~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Deuteronomy 11:13: “If you will only heed His every commandment that I am commanding you today - loving the Lord your God, and serving him with all your heart, and with all your soul.”

Let us pray. Almighty God, You have called each of us to be Your children. Grant us the ability to lead lives of fruitfulness and courage. With the abilities and knowledge You have given these Representatives, encourage them to do the best with what You have provided them. May their commitment never fail in doing the work of the people. Bless our Nation, State, and all our leaders. Protect our defenders of freedom at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Hear us, O Lord, as we pray. Amen.

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

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

**MOTION ADOPTED**

Rep. ANDERSON moved that when the House adjourns, it adjourn in memory of Reverend Jannie B. T. Royal of Georgetown, which was agreed to.

**REPORTS OF STANDING COMMITTEE**

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

H. 4903 -- Reps. Funderburk and Lucas: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF NATURAL RESOURCES TO NAME THE BOAT LANDING LOCATED ON THE WATEREE RIVER AT U.S. HIGHWAY NO. 1 IN KERSHAW COUNTY AS "PATRIOTS LANDING" AND TO INSTALL APPROPRIATE SIGNS CONTAINING THE WORDS "PATRIOTS LANDING" ON THE PROPERTY, AS WELL AS PLAQUES EXPLAINING THE HISTORICAL IMPORTANCE OF THIS LOCATION.

Ordered for consideration tomorrow.

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

S. 1196 -- Senators Jackson, Ford, Courson, Hutto, Williams, Sheheen, Massey, Lourie, McGill, Scott, Nicholson, Matthews, Anderson, Gregory, Coleman, Setzler, Rankin and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-616 SO AS TO PROVIDE THAT THE MONTH OF FEBRUARY OF EVERY YEAR IS DESIGNATED AFRICAN AMERICAN HISTORY MONTH IN SOUTH CAROLINA.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4922 -- Reps. Hamilton, Henderson and Stringer: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND RUSSELL C. ASHMORE, JR., OF GREER FOR HIS OUTSTANDING PUBLIC AND COMMUNITY SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4932 -- Rep. Hodges: A HOUSE RESOLUTION TO CONGRATULATE ST. HELENA ISLAND'S PENN CENTER ON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY, TO THANK THE CENTER FOR ITS OUTSTANDING EDUCATIONAL AND CULTURAL CONTRIBUTIONS TO THE PEOPLE OF THE PALMETTO STATE, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE YEARS AHEAD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4933 -- Rep. Hodges: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR CIVIL WAR HERO, SOUTH CAROLINA LEGISLATOR, AND UNITED STATES CONGRESSMAN, ROBERT SMALLS, AND TO COMMEMORATE THE SESQUICENTENNIAL ANNIVERSARY OF HIS CAPTURE OF THE CONFEDERATE GUN BOAT THE PLANTER IN MAY OF 1862.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4934 -- Reps. Bingham, Atwater, Ballentine, Frye, Huggins, McLeod, Ott, Quinn, Spires and Toole: A HOUSE RESOLUTION TO CONGRATULATE THE LEXINGTON COUNTY PUBLIC LIBRARY SYSTEM ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY, TO COMMEND THE LIBRARY FOR THE OUTSTANDING JOB IT DOES IN SERVING THE CITIZENS OF LEXINGTON COUNTY, AND TO WISH THIS VENERABLE INSTITUTION MUCH CONTINUED SUCCESS IN THE FUTURE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4935 -- Reps. Willis, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams and Young: A HOUSE RESOLUTION TO HONOR THE REVEREND DR. STEPHEN SAMUEL LOMAX, SENIOR PASTOR OF NEW LIFE IN CHRIST MISSIONARY BAPTIST CHURCH IN FOUNTAIN INN, FOR HIS THIRTY-FIVE YEARS OF GOSPEL MINISTRY AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4940 -- Reps. Young, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams and Willis: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF THE HONORABLE STEPHEN P. KODMAN, SR., OF LEXINGTON COUNTY, AIKEN COUNTY ASSISTANT SOLICITOR, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4936 -- Reps. Owens, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR TWENTY OF SOUTH CAROLINA'S TECHNICAL COLLEGE STUDENTS FOR THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES, AND TO CONGRATULATE THEM FOR BEING NAMED TO SOUTH CAROLINA'S 2012 ACADEMIC ALL-STATE TEAM SPONSORED BY THE PHI THETA KAPPA HONOR SOCIETY.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1264 -- Senators Campbell, Grooms and Campsen: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE GOOSE CREEK HIGH SCHOOL VARSITY FOOTBALL TEAM FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM, COACHES, AND SCHOOL OFFICIALS FOR CAPTURING THE 2011 SOUTH CAROLINA CLASS AAAA, DIVISION II, STATE CHAMPIONSHIP TITLE.

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. 1271 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY GUNNERY SERGEANT RALPH EARL PATE, JR., UNITED STATES MARINE CORPS, WHILE SERVING A TOUR OF DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1272 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT FIRST CLASS ALVIN A. BOATWRIGHT OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1273 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT RYAN D. SHARP OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1274 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY PRIVATE FIRST CLASS KALIN C. L. JOHNSON OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1275 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT FIRST CLASS ANTHONY VENETZ, JR., OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1276 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT LASHAWN D. EVANS OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1277 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY PRIVATE FIRST CLASS JUSTIN M. WHITMIRE OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1278 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT FIRST CLASS JOHNATHAN BRYANT MCCAIN OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1279 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SENIOR AIRMAN NICHOLAS J. ALDEN OF THE UNITED STATES AIR FORCE WHILE EN ROUTE TO A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1280 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT THOMAS J. DUDLEY OF THE UNITED STATES MARINE CORPS WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1281 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY PRIVATE FIRST CLASS CHEZIRAY PRESSLEY, UNITED STATES ARMY, WHILE SERVING A TOUR OF DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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. 1283 -- Senators Grooms, Bryant, Verdin, Ryberg, Hayes, Rose, Davis, Cromer, Campsen, L. Martin, Alexander, Thomas, Massey, Bright and Shoopman: A CONCURRENT RESOLUTION TO RECOGNIZE THE MANY CONTRIBUTIONS MADE BY PREGNANCY CARE CENTERS AND TO COMMEND THE COMPASSIONATE WORK PERFORMED BY STAFF AND VOLUNTEERS AT PREGNANCY CENTERS ACROSS THE STATE AND THE NATION.

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

**INTRODUCTION OF BILLS**

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

H. 4923 -- Rep. Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-335 SO AS TO PROVIDE THAT TO ENSURE A REPRESENTATIVE GOVERNING BODY OF AN ADEQUATE SIZE, AN ELECTED GOVERNING BODY OF A PUBLIC SERVICE DISTRICT CONSISTING OF THREE MEMBERS OR LESS LOCATED WHOLLY IN ONE COUNTY WHICH PROVIDES WATER, SEWER, OR FIRE SERVICE WITHIN ITS SERVICE AREA MAY BE ENLARGED BY ADDITIONAL MEMBERS IN THE MANNER AND UNDER THE PROCEDURES SPECIFIED IN THIS SECTION.

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

Rep. HIOTT objected.

Referred to Committee on Labor, Commerce and Industry

H. 4924 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF DENTISTRY, RELATING TO REGISTRATION OF LICENSES OR CERTIFICATES; ANNUAL ELECTION OF THE BOARD; AND EXECUTIVE DIRECTOR, DESIGNATED AS REGULATION DOCUMENT NUMBER 4232, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 4925 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF CHIROPRACTIC EXAMINERS, RELATING TO ORGANIZATION, ADMINISTRATION AND PROCEDURE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4228, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 4926 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS IN OPTICIANRY, RELATING TO REQUIREMENTS OF LICENSURE FOR OPTICIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4247, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 4927 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF PODIATRY EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE FOR PODIATRISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4250, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 4928 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF BARBER EXAMINERS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4265, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 4929 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF BARBER EXAMINERS, RELATING TO REQUIREMENTS OF LICENSURE IN THE FIELD OF BARBERING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4225, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 4930 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF COSMETOLOGY, RELATING TO REQUIREMENTS OF LICENSURE FOR COSMETOLOGISTS, ESTHETICIANS, AND NAIL TECHNICIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4230, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 4931 -- Reps. Mack, Brantley, Gilliard, Govan, Butler Garrick, Bales, Alexander, Williams, Johnson, Hosey, Patrick, Jefferson, J. H. Neal, King, Sabb, Bowen, Branham, R. L. Brown, Cobb-Hunter, Harrison, Gambrell, Hart, Herbkersman, Hodges, Knight, Limehouse, Long, Lowe, Parks, Taylor, Whipper and Willis: A BILL TO AMEND SECTION 23-3-200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE MISSING PERSON INFORMATION CENTER, SO AS TO REVISE THE PROCEDURES FOR ACCEPTING INFORMATION TO GENERATE A MISSING PERSON'S REPORT; AND BY ADDING SECTIONS 23-3-340 AND 23-3-350 SO AS TO PROVIDE PROCEDURES FOR HANDLING HIGH-RISK MISSING PERSON CASES AND DEATH SCENE INVESTIGATIONS.

Referred to Committee on Judiciary

H. 4937 -- Rep. Funderburk: A BILL TO AMEND SECTIONS 7-13-330, 7-13-1340, AND 7-13-1640, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO ELECTIONS, SO AS TO DELETE THE PROVISIONS THAT PROVIDE FOR STRAIGHT PARTY TICKET VOTING FOR GENERAL ELECTION BALLOTS, STRAIGHT TICKET VOTING ON ANY TYPE OF RECORDER, AND VOTING FOR ALL OF THE CANDIDATES OF ONE PARTY BY USE OF A VOTING MACHINE.

Referred to Committee on Judiciary

H. 4938 -- Rep. Funderburk: A BILL TO AMEND SECTION 2-17-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACTS PROHIBITED BY LOBBYISTS, LOBBYISTS' PRINCIPALS, PUBLIC OFFICIALS, AND PUBLIC EMPLOYEES, SO AS TO PROHIBIT LOBBYISTS' PRINCIPALS FROM OFFERING, MAKING, OR FACILITATING A CAMPAIGN CONTRIBUTION TO A MEMBER OF THE GENERAL ASSEMBLY OR A STATEWIDE CONSTITUTIONAL OFFICER FROM DECEMBER THIRTY-FIRST THROUGH JULY FIRST OF THE CALENDAR YEAR IMMEDIATELY FOLLOWING.

Referred to Committee on Judiciary

H. 4939 -- Reps. Quinn, Weeks and Rutherford: A BILL TO AMEND SECTION 61-6-1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS THE SOLE RESPONSIBILITY OF THE RETAIL DEALER.

Referred to Committee on Labor, Commerce and Industry

S. 43 -- Senators McConnell, Ford and Knotts: A BILL TO AMEND SECTION 39-5-37, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF A NAME TO MISREPRESENT THE GEOGRAPHICAL LOCATION OF A BUSINESS AS AN UNLAWFUL TRADE PRACTICE, SO AS TO MAKE IT AN UNLAWFUL TRADE PRACTICE TO PUBLISH IN A TELEPHONE ASSISTANCE DATABASE OR A PRINT ADVERTISEMENT AN INTENTIONALLY MISLEADING REPRESENTATION OF THE GEOGRAPHICAL LOCATION OF THE BUSINESS, AND TO PROVIDE AN EXCEPTION FOR PROVIDERS OF TELEPHONE SERVICES OR TELEPHONE DIRECTORIES.

Referred to Committee on Judiciary

S. 1055 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 14-27-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE JUDICIAL COUNCIL, SO AS TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE COUNCIL, THE CHIEF JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS, AND A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW, TO CHANGE THE PERSON SERVING FROM THE SOUTH CAROLINA BAR FROM THE PRESIDENT OF THE SOUTH CAROLINA BAR TO ONE PERSON RECOMMENDED BY THE SOUTH CAROLINA BAR, AND TO ADD AS A MEMBER, A MUNICIPAL COURT JUDGE IN LIEU OF ONE OF THE TWO MAGISTRATE COURT JUDGES; TO AMEND SECTION 14-27-30 RELATING TO THE CHIEF JUSTICE APPOINTING A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW AND APPOINTING THE SUMMARY COURT JUDGES; AND TO AMEND SECTION 14-27-40 RELATING TO THE TERMS OF SERVICE, SO AS TO PROVIDE THAT THE CHIEF JUDGE SERVES DURING THE TERM OF HIS OFFICE, AND THE PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW SERVES FOR A FOUR-YEAR TERM.

Referred to Committee on Judiciary

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crawford |
| Crosby | Daning | Delleney |
| Dillard | Edge | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pope |
| Putnam | Ryan | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| Whipper | White | Whitmire |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, March 1.

|  |  |
| --- | --- |
| Terry Alexander | Boyd Brown |
| Chris Hart | Walton McLeod |
| Denny Neilson | Michael A. Pitts |
| Richard "Rick" Quinn | Todd Rutherford |
| Joseph Neal | Jerry Govan |
| Ted Vick | Mia Butler Garrick |
| Bakari Sellers |  |

**Total Present--117**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CHUMLEY a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KING a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Robert Livingston of Newberry was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Reps. DANING, CROSBY, JEFFERSON, LIMEHOUSE, MERRILL and SOUTHARD presented to the House the Goose Creek High School "Gators" Football Team, the 2011 AAAA, Division II Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Reps. JEFFERSON, LIMEHOUSE, DANING, CROSBY, SOUTHARD and MERRILL presented to the House the Timberland High School "Wolves" Football Team, the 2011 AA, Division I Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4043 |
| Date: | ADD: |
| 03/01/12 | D. C. MOSS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4082 |
| Date: | ADD: |
| 03/01/12 | AGNEW |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4451 |
| Date: | ADD: |
| 03/01/12 | HEARN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4654 |
| Date: | ADD: |
| 03/01/12 | PATRICK |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4721 |
| Date: | ADD: |
| 03/01/12 | PATRICK |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4898 |
| Date: | ADD: |
| 03/01/12 | G. R. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4907 |
| Date: | ADD: |
| 03/01/12 | G. R. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4904 |
| Date: | ADD: |
| 03/01/12 | G. R. SMITH |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4625 |
| Date: | REMOVE: |
| 03/01/12 | CROSBY, MURPHY, HARDWICK, STAVRINAKIS, MCCOY and HEARN |

**LEAVE OF ABSENCE**

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

**SENT TO THE SENATE**

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

H. 3918 -- Rep. White: A BILL TO AMEND CHAPTER 1, TITLE 55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE DIVISION OF AERONAUTICS WITHIN THE DEPARTMENT OF COMMERCE, SO AS TO MOVE THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF THE DIVISION OF AERONAUTICS TO THE DEPARTMENT OF TRANSPORTATION, TO REVISE CERTAIN PROVISIONS RELATING TO THE OPERATION OF INTRASTATE SCHEDULED AIRLINE SERVICE, COUNTY AVIATION COMMISSIONS, THE USE OF STATE-OWNED AIRCRAFT, AND THE USE OF ALCOHOLIC BEVERAGES BY FLIGHT CREW MEMBERS, TO MAKE TECHNICAL CHANGES, AND TO REVISE CERTAIN PENALTIES; TO AMEND CHAPTER 3, TITLE 55, RELATING TO THE UNIFORM STATE LAWS FOR AERONAUTICS, SO AS TO MAKE TECHNICAL CHANGES, REVISE CERTAIN PROVISIONS RELATING TO THE DEFINITION OF VARIOUS FORMS OF AIRCRAFT, THE OWNERSHIP OF AIRSPACE, THE LANDING OF AN AIRCRAFT ON LANDS OR WATERS, TO PROVIDE THAT IT IS ILLEGAL TO POINT, AIM, OR DISCHARGE A LASER DEVICE AT CERTAIN AIRCRAFT, AND PROVIDE PENALTIES; TO AMEND CHAPTER 5, TITLE 55, RELATING TO THE UNIFORM STATE AERONAUTICAL REGULATORY LAW, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT CONTAINS VARIOUS TERMS AND THEIR DEFINITIONS, TO DELETE THE PROVISION THAT REQUIRES THE STATE BUDGET AND CONTROL BOARD TO PROVIDE OFFICES FOR THE DIVISION OF AERONAUTICS, TO REVISE THE DIVISION'S RESPONSIBILITIES RELATING TO ITS REGULATION OF CERTAIN AIR NAVIGATION AND AIRPORT FACILITIES, THE CONSTRUCTION OF AIRPORTS, THE REPORTS IT FILES WITH THE FEDERAL AVIATION ADMINISTRATION, AND THE OPERATION OF THE DIVISION, TO PROVIDE PENALTIES FOR VIOLATIONS OF PROVISIONS OF THIS CHAPTER, AND TO REVISE PROVISIONS RELATING TO THE USE OF MONIES CONTAINED IN THE STATE AVIATION FUND; TO AMEND CHAPTER 9, TITLE 55, RELATING TO THE UNIFORM SOUTH CAROLINA AIRPORTS ACT, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THIS CHAPTER ALSO APPLIES TO COUNTIES, AIRPORT COMMISSIONS, AND SPECIAL PURPOSE DISTRICTS, TO DELETE OBSOLETE TERMS, TO REVISE THE PROJECTS THAT MAY BE FUNDED FROM MONIES CONTAINED IN AIRPORT FACILITIES ACCOUNTS, AND TO PROVIDE FOR THE TERM "AIRPORT HAZARD" AND TO PROVIDE ITS DEFINITION AND THE REGULATION OF AN AIRPORT HAZARD; TO AMEND CHAPTER 11, TITLE 55, RELATING TO THE CREATION AND OPERATION OF CERTAIN AIRPORTS WITHIN THE STATE, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE CERTAIN OBSOLETE TERMS, TO REVISE THE PROCESS FOR THE MAKING OF CERTAIN CONTRACTS FOR THE CONSTRUCTION, ERECTION, MAINTENANCE, AND REPAIR OF CERTAIN AIRPORT FACILITIES TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES AT CERTAIN AIRPORT FACILITIES, TO REVISE CERTAIN PENALTIES, TO REVISE THE DEFINITION OF A QUORUM FOR A CERTAIN AIRPORT COMMISSION, TO EXPAND THE AUTHORITY OF CERTAIN AIRPORT COMMISSIONS TO ADOPT RULES AND PROMULGATE REGULATIONS, TO PROVIDE THAT IT IS UNLAWFUL TO ENGAGE IN CERTAIN ACTIVITIES UPON CERTAIN AIRPORT PROPERTY, TO DELETE THE TERM "SECRETARY" AND ITS DEFINITION, AND REPLACE IT WITH THE TERM "EXECUTIVE DIRECTOR" AND ITS DEFINITION AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 13, TITLE 55, RELATING TO THE PROTECTION OF AIRPORTS AND AIRPORT PROPERTY, SO AS TO PROVIDE THAT THE DIVISION OF AERONAUTICS SHALL CREATE MAPS OF THE STATE'S PUBLIC USE AIRPORTS AND DISTRIBUTE THEM TO VARIOUS LOCAL GOVERNMENTAL AGENCIES FOR VARIOUS PURPOSES, AND TO DEFINE THE TERM "AIRPORT SAFETY ZONES", TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY ASSIST WITH THE PROTECTION OF AREAS THAT POSE HAZARDS TO AIR TRAFFIC, AND TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS CHAPTER; TO AMEND CHAPTER 15, TITLE 55, RELATING TO RELOCATION ASSISTANCE, SO AS TO DELETE THE TERM "DEPARTMENT OF COMMERCE" AND REPLACE IT WITH THE TERM "DEPARTMENT OF TRANSPORTATION", AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 17, TITLE 55, RELATING TO REGIONAL AIRPORT DISTRICTS, SO AS TO REVISE THE PROVISION THAT REVISES THE TYPE OF AIR CARRIERS REGULATED BY THIS CHAPTER, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 13-1-20, RELATING TO CERTAIN RESPONSIBILITIES OF THE DEPARTMENT OF COMMERCE, SO AS TO DELETE ITS RESPONSIBILITY TO DEVELOP STATE PUBLIC AIRPORTS AND AN AIR TRANSPORTATION SYSTEM; TO AMEND SECTION 13-1-30, AS AMENDED, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF COMMERCE, SO AS TO REVISE THE PROVISIONS RELATING TO THE DIVISION OF AERONAUTICS; TO AMEND SECTION 13-1-1000, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "DEPARTMENT"; TO AMEND SECTION 13-1-1010, RELATING TO THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT IT IS NO LONGER A DIVISION OF THE DEPARTMENT OF COMMERCE, BUT A DIVISION OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTIONS 57-1-20, 57-1-30, AND 57-1-450, ALL AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT IT SHALL HAVE A DIVISION OF AERONAUTICS, OVERSEE THE SAFETY AND DEVELOPMENT OF THE STATE'S PUBLIC USE AIRPORTS, PROVIDE SAFE RELIABLE AIR TRANSPORTATION FOR STATE GOVERNMENT AND BUSINESS PROSPECTS, AND PROVIDE THAT ITS DIRECTOR MUST BE APPOINTED BY THE GOVERNOR; AND TO REPEAL CHAPTER 8, TITLE 55, RELATING TO THE UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT.

H. 3558 -- Reps. J. E. Smith, Govan and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-2270 SO AS TO REQUIRE ALL STATE INSTITUTIONS OF HIGHER EDUCATION TO ALLOW STUDENTS TO COMPLETE ASSIGNMENTS OR TAKE MAKE-UP EXAMINATIONS WHEN AN ABSENCE IS CAUSED BY ATTENDING OR PARTICIPATING IN MILITARY SERVICE, DUTY, TRAINING, OR DISASTER RELIEF EFFORTS.

H. 4678 -- Reps. Nanney, Brantley, Clemmons, Toole, Parker, Long, Allison, Limehouse, J. R. Smith, Bedingfield, Bowen, Corbin, Hamilton, Henderson, Hixon, Stringer and Willis: A BILL TO AMEND SECTION 29-3-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORDS, SO AS TO PROVIDE THAT THE MORTGAGEE OF RECORD, THE OWNER OR HOLDER OF THE DEBT INSTRUMENT SECURED BY THE MORTGAGE, THE TRUSTEE OR BENEFICIARY OF A DEED OF TRUST, OR THE LEGAL REPRESENTATIVE OR ATTORNEY-IN-FACT OF ANY OF THOSE PARTIES MAY EXECUTE A MORTGAGE SATISFACTION OR DEED OF TRUST RELEASE, AND TO PROVIDE A PROCEDURE AND FORM FOR USE IN THIS EXECUTION.

H. 4093 -- Reps. Pope, Sottile, Simrill, Hosey, Williams, Atwater, Quinn, Toole, Huggins, Brannon, Knight, Gambrell, Clyburn, McCoy, Gilliard, Owens, Merrill, Norman, Crawford, Bowers, Murphy, Bedingfield, Bowen, Branham, Chumley, Clemmons, Delleney, Hamilton, Hodges, Loftis, Lowe, D. C. Moss, V. S. Moss, Nanney, J. M. Neal, Ott, Ryan, G. M. Smith, G. R. Smith, J. R. Smith, Spires, Tallon, Taylor, Whitmire, Willis, Neilson and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-715 SO AS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS THE OFFICIAL STATE EMBLEM OF THE SERVICE AND SACRIFICE BY THOSE IN THE UNITED STATES ARMED FORCES WHO HAVE GIVEN THEIR LIVES IN THE LINE OF DUTY.

H. 4797 -- Rep. Norman: A BILL TO AMEND SECTION 5-31-230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MUNICIPALITIES IN WHICH THERE ARE NO BOARD OF COMMISSIONERS OF PUBLIC WORKS, SO AS TO INCLUDE THE CITY OF TEGA CAY.

H. 4800 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO PHYSICAL FITNESS SERVICES CENTER - CERTIFICATES OF AUTHORITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4205, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 4205 -- Reps. Funderburk, G. A. Brown and Lucas: A BILL TO AMEND ARTICLE 8, CHAPTER 36, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CORPORATIONS NOT-FOR-PROFIT PROVIDING WATER SERVICE FINANCED BY FEDERAL OR STATE LOANS BEING PERMITTED TO CONVERT TO A PUBLIC SERVICE DISTRICT, BY ADDING SECTION 33-36-1315 SO AS TO PROVIDE FOR ADDITIONAL CONVERSION PROVISIONS, TERMS, AND LIMITATIONS FOR NONPROFIT CORPORATIONS OF A CERTAIN SIZE THAT PROVIDE WATER SERVICE IN TWO OR MORE COUNTIES; AND TO AMEND SECTION 33-36-1330, RELATING TO THE GOVERNING BOARD AND STRUCTURE OF A CORPORATION WHICH HAS BEEN CONVERTED TO A PUBLIC SERVICE DISTRICT, SO AS TO PROVIDE FOR THE GOVERNING STRUCTURE OF A PUBLIC SERVICE DISTRICT OF A CERTAIN SIZE THAT PROVIDES SERVICE IN TWO OR MORE COUNTIES.

H. 4689 -- Reps. Hiott, Skelton, Owens, Hixon, Loftis, Hodges, Knight, Dillard, Erickson, Crawford, Clyburn and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-143 SO AS TO PROVIDE HEALTH AND SANITARY REQUIREMENTS FOR HOME BASED FOOD PRODUCTION OPERATIONS, INCLUDING PROCEDURES FOR PROTECTING FOOD ITEMS PREPARED FOR SALE BY THESE OPERATIONS, AND FOOD ITEM PACKAGING AND LABELING REQUIREMENTS; TO PROVIDE THAT THESE OPERATIONS MAY NOT SELL FOOD ITEMS AT WHOLESALE; TO PROVIDE THAT THESE OPERATIONS ARE NOT RETAIL FOOD ESTABLISHMENTS; AND TO PROVIDE A PROCESS WHEREBY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY INVESTIGATE COMPLAINTS.

H. 4473 -- Reps. Limehouse, Brady and Neilson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-15-45 SO AS TO PROHIBIT A COURT FROM GRANTING LEGAL CUSTODY TO A PARENT, GUARDIAN, OR ANOTHER PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THE SEX OFFENDER REGISTRY; AND TO AMEND SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE PLACEMENTS, SO AS TO RESTRICT THE PLACEMENT OF A CHILD IN FOSTER CARE WITH A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THE SEX OFFENDER REGISTRY.

H. 4886 -- Rep. Willis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 17, 2012, BY THE STUDENTS OF FOUNTAIN INN ELEMENTARY SCHOOL OF THE GREENVILLE COUNTY SCHOOL DISTRICT, WHEN THE SCHOOL WAS CLOSED DUE TO BAT INFESTATION, IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

H. 4887 -- Rep. Johnson: A BILL TO AMEND SECTION 7-27-275, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLARENDON COUNTY ELECTION COMMISSION AND THE CLARENDON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE CLARENDON COUNTY ELECTION COMMISSION AND THE CLARENDON COUNTY BOARD OF REGISTRATION INTO A SINGLE ENTITY.

H. 4906 -- Rep. J. E. Smith: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE VETERANS' ISSUES STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM JANUARY 31, 2012, TO JANUARY 31, 2013.

**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. 1217 -- Senator Hutto: A BILL TO AMEND SECTION 7-7-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ALLENDALE COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

**S. 1206--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1206 -- Senators Fair, Thomas, Shoopman, Anderson, Verdin and S. Martin: A BILL TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT OF GREENVILLE COUNTY MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bingham | Bowen | Bowers |
| Brady | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| Knight | Limehouse | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Weeks | Whitmire |
| Willis | Young |  |

**Total--101**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I had taken temporary leave for a meeting in the Governor’s office and was out of the Chamber during the vote on H. 1206. Had I been present, I would have voted in favor of the Bill.

Rep. Dwight Loftis

**S. 1206--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. BEDINGFIELD, with unanimous consent, it was ordered that S. 1206 be read the third time tomorrow.

**H. 4570--RECOMMITTED**

The following Bill was taken up:

H. 4570 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 8-21-770, AS AMENDED, AND 8-21-800, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROBATE COURT COSTS AND FEES AND THE RELIEF FROM THESE COSTS AND FEES THAT MAY BE ALLOWED BY PROBATE JUDGES, SO AS TO REVISE THE REFERENCE FROM FEES TO COSTS IN THE CALCULATION OF THE GROSS VALUE OF A DECEDENT'S ESTATE AND TO INCREASE FROM SIX DOLLARS AND SEVENTY-FIVE CENTS TO THIRTY-FIVE DOLLARS THE FEE FOR REFORMING OR CORRECTING A MARRIAGE RECORD, TO PROVIDE FOR THE FEE FOR FILING FORMAL PETITIONS IN ANY ACTION IN THE PROBATE COURT INCLUDING ESTATE AND CONSERVATORSHIP PROCEEDINGS AND PROVIDE A MOTION FILING FEE OF TWENTY-FIVE DOLLARS WITH CERTAIN EXCEPTIONS, AND TO PROVIDE THAT A PROBATE JUDGE MAY NOT RELIEVE ANY PERSON FROM FILING FEES, COSTS, AND OTHER PROBATE COSTS EXCEPT IN SPECIFIC INSTANCES.

Rep. J. E. SMITH moved to recommit the Bill to the Committee on Judiciary, which was agreed to.

**H. 3093--REQUEST FOR DEBATE AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 3093 -- Rep. Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 85 TO TITLE 40 SO AS TO ENACT THE "MUSIC THERAPY PRACTICE ACT" TO REGULATE THE PRACTICE OF MUSIC THERAPY, TO PROVIDE CERTAIN DEFINITIONS, TO CREATE THE SOUTH CAROLINA BOARD OF MUSIC THERAPY TO ASSIST THE DEPARTMENT ON ALL MATTERS PERTAINING TO THE EDUCATION, EXAMINATION, LICENSURE, AND CONTINUING EDUCATION OF LICENSED MUSIC THERAPISTS AND THE PRACTICE OF MUSIC THERAPY, TO PROHIBIT THE PRACTICE OF MUSIC THERAPY WITHOUT A LICENSE, TO REQUIRE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL PROVIDE ADMINISTRATIVE, FISCAL, INVESTIGATIVE, INSPECTIONAL, CLERICAL, SECRETARIAL, AND LICENSE RENEWAL OPERATIONS AND ACTIVITIES OF THE BOARD, TO PROVIDE DUTIES AND RESPONSIBILITIES OF THE BOARD, TO PROVIDE CRITERIA FOR LICENSURE, AND TO PROVIDE FOR THE USE OF A PROFESSIONAL DESIGNATION, AMONG OTHER THINGS.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 to H. 3093 (COUNCIL\AGM\ 19460AB12):

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

/ SECTION 1. Title 37 of the 1976 Code is amended by adding:

“CHAPTER 30

Music Therapy Practice Act

Section 37‑30‑10. (A) This chapter must be known and may be cited as the ‘Music Therapy Practice Act’.

(B) In order to safeguard the public health, safety, and welfare, to protect the public from incompetent and unauthorized people, to assure the highest degree of professional conduct on the part of music therapists, and to ensure the availability of music therapy services of high quality to people in need of these services, the purpose of this chapter is to register a person offering music therapy services to the public.

Section 37‑30‑20. As used in this chapter:

(1) ‘AMTA’ means the American Music Therapy Association.

(2) ‘CBMT’ means the Certification Board for Music Therapists.

(3) ‘Department’ means the Department of Consumer Affairs.

(4) ‘Registered music therapist’ means a person registered to practice music therapy in this State under the provisions of this chapter.

(5) ‘Music therapy’ means the clinical‑based and evidence‑based use of music interventions to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed an approved music therapy program and met the credentialing standards determined by the CBMT.

(a) For the purpose of accomplishing music therapy goals, music therapy may include the:

(i) assessment of a client’s emotional and physical health, spiritual health, social functioning, communication abilities, and cognitive skills through the client’s history and the observation and interaction of the client in music and non‑music settings;

(ii) development and implementation of treatment plans, based on a client’s assessed needs, using music interventions including, but not limited to, music improvisation, receptive music listening, song writing, lyric analysis, music and imagery, music performance, learning through music, and movement to music; and

(iii) evaluation and documentation of the client’s response to treatment.

(b) For the purpose of accomplishing music therapy goals, music therapy services include, but are not limited to:

(i) conducting an individualized assessment for the purpose of collecting systematic, comprehensive, and accurate data necessary to determine the course of action of a subsequent individualized treatment plan;

(ii) planning and developing the individualized music therapy treatment plan that identifies an individual’s goals, objectives, and potential treatment intervention strategies;

(iii) implementing the individualized music therapy treatment plan consistent with the individual’s overall treatment program;

(iv) systematically evaluating and comparing the individual’s response to the individualized music therapy treatment plan and suggesting modifications as appropriate;

(v) developing a discharge plan in collaboration with the individual and his family, treatment team, and other identified support networks where appropriate and available;

(vi) minimizing the impact of environmental constraints as a barrier to participation in least restrictive environments for individuals engaging in music therapy;

(vii) collaborating with and educating the individual and his family, caregiver, and others to foster an environment responsive to the developmental needs of the individual as addressed in music therapy; and

(viii) consulting with groups, programs, organizations, and communities to improve accessibility to music therapy services.

Section 37‑30‑30. Before commencing business of music therapy in this State, regardless of the means of doing business, any person engaged in the business of providing music therapy must register with the department as a music therapist on a form prescribed by the department. The registration must be renewed biennially no later than October first. The department may collect an initial non‑refundable registration fee of one hundred fifty dollars with biennial renewal fees of fifty dollars and may use the proceeds to offset the costs of administering and enforcing this chapter.

Section 37‑30‑40. (A) A person may not practice music therapy, provide a music therapy service, or hold himself out as being able to practice music therapy in this State unless he is registered under the provisions of this chapter. A person who renders a music therapy service on the effective date of this chapter must be registered pursuant to this chapter within six months following the effective date of this chapter.

(B) A provision in this chapter may not be construed to prevent or restrict a person from performing:

(1) work incidental to the practice of his profession or occupation; or

(2) volunteer activities, if that person does not represent himself as a music therapist.

Section 37‑30‑50. To be eligible for registration as a music therapist, an applicant must:

(1) be at least eighteen years of age;

(2) be of good moral character;

(3) abide by the CBMT Code of Professional Practice;

(4) have successfully completed an AMTA‑approved academic program with a baccalaureate degree or higher with a major in music therapy from an accredited college or university, or its equivalent;

(5) hold an active credential, Music Therapist‑Board Certified (MT‑BC) from the Certification Board for Music Therapists or have a designation contained in the National Music Therapy Registry (NMTR) including Registered Music Therapist (RMT), Certified Music Therapist (CMT) or Advanced Certified Music Therapist (ACMT); and

(6) have successfully completed a minimum of twelve thousand hours of clinical training, with at least one hundred eighty of these hours being in pre‑internship experiences and at least nine hundred of these hours in internship experiences in an internship program approved by an academic institution, the AMTA, or both, or its equivalent.

Section 37‑30‑60. (A) A consumer aggrieved by a music therapist may file a complaint with the department, and the department shall review the complaint, investigate it as the department considers appropriate, and initiate action as authorized by law.

(B) The department may conduct investigations relevant to the administration of this chapter and, to the extent necessary for this purpose, may administer oaths or affirmations, may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

(C) If a person’s records are located outside this State, the person, at the department’s discretion, shall either make them available to the department at a convenient location within this State or pay the reasonable and necessary expenses for the department to examine these records at the place where they are maintained. The administrator of the department may designate representatives, including comparable officials of the State in which the records are located, to inspect them on his behalf.

(D) Upon failure without lawful excuse to obey a subpoena or to give testimony, and upon reasonable notice to all persons affected, the department may apply to the Administrative Law Court for an order compelling compliance.

(E) Upon satisfactory evidence that a person has violated or failed to comply with a provision of this chapter or regulation promulgated pursuant to the authority of this chapter, the department may issue an order requiring any combination of the following:

(1) the person to cease and desist from committing violations of this chapter;

(2) administrative fines not more than five thousand dollars for each violation; and

(3) revocation, suspension, or denial of registration.

(F) A person aggrieved by an action taken by the department may file a request for a contested case hearing with the Administrative Law Court in accordance with the court’s rules of procedure. If the person fails to request a contested case hearing within the time provided in the court’s rules of procedure, the administrative order becomes final and the department may bring an action to enforce its order pursuant to Title 1, Chapter 23.

Section 37‑30‑70. The department is authorized to promulgate rules and regulations for the implementation of this chapter.” /

Renumber sections to conform.

Amend title to conform.

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

Rep. ALLISON proposed the following Amendment No. 2 to H. 3093 (COUNCIL\AGM\19464AB12):

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

/ SECTION 1. Title 37 of the 1976 Code is amended by adding:

“CHAPTER 30

Music Therapy Practice Act

Section 37‑30‑10. (A) This chapter must be known and may be cited as the ‘Music Therapy Practice Act’.

(B) In order to safeguard the public health, safety, and welfare, to protect the public from incompetent and unauthorized people, to assure the highest degree of professional conduct on the part of music therapists, and to ensure the availability of music therapy services of high quality to people in need of these services, the purpose of this chapter is to register a person offering music therapy services to the public.

Section 37‑30‑20. As used in this chapter:

(1) ‘AMTA’ means the American Music Therapy Association.

(2) ‘CBMT’ means the Certification Board for Music Therapists.

(3) ‘Department’ means the Department of Consumer Affairs.

(4) ‘Registered music therapist’ means a person registered to practice music therapy in this State under the provisions of this chapter.

(5) ‘Music therapy’ means the clinical‑based and evidence‑based use of music interventions to accomplish individualized goals within a therapeutic relationship by a registered credentialed professional who has completed an approved music therapy program and met the credentialing standards determined by the CBMT.

(a) For the purpose of accomplishing music therapy goals, music therapy may include the:

(i) assessment of a client’s emotional and physical health, spiritual health, social functioning, communication abilities, and cognitive skills through the client’s history and the observation and interaction of the client in music and non‑music settings;

(ii) development and implementation of treatment plans, based on a client’s assessed needs, using music interventions including, but not limited to, music improvisation, receptive music listening, song writing, lyric analysis, music and imagery, music performance, learning through music, and movement to music; and

(iii) evaluation and documentation of the client’s response to treatment.

(b) For the purpose of accomplishing music therapy goals, music therapy services include, but are not limited to:

(i) conducting an individualized assessment for the purpose of collecting systematic, comprehensive, and accurate data necessary to determine the course of action of a subsequent individualized treatment plan;

(ii) planning and developing the individualized music therapy treatment plan that identifies an individual’s goals, objectives, and potential treatment intervention strategies;

(iii) implementing the individualized music therapy treatment plan consistent with the individual’s overall treatment program;

(iv) systematically evaluating and comparing the individual’s response to the individualized music therapy treatment plan and suggesting modifications as appropriate;

(v) developing a discharge plan in collaboration with the individual and his family, treatment team, and other identified support networks where appropriate and available;

(vi) minimizing the impact of environmental constraints as a barrier to participation in least restrictive environments for individuals engaging in music therapy;

(vii) collaborating with and educating the individual and his family, caregiver, and others to foster an environment responsive to the developmental needs of the individual as addressed in music therapy; and

(viii) consulting with groups, programs, organizations, and communities to improve accessibility to music therapy services.

Section 37‑30‑30. Before commencing business of music therapy in this State, regardless of the means of doing business, any person engaged in the business of providing music therapy must register with the department as a music therapist on a form prescribed by the department. The registration must be renewed biennially no later than October first. The department may collect an initial non‑refundable registration fee of one hundred fifty dollars with biennial renewal fees of fifty dollars and may use the proceeds to offset the costs of administering and enforcing this chapter.

Section 37‑30‑40. (A) A person may not practice music therapy, provide a music therapy service, or hold himself out as being able to practice music therapy in this State unless he is registered under the provisions of this chapter. A person who renders a music therapy service on the effective date of this chapter must be registered pursuant to this chapter within six months following the effective date of this chapter.

(B) A provision in this chapter may not be construed to prevent or restrict a person from performing:

(1) work incidental to the practice of his profession or occupation if that person does not represent himself as a registered music therapist; or

(2) volunteer activities, if that person does not represent himself as a registered music therapist.

Section 37‑30‑50. To be eligible for registration as a music therapist, an applicant must:

(1) be at least eighteen years of age;

(2) be of good moral character;

(3) abide by the CBMT Code of Professional Practice;

(4) have successfully completed an AMTA‑approved academic program with a baccalaureate degree or higher with a major in music therapy from an accredited college or university, or its equivalent;

(5) hold an active credential, Music Therapist‑Board Certified (MT‑BC) from the Certification Board for Music Therapists or have a designation contained in the National Music Therapy Registry (NMTR) including Registered Music Therapist (RMT), Certified Music Therapist (CMT) or Advanced Certified Music Therapist (ACMT); and

(6) have successfully completed a minimum of twelve thousand hours of clinical training, with at least one hundred eighty of these hours being in pre‑internship experiences and at least nine hundred of these hours in internship experiences in an internship program approved by an academic institution, the AMTA, or both, or its equivalent.

Section 37‑30‑60. (A) A consumer aggrieved by a music therapist may file a complaint with the department, and the department shall review the complaint, investigate it as the department considers appropriate, and initiate action as authorized by law.

(B) The department may conduct investigations relevant to the administration of this chapter and, to the extent necessary for this purpose, may administer oaths or affirmations, may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

(C) If a person’s records are located outside this State, the person, at the department’s discretion, shall either make them available to the department at a convenient location within this State or pay the reasonable and necessary expenses for the department to examine these records at the place where they are maintained. The administrator of the department may designate representatives, including comparable officials of the State in which the records are located, to inspect them on his behalf.

(D) Upon failure without lawful excuse to obey a subpoena or to give testimony, and upon reasonable notice to all persons affected, the department may apply to the Administrative Law Court for an order compelling compliance.

(E) Upon satisfactory evidence that a person has violated or failed to comply with a provision of this chapter or regulation promulgated pursuant to the authority of this chapter, the department may issue an order requiring any combination of the following:

(1) the person to cease and desist from committing violations of this chapter;

(2) administrative fines not more than five thousand dollars for each violation; and

(3) revocation, suspension, or denial of registration.

(F) A person aggrieved by an action taken by the department may file a request for a contested case hearing with the Administrative Law Court in accordance with the court’s rules of procedure. If the person fails to request a contested case hearing within the time provided in the court’s rules of procedure, the administrative order becomes final and the department may bring an action to enforce its order pursuant to Title 1, Chapter 23.

Section 37‑30‑70. The department is authorized to promulgate rules and regulations for the implementation of this chapter.” /

Renumber sections to conform.

Amend title to conform.

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

Rep. ALLISON proposed the following Amendment No. 3 to H. 3093 (COUNCIL\AGM\19472AB12):

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

/ SECTION 1. Title 37 of the 1976 Code is amended by adding:

“CHAPTER 30

Music Therapy Practice Act

Section 37‑30‑10. (A) This chapter must be known and may be cited as the ‘Music Therapy Practice Act’.

(B) In order to safeguard the public health, safety, and welfare, to protect the public from incompetent and unauthorized people, to assure the highest degree of professional conduct on the part of music therapists, and to ensure the availability of music therapy services of high quality to people in need of these services, the purpose of this chapter is to register a person offering music therapy services to the public.

Section 37‑30‑20. As used in this chapter:

(1) ‘AMTA’ means the American Music Therapy Association.

(2) ‘CBMT’ means the Certification Board for Music Therapists.

(3) ‘Department’ means the Department of Consumer Affairs.

(4) ‘Registered music therapist’ means a person registered to practice music therapy in this State under the provisions of this chapter.

(5) ‘Music therapy’ means the clinical‑based and evidence‑based use of music interventions to accomplish individualized goals within a therapeutic relationship by a registered credentialed professional who has completed an approved music therapy program and met the credentialing standards determined by the CBMT.

(a) For the purpose of accomplishing music therapy goals, music therapy may include the:

(i) assessment of a client’s emotional and physical health, spiritual health, social functioning, communication abilities, and cognitive skills through the client’s history and the observation and interaction of the client in music and non‑music settings;

(ii) development and implementation of treatment plans, based on a client’s assessed needs, using music interventions including, but not limited to, music improvisation, receptive music listening, song writing, lyric analysis, music and imagery, music performance, learning through music, and movement to music; and

(iii) evaluation and documentation of the client’s response to treatment.

(b) For the purpose of accomplishing music therapy goals, music therapy services include, but are not limited to:

(i) conducting an individualized assessment for the purpose of collecting systematic, comprehensive, and accurate data necessary to determine the course of action of a subsequent individualized treatment plan;

(ii) planning and developing the individualized music therapy treatment plan that identifies an individual’s goals, objectives, and potential treatment intervention strategies;

(iii) implementing the individualized music therapy treatment plan consistent with the individual’s overall treatment program;

(iv) systematically evaluating and comparing the individual’s response to the individualized music therapy treatment plan and suggesting modifications as appropriate;

(v) developing a discharge plan in collaboration with the individual and his family, treatment team, and other identified support networks where appropriate and available;

(vi) minimizing the impact of environmental constraints as a barrier to participation in least restrictive environments for individuals engaging in music therapy;

(vii) collaborating with and educating the individual and his family, caregiver, and others to foster an environment responsive to the developmental needs of the individual as addressed in music therapy; and

(viii) consulting with groups, programs, organizations, and communities to improve accessibility to music therapy services.

Section 37‑30‑30. Before commencing business of music therapy in this State, regardless of the means of doing business, any person engaged in the business of providing music therapy must register with the department as a music therapist on a form prescribed by the department. The registration must be renewed annually no later than October first. The department may collect an initial non‑refundable registration fee of one hundred seventy‑five dollars with biennial renewal fees of one hundred seventy‑five dollars and may use the proceeds to offset the costs of administering and enforcing this chapter.

Section 37‑30‑40. (A) A person may not practice music therapy, provide a music therapy service, or hold himself out as being able to practice music therapy in this State unless he is registered under the provisions of this chapter. A person who renders a music therapy service on the effective date of this chapter must be registered pursuant to this chapter within six months following the effective date of this chapter.

(B) A provision in this chapter may not be construed to prevent or restrict a person from performing:

(1) work incidental to the practice of his profession or occupation if that person does not represent himself as a registered music therapist; or

(2) volunteer activities, if that person does not represent himself as a registered music therapist.

Section 37‑30‑50. To be eligible for registration as a music therapist, an applicant must:

(1) be at least eighteen years of age;

(2) be of good moral character;

(3) abide by the CBMT Code of Professional Practice;

(4) have successfully completed an AMTA‑approved academic program with a baccalaureate degree or higher with a major in music therapy from an accredited college or university, or its equivalent;

(5) hold an active credential, Music Therapist‑Board Certified (MT‑BC) from the Certification Board for Music Therapists or have a designation contained in the National Music Therapy Registry (NMTR) including Registered Music Therapist (RMT), Certified Music Therapist (CMT) or Advanced Certified Music Therapist (ACMT); and

(6) have successfully completed a minimum of twelve thousand hours of clinical training, with at least one hundred eighty of these hours being in pre‑internship experiences and at least nine hundred of these hours in internship experiences in an internship program approved by an academic institution, the AMTA, or both, or its equivalent.

Section 37‑30‑60. (A) A consumer aggrieved by a music therapist may file a complaint with the department, and the department shall review the complaint, investigate it as the department considers appropriate, and initiate action as authorized by law.

(B) The department may conduct investigations relevant to the administration of this chapter and, to the extent necessary for this purpose, may administer oaths or affirmations, may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

(C) If a person’s records are located outside this State, the person, at the department’s discretion, shall either make them available to the department at a convenient location within this State or pay the reasonable and necessary expenses for the department to examine these records at the place where they are maintained. The administrator of the department may designate representatives, including comparable officials of the State in which the records are located, to inspect them on his behalf.

(D) Upon failure without lawful excuse to obey a subpoena or to give testimony, and upon reasonable notice to all persons affected, the department may apply to the Administrative Law Court for an order compelling compliance.

(E) Upon satisfactory evidence that a person has violated or failed to comply with a provision of this chapter or regulation promulgated pursuant to the authority of this chapter, the department may issue an order requiring any combination of the following:

(1) the person to cease and desist from committing violations of this chapter;

(2) administrative fines not more than five thousand dollars for each violation; and

(3) revocation, suspension, or denial of registration.

(F) A person aggrieved by an action taken by the department may file a request for a contested case hearing with the Administrative Law Court in accordance with the court’s rules of procedure. If the person fails to request a contested case hearing within the time provided in the court’s rules of procedure, the administrative order becomes final and the department may bring an action to enforce its order pursuant to Title 1, Chapter 23.

Section 37‑30‑70. The department is authorized to promulgate rules and regulations for the implementation of this chapter. /

Renumber sections to conform.

Amend title to conform.

Rep. ALLISON explained the amendment.

Reps. NORMAN requested debate on the Bill.

Rep. ALLISON moved to adjourn debate on the Bill until Tuesday, March 6, which was agreed to.

**H. 4710--POINT OF ORDER**

The following Joint Resolution was taken up:

H. 4710 -- Reps. White, Bingham, Herbkersman, Limehouse, Merrill, Simrill, G. M. Smith and J. R. Smith: A JOINT RESOLUTION TO PROVIDE THAT THE PROVISIONS OF SECTION 6-27-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON AMENDING OR REPEALING PROVISIONS IN THE STATE AID TO SUBDIVISIONS ACT ARE SUSPENDED FOR FISCAL YEAR 2012-2013, AND TO PROVIDE THAT FOR FISCAL YEAR 2012-2013 COUNTIES MAY TRANSFER AMONG APPROPRIATED STATE REVENUES AS NEEDED TO ENSURE THE DELIVERY OF SERVICES.

**POINT OF ORDER**

Rep. TRIBBLE made the Point of Order that the Joint Resolution 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. 1063--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1063 -- Senator Peeler: A BILL TO AMEND SECTION 7-7-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN CHEROKEE COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bingham | Bowen |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Daning | Delleney |
| Edge | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Hixon | Hosey | Huggins |
| Jefferson | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Owens |
| Parker | Parks | Patrick |
| Pinson | Pope | Putnam |
| Quinn | Ryan | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Weeks | White | Whitmire |
| Willis | Young |  |

**Total--92**

Those who voted in the negative are:

**Total--0**

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

**S. 1063--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. D. C. MOSS, with unanimous consent, it was ordered that S. 1063 be read the third time tomorrow.

**H. 3066--DEBATE ADJOURNED**

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

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435; 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED; 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Rep. BINGHAM moved to adjourn debate upon the Senate Amendments until Wednesday, March 7, which was agreed to.

**H. 4803--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4803 -- Reps. Pinson, Parks and Pitts: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 72 AND WILLARD ROAD IN GREENWOOD COUNTY "JIMMY BRITT INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "JIMMY BRITT INTERSECTION".

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**H. 4549--RECOMMITTED**

The following Bill was taken up:

H. 4549 -- Reps. Clemmons, Loftis, Harrell, Lucas, Harrison, White, Owens, Hardwick, Bingham, Bannister, Merrill, Quinn, Pitts, G. R. Smith, Long, G. M. Smith, Atwater, Simrill, Barfield, Hamilton, Murphy, Thayer, Willis, Southard, Toole, Limehouse, Whitmire, Delleney, Hearn, Putnam, Gambrell, V. S. Moss, D. C. Moss, Viers, Edge, Norman, Hixon, Taylor, Frye, Corbin, Chumley, Nanney, Lowe and J. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-3-70 SO AS TO REQUIRE A THIRD-PARTY VOTER REGISTRATION ORGANIZATION OPERATING IN THIS STATE TO REGISTER AND FILE CERTAIN INFORMATION WITH THE STATE ELECTION COMMISSION; TO PROVIDE THAT A THIRD-PARTY VOTER REGISTRATION ORGANIZATION MUST PROMPTLY DELIVER ALL COLLECTED REGISTRATION APPLICATIONS TO THE APPROPRIATE REGISTRATION OFFICE, AND TO PROVIDE PENALTIES.

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

**H. 4043--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4043 -- Reps. Tallon, Patrick, Pinson, Allison, V. S. Moss, Atwater, Brannon, Chumley, Bingham, Ballentine, Cole, Horne, Young, Hixon, Clemmons, Toole, Erickson and D. C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-122 SO AS TO PROVIDE THAT AN EMPLOYER MAY CONFIDENTIALLY NOTIFY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE WHEN A PROSPECTIVE EMPLOYEE FAILS A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT IF THE PROSPECTIVE EMPLOYEE IS RECEIVING UNEMPLOYMENT BENEFITS, TO PROVIDE THE DEPARTMENT SHALL SUSPEND THE BENEFITS OF A PERSON WHO, WHILE RECEIVING BENEFITS, FAILS A DRUG TEST TAKEN AS A CONDITION OF AN APPLICATION FOR EMPLOYMENT, TO PROVIDE THE DEPARTMENT MAY NOT RESTORE THESE SUSPENDED BENEFITS UNTIL THE PERSON HAS SUCCESSFULLY COMPLETED A CERTAIN DRUG TREATMENT PROGRAM AND PASSED A DRUG TEST, TO PROVIDE THE DEPARTMENT MAY NOT PROVIDE OR RESTORE RETROACTIVELY A BENEFIT TO A PERSON FOR A PERIOD IN WHICH HIS BENEFITS ARE SUSPENDED UNDER THIS SECTION, TO PROVIDE THE DEPARTMENT SHALL DEVELOP A CONSENT FORM THAT AN EMPLOYER MAY USE TO OBTAIN THE CONSENT OF A PROSPECTIVE EMPLOYEE TO GIVE THE DEPARTMENT THE RESULTS OF A DRUG TEST REQUIRED BY THE EMPLOYER AS A CONDITION OF EMPLOYMENT, TO PROVIDE THAT THE USE OF THIS CONSENT FORM LIMITS THE LIABILITY OF THE EMPLOYER FOR BREACH OF CONFIDENTIALITY, INVASION OF PRIVACY, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND DEFAMATION CLAIMS RESULTING FROM THE PROVISION OF THE DRUG TEST RESULTS TO THE DEPARTMENT, AND TO DEFINE A "DRUG TEST".

Rep. YOUNG moved to adjourn debate on the Bill until Tuesday, March 6, which was agreed to.

**H. 4625--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4625 -- Reps. Lucas, Parker, Simrill, Erickson, Pope, Taylor, Frye, Spires, Crawford, Harrison, Young, Quinn, Bingham, Corbin, G. M. Smith, Huggins, Brannon, V. S. Moss, Brady, Pinson, Stringer, Ryan, Atwater, J. M. Neal, Hixon, Allison, G. R. Smith, Anthony, Bikas, Bowen, Chumley, Cole, Delleney, Edge, Forrester, Hamilton, Henderson, Herbkersman, Hiott, Horne, Loftis, Long, Lowe, D. C. Moss, Munnerlyn, Neilson, Norman, Owens, Patrick, Putnam, Skelton, J. R. Smith, Tallon, Toole, Tribble, Williams, Willis and Ballentine: A BILL TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING BODIES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT PART OF THE GOVERNING BODY OF THE DEPARTMENT OF TRANSPORTATION IS A SEVEN-MEMBER COMMISSION; TO AMEND SECTION 1-30-105, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION IS THE SECRETARY OF TRANSPORTATION; TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF CERTAIN OFFICERS BY THE GOVERNOR, SO AS TO DELETE THE PROVISION THAT PROVIDES THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS MAY BE REMOVED FROM OFFICE BY THE GOVERNOR UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO REMOVE THE CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION AS A DIRECTOR, AND TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION IS A MEMBER OF THE BOARD; TO AMEND SECTIONS 57-1-10, 57-1-40, 57-1-410, 57-1-430, 57-1-490, AND 57-3-20, ALL AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO ELIMINATE THE DEPARTMENT OF TRANSPORTATION COMMISSION AND ITS RESPONSIBILITIES, TO ALLOW THE GOVERNOR TO APPOINT THE SECRETARY OF TRANSPORTATION AND REQUIRE THE DEPARTMENT OF TRANSPORTATION SUBMIT TO THE GENERAL ASSEMBLY AN ITEMIZED PROJECT LIST TO BE FUNDED FOR THE FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY WOULD ENACT ITS ANNUAL GENERAL APPROPRIATIONS ACT; TO AMEND SECTION 57-3-50, RELATING TO THE ESTABLISHMENT OF HIGHWAY DISTRICTS, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "COMMISSION"; TO AMEND SECTION 57-1-500, RELATING TO A DEPARTMENT OF TRANSPORTATION ETHICS WORKSHOP, SO AS TO DELETE THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS AS PARTICIPANTS IN THIS WORKSHOP; TO REPEAL SECTION 11-43-140 RELATING TO THE BOARD OF DIRECTORS OF THE TRANSPORTATION INFRASTRUCTURE BANK; AND TO REPEAL ARTICLE 3, CHAPTER 1, TITLE SECTION 57, 57-1-460, SECTION 57-1-470, ARTICLE 7, CHAPTER 1, TITLE 56, AND SECTIONS 6, 7, AND 8 OF ACT 114 OF 2007 ALL RELATING TO THE CREATION AND FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION AND ITS COMMISSION.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4625 (COUNCIL\DKA\3951SD12), which was tabled:

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

/ SECTION 1. Section 1‑30‑10(B) of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“(B)(1) The governing authority of each department ~~shall be~~ is either:

(i) a director, and in the case of the Department of Commerce, the secretary, who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to provisions of Section 1‑3‑240;

(ii) a seven member board to be appointed and constituted in a manner provided for by law;

(iii) in the case of the Department of Agriculture and the Department of Education, the State Commissioner of Agriculture and the State Superintendent of Education, respectively, elected to office under the Constitution of this State; or

(iv) in the case of the Department of Transportation, a ~~seven member commission constituted in a manner provided by law, and a~~ Secretary of Transportation appointed by and serving at the pleasure of the Governor.”

SECTION 2. Section 1‑30‑105 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 1‑30‑105. (A) Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Transportation to be initially divided into divisions for Mass Transit, Construction and Maintenance, Engineering and Planning, and Finance and Administration; however, the State Highway Commission as constituted on June 30, 1993, under the provisions of Title 56, shall be the governing authority for the department until February 15, 1994, or as soon as its successors are elected or appointed and qualified, whichever is later.

Department of Highways and Public Transportation, except the Motor Vehicle Division, which was established as the Department of Motor Vehicles by Section 56‑1‑5, and the State Highway Patrol, formerly provided for at Section 56‑1‑10, et seq.

(B) Notwithstanding another provision of law, on the effective date of this subsection, the governing authority of the Department of Transportation is the Secretary of Transportation as provided in Section 57‑1‑410.”

SECTION 3. Section 1‑3‑240(C)(1) of the 1976 Code, as last amended by Act 73 of 2009, is further amended to read:

“(1) Persons appointed to the following offices of the State may be removed by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity:

(a) Workers’ Compensation Commission;

(b) ~~Department of Transportation Commission;~~ Reserved;

(c) Ethics Commission;

(d) Election Commission;

(e) Professional and Occupational Licensing Boards;

(f) Juvenile Parole Board;

(g) Probation, Parole and Pardon Board;

(h) Director of the Department of Public Safety;

(i) Board of the Department of Health and Environmental Control, excepting the chairman;

(j) Chief of State Law Enforcement Division;

(k) South Carolina Lottery Commission;

(l) Executive Director of the Office of Regulatory Staff; ~~and~~

(m) Directors of the South Carolina Public Service Authority appointed pursuant to Section 58‑31‑20. A director of the South Carolina Public Service Authority also may be removed for his breach of any duty arising under Section 58‑31‑55 or 58‑31‑56. The Governor must not request a director of the South Carolina Public Service Authority to resign unless cause for removal, as established by this subsection, exists. Removal of a director of the South Carolina Public Service Authority, except as is provided by this section or by Section 58‑31‑20(A), must be considered to be an irreparable injury for which no adequate remedy at law exists~~.~~; and

(n) State Ports Authority.”

SECTION 4. Section 11‑43‑140 of the 1976 Code is amended to read:

“Section 11‑43‑140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: the ~~Chairman~~ Secretary of the Department of Transportation ~~Commission~~, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President *Pro Tempore* of the Senate; and one member of the Senate appointed by the President *Pro Tempore* of the Senate, ex officio. Directors appointed by the Governor, the Speaker, and the President *Pro Tempore* shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.”

SECTION 5. Section 57‑1‑10 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑10. For the purposes of this title, the following words, phrases, and terms are defined as follows:

(1) ~~‘Commission’ means the administrative and governing authority of the Department of Transportation.~~

~~(2)~~ ‘Department’ means the Department of Transportation (DOT).

~~(3)~~(2) ‘Secretary of Transportation’ means the Chief Administrative Officer of the Department of Transportation.”

SECTION 6. Section 57‑1‑40 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑40. (A) It is unlawful for ~~a member of the commission or~~ an engineer, agent, or other employee, acting for or on behalf of the department ~~or commission~~, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(B) It is unlawful for a person to give or offer to give, promise, or cause or procure to be promised, offered, or given, either directly or indirectly, to ~~a member of the commission or~~ an engineer, agent, or other employee acting for or on behalf of the ~~commission or~~ department with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (B) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(C) The ~~members and employees of the commission and~~ employees of the department are subject to the provisions of Chapter 13, Title 8, the State Ethics Act, and the provisions of Chapter 78, Title 15, the South Carolina Tort Claims Act.”

SECTION 7. Section 57‑1‑410 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑410. The Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at ~~the~~ his pleasure ~~of the Governor~~. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the annual general appropriations act.”

SECTION 8. Article 5, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑415. The Governor shall appoint, with the advice and consent of the Senate, seventeen members to serve as the Department of Transportation advisory panel. Members shall serve terms coterminous with that of the appointing Governor and vacancies must be filled in the manner of original appointment. The panel must be comprised of a resident of each of the sixteen judicial circuits established in this State and the chairman of the panel to be appointed by the Governor from the state at large. The panel shall meet, at a minimum, once per month with the secretary to assist with the prioritization and selection of infrastructure projects throughout the State.

SECTION 9. Section 57‑1‑430 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑430. (A) The secretary is charged with the affirmative duty to carry out the policies of the ~~commission~~ department, and to administer the day‑to‑day affairs of the department, to direct the implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit Plan, and to ensure the timely completion of all projects undertaken by the department, and routine operation and maintenance requests, and emergency repairs. He must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government. The secretary must prepare an annual budget for the department ~~that must be approved by the commission before becoming effective~~ in accordance with Section 57‑1‑435.

(B) For each division, the secretary may employ such personnel and prescribe their duties, powers, and functions as he considers necessary and as may be authorized by statute and for which funds have been authorized in the annual general appropriations act.”

SECTION 10. Article 5, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑435. (A) Among the other duties of the Secretary of Transportation, he is responsible for the development of a statewide multimodal transportation plan and the prioritizing of projects in that plan according to criteria established pursuant to Section 57-1-370(B)(8).

(B) The secretary shall utilize the priority list developed in the statewide multimodal plan for selecting projects for inclusion into the statewide transportation improvement program. The statewide transportation improvement program must be divided into improvement categories that may include:

(1) pavement and reconstruction;

(2) federal match program for local participants;

(3) rural system program;

(4) urban system program;

(5) interstate programs;

(6) interstate program debt service;

(7) safety;

(8) congestion management and air quality;

(9) bridge replacement;

(10) federal lands;

(11) enhancements; and

(12) planning.

The secretary annually shall provide to the Governor and the General Assembly a priority listing of all federal‑aid eligible projects, within their respective statewide transportation improvement program funding category, in accordance with the ranking criteria. The objective and quantifiable criteria for each category also must be consistent with the federal guidelines and eligibility requirements of the program category as defined in the most recent federal transportation authorization act and the statewide transportation improvement program. The annual statewide transportation improvement program funding allocations must be based on anticipated funding levels according to the most current federal transportation authorization act and adjusted each year through a congressionally approved federal appropriations act, continuing resolution, or other congressional action.

(C) The state‑funded program must be divided into categories that may include:

(1) maintenance and operations;

(2) pavement improvement and preservation; and

(3) bridge replacements.

The secretary annually shall provide the Governor and the General Assembly a priority listing within each category of all state-funded projects in accordance with the ranking criteria . Prior to submission, the district engineers shall review the state funded maintenance and construction projects to be included in the state funded program within their respective districts. The annual budget for the state funded program must be based on anticipated state source revenues.

(D) The General Assembly may not select or alter the priority of projects submitted by the secretary.

(E) All projects and operations of the department, including the statewide transportation improvement program, are to be funded and administered according to appropriated categories. Projects that exceed twenty million dollars in total cost or involve work in more than one transportation district must be individually authorized and appropriated by the General Assembly in the annual general appropriations act.

(F) The ranking criteria must be based on the following elements:

(1) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(2) public safety;

(3) potential for economic development;

(4) traffic volume and congestion;

(5) truck traffic;

(6) the pavement quality index;

(7) environmental impact;

(8) alternative transportation solutions; and

(9) consistency with local land use plans.”

SECTION 11. Section 57‑1‑490 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑490. (A) The department ~~shall~~ must be audited by a certified public accountant or firm of certified public accountants once each year to be designated by the State Auditor. The designated accountant or firm of accountants shall issue audited financial statements in accordance with generally accepted accounting principles, and such financial statements shall be made available annually by October fifteenth to the General Assembly. The costs and expenses of the audit must be paid by the department out of its funds.

(B) The Materials Management Office of the State Budget and Control Board annually must audit the department’s internal procurement operation to ensure that the department has acted properly with regard to the department’s exemptions contained in Section 11‑35‑710. The audit must be performed in accordance with applicable state law, including, but not limited to, administrative penalties for violations found as a result of the audit. The results of the audit must be made available by October fifteenth to ~~the Department of Transportation Commission,~~ the Department of the Transportation’s chief internal auditor, the Governor, the chairmen of the Senate Finance and Transportation Committees, and the chairmen of the House of Representatives Ways and Means and Education and Public Works Committees. The costs and expenses of the audit must be paid by the department out of its funds.

~~(C)~~ The Legislative Audit Council shall contract for an independent performance and compliance audit of the department’s finance and administration division, mass transit division, and construction engineering and planning division. This audit must be completed by January 15, 2010. The Legislative Audit Council may contract for follow‑up audits or conduct follow‑up audits as needed based upon the audit’s initial findings. The costs of these audits, including related administrative and management expenses of the Legislative Audit Council, are an operating expense of the department. The department shall pay directly to the Legislative Audit Council the cost of the audits.

~~(D)~~(C) Copies of every audit conducted pursuant to this section must be made available to ~~the Department of Transportation Commission,~~ the Department of Transportation chief internal auditor, the Governor, the Chairmen of the Senate Finance and Transportation Committees, and the Chairmen of the House of Representatives Ways and Means and Education and Public Works Committees.”

SECTION 12. Section 57‑3‑20(1) of the 1976 Code, as last amended by Act 206 of 2010, is further amended to read:

“(1) division deputy director for finance and administration:

(a) financial planning and management;

(b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General; and

(c) administrative functions, including ~~recording proceedings of the commission and~~ developing policy and procedures to ensure compliance with these policies and procedures;”

SECTION 13. Section 57‑3‑50 of the 1976 Code is amended to read:

“Section 57‑3‑50. The ~~commission~~ department may establish such highway districts as in its opinion ~~shall be~~ are necessary for the proper and efficient performance of its duties. The ~~commission~~ department, every ten years, must review the number of highway districts and the territory embraced within the districts and make ~~such~~ changes ~~as~~ that may be necessary for the proper and efficient operation of the districts.”

SECTION 14. Section 57‑1‑500 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“Section 57‑1‑500. The secretary must provide for a workshop of at least two biennial contact hours concerning ethics and the Administrative Procedures Act for ~~the commissioners,~~ the secretary, the chief internal auditor, and senior management employees of the Department of Transportation; and a biennial ethics workshop of at least two contact hours for all other department employees.”

SECTION 15. Sections 57-1-310 through 57-1-360, Section 57‑1‑460, Section 57‑1‑470, Article 7, Chapter 1, Title 57 and Sections 6, 7, and 8 of Act 114 of 2007 are repealed.

SECTION 16. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

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

Rep. McLEOD proposed the following Amendment No. 2 to H. 4625 (COUNCIL\SWB\5133CM12M), which was tabled:

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

/ SECTION 1. Section 57‑1‑310 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑310. (A) The ~~congressional districts~~ judicial circuits of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective ~~congressional districts~~ judicial circuits. The Commission of the Department of Transportation shall be composed of one member from each transportation district ~~elected by the delegations of the congressional district~~ appointed by the Governor with the advice and consent of the Senate and one member appointed by the Governor from the State at large with the advice and consent of the Senate. Such ~~elections or~~ appointment~~, as the case may be,~~ shall take into account race and gender so as to represent, to the greatest extent possible, all segments of the population of the State~~; however~~ . However, consideration of these factors in making an appointment ~~or in an election~~ in no way creates a cause of action or basis for an employee grievance for a person appointed or elected or for a person who fails to be appointed ~~or elected~~.

(B)~~(1)~~ ~~Candidates for election to the commission must be screened by the Joint Transportation Review Committee, as provided in Article 7 of this chapter, and determined to meet the qualifications contained in subsection (C) in order to be eligible for election.~~

~~(2)~~ ~~The at‑large appointment made by the Governor must be transmitted to the Joint Transportation Review Committee. The Joint Transportation Review Committee must determine whether the at‑large appointee meets the qualifications in subsection (C) and report its findings to the General Assembly and the Governor. Until the Joint Transportation Review Committee finds a gubernatorial appointee qualified, the appointee must not take the oath of office and the full rights and privileges and powers of the office shall not vest.~~

~~(C)~~ The qualifications that each commission member must possess, include, but are not limited to:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; or

(2) a background of at least five years in any combination of the following fields of expertise:

(a) transportation;

(b) construction;

(c) finance;

(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.

~~(D)~~(C) No member of the General Assembly or member of his immediate family shall be ~~elected or~~ appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be elected or appointed to the commission for a period of ~~four years~~ one year after the member either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.”

SECTION 2. Section 57‑1‑320 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑320. ~~(A)~~ ~~A county that is divided among two or more Department of Transportation districts, for purposes of electing a commission member, is deemed to be considered in the district which contains the largest number of residents from that county.~~

~~(B)~~ No county within a Department of Transportation district shall have a resident commission member for more than one consecutive term and in no event shall any two persons from the same county serve as a commission member simultaneously except as provided hereinafter.”

SECTION 3. Section 57‑1‑330 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑330. (A) ~~For the purposes of electing a commission member, a legislator shall vote only in the congressional district in which he resides.~~ All commission members are ~~elected~~ appointed to a term of office of four years which expires on February fifteenth of the appropriate year. Commissioners shall continue to serve until their successors are elected and qualify, provided that a commissioner may only serve in a hold‑over capacity for a period not to exceed six months. Any vacancy occurring in the office of commissioner shall be filled by ~~election or~~ appointment in the manner provided in this article for the unexpired term only. No person is eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by an ~~elected~~ appointed commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office.

(B) ~~The at‑large commission member shall serve at the pleasure of the Governor.~~ The at‑large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by the at‑large commission member to maintain residence in the State shall result in a forfeiture of his office.

(C) All ~~elected~~ commission members may be removed from office as provided in Section 1‑3‑240(C)(1).”

SECTION 4. Section 57‑1‑740 of the 1976 Code, as last amended by Act 253 of 2010, is further amended to read:

“Section 57‑1‑740. ~~(A) For purposes of this section, a~~ A vacancy is created on the commission when a term expires, a new ~~congressional district~~ judicial circuit is created, or a commission member resigns, dies, or is removed from office as provided in Section 57‑1‑330(C). ~~If known in advance, the review committee may provide notice of a vacancy and begin screening prior to the actual date of the vacancy.~~

~~(B) Whenever a commission member must be elected to fill a vacancy:~~

~~(1) The review committee must forward a notice of the transportation commission district member vacancy to:~~

~~(a) a newspaper of general circulation within the congressional district from which a commission member must be elected with a request that it be published at least once a week for four consecutive weeks;~~

~~(b) any person who has informed the committee that he desires to be notified of the vacancy; and~~

~~(c) to each member of the congressional district delegation.~~

~~The committee may provide such additional notice that it deems appropriate.~~

~~(2) The review committee may not accept a notice of intention to seek the office from any candidate until the review committee certifies to the clerk of the Senate and the clerk of the House of Representatives that the proper notices, required by this section, have been requested to be published or provided as required in this subsection.~~

~~(3) The cost of the notification process required by this section must be absorbed and paid from the approved accounts of the Senate and the House of Representatives as contained in the annual appropriations act.~~

~~(C) Any person desiring to be a candidate for election to fill a vacancy on the commission must file a notice of intention with the review committee no later than five business days after the last date the published notice appeared in a newspaper of general circulation. Upon the expiration of the notice of intention filing period, the review committee must provide every member of the affected congressional district delegation with a complete list of the people who filed a notice.~~

~~(D)(1) When the notice of intention filing period closes, the review committee shall begin to conduct an investigation of candidates, as it considers appropriate, and may utilize the services of any agency of state government to assist in the investigation. Upon request of the review committee for assistance, an agency shall cooperate fully.~~

~~(2)(a)(i) Upon completion of the candidate investigations, the chairman of the review committee shall schedule a public hearing concerning the qualifications of the candidates. Any person who desires to testify at the hearing, including the candidates, must furnish a written statement of his proposed testimony to the chairman of the review committee. This statement shall be furnished no later than forty‑eight hours prior to the date and time set for the hearing. The review committee shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the review committee, shall be submitted under oath and persons knowingly furnishing false information either orally or in writing shall be subject to the penalties provided by law for perjury and false swearing.~~

~~(ii) During the course of the investigation, the review committee may schedule an executive session at which the candidates, and other persons who the review committee wishes to interview, may be interviewed on matters pertinent to the candidate’s qualification for the office to be filled.~~

~~(iii) The review committee shall render its tentative findings as to whether the candidates are qualified to serve on the commission as a district member and its reasons for making the findings within a reasonable time after the hearing. If only one person applies to fill a vacancy or if the review committee concludes there are fewer candidates qualified for a vacancy than those who initially filed, it shall submit to the congressional district delegation for election only the names and qualifications of those who are considered to be qualified. The nominations of the review committee for any candidate for the election to the commission are binding on the congressional district delegation, and it shall not elect a person not nominated by the review committee. Nothing shall prevent the congressional district delegation from rejecting all persons nominated. In this event, the review committee shall submit another group of names and qualifications for that position. Further nominations in the manner required by this chapter must be made until the office is filled.~~

~~(b) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact shall be transcribed and published in the journals of both houses or otherwise made available in a reasonable number of copies to the members of both houses and a copy must be furnished to each candidate.~~

~~(c)(i) The review committee must transmit to the congressional district delegation the names of all qualified candidates.~~

~~(ii) No member of the congressional district delegation may pledge his vote to elect a candidate until the review committee has released its written report concerning the qualifications of the candidate to the members of the appropriate congressional district delegation. The release of the written report of qualifications shall occur no earlier than forty‑eight hours after the names of the qualified candidates have been initially released to members of the appropriate congressional district delegation.~~

~~(iii) No candidate may directly or indirectly seek the pledge of a vote from a member of the candidate’s congressional delegation or, directly or indirectly, contact a statewide constitutional officer, a member of the General Assembly, or the Joint Transportation Review Committee regarding screening for the commission until the review committee has released its written report as to the qualifications of all candidates in a particular congressional district. For purposes of this section, "indirectly seek the pledge" means the candidate, or someone acting on behalf of and at the request of the candidate, requests another person to contact a member of the General Assembly, a statewide constitutional officer, or a member of the review committee on behalf of the candidate before the review committee’s release of the written report of qualifications.~~

~~(iv) The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate’s qualifications.~~

~~(d) A candidate may withdraw at any stage of the proceedings, and in this event no further inquiry, report on, or consideration of his candidacy shall be made.~~

~~(3) All records, information, and other material that the review committee has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, shall be kept strictly confidential. After the review committee has reported its findings of fact, or after a candidate withdraws his name from consideration, all records, information, and material required to be kept confidential must be destroyed.~~

~~(4)(a) The review committee may, in the discharge of its duties, administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of the review committee.~~

~~(b) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the review committee on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. However, no individual shall be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self‑incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed during testimony.~~

~~(c) In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the review committee, may issue to the person an order requiring him to appear before the review committee to produce evidence, if so ordered, or to give testimony concerning the matter under investigation. Any failure to obey an order of the court may be punished as contempt. Subpoenas shall be issued in the name of the review committee and shall be signed by the review committee chairman. Subpoenas shall be issued to those persons as the review committee may designate.~~

~~(5) The privilege of the floor in either house of the General Assembly may not be granted to a candidate, or any immediate family member of a candidate unless the family member is serving in the General Assembly, during the time the candidate’s application is pending before the review committee and during the time the candidate’s election is pending.~~”

SECTION 5. Sections 57‑1‑325, 57‑1‑730, and 57‑1‑750 of the 1976 Code are repealed.

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

Renumber sections to conform.

Amend title to conform.

Rep. MCLEOD explained the amendment.

Rep. MCLEOD spoke in favor of the amendment.

Rep. LUCAS spoke against the amendment.

Rep. LUCAS moved to table the amendment.

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

Yeas 74; Nays 37

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Brannon | Clemmons | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Edge |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Huggins | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | White | Whitmire |
| Willis | Young |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Battle | Branham | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gilliard | Hart |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| Mack | McEachern | McLeod |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Rutherford |
| J. E. Smith | Stavrinakis | Weeks |
| Whipper |  |  |

**Total--37**

So, the amendment was tabled.

Reps. LUCAS, HARRISON, YOUNG, DELLENEY and SIMRILL proposed the following Amendment No. 3 to H. 4625 (COUNCIL\DKA\3981SD12):

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

/ SECTION 1. Section 1‑30‑10(B) of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“(B)(1) The governing authority of each department ~~shall be~~ is either:

(i) a director, and in the case of the Department of Commerce, the secretary, who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to provisions of Section 1‑3‑240;

(ii) a seven member board to be appointed and constituted in a manner provided for by law;

(iii) in the case of the Department of Agriculture and the Department of Education, the State Commissioner of Agriculture and the State Superintendent of Education, respectively, elected to office under the Constitution of this State; or

(iv) in the case of the Department of Transportation, a ~~seven member commission constituted in a manner provided by law, and a~~ Secretary of Transportation appointed by and serving at the pleasure of the Governor.”

SECTION 2. Section 1‑30‑105 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 1‑30‑105. (A) Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Transportation to be initially divided into divisions for Mass Transit, Construction and Maintenance, Engineering and Planning, and Finance and Administration~~;~~ ~~however, the State Highway Commission as constituted on June 30, 1993, under the provisions of Title 56, shall be the governing authority for the department until February 15, 1994, or as soon as its successors are elected or appointed and qualified, whichever is later~~.

Department of Highways and Public Transportation, except the Motor Vehicle Division, which was established as the Department of Motor Vehicles by Section 56‑1‑5, and the State Highway Patrol, formerly provided for at Section 56‑1‑10, et seq.

(B) Notwithstanding another provision of law, on the effective date of this subsection, the governing authority of the Department of Transportation is the Secretary of Transportation as provided in Section 57‑1‑410.”

SECTION 3. Section 1‑3‑240(C)(1) of the 1976 Code, as last amended by Act 73 of 2009, is further amended to read:

“(1) Persons appointed to the following offices of the State may be removed by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity:

(a) Workers’ Compensation Commission;

(b) ~~Department of Transportation Commission;~~ Reserved;

(c) Ethics Commission;

(d) Election Commission;

(e) Professional and Occupational Licensing Boards;

(f) Juvenile Parole Board;

(g) Probation, Parole and Pardon Board;

(h) Director of the Department of Public Safety;

(i) Board of the Department of Health and Environmental Control, excepting the chairman;

(j) Chief of State Law Enforcement Division;

(k) South Carolina Lottery Commission;

(l) Executive Director of the Office of Regulatory Staff; ~~and~~

(m) Directors of the South Carolina Public Service Authority appointed pursuant to Section 58‑31‑20. A director of the South Carolina Public Service Authority also may be removed for his breach of any duty arising under Section 58‑31‑55 or 58‑31‑56. The Governor must not request a director of the South Carolina Public Service Authority to resign unless cause for removal, as established by this subsection, exists. Removal of a director of the South Carolina Public Service Authority, except as is provided by this section or by Section 58‑31‑20(A), must be considered to be an irreparable injury for which no adequate remedy at law exists~~.~~; and

(n) State Ports Authority.”

SECTION 4. Section 11‑43‑140 of the 1976 Code is amended to read:

“Section 11‑43‑140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: the ~~Chairman~~ Secretary of the Department of Transportation ~~Commission~~, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President *Pro Tempore* of the Senate; and one member of the Senate appointed by the President *Pro Tempore* of the Senate, ex officio. Directors appointed by the Governor, the Speaker, and the President *Pro Tempore* shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.”

SECTION 5. Section 57‑1‑10 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑10. For the purposes of this title, the following words, phrases, and terms are defined as follows:

(1) ~~‘Commission’ means the administrative and governing authority of the Department of Transportation.~~

~~(2)~~ ‘Department’ means the Department of Transportation (DOT).

~~(3)~~(2) ‘Secretary of Transportation’ means the Chief Administrative Officer of the Department of Transportation.”

SECTION 6. Section 57‑1‑40 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑40. (A) It is unlawful for ~~a member of the commission or~~ the Secretary of Transportation or an engineer, agent, or other employee, acting for or on behalf of the department ~~or commission~~, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(B) It is unlawful for a person to give or offer to give, promise, or cause or procure to be promised, offered, or given, either directly or indirectly, to ~~a member of the commission or~~ an engineer, agent, or other employee acting for or on behalf of the ~~commission or~~ department with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (B) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(C) The ~~members and employees of the commission and~~ employees of the department are subject to the provisions of Chapter 13, Title 8, the State Ethics Act, and the provisions of Chapter 78, Title 15, the South Carolina Tort Claims Act.”

SECTION 7. A. Subsections (A), (B)(1)-(7), and (C)-(O) of Section 57-1-370 of the 1976 Code are deleted.

B. Section 57-1-370(B)(8) of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations' transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the ~~commission~~ Secretary of Transportation shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; ~~and~~

(i) consistency with local land use plans; and

(j) obsolescence and deterioration.”

SECTION 8. Section 57‑1‑410 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑410. The Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at ~~the~~ his pleasure ~~of the Governor~~. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the annual general appropriations act.”

SECTION 9. Section 57‑1‑430 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑430. ~~(A)~~ The secretary is charged with the following affirmative ~~duty~~ duties: ~~to carry out the policies of the commission , to administer the day‑to‑day affairs of the department, to direct the implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit Plan, and to ensure the timely completion of all projects undertaken by the department, and routine operation and maintenance requests, and emergency repairs. He must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government. The secretary must prepare an annual budget for the department that must be approved by the commission before becoming effective.~~

~~(B)~~ ~~For each division, the secretary may employ such personnel and prescribe their duties, powers, and functions as he considers necessary and as may be authorized by statute and for which funds have been authorized in the annual general appropriations act.~~

(1) carry out the policy of the department;

(2) represent the agency in its dealings with all other state, local, or federal agencies;

(3) administer the day‑to‑day operations of the department;

(4) prepare and direct the implementation of the Statewide Transportation Improvement Program;

(5) prepare and direct the implementation of the Statewide Mass Transit Plan;

(6) ensure the timely completion of projects undertaken by the department;

(7) prepare and submit to the General Assembly an annual budget request pursuant to Section 57‑1‑435;

(8) prepare and submit to the chairmen of the Senate Finance Committee and House Ways and Means Committee a quarterly cash flow analysis detailing the current obligations and available funds of the department;

(9) undertake routine operation and maintenance requests;

(10) undertake emergency repairs; and

(11) employ all necessary personnel to carry out the functions of the department including, but not limited to, an assistant secretary for engineering and one engineer for each transportation district.”

SECTION 10. Article 5, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑435. (A) Among the other duties of the Secretary of Transportation, he is responsible for the development of a statewide multimodal transportation plan and the prioritizing of projects in that plan according to criteria established pursuant to Section 57-1-370(B)(8).

(B) The secretary shall utilize the priority list developed in the statewide multimodal plan for selecting projects for inclusion into the statewide transportation improvement program. The statewide transportation improvement program must be divided into improvement categories that include:

(1) pavement and reconstruction;

(2) federal match program for local participants;

(3) rural system program;

(4) urban system program;

(5) interstate programs;

(6) interstate program debt service;

(7) safety;

(8) congestion management and air quality;

(9) bridge replacement;

(10) federal lands;

(11) enhancements;

(12) planning; and

(13) any additional categories or criteria required by federal law or regulation.

The secretary annually shall provide to the Governor and the General Assembly a priority listing of all federal‑aid eligible projects, within their respective statewide transportation improvement program funding category, in accordance with the ranking criteria. The objective and quantifiable criteria for each category also must be consistent with the federal guidelines and eligibility requirements of the program category as defined in the most recent federal transportation authorization act and the statewide transportation improvement program. The annual statewide transportation improvement program funding allocations must be based on anticipated funding levels according to the most current federal transportation authorization act and adjusted each year through a congressionally approved federal appropriations act, continuing resolution, or other congressional action.

(C) The state‑funded program must be divided into categories that include:

(1) maintenance and operations;

(2) pavement improvement and preservation;

(3) bridge replacements; and

(4) any additional categories or criteria required by federal law or regulation.

The secretary annually shall provide the Governor and the General Assembly a priority listing within each category of all state-funded projects in accordance with the ranking criteria. Prior to submission, the district engineers shall review the state funded maintenance and construction projects to be included in the state funded program within their respective districts. The annual budget for the state funded program must be based on anticipated state source revenues.

(D) The General Assembly may not select or alter the priority of projects submitted by the secretary.

(E) All projects and operations of the department, including the statewide transportation improvement program, are to be funded and administered according to appropriated categories. Projects for which an appropriation of twenty million dollars or more is made in an annual general appropriations act or authorizations for projects funded by the State Infrastructure Bank in any dollar amount in an annual general appropriations act must be individually authorized or appropriated by the General Assembly in that annual general appropriations act.

(F) The ranking criteria must be based on the following elements:

(1) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(2) public safety;

(3) potential for economic development;

(4) traffic volume and congestion;

(5) truck traffic;

(6) the pavement quality index;

(7) environmental impact;

(8) alternative transportation solutions;

(9) consistency with local land use plans; and

(10) obsolescence and deterioration.

(G) The project rankings priority lists for federal-aid eligible projects and for state-funded projects must be made publicly available on the department’s website and copies furnished upon request. The posted lists must be updated as soon as possible after any changes are made by the department.”

SECTION 11. Section 57‑1‑490 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑490. (A) The department ~~shall~~ must be audited by a certified public accountant or firm of certified public accountants once each year to be designated by the State Auditor. The designated accountant or firm of accountants shall issue audited financial statements in accordance with generally accepted accounting principles, and such financial statements shall be made available annually by October fifteenth to the General Assembly. The costs and expenses of the audit must be paid by the department out of its funds.

(B) The Materials Management Office of the State Budget and Control Board annually must audit the department’s internal procurement operation to ensure that the department has acted properly with regard to the department’s exemptions contained in Section 11‑35‑710. The audit must be performed in accordance with applicable state law, including, but not limited to, administrative penalties for violations found as a result of the audit. The results of the audit must be made available by October fifteenth to ~~the Department of Transportation Commission,~~ the Department of the Transportation’s chief internal auditor, the Governor, the chairmen of the Senate Finance and Transportation Committees, and the chairmen of the House of Representatives Ways and Means and Education and Public Works Committees. The costs and expenses of the audit must be paid by the department out of its funds.

~~(C)~~ The Legislative Audit Council shall contract for an independent performance and compliance audit of the department’s finance and administration division, mass transit division, and construction engineering and planning division. This audit must be completed by January 15, 2010. The Legislative Audit Council may contract for follow‑up audits or conduct follow‑up audits as needed based upon the audit’s initial findings. The costs of these audits, including related administrative and management expenses of the Legislative Audit Council, are an operating expense of the department. The department shall pay directly to the Legislative Audit Council the cost of the audits.

~~(D)~~(C) Copies of every audit conducted pursuant to this section must be made available to ~~the Department of Transportation Commission,~~ the Department of Transportation chief internal auditor, the Governor, the Chairmen of the Senate Finance and Transportation Committees, and the Chairmen of the House of Representatives Ways and Means and Education and Public Works Committees.”

SECTION 12. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑100. The department shall submit to a biennial performance evaluation by the Legislative Audit Council. This performance evaluation must seek to determine how well the department and the secretary have carried out their duties as prescribed by law and specifically complied with the requirements of law relating to the prioritization of projects. The Legislative Audit Council shall deliver the results of this review to the General Assembly no later than the second Tuesday in February of every even‑numbered year.”

SECTION 13. Section 57‑3‑20(1) of the 1976 Code, as last amended by Act 206 of 2010, is further amended to read:

“(1) division deputy director for finance and administration:

(a) financial planning and management;

(b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General; and

(c) administrative functions, including ~~recording proceedings of the commission and~~ developing policy and procedures to ensure compliance with these policies and procedures.”

SECTION 14. Section 57‑3‑50 of the 1976 Code is amended to read:

“Section 57‑3‑50. The ~~commission~~ department may establish such highway districts as in its opinion ~~shall be~~ are necessary for the proper and efficient performance of its duties. The ~~commission~~ department, every ten years, must review the number of highway districts and the territory embraced within the districts and make ~~such~~ changes ~~as~~ that may be necessary for the proper and efficient operation of the districts.”

SECTION 15. Section 57‑1‑500 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“Section 57‑1‑500. The secretary must provide for a workshop of at least two biennial contact hours concerning ethics and the Administrative Procedures Act for ~~the commissioners,~~ the secretary, the chief internal auditor, and senior management employees of the Department of Transportation; and a biennial ethics workshop of at least two contact hours for all other department employees.”

SECTION 16. Sections 57-1-310 through 57-1-360, Section 57‑1‑460, Section 57‑1‑470, Article 7, Chapter 1, Title 57 and Sections 6, 7, and 8 of Act 114 of 2007 are repealed.

SECTION 17. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. LUCAS explained the amendment.

Rep. LUCAS spoke in favor of the amendment.

Rep. BINGHAM moved to adjourn debate on the Bill until Tuesday, March 6.

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

Yeas 68; Nays 43

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Anthony | Bales | Bannister |
| Battle | Bingham | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | R. L. Brown | Clyburn |
| Cobb-Hunter | Crawford | Crosby |
| Daning | Dillard | Edge |
| Erickson | Frye | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Hart | Hayes |
| Hearn | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| Knight | