 11, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to H. 3418:

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56-1-3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7-13-25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7-15-470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7-1-25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7-5-230 TO REFERENCE REVISIONS TO SECTION 7-1-25.

Very respectfully,

President

On motion of Rep. CLEMMONS, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. CLEMMONS, CATO and MITCHELL to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**REPORTS OF STANDING COMMITTEES**

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report on:

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

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

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

S. 1296 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING, TO PROVIDE THAT COYOTES MAY BE HUNTED AT NIGHT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

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

S. 1294 -- Senator Peeler: A BILL TO AMEND SECTION 50-11-2540 OF THE 1976 CODE, RELATING TO THE TRAPPING SEASON OF FURBEARING ANIMALS, TO PROVIDE THAT IT IS LAWFUL TO TRAP COYOTES FROM NOVEMBER FIRST OF EACH YEAR TO MARCH FIRST OF THE SUCCEEDING YEAR.

Ordered for consideration tomorrow.

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

S. 1051 -- Senator Davis: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS, EXCEPTIONS, AND SPECIAL PERMITS CONCERNING CONSTRUCTION AND RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND THE SET BACK LINE, SO AS TO REVISE THE DESCRIPTION OF A PRIVATE ISLAND WITH AN ATLANTIC SHORELINE THAT IS EXEMPT FROM THE PROVISIONS OF THIS SECTION AND THE FORTY-YEAR RETREAT POLICY.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

S. 783 -- Senator McConnell: A BILL TO AMEND SECTION 51-13-720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR THREE ADDITIONAL MEMBERS OF THE BOARD AND THE MANNER OF THEIR TERMS AND APPOINTMENT.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

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.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

S. 104 -- Senators Verdin and Campsen: A BILL TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 53, TO LIMIT THE LIABILITY THAT AN AGRITOURISM PROFESSIONAL MAY INCUR DUE TO AN INJURY OR DEATH SUFFERED BY A PARTICIPANT IN AN AGRITOURISM ACTIVITY, TO PROVIDE THAT AN AGRITOURISM PROFESSIONAL MUST POST A WARNING NOTICE AT THE AGRITOURISM FACILITY, TO PROVIDE THAT WARNING NOTICES MUST BE INCLUDED IN CONTRACTS THE AGRITOURISM PROFESSIONAL ENTERS INTO WITH PARTICIPANTS, AND TO PROVIDE THAT THE AGRITOURISM PROFESSIONAL'S LIABILITY IS NOT LIMITED IF THE PROPER WARNING NOTICES ARE NOT PROVIDED TO PARTICIPANTS.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

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.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

S. 134 -- Senators Sheheen, Verdin, Fair, Campsen and S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-435 SO AS TO ENACT THE "RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT", WHICH PROHIBITS A SCHOOL DISTRICT FROM DISCRIMINATING AGAINST A STUDENT BASED ON RELIGIOUS VIEWPOINT, ALLOWS A STUDENT TO EXPRESS HIS RELIGIOUS VIEWPOINT, ALLOWS A STUDENT TO EXPRESS HIS RELIGIOUS BELIEFS IN HOMEWORK AND CLASSROOM ASSIGNMENTS, AND ALLOWS STUDENTS TO ORGANIZE AND PARTICIPATE IN RELIGIOUS STUDENT

GATHERINGS TO THE SAME EXTENT AS SECULAR NONCURRICULAR GROUPS.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

S. 1190 -- Senator Leatherman: 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.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

S. 901 -- Senators McConnell, Elliott and Courson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-500, SO AS TO PROVIDE THAT WHEN THE GOVERNOR LEAVES THE STATE, HE MUST NOTIFY THE LIEUTENANT GOVERNOR, WHETHER OR NOT THE POWER OF THE GOVERNOR’S OFFICE IS TRANSFERRED TO THE LIEUTENANT GOVERNOR; AND BY ADDING SECTION 1-3-630, SO AS TO DEFINE "EMERGENCY", "FULL AUTHORITY", AND "TEMPORARY ABSENCE" IN ORDER TO CLARIFY WHEN A LIEUTENANT GOVERNOR HAS THE FULL AUTHORITY TO ACT IN AN EMERGENCY IN THE EVENT OF THE TEMPORARY ABSENCE OF THE GOVERNOR FROM THE STATE.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

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.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

S. 329 -- Senators Fair and Campsen: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 24 OF THE 1976 CODE BY ADDING SECTION 24-3-580, TO PROHIBIT THE DISCLOSURE OF THE IDENTITY OF MEMBERS OF AN EXECUTION TEAM AND TO ALLOW FOR CIVIL PENALTIES FOR A VIOLATION OF THE SECTION, AND BY ADDING SECTION 24-3-590, TO PROHIBIT LICENSING AGENCIES FROM TAKING ANY ACTION TO REVOKE, SUSPEND, OR DENY A LICENSE TO ANY PERSON WHO PARTICIPATES ON AN EXECUTION TEAM.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

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.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

S. 692 -- Senators Sheheen, McConnell, Hutto, Knotts, Scott and Coleman: A JOINT RESOLUTION TO EXTEND THE DEADLINE REQUIRING ALL CIRCUIT SOLICITORS TO HAVE A TRAFFIC EDUCATION PROGRAM IN EFFECT FROM JULY 1, 2009, AS PROVIDED IN ACT 176 OF 2008, TO JULY 1, 2010.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

S. 912 -- Senator Land: A BILL TO AMEND SECTION 17-22-950 OF THE 1976 CODE, AS ADDED BY ACT 36 OF 2009, RELATING TO PROCEDURES FOR EXPUNGEMENT OF CRIMINAL CHARGES WHICH HAVE BEEN BROUGHT IN SUMMARY COURT, TO REMOVE THE REQUIREMENT THAT THE COMPLETED EXPUNGEMENT ORDER BE FILED WITH THE CLERK OF COURT.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

S. 418 -- Senator L. Martin: A BILL TO AMEND SECTION 7-17-220 OF THE 1976 CODE, RELATING TO MEETINGS OF THE BOARD OF STATE CANVASSERS, TO PROVIDE THAT A MEETING MAY BE CONVENED BY TELEPHONE OR ELECTRONIC COMMUNICATION INSTEAD OF IN PERSON AT THE OFFICE OF THE STATE ELECTION COMMISSION; AND TO AMEND SECTION 7-17-510, RELATING TO THE CONVENING OF THE COUNTY COMMISSIONERS OF ELECTION AS COUNTY BOARDS OF CANVASSERS, TO PROVIDE THAT ANY REQUIRED MEETINGS MAY BE CONVENED BY TELEPHONE OR ELECTRONIC COMMUNICATION.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

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

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4958 -- Reps. Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND CELEBRATE THE TOM HOSKINS MEMORIAL SPRINT TRIATHLON, TO BE HELD ON SATURDAY, JULY 17, 2010, IN IRMO, AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO ATTEND AND ENJOY THIS FAMILY-FRIENDLY EVENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4959 -- Rep. Williams: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE LIFE AND PIONEERING PUBLIC SERVICE OF JOHNNY E. WRIGHT, RETIRED CHIEF OF POLICE AND TOWN COUNCILMAN FOR THE TOWN OF TIMMONSVILLE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4960 -- Reps. Edge, 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, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR AND COMMEND COMMANDER BOBBY VICK STRICKLAND, SR., OF HORRY COUNTY, UPON THE OCCASION OF HIS RETIREMENT AS A LAW ENFORCEMENT OFFICER FOR THE CITY OF NORTH MYRTLE BEACH, AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4961 -- Reps. Agnew, Gambrell, 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, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. RANDALL T. RUBLE OF ABBEVILLE COUNTY UPON THE OCCASION OF HIS RETIREMENT AS PRESIDENT OF ERSKINE COLLEGE AND THEOLOGICAL SEMINARY, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

**INTRODUCTION OF BILLS**

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

H. 4962 -- Reps. Simrill, White, Parker, Long and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-626 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF ONE AND ONE-HALF CENTS EFFECTIVE JULY 1, 2010, TO PROVIDE FOR USES OF THE REVENUE DERIVED FROM THIS SURTAX, TO PROVIDE FOR THE REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND TO DEFINE THE TERM "CIGARETTE" FOR PURPOSES OF THE LICENSE TAX ON CIGARETTES INCLUDING THIS SURTAX.

Referred to Committee on Ways and Means

H. 4963 -- Rep. Sellers: A BILL TO PROVIDE A PROCEDURE FOR AN ELECTOR IN BAMBERG COUNTY TO VERIFY IDENTIFICATION WHEN PRESENTING HIMSELF TO VOTE.

Rep. SELLERS asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. NORMAN objected.

Referred to Committee on Judiciary

H. 4966 -- Rep. Funderburk: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF KERSHAW COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4964 -- Reps. Parker, 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, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, 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 BASKETBALL COACH DOUG LOWE OF SPARTANBURG COUNTY, UPON THE OCCASION OF HIS RETIREMENT FROM SPARTANBURG HIGH SCHOOL, AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4965 -- Reps. G. M. Smith, Weeks, Harvin, 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, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY OFFICER FRANK ADDISON FLOYD OF THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES WHILE HE WAS CARRYING OUT HIS DUTIES AS A STATE GAME WARDEN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1434 -- Senator Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NEWLY CONSTRUCTED REPLACEMENT BRIDGE THAT CROSSES COVE INLET ALONG SOUTH CAROLINA HIGHWAY 703 IN CHARLESTON COUNTY THE "BEN SAWYER MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "BEN SAWYER MEMORIAL BRIDGE".

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

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, May 12.

|  |  |
| --- | --- |
| James Lucas | Bakari Sellers |
| Boyd Brown | Shannon Erickson |
| H.B. "Chip" Limehouse | Joseph Neal |
| G. Murrell Smith | Leon Stavrinakis |
| Don Bowen | Terry Alexander |
| Kenneth Kennedy |  |

**Total Present--119**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KIRSH a leave of absence for the day due to family illness.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. TOOLE a leave of absence due to illness.

**STATEMENT OF ATTENDANCE**

Rep. LIMEHOUSE signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, May 11.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Boyce Tollison of Easley was the Doctor of the Day for the General Assembly.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SPECIAL PRESENTATION**

Rep. BANNISTER presented to the House the Greenville High School "Red Raiders" Varsity Boys Lacrosse Team, the 2010 AAAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. HARRELL and the Dorchester Delegation presented to the House the Ashley Ridge High School Winter Percussion 2010 Band Champions, their directors and other school officials.

**SPECIAL PRESENTATION**

Rep. HARRELL and the Dorchester Delegation presented to the House the Ashley Ridge High School Winter Guard Band, the 2010 Champions, their directors and other school officials.

**CO-SPONSORS ADDED**

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. 4888 |
| Date: | ADD: |
| 05/12/10 | MITCHELL |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4919 |
| Date: | ADD: |
| 05/12/10 | OWENS and RICE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4808 |
| Date: | ADD: |
| 05/12/10 | T. R. YOUNG |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4181 |
| Date: | ADD: |
| 05/12/10 | HORNE, A. D. YOUNG, MILLWOOD, PARKER, FORRESTER, WYLIE and ERICKSON |

**SPEAKER IN CHAIR**

**SENT TO THE SENATE**

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

H. 4945 -- Reps. M. A. Pitts, Duncan and Willis: A BILL TO AMEND ACT 779 OF 1988, AS AMENDED, RELATING TO LAURENS COUNTY SCHOOL DISTRICTS 55 AND 56, SO AS TO REVISE AND REDEFINE THE SINGLE-MEMBER DISTRICTS FROM WHICH TRUSTEES ARE ELECTED; AND TO REDESIGNATE MAP NUMBERS ON WHICH THESE DISTRICTS ARE DELINEATED.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 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.

**S. 906--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, May 13, which was adopted:

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

**S. 1066--REQUESTS FOR DEBATE**

The following Bill was taken up:

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

Rep. M. A. PITTS proposed the following Amendment No. 1 (COUNCIL\BBM\9757HTC10), which was ruled out of order:

Amend the bill, as and if amended, by adding a new penultimate section appropriately numbered to read:

/ SECTION \_\_. A. Whereas, the “Second Amendment Recognition Act” establishing a sales tax exemption on the sale of handguns, rifles, and shot guns on the Friday and Saturday after Thanksgiving of every year was first enacted in Act 338 of 2008 with the first “Second Amendment Weekend” occurring in 2008; and

Whereas, for reasons unrelated to the merits of the Second Amendment Recognition Act, the South Carolina Supreme Court determined that Act 338 of 2008 was unconstitutional in that the act violated the state constitution’s “one subject rule”; and

Whereas, the general appropriations act for fiscal year 2009‑2010 reenacted the exemption for 2009 only, giving the General Assembly time to reenact the exemption in permanent law.

B. This section may be cited as the “Second Amendment Recognition Act”.

C. Section 12‑36‑2120(76) of the 1976 Code, as added by Act 338 of 2008, is reenacted to read:

 “(76) sales of handguns as defined pursuant to Section 16‑23‑10(1), rifles, and shotguns during the forty‑eight hours of the Second Amendment Weekend. For purposes of this item, the ‘Second Amendment Weekend’ begins at 12:01 a.m. on the Friday after Thanksgiving and ends at twelve midnight the following Saturday.” /

Renumber sections to conform.

Amend title to conform.

Rep. M. A. PITTS explained the amendment.

**POINT OF ORDER**

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

SPEAKER HARRELL sustained the Point of Order and ruled the amendment out of order.

Rep. HERBKERSMAN explained the Bill.

Rep. MERRILL spoke against the Bill.

Reps. NORMAN, SKELTON, BEDINGFIELD, FORRESTER, OTT, HERBKERSMAN, LOFTIS, ALLISON, PARKER, OWENS, T. R. YOUNG, WYLIE, BRANTLEY, KNIGHT, G. R. SMITH, ERICKSON, HUTTO, GILLIARD, R. L. BROWN, HIOTT, MERRILL, CLYBURN, HOSEY, CRAWFORD, SANDIFER, EDGE and BOWERS requested debate on the Bill.

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

**S. 1328--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

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

S. 1328 -- Senators Peeler and Land: 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.

**OBJECTION TO RECALL**

Rep. BRANTLEY asked unanimous consent to recall H. 4936 from the Committee on Ways and Means.

Rep. MERRILL objected.

**S. 1330--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

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

S. 1330 -- Senators Peeler and Land: A JOINT RESOLUTION TO PROVIDE THAT IN 2011 AND 2012, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN SUCH MANUFACTURER'S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SIX HUNDRED NINETY-NINE DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

**OBJECTION TO RECALL**

Rep. DELLENEY asked unanimous consent to recall S. 717 from the Committee on Ways and Means.

Rep. OTT objected.

**OBJECTION TO RECALL**

Rep. HERBKERSMAN asked unanimous consent to recall S. 1054 from the Committee on Ways and Means.

Rep. BEDINGFIELD objected.

**S. 879--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

S. 879 -- Senator Campsen: A BILL TO AMEND SECTION 12-37-3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSABLE TRANSFERS OF INTEREST FOR PURPOSES OF DETERMINING THE VALUE OF REAL PROPERTY FOR PROPERTY TAXATION, SO AS TO PROVIDE ADDITIONAL INSTANCES OF PROPERTY TRANSFERS NOT CONSIDERED ASSESSABLE TRANSFERS OF INTEREST, INCLUDING TRANSFERS OF FRACTIONAL INTERESTS CONSTITUTING NOT MORE THAN FIFTY PERCENT OF FEE SIMPLE TITLE, TRANSFERS INTO AND OUT OF A SINGLE MEMBER LIMITED LIABILITY COMPANY NOT TAXED AS A CORPORATION WHEN THE SINGLE MEMBER IS THE TRANSFEREE AND TRANSFEROR, TRANSFERS RELATING TO EASEMENTS, TRANSFERS TO QUIET TITLE OR ESTABLISH A BOUNDARY LINE, AND TRANSFERS CREATING OR TERMINATING A JOINT TENANCY WITH RIGHTS OF SURVIVORSHIP IF THE GRANTORS AND GRANTEES ARE THE SAME.

**OBJECTION TO RECALL**

Rep. GILLIARD asked unanimous consent to recall H. 4686 from the Committee on Education and Public Works.

Rep. VIERS objected.

**S. 962--RECALLED FROM COMMITTEE ON JUDICIARY**

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

S. 962 -- Senators Knotts and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-5-115 SO AS TO PROVIDE THE CONDITIONS UPON WHICH A DEPUTY CORONER MAY ENFORCE THE LAWS AND ORDINANCES OF THIS STATE AND ITS POLITICAL SUBDIVISIONS.

**H. 3033--RECALLED FROM COMMITTEE ON JUDICIARY**

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

H. 3033 -- Reps. Hart and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-15-175 SO AS TO PROVIDE THAT A JUDGE MAY NOT ISSUE A BENCH WARRANT FOR FAILURE TO APPEAR UNLESS THE SOLICITOR FILES AN AFFIDAVIT WITH THE COURT TO CONFIRM THAT WRITTEN NOTICE OF HIS INTENT TO SEEK A BENCH WARRANT FOR FAILURE TO APPEAR HAS BEEN GIVEN TO THE DEFENDANT, HIS ATTORNEY, AND THE BOND SURETY COMPANY AND TO REQUIRE THE COURT TO HOLD A RULE TO SHOW CAUSE HEARING BEFORE ISSUING THE BENCH WARRANT.

**R. 193, H. 3584--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R193) H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J. R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E. H. Pitts, Rice, Skelton, D. C. Smith, G. M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis, J. E. Smith and Bales: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE-HALF CENTS, TO PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA HOLLINGS CANCER CENTER FOR TOBACCO-RELATED CANCER RESEARCH, THE SMOKING PREVENTION AND CESSATION TRUST FUND, AND THE MEDICAID RESERVE FUND, TO PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND TO DEFINE "CIGARETTE"; TO AMEND SECTION 12-21-620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO INCLUDE THE DEFINITION OF "CIGARETTE"; BY ADDING SECTION 11-11-230 SO AS TO CREATE AND ESTABLISH THE SMOKING PREVENTION AND CESSATION TRUST FUND AND THE MEDICAID RESERVE FUND, BOTH SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; AND BY ADDING SECTION 11-49-55 SO AS TO PROVIDE THAT IF FUNDS FROM THE SMOKING PREVENTION AND CESSATION TRUST FUND ARE AVAILABLE, AND NOT OTHERWISE COMMITTED, THE DEPARTMENT OF AGRICULTURE SHALL RECEIVE ONE MILLION DOLLARS ANNUALLY FOR FIVE YEARS FOR MARKETING AND BRANDING STATE-GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS.

Rep. SIMRILL spoke in favor of the Veto.

Rep. JEFFERSON spoke against the Veto.

Rep. CRAWFORD spoke against the Veto.

Rep. PARKER spoke in favor of the Veto.

Rep. VIERS spoke in favor of the Veto.

Rep. HUTTO spoke against the Veto.

Rep. HUGGINS spoke against the Veto.

Rep. MILLWOOD spoke in favor of the Veto.

Rep. BEDINGFIELD 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 90; Nays 29

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Bingham |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Chalk | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Crawford | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gilliard |
| Govan | Gunn | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Knight |
| Limehouse | Littlejohn | Long |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Owens | Parks | Pinson |
| Rice | Rutherford | Sellers |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Umphlett |
| Vick | Weeks | Whipper |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--90**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Barfield | Battle |
| Bedingfield | Cato | Cooper |
| Edge | Gambrell | Haley |
| Hamilton | Hardwick | Kennedy |
| Loftis | Lowe | Millwood |
| D. C. Moss | Nanney | Norman |
| Parker | M. A. Pitts | Sandifer |
| Scott | Simrill | G. R. Smith |
| Stewart | Stringer | Thompson |
| Viers | White |  |

**Total--29**

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

**H. 3584--MOTION TO RECONSIDER TABLED**

Rep. CRAWFORD moved to reconsider the vote whereby the veto on the following Act was overridden:

(R193) H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J. R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E. H. Pitts, Rice, Skelton, D. C. Smith, G. M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis, J. E. Smith and Bales: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE-HALF CENTS, TO PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA HOLLINGS CANCER CENTER FOR TOBACCO-RELATED CANCER RESEARCH, THE SMOKING PREVENTION AND CESSATION TRUST FUND, AND THE MEDICAID RESERVE FUND, TO PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND TO DEFINE "CIGARETTE"; TO AMEND SECTION 12-21-620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO INCLUDE THE DEFINITION OF "CIGARETTE"; BY ADDING SECTION 11-11-230 SO AS TO CREATE AND ESTABLISH THE SMOKING PREVENTION AND CESSATION TRUST FUND AND THE MEDICAID RESERVE FUND, BOTH SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; AND BY ADDING SECTION 11-49-55 SO AS TO PROVIDE THAT IF FUNDS FROM THE SMOKING PREVENTION AND CESSATION TRUST FUND ARE AVAILABLE, AND NOT OTHERWISE COMMITTED, THE DEPARTMENT OF AGRICULTURE SHALL RECEIVE ONE MILLION DOLLARS ANNUALLY FOR FIVE YEARS FOR MARKETING AND BRANDING STATE-GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS.

Rep. CRAWFORD moved to table the motion to reconsider, which was agreed to by a division vote of 85-27.

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

**THE HOUSE RESUMES**

At 2:15 p.m. the House resumed, Acting Speaker EDGE in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 4054--DEBATE ADJOURNED**

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

H. 4054 -- Rep. Edge: A CONCURRENT RESOLUTION TO URGE THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EDUCATE PARENTS ON THE IMPORTANCE OF ADOLESCENT WELL PHYSICALS TO PREVENT CHRONIC DISEASES, APPROPRIATELY INTERVENE TO BETTER TREAT CHRONIC DISEASE, AND UPDATE IMMUNIZATIONS FOR ADOLESCENTS OF THIS STATE AND NATION.

Rep. EDGE moved to adjourn debate upon the Senate Amendments until Thursday, May 13, which was agreed to.

**H. 4657--DEBATE ADJOURNED**

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

H. 4657 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Rep. COOPER moved to adjourn debate upon the Senate Amendments until Thursday, May 13, which was agreed to.

**H. 4352--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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.

Rep. HODGES explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 65; Nays 24

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anthony | Bales |
| Ballentine | Bingham | Bowen |
| Brady | Branham | Brantley |
| H. B. Brown | Clemmons | Cobb-Hunter |
| Cole | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Harrell | Hart | Harvin |
| Hearn | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Kelly |
| Kennedy | King | Knight |
| Littlejohn | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| J. H. Neal | Neilson | Owens |
| M. A. Pitts | Sandifer | Skelton |
| D. C. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Umphlett | Vick | Whitmire |
| Williams | Wylie |  |

**Total--65**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Battle |
| Bedingfield | Cato | Cooper |
| Crawford | Haley | Hamilton |
| Hardwick | Loftis | Millwood |
| Nanney | Norman | Parker |
| Rice | Scott | Simrill |
| G. R. Smith | Stringer | Thompson |
| White | Willis | T. R. Young |

**Total--24**

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

**S. 495--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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

Rep. UMPHLETT explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 88; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Bales | Ballentine | Bannister |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Knight | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | Merrill |
| Miller | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| Neilson | Norman | Owens |
| Parker | M. A. Pitts | Rice |
| Sandifer | Scott | Simrill |
| Skelton | D. C. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Umphlett | Vick |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--88**

 Those who voted in the negative are:

**Total--0**

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

**H. 3645--SENT TO THE SENATE**

The following Bill was taken up:

H. 3645 -- Reps. T. R. Young, Merrill, Hardwick, J. R. Smith, D. C. Smith, 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, Bowers and Clemmons: 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. KING moved to adjourn debate on the Bill until Tuesday, May 18.

Rep. T. R. YOUNG moved to table the motion, which was agreed to by a division vote of 43-28.

The question then recurred to the passage of the Bill on third reading.

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

Yeas 62; Nays 33

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Brady |
| Branham | G. A. Brown | H. B. Brown |
| Clemmons | Cole | Cooper |
| Daning | Delleney | Edge |
| Erickson | Forrester | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hearn |
| Horne | Huggins | Hutto |
| Jefferson | Kelly | Knight |
| Long | Lowe | McEachern |
| Merrill | Miller | D. C. Moss |
| V. S. Moss | Norman | Owens |
| Parker | Rice | Sandifer |
| Scott | Sellers | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Umphlett | Vick |
| White | Whitmire | Wylie |
| A. D. Young | T. R. Young |  |

**Total--62**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Bales |
| Bedingfield | Brantley | Cato |
| Chalk | Cobb-Hunter | Crawford |
| Dillard | Frye | Gilliard |
| Govan | Gunn | Hiott |
| Hodges | Hosey | King |
| Loftis | Lucas | McLeod |
| Millwood | Nanney | J. H. Neal |
| Neilson | M. A. Pitts | Simrill |
| Skelton | J. E. Smith | Thompson |
| Weeks | Williams | Willis |

**Total--33**

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

**S. 1343--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1343 -- Senators Malloy, Knotts, Campsen and McConnell: A CONCURRENT RESOLUTION TO PROVIDE THAT THE STATE OF SOUTH CAROLINA OPPOSES THE FEDERAL MANDATE THAT A STATE ENACT A LAW TO REQUIRE THE REVOCATION, SUSPENSION, ISSUANCE, OR REINSTATEMENT DELAY FOR ALL PERSONS WHO ARE CONVICTED OF CONTROLLED SUBSTANCE OFFENSES; AND TO PROVIDE THAT THE STATE OF SOUTH CAROLINA SHALL OPT OUT OF THE FEDERAL MANDATE WITHOUT THE LOSS OF FEDERAL TRANSPORTATION FUNDS.

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4925--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4925 -- Reps. Bales and J. H. Neal: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF ATLAS ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH BLUFF ROAD TO ITS INTERSECTION WITH GARNERS FERRY ROAD "BISHOP A.C. JACKSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "BISHOP A.C. JACKSON MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4929--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4929 -- Reps. Norman, King, Simrill, Delleney and D. C. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 49 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAYS 274 AND 557 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 55 "CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1386--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1386 -- Senators Campsen, Land, McGill, Davis and Cromer: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO TAKE ANY MEASURE WITHIN ITS POWER TO MITIGATE OR OVERTURN ANY EXECUTIVE ORDER ISSUED TO IMPLEMENT RECOMMENDATIONS BY THE INTERAGENCY OCEAN POLICY TASK FORCE IF THESE RECOMMENDATIONS FAIL TO ENSURE AND PROMOTE RECREATIONAL FISHING AND ACCESS TO PUBLIC WATERS, AND IF THESE RECOMMENDATIONS FAIL TO INCLUDE RESPONSIBLY REGULATED RECREATIONAL BOATING AND FISHING AS NATIONAL PRIORITIES FOR OUR OCEANS, COASTS, AND LAKES.

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1393--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1393 -- Senators Knotts, Cromer, Setzler and Courson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE WALKWAY ADJACENT TO THE PORTION OF SOUTH CAROLINA HIGHWAY 6 IN LEXINGTON COUNTY THAT CROSSES THE LAKE MURRAY DAM THE "JOHNNY W. JEFFCOAT WALKWAY", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS WALKWAY THAT CONTAIN THE WORDS "JOHNNY W. JEFFCOAT WALKWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 1403--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

S. 1403 -- Senators Rose, Grooms and Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF ORANGEBURG ROAD AND CENTRAL AVENUE IN DORCHESTER COUNTY AS "KNIGHT CROSSROADS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "KNIGHT CROSSROADS".

Rep. A. D. YOUNG moved to adjourn debate on the Concurrent Resolution until Thursday, May 13, which was agreed to.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. A. D. YOUNG.

**H. 3608--RECOMMITTED**

The following Bill was taken up:

H. 3608 -- Reps. Mack, Alexander, Allen, R. L. Brown, Williams, Weeks, Whipper, Gilliard and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO PROVIDE THAT THE AUTHORITY CHARGED BY LAW CONDUCTING AN ELECTION SHALL ESTABLISH EARLY VOTING CENTERS, TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT, TO PROVIDE A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY REGISTER TO VOTE AND CAST A BALLOT DURING THE EARLY VOTING PERIOD, TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30-4-80.

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

**S. 1027--RECOMMITTED**

The following Bill was taken up:

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50-11-770 TO ENACT THE "RENEGADE HUNTER ACT", TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\GGS\22538SD10):

Amend the bill, as and if amended, by striking Section 50-11-770 of the 1976 Code, as contained in SECTION 2 and inserting:

/ Section 50‑11‑770. (A) For purposes of this section:

 (1) ‘Hunting’ includes:

 (a) attempting to take any game animal, hog, or coyote by occupying stands, standing, or occupying a vehicle while:

 (b) possessing, carrying, or having readily accessible:

 (i) a centerfire rifle with ammunition capable of being fired in that rifle; or

 (ii) a shotgun with shot size larger than number four that is capable of being fired from that shotgun.

 (2) ‘Possessing’, ‘carrying’, or ‘having readily available’ does not include a centerfire rifle or a shotgun that is:

 (a) unloaded and cased in a closed compartment or vehicle;

 (b) unloaded and cased in a vehicle trunk or tool box;

 (c) in a vehicle traveling in a normal manner on a public road or highway; or

 (d) in case of a stander with no vehicle, encased or unloaded with the shells at least thirty feet away and stacked, piled, or otherwise gathered together in like fashion.

 (B) Notwithstanding the provisions contained in Section 50‑11‑760, it shall be unlawful for any person to hunt from any road, right of way, property line, boundary, or property upon which he does not have hunting rights with the aid or use of a dog when the dog has entered upon the land of another without written permission or over which the person does not have hunting rights. The provisions of this section apply whether the person in control of the dog intentionally or unintentionally releases, allows, or otherwise causes the dog to enter upon the land of another without permission of the landowner.

 (C) It is not a violation of this section if a person, with the landowner’s permission, uses a single dog to recover a dead or wounded animal on the land of another and maintains sight and voice contact with the dog.

 (D) A dog that has entered upon the land of another without permission given to the person in control of the dog shall not be killed, maimed, or otherwise harmed simply because the dog has entered upon the land. A person who violates this subsection may be fined not more than five hundred dollars or imprisoned for not more than thirty days. The penalties for violations of this section as provided in subsection (E) do not apply to violations of this subsection.

 (E) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both. The court must transmit record of the conviction to the department for hunting license suspension pursuant to subsection (F).

 (F) In addition to any other penalties provided by law, a person convicted of a violation of this section must have his hunting privileges suspended by the department for one year from the date of his conviction. He may not have his hunting privileges reinstated by the department until after he successfully completes a hunter education class administered by the department. /

Renumber sections to conform.

Amend title to conform.

Rep. UMPHLETT explained the amendment.

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

Rep. UMPHLETT moved to table the motion.

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

Yeas 38; Nays 62

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Anthony | Bales | Battle |
| Branham | Brantley | H. B. Brown |
| Daning | Govan | Hardwick |
| Harrell | Harvin | Hayes |
| Hodges | Hosey | Hutto |
| Jefferson | Kennedy | Knight |
| Long | Lowe | Lucas |
| McEachern | Merrill | Miller |
| D. C. Moss | V. S. Moss | Neilson |
| Norman | Parker | Sandifer |
| Scott | J. E. Smith | Spires |
| Umphlett | Vick |  |

**Total--38**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Bannister |
| Barfield | Bedingfield | Bowen |
| Brady | G. A. Brown | R. L. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Gilliard | Gunn |
| Haley | Hamilton | Harrison |
| Hearn | Hiott | Horne |
| Huggins | King | Limehouse |
| Littlejohn | Loftis | Mack |
| McLeod | Millwood | Nanney |
| J. H. Neal | Owens | Pinson |
| M. A. Pitts | Rice | Sellers |
| Simrill | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Stewart |
| Stringer | Thompson | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--62**

So, the House refused to table the motion.

Rep. VICK moved to adjourn debate on the Bill until Tuesday, May 18.

Rep. HIOTT moved to table the motion.

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

Yeas 57; Nays 34

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Branham |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Crawford | Delleney |
| Forrester | Frye | Gambrell |
| Hamilton | Hiott | Horne |
| Huggins | Hutto | Kelly |
| Littlejohn | Loftis | Lowe |
| McLeod | Millwood | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| Owens | M. A. Pitts | Rice |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Stewart |
| Stringer | Thompson | Viers |
| White | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--57**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Anthony |
| Bales | Battle | Brady |
| Brantley | H. B. Brown | Daning |
| Gilliard | Govan | Gunn |
| Hardwick | Harvin | Hayes |
| Hodges | Hosey | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Lucas | Mack |
| Merrill | Miller | Neilson |
| Norman | Parker | Scott |
| Spires | Umphlett | Vick |
| Weeks |  |  |

**Total--34**

So, the motion to adjourn debate was tabled.

The question then recurred to the motion to recommit the Bill to the Agriculture, Natural Resources, and Environmental Affairs Committee, which was agreed to by a division vote of 54-33.

**S. 144--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 144 -- Senators Campsen and Ford: A BILL TO RATIFY AN AMENDMENT TO SECTION 33, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROVISION PROVIDING THAT NO UNMARRIED WOMAN UNDER THE AGE OF FOURTEEN YEARS OLD MAY LEGALLY CONSENT TO SEXUAL INTERCOURSE, SO AS TO DELETE THAT PROVISION.

Rep. DELLENEY explained the Bill.

Pursuant to Rule 7.7, the yeas and nays were taken resulting as follows:

 Yeas 103; Nays 1

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| 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 |
| Cobb-Hunter | Cole | Crawford |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Haley |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Kelly |
| King | 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 | Owens | Parker |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Vick | Viers | Weeks |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--103**

 Those who voted in the negative are:

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

**Total--1**

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

**S. 337--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44-7-130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44-7-150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44-7-160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO REVISE, ELIMINATE, AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44-7-180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44-7-200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44-7-210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44-7-220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44-7-230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44-7-270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44-7-280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44-7-225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44-7-285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44-7-296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44-7-185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

Rep. CLEMMONS moved to recommit the Bill to the Committee on Judiciary.

Rep. HARVIN moved to table the motion.

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

Yeas 67; Nays 27

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Battle | Bowen |
| Bowers | Brady | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Clemmons | Cobb-Hunter | Cole |
| Crawford | Daning | Delleney |
| Dillard | Edge | Forrester |
| Funderburk | Gilliard | Gunn |
| Hardwick | Harrell | Harrison |
| Harvin | Hayes | Hodges |
| Hosey | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Knight | Long | Lowe |
| Lucas | Mack | McEachern |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Norman | Parker |
| M. A. Pitts | Rice | Sandifer |
| Skelton | G. R. Smith | Spires |
| Stavrinakis | Umphlett | Viers |
| Weeks | White | Williams |
| T. R. Young |  |  |

**Total--67**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Barfield | Bedingfield |
| Bingham | Cato | Erickson |
| Hamilton | Huggins | Limehouse |
| Littlejohn | Loftis | McLeod |
| Merrill | Millwood | Nanney |
| Scott | Simrill | D. C. Smith |
| J. R. Smith | Sottile | Stewart |
| Stringer | Thompson | Whitmire |
| Willis | Wylie | A. D. Young |

**Total--27**

So, the motion to recommit the Bill was tabled.

The Medical, Military, Public and Municipal Affairs Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12080AC10), which was adopted:

Amend the bill, as and if amended, beginning on page 3, line 28 by deleting Section 44‑1‑60(E), (F), and (G) and inserting:

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

 (2) The ~~department~~ staff decision becomes the final agency decision fifteen calendar days after notice of the ~~department~~ staff decision has been mailed to the applicant, unless a written request for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person.

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

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

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

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

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

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

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

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

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

Amend the bill, further, Section 44‑7‑130(10), page 6, by deleting lines 23 and 24 and inserting:

/intermediate care facilities for the mentally retarded, and/

So, when amended, Section 44‑7‑130(10) reads:

 /(10) ‘Health care facility’ means acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, ~~methadone treatment facilities, tuberculosis hospitals,~~ nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, ~~habilitation centers for mentally retarded persons or persons with related conditions~~ intermediate care facilities for the mentally retarded, and any other facility for which Certificate of Need review is required by federal law./

Amend the bill further, Section 44‑7‑210~~(D)~~(C), page 15, line 37 before /Certificate/ by inserting /staff decision on/

So, when amended, Section 44‑7‑210~~(D)~~(C) reads:

/~~(D)~~(C) On the basis of staff review of the application, the staff ~~of the department~~ shall make a ~~proposed~~ staff decision to grant or deny the Certificate of Need and the staff shall issue a decision in accordance with Section 44‑1‑60(D). Notice of the ~~proposed department~~ decision must be sent to the applicant and affected persons who have asked to be notified. The ~~proposed department~~ decision becomes the final agency decision ~~within ten days after the receipt of a notice of the proposed decision by the applicant~~ unless a timely written request for a final review is filed with the department as provided for in Section 44‑1‑60(E). However, a person may not file a request for final review in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.

 ~~(1)~~ ~~a reconsideration by the staff of the department is requested in writing within the ten‑day period by an affected person showing good cause for reconsideration of the proposed decision; or~~

 ~~(2)~~ ~~a contested case hearing before the board, or its designee, regarding the grant or denial of the Certificate of Need is requested in writing within the ten‑day period by the applicant or other affected person with standing to contest the grant or denial of the application.~~

 ~~Reconsideration by the staff must occur within thirty days from receipt of the request~~./

Amend the bill further, Section 44‑7‑210(G), page 17, line 26 by deleting /twelve/ and inserting /eighteen/

So, when amended, Section 44‑7‑210(G) reads:

 /(G) Notwithstanding any other provision of law, in a contested case arising from the department’s decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44‑7‑170, or the issuance of a determination regarding the applicability of Section 44‑7‑160, the Administrative Law Court shall file a final decision no later than eighteen months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension.”/

Amend the bill, further, by deleting Section 22 on page 23 and inserting:

/SECTION 22. “Section 44‑7‑295. The department is authorized to enter at all times in or on the property of any facility or service, whether public or private, licensed by the department or unlicensed, for the purpose of inspecting and investigating conditions relating to a violation of this article or regulations of the department. The department’s authorized agents may examine and copy any records or memoranda pertaining to the operation of a licensed or unlicensed facility or service to determine compliance with this article. However, if such entry or inspection is denied or not consented to and no emergency exists, the department is empowered to obtain a warrant to enter and inspect the property and its records from the magistrate in the jurisdiction in which the property is located. The magistrate may issue these warrants upon a showing of probable cause for the need for entry and inspection. The department shall furnish a written copy of the results of the inspection or investigation to the owner or operator of the property.”/

Amend the bill further, by adding an appropriately numbered SECTION to read:

/SECTION \_\_. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective./

Amend the bill further, by deleting Section 24 and inserting:

/SECTION 24. This act takes effect January 1, 2011./

Renumber sections to conform.

Amend title to conform.

Rep. HARVIN explained the amendment.

The amendment was then adopted.

Rep. HARRISON proposed the following Amendment No. 2 (COUNCIL\NBD\12243AC10), which was adopted:

Amend the bill, as and if amended, by deleting Section 44-7-210(G) on page 17, lines 20 through 28 and inserting:

/(G) Notwithstanding any other provision of law, in a contested case arising from the department’s decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44‑7‑170, or the issuance of a determination regarding the applicability of Section 44‑7‑160, the Administrative Law Court shall file a final decision no later than eighteen months after the contested case is filed with the Clerk of the Administrative Law Court, unless all parties to the contested case consent to an extension or the court finds substantial cause otherwise.”/

Amend the bill further, by adding an appropriately numbered SECTION to read:

/SECTION\_\_. Section 1-23-600 of the 1976 Code, as last amended by Act 334 of 2008, is amended by adding an appropriately lettered subsection at the end to read:

 “( ) If an attorney of record is called to appear in actions pending in other tribunals in this State, the action in the Administrative Law Court has priority as is appropriate. Courts and counsel have the obligation to adjust schedules to accord with the spirit of comity between the Administrative Law Court and other state courts.”/

Renumber sections to conform.

Amend title to conform.

Rep. HARRISON explained the amendment.

The amendment was then adopted.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BARFIELD a temporary leave of absence for medical reasons.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. MCLEOD proposed the following Amendment No. 3 (COUNCIL\8040SD10KRL), which was adopted:

Amend the bill, as and if amended, by striking Section 24 and inserting:

/ SECTION 24. This act takes effect June 1, 2010; provided, that the provisions of this act do not apply to any matter presently pending before a court of this State. /

Renumber sections to conform.

Amend title to conform.

Rep. MCLEOD explained the amendment.

The amendment was then adopted.

Rep. MCLEOD proposed the following Amendment No. 4 (COUNCIL\SWB\8039SD10), which was tabled:

Amend the bill, as and if amended, in Section 44-7-220(B) of the 1976 Code as contained in SECTION 12 by striking / ~~may~~ shall / on line 18 of page 18 and inserting /may /

Renumber sections to conform.

Amend title to conform.

Rep. MCLEOD explained the amendment.

Rep. HARVIN moved to table the amendment.

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

Yeas 72; Nays 26

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brantley |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cooper | Crawford |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Govan | Hamilton |
| Hardwick | Harvin | Hiott |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | Kennedy |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| Mack | Merrill | Miller |
| Millwood | Nanney | J. H. Neal |
| Neilson | Norman | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Simrill | D. C. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stewart | Thompson | Umphlett |
| Viers | White | Williams |
| Willis | Wylie | A. D. Young |

**Total--72**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anthony | G. A. Brown |
| H. B. Brown | R. L. Brown | Cole |
| Dillard | Funderburk | Gilliard |
| Gunn | Hayes | Jennings |
| Kelly | King | Knight |
| McEachern | McLeod | D. C. Moss |
| V. S. Moss | J. M. Neal | Sellers |
| Skelton | J. E. Smith | Stavrinakis |
| Weeks | T. R. Young |  |

**Total--26**

So, the amendment was tabled.

The question then recurred to the passage of the Bill on second reading.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Gambrell | Gilliard |
| Govan | Gunn | Hamilton |
| Harrison | Harvin | Hayes |
| Hearn | Hiott | Hodges |
| Horne | Hosey | Huggins |
| Hutto | Jefferson | King |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Parks | Pinson |
| Rice | Sandifer | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Thompson | Umphlett |
| Viers | Weeks | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--96**

 Those who voted in the negative are:

**Total--0**

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

**H. 4808--DEBATE ADJOURNED**

The following Bill was taken up:

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

Rep. CLEMMONS moved to adjourn debate on the Bill until Thursday, May 13, which was agreed to.

**H. 4181--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 4181 -- Reps. Scott, Long, Haley, Duncan, Bedingfield, Horne, Erickson, A. D. Young, Millwood, Parker, Forrester and Wylie: 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.

Rep. GUNN moved to adjourn debate on the Joint Resolution until Wednesday, May 19.

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

Yeas 30; Nays 63

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anthony |
| Bales | Brantley | H. B. Brown |
| R. L. Brown | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Gunn |
| Hayes | Hodges | Hosey |
| Jefferson | Kennedy | King |
| Knight | Mack | McEachern |
| McLeod | J. H. Neal | Neilson |
| Parks | Sellers | J. E. Smith |
| Vick | Weeks | Williams |

**Total--30**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Bedingfield | Bingham | Bowen |
| Brady | Cato | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrison | Hearn | Hiott |
| Horne | Huggins | Kelly |
| Limehouse | Littlejohn | Long |
| Lowe | Lucas | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stewart | Stringer |
| Thompson | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--63**

So, the House refused to adjourn debate.

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

**H. 4682--RECOMMITTED**

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.

Rep. WHITMIRE moved to recommit the Bill to the Committee on Education and Public Works, which was agreed to.

**S. 217--DEBATE ADJOURNED**

Rep. WEEKS moved to adjourn debate upon the following Bill until Thursday, May 13, which was adopted:

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

**S. 452--DEBATE ADJOURNED**

The following Bill was taken up:

S. 452 -- Senators Campbell, Leatherman, Reese, Shoopman, Williams, Mulvaney, Pinckney, O'Dell, Ford, Knotts, Bryant, Land, Grooms, Hutto, Fair, Peeler, Sheheen, Ryberg, Massey, Elliott, Alexander, McGill, Bright, L. Martin, Matthews, Setzler, Rose, Hayes and Campsen: A BILL TO AMEND CHAPTER 4, TITLE 49 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA SURFACE WATER WITHDRAWAL AND REPORTING ACT, TO PROVIDE THAT SUBJECT TO CERTAIN EXCEPTIONS, SURFACE WATER WITHDRAWALS MUST BE MADE PURSUANT TO A PERMIT, TO PROVIDE FOR COMPLETE EXEMPTIONS FROM THE PERMITTING REQUIREMENT, TO PROVIDE THAT REGISTERED SURFACE WATER WITHDRAWERS MAY WITHDRAW SURFACE WATER WITHOUT A PERMIT BUT SUBJECT TO CERTAIN RESTRICTIONS, TO PROVIDE FOR NONCONSUMPTIVE SURFACE WATER WITHDRAWAL PERMITS, TO PROVIDE FOR AN APPLICATION PROCEDURE FOR SURFACE WATER WITHDRAWERS THAT OWN AND OPERATE A LICENSED IMPOUNDMENT OR NEW SURFACE WATER WITHDRAWERS THAT WITHDRAW WATER FROM A LICENSED IMPOUNDMENT, TO PROVIDE FOR REPORTS TO THE DEPARTMENT OF NATURAL RESOURCES FROM PERMITTED AND REGISTERED WATER WITHDRAWERS AND THE CONTENTS OF THOSE REPORTS, TO PROVIDE THAT REGISTERED AND EXEMPT SURFACE WATER WITHDRAWERS MAY APPLY FOR A SURFACE WATER WITHDRAWAL PERMIT, TO AUTHORIZE NONRIPARIAN USE OF SURFACE WATER, TO PROVIDE FOR A PERMITTING PROCESS FOR NEW SURFACE WATER WITHDRAWERS, TO PROVIDE FOR THE CONTENTS OF THE APPLICATION, TO PROVIDE FOR THE DEPARTMENT'S DETERMINATION CONCERNING THE PERMIT, TO PROVIDE FOR PUBLIC HEARINGS CONCERNING NEW PERMIT APPLICATIONS FOR INTERBASIN TRANSFERS, TO PROVIDE FOR THE CONTENTS OF ISSUED PERMITS AND THE RIGHTS CONFERRED BY A PERMIT, TO PROVIDE FOR CIRCUMSTANCES UNDER WHICH A PERMIT MAY BE MODIFIED, SUSPENDED, OR REVOKED, TO PROVIDE FOR NOTICE TO THE DEPARTMENT CONCERNING CERTAIN NEW WATER INTAKES, TO PROVIDE FOR TEMPORARY PERMITS, TO PROVIDE AUTHORIZED WITHDRAWAL AMOUNTS, TO PROVIDE FOR OPERATIONAL AND CONTINGENCY PLANS, TO PROVIDE FOR POWERS AND DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES CONCERNING IMPLEMENTATION OF THE CHAPTER, TO PROVIDE APPROPRIATE PENALTIES FOR VIOLATIONS, TO PROVIDE FOR PERMIT APPLICATION FEES; AND TO REPEAL CHAPTER 21, TITLE 49, RELATING TO THE INTERBASIN TRANSFER OF WATER, TO PROVIDE THAT CHAPTER 1, TITLE 49, RELATING TO GENERAL PROVISIONS CONCERNING WATER, WATER RESOURCES, AND DRAINAGE IS NOT AFFECTED BY AND SUPERCEDED BY CHAPTER 4, TITLE 49 AND TO PROVIDE APPROPRIATE DEFINITIONS.

Rep. HIOTT moved to adjourn debate on the Bill until Thursday, May 13.

Rep. V. S. MOSS moved to table the motion.

Rep. V. S. MOSS demanded the yeas and nays which were taken, resulting as follows:

Yeas 14; Nays 83

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| H. B. Brown | Delleney | King |
| Knight | Long | Lucas |
| D. C. Moss | V. S. Moss | Norman |
| Pinson | Simrill | D. C. Smith |
| Thompson | Williams |  |

**Total--14**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Battle | Bedingfield |
| Bingham | Bowen | Brady |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrison |
| Harvin | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | Limehouse |
| Littlejohn | Loftis | Lowe |
| Mack | McEachern | McLeod |
| Miller | Millwood | Mitchell |
| Nanney | J. M. Neal | Neilson |
| Owens | Parker | Parks |
| M. A. Pitts | Rice | Sandifer |
| Sellers | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stewart |
| Stringer | Umphlett | Vick |
| Viers | Weeks | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--83**

So, the House refused to table the motion to adjourn debate.

The question then recurred to the motion to adjourn debate until Thursday, May 13, which was agreed to.

**H. 3492--DEBATE ADJOURNED**

Rep. KENNEDY moved to adjourn debate upon the following Bill until Thursday, May 13, 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.

**S. 1066--DEBATE ADJOURNED**

Rep. CRAWFORD moved to adjourn debate upon the following Bill until Tuesday, May 18, which was adopted:

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

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 12, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has appointed Senators Campsen, Malloy and Shoopman of the Committee of Conference on the part of the Senate on H. 3418:

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-13-710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56-1-3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7-13-25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7-3-20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7-15-30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7-15-470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7-1-25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7-5-230 TO REFERENCE REVISIONS TO SECTION 7-1-25.

Very respectfully,

President

Received as information.

**REPORTS OF STANDING COMMITTEES**

Rep. H. B. BROWN, from the Fairfield Delegation, submitted a favorable report on:

S. 1405 -- Senator Coleman: A BILL TO PROVIDE FOR THE TRANSFER OF QUALIFYING STUDENTS FROM FAIRFIELD COUNTY SCHOOL DISTRICT TO CHESTER COUNTY SCHOOL DISTRICT; TO REQUIRE THE TREASURER OF FAIRFIELD COUNTY TO REMIT CERTAIN FUNDS PER TRANSFERRING PUPIL TO CHESTER COUNTY SCHOOL DISTRICT ON BEHALF OF FAIRFIELD COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE TIMING OF THE PAYMENT, AND TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PAY THE AMOUNT DUE TO CHESTER COUNTY SCHOOL DISTRICT OUT OF FUNDS OTHERWISE ALLOCATED TO THE FAIRFIELD COUNTY SCHOOL DISTRICT PURSUANT TO THE EDUCATION FINANCE ACT IF THE TREASURER OF FAIRFIELD COUNTY FAILS TO PAY CHESTER COUNTY SCHOOL DISTRICT; TO ALLOW THE CHESTER COUNTY SCHOOL DISTRICT TO CONSIDER THESE PAYMENTS ANTICIPATED AD VALOREM TAXATION; TO REQUIRE THE STATE SUPERINTENDENT OF EDUCATION TO SETTLE ANY DISPUTE THAT ARISES BETWEEN THE DISTRICTS UPON THE IMPLEMENTATION AND ADMINISTRATION OF THE PROVISIONS OF THIS ACT; AND TO PROVIDE FOR THE PAYMENT OF MONIES PREVIOUSLY OWED TO CHESTER COUNTY SCHOOL DISTRICT.

Ordered for consideration tomorrow.

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

S. 1413 -- Senators Hayes, Peeler, Mulvaney and Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 49 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAYS 274 AND 557 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 55 "CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

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

S. 1434 -- Senator Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NEWLY CONSTRUCTED REPLACEMENT BRIDGE THAT CROSSES COVE INLET ALONG SOUTH CAROLINA HIGHWAY 703 IN CHARLESTON COUNTY THE "BEN SAWYER MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "BEN SAWYER MEMORIAL BRIDGE".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4967 -- Reps. Clemmons, Barfield, Edge, Hardwick, Hearn, Viers, Hayes, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Cato, Chalk, Clyburn, Cobb‑Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Harrell, Harrison, Hart, Harvin, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D.C. Moss, V.S. Moss, Nanney, J.H. Neal, J.M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A HOUSE RESOLUTION TO RECOGNIZE DOUGLAS P. WENDEL, CHAIR OF BUSINESS EDUCATION EXPECTATIONS; H. NEYLE WILSON, PRESIDENT OF HORRY-GEORGETOWN TECHNICAL COLLEGE; AND DR. GERRITA POSTLEWAIT, FORMER SUPERINTENDENT OF HORRY COUNTY SCHOOLS, FOR THEIR VISIONARY LEADERSHIP IN THE CREATION OF THE EARLY COLLEGE HIGH SCHOOL OF HORRY COUNTY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4968 -- Reps. Anderson, Agnew, Alexander, Allen, Allison, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE BETHEL AME CHURCH OF GEORGETOWN ON THE OCCASION OF ITS HISTORIC ONE HUNDRED FORTY-THIRD ANNIVERSARY, AND TO COMMEND THE CHURCH FOR NEARLY A CENTURY AND A HALF OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4969 -- Reps. Jennings, Hiott, 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, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, 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 UNITED STATES MARINE CORPS CORPORAL BRYAN LLEWELLYN SLOAN, AND TO HONOR HIM FOR HIS HEROIC AND MERITORIOUS SERVICE IN DEFENSE OF OUR NATION.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4970 -- Reps. G. R. Smith, Allen, Bannister, Bedingfield, Cato, Dillard, Hamilton, Loftis, Nanney, Rice, Stringer, Willis and Wylie: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. PHINNIZE J. FISHER OF GREENVILLE COUNTY, AND TO CONGRATULATE HER FOR BEING SELECTED THE 2011 SUPERINTENDENT OF THE YEAR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4971 -- Reps. Hutto, 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, Hodges, Horne, Hosey, Howard, Huggins, 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 COMMEND THE HONORABLE CARL BECKMANN OF CHARLESTON COUNTY FOR HIS DEDICATED SERVICE AS MAYOR OF FOLLY BEACH AND HIS COMMITMENT TO THE CITIZENS OF THAT CITY, TO CONGRATULATE HIM ON HIS RETIREMENT, AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4972 -- Reps. Parks, 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, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, 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 MT. LEBANON BAPTIST CHURCH OF PARKSVILLE FOR ITS OUTSTANDING COMMITMENT TO THE FURTHERANCE OF THE CHRISTIAN FAITH AND TO CONGRATULATE ITS MEMBERS ON THE CHURCH'S ONE HUNDRED THIRTY-SEVENTH ANNIVERSARY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4973 -- Reps. H. B. Brown, Brady, Harrison, G. M. Smith, J. E. Smith, Agnew, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Branham, Brantley, G. A. 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, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, 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 CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 213 IN FAIRFIELD FROM ITS INTERSECTION WITH THE FAIRFIELD/NEWBERRY COUNTY LINE TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 215 THE "SILAS C. 'SLICK' MCMEEKIN NUCLEAR HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "SILAS C. 'SLICK' MCMEEKIN NUCLEAR HIGHWAY".

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

**INTRODUCTION OF BILLS**

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

S. 981 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 63-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS, SO AS TO PROVIDE THAT THE COURT MAY ORDER GRANDPARENT VISITATION IF THE COURT FINDS THAT THE CHILD'S PARENTS ARE DEPRIVING THE GRANDPARENT VISITATION WITH THE CHILD AND THAT THE PARENTS ARE UNFIT OR THAT THERE ARE COMPELLING CIRCUMSTANCES TO OVERCOME THE PRESUMPTION THAT THE PARENTAL DECISION IS IN THE CHILD'S BEST INTEREST.

Referred to Committee on Judiciary

S. 1422 -- Senators Setzler and Massey: A BILL TO AMEND ACT 503 OF 1982, RELATING TO THE AREA ADVISORY COUNCIL OF ADMINISTRATIVE AREA FOUR IN SALUDA COUNTY, AND TO REPEAL ACT 572 OF 1984, RELATING TO THE AREA ADVISORY COUNCIL OF ADMINISTRATIVE AREA FOUR IN SALUDA COUNTY.

Referred to Saluda Delegation

**SPEAKER IN CHAIR**

**H. 4909--AMENDED AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4909 -- Reps. King, Gilliard, Parks, Dillard, Gunn, Howard, Mack and Hart: 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.

Rep. KING proposed the following Amendment No. 1 (COUNCIL\BBM\9747HTC10), which was adopted:

Amend the bill, as and if amended, by striking Section 59-63-72, as contained in SECTION 1, page 1, and inserting:

/ Section 59-63-72. In order for a student to participate on a school sponsored athletic team, the student must undergo a preparticipation physical, during which time a test to determine if the student has sickle cell anemia or carries the sickle cell anemia trait must be administered. The doctor who administers the test must clear the student for participation on the team before the student is eligible to participate.” /

Renumber sections to conform.

Amend title to conform.

Rep. KING explained the amendment.

Rep. BEDINGFIELD moved to commit the Bill to the Committee on Medical, Military, Public and Municipal Affairs.

Rep. COBB-HUNTER moved to table the motion.

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

Yeas 51; Nays 50

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Ballentine |
| Battle | Bowers | G. A. Brown |
| H. B. Brown | R. L. Brown | Cobb-Hunter |
| Cooper | Daning | Dillard |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Harvin | Hayes | Hodges |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Kennedy |
| King | McEachern | McLeod |
| Miller | Mitchell | J. H. Neal |
| J. M. Neal | Neilson | Parks |
| M. A. Pitts | Sellers | J. E. Smith |
| Spires | Stavrinakis | Umphlett |
| Vick | Viers | Weeks |
| White | Whitmire | Williams |

**Total--51**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Bedingfield |
| Bingham | Bowen | Brady |
| Cato | Chalk | Clemmons |
| Cole | Crawford | Delleney |
| Edge | Erickson | Forrester |
| Hamilton | Harrison | Hearn |
| Hiott | Horne | Kelly |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| Owens | Parker | Pinson |
| Rice | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Stewart |
| Thompson | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--50**

So, the motion to commit the Bill was tabled.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Reps. CRAWFORD, J. R. SMITH, G. R. SMITH, BEDINGFIELD, HAMILTON, NANNEY, WYLIE, KING, MILLWOOD, HIOTT, R. L. BROWN, GILLIARD, LONG, HOSEY, GOVAN and J. H. NEAL requested debate on the Bill.

**H. 4837--DEBATE ADJOURNED**

The following Bill was taken up:

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.

Rep. MERRILL proposed the following Amendment No. 1 (COUNCIL\GGS\22610SD10), which was ruled out of order:

Amend the bill, as and if amended, by adding a new SECTION to be appropriately numbered which shall read:

/ SECTION \_\_\_. A. Title 12 of the 1976 Code is amended by adding Chapter 22:

“CHAPTER 22

Charitable Raffles and Fundraising Events

 Section 12‑22‑100. (A) A lottery or raffle of any type whatsoever is unlawful unless it is authorized by the following:

 (1) Chapter 150, Title 59;

 (2) Chapter 22, Title 12.

 (B) The penalties for operating an unlawful lottery or raffle are provided pursuant to this chapter. Each violation is a separate offense.

 Section 12‑22-110. (A) It is the intention of the General Assembly that only tax‑exempt religious, fraternal, and civic organizations, schools, or other charitable groups shall be allowed to operate raffles or special limited charity fundraising events.

 (B) For purposes of this chapter:

 (1) ‘Adjusted gross receipts’ mean gross receipts less all cash prizes and the amount paid for merchandise prizes purchased.

 (2) ‘Charitable gaming supplies and equipment’ means any material, device, apparatus, or paraphernalia customarily used in the conduct of charitable gaming, including bingo cards and paper, charity game tickets, and other apparatus or paraphernalia used in conducting games of chance at charity fundraising events subject to regulation under this chapter. The term shall not include any material, device, apparatus, or paraphernalia incidental to the game, such as pencils, daubers, playing cards, or other supplies that may be purchased from normal sources of supply.

 (3) ‘Charitable organization’ means a nonprofit entity organized for charitable, religious, educational, literary, civic, fraternal, or patriotic purposes.

 (4) ‘Gross receipts’ mean all monies collected or received from the conduct of charitable gaming.

 (5) ‘Net receipts’ mean adjusted gross receipts less all expenses, charges, fees, and deductions authorized under this chapter.

 (6) ‘Operate’, ‘operated’, or ‘operating’ means the conduct, direction, supervision, management, operation, control, or guidance or activity.

 (7) ‘Person’ means a natural person, partnership, association, company, corporation, or organization, or a manager, agent, servant, officer, or employee thereof.

 (8) ‘Raffle’ means a game of chance in which a participant is required to pay something of value for a ticket for a chance to win a prize, with the winner to be determined by a random drawing or similar process whereby all entries have an equal chance of winning.

 (9) ‘Special limited charity game’ means games involving live individuals playing roulette, blackjack, poker, baccarat, or other card games, dice games and must not include events with any electronic device or machine, slot machines, electronic video gaming devices, wagering on live sporting events, or simulcast broadcasts of horse races.

 (10) ‘Special limited charity fundraising event’ means any type of charity fundraising event, such as rubber duck races, hole‑in‑one golf, or basketball shooting, or events at which the predominate number or types of games offered for play are special limited charity games.

 (11) ‘Year’ means calendar year.

 Section 12‑22‑120. (A) A charitable organization is allowed to conduct raffles or special limited charity fundraising events in accordance with the provisions of this chapter if the charitable organization:

 (1) is recognized by the South Carolina Department of Revenue and the United States Internal Revenue Service as exempt from federal and state income taxation;

 (2) has been in continuous existence and operation in the state for a period of not less than one year from the date of the first raffle or special limited charity fundraising event; and

 (3) is registered with the Secretary of State pursuant to the requirements of Chapter 56, Title 33. In the event that the charitable organization is unable to provide the Secretary of State with documents that are required by such chapter, the charitable organization must provide sufficient evidence concerning the structure and operation of the organization to enable the agency to determine whether the applicant meets the charitable, religious, or fraternal criteria. Sufficient evidence includes submission of a document attesting to the stated purpose of the organization, names of board members or organizers of the organization, and the formation date of the organization.

 (B) The requirement to register for the purpose of conducting raffles and special limited charity fundraising events with the Secretary of State shall apply to any and all charitable organizations that intend to conduct a raffle or special limited charity fundraising event in this State, including those organizations that are exempt or not required to follow the registration requirements of Chapter 56, Title 33, unless the raffle is held by a charitable organization where a prize is donated by a member of the charitable organization, the total value of the prize is less than five hundred dollars, and each raffle ticket is sold for not more than five dollars.

 (C) Registrations for raffles and special limited charity fundraising events shall expire twelve months from the date of issuance. Organizations that meet the requirements of Section 12‑22‑120(A) shall submit an annual raffle and special limited charity fundraising event form along with a fee of fifty dollars to the Office of the Secretary of State. This registration form and fee shall cover all allowable raffles and special limited charity fundraising events for the year. Proceeds from the fees shall be retained by the Secretary of State for enforcement of these provisions.

 (D) Charitable organizations registering with the Secretary of State shall be subject to investigation and other actions by the Secretary of State, and subject to all penalties contained in Chapter 56, Title 33. The Office of the Secretary of State shall refer violations to law enforcement for criminal prosecution pursuant to the provisions of this chapter.

 (E) Charitable organizations may advertise raffles or special limited charity fundraising events.

 (F) Charitable organizations are limited to four raffles and four special limited charity fundraising events per year. Each affiliate or subsidiary of a charitable organization that otherwise qualifies pursuant to the requirements of this chapter and shares a Federal Employer’s Identification Number (EIN) with the parent charitable organization shall be entitled to hold four raffles per year and four special limited charity fundraising events per year. This restriction does not apply to raffles held by charitable organizations where a prize is donated by a member of the charitable organization, and the total value of the prize is less than five hundred dollars, and each raffle ticket is sold for not more than five dollars.

 Section 12‑22‑130. (A) No less than ninety percent of the net receipts of a raffle or special limited charity fundraising event authorized pursuant to this chapter must be used for the charitable, religious, or philanthropic purposes of the charitable organization. No gross receipts, expenses, or net receipts of a raffle or special limited charity fundraising event shall be used to influence the outcome of a political office or to influence the outcome of an issue pending before a political body.

 (B) No charitable organization shall enter into a contract with any person to have that person operate raffles or special limited charity fundraising events on behalf of the charitable organization.

 (C) A charitable organization shall not lend its name nor allow its identity to be used by any person in the operating or advertising of a raffle or special limited charity fundraising event in which the charitable organization is not directly and solely operating the raffle or special limited charity fundraising event. Nothing in this section, however, shall prohibit two or more charitable organizations from participating together to run a raffle or special limited charity fundraising event.

 (D) A raffle or special limited charity fundraising event shall be conducted only by an authorized charitable organization through its bona fide officers and members who volunteer their time and receive no compensation for their services. Food and beverages served to and consumed by volunteers during a raffle or special limited charity fundraising event is not compensation.

 (E) A charitable organization shall not conduct raffles or special limited charity fundraising events through any agent or third party, and shall not pay consulting fees or something of value to any person for any services performed in relation to the operation or conduct of a raffle or special limited charity fundraising event. Rental of raffle or special limited charity game equipment is not considered conducting a raffle or special limited charity fundraising event.

 (F) The provisions of this chapter are not intended and shall not be construed to allow the play of raffles or special limited charity games through any electronic device or machine.

 Section 12‑22‑140. Expenses that are reasonable and necessary to raffles or special limited charity fundraising events as authorized by this chapter are allowable and include expenses incurred for:

 (A) advertising, including the cost of printing raffle and special limited charity fundraising event gift certificates;

 (B) food and beverage costs;

 (C) rental of equipment and hiring a person to operate the equipment during the limited time period allowed for raffles or special limited charity fundraising games;

 (D) repairs to premises and equipment;

 (E) door prizes or prizes;

 (F) stated rental or insurance expenses; and

 (G) bookkeeping or accounting services.

 Section 12‑22‑150. A charitable organization may conduct or participate in a special limited charity fundraising event that does not exceed four events a year per organization and at which each event does not continue for more than six consecutive hours. Special limited charity fundraising events may include special limited charity games, if the following requirements are met:

 (A) the charitable organization must meet all of the requirements of Section 12‑22‑120;

 (B) no merchandise prize shall be purchased or offered or cash prize offered that exceeds the gross receipts collected by the applicant exclusive of any potential prize amounts secured by a policy of insurance, and no individual cash prize not so insured shall exceed twenty‑five thousand dollars; and

 (C) no less than ninety percent of the net receipts must be applied to the charitable, religious, fraternal, or nonprofit purposes of the applicant, and all of the restrictions in this chapter shall apply to any expenses, charges, fees or deductions to manufacturers, distributors, or persons conducting the special limited charity fundraising event.

 Section 12‑22‑160. (A) Each charitable organization conducting a raffle or special limited charity fundraising event shall keep records of its gross receipts, expenses, adjusted gross receipts, and net receipts for each single raffle or special limited charity fundraising event at which winning chances are determined. All deductions from gross receipts for each single raffle or special limited charity fundraising event shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net receipts shall be itemized as to payee, purpose, amount and date of payment.

 (B) Each charitable organization conducting raffles or special limited charity fundraising events shall report promptly after the conclusion of each raffle or special limited charity fundraising event to its membership, its gross receipts, expenses and net proceeds from raffles and special limited charity fundraising events and the distribution of net proceeds itemized as required in this section.

 (C) Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of raffles and special limited charity fundraising events for public inspection at reasonable times and places.

 Section 12‑22‑170. No person under the age of eighteen years may promote, conduct, operate, or work at a special limited charity fundraising event, and no person under the age of eighteen years may sell or promote the sale of any special limited charity fundraising event tickets, nor shall any sponsoring organization permit any person under the age of eighteen to promote, conduct, or operate any special limited charity fundraising event or any person under the age of eighteen to sell or promote the sale of such tickets. This restriction does not apply to the promotion, sale, conduct, or operation of a raffle.

 Section 12‑22‑180. (A) Each of the officers or directors of a charitable organization who violate the provisions of this chapter shall, upon conviction, be fined not less than two thousand dollars and not more than five thousand dollars, or imprisoned for not more than thirty days, or both. Further, a charitable organization convicted of a violation pursuant to this section shall be prohibited from applying for a special limited charity fundraising event until not less than twenty‑four months after the date of the conviction.

 (B) Other persons who violate the provisions of this chapter shall be guilty of, upon conviction:

 (1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

 (2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both; and

 (3) for a third or subsequent offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand five hundred dollars or imprisoned for not more than one year, or both.

 (C) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, and 22‑3‑550, a violation of the provisions of this chapter must be tried exclusively in magistrates court.”

B. Notwithstanding the general effective date of this act, Chapter 22, Title 12 of the 1976 Code, as added by this act, becomes effective ninety days after ratification of an amendment to Section 7, Article XVII of the Constitution of this State allowing its terms as proposed to the qualified electors of this State at the 2010 General Election. /

Renumber sections to conform.

Amend title to conform.

**POINT OF ORDER**

Rep. DELLENEY raised the Point of Order that Amendment No. 1 was out of order in that it was not germane to the Bill.

SPEAKER HARRELL sustained the Point of Order and ruled the amendment out of order.

Reps. J. E. SMITH, MILLER and MCLEOD proposed the following Amendment No. 2 (COUNCIL\SWB\8075BH10):

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

/ SECTION 1. Section 12‑21‑3940(D) of the 1976 Code, as added by Act 172 of 2004, is amended to read:

 ~~“(D) A license must not be issued for conducting a game of bingo at an establishment holding a license pursuant to the provisions of Section 61‑6‑1820.”~~

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

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

Rep. J. E. SMITH moved to adjourn debate on the Bill, which was agreed to.

**H. 4888--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

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

Rep. FORRESTER explained the Joint Resolution.

Rep. LOFTIS moved to adjourn debate on the Joint Resolution, which was adopted.

**S. 932--DEBATE ADJOURNED**

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

S. 932 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 50-16-25 OF THE 1976 CODE, RELATING TO THE RELEASE OF PIGS FOR HUNTING PURPOSES, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, RELEASE, OR TRANSPORT FOR THE PURPOSE OF RELEASE A MEMBER OF THE SUIDAE FAMILY FOR HUNTING OR TO SUPPLEMENT A FREE ROAMING POPULATION, TO PROVIDE THAT IT IS UNLAWFUL TO REMOVE A LIVE HOG FROM A TRAP OR FROM THE WOODS, FIELDS, OR MARSHES OF THIS STATE, AND TO CLARIFY THAT THIS SECTION DOES NOT APPLY TO ACCEPTED FARMING PRACTICES RELATED TO MEMBERS OF THE SUIDAE FAMILY.

**S. 1261--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1261 -- Senator Cromer: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CUTTING OF TIMBER ON LANDS HELD BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE TECHNICAL CORRECTIONS; TO DELETE OBSOLETE REFERENCES; TO REQUIRE THE DEPARTMENT TO COORDINATE THE CUTTING AND SALE OF SUCH TIMBER WITH THE STATE FORESTER, RATHER THAN TO SUBMIT THE MATTER TO THE STATE FORESTER FOR APPROVAL; TO PROVIDE THAT LAND OWNED BY THE DEPARTMENT THAT WAS PREVIOUSLY USED FOR AGRICULTURE OR MANAGED FOREST LAND MUST BE MANAGED TO PROVIDE OPTIMUM FISH AND WILDLIFE HABITAT AND TIMBER PRODUCTION; TO REVISE PROCEDURES FOR ADVERTISING FOR BIDS ON THE TIMBER; TO PROVIDE PROCEDURES FOR THE HARVEST AND SALE OF TIMBER IF AN EMERGENCY OR NATURAL DISASTER OCCURS NECESSITATING IMMEDIATE HARVESTING OF TIMBER; TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT, RATHER THAN THE BOARD, TO EXECUTE DEEDS AND CONTRACTS REQUIRED IN CARRYING OUT THIS ARTICLE; AND TO PROVIDE THAT, UNLESS OTHERWISE PROVIDED FOR, THE PROCEEDS OF THESE TIMBER SALES MUST CONTINUE TO BE CREDITED TO THE FISH AND WILDLIFE PROTECTION FUND.

The Agriculture and Natural Resources Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12280AC10), which was adopted:

Amend the bill, as and if amended, by deleting Section 50-3-515 on page 2, lines 26-36 and inserting:

/ Section 50‑3‑515. Notwithstanding any other provision of law, lands which were used for agriculture or managed forestland before acquisition by the department must be managed and the timber harvested to provide optimum fish and wildlife habitat. The department must use Best Management Practices as prescribed by the South Carolina Forestry Commission, or its successor, in managing and harvesting timber. If the department uses Best Management Practices, when managing or harvesting timber there is no adverse effect on historical properties or archeological sites./

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.

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

**RECURRENCE TO THE MORNING HOUR**

Rep. M. A. PITTS moved that the House recur to the Morning Hour, which was agreed to.

**HOUSE RESOLUTION**

The following was introduced:

H. 4974 -- Reps. Rutherford, 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, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE W. E. "WILLIE" LYLES OF COLUMBIA UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-FOUR YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**H. 4837--DEBATE ADJOURNED**

Rep. J. E. SMITH moved to adjourn debate upon the following Bill, which was adopted:

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.

**ORDERED TO THIRD READING**

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

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

S. 1356 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4116, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. ALLISON explained the Joint Resolution.

H. 4918 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO INFECTIOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4107, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. FORRESTER explained the Joint Resolution.

S. 1204 -- Senator Leatherman: A BILL TO AMEND SECTION 48-5-50 OF THE 1976 CODE, RELATING TO USES OF THE CLEAN WATER FUND, TO ALLOW ANY USE PRESCRIBED BY ANY FEDERAL LAW GOVERNING OR APPROPRIATING FUNDS FOR THE CLEAN WATER FUND; AND TO AMEND SECTION 48-5-55, RELATING TO USES OF THE DRINKING WATER FUND, TO ALLOW ANY USE PRESCRIBED BY ANY FEDERAL LAW GOVERNING OR APPROPRIATING FUNDS FOR THE DRINKING WATER FUND.

Rep. COOPER explained the Bill.

H. 4802 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 25-1-1150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VACANCIES IN THE POSITION OF CHIEF OF STAFF, HEADQUARTERS, SOUTH CAROLINA AIR NATIONAL GUARD, SO AS TO FURTHER PROVIDE FOR THE QUALIFICATIONS OF THE OFFICER PROMOTED TO FILL THE VACANCY.

Rep. HOSEY explained the Bill.

**S. 932--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 932 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 50-16-25 OF THE 1976 CODE, RELATING TO THE RELEASE OF PIGS FOR HUNTING PURPOSES, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, RELEASE, OR TRANSPORT FOR THE PURPOSE OF RELEASE A MEMBER OF THE SUIDAE FAMILY FOR HUNTING OR TO SUPPLEMENT A FREE ROAMING POPULATION, TO PROVIDE THAT IT IS UNLAWFUL TO REMOVE A LIVE HOG FROM A TRAP OR FROM THE WOODS, FIELDS, OR MARSHES OF THIS STATE, AND TO CLARIFY THAT THIS SECTION DOES NOT APPLY TO ACCEPTED FARMING PRACTICES RELATED TO MEMBERS OF THE SUIDAE FAMILY.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1 (COUNCIL\NBD\20850SD10), which was adopted:

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

/SECTION \_\_. Section 50-11-380 of the 1976 Code is repealed./

Renumber sections to conform.

Amend title to conform.

Rep. UMPHLETT explained the amendment.

The amendment was then adopted.

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

**H. 4280--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4280 -- Reps. M. A. Pitts, Toole, Parks, Vick, Pinson, Huggins, Duncan, Jennings, Rice, Hiott, Agnew, J. E. Smith, J. R. Smith, Millwood, Anthony, Simrill, Nanney, Hardwick, Govan, Bingham, Littlejohn, Bannister, Harrell, Hearn, G. R. Smith, Clemmons, Anderson, Limehouse, D. C. Moss, V. S. Moss, Parker, Howard, Gambrell, Allison, Horne, Sottile, Bedingfield, Long, Spires, Hamilton, T. R. Young, Delleney, J. M. Neal, Williams, Kennedy, Lowe, Stavrinakis, Knight, Crawford, Daning, Bowen, Thompson, G. A. Brown, King, Lucas, Herbkersman, Wylie, Stewart, Branham, Ott, Hayes, Battle, Miller, Harvin, H. B. Brown, Hosey, Chalk, McEachern, Hodges, Gunn, J. H. Neal, Cobb-Hunter, Jefferson, Cato and Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SOUTH CAROLINA HIGHWAY PATROL-RETIRED LICENSE PLATES.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\MS\7832AHB10), which was adopted:

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

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

“Article 108

South Carolina Highway Patrol‑Retired License Plates

 Section 56‑3‑10810. (A) The Department of Motor Vehicles may issue ‘SCHP‑Retired’ license plates for use on private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles registered in a person’s name in this State who served as a South Carolina Highway Patrolman or State Trooper and who honorably retired. An application for this special motor vehicle license plate must include certification from the South Carolina Highway Patrol that the applicant honorably retired.

 (B) The requirements for production and distribution of the license plate are those set forth in Section 56-3-8100. The Department of Motor Vehicles shall imprint the special license plates with the insignia of the South Carolina Highway Patrol and the words ‘SCHP‑Retired’ with numbers the department may determine.

 (C) Only one special license plate authorized by this section may be issued to a person. A license plate issued pursuant to this section may be transferred to another vehicle of the same weight class owned by the same person upon application being made and being approved by the Department of Motor Vehicles.

 (D) Any person issued a special license plate pursuant to this section who is convicted of a crime involving dishonesty or moral turpitude shall surrender the special license plate to the Department of Motor Vehicles within three days of the date of the conviction.

 (E) The provisions of this section do not affect the registration and licensing of motor vehicles required by other provisions of this chapter, but are cumulative to those other provisions.

 (F) A person violating the provisions of this section or a person who:

 (1) fraudulently gives false or fictitious information in any application for a special license plate authorized by this section;

 (2) conceals a material fact or otherwise commits fraud in the application for a special license plate issued pursuant to this section;

 (3) permits the special license plate to be displayed on any vehicle except the one authorized by the Department of Motor Vehicles; or

 (4) who fails to surrender the special license plate as required by this section, is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, or both.”

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

Renumber sections to conform.

Amend title to conform.

Rep. M. A. PITTS explained the amendment.

The amendment was then adopted.

Rep. DANING proposed the following Amendment No. 2 (COUNCIL\GGS\22611BH10), which was adopted:

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

/ SECTION \_\_. Section 56‑3‑8000 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

 “Section 56‑3‑8000. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630 and motorcycles registered in their names which may have imprinted on the plate an emblem, a seal, or other symbol the department considers appropriate of an organization which has obtained certification pursuant to either Section 501(C)(3), 501(C)(6), 501(C)(7), or 501(C)(8) of the Federal Internal Revenue Code and maintained this certification for a period of five years. The special license plate must be the same size and general design of regular motor vehicle license plates and must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The biennial fee for this special license plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate. The initial fee amount requested may be changed only every five years from the first year the plate is issued. Of the additional fee collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates. Any of the remaining fee not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate.

 (B) If the organization seeking issuance of the plate does not request an additional fee above the regular registration fee, the department may collect an additional fee of ten dollars.

 (C) Of the additional fee collected pursuant to subsections (A) and (B), the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates.

 (D) Any of the remaining additional fee collected pursuant to subsection (B) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

 (E) Before the department produces and distributes a plate pursuant to this section, it must receive:

 (1) ~~four~~ six hundred or more prepaid applications for the special license plate, collected and provided by the sponsoring organization, or ~~four~~ seven thousand five hundred dollars from the ~~individual or~~ organization ~~seeking issuance of the license plate~~; and

 (2) a plan to market the sale of the special license plate which must be approved by the department. If the individual or organization seeking issuance of the plate submits ~~four~~ seven thousand five hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

 ~~(C)~~(F) If the department receives less than three hundred biennial applications and renewals for a particular plate authorized under this section, it shall not produce additional plates in that series. The department shall continue to issue plates of that series until the existing inventory is exhausted.

 ~~(D)~~(G) License plates issued pursuant to this section shall not contain a reference to a private or public college or university in this State or use symbols, designs, or logos of these institutions without the institution’s written authorization.

 ~~(E)~~(H) Before a design is approved, the organization must submit to the department written authorization of legal authority for the use of any copyrighted or registered logo, trademark, or design, and the organization’s acceptance of legal responsibility for the use.

 ~~(F)~~(I) The department may alter, modify, or refuse to produce any special license plate that it deems offensive or fails to meet community standards. If the department alters, modifies, or refuses to produce a special license plate, the organization or individual applying for the license plate may appeal the department’s decision to a special joint legislative committee. This committee shall be comprised of two members from the House Education and Public Works Committee and two members from the Senate Transportation Committee.

 Appointments to the joint legislative committee shall be made by the Chairmen of the House Education and Public Works Committee and the Senate Transportation Committee. The department’s decision may be reversed by a majority of the joint legislative committee. If the committee reverses the department’s decision, the department must issue the license plate pursuant to the committee’s decision. However, the provision contained in ~~subitem (B) of this section~~ subsection (E) also must be met. The joint legislative committee may also review all license plates issued by the department and instruct the department to cease issuing or renewing a plate it deems offensive or fails to meet community standards.

 ~~(G)~~(J) For each new classification of special vehicle license plate including, but not limited to, motorcycle license plates, created pursuant to this section must meet the requirements of Articles 81 and 82, Chapter 3, Title 56 as appropriate.”

SECTION \_\_. Section 56‑3‑8100 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

 “Section 56‑3‑8100. (A) Before the Department of Motor Vehicles produces and distributes a special license plate created by the General Assembly after January 1, 2006, it must receive:

 (1) ~~four~~ six hundred prepaid applications for the special license plate, collected and provided by the sponsoring individual or organization, or ~~four~~ seven thousand five hundred dollars from the sponsoring individual or organization ~~seeking issuance of the license plate~~;

 (2) a plan to market the sale of the special license plate which must be approved by the department; and

 (3) the emblem, a seal, or other symbol to be used for the plate and, if necessary, written authorization for the department to use a logo, trademark, or design that is copyrighted or registered and acceptance of legal responsibility for the use. If the individual or organization seeking issuance of the plate submits ~~four~~ seven thousand five hundred dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

 (B) The fee for all special license plates created by the General Assembly after January 1, 2006, is the regular biennial registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate, as authorized by law. The initial fee amount requested can only be changed every five years from the first year the plate is issued. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month the special license plate is issued.

 (C) If the individual or organization seeking issuance of the plate does not request an additional fee above the regular registration fee, and no other additional fee is prescribed by law, the department may collect an additional fee of ten dollars.

 (D) Of the additional fee collected pursuant to ~~this~~ ~~section~~ subsections (B) and (C), the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates.

 (E) Any of the remaining additional fee collected pursuant to subsections (B) and (C) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

 ~~(D)~~(F) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

 ~~(E)~~(G) If the department receives less than three hundred biennial applications and renewals for plates created pursuant to Article 12, Chapter 3, Title 56; Article 14, Chapter 3, Title 56; Article 31, Chapter 3, Title 56; Article 39, Chapter 3, Title 56; Article 40, Chapter 3, Title 56; Article 43, Chapter 3, Title 56; Article 45, Chapter 3, Title 56; Article 49, Chapter 3, Title 56; Article 50, Chapter 3, Title 56; Article 60, Chapter 3, Title 56; Article 70, Chapter 3, Title 56; Article 72, Chapter 3, Title 56; and Article 76, Chapter 3, Title 56, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

 ~~(F)~~(H) The provisions contained in subsection (A)(1) and (2) do not apply to the production and distribution of the Korean War Veterans Special License Plates contained in Article 68, Chapter 3, Title 56.

 ~~(G)~~(I) For each new classification of special vehicle license plate, including, but not limited to, motorcycle license plates, created pursuant to this section, must meet the requirements of Articles 81 and 82, Chapter 3, Title 56 as appropriate.” /

Renumber sections to conform.

Amend title to conform.

Rep. DANING explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

 Yeas 101; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| H. B. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Harvin | Hayes |
| Hearn | Herbkersman | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Knight | Limehouse | Littlejohn |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Parks | M. A. Pitts | Rice |
| Rutherford | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Thompson |
| Umphlett | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--101**

 Those who voted in the negative are:

**Total--0**

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

**S. 405--DEBATE ADJOURNED**

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, May 13, which was adopted:

S. 405 -- Senator Cleary: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS, TO CLARIFY THAT A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY-TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED AS A PRIMARY OR SECONDARY RESIDENCE FOR PROPERTY TAX PURPOSES; TO AMEND SECTION 12-37-224, RELATING TO BOATS AS A PRIMARY OR SECONDARY RESIDENCE, TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, SHALL BE CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF AD VALOREM PROPERTY TAXATION IN THIS STATE; AND TO AMEND SECTION 12-37-714, RELATING TO BOATS WITH A SITUS IN THIS STATE, TO PROVIDE THAT UPON AN ORDINANCE PASSED BY THE LOCAL GOVERNING BODY, A COUNTY MAY SUBJECT A BOAT, INCLUDING ITS MOTOR IF THE MOTOR IS SEPARATELY TAXED, TO PROPERTY TAX IF IT IS WITHIN THIS STATE FOR NINETY DAYS IN THE AGGREGATE, REGARDLESS OF THE NUMBER OF CONSECUTIVE DAYS.

**S. 1363--DEBATE ADJOURNED**

The following Bill was taken up:

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.

Rep. EDGE proposed the following Amendment No. 1 (COUNCIL\BBM\9780BH10):

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

/ SECTION \_\_. Chapter 26, Title 59 of the 1976 Code is amended by adding:

 “Section 59‑26‑88. Beginning with the 2010‑2011 school year, if funding is available, the Department of Education shall pay a yearly bonus of three thousand dollars to a certified speech‑language pathologist. A certified speech language pathologist must hold a South Carolina teaching certification as a speech‑language therapist, be a full time employee of a South Carolina school district at the time of receiving the bonus, and must not be receiving a salary supplement as a result of holding a National Board for Professional Teaching Standards certification. The speech language pathologist must not be considered a service contractor with the public school district.” /

Renumber sections to conform.

Amend title to conform.

Rep. EDGE explained the amendment.

Rep. COOPER moved to adjourn debate on the Bill until Thursday, May 13, which was agreed to.

**H. 4765--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4765 -- Rep. Herbkersman: A BILL TO AMEND SECTION 56-3-115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS, SO AS TO PROVIDE THAT WHEN A GOLF CART OWNER'S RESIDENCE IS LOCATED WITHIN A GATED COMMUNITY THE TWO-MILE LIMIT WITHIN WHICH A GOLF CART OWNER MAY OPERATE HIS GOLF CART MUST BE MEASURED FROM THE COMMUNITY'S PRIMARY ENTRANCE AND NOT FROM THE OWNER'S RESIDENCE.

Rep. HERBKERSMAN proposed the following Amendment No. 1 (COUNCIL\SWB\8093CM10), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 56‑3‑115 of the 1976 Code is amended to read:

 “Section 56‑3‑115. The owner of a vehicle commonly known as a golf cart, if he has a valid driver’s license, may obtain a permit from the Department of Motor Vehicles upon the payment of a fee of five dollars and proof of financial responsibility which permits his agent, employees, or him to:

 (1) operate the golf cart on a secondary highway or street within two miles of his residence or place of business during daylight hours only. When the owner’s residence is located within a gated community the two‑mile limit must be measured from the community’s primary entrance; ~~and~~

 (2) cross a primary highway or street while traveling along a secondary highway or street within two miles of his residence or place of business during daylight hours only; and

 (3) operate a golf cart along a secondary highway or street on a sea island whose total area is greater than seven square miles, but less than ten square miles.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

The amendment was then adopted.

Rep. CLEMMONS proposed the following Amendment No. 2 (COUNCIL\SWB\8102CM10), which was adopted:

Amend the bill, as and if amended, Section 56-3-115, as contained in SECTION 1, by adding the following and designated paragraph after the period on line 39, page 1:

/ As contained in this section, ‘gated community’ means any homeowners’ community with at least one controlled access ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

Rep. CLEMMONS proposed the following Amendment No. 3 (COUNCIL\SWB\8103CM10), which was adopted:

Amend the bill, as and if amended, Section 56-3-115, as contained in SECTION 1, by adding the following and designated paragraph after the period on line 39, page 1:

/ A golf cart may cross a secondary highway whose maximum speed limit is at least forty‑five miles an hour only at the location of a traffic control device. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

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

**S. 286--DEBATE ADJOURNED**

Rep. WHITMIRE moved to adjourn debate upon the following Bill until Tuesday, May 18, which was adopted:

S. 286 -- Senators Cleary, Rose and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO IMPLEMENT A TARGETED COMMUNITY HEALTH PROGRAM IN THREE TO FIVE COUNTIES OF NEED FOR DENTAL HEALTH EDUCATION, SCREENING, AND TREATMENT REFERRALS IN PUBLIC SCHOOLS FOR CHILDREN IN KINDERGARTEN, THIRD, SEVENTH, AND TENTH GRADES OR UPON ENTRY INTO PUBLIC SCHOOLS, TO REQUIRE PROGRAM GUIDELINES TO BE PROMULGATED IN REGULATIONS, TO REQUIRE AN ACKNOWLEDGMENT OF DENTAL SCREENING TO BE ISSUED UPON COMPLETION OF THE SCREENING AND TO REQUIRE THIS ACKNOWLEDGMENT TO BE PRESENTED TO THE CHILD'S SCHOOL, TO REQUIRE NOTIFICATION TO THE CHILD'S PARENT IF PROFESSIONAL ATTENTION IS INDICATED BY THE SCREENING AND IF AUTHORIZED BY THE CHILD'S PARENTS, TO PROVIDE NOTIFICATION TO THE COMMUNITY HEALTH COORDINATOR TO FACILITATE FURTHER ATTENTION IF NEEDED, AND TO PROVIDE THAT A SCREENING MUST BE COMPLETED UNLESS A CHILD'S PARENT COMPLETES AN EXEMPTION FORM.

**S. 915--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Tuesday, May 18, which was adopted:

S. 915 -- Senators Land, Anderson, Nicholson, Leventis, Elliott, Williams, Sheheen and Setzler: A BILL TO AMEND ACT 314 OF 2000, TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2015.

**S. 1078--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Tuesday, May 18, which was adopted:

S. 1078 -- Senators Jackson, Knotts, Courson, Ryberg, Nicholson, Sheheen, Thomas, Rose, Campbell, Malloy, Ford, L. Martin, Hayes, Verdin, Davis, Leventis and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-264 SO AS TO REQUIRE THE OWNER OF A COMMUNITY RESIDENTIAL CARE FACILITY TO UNDERGO A CRIMINAL RECORD CHECK AS A REQUIREMENT OF LICENSURE AND TO ENUMERATE THOSE CRIMES THAT PRECLUDE LICENSURE.

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

**MOTION NOTED**

Rep. CRAWFORD moved to reconsider the vote whereby S. 1027 was recommitted to the House Agriculture, Natural Resources and Environmental Affairs committee and the motion was noted.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4579 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAYS 76 AND 378 WITH LOWER RICHLAND BOULEVARD IN RICHLAND COUNTY "BETTY AND SAM MCGREGOR INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "BETTY AND SAM MCGREGOR INTERSECTION BETTY - 2009 SOUTH CAROLINA AND NATIONAL MOTHER OF THE YEAR".

**ADJOURNMENT**

At 5:30 p.m. the House, in accordance with the motion of Rep. ANTHONY, adjourned in memory of Paul S. Greer, Sr., great-uncle of Representative Dennis Moss, to meet at 10:00 a.m. tomorrow.

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