~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Psalm 94:4: “I sought the Lord, and he answered me; he delivered me from all my fears.”

Let us pray. Gracious Lord, direct us as these Representatives begin a new week. Deliver them from all that may hinder them in doing the work of the people. Provide for them Your strength and integrity to perform their duties and responsibilities without fear. Look in favor upon our Nation, State, and all who have been chosen to lead. Be for them the rock. Bless our defenders of freedom at home and abroad as they protect us. Heal and comfort our wounded warriors with Your touch of love. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. G. M. SMITH moved that when the House adjourns, it adjourn in memory of John Joseph "Joe" Tindal of Sumter, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 286:

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.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 836:

S. 836 -- Senator Cromer: A BILL TO AMEND SECTION 51-13-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO DELETE PROVISIONS THAT AUTHORIZE THE RIVERBANKS PARKS COMMISSION TO ADOPT RULES AND REGULATIONS REGARDING PARK PROPERTY AND AUTHORIZE THE COMMISSION TO EMPLOY POLICE OFFICERS, TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY, AND TO DELETE THE PROVISION THAT FINES AND FORFEITURES COLLECTED PURSUANT TO SECTIONS 51-13-50 THROUGH 51-13-80 BE FORWARDED TO THE RIVERBANKS PARKS COMMISSION.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 974:

S. 974 -- Senator Campsen: A BILL TO AMEND SECTION 50-9-20 OF THE 1976 CODE, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE THAT ANNUAL HUNTING AND FISHING LICENSES SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE AND TO PROVIDE THAT THREE-YEAR HUNTING AND FISHING LICENSES SHALL BE VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE; BY ADDING SECTION 50-9-560, TO PROVIDE THAT THE DEPARTMENT MAY ISSUE THREE-YEAR COMBINATION LICENSES, SPORTSMAN LICENSES, JUNIOR SPORTSMAN LICENSES, BIG GAME PERMITS, AND WILDLIFE MANAGEMENT AREA PERMITS; TO AMEND SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, TO ESTABLISH THE THREE-YEAR HUNTING AND FISHING LICENSE FUND, TO PROVIDE THAT THREE-YEAR LICENSE FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE THIRD OF THE FUND MUST BE DISTRIBUTED TO THE GAME PROTECTION FUND, TO ESTABLISH THE THREE-YEAR WILDLIFE MANAGEMENT AREA PERMIT FUND, TO PROVIDE THAT THREE-YEAR WILDLIFE MANAGEMENT AREA PERMIT FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE-THIRD OF THE FUND MUST BE DISTRIBUTED TO THE WILDLIFE ENDOWMENT FUND; AND TO MAKE CONFORMING AMENDMENTS.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1363:

S. 1363 -- Senators Hayes, Setzler and Courson: A BILL TO AMEND SECTION 59-26-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NATIONAL BOARD RECERTIFICATION AND PAY INCREASES RELATING TO NATIONAL BOARD CERTIFICATION, SO AS TO PROVIDE THAT TEACHERS WHO RECEIVE NATIONAL BOARD CERTIFICATION BEFORE JULY 1, 2010, SHALL ENTER INTO A RECERTIFICATION CYCLE CONSISTENT WITH THE RECERTIFICATION CYCLE FOR NATIONAL BOARD CERTIFICATION, AND TO PROVIDE THAT NATIONAL BOARD CERTIFIED TEACHERS WHO RECEIVE THE CERTIFICATION BEFORE JULY 1, 2010, SHALL RECEIVE A PAY INCREASE FOR THE INITIAL TEN-YEAR CERTIFICATION PERIOD AND NO MORE THAN ONE TEN-YEAR RENEWAL PERIOD.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 20, 2010

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has sustained the Veto by the Governor on R. 182, S. 481 by a vote of 25 to 17:

S. 481 -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE; TO PROVIDE FOR ITS COMPOSITION, FOR THE FILLING OF VACANCIES, FOR THE ELECTION OF A CHAIRMAN, AND FOR MEMBER COMPENSATION; TO ALLOW THE FOUNDATION TO ACCEPT CERTAIN FUNDS; AND TO PROVIDE FOR THE DISTRIBUTION OF FUNDS.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., May 25, 2010

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at 1:30 p.m. today, for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. LITTLEJOHN the invitation was accepted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5013 -- Rep. Toole: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 26 IN LEXINGTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 1 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 302 THE "STANDRA JONES MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "STANDRA JONES MEMORIAL HIGHWAY" AND REQUEST THAT THE COSTS OF THESE MARKERS OR SIGNS ARE NOT PAID FOR WITH PUBLIC FUNDS.

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

**HOUSE RESOLUTION**

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

H. 5014 -- Reps. Harrell, 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, 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 EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE FIRST BAPTIST SCHOOL BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5015 -- Reps. Harrell, 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, 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 COMMEND THE FIRST BAPTIST SCHOOL BASEBALL TEAM FOR WINNING THE 2010 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AA STATE CHAMPIONSHIP, AND TO HONOR THE TEAM'S OUTSTANDING PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5016 -- Reps. Horne, Knight, Harrell and A. D. Young: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF BARBARA BLANTON OF SUMMERVILLE AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5017 -- Reps. Horne, Harrell, Knight and A. D. Young: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE SUMMERVILLE HIGH SCHOOL VARSITY COLOR GUARD FOR A HIGHLY SUCCESSFUL 2010 SEASON AND FOR A TREMENDOUS PERFORMANCE AT THE WINTER GUARD INTERNATIONAL WORLD CHAMPIONSHIPS IN DAYTON, OHIO.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5018 -- Rep. Allen: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR MISS AMERICA 2010 CARESSA CAMERON, AND TO WELCOME HER TO THE PALMETTO STATE FOR THE MAKING THE RIGHT CHOICES YOUTH RALLY SPONSORED BY THE REEDY RIVER MISSIONARY BAPTIST CHURCH YOUTH ADVISORY MINISTRY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1470 -- Senators Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR W. BARNEY GIESE, SOLICITOR FOR THE FIFTH JUDICIAL CIRCUIT, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1447 -- Senators Campbell, Campsen and Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF JEDBURG ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 "FIREFIGHTER MICHAEL FRENCH ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "FIREFIGHTER MICHAEL FRENCH ROAD".

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. 1021 -- Senator Massey: A BILL TO AMEND ACT 476 OF 1969, AS AMENDED, RELATING TO THE VALLEY PUBLIC SERVICE AUTHORITY IN AIKEN COUNTY, SO AS TO ADD TWO MEMBERS TO THE GOVERNING BOARD OF THE AUTHORITY AND TO PROVIDE FOR THEIR TERMS AND MANNER OF APPOINTMENT.

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

S. 1463 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATION OF SUMTER SCHOOL DISTRICTS 2 AND 17, SO AS TO EXTEND THE TERM OF OFFICE FOR MEMBERS THAT ARE SET TO EXPIRE IN 2010.

Referred to Sumter Delegation

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Forrester | Frye |
| Funderburk | Gambrell | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Knight |
| Limehouse | Littlejohn | Loftis |
| Long | Lowe | Lucas |
| McEachern | McLeod | Merrill |
| Millwood | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Pinson | 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 | Stringer | Toole |
| Umphlett | Vick | Viers |
| Weeks | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, May 25.

|  |  |
| --- | --- |
| Paul Agnew | James E. Stewart |
| Jackie Hayes | Lonnie Hosey |
| Jeffrey D. Duncan | David Mack |
| Jerry Govan | Denny Neilson |
| William Clyburn | Leon Stavrinakis |
| Tracy Edge | Anne Parks |
| Harold Mitchell | Todd Rutherford |
| Vida Miller | Michael Thompson |
| Wendell Gilliard | Jackson "Seth" Whipper |
| Shannon Erickson |  |

**Total Present--120**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. R. L. BROWN a leave of absence for the day.

**DOCTOR OF THE DAY**

Announcement was made that Dr. James Fowler of Greenville was the Doctor of the Day for the General Assembly.

**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. 4919 |
| Date: | ADD: |
| 05/25/10 | BOWEN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4909 |
| Date: | ADD: |
| 05/25/10 | WHIPPER |

**S. 1338--DEBATE ADJOURNED**

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

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

**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. 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.

**S. 1224--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1224 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT MICHELLE'S LAW BY ADDING SECTIONS 38-71-355 AND 38-71-785 SO AS TO REQUIRE HEALTH INSURANCE ISSUERS TO PERMIT A DEPENDENT CHILD ON A MEDICALLY NECESSARY LEAVE OF ABSENCE FROM A POSTSECONDARY EDUCATIONAL INSTITUTION TO CONTINUE DEPENDENT COVERAGE AND TO PROVIDE FOR THE REQUIREMENTS RELATED TO THAT COVERAGE; TO AMEND SECTION 38-71-850, RELATING TO THE DEFINITION OF "CREDITABLE COVERAGE" FOR GROUP HEALTH INSURANCE COVERAGE AND SPECIAL ENROLLMENT IN GROUP HEALTH INSURANCE COVERAGE, BOTH UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM AND TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009 TO PROVIDE FOR SPECIAL ENROLLMENT OF AN EMPLOYEE OR AN EMPLOYEE'S DEPENDENT IN THE CASE OF TERMINATION OF MEDICAID COVERAGE OR COVERAGE UNDER A STATE CHILDREN'S HEALTH INSURANCE PROGRAM OR THE INDIVIDUAL BECOMING ELIGIBLE FOR ASSISTANCE IN THE PURCHASE OF EMPLOYMENT-BASED COVERAGE; TO AMEND SECTION 38-74-10, AS AMENDED, RELATING TO THE DEFINITION OF "CREDITABLE COVERAGE" FOR THE SOUTH CAROLINA HEALTH INSURANCE POOL, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM; TO AMEND SECTIONS 38-90-40, AS AMENDED, 38-90-45, AND 38-90-50, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT THE DIRECTOR OF INSURANCE MAY CONSIDER THE NET AMOUNT OF RISK RETAINED FOR AN INDIVIDUAL RISK WHEN ARRIVING AT A FINDING RELATING TO ADDITIONAL CAPITAL OR NET ASSETS REQUIREMENTS; TO AMEND SECTION 38-90-70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO REQUIRE AN ASSOCIATION CAPTIVE INSURANCE COMPANY AND INDUSTRIAL INSURED GROUP TO SUBMIT ITS REPORT IN THE MANNER REQUIRED BY SECTION 38-13-80; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO PERMIT THE DIRECTOR TO GRANT ACCESS TO, USE, AND MAKE PUBLIC CERTAIN INFORMATION DISCOVERED OR DEVELOPED DURING THE COURSE OF AN EXAMINATION; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO CAPTIVE INSURANCE COMPANIES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO CAPTIVE INSURANCE COMPANIES AND TO PROVIDE A LISTING OF THOSE PROVISIONS OF TITLE 38 THAT APPLY TO CERTAIN CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-430, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO SPECIAL PURPOSE FINANCIAL CAPTIVES; AND TO AMEND CHAPTER 93, TITLE 38, RELATING TO THE PRIVACY OF GENETIC INFORMATION, SO AS TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 TO PROHIBIT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION, PROVIDE FOR THE REQUIREMENTS RELATING TO THE COLLECTION OF GENETIC INFORMATION, AND TO PROVIDE FOR THE SCOPE OF THE CHAPTER.

Rep. COBB‑HUNTER proposed the following Amendment No. 1 (COUNCIL\DKA\4103DW10), which was tabled:

Amend the bill, as and if amended, Chapter 93, as contained in SECTION 14, page 16, after line 8, by inserting a new section to read:

/ Section 38‑93‑25. An issuer of Medicare supplement policies or certificates shall offer the opportunity of enrolling in a Medicare supplement policy or certificate, without conditioning the issuance or effectiveness of the policy or certificate on, and without discriminating in the pricing of the policy or certificate because of, the health status, claims experience, receipt of health care, or medical condition of an applicant to individuals under sixty‑five years of age who are eligible for and enrolled in Medicare by reason of disability or end‑stage renal disease. Benefits provided in a Medicare supplement policy or certificate must be reasonable in relation to the premiums charged. All or a portion of the premiums may be paid to the issuer of the policy or certificate by a third party on behalf of the applicant or individual covered under Medicare. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER spoke against the amendment.

Rep. J. E. SMITH spoke in favor of the amendment.

Rep. SANDIFER moved to table the amendment.

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

Yeas 66; Nays 39

Those who voted in the affirmative are:

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

**Total--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Bowers | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Govan | Gunn |
| Hart | Harvin | Hayes |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| King | Kirsh | Knight |
| Mack | McEachern | McLeod |
| Mitchell | J. H. Neal | J. M. Neal |
| Ott | Sellers | J. E. Smith |
| Vick | Weeks | Williams |

**Total--39**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

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

Yeas 78; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Huggins | Hutto |
| Kelly | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Merrill | Millwood |
| D. C. Moss | V. S. Moss | Nanney |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Pinson |
| M. A. Pitts | Rice | Sandifer |
| Scott | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Viers |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--78**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Branham |
| Brantley | G. A. Brown | H. B. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Govan | Gunn | Hart |
| Harvin | Hosey | Howard |
| Jefferson | Jennings | King |
| Kirsh | Mack | McEachern |
| McLeod | Mitchell | J. H. Neal |
| Ott | Sellers | Weeks |
| Williams |  |  |

**Total--28**

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

**S. 329--DEBATE ADJOURNED**

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

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.

**S. 1070--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7847AHB10), which was adopted:

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

/ SECTION 1. Article 5, Title 62 of the 1976 Code is amended by adding:

“PART VII

South Carolina Adult Guardianship and Protective Proceedings Jurisdiction Act

Section 62‑5‑700. This act may be cited as the ‘South Carolina Adult Guardianship and Protective Proceedings Jurisdiction Act’.

Section 62‑5‑701. Notwithstanding another provision of law, this part provides the exclusive jurisdictional basis for a court of this State to appoint a guardian or issue a protective order for an adult.

Section 62‑5‑702. As used in this part, the term:

(1) ‘Adult’ means an individual who has attained eighteen years of age or who has been emancipated by a court of competent jurisdiction.

(2) ‘Conservator’ means a person appointed by a court to manage an estate of a protected person.

(3) ‘Court’ means a Probate Court in this State or a court in another state with the same jurisdiction as a probate court in this State.

(4) ‘Emergency’ means circumstances that will likely result in substantial harm to a respondent’s health, safety, or welfare or substantial economic loss or expense.

(5) ‘Guardian’ means a person who has qualified as a guardian of an incapacitated person pursuant to a court appointment, but excludes one who is a guardian ad litem or a statutory guardian.

(6) ‘Guardianship order’ means an order appointing a guardian.

(7) ‘Guardianship proceeding’ means a judicial proceeding in which an order for the appointment of a guardian is sought or has been issued.

(8) ‘Home state’ means the state in which the respondent was physically present, including a period of temporary absence, for at least six consecutive months immediately before the filing of a petition for a protective order or the appointment of a guardian; or if none, the state in which the respondent was physically present, including a period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of the petition.

(9) ‘Incapacitated person’ means an adult for whom a guardian or conservator has been appointed.

(10) ‘Party’ means the respondent, petitioner, guardian, conservator, or other person allowed by the court to participate in a guardianship or protective proceeding.

(11) ‘Person’, except in the term ‘incapacitated person’ or ‘protected person’, means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or another legal or commercial entity.

(12) ‘Protected person’ means an adult for whom a protective order has been issued.

(13) ‘Protective order’ means an order appointing a conservator or a court order relating to the management of property of an incapacitated person.

(14) ‘Protective proceeding’ means a judicial proceeding in which a protective order is sought or has been issued.

(15) ‘Record’ means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(16) ‘Respondent’ means an adult for whom a protective order or the appointment of a guardian is sought.

(17) ‘Significant‑connection state’ means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available. In determining pursuant to Sections 62‑5‑707 and 62‑5‑714(E) whether a respondent has a significant connection with a particular state, the court shall consider the:

(a) location of the respondent’s family and other persons required to be notified of the guardianship or protective proceeding;

(b) length of time the respondent at any time was physically present in the state and the duration of any absence;

(c) location of the respondent’s property; and

(d) extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver’s license, social relationship, and receipt of services.

(18) ‘State’ means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or a territory or insular possession subject to the jurisdiction of the United States.

(19) ‘Ward’ means a person for whom a guardian has been appointed.

Section 62‑5‑703. The court may treat a foreign country as if it were a state for the purpose of applying this part.

Section 62‑5‑704. (A) The court may communicate with a court in another state concerning a proceeding arising pursuant to this article. The court shall allow the parties to participate in a discussion between courts on the merits of a proceeding. Except as otherwise provided in subsection (B), the court shall make a record of the communication. When a discussion on the merits of a proceeding between courts is held, the record must show that the parties were given an opportunity to participate, must summarize the issues discussed, and must list the participants to the discussion. In all other matters except as provided in subsection (B), the record may be limited to the fact that the communication occurred.

(B) Courts may communicate concerning schedules, calendars, court records, and other administrative matters without making a record. A court may allow the parties to a proceeding to participate in any communications held pursuant to this subsection.

Section 62‑5‑705. (A) In a guardianship or protective proceeding in this State, the court may request the appropriate court of another state to do any of the following:

(1) hold an evidentiary hearing;

(2) order a person in that state to produce evidence or give testimony pursuant to procedures of that state;

(3) order that an evaluation or assessment be made of the respondent;

(4) order an appropriate investigation of a person involved in a proceeding;

(5) forward to the court a certified copy of the transcript or other record of a hearing pursuant to item (1) or another proceeding, evidence otherwise produced pursuant to item (2), and an evaluation or assessment prepared in compliance with an order pursuant to item (3) or (4);

(6) issue an order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and

(7) issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including protected health information as defined in 45 C.F.R. § 164.504.

(B) If a court of another state in which a guardianship or protective proceeding is pending requests assistance of the kind provided in subsection (A), the court has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

Section 62‑5‑706. (A) In a guardianship or protective proceeding, in addition to other procedures that may be available, testimony of a witness who is located in another state may be offered by deposition or other means allowable in this State for testimony taken in another state. The court on its own motion may order that the testimony of a witness be taken in another state and may prescribe the manner in which and the terms upon which the testimony is to be taken.

(B) In a guardianship or protective proceeding, a court in this State may permit a witness located in another state to be deposed or to testify by telephone or audiovisual or other electronic means. The court shall cooperate with the court of the other state in designating an appropriate location for the deposition or testimony.

(C) Documentary evidence transmitted from another state to a court of this State by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

Section 62‑5‑707. The court has jurisdiction to appoint a guardian or issue a protective order for a respondent if:

(1) this State is the respondent’s home state;

(2) on the date the petition is filed, this State is a significant‑connection state; and

(a) the respondent does not have a home state or a court of the respondent’s home state has declined to exercise jurisdiction because this State is a more appropriate forum; or

(b) the respondent has a home state, a petition for an appointment or order is not pending in a court of that state or another significant‑connection state and, before the court makes the appointment or issues the order:

(i) a petition for an appointment or order is not filed in the respondent’s home state;

(ii) an objection to the court’s jurisdiction is not filed by a person required to be notified of the proceeding; and

(iii) the court concludes that it is an appropriate forum pursuant to the factors provided in Section 62‑5‑710(C);

(3) this State does not have jurisdiction pursuant to either subsection (1) or (2), the respondent’s home state and all significant‑connection states have declined to exercise jurisdiction because this State is the more appropriate forum, and jurisdiction in this State is consistent with the constitutions of this State and the United States; or

(4) the requirements for special jurisdiction pursuant to Section 62‑5‑708 are met.

Section 62‑5‑708. (A) The court lacking jurisdiction pursuant to Section 62‑5‑707(1) through (3) has special jurisdiction to do any of the following:

(1) appoint a guardian in an emergency pursuant to this article for a term not exceeding ninety days for a respondent who is physically present in this State;

(2) issue a protective order with respect to real or tangible personal property located in this State;

(3) appoint a guardian or conservator for an incapacitated or protected person for whom a provisional order to transfer the proceeding from another state has been issued pursuant to procedures similar to Section 62‑5‑714.

(B) If a petition for the appointment of a guardian in an emergency is brought in this State pursuant to this article and this State was not the respondent’s home state on the date the petition was filed, the court shall dismiss the proceeding at the request of the court of the home state, if any, whether dismissal is requested before or after the emergency appointment.

Section 62‑5‑709. Except as otherwise provided in Section 62‑5‑708, a court that has appointed a guardian or issued a protective order consistent with this article has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own terms.

Section 62‑5‑710. (A) The court having jurisdiction pursuant to Section 62‑5‑707 to appoint a guardian or issue a protective order may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

(B) If the court declines to exercise its jurisdiction pursuant to subsection (A), it shall either dismiss or stay the proceeding. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian or issuance of a protective order be filed promptly in another state.

(C) In determining whether it is an appropriate forum, the court shall consider all relevant factors, including:

(1) the expressed preference of the respondent;

(2) whether abuse, neglect, or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect, or exploitation;

(3) the length of time the respondent was physically present in or was a legal resident of this or another state;

(4) the distance of the respondent from the court in each state;

(5) the financial circumstances of the respondent’s estate;

(6) the nature and location of the evidence;

(7) the ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;

(8) the familiarity of the court of each state with the facts and issues in the proceeding; and

(9) if an appointment is made, the court’s ability to monitor the conduct of the guardian or conservator.

Section 62‑5‑711. (A) If at any time the court determines that it acquired jurisdiction to appoint a guardian or issue a protective order because of unjustifiable conduct, the court may:

(1) decline to exercise jurisdiction;

(2) exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the respondent or the protection of the respondent’s property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction; or

(3) continue to exercise jurisdiction after considering:

(a) the extent to which the respondent and all persons required to be notified of the proceedings have acquiesced in the exercise of the court’s jurisdiction;

(b) whether it is a more appropriate forum than the court of any other state pursuant to the factors provided in Section 62‑5‑710(C); and

(c) whether the court of any other state would have jurisdiction under factual circumstances in substantial conformity with the jurisdictional standards of Section 62‑5‑708.

(B) If the court determines that it acquired jurisdiction to appoint a guardian or issue a protective order because a party seeking to invoke its jurisdiction engaged in unjustifiable conduct, it may assess against that party necessary and reasonable expenses, including attorney’s fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court may not assess fees, costs, or expenses of any kind against this State or a governmental subdivision, agency, or instrumentality of this State unless authorized by law other than this article.

Section 62‑5‑712. If a petition for the appointment of a guardian or issuance of a protective order is brought in this State and this State was not the respondent’s home state on the date the petition was filed, in addition to complying with the notice requirements of this State, notice of the petition must be given to those persons who would be entitled to notice of the petition if a proceeding were brought in the respondent’s home state. The notice must be given in the same manner as notice is required to be given in this State.

Section 62‑5‑713. Except for a petition for the appointment of a guardian in an emergency or issuance of a protective order limited to property located in this State pursuant to Section 62‑5‑708(A)(1) or (2), if a petition for the appointment of a guardian or issuance of a protective order is filed in this State and in another state and neither petition has been dismissed or withdrawn, the following rules apply:

(1) if the court has jurisdiction pursuant to Section 62‑5‑707, it may proceed with the case unless a court in another state acquires jurisdiction under provisions similar to Section 62‑5‑707 before the appointment or issuance of the order.

(2) if the court does not have jurisdiction pursuant to Section 62‑5‑707, whether at the time the petition is filed or at any time before the appointment or issuance of the order, the court shall stay the proceeding and communicate with the court in the other state. If the court in the other state has jurisdiction, the court in this State shall dismiss the petition unless the court in the other state determines that the court in this State is a more appropriate forum.

Section 62‑5‑714. (A) A guardian or conservator appointed in this State may petition the court to transfer the guardianship or conservatorship to another state.

(B) Notice of a petition pursuant to subsection (A) must be given to the persons that would be entitled to notice of a petition in this State for the appointment of a guardian or conservator.

(C) On the court’s own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the petition, the court shall hold a hearing on a petition filed pursuant to subsection (A), except that no hearing shall be required if a consent order is signed by all parties who have pled, defended, or otherwise participated in the proceeding, as provided by the South Carolina Rules of Civil Procedure.

(D) The court shall issue an order provisionally granting a petition to transfer a guardianship and shall direct the guardian to petition for guardianship in the other state if the court is satisfied that the guardianship will be accepted by the court in the other state and the court finds that:

(1) the incapacitated person is physically present in or is reasonably expected to move permanently to the other state;

(2) an objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the incapacitated person; and

(3) plans for care and services for the incapacitated person in the other state are reasonable and sufficient.

(E) The court shall issue a provisional order granting a petition to transfer a conservatorship and shall direct the conservator to petition for conservatorship in the other state if the court is satisfied that the conservatorship will be accepted by the court of the other state and the court finds that:

(1) the protected person is physically present in or is reasonably expected to move permanently to the other state, or the protected person has a significant connection to the other state considering the factors provided in Section 62‑5‑707(2)(b);

(2) an objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the protected person; and

(3) adequate arrangements will be made for management of the protected person’s property.

(F) The court shall issue a final order confirming the transfer and terminating the guardianship or conservatorship upon its receipt of:

(1) a provisional order accepting the proceeding from the court to which the proceeding is to be transferred which is issued under provisions similar to Section 62‑5‑715; and

(2) the documents required to terminate a guardianship or conservatorship in this State.

Section 62‑5‑715. (A) To confirm transfer of a guardianship or conservatorship transferred to this State under provisions similar to Section 62‑5‑714, the guardian or conservator must petition the court in this State to accept the guardianship or conservatorship. The petition must include a certified copy of the other state’s provisional order of transfer.

(B) Notice of a petition pursuant to subsection (A) must be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian or issuance of a protective order in both the transferring state and this State. The notice must be given in the same manner as notice is required to be given in this State.

(C) On the court’s own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subsection (A).

(D) The court shall issue an order provisionally granting a petition filed pursuant to subsection (A) unless:

(1) an objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the incapacitated or protected person; or

(2) the guardian or conservator is ineligible for appointment in this State.

(E) The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator in this State upon its receipt from the court from which the proceeding is being transferred of a final order issued pursuant to provisions similar to Section 62‑5‑714 transferring the proceeding to this State.

(F) Not later than ninety days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the law of this State.

(G) In granting a petition pursuant to this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the incapacitated or protected person’s incapacity and the appointment of the guardian or conservator.

(H) The denial by the court of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in this State pursuant to another provision of this article if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

Section 62‑5‑716. (A) If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this State, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register, may register the guardianship order in this State by filing as a foreign judgment in a court, in any appropriate county of this State, certified copies of the order and letters of office.

(B) If a conservator has been appointed in another state and a petition for a protective order is not pending in this State, the conservator appointed in the other state, after giving notice to the appointing court of an intent to register, may register the protective order in this State by filing as a foreign judgment in a court of this State, in any county in which property belonging to the protected person is located, certified copies of the order and letters of office and of any bond.

(C)(1) Upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except as prohibited under the laws of this State, including maintaining actions and proceedings in this State and, if the guardian or conservator is not a resident of this State, subject to any conditions imposed upon nonresident parties.

(2) A probate court of this State may grant any relief available pursuant to the provisions of this article and other law of this State to enforce a registered order.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. 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.

SECTION 4. The provisions of this act take effect on January 1, 2011, and apply to guardianship and protective proceedings begun on or after that date. /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

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

**S. 1330--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

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.

Rep. ALLISON explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | H. B. Brown | Cato |
| Chalk | Clemmons | Clyburn |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Millwood | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Toole | Umphlett |
| Vick | Viers | Weeks |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--106**

Those who voted in the negative are:

**Total--0**

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

**S. 879--DEBATE ADJOURNED**

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

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.

**ORDERED TO THIRD READING**

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

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.

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

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5019 -- Reps. Huggins, Ballentine, E. H. Pitts, 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, 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, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO CONGRATULATE THE AIR FORCE JUNIOR ROTC PROGRAM OF IRMO HIGH SCHOOL ON BEING CHOSEN AS THE BEST AIR FORCE JUNIOR ROTC UNIT IN THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5020 -- Reps. Horne, Harrell, Knight and A. D. Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR E. JAMES "JIM" ATKINSON, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5021 -- Rep. Toole: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE WHITE KNOLL HIGH SCHOOL VARSITY BASEBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2010 CLASS AAAA STATE CHAMPIONSHIP,

AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5022 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JOHNNY KISER OF BISHOPVILLE AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5023 -- Rep. G. A. Brown: A HOUSE RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF ROBERT WAYNE SMITH OF LEE COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND TO HIS MANY FRIENDS

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5024 -- Reps. Kelly, Parker, Cole, Allison, Forrester, Millwood and Mitchell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION AT THE JUNCTION OF UNITED STATES HIGHWAY 29 AND ZION HILL ROAD IN SPARTANBURG COUNTY "REPRESENTATIVE LANNY F. LITTLEJOHN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "REPRESENTATIVE LANNY F. LITTLEJOHN INTERSECTION".

Whereas, the Honorable Lanny F. Littlejohn for twenty‑two years has conscientiously and energetically represented the citizens of District 33 in the House of Representatives of this great State; and

Whereas, now a retired businessman residing in Pacolet, Lanny Littlejohn was born in 1942 to George and Shirley Peteus Littlejohn of Spartanburg County. In 1965, he earned his bachelor’s degree at Spartanburg Methodist College, after which he completed further degrees at Western Carolina University and Converse College; and

Whereas, at the call of his country, he served in the United States Army from 1961 to 1965, and from 1967 to 1978 he served the upcoming generation as teacher‑coach and elementary school principal; and

Whereas, a man with a deep sense of civic responsibility, Lanny Littlejohn over the years has served his community and State as part of a number of organizations, among them the South Carolina Forestry Commission, Tri‑Pacolet Area Chamber of Commerce Board, Pacolet Lions Club, South Carolina Jaycees, South Carolina Barbers’ Association, Agriculture Commission of South Carolina, Spartanburg County Recreational Board, and Spartanburg School District Three as its board chairman; and

Whereas, as a House member, Representative Littlejohn has given invaluable leadership as Chairman of the Operations and Management Committee and as third Vice Chairman of the Ways and Means Committee. In the past, he has served on the Education Committee, and he is a former chairman of the Spartanburg County Delegation; and

Whereas, devoted husband of the former Jean Miley since 1966 and proud father of three children, Representative Littlejohn counts as one of his chief blessings the strong support of his family. The Littlejohns are members of Morning Side Baptist Church, another source of family unity and strength, and Lanny Littlejohn serves as a deacon there; and

Whereas, it is fitting and proper for the members of the General Assembly to forever recognize the many accomplishments of our distinguished colleague by naming an intersection in Spartanburg County in his honor. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly request that the Department of Transportation name the intersection at the junction of United States Highway 29 and Zion Hill Road in Spartanburg County “Representative Lanny F. Littlejohn Intersection” and erect appropriate markers or signs at this intersection that contain the words “Representative Lanny F. Littlejohn Intersection”.

Be it further resolved that a copy of this resolution be forwarded to the Department of Transportation.

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

**S. 1338--DEBATE ADJOURNED**

Rep. RICE moved to adjourn debate upon the following Bill until Wednesday, May 26, which was adopted:

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

**S. 329--DEBATE ADJOURNED**

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

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.

**S. 879--DEBATE ADJOURNED**

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

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.

**ORDERED TO THIRD READING**

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

H. 4829 -- Rep. G. A. Brown: A BILL TO AMEND SECTION 39-5-38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DECEPTIVE OR MISLEADING ADVERTISEMENT OF A LIVE MUSICAL PERFORMANCE, SO AS TO DEFINE A SOUND RECORDING, AND TO PROVIDE CERTAIN EXEMPTIONS, REMEDIES, AND A FINE.

Rep. HUGGINS explained the Bill.

S. 406 -- Senator Grooms: A BILL TO AMEND SECTION 40-60-35 OF THE 1976 CODE, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, TO REDUCE THE NUMBER OF HOURS OF INSTRUCTION EACH YEAR FOR ASSESSORS WITH AN ACTIVE LICENSE OR CERTIFICATION FROM NINE HOURS TO SEVEN HOURS, AND TO MAKE TECHNICAL CHANGES.

Rep. MERRILL explained the Bill.

S. 1014 -- Senators Jackson, Rose and Ford: A BILL TO AMEND SECTION 33-31-1402, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISSOLUTION OF NONPROFIT CORPORATIONS BY DIRECTORS, MEMBERS, AND THIRD PERSONS, SO AS TO PROVIDE THAT BEFORE THE SECRETARY OF STATE MAY ACCEPT FOR FILING ARTICLES OF DISSOLUTION OF AN EXISTING NONPROFIT RELIGIOUS OR CHARITABLE ORGANIZATION EXECUTED BY A PERSON AUTHORIZED BY THIS SECTION TO TAKE SUCH ACTION, THE SECRETARY OF STATE SHALL REQUIRE THIS PERSON TO ATTACH AN AFFIDAVIT TO THE FILING WHERE THE PERSON UNDER OATH SUBJECT TO A PENALTY OF PERJURY CERTIFIES THAT HE HOLDS THE REQUISITE AUTHORITY TO TAKE SUCH ACTION.

Rep. HARRISON explained the Bill.

S. 1028 -- Senator Leventis: A BILL TO AMEND SECTION 32-8-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION, SO AS TO ALSO PERMIT A PERSON NAMED IN THE DECEDENT'S DD FORM 93 TO AUTHORIZE CREMATION IF THE DECEDENT SERVED IN THE MILITARY SERVICES IF THERE IS NO SUCH DESIGNATION IN THE WILL OR OTHER VERIFIED AND ATTESTED DOCUMENT OF THE DECEDENT.

Rep. J. E. SMITH explained the Bill.

S. 1167 -- Senators L. Martin, Bryant, Bright, Cromer, Rose, S. Martin, Campsen and Alexander: A BILL TO REPEAL CHAPTER 29, TITLE 23 OF THE 1976 CODE, RELATING TO THE SUBVERSIVE ACTIVITIES REGISTRATION ACT.

Rep. DELLENEY explained the Bill.

**S. 1025--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38-73-737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY-FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\4045DW10), which was adopted:

Amend the bill, as and if amended, Section 38‑73‑736(A)(1)(b), SECTION 1, page 1, line 40, after /licensed/ by inserting / or approved/

When amended Section 38‑73‑736(A)(1)(b) reads:

/(b) is administered by a driver’s training school that is licensed or approved by the Department of Motor Vehicles or exempt pursuant to Chapter 23 of Title 56; /

Amend further, Section 38‑73‑736(A)(2)(b), SECTION 1, page 2, line 10, after /licensed/ by inserting / or approved /

When amended Section 38‑73‑736(A)(2)(b) reads:

/ (b) is administered by a driver’s training school that is licensed or approved by the Department of Motor Vehicles or exempt pursuant to Chapter 23, Title 56; /

Amend further, Section 38‑73‑736(A)(2)(c), SECTION 1, page 2, line 13, by striking at the end /and/.

When amended Section 38‑73‑736(A)(2)(c) reads:

/ (c) is conducted by a person holding a valid driver’s instructor permit pursuant to Chapter 23, Title 56; /

Amend further, Section 38‑73‑736(A)(2)(e), SECTION 1, page 2, line 19, by striking /Section 38‑73‑737(1)/ and inserting / Section 38‑73‑737(A)(1) /

When amended Section 38‑73‑736(A)(2)(e) reads:

/ (e) is taken by a person that has previously completed successfully an approved driver training course, an approved driver training refresher course, or an approved driver’s education course as defined in Section 38‑73‑737(A)(1) before the termination of the preceding course’s effective period. /

Amend further, Section 38‑73‑736(A)(3)(a), SECTION 1, page 2, line 24, by adding at the end / and /

When amended Section 38‑73‑736(A)(3)(a) reads:

/ (a) the person has successfully completed the course; and /

Amend further, Section 38‑73‑737(A)(1)(b), SECTION 2, page 5, line 26, by adding at the end / and /

When amended Section 38‑73‑737(A)(1)(b) reads:

/ (b) is administered by a driver’s training school that is licensed by the Department of Motor Vehicles or a state institution or duly accredited and approved college, private, parochial, or public high school pursuant to Chapter 23, Title 56; and /

Amend further, Section 38‑73‑737(A)(2)(a), SECTION 2, page 5, line 33, by adding at the end / and /

When amended Section 38‑73‑737(A)(2)(a) reads:

/ (a) the person has successfully completed the course; and /

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

/ SECTION \_. Section 38‑77‑112 of the 1976 Code, as last amended by Act 154 of 1997, is further amended to read:

“Section 38‑77‑112. ~~Notwithstanding Section 38‑77‑280, no~~ An automobile insurer is not required to write coverage for automobile insurance as defined in Section 38‑77‑30 for ~~any~~ an applicant or existing policyholder. An insurer or ~~an agent~~ a producer shall retain, for ~~a period of~~ at least three years, the ~~driver’s license numbers for all persons who have submitted an application for insurance but who were refused~~ records of refusals of coverage including the reason for the refusal of coverage and shall furnish ~~such~~ this information upon the request of the director of the Department of Insurance or his designee. ~~This section does not apply to an individual who is handicapped and who owns a vehicle in this State but who does not have a valid driver’s license. If an automobile is principally garaged and operated in this State, the owner of the vehicle can be offered coverage thereon regardless of whether or not he possesses a valid South Carolina driver’s license if he designates to the insurer who the principal operator of the vehicle will be and this person has a valid South Carolina driver’s license or otherwise meets the requirements of this section. This requirement does not apply to personnel of the Armed Forces of the United States on active duty and officially stationed in this State who possess a valid motor vehicle driver’s license issued by another state or territory of the United States or the District of Columbia. This requirement is waived ninety days for individuals who move into South Carolina with the intent of making South Carolina their place of residence if they possess a valid driver’s license issued by another state or territory of the United States or the District of Columbia.~~” /

Amend further by striking SECTION 3 in its entirety and inserting:

/ SECTION \_. Unless otherwise provided, this act takes effect upon approval by the Governor. The provisions of this act amending Section 38‑73‑736 and Section 38‑73‑737 take effect December 31, 2010. /

Renumber sections to conform.

Amend title to conform.

Rep. BRADY explained the amendment.

The amendment was then adopted.

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

**S. 2--DEBATE ADJOURNED**

Rep. WHITE moved to adjourn debate upon the following Bill until Wednesday, May 26, which was adopted:

S. 2 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright, L. Martin and Rankin: A BILL TO AMEND SECTION 11-11-410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IMPLEMENTATION OF THE LIMIT ON STATE SPENDING IMPOSED PURSUANT TO SECTION 7(C), ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO REVISE THIS LIMIT BY IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN-YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES AND THE CREATION OF A SEPARATE BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT, THE REVENUES OF WHICH MUCH FIRST BE USED TO STABILIZE GENERAL FUND REVENUES AVAILABLE FOR APPROPRIATION, TO DEFINE EMERGENCIES AND TO PROVIDE FOR SUSPENSION OF THIS APPROPRIATIONS LIMIT IN EMERGENCIES, TO PROVIDE THAT A CASH BALANCE IN THE BUDGET STABILIZATION FUND IN EXCESS OF FIFTEEN PERCENT OF GENERAL FUND REVENUES OF THE MOST RECENT COMPLETED FISCAL YEAR MAY BE APPROPRIATED IN SEPARATE LEGISLATION FOR VARIOUS NONRECURRING PURPOSES, AND TO DEFINE SURPLUS GENERAL FUND REVENUES.

**S. 981--DEBATE ADJOURNED**

Rep. BANNISTER moved to adjourn debate upon the following Bill until Wednesday, May 26, which was adopted:

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.

**S. 850--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 850 -- Senator McGill: A BILL TO AMEND SECTION 12-6-5060 OF THE 1976 CODE, RELATING TO THE DESIGNATION ON AN INCOME TAX RETURN OF A VOLUNTARY CONTRIBUTION TO CERTAIN FUNDS, TO PROVIDE THAT A TAXPAYER MAY CONTRIBUTE TO THE SOUTH CAROLINA FORESTRY COMMISSION FOR USE IN THE STATE FOREST SYSTEM.

Rep. WHITE proposed the following Amendment No. 1 (COUNCIL\BBM\9793HTC10), which was adopted:

Amend the bill, as and if amended, page 2, by adding a penultimate SECTION appropriately numbered to read:

/ SECTION \_\_. Section 12‑54‑250(E) of the 1976 Code is amended to read:

“(E) ~~Payment by immediately available funds and filing of the return are considered simultaneous acts with respect to penalties and interest for failure to file and failure to pay. Penalties and interest must be calculated based on the later of the return postmark date or payment date.~~ RESERVED” /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

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

**S. 594--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 594 -- Senator Leatherman: A BILL TO AMEND SECTION 59-147-30 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

Rep. COOPER proposed the following Amendment No. 1 (COUNCIL\AGM\18091BJ10), which was adopted:

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

/ SECTION 1. Section 59‑101‑620 of the 1976 Code, as added by Act 143 of 2005, is amended to read:

“Section 59‑101‑620. (A) A public institution of higher learning may offer educational fee waivers to no more than ~~four~~ eight percent of the undergraduate student body. Any fee waivers above four percent must be used for in‑state students. for purposes of this section, in‑state student is defined by Section 59‑112‑20(A).

(B) State‑supported institutions of higher learning to which subsection (A) applies annually shall report to the Commission on Higher Education the amount of the waivers provided during that fiscal year and other information as the commission may require in regard to these waivers.”

SECTION 2. Article 2, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59‑101‑670. Four‑year and graduate level public institutions of higher learning in this State, not including technical colleges, with approval of the Budget and Control Board may enter into one or more ground lease agreements with a private entity whereby the private entity provides all services necessary for the creation and operation of institution infrastructure including, but not limited to, financing, designing, constructing, managing, operating, maintaining, and related services. Upon expiration of the ground lease agreement term, the private entity shall surrender to the institution the premises with the existing buildings, other structures, and improvements constructed and located thereon and therein, in the same condition as when the construction of the buildings, other structures, and improvements were completed, only natural and normal wear and tear excepted. The Budget and Control Board shall approve all ground lease agreement terms and conditions including the consideration involved. The full faith and credit of the State toward the lease obligations may not be pledged, and any statement to the contrary is deemed null and void as a matter of public policy. The private entity may be a nonprofit organization. Budget and Control Board approval required is instead of or a substitute for any other approval required by any other provision of law or regulation in connection with the undertaking of the private entity and the subject institution; however, the private entity and the subject institution shall adhere to fire, life, and safety codes as required by the office. This section and the approval required by this section does not exempt any transaction or entity from complying with Chapter 35, Title 11 of the 1976 Code. ”

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

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

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

**S. 1120--DEBATE ADJOURNED**

Rep. SELLERS moved to adjourn debate upon the following Bill until Wednesday, May 26, which was adopted:

S. 1120 -- Senators Lourie, Pinckney, Williams, Leventis, Anderson, Land and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-1360 SO AS TO PROHIBIT HEALTH CARE PROVIDERS FROM ENGAGING IN DEBT COLLECTION ACTIVITIES RELATING TO MEDICAL TREATMENT RECEIVED IN CONNECTION WITH A CLAIM FOR COMPENSATION OF A VICTIM OF CRIME UNTIL AN AWARD IS MADE OR A CLAIM IS DENIED AND TO STAY THE STATUTE OF LIMITATIONS FOR THE COLLECTION OF THIS DEBT UNDER CERTAIN CIRCUMSTANCES.

**S. 107--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler and L. Martin: A BILL TO AMEND SECTION 16-3-654 OF THE 1976 CODE, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE, TO INCLUDE SEXUAL BATTERY WHEN THE VICTIM IS A STUDENT SIXTEEN YEARS OF AGE OR OLDER AND THE ACTOR IS A PERSON EMPLOYED AT A PUBLIC OR PRIVATE SECONDARY SCHOOL, UNDER CERTAIN CIRCUMSTANCES.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7858AHB10), which was adopted:

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

/ SECTION \_\_.“Section 1‑23‑525. ~~No~~ A member of any General Assembly who is not otherwise prohibited from being elected to an administrative law judge position ~~may~~ must not be elected to ~~such~~ that position while he is a member of the General Assembly and for a period of ~~four years~~ one year after he ceases to be a member of the General Assembly.” /

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

**POINT OF ORDER**

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

SPEAKER HARRELL stated that Amendment No. 1 was identical to a previously passed House Bill that came from the Judiciary Committee and that Amendment No. 1 was a committee amendment in compliance with the House Rules under Rules 9.3 and 4.7. Therefore, he overruled the Point of Order.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

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

**S. 348--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman, Knotts and Rose: A BILL TO AMEND SECTION 16-3-95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63-13-825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\12397AC10), which was adopted:

Amend the bill, as and if amended, by Striking SECTIONS 1 and 2 of the bill in their entirety.

Renumber sections to conform.

Amend title to conform.

Rep. KELLY explained the amendment.

The amendment was then adopted.

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

**S. 717--DEBATE ADJOURNED**

The following Bill was taken up:

S. 717 -- Senators Coleman, Setzler, Land, Campbell and Hayes: A BILL TO AMEND SECTIONS 12-36-2120 AND 12-37-220, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS AND PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT MACHINERY, EQUIPMENT, BUILDING AND OTHER RAW MATERIALS, AND ELECTRICITY USED BY A FACILITY OWNED BY A TAX EXEMPT ORGANIZATION INVESTING AT LEAST TWENTY MILLION DOLLARS OVER THREE YEARS IN THE FACILITY WHEN THAT FACILITY IS USED PRINCIPALLY FOR RESEARCHING AND TESTING THE IMPACT OF NATURAL HAZARDS SUCH AS WIND, FIRE, EARTHQUAKE, AND HAIL ON BUILDING MATERIALS USED IN RESIDENTIAL, COMMERCIAL, AND AGRICULTURAL BUILDINGS.

Rep. DELLENEY proposed the following Amendment No. 1 (COUNCIL\AGM\18078AB10):

Amend the bill, as and if amended, by deleting SECTION 2 in its entirety.

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

Rep. DELLENEY moved to adjourn debate on the Bill until Wednesday, May 26, which was agreed to.

**RATIFICATION OF ACTS**

At 1:30 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R219, S. 134) -- Senators Sheheen, Verdin, Fair, Campsen and S. Martin: AN ACT 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 WITHOUT PENALTY OR REWARD, AND ALLOWS STUDENTS TO ORGANIZE AND PARTICIPATE IN RELIGIOUS STUDENT GATHERINGS TO THE SAME EXTENT AS SECULAR NONCURRICULAR GROUPS.

(R220, S. 372) -- Senators Hayes and Ford: AN ACT TO AMEND SECTION 62‑2‑207, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, SO AS TO CLARIFY THAT AN INTEREST AS A BENEFICIARY IN A TESTAMENTARY TRUST OR IN PROPERTY PASSING TO AN INTER VIVOS TRUST THROUGH THE DECEDENT’S WILL IS A BENEFICIAL INTEREST CHARGEABLE TO THE ELECTIVE SHARE; AND TO AMEND SECTION 62‑7‑401, RELATING TO CREATION OF A TRUST, SO AS TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE’S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

(R221, S. 728) -- Senators Hayes, Fair and Ford: AN ACT TO AMEND SECTION 12‑65‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENTITLEMENT TO TAX CREDITS UNDER THE TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO FURTHER PROVIDE FOR THE APPLICABILITY OF SPECIFIC REQUIREMENTS FOR TEXTILE MILL SITES ACQUIRED BEFORE AND AFTER 2007, TO REVISE THE ALLOWABLE AMOUNT OF THE CREDITS IN CERTAIN INSTANCES, TO PROVIDE THAT THE TAX CREDITS ALLOWED INCLUDE CREDITS AGAINST INSURANCE PREMIUM TAXES, TO MAKE A TECHNICAL CORRECTION, TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CREDITS ARE VESTED IN A TAXPAYER AND MAY BE ALLOCATED TO PARTNERS OR MEMBERS, AND PROVIDE WHEN A TAXPAYER IS NOT ELIGIBLE FOR THE CREDITS; BY ADDING SECTION 12‑65‑50 SO AS TO PROVIDE TRANSITION RULES APPLICABLE TO SPECIFIC MILL SITES; BY ADDING SECTION 12‑65‑60 SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY CERTIFICATION PROCESS; TO AMEND SECTION 12‑65‑20, RELATING TO DEFINITIONS UNDER THE TEXTILE COMMUNITIES REVITALIZATION ACT, SO AS TO REVISE THE DEFINITION OF A “TEXTILE MILL”; AND TO AMEND SECTION 4‑9‑195, AS AMENDED, RELATING TO THE GRANT OF SPECIAL PROPERTY TAX ASSESSMENTS TO “REHABILITATED HISTORIC PROPERTY” OR “LOW AND MODERATE INCOME RENTAL PROPERTY”, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN THE PROPERTY BECOMES DISQUALIFIED FOR THE SPECIAL ASSESSMENT.

(R222, S. 836) -- Senator Cromer: AN ACT TO AMEND SECTION 51‑13‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO DELETE PROVISIONS THAT AUTHORIZE THE RIVERBANKS PARKS COMMISSION TO ADOPT RULES AND REGULATIONS REGARDING PARK PROPERTY AND AUTHORIZE THE COMMISSION TO EMPLOY POLICE OFFICERS, TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY, AND TO DELETE THE PROVISION THAT FINES AND FORFEITURES COLLECTED PURSUANT TO SECTIONS 51‑13‑50 THROUGH 51‑13‑80 BE FORWARDED TO THE RIVERBANKS PARKS COMMISSION.

(R223, S. 906) -- Senators Leatherman, Land, Coleman and Elliott: AN ACT TO AMEND SECTION 9‑8‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS 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.

(R224, S. 910) -- Senator Land: AN ACT TO AMEND SECTION 6‑21‑185, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A SPECIAL PURPOSE DISTRICT MORTGAGE TO SECURE CERTAIN BONDS OR LOANS WHEN THE SPECIAL PURPOSE DISTRICT PROVIDES HOSPITAL, NURSING HOME, OR CARE FACILITIES, SO AS TO REMOVE LIMITATIONS REGARDING ACCOMMODATIONS TAX COLLECTIONS FROM THE AUTHORITY OF A DISTRICT TO MORTGAGE ITS PROPERTY UNDER THE REVENUE BOND ACT FOR UTILITIES; BY ADDING SECTION 6‑17‑95 SO AS TO AUTHORIZE A MUNICIPALITY PROVIDING HOSPITAL, NURSING HOME, OR CARE FACILITIES TO BORROW MONEY IN A MANNER THAT IS CONSISTENT WITH SECTION 44‑7‑60; AND BY ADDING SECTION 6‑11‑101 SO AS TO CLARIFY THE POWERS OF HOSPITAL DISTRICTS INCLUDING OWNING, LEASING, OPERATING, MAINTAINING, CONVEYING, SELLING, OR MORTGAGING OF HOSPITAL FACILITIES.

(R225, S. 1130) -- Senator Grooms: AN ACT TO AMEND SECTION 50‑15‑65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLIGATOR MANAGEMENT PROGRAM AND CONDITIONS UNDER WHICH ALLIGATORS MAY BE HUNTED OR TAKEN, SO AS TO PROHIBIT A DEPREDATION PERMIT HOLDER TO SELL, BARTER, OR TRADE THE PRIVILEGE TO TAKE AN ALLIGATOR; TO AMEND SECTION 50‑9‑30, RELATING TO THE REQUIREMENTS FOR OBTAINING A RESIDENT HUNTING OR FISHING LICENSE, SO AS TO FURTHER SPECIFY RESIDENCY REQUIREMENTS; TO AMEND SECTION 50‑9‑920, RELATING TO THE DEPOSITING OF REVENUE GENERATED BY THE SALE OF LICENSES INTO CERTAIN FUNDS, SO AS TO CHANGE THE NAME OF THE GAME PROTECTION FUND TO THE FISH AND WILDLIFE PROTECTION FUND AND TO PROVIDE THAT REVENUE GENERATED FROM APPLICATION FEES, PERMITS, AND TAGS FOR THE PRIVILEGE OF TAKING ALLIGATORS MUST BE USED TO SUPPORT THE ALLIGATOR MANAGEMENT PROGRAM; AND BY ADDING ARTICLE 6 TO CHAPTER 9, TITLE 50 SO AS TO PROVIDE APPLICATION REQUIREMENTS AND FEES FOR THE PRIVILEGE OF TAKING ALLIGATORS.

(R226, S. 1187) -- Senator Leatherman: AN ACT TO AMEND SECTION 28‑11‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REIMBURSEMENT OF PROPERTY OWNERS FOR CERTAIN EXPENSES RELATED TO THE TAKING OF LAND FOR PUBLIC USE, SO AS TO PROVIDE THAT REESTABLISHMENT EXPENSES PERTAINING TO MOVING A SMALL BUSINESS, FARM, OR NONPROFIT ORGANIZATION PAYABLE FOR TRANSPORTATION PROJECTS PURSUANT TO FEDERAL GUIDELINES AND REGULATIONS MAY BE PAID IN AN AMOUNT UP TO FIFTY THOUSAND DOLLARS, NOTWITHSTANDING A LOWER LIMITATION IMPOSED BY FEDERAL REGULATIONS.

(R227, 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.

(R228, S. 1204) -- Senator Leatherman: AN ACT TO AMEND SECTION 48‑5‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USES OF THE CLEAN WATER FUND, SO AS 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 REVOLVING LOAN FUND, SO AS TO ALLOW ANY USE PRESCRIBED BY ANY FEDERAL LAW GOVERNING OR APPROPRIATING FUNDS FOR THE DRINKING WATER FUND.

(R229, S. 1261) -- Senator Cromer: AN ACT 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 SUBMIT THE MATTER TO THE STATE FORESTER; TO PROVIDE THAT LAND USED BY THE DEPARTMENT FOR AGRICULTURE OR MANAGED FOREST LAND BEFORE ACQUISITION BY THE DEPARTMENT MUST BE MANAGED AND TIMBER HARVESTED TO PROVIDE OPTIMUM FISH AND WILDLIFE HABITAT; TO REVISE PROCEDURES FOR ADVERTISING FOR BIDS ON THE TIMBER; TO PROVIDE THAT THE STATE FORESTER MUST APPROVE THE IMMEDIATE HARVEST OF TIMBER IF AN ECOLOGICAL OR SILVICULTURE EMERGENCY OR NATURAL DISASTER OCCURS NECESSITATING SUCH HARVEST OF TIMBER; TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT, RATHER THAN THE BOARD, TO EXECUTE DEEDS AND CONTRACTS REQUIRED IN CARRYING OUT THIS ARTICLE; TO DELETE THE PROVISION REQUIRING THE STATE FORESTER TO HAVE TREES MARKED BEFORE CUTTING BEGINS; 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.

(R230, S. 1300) -- Senators Shoopman, Cromer, Davis, Grooms, Bryant, Campbell, Rose, Alexander, Verdin, Campsen, Bright, McConnell, Fair, Cleary and L. Martin: AN ACT TO AMEND SECTION 14‑7‑845, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTPONEMENT OF JURY SERVICE FOR STUDENTS AND SCHOOL EMPLOYEES, SO AS TO PROVIDE THAT PUBLIC OR PRIVATE SCHOOL EMPLOYEES AND OTHER DELINEATED PERSONS RESPONSIBLE FOR THE EDUCATION OR INSTRUCTION OF A CHILD MAY REQUEST A POSTPONEMENT OF JURY SERVICE; AND TO AMEND SECTION 14‑7‑860, AS AMENDED, RELATING TO EXCUSAL OF JURORS FOR GOOD CAUSE, SO AS TO CLARIFY THAT THE APPLICATION FOR EXCUSAL FROM JURY SERVICE BE IN THE FORM OF AN AFFIDAVIT.

(R231, S. 1328) -- Senators Peeler and Land: AN ACT 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.

(R232, S. 1340) -- Senator Cromer: AN ACT 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 THE BOUNDARIES FOR CERTAIN 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 STURGEON AND TO ADD EEL AND TO DELETE PENALTIES FOR CERTAIN SHAD, HERRING, AND STURGEON 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.

(R233, 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.

(R234, S. 1363) -- Senators Hayes, Setzler and Courson: AN ACT TO AMEND SECTION 59‑26‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NATIONAL BOARD RECERTIFICATION AND PAY INCREASES RELATING TO NATIONAL BOARD CERTIFICATION, SO AS TO PROVIDE THAT TEACHERS WHO RECEIVE NATIONAL BOARD CERTIFICATION BEFORE JULY 1, 2010, SHALL ENTER INTO A RECERTIFICATION CYCLE CONSISTENT WITH THE RECERTIFICATION CYCLE FOR NATIONAL BOARD CERTIFICATION, AND TO PROVIDE THAT NATIONAL BOARD CERTIFIED TEACHERS WHO RECEIVE THE CERTIFICATION BEFORE JULY 1, 2010, SHALL RECEIVE A PAY INCREASE FOR THE INITIAL TEN‑YEAR CERTIFICATION PERIOD AND NO MORE THAN ONE TEN‑YEAR RENEWAL PERIOD.

(R235, S. 1379) -- Senators Peeler, Campbell and O’Dell: AN ACT TO AMEND SECTION 63‑11‑500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM, SO AS TO HONOR THE MEMORY OF CASS ELIAS MCCARTER BY NAMING THE PROGRAM THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM.

(R236, S. 1417) -- Senators Setzler, Knotts, Cromer and Courson: AN ACT TO AMEND SECTION 7‑27‑365, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND ELECTIONS COMMISSION FOR LEXINGTON COUNTY, TO CHANGE THE NUMBER OF ITS MEMBERS FROM SEVEN TO NINE.

(R237, H. 3066) -- Reps. Ballentine, Haley, J.R. Smith, Hamilton, Wylie, Simrill, Huggins, E.H. Pitts, Cobb‑Hunter, Harrell, G.M. Smith, Gullick, J.E. Smith, Merrill, Phillips, Jennings, Owens, G.R. Smith, Daning, Rice, Knight, Funderburk, Harrison, Crawford, Kirsh, Bedingfield, Allison, Stringer, T.R. Young, Agnew, Gunn, Bingham, Toole, Millwood, Stavrinakis, Miller, Battle, Hutto, Erickson, Clemmons, Horne, Lucas, Bales, Whipper and R.L. Brown: AN ACT TO AMEND SECTION 8‑13‑365, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTRONIC FILING OF CAMPAIGN DISCLOSURES AND REPORTS, SO AS TO MAKE IT APPLICABLE TO ALL DISCLOSURES AND REPORTS REQUIRED BY THE PROVISIONS OF CHAPTER 13, TITLE 8 (ETHICS) AND CHAPTER 17, TITLE 2 (LOBBYING).

(R238, H. 3536) -- Reps. J.E. Smith and McLeod: AN ACT TO AMEND SECTION 17‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS TO HAVE OBTAINED CERTAIN LEVELS OF EDUCATION COMBINED WITH VARYING DEGREES OF EXPERIENCE IN THE FIELD, TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON’S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN; AND BY ADDING SECTION 17‑15‑115 SO AS TO PROVIDE CONDITIONS UPON WHICH A DEPUTY CORONER MAY BE TRAINED TO ENFORCE THE LAWS AND RETAIN HIS LAW ENFORCEMENT STATUS.

(R239, H. 3630) -- Rep. Weeks: AN ACT TO AMEND SECTION 5‑15‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT OF A MUNICIPAL ELECTION COMMISSION IN EACH MUNICIPALITY TO CONDUCT MUNICIPAL ELECTIONS, SO AS TO REQUIRE ALL ELECTION COMMISSIONERS AND STAFF TO COMPLETE A TRAINING AND CERTIFICATION PROGRAM CONDUCTED BY THE STATE ELECTION COMMISSION.

(R240, H. 3719) -- Reps. Clemmons, Weeks, Willis and Dillard: AN ACT TO AMEND SECTION 23‑3‑240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23‑3‑250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON SHALL MAKE ARRANGEMENTS FOR ENTRY OF DATA ABOUT THE PERSON INTO THE NATIONAL MISSING PERSON FILE AND PROVIDE THAT LAW ENFORCEMENT AGENCIES SHALL SHARE THIS INFORMATION WITH LOCAL MEDIA OUTLETS; TO AMEND SECTION 23‑3‑270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTER TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23‑3‑330 SO AS TO ESTABLISH THE ENDANGERED PERSON NOTIFICATION SYSTEM WITHIN THE MISSING PERSON INFORMATION CENTER, AND TO PROVIDE FOR ITS PURPOSE AND PROCEDURES.

(R241, H. 3913) -- Rep. Vick: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑5‑1556 SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN THE INSHORE WATERS AND THE TERRITORIAL SEA, EXCLUDING CERTAIN PORTIONS OF THE SAVANNAH RIVER; TO AMEND SECTION 50‑13‑221, RELATING TO STRIPED BASS IN THE LOWER SANTEE AND COOPER RIVERS, SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN CERTAIN FRESHWATER BODIES; AND BY ADDING SECTION 50‑13‑222 SO AS TO ESTABLISH CREEL AND SIZE LIMITS FOR STRIPED BASS IN LAKE RUSSELL, INCLUDING ITS TRIBUTARIES.

(R242, H. 3996) -- Reps. M.A. Pitts and Umphlett: AN ACT TO AMEND SECTION 50‑9‑1130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEDUCTION OF ACCUMULATED POINTS, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO DEDUCT FOUR ACCUMULATED POINTS FROM A PERSON’S RECORD UPON A SHOWING THAT THE PERSON SUCCESSFULLY COMPLETED A DEPARTMENT PROGRAM OF INSTRUCTION ESTABLISHED PURSUANT TO SECTION 50‑9‑310, AND TO PROVIDE EXCEPTIONS.

(R243, H. 4405) -- Reps. Edge, Cobb‑Hunter, Crawford, Harvin, Pinson, Alexander, Gunn, Hutto and Weeks: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑70 SO AS TO DEFINE CERTAIN TERMS, AND TO PROVIDE FOR THE DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER.

(R244, H. 4446) -- Rep. Crawford: AN ACT TO AMEND SECTION 44‑29‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MASS IMMUNIZATION PROJECTS APPROVED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE PARTICIPATION OF MEDICAL PERSONNEL IN THESE PROJECTS, SO AS TO PROVIDE THAT LICENSED NURSES, RATHER THAN REGISTERED NURSES, ARE INCLUDED IN THE PERSONNEL WHO MAY PARTICIPATE IN THESE PROJECTS AND WHO ARE EXEMPT FROM LIABILITY; AND TO AMEND SECTION 44-29-40, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL HAVING GENERAL SUPERVISION OVER VACCINATION, SCREENING AND IMMUNIZATION, SO AS TO REQUIRE THE DEPARTMENT TO ESTABLISH A STATEWIDE IMMUNIZATION REGISTRY, TO REQUIRE HEALTH CARE PROVIDERS TO REPORT THE ADMINISTRATION OF IMMUNIZATIONS TO THE DEPARTMENT, AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.

(R245, H. 4621) -- Reps. Harvin and Weeks: AN ACT TO AMEND SECTION 44‑39‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIABETES INITIATIVE OF SOUTH CAROLINA BOARD, SO AS TO MODIFY THE BOARD’S MEMBERSHIP COMPOSITION AND TERMS OF ITS MEMBERS.

(R246, H. 4828) -- Rep. Huggins: AN ACT TO AMEND ACT 387 OF 1963, AS AMENDED, RELATING TO THE IRMO FIRE DISTRICT, SO AS TO AUTHORIZE THE BOARD OF FIRE CONTROL TO ADOPT RULES AND REGULATIONS TO ENSURE THAT A BUILDING WITHIN THE DISTRICT IS MAINTAINED PROPERLY AND DOES NOT PRESENT A FIRE OR SAFETY HAZARD; AND TO CONVEY TO A FIRE CHIEF OR HIS DESIGNEE THE SAME AUTHORITY THAT A PEACE OFFICER HAS TO ENFORCE REGULATIONS AND OTHER LAWS PROMULGATED OR ADOPTED BY THE DISTRICT.

(R247, H. 4838) -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2009‑2010 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2009‑2010 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2009‑2010; TO REQUIRE A LOCAL SCHOOL DISTRICT TO PAY TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS FOR CHANGES IN THEIR EDUCATION LEVEL; AND TO DEFINE CERTAIN TERMS.

(R248, H. 4916) -- Reps. Lucas, Neilson and Williams: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON APRIL 26, 2010, BY THE STUDENTS OF DARLINGTON COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO A TORNADO IS EXEMPT FROM THE MAKE‑UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Rep. MERRILL moved that the House recede until 3:00 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 3:00 p.m. the House resumed, ACTING SPEAKER D. C. SMITH in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 3161--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. HARRISON moved to adjourn debate on the motion to reconsider whereby the Veto on H. 3161 was sustained until Thursday, May 27, which was agreed to.

**H. 4347--DEBATE ADJOURNED ON MOTION TO RECONSIDER**

Rep. PARKER moved to adjourn debate on the motion to reconsider the vote whereby the Veto on H. 4347 was sustained until Wednesday, May 26, which was agreed to.

**OBJECTION TO RECALL**

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

Rep. CLEMMONS objected.

**H. 4839--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

H. 4839 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO CLARIFY THAT THE PROPERTY TAX EXEMPTION FOR RECIPIENTS OF THE MEDAL OF HONOR AND PRISONERS OF WAR IN CERTAIN CONFLICTS APPLIES TO MEDAL OF HONOR RECIPIENTS REGARDLESS OF WHEN THE MEDAL OF HONOR WAS AWARDED OR THE CONFLICT INVOLVED.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3340 from the Committee on Education and Public Works.

Rep. BOWEN objected.

**S. 1054--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

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

S. 1054 -- Senators Pinckney, Malloy, Matthews, Anderson and Nicholson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO EXTRAORDINARY COMMERCIAL FACILITIES, BY ADDING SECTION 4-1-180 TO ALLOW COUNTIES THAT CREATE A MULTICOUNTY BUSINESS PARK TO DESIGNATE A PORTION OR ALL OF THAT PARK AS A DESIGNATED ECONOMIC DEVELOPMENT SITE FOR EXTRAORDINARY COMMERCIAL FACILITIES.

**R. 218, H. 4923--GOVERNOR'S VETO OVERRIDDEN**

The Veto on the following Act was taken up:

(R218) H. 4923 -- Reps. Govan, Cobb-Hunter, Ott and Sellers: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT NO. 4 OF ORANGEBURG COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE 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.

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 2; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Cobb-Hunter | Sellers |  |

**Total--2**

Those who voted in the negative are:

**Total--0**

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

**H. 4174--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4174 -- Reps. Harvin, Bales, Harrison, G. M. Smith and Wylie: A BILL TO AMEND SECTION 12-37-3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING WHEN A PARCEL OF REAL PROPERTY MUST BE APPRAISED AS A RESULT OF AN ASSESSABLE TRANSFER OF INTEREST, SO AS TO PROVIDE THAT A CONVEYANCE TO A TRUST DOES NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN THE REAL PROPERTY IF THE SETTLOR OR SETTLOR'S SPOUSE CONVEYS THE PROPERTY TO A TRUST THE BENEFICIARIES OF WHICH ARE A CHILD OR CHILDREN OF THE SETTLOR OR THE SETTLOR'S SPOUSE AND TO PROVIDE THAT A CONVEYANCE BY DISTRIBUTION UNDER A WILL OR BY INTESTATE SUCCESSION DOES NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN THE REAL PROPERTY IF THE DISTRIBUTEE IS A CHILD OR CHILDREN OF A DECEDENT AND THE DECEDENT DID NOT HAVE A SPOUSE AT THE DECEDENT'S DATE OF DEATH.

Reps. CLEMMONS, STAVRINAKIS and R. L. BROWN proposed the following Amendment No. 1 (COUNCIL\AGM\18080AB10), which was tabled:

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

/ SECTION 1. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑70. (A) As used in this section:

(1) ‘Association’ means a nonprofit, mandatory membership organization comprised of owners of homes, condominiums, cooperatives, manufactured homes, or interest in real property, created pursuant to a declaration, covenant, or other applicable law.

(2) ‘Transfer’ means the sale, gift, grant, conveyance, assignment, inheritance, or other transfer of an interest in real property located in this State.

(3) ‘Transfer fee’ means a fee or charge imposed by a transfer fee covenant, but does not include a tax, assessment, fee, or charge imposed by a government authority pursuant to applicable laws, ordinances, or regulations.

(4) ‘Transfer fee covenant’ means a provision in a document, whether recorded or not and however denominated, that purports to run with the land or bind current owners or successors in title to specified real property located in this State, and that obligates a transferee or transferor of all or part of the property to pay a fee or charge to a third person upon transfer of an interest in all or part of the property, or in consideration for permitting this transfer. A ‘transfer fee covenant’ does not include:

(a) a provision of a purchase contract, option, mortgage, security agreement, real property listing agreement, or other agreement that obligates one party to the agreement to pay the other, as full or partial consideration for the agreement or for a waiver of rights under the agreement, an amount determined by the agreement, if that amount:

(i) is payable on a one‑time basis only upon the next transfer of an interest in the specified real property and, once paid, does not bind successors in title to the property;

(ii) constitutes a loan assumption or similar fee charged by a lender holding a lien on the property; or

(iii) constitutes a fee or commission paid to a licensed real estate broker for brokerage services rendered in connection with the transfer of the property for which the fee or commission is paid;

(b) provision in a deed, memorandum, or other document recorded for the purpose of providing record notice of an agreement described in subsection (A)(4)(a);

(c) a provision of a document requiring payment of a fee or charge to an association to be used exclusively for purposes authorized in the document if no portion of the fee is required to be passed through to a third party designated or identifiable by description in the document or another document referenced in it, provided that this fee is established by a covenant or other document properly recorded in the Register of Deeds Office for the county in which the property is located; or

(d) a fee received by a holder as defined in Section 27‑8‑20(2) in connection with the sale of real property subject to:

(i) a conservation easement as defined in Section 27‑8‑29(1); or

(ii) a conservation easement, façade, or historic preservation easement that is a qualified conservation contribution as defined under Section 170(H)(91) of the Internal Revenue Code.

(B) The General Assembly finds:

(1) the public policy of this State favors the transferability of interests in real property free from unreasonable restraints on alienation and covenants or servitudes that do not touch and concern the property; and

(2) a transfer fee covenant violates this public policy by impairing the marketability of title to the affected real property and constitutes an unreasonable restraint on alienation, regardless of the duration of the covenant or the amount of the transfer fee set forth in the covenant.

(C) A transfer fee covenant recorded after the effective date of this section, or a 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 an interest in the property.

(D) Nothing in this section may imply that a transfer fee covenant recorded before the effective date of this section is valid or enforceable.”

SECTION 2. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑80. (A) The South Carolina Real Estate Commission shall revise the disclosure statement required under the Residential Property Condition Disclosure Act as found in Article 1, Chapter 50, Title 27, to expressly provide that a private transfer fee obligation must be disclosed.

(B) For a transfer of real property not subject to the disclosure requirements of the Residential Property Disclosure Act, as found in Article 1, Chapter 50, Title 27, a seller of real property shall furnish to a purchaser a written statement disclosing the existence of a private transfer fee obligation. This written statement must include a description of the private transfer fee obligation and include a statement that private transfer fee obligations are subject to certain prohibitions under Section 27‑1‑80. ”

SECTION 3. This act takes effect upon approval by the Governor, except a transfer fee executed but not recorded on or before the effective date of this act is presumed to be void. /

Renumber sections to conform.

Amend title to conform.

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

The question then recurred to concurrence in the Senate amendments .

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 |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Brantley | G. A. Brown | H. B. Brown |
| Cato | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Kelly | Kennedy | King |
| Kirsh | Knight | Limehouse |
| Loftis | Long | Lowe |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Pinson | 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 |
| Umphlett | Weeks | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--96**

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. 3706--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3706 -- Reps. Weeks and Harrison: A BILL TO AMEND SECTION 8-13-1348, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO AUTHORIZE A DEBIT CARD DRAWN UPON THE CAMPAIGN ACCOUNT MAY BE USED ON EXPENDITURES MORE THAN TWENTY-FIVE DOLLARS IN ADDITION TO A WRITTEN INSTRUMENT.

Reps. FUNDERBURK, G. R. SMITH and T. R. YOUNG proposed the following Amendment No. 1 (COUNCIL\GGS\22625SD10), which was adopted:

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

/ SECTION \_\_. the 1976 Code is amended by adding:

“Section 8‑13‑1311. In addition to the requirements of Section 8-13-1308 and other provisions of law relating to the filing of certified campaign reports and other reports, if required, by a candidate for elective public office, the candidate’s campaign report for the applicable reporting period must include any paid or unpaid invoices or bills received or paid by the candidate or a person on his behalf for communication through television, radio, telephone, print publication, including mail, or electronic means made by or on behalf of a candidate that is designed to influence the outcome of an election. These invoices or bills are considered campaign expenditures for the quarter in which the communication occurs.” /

Renumber sections to conform.

Amend title to conform.

Rep. FUNDERBURK explained the amendment.

The amendment was then adopted.

The Senate Amendments, as amended, were then agreed to and the Bill was ordered returned to the Senate.

**LEAVE OF ABSENCE**

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

**H. 4508--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4508 -- Reps. Herbkersman, Lowe, Hutto, G. A. Brown and Horne: A BILL TO AMEND SECTION 40-9-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHIROPRACTORS AND CHIROPRACTIC PRACTICE, SO AS TO ADD A DEFINITION OF A "PRECEPTORSHIP OR RESIDENCY TRAINING PROGRAM"; AND TO AMEND SECTION 40-9-20, RELATING TO LICENSES REQUIRED FOR PERSONS PRACTICING CHIROPRACTIC PROCEDURES, SO AS TO EXCLUDE STUDENTS PARTICIPATING IN A PRECEPTORSHIP OR RESIDENCY TRAINING PROGRAM UNDER SPECIFIED CONDITIONS, TO PERMIT CHARGES TO BE LEVIED FOR PROFESSIONAL SERVICE FOR WORK PERFORMED UNDER THESE PROGRAMS, AND DELETE THE EXCEPTION FOR SENIOR STUDENTS AT A CHIROPRACTIC COLLEGE CHARTERED BY THE STATE.

Rep. HARVIN explained the Senate Amendments.

Rep. LOWE spoke in favor the Senate Amendments.

Rep. NORMAN spoke against the Senate Amendments.

Rep. HERBKERSMAN spoke in favor the Senate Amendments.

The question then recurred to the concurrence in the Senate amendments.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Bingham | Bowen |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | Clemmons | Cobb-Hunter |
| Cole | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gunn |
| Hamilton | Hardwick | Harrell |
| Harvin | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Knight | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Sellers |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Weeks |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--91**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kirsh | Norman |  |

**Total--2**

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. 4663--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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

Rep. SANDIFER explained the Senate Amendments.

Rep. SELLERS spoke against the Senate Amendments.

The question then recurred to the concurrence in the Senate amendments.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hearn |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| T. R. Young |  |  |

**Total--100**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Sellers |  |  |

**Total--1**

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.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5025 -- Reps. Erickson, 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, 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 SALUTE THE TWENTY-EIGHTH ANNUAL PENN CENTER HERITAGE DAYS CELEBRATION, TO BE HELD THURSDAY, NOVEMBER 11, 2010, THROUGH SATURDAY, NOVEMBER 13, 2010, AT THE PENN CENTER ON ST. HELENA ISLAND, TO ENCOURAGE ALL SOUTH CAROLINIANS TO ATTEND AND ENJOY THIS FAMILY-FRIENDLY EVENT, AND TO WISH ITS ORGANIZERS EVERY SUCCESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5026 -- Reps. Erickson, 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, 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 CELEBRATE THE FIFTY-FIFTH ANNUAL BEAUFORT WATER FESTIVAL, TO BE HELD FRIDAY, JULY 16, 2010, THROUGH SUNDAY, JULY 25, 2010, TO ENCOURAGE ALL SOUTH CAROLINIANS TO ATTEND AND ENJOY THIS FAMILY-FRIENDLY EVENT, AND TO WISH ITS ORGANIZERS EVERY SUCCESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5027 -- Reps. Jefferson, 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, 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 PALMETTO STATE CHAPTERS OF ZETA PHI BETA SORORITY, INCORPORATED, FOR THEIR MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5028 -- Reps. Jennings, 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, 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 SALUTE THE HONORABLE GARY ALLEN QUICK, SR., OF MARLBORO COUNTY FOR HIS TEN YEARS OF FAITHFUL SERVICE AS MAYOR OF MCCOLL AND HIS COMMITMENT TO THE CITIZENS OF THAT TOWN.

The Resolution was adopted.

**S. 329--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. G. M. SMITH proposed the following Amendment No. 2 (COUNCIL\NBD\12415CM10), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 and inserting:

/SECTION 1. Article 5, Chapter 3 of Title 24 of the 1976 Code is amended by adding:

“Section 24‑3‑580. A person may not knowingly disclose the identity of a current or former member of an execution team or disclose a record that would identify a person as being a current or former member of an execution team. However, this information may be disclosed only upon a court order under seal for the proper adjudication of pending litigation. Any person whose identity is disclosed in violation of this section shall have a civil cause of action against the person who is in violation of this section and may recover actual damages and, upon a showing of a willful violation of this section, punitive damages.”/

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

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

**S. 879--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Reps. CLEMMONS, MERRILL and OTT proposed the following Amendment No. 1 (COUNCIL\12415AB10KRL), which was adopted:

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

/ SECTION 1. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑70. (A) As used in this section:

(1) ‘Association’ means a nonprofit, mandatory membership organization comprised of owners of homes, condominiums, cooperatives, manufactured homes, or interest in real property, created pursuant to a declaration, covenant, or other applicable law.

(2) ‘Association Document’ means the governing documents of an Association, typically jointly and severally, the Articles of Incorporation, Master Deed, Declaration, Covenants, Bylaws, Rules and Regulations.

(3) ‘Covenants’ means the Protective and Restrictive Covenants, Master Deed, and Declaration that detail the protections and restrictions on real property of common interest ownership Associations.

(4) ‘Transfer’ means the sale, gift, grant, conveyance, assignment, inheritance, or other transfer of an interest in real property located in this State.

(5) ‘Transfer fee’ means a fee or charge imposed by a transfer fee covenant, but does not include a tax, assessment, fee, or charge imposed by a government authority pursuant to applicable laws, ordinances, or regulations.

(6) ‘Transfer fee covenant’ means a provision in a document, whether recorded or not and however denominated, that purports to run with the land or bind current owners or successors in title to specified real property located in this State, and that obligates a transferee or transferor of all or part of the property to pay a fee or charge to a third person upon transfer of an interest in all or part of the property, or in consideration for permitting this transfer. A ‘transfer fee covenant’ does not include:

(a) a provision of a purchase contract, option, mortgage, security agreement, real property listing agreement, or other agreement that obligates one party to the agreement to pay the other, as full or partial consideration for the agreement or for a waiver of rights under the agreement, an amount determined by the agreement, if that amount:

(i) is payable on a one‑time basis only upon the next transfer of an interest in the specified real property and, once paid, does not bind successors in title to the property;

(ii) constitutes a loan assumption or similar fee charged by a lender holding a lien on the property; or

(iii) constitutes a fee or commission paid to a licensed real estate broker for brokerage services rendered in connection with the transfer of the property for which the fee or commission is paid;

(b) provision in a deed, memorandum, or other document recorded for the purpose of providing record notice of an agreement described in subsection (A)(4)(a);

(c) a provision of an association document requiring payment of a fee or charge to an association to be used exclusively for purposes authorized in the document if no portion of the fee is required to be passed through to a third party, for purposes other than benefits to an Association or an affiliated club or organization, a majority of whose members are also members of the association, as stated in the association documents, designated or identifiable by description in the document or another document referenced in it, provided that this fee is established by a covenant or other document properly recorded in the Register of Deeds office for the county in which the property is located; or

(d) a fee received by a holder as defined in Section 27‑8‑20(2) in connection with the sale of real property subject to:

(i) a conservation easement as defined in Section 27‑8‑29(1); or

(ii) a conservation easement, façade, or historic preservation easement that is a qualified conservation contribution as defined under Section 170(H)(91) of the Internal Revenue Code.

(B) The General Assembly finds:

(1) the public policy of this State favors the transferability of interests in real property free from unreasonable restraints on alienation and covenants or servitudes that do not touch and concern the property; and

(2) a transfer fee covenant that does not provide a benefit or value to the property owners within an association violates this public policy by impairing the marketability of title to the affected real property and constitutes an unreasonable restraint on alienation, regardless of the duration of the covenant or the amount of the transfer fee set forth in the covenant.

(C) A transfer fee covenant recorded after the effective date of this section, or a lien to the extent that it purports to secure the payment of a transfer fee, other than those enacted by an association by means of a proper vote in accordance with the requirements in its association documents, is not binding on or enforceable against the affected real property or any subsequent owner, purchaser, or mortgagee of an interest in the property.

(D) Nothing in this section may imply that a transfer fee covenant recorded before the effective date of this section is valid or enforceable other than those transfer fees enacted by an association by means of a proper vote in accordance with the requirements in its association documents that benefit the association and, collectively, its property owners.”

SECTION 2. Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑80. (A) The South Carolina Real Estate Commission shall revise the disclosure statement required under the Residential Property Condition Disclosure Act as found in Article 1, Chapter 50, Title 27, to expressly provide that a private transfer fee obligation must be disclosed.

(B) For a transfer of real property not subject to the disclosure requirements of the Residential Property Disclosure Act, as found in Article 1, Chapter 50, Title 27, a seller of real property shall furnish to a purchaser a written statement disclosing the existence of a private transfer fee obligation. This written statement must include a description of the private transfer fee obligation and include a statement that a private transfer fee obligation, other than a transfer fee enacted by an association by means of a proper vote in accordance with the requirements in its association documents that benefit the association and, collectively, its property owners, is subject to certain prohibitions under Section 27‑1‑80. ”

SECTION 3. This act takes effect upon approval by the Governor, except a transfer fee executed but not recorded on or before the effective date of this act is presumed to be void, other than a transfer fee enacted by an association by means of a proper vote in accordance with the requirements in its association documents that benefits the Association and, collectively, its property owners. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. NORMAN spoke against the amendment.

Rep. LIMEHOUSE moved to table the amendment, which was not agreed to.

The question then recurred to the adoption of the amendment, which was adopted by a division vote of 50-23.

Rep. G. M. SMITH proposed the following Amendment No. 2 (COUNCIL\BBM\9794HTC10), which was adopted:

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

/ SECTION \_\_. Section 12‑37‑670(A) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“(A) No new structure must be listed or assessed for property tax until it is completed and fit for the use for which it is intended, as evidenced by the issuance of a certificate of occupancy or the structure is actually occupied if no certificate is issued.” /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

Rep. G. M. SMITH proposed the following Amendment No. 3 (COUNCIL\BBM\9795HTC10), which was adopted:

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

/ SECTION \_\_. A. Article 25, Chapter 37, Title 12 of the 1976 Code is amended by adding:

“Section 12‑37‑3142. (A) If a parent transfers a parcel of residential real property to a child by deed in a transaction constituting an assessable transfer of interest, and the child, within one year of the original transfer, deeds the identical parcel of real property back to the parent, the value of the parcel in the hands of the parent must be determined as if these transfers had not occurred.

(B) If a parent establishes a trust for the benefit of a child and transfers a parcel of residential real property to the trust and the trust subsequently distributes that parcel to the child thereby constituting an assessable transfer of interest, and the child, within one year of that distribution by deed transfers the parcel back to the parent or by disclaimer disclaims his interest in the parcel thereby terminating the trust resulting in the parent retaining title, then the value of the parcel in the hands of the parent must be determined as if the trust had not been established and these transfers had not occurred.”

B. Notwithstanding any other effective date provided in this act, this section takes effect upon approval by the Governor and applies for transactions occurring after 2006. /

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

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

**ORDERED TO THIRD READING**

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

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

Rep. COOPER explained the Bill.

S. 749 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 57-3-45 AND 57-3-55 SO AS TO ESTABLISH THE DIVISION OF RAILROAD TRANSPORTATION AS A COMPONENT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PROVIDE FOR ITS FUNCTIONS AND TO REQUIRE RAILROADS AND RAILWAYS ANNUALLY TO REPORT TO THIS DIVISION THEIR ACTIVE, INACTIVE, TO BE ABANDONED, AND ABANDONED RAIL LINES; AND TO AMEND SECTIONS 57-3-10, 57-3-20, AND 57-3-40, RELATING RESPECTIVELY TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION, THE RESPONSIBILITIES AND DUTIES OF DIVISION DEPUTY DIRECTORS ADMINISTERING THESE DIVISIONS, AND THE FUNCTIONS OF THE MASS TRANSIT DIVISION, SO AS TO CONFORM THESE PROVISIONS TO REFLECT THE ESTABLISHMENT OF THE DIVISION OF RAILROAD TRANSPORTATION WITHIN THE DEPARTMENT OF TRANSPORTATION.

Rep. D. C. SMITH explained the Bill.

**S. 319--POINT OF ORDER**

The following Bill was taken up:

S. 319 -- Senators Leventis, Rose, Malloy, Davis, Lourie and Hayes: A BILL TO AMEND TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 46 SO AS TO ENACT THE "INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN", TO PROVIDE THAT THE GOVERNOR MAY EXECUTE THE COMPACT WITH OTHER COMPACT STATES, TO PROVIDE THAT THE STATE SUPERINTENDENT OF EDUCATION IS THE COMPACT COMMISSIONER OF THIS STATE, TO ESTABLISH A COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE FOR THE COUNCIL'S MEMBERSHIP, APPOINTMENTS, TERMS, QUORUM, LEADERSHIP, FILLING OF VACANCIES, AND POWERS AND DUTIES, AND TO PROVIDE THE TERMS OF THE COMPACT.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**S. 1171--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1171 -- Senator Hutto: A BILL TO AMEND SECTION 56-1-10 OF THE 1976 CODE, RELATING TO DRIVER'S LICENSES, TO MODIFY THE DEFINITION OF CERTAIN TERMS; TO AMEND SECTION 56-1-640, TO INCLUDE CANADA AND MEXICO AS PARTY JURISDICTIONS; TO AMEND SECTION 56-1-2030, TO MODIFY THE DEFINITION OF HAZARDOUS MATERIAL; TO AMEND SECTION 56-1-2100, TO MODIFY THE DESCRIPTION OF A CLASS C VEHICLE; AND TO AMEND SECTION 56-1-2070, TO PROVIDE GRADUATED FINES FOR VIOLATIONS OF OUT-OF-SERVICE ORDERS.

Rep. HERBKERSMAN proposed the following Amendment No. 1 (COUNCIL\NBD\12407CM10), which was ruled out of order:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. 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. 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. 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. HERBKERSMAN explained the amendment.

**POINT OF ORDER**

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

SPEAKER HARRELL stated that while the Bill dealt with driver's licenses to include Canada and Mexico as party jurisdictions, the amendment dealt with permits for golf carts in the State of South Carolina. Therefore, he sustained the Point of Order and ruled the amendment out of order.

The question then recurred to the passage of the Bill.

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BALLENTINE a leave of absence for the remainder of the day due to constituent matters.

**S. 1298--REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 1298 -- Senator McGill: A BILL TO AMEND SECTION 56-5-70 OF THE 1976 CODE, RELATING TO THE REGULATION OF TRAFFIC ON HIGHWAYS, TO PROVIDE GUIDELINES FOR RELIEF FROM REGULATIONS DURING TIMES OF EMERGENCY.

Rep. D. C. SMITH explained the Bill.

Reps. CRAWFORD, HERBKERSMAN, LOWE, DUNCAN, TOOLE, J. H. NEAL, M. A. PITTS, HOSEY and CHALK requested debate on the Bill.

**H. 4657--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

Columbia, S.C., May 25, 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. 4657:

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.

Very respectfully,

President

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

Whereupon, the Chair appointed Reps. COOPER, BINGHAM and CLYBURN to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**S. 1392--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1392 -- Transportation Committee: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, TO PROVIDE FOR CERTAIN SPECIALTY LICENSE PLATES; TO AMEND SECTION 56-3-10810, RELATING TO 'BOY SCOUTS OF AMERICA' SPECIAL LICENSE PLATES, TO PROVIDE FOR 'EAGLE SCOUT' SPECIAL LICENSE PLATES; TO AMEND SECTION 56-3-2150, RELATING TO SPECIAL LICENSE PLATES FOR CERTAIN ELECTED OFFICIALS, TO PROVIDE THAT CORONERS MAY BE PROVIDED WITH TWO LICENSE PLATES; TO AMEND SECTION 56-3-1240, RELATING TO THE LOCATION ON VEHICLES WHERE LICENSE PLATES MUST BE ATTACHED, TO PROVIDE THAT A FRAME MAY BE PLACED AROUND A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56-3-10410, RELATING TO A SPECIAL MOTOR VEHICLE LICENSE PLATE FOR VETERANS, TO PROVIDE FOR A DISABLED VETERAN SPECIAL LICENSE PLATE.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\SWB\8132CM10), 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

‘Distinguished Service Medal’ Special License Plates

Section 56‑3‑10810. (A) The Department of Motor Vehicles may issue ‘Distinguished Service Medal’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in section 56‑3‑20 registered in their names who have been awarded the Distinguished Service Medal. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain an illustration of the Distinguished Service Medal. The application for this special license plate must include proof that the applicant is a recipient of the Distinguished Service Medal. Not more than two license plates may be issued to a person.

(B) This special license plate is exempt from the provisions contained in Section 56‑3‑8100.”

SECTION 2. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 109

‘Second Amendment’ Special License Plates

Section 56‑3‑10910. (A) The Department of Motor Vehicles may issue ‘Second Amendment’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20 registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the Criminal Justice Academy.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 3. Article 23, Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56‑3‑2240. The Department of Motor Vehicles may issue a ‘Historic’ special motor vehicle license plate for use on a private passenger carrying motor vehicle, as defined in Section 56‑3‑630, or a motorcycle as defined in Section 56‑3‑20, that is twenty‑five years of age or older at the time of applying for the special plate. The applicant for a ‘Historic’ license plate must be the owner of the motor vehicle or motorcycle and must be a resident of this State.

Section 56‑3‑2241. The special license plate must be of the same size and general design as a regular motor vehicle or motorcycle license plate. The Department of Motor Vehicles shall imprint the special license plates with the word ‘Historic’, with numbers the department may determine. The license plate must be for a biennial period that expires twenty‑four months from the month it is issued.

Section 56‑3‑2242. A license plate issued pursuant to this article may be transferred to another vehicle or motorcycle that meets the requirements of Section 56‑3‑2240 and is owned by the same person upon application being made and being approved by the Department of Motor Vehicles. It is unlawful for any person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle or motorcycle except the one authorized by the department.

Section 56‑3‑2243. The provisions of this article do not affect the registration and licensing of motor vehicles or motorcycles as required by other provisions of this chapter, but are cumulative to those other provisions. Any person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact, or (c) otherwise commits fraud in the application or in the use of any special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.

Section56‑3‑2244. The fee for the plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty‑five dollars. Notwithstanding another provision of law, from the fees 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 the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state’s general fund.

Section 56‑3‑2245. The guidelines for the production, collection and distribution of fees for a ‘Historic’ special license plate must meet the requirements of Section 56‑3‑8100.”

SECTION 4. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 110

‘Distinguished Service Cross’ Special License Plates

Section 56‑3‑11010. (A) The Department of Motor Vehicles may issue ‘Distinguished Service Cross’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20 registered in their names who have been awarded the Distinguished Service Cross. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain an illustration of the Distinguished Service Cross. The application for this special license plate must include proof that the applicant is a recipient of the Distinguished Service Cross. Not more than two license plates may be issued to a person.

(B) This special license plate is exempt from the provisions contained in Section 56‑3‑8100.”

SECTION 5. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 111

‘Department of the Navy’ Special License Plates

Section 56‑3‑11110. (A) The Department of Motor Vehicles may issue ‘Department of the Navy’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 6. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 112

‘Parents and Spouses of Active Duty Overseas Veterans’

Special License Plates

Section 56‑3‑11210. (A) The Department of Motor Vehicles may issue ‘Parents and Spouses of Active Duty Overseas Veterans’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 7. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 113

‘State Flag’ Special License Plates

Section 56‑3‑11310. (A) The Department of Motor Vehicles may issue special ‘State Flag’ motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names. The fee for this special license plate is twenty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The design of the license plate must replicate the color, layout, and design of the state flag. The blue used for the license plate must be the official state color as established in Section 1‑1‑710.

(C) The fees collected pursuant to this section above the cost of production must be distributed to the general fund.

(D) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 8. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 114

‘South Carolina Highway Patrol‑Retired’ License Plates

Section 56‑3‑11410. (A) The Department of Motor Vehicles may issue ‘South Carolina Highway Patrol‑Retired’ license plates for use on private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, 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, collection and distribution of fees for a 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 ‘South Carolina Highway Patrol‑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 any felony, classified misdemeanor, traffic violation requiring a suspension of driving privileges, crime involving dishonesty or moral turpitude, or other crime punishable by imprisonment for one year or more, 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 9. Section 56‑3‑7330 of the 1976 Code, as added by Act 398 of 2006, is amended to read:

“Section 56‑3‑7330. ~~The Department of Motor Vehicles may issue “Boy Scouts of America” special license plates to owners of private passenger motor vehicles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. Any portion of the additional thirty‑dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.~~ (A) The Department of Motor Vehicles may issue ‘Boy Scouts of America’ special license plates to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names. the requirements for production, collection and distribution of fees for the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. Any portion of the additional thirty‑dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

(B)(1) The Department of Motor Vehicles may issue ‘Eagle Scouts of America’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in section 56‑3‑20, registered in their names who have been awarded the Eagle Scout Award from the Boy Scouts of America. The motor vehicle owner must present the department with official documentation that states that he was awarded the Eagle Scout Award, along with his application for this special license plate. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The special license plate must be imprinted with an emblem, seal, symbol, or design agreed to by all of the Boy Scout councils serving counties in South Carolina.

(2) The fees collected pursuant to this section above the cost of production must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

(3) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 10. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 116

‘I Support Libraries’ Special License Plates

Section 56‑3‑11610. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names which must have imprinted on the plate ‘I Support Libraries’. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be equally distributed between the South Carolina Association of School Librarians and the South Carolina Library Association.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 11. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 117

‘South Carolina Educator’ Special License Plates

Section 56‑3‑11710. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names which must have imprinted on the plate ‘South Carolina Educator’. The application for this special license plate must include proof that the applicant is a public or private kindergarten through twelfth grade school teacher. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of the production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 12. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 118

‘Raccoon Hunters’ License Plates

Section 56‑3‑11810. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names which must have imprinted on the plate ‘Raccoon Hunters’. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the South Carolina State Coon Hunters Association Youth Fund.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 13. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 119

‘Beach Music’ Special License Plates

Section 56‑3‑11910. (A) The Department of Motor Vehicles may issue ‘Beach Music’ special motor vehicle license plates to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, and motorcycles as defined in Section 56‑3‑20, registered in their names which may have imprinted on the plate an emblem, a seal, or other symbol chosen by the department in consultation with the South Carolina Arts Commission reflecting the status of beach music as the official state popular music pursuant to Section 1‑1‑689. License plate number ‘one’ for the beach music license plate is reserved for the president of the Beach Music Association International or its successor organization if that individual is otherwise eligible to register a qualifying motor vehicle in this State. License plate number ‘two’ for the beach music license plate is reserved for the Chairman of the Board of Trustees of Coastal Carolina University if that individual is otherwise eligible to register a motor vehicle in this State. The special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 14. Chapter 3, Title 56 of the 1976 code is amended by adding:

“Article 120

Citadel Alumni Association ‘Big Red’ Special License Plate

Section 56‑3‑12010. (A) The Department of Motor Vehicles may issue Citadel Alumni Association ‘Big Red’ special license plates to owners of private passenger carrying motor vehicles as defined in Section 56‑3‑630, and motorcycles as defined in Section 56‑3‑20, registered in their names. The fee for each special license plate is seventy‑five dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. 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.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the Citadel Alumni Association.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 15. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 121

‘Largemouth Bass’ Special License Plates

Section 56‑3‑12210. (A) The Department of Motor Vehicles may issue ‘Largemouth Bass’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names. The license plate shall have the image of a largemouth bass imprinted on it. The design of the plate and the largemouth bass image utilized must be selected through a public process conducted by the Department of Natural Resources. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month the special license plate is issued.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the Department of Natural Resources, which shall only use the funds to promote bass fishing throughout the State.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 16. Section 56‑3‑2150 of the 1976 Code, as last amended by Act 177 of 2008, is further amended to read:

“Section 56‑3‑2150. The Department of Motor Vehicles may issue special motor vehicle license plates to former members of the South Carolina Delegation of the United States Congress, retired judicial officers elected by the General Assembly or confirmed by the United States Senate, respectively, members of municipal and county councils, county coroners, and mayors of this State for private passenger motor vehicles owned by them. The department also may issue special motor vehicle license plates to former members of the General Assembly who are eligible to receive retirement benefits under the General Assembly Retirement System for private passenger motor vehicles and vehicles classified as private passenger motor vehicles in Section [56‑3‑630](http://intranet.scstatehouse.gov/code/t56c003.htm#56-3-630) owned by them. The biennial fee for these special license plates is the same as the fee provided in Section [56‑3‑2020](http://intranet.scstatehouse.gov/code/t56c003.htm#56-3-2020), and only one plate may be issued to former members of the South Carolina Delegation of the United States Congress, retired judicial officers elected by the General Assembly or confirmed by the United States Senate, respectively, a councilman, ~~coroner,~~ a mayor, or a member of the General Assembly who is receiving retirement benefits. A coroner may be issued two license plates. ~~The plate~~ These license plates must be issued or revalidated biennially for the regular registration and licensing period.”

SECTION 17. Section 56‑3‑1240 of the 1976 Code is amended to read:

“Section 56‑3‑1240. License plates issued for motor vehicles must be attached to the outside rear of the vehicle, open to view. However, on truck tractors and road tractors the plates must be attached to the outside front of the vehicle provided that single unit commercial motor vehicles with a gross vehicle weight rating in excess of twenty‑six thousand pounds may have the license plate on either the outside front or rear of the vehicle. Every license plate, at all times, must be fastened securely in a horizontal and upright position to the vehicle for which it was issued so as to prevent the plate from swinging. However, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate must be mounted vertically with its top fastened along the right vertical edge. The bottom of the plate must be at a height of not less than twelve inches from the ground in a place and position clearly visible as provided in Section [56‑5‑4530](http://intranet.scstatehouse.gov/code/t56c005.htm#56-5-4530), and it must be maintained free from foreign materials and in a clearly legible condition. No other license plate, lighting equipment, except as permitted in Section [56‑5‑4530](http://intranet.scstatehouse.gov/code/t56c005.htm#56-5-4530), tag, sign, monogram, tinted cover, or inscription of metal or other material may be displayed above, ~~around,~~ or upon the plate other than that which is authorized and issued by the Department of Motor Vehicles for the purpose of validating the plate. It is not unlawful to place a decal or a frame on the license plate if it does not obscure any letters or numbers. A motor vehicle owner may attach a trailer hitch to a motor vehicle provided the hitch does not obscure more than two inches of the license plate issued to the motor vehicle. It is unlawful to operate or drive a motor vehicle with the license plate missing and a person who is convicted for violating this section must be punished as provided by Section [56‑3‑2520](http://intranet.scstatehouse.gov/code/t56c003.htm#56-3-2520).”

SECTION 18. Section 56‑3‑10410 of the 1976 Code, as added by Act 297 of 2008, is amended to read:

“Section 56‑3‑10410. (A) The department may issue a ‘Veteran’ special motor vehicle license plate for use on a private passenger motor vehicle, as defined in section 56‑3‑630, or motorcycles as defined in section 56‑3‑20, or motorcycle registered in a person’s name in this State who served in the United States Armed Forces, active or reserve components, and who was honorably discharged from service. An application for this special motor vehicle license plate must include official military documentation showing the applicant was honorably discharged from service. Only two plates may be issued to a person.

(B) The requirements for production, collection and distribution of fees for a special ~~and distribution of the~~ plate under this section are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title. The Department of Motor Vehicles shall imprint the special license plates with the word ‘Veteran’, with numbers the department may determine.

(C) A license plate issued pursuant to this article 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. It is unlawful for a person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

(D) The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to those other provisions. A person violating the provisions of this article or a person who (1) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (2) conceals a material fact, or (3) otherwise commits fraud in the application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.

(E) If a person who qualifies for the special license plate issued under this section also meets all requirements for the handicapped license plate issued pursuant to Section 56‑3‑1910(B), then the license plate issued pursuant to this section shall also include the distinguishing wheelchair symbol used on license plates issued pursuant to Section 56‑3‑1910(B).

(F) If a person who qualifies for a special license plate issued under this section also is certified by the Veterans’ Administration or County Veterans’ Affairs office with a service related disability, then the license plate issued under this section shall also include the word ‘disabled’.”

SECTION 19. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 122

High School Special License Plates

Section 56‑3‑12210. (A) The Department of Motor Vehicles may issue to owners of private passenger motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in a person’s name, special motor vehicle license plates which may have imprinted on them an emblem, a seal, or other symbol the department considers appropriate of a public or independent high school located in this State. A school may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate. A school also may request a change in the emblem, seal, or other symbol once the existing inventory of the license plate has been exhausted. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3 of this title. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month they are issued.

(B) The fees collected pursuant to this section must be distributed to a separate fund for each of the respective high schools. Each fund must be administered by the school and may be used only for academic scholarships. Funds collected for state schools must be deposited with the State Treasurer. Funds collected for independent institutions must be deposited in an account designated by the respective school. The distribution is thirty dollars to the department and forty dollars to the school for each special license plate sold for the respective school.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 20. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 123

‘South Carolina Wildlife Federation’ Special License Plates

Section 56‑3‑12310. (A) The Department of Motor Vehicles may issue ‘South Carolina Wildlife Federation’ or ‘palmetto wild’ or both, special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630, or motorcycles as defined in section 56‑3‑20, registered in their names which may have imprinted on them an emblem, seal, symbol, or design of the South Carolina Wildlife Federation. The South Carolina Wildlife Federation must submit to the department for its approval the emblem, seal, symbol, or design it wishes to display on the plates. The South Carolina Wildlife Federation must submit to the department written authorization for use of any copyrighted or registered logos, trademarks, or designs. The South Carolina Wildlife Federation may request a change in the emblem, seal, or symbol not more than once every five years. The plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month they are issued. The fee for the plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars.

(B) Notwithstanding another provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the department to defray the expenses of the department in producing and administering the plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Wildlife Federation for conservation programs in South Carolina.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.”

SECTION 21. Section 56‑3‑3310 of the 1976 Code as last amended by Act 297 of 2008, is further amended to read:

“Section 56‑3‑3310. The department may issue ~~a~~ no more than three permanent special motor vehicle license ~~plate~~ plates to a recipient of the Purple Heart for use on ~~a~~ his private passenger motor ~~vehicle~~ vehicles, as defined in Section 56‑3‑630, or ~~motorcycle~~ motorcycles as defined in Section 56‑3‑20, registered in his name. There is no fee for the issuance of up to two license ~~plate~~ plates, and not more than ~~two~~ three license plates may be issued to a person. The fee for the third plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars. The application for a special plate must include proof the applicant is a recipient of the Purple Heart.”

SECTION 22. 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 as defined in Section 56‑3‑20, 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.

(K) The provisions of this section apply to all applications for a special license plate in which the funds are deposited with the South Carolina Department of motor Vehicles after June 1, 2010.”

SECTION 23. 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.

(J) The provisions of this section apply to all applications for a special license plate in which the funds are deposited with the South Carolina Department of motor Vehicles after June 1, 2010.”

SECTION 24. The provisions of this act are severable. If any section, subsection, paragraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 25. Section 3 of this act takes effect six months after approval by the Governor, the remaining sections of this act take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. BRANHAM explained the amendment.

The amendment was then adopted.

Rep. HERBKERSMAN proposed the following Amendment No. 2 (COUNCIL\NBD\12408CM10), which was ruled out of order:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. 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. 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. 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. HERBKERSMAN explained the amendment.

**POINT OF ORDER**

Rep. BRANHAM raised the Point of Order that Amendment No. 2 was out of order in that it was not germane to the Bill.

SPEAKER HARRELL stated that while the Bill dealt with specialty license plates, the amendment dealt with permits for the operation of golf carts. Therefore, he sustained the Point of Order and ruled the amendment out of order.

Rep. T. R. YOUNG proposed the following Amendment No. 3 (COUNCIL\NBD\12414CM10), which was ruled out of order:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

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

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

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

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

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

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

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

(C) Within fourteen days of learning that an enrolled student who is at least fifteen but less than eighteen years of age has accumulated seven or more total unexcused absences, been expelled, or dropped out of school as provided for in Section 56‑1‑177, the board of trustees of the school district or its designee, the governing body of a private school, or an official of a home school association shall notify the Department of Motor Vehicles. This notification must be by an electronic method as determined by the Department of Motor Vehicles. Nothing in this subsection should be construed to change the way or the frequency with which home school students or parents of home school students report a home school student’s attendance in an academic year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Notwithstanding another provision of this act this SECTION takes effect on August 1, 2011./

Renumber sections to conform.

Amend title to conform.

Rep. T. R. YOUNG explained the amendment.

**POINT OF ORDER**

Rep. BRANHAM raised the Point of Order that Amendment No. 3 was out of order in that it was not germane to the Bill.

SPEAKER HARRELL stated that while the Bill dealt with specialty license plates, the amendment dealt with school attendance as a condition for the issuance or reinstatement of driver's licenses. Therefore, he sustained the Point of Order and ruled the amendment out of order.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | H. B. Brown | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Harrell |
| Harrison | Hearn | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Rutherford |
| 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 | Weeks | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--99**

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. 1372--RECALLED FROM THE SUMTER DELEGATION**

On motion of Rep. WEEKS, with unanimous consent, the following Bill was ordered recalled from the Sumter Delegation:

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

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 3945 from the Committee on Ways and Means.

Rep. DUNCAN objected.

**OBJECTION TO RECALL**

Rep. KENNEDY asked unanimous consent to recall H. 3340 from the Committee on Education and Public Works.

Rep. BOWEN objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall H. 4533 from the Committee on Labor, Commerce and Industry.

Rep. CRAWFORD objected.

**OBJECTION TO RECALL**

Rep. GOVAN asked unanimous consent to recall H. 3180 from the Committee on Education and Public Works.

Rep. WHITMIRE objected.

**H. 4925--SENATE AMENDMENTS CONCURRED IN**

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

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".

Rep. BALES explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | G. A. Brown | H. B. Brown |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Harvin | Hearn | Hiott |
| Hodges | Horne | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Limehouse |
| Loftis | Long | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Rutherford | Sandifer |
| Sellers | Simrill | Skelton |
| D. C. Smith | G. M. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--97**

Those who voted in the negative are:

**Total--0**

The Senate Amendments were concurred in and a message was ordered sent to the Senate accordingly.

**S. 1030--DEBATE ADJOURNED**

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

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.

Rep. SIMRILL moved to adjourn debate upon the Senate Amendments until Tuesday, June 1, which was agreed to.

**H. 3735--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3735 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2009", BY ADDING SECTION 44-43-730 SO AS TO PROVIDE THAT IF A PERSON DIES IN A HOSPITAL, THE HOSPITAL SHALL OFFER IN WRITING TO THE PATIENT'S FAMILY THE RIGHT OF HAVING AN AUTOPSY PERFORMED; AND TO AMEND SECTION 17-5-530, RELATING TO CIRCUMSTANCES REQUIRING THE CORONER OR MEDICAL EXAMINER TO BE NOTIFIED OF CERTAIN DEATHS, SO AS TO REQUIRE SUCH NOTIFICATION WHEN A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY FOUR HOURS OF ENTERING A HEALTH CARE FACILITY OR OF HAVING AN INVASIVE SURGICAL PROCEDURE PERFORMED.

Rep. SPIRES explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 6

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | G. A. Brown |
| H. B. Brown | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Duncan | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--95**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Kirsh | McEachern |
| Nanney | Simrill | G. R. Smith |

**Total--6**

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. 3393--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

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

Rep. SPIRES explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | H. B. Brown | Chalk |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Dillard |
| Edge | Forrester | Funderburk |
| Gambrell | Govan | Gunn |
| Hamilton | Hardwick | Harrell |
| Hart | Harvin | Hearn |
| Hiott | Hodges | Horne |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Limehouse |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Vick |
| Whipper | White | Whitmire |
| Williams | Willis | Wylie |
| T. R. Young |  |  |

**Total--91**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Duncan | Gilliard | Parker |

**Total--3**

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. 3975--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 3975 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 50-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER'S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

Rep. DUNCAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 3; Nays 95

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bowers | Harvin |

**Total--3**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| G. A. Brown | H. B. Brown | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Herbkersman | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Limehouse |
| Loftis | Long | Lucas |
| Mack | McEachern | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Sandifer | Simrill | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Toole | Umphlett | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--95**

The House refused to agree to the Senate Amendments and a message was ordered sent accordingly.

**H. 4250--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4250 -- Reps. Erickson, Hodges and Littlejohn: A BILL TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

Rep. SKELTON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | H. B. Brown | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Daning | Delleney |
| Dillard | Duncan | Edge |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Harvin |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Kirsh | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Toole | Umphlett |
| Vick | Whipper | White |
| Whitmire | Williams | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--99**

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.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 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.

**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. 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.

**H. 4983--ADOPTED**

The following House Resolution was taken up:

H. 4983 -- Rep. Harrison: A HOUSE RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA CHAPTER OF THE AMERICAN BOARD OF TRIAL ADVOCATES TO USE THE HOUSE CHAMBER ON FRIDAY, SEPTEMBER 17, 2010, FOR THE ORGANIZATION'S JAMES OTIS LECTURE, IN ACCORDANCE WITH THE BUILDING POLICY AS ADMINISTERED BY THE CLERK OF THE HOUSE.

The Resolution was adopted.

**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 Wednesday, May 26, which was agreed to.

**S. 1413--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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".

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

**S. 1434--AMENDED, ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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".

Rep. SOTTILE proposed the following Amendment No. 1 (COUNCIL\NBD\12410CM10), which was adopted:

Amend the concurrent resolution, as and if amended, by deleting /Wade Hampton/ on line 3, page 2 and inserting /John C. Calhoun /

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

The Concurrent Resolution, as amended, was adopted and ordered sent to the Senate.

**H. 4973--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

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 adopted and sent to the Senate.

**H. 5003--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

H. 5003 -- Reps. Harrell, Cato, Sandifer, Cooper, Jennings, J. E. Smith, Mack, Chalk, Toole and Rice: A CONCURRENT RESOLUTION TO MEMORIALIZE THE PRESIDENT, THE CONGRESS, AND THE FEDERAL COMMUNICATIONS COMMISSION OF THE UNITED STATES TO REFRAIN FROM REGULATING INTERNET BROADBAND SERVICES AS COMMON CARRIER SERVICES UNDER TITLE II OF THE COMMUNICATIONS ACT OF 1934.

Rep. SANDIFER moved to adjourn debate on the Concurrent Resolution until Wednesday, May 26, which was agreed to.

**S. 1450--AMENDED, ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1450 -- Senators Campsen and Verdin: A CONCURRENT RESOLUTION TO CELEBRATE THE SESQUICENTENNIAL ANNIVERSARY OF THE SOUTH CAROLINA STATE FLAG, TO DECLARE JANUARY 28, 2011, AS "SOUTH CAROLINA FLAG DAY", TO REQUEST THE NATIONAL PARK SERVICE TO CONDUCT APPROPRIATE INTERPRETIVE AND EDUCATIONAL EVENTS AT THE FORT MOULTRIE, A UNIT OF FORT SUMTER NATIONAL MONUMENT, AND TO ENCOURAGE PUBLIC AND PRIVATE INSTITUTIONS TO PARTICIPATE.

Rep. SOTTILE proposed the following Amendment No. 1 (COUNCIL\NBD\12411CM10), which was adopted:

Amend the concurrent resolution, as and if amended, by adding after /Senate/ on line 14, page 2 /, the House of Representatives concurring/

Amend the concurrent resolution, further, by deleting /National Monument/ on lines 20 and 21, on page 2.

Amend the concurrent resolution, further, in the Title by deleting line 17, page 1, and inserting:

/, A UNIT OF FORT SUMTER NATIONAL MONUMENT, AND TO ENCOURAGE PUBLIC,/

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

The Concurrent Resolution, as amended, was adopted and ordered sent to the Senate.

**MOTION PERIOD**

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

**H. 4808--RECOMMITTED**

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

**H. 4181--RECOMMITTED**

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. SANDIFER moved to recommit the Joint Resolution to the Committee on Labor, Commerce and Industry, which was agreed to.

**S. 217--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

Rep. CRAWFORD proposed the following Amendment No. 1 (COUNCIL\SWB\8059CM10), which was adopted:

Amend the bill, as and if amended, Section 24-7-110, as contained in SECTION 59, page 30, by deleting Section 24-7-110 in its entirety and inserting:

/ “Section 24‑7‑110. The governing body of each county shall ~~employ a physician~~ provide medical personnel whenever necessary to render medical aid to sick ~~convicts~~ inmates whether awaiting trial or serving sentence and to preserve the health of the ~~chain gang~~ county jail, detention facility, prison camp, or other such local facility used for the detention of inmates. The fees and expenses of such ~~employment~~ services, as well as for medicines prescribed, shall be paid out of ~~the road fund as other claims are paid against such funds~~ any available funds.” /

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

The amendment was then adopted.

Rep. G. M. SMITH proposed the following Amendment No. 2 (COUNCIL\SWB\8058CM10), which was adopted:

Amend the bill, as and if amended, by striking Section 39 in its entirety.

Renumber sections to conform.

Amend title to conform.

Rep. G. M. SMITH explained the amendment.

The amendment was then adopted.

Rep. KING proposed the following Amendment No. 3 (COUNCIL\AGM\18054AB10), which was tabled:

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

/ SECTION \_\_\_. Section 24‑3‑210 of the 1976 Code is amended to read:

“Section 24‑3‑210. (A) The director may extend the limits of the place of confinement of a prisoner, where there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(1) contact prospective employers;

(2) secure a suitable residence for use when released on parole or upon discharge;

(3) obtain medical services not otherwise available;

(4) participate in a training program in the community or any other compelling reason consistent with the public interest~~;~~

~~(5) visit or attend the funeral of a spouse, child (including stepchild, adopted child, or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person, though not a natural parent, who has acted in the place of a parent), brother, or sister~~.

(B) The director may extend the limits of the place of confinement of a terminally ill inmate for an indefinite length of time when there is reasonable cause to believe that the inmate will honor his trust.

(C) The director shall extend the limits of the place of confinement of a prisoner, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to visit or attend the funeral of a spouse, child (including stepchild, adopted child, or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person, though not a natural parent, who has acted in the place of a parent), brother, or sister.

(D) The wilful failure of a prisoner to remain within the extended limits of his confinement or return within the time prescribed to the places of confinement designated by the director is considered an escape from the custody of the director punishable as provided in Section 24‑13‑410.

~~(D)~~(E) The director may not extend the benefits of this section to a person convicted of a violent crime as defined in Section 16‑1‑60 unless all of the following persons recommend in writing that the offender be allowed to participate in the furlough program in the community where the offense was committed:

(1) in those cases where, as applicable, the victim of the crime for which the offender is charged, or the relatives of the victim who have applied for notification pursuant to the provisions of Article 15, Chapter 3, Title 16 if the victim has died;

(2) the law enforcement agency which employed the arresting officer of the offender; and

(3) the solicitor in whose circuit the offender was convicted.” /

Renumber sections to conform.

Amend title to conform.

Rep. KING explained the amendment.

Rep. CRAWFORD spoke against the amendment.

Rep. CRAWFORD moved to table the amendment.

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

Yeas 68; Nays 30

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Bedingfield | Bingham | Brady |
| Branham | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Forrester |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Harvin |
| Hearn | Horne | Huggins |
| Hutto | Kelly | Kirsh |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Merrill |
| Miller | 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. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Weeks | White |
| Whitmire | Willis | Wylie |
| A. D. Young | T. R. Young |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | G. A. Brown |
| H. B. Brown | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Gunn |
| Hart | Hodges | Hosey |
| Howard | Jefferson | Jennings |
| Kennedy | King | Mack |
| McEachern | McLeod | J. H. Neal |
| Neilson | Rutherford | J. E. Smith |
| Vick | Whipper | Williams |

**Total--30**

So, the amendment was tabled.

Rep. KING moved to adjourn debate on the Bill until Wednesday, May 26, which was not agreed to by a division vote of 27-59.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 87; Nays 13

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Bales |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | G. A. Brown | H. B. Brown |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hart |
| Hearn | Herbkersman | Horne |
| Hosey | Huggins | Hutto |
| Jennings | Kelly | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Sandifer | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--87**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Gilliard | Harvin |
| Hodges | Howard | Jefferson |
| Kennedy | King | Kirsh |
| Mack | J. H. Neal | Rutherford |
| Williams |  |  |

**Total--13**

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

**S. 452--ORDERED TO THIRD READING**

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. STRINGER proposed the following Amendment No. 2 (COUNCIL\SWB\8078CM10), which was tabled:

Amend the bill, as and if amended, Section 49‑4‑70(C), as contained in SECTION 1, page 13, by deleting / three / on line 1 and inserting / six /

Renumber sections to conform.

Amend title to conform.

Rep. STRINGER explained the amendment.

Rep. SANDIFER spoke against the amendment.

Rep. G. R. SMITH spoke in favor of the amendment.

Rep. SANDIFER moved to table the amendment.

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

Yeas 82; Nays 20

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Bales | Barfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| Chalk | Cobb-Hunter | Cole |
| Crawford | Delleney | Duncan |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Harrison | Harvin |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kelly | Kennedy | King |
| Kirsh | Limehouse | Long |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Parks | Pinson |
| Rice | Rutherford | Sandifer |
| Simrill | Skelton | D. C. Smith |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Thompson | Toole | Umphlett |
| Vick | Weeks | Whipper |
| Whitmire | Williams | A. D. Young |
| T. R. Young |  |  |

**Total--82**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anthony |
| Bannister | Bedingfield | Clemmons |
| Cooper | Daning | Dillard |
| Edge | Hamilton | Hardwick |
| Loftis | Nanney | M. A. Pitts |
| G. R. Smith | Stringer | White |
| Willis | Wylie |  |

**Total--20**

So, the amendment was tabled.

Rep. G. R. SMITH proposed the following Amendment No. 3 (COUNCIL\NBD\12384DW10), which was tabled:

Amend the bill, as and if amended, by Section 48-2-50(H), SECTION 3, page 25, beginning on line 1, by deleting subsubitem (e) in its entirety.

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

Rep. HIOTT moved to table the amendment.

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

Yeas 75; Nays 22

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Bales | Barfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| Chalk | Cobb-Hunter | Cole |
| Crawford | Duncan | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Harrison |
| Harvin | Hiott | Hodges |
| Horne | Hosey | Howard |
| Huggins | Hutto | Jefferson |
| Jennings | Kelly | Kennedy |
| King | Kirsh | Limehouse |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Miller | Mitchell | D. C. Moss |
| V. S. Moss | J. H. Neal | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Parks | Pinson |
| Rice | Sandifer | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Toole | Umphlett |
| Vick | Weeks | Whipper |
| Whitmire | Williams | A. D. Young |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anthony |
| Bannister | Bedingfield | Clemmons |
| Cooper | Daning | Delleney |
| Dillard | Edge | Hamilton |
| Loftis | Nanney | M. A. Pitts |
| Simrill | G. R. Smith | Stringer |
| White | Willis | Wylie |
| T. R. Young |  |  |

**Total--22**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 87; Nays 11

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | H. B. Brown | Chalk |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Delleney | Dillard |
| Duncan | Edge | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Harrison | Harvin |
| Hearn | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | King | Limehouse |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Owens | Parks | Pinson |
| Rice | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | A. D. Young | T. R. Young |

**Total--87**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Clemmons | Daning |
| Hamilton | Loftis | Nanney |
| M. A. Pitts | G. R. Smith | Stringer |
| Willis | Wylie |  |

**Total--11**

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

**H. 3492--REJECTED**

The following Bill was taken up:

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.

The yeas and nays were taken resulting as follows:

Yeas 34; Nays 69

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bowers | Branham | G. A. Brown |
| Cobb-Hunter | Delleney | Dillard |
| Edge | Gilliard | Gunn |
| Harvin | Hodges | Hosey |
| Howard | Jefferson | Jennings |
| Kennedy | King | Limehouse |
| Mack | McEachern | McLeod |
| Mitchell | J. H. Neal | Rutherford |
| Skelton | G. R. Smith | J. E. Smith |
| Toole | Weeks | Whipper |
| Williams |  |  |

**Total--34**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | H. B. Brown | Chalk |
| Clemmons | Cole | Cooper |
| Crawford | Daning | Duncan |
| Erickson | Forrester | Funderburk |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Hiott | Horne |
| Huggins | Hutto | Kelly |
| Kirsh | Loftis | Long |
| Lowe | Lucas | Merrill |
| Miller | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Sandifer | Simrill |
| G. M. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Umphlett | Vick |
| White | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--69**

So, the Bill was rejected.

**S. 1066--CONTINUED**

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. HERBKERSMAN explained the Bill.

Rep. LOFTIS moved that the House do now adjourn.

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

Yeas 18; Nays 79

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Funderburk | Gambrell |
| Harvin | Hiott | Howard |
| Jefferson | Kennedy | King |
| Kirsh | Loftis | Mack |
| McLeod | M. A. Pitts | Rutherford |
| Vick | Whipper | Williams |

**Total--18**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Bales |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Daning |
| Delleney | Duncan | Edge |
| Erickson | Forrester | Govan |
| Gunn | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Hodges | Horne | Hosey |
| Huggins | Hutto | Jennings |
| Kelly | Limehouse | Long |
| Lowe | Lucas | McEachern |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Parks |
| Rice | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Weeks | White |
| Whitmire | Willis | Wylie |
| A. D. Young |  |  |

**Total--79**

So, the House refused to adjourn.

Rep. FORRESTER moved to adjourn debate on the Bill until Wednesday, May 26.

Rep. MERRILL moved to table the motion.

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

Yeas 78; Nays 19

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Bales | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| H. B. Brown | Chalk | Clemmons |
| Cole | Cooper | Crawford |
| Daning | Delleney | Duncan |
| Edge | Erickson | Gambrell |
| Gunn | Hamilton | Hardwick |
| Harrison | Hearn | Herbkersman |
| Hodges | Horne | Huggins |
| Hutto | Jennings | Kirsh |
| Limehouse | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Parks | Pinson | M. A. Pitts |
| Rice | Simrill | Skelton |
| D. C. Smith | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Thompson | Toole | Umphlett |
| Weeks | Whitmire | Willis |
| Wylie | A. D. Young | T. R. Young |

**Total--78**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bowers | G. A. Brown |
| Cobb-Hunter | Forrester | Funderburk |
| Gilliard | Govan | Harvin |
| Hosey | Howard | Jefferson |
| King | Loftis | Mack |
| Rutherford | Vick | Whipper |
| White |  |  |

**Total--19**

So, the motion to adjourn debate was tabled.

Rep. MERRILL moved to continue the Bill.

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

Yeas 64; Nays 35

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anthony | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| Chalk | Clemmons | Cooper |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Hamilton | Hardwick | Hearn |
| Herbkersman | Hodges | Horne |
| Huggins | Hutto | Jefferson |
| Kirsh | Long | Lowe |
| Lucas | McEachern | McLeod |
| Merrill | Miller | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Rice | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. R. Smith | Spires |
| Stavrinakis | Stringer | Thompson |
| Toole | Umphlett | Weeks |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--64**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Bales | Cobb-Hunter | Cole |
| Dillard | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Gunn | Harvin | Hiott |
| Hosey | Howard | Jennings |
| Kelly | Kennedy | Limehouse |
| Loftis | Mack | Mitchell |
| D. C. Moss | J. H. Neal | Parks |
| Pinson | M. A. Pitts | Rutherford |
| J. E. Smith | Sottile | Vick |
| Whipper | White |  |

**Total--35**

So, the Bill was continued.

**S. 1066--MOTION TO RECONSIDER TABLED**

Rep. MERRILL moved to reconsider whereby the Bill was continued.

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

**H. 4909--DEBATE ADJOURNED**

Rep. KING moved to adjourn debate upon the following Bill until Wednesday, May 26, which was adopted:

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

**H. 4806--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4806 -- Reps. Clemmons and Huggins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-1-120 SO AS TO AUTHORIZE THE GOVERNING BODY OF A MUNICIPALITY, COUNTY, SCHOOL DISTRICT, OR BOARD TO ADOPT A TERM LIMIT FOR THEIR RESPECTIVE BODIES OR BOARDS UPON THE APPROVAL OF A TWO-THIRDS VOTE OF THE MEMBERS OF THE BODY OR BOARD.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\AGM\18061AHB10):

Amend the bill, as and if amended, by deleting Section 7-1-120, as contained in SECTION 1, page 1, lines 25-28, and inserting:

/ “Section 7‑1‑120. The governing body of a municipality, county, school district, or board may adopt or abolish a term limit for their respective body or board upon the approval of a two‑thirds vote of the members of the body or board.” /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. SKELTON spoke against the amendment.

Rep. SKELTON moved to adjourn debate on the Bill until Friday, June 4.

Rep. CLEMMONS moved to table the motion.

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

Yeas 24; Nays 75

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bannister | Bedingfield | Chalk |
| Clemmons | Crawford | Daning |
| Edge | Erickson | Hamilton |
| Harrell | Harrison | Hearn |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lowe |
| Nanney | M. A. Pitts | G. R. Smith |
| Toole | Willis | T. R. Young |

**Total--24**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Bales |
| Barfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | H. B. Brown | Cobb-Hunter |
| Cole | Cooper | Delleney |
| Dillard | Duncan | Forrester |
| Funderburk | Gilliard | Govan |
| Gunn | Harvin | Hiott |
| Hodges | Hosey | Howard |
| Hutto | Jefferson | Jennings |
| Kelly | King | Kirsh |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Parks | Pinson | Rice |
| Rutherford | Sandifer | Simrill |
| Skelton | D. C. Smith | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Wylie | A. D. Young |

**Total--75**

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

The question then recurred to the motion to adjourn debate until June 4, which was agreed to.

**S. 1154--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1154 -- Senators Malloy, Knotts, Campsen, McConnell, Fair, Cromer, Ford, Elliott, Scott, Nicholson, Coleman, Massey, Cleary, Hutto, Peeler, Williams, Land, Rose, Campbell, L. Martin, Leventis, Leatherman, Setzler, O'Dell, Hayes and Pinckney: A BILL TO ENACT THE OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010, RELATING TO CRIMINAL OFFENSES, CORRECTIONS, PROBATION, AND PAROLE PROVISIONS, SO AS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT RECOMMENDATIONS PROPOSED BY THE SENTENCING REFORM COMMISSION REPORT OF FEBRUARY 2010.

Reps. HORNE and A. D. YOUNG proposed the following Amendment No. 4 (COUNCIL\7854AHB10KRL), which was tabled:

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

/ SECTION \_\_. Section 1‑7‑330 of the 1976 Code is amended to read:

“Section 1‑7‑330. The solicitors shall attend the courts of general sessions for their respective circuits. Preparation of the dockets for general sessions courts shall be exclusively vested in the circuit ~~solicitor~~ court. The ~~and the solicitor~~ chief administrative judge for circuit court shall determine the order in which cases on the docket are called for trial. ~~Provided,~~ However, ~~that~~ no later than seven days ~~prior to~~ before the beginning of each term of general sessions court, the ~~solicitor~~ chief administrative judge in each circuit shall prepare and publish a docket setting forth the cases to be called for trial during the term.” /

Renumber sections to conform.

Amend title to conform.

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

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 4

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| G. A. Brown | H. B. Brown | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Crawford | Daning |
| Delleney | Dillard | Duncan |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Hamilton |
| Hardwick | Harrell | Harrison |
| Harvin | Hearn | Herbkersman |
| Hodges | Horne | Hosey |
| Howard | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| King | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Merrill | Miller | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Parker | Parks | Pinson |
| M. A. Pitts | Rice | Rutherford |
| Skelton | D. C. Smith | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Toole | Umphlett |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Wylie | A. D. Young |
| T. R. Young |  |  |

**Total--97**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kirsh | Norman | Simrill |
| Thompson |  |  |

**Total--4**

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

RECORD FOR VOTING

I was outside the Chamber at the time of the vote on S. 1154. I enthusiastically support this legislation and had I been present, I would have voted in favor of the Bill.

Rep. Chris Hart

**S. 1051--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Wednesday, May 26, which was adopted:

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.

**S. 104--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\MS\7852AHB10), which was adopted:

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

/ SECTION 1. Title 46 of the 1976 Code is amended by adding:

“Chapter 53

Agritourism Activity Liability

Section 46‑53‑10. As used in this chapter:

(1) ‘Agritourism activity’ means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to participate in rural activities.

(2) ‘Agritourism professional’ means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

(3) ‘Inherent risks of an agritourism activity’ means those dangers or conditions that are inherent to an agritourism activity, including hazards related to surface and subsurface conditions, natural conditions of land, vegetation, and water at the agritourism location, the behavior of wild or domestic animals, except dogs, and ordinary dangers associated with structures or equipment commonly used in farming and ranching operations. Inherent risks of an agritourism activity also includes a participant that acts in a negligent manner that causes or contributes to an injury to or the death of the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in an agritourism activity. Inherent risk does not include any wilful, wanton, or reckless act or omission by the agritourism professional or any defect to land, structures, or equipment commonly used in farming and ranching operations that the agritourism professional knew or should have known existed.

(4) ‘Participant’ means any person, other than the agritourism professional, who engages in an agritourism activity.

(5) ‘Person’ means an individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group acting as a unit.

(6) ‘Rural activity’ means wildlife management, farming and ranching, and associated historic, scientific research, cultural, harvest‑your‑own, and natural activities and attractions.

Section 46‑53‑20. An agritourism professional is not liable for an injury to or the death of a participant resulting from an inherent risk of an agritourism activity, and no participant or participant’s representative may make a claim against, maintain an action against, or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting from an inherent risk of an agritourism activity unless the agritourism professional:

(1) intentionally injured or caused the death of the participant or committed an act or omission that constitutes willful, wanton, or reckless disregard for the safety of the participant and that act or omission caused the injury or death; or

(2) owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries or death because of a dangerous latent condition which was known or should have been known to the agritourism professional.

Section 46‑53‑30. In an action for damages against an agritourism professional for an injury to or death of a participant, the agritourism professional may plead assumption of the risk of an agritourism activity as an affirmative defense.

Section 46‑53‑40. Any limitation on legal liability afforded by this chapter to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

Section 46‑53‑50. (A) Every agritourism professional must post and maintain at least one sign that contains a warning notice. The sign must be clearly visible and placed at the entrance of the agritourism activity or another conspicuous location on or near where agritourism activities are conducted. Each letter on the sign must be a minimum of one inch in height.

(B) Every written contract entered into with a participant by an agritourism professional for professional services, instruction, or rental of equipment related to an agritourism activity, must have a printed warning notice in or affixed to the contract. The warning notice must be clearly legible, and the words must be in boldface, twelve‑point type.

(C) The warning notices required in this section must contain the following statement:

‘WARNING !

Under South Carolina law, an agritourism professional is not liable for an injury to or the death of a participant in an agritourism activity resulting from an inherent risk associated with the agritourism activity. (Chapter 31, Title 46, Code of Laws of South Carolina, 1976).’

(E) Failure to comply with the requirements in this section concerning warning signs and notices prevents an agritourism professional from pleading assumption of the risk of an agritourism activity as provided in Section 46‑31‑30 and invoking the privileges of immunity provided in Section 46‑31‑20.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect September 1, 2010, and shall only apply to causes of action arising after that date. /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 1

Those who voted in the affirmative are:

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

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Kirsh |  |  |

**Total--1**

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

**S. 1027--AMENDED AND ORDERED TO THIRD READING**

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), which was tabled:

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 moved to table the amendment, which was agreed to.

The Agriculture, Natural Resources and Environmental Affairs Committee proposed the following Amendment No. 1A (COUNCIL\GGS\22629SD10), which was adopted:

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.

(G)(1) The provisions of this SECTION do not apply to bear hunting.

(2) The provisions of this SECTION do not apply to Game Zones One and Two. /

Renumber sections to conform.

Amend title to conform.

Rep. UMPHLETT explained the amendment.

The amendment was then adopted.

Rep. MCLEOD proposed the following Amendment No. 2 (COUNCIL\AGM\18096AB10), which was adopted:

Amend the committee report, as and if amended, SECTION 2, page 1027-2, line 8, by deleting / intentionally or unintentionally /

Renumber sections to conform.

Amend title to conform.

Rep. MCLEOD explained the amendment.

The amendment was then adopted.

Rep. SKELTON moved to adjourn debate on the Bill until Wednesday, May 26.

Rep. UMPHLETT moved to table the motion.

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

Yeas 74; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Bales |
| Bedingfield | Bingham | Bowen |
| Bowers | Brady | Branham |
| H. B. Brown | Chalk | Clemmons |
| Cobb-Hunter | Cole | Cooper |
| Crawford | Daning | Dillard |
| Duncan | Edge | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Gunn | Hamilton |
| Harrison | Harvin | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Jennings |
| Kennedy | King | Limehouse |
| Long | Lowe | Lucas |
| McEachern | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| Neilson | Norman | Owens |
| Parker | Parks | M. A. Pitts |
| Rutherford | Sandifer | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Thompson |
| Toole | Umphlett | Vick |
| Weeks | Whitmire | Williams |
| Willis | A. D. Young |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Bannister | Barfield |
| G. A. Brown | Delleney | Kelly |
| Kirsh | Mack | McLeod |
| Nanney | J. H. Neal | J. M. Neal |
| Pinson | Rice | Simrill |
| Skelton | D. C. Smith | J. R. Smith |
| Stringer | Whipper | White |
| Wylie | T. R. Young |  |

**Total--23**

So, the motion to adjourn debate was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 75; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Bingham | Bowen | Bowers |
| Brady | Branham | H. B. Brown |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Cooper | Crawford |
| Daning | Dillard | Duncan |
| Edge | Erickson | Funderburk |
| Gilliard | Govan | Gunn |
| Harrell | Harrison | Harvin |
| Herbkersman | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Jennings | Kennedy | King |
| Limehouse | Long | Lowe |
| Lucas | Mack | McEachern |
| McLeod | Merrill | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Norman |
| Parker | Parks | M. A. Pitts |
| Rutherford | Sandifer | D. C. Smith |
| G. M. Smith | J. E. Smith | Sottile |
| Spires | Thompson | Toole |
| Umphlett | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Barfield |
| Bedingfield | G. A. Brown | Delleney |
| Forrester | Gambrell | Hamilton |
| Kelly | Kirsh | Loftis |
| Nanney | Pinson | Rice |
| Simrill | G. R. Smith | J. R. Smith |
| Stringer | Wylie | T. R. Young |

**Total--21**

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

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

**MOTION NOTED**

Rep. MERRILL moved to reconsider the vote whereby S. 594 was read second time and the motion was noted.

**MOTION NOTED**

Rep. BOWERS moved to reconsider the vote whereby S. 879 was read second time and the motion was noted.

**MOTION NOTED**

Rep. A. D. YOUNG moved to reconsider the vote whereby Amendment 1 to the Senate Amendments to H. 3706 was adopted and the motion was noted.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4712 -- Rep. J. H. Neal: A CONCURRENT RESOLUTION MAKING THE SOUTH CAROLINA GENERAL ASSEMBLY AND THE CITY OF ACCRA, GHANA, SISTER ENTITIES FOR THE PURPOSE OF EXCHANGING INFORMATION AND IDEAS CONCERNING THE LEGISLATIVE AND GOVERNMENTAL PROCESS OF EACH ENTITY.

H. 5011 -- Reps. Funderburk, 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, 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 CONGRATULATE JACK BRANTLEY OF KERSHAW COUNTY UPON THE OCCASION OF HIS SEVENTY-FIFTH BIRTHDAY, TO COMMEND HIM FOR HIS MANY YEARS AS AN ENTHUSIASTIC SUPPORTER OF WORTHY COMMUNITY CAUSES, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

**ADJOURNMENT**

At 7:08 p.m. the House, in accordance with the motion of Rep. G. M. SMITH, adjourned in memory of John Joseph "Joe" Tindal of Sumter, to meet at 10:00 a.m. tomorrow.

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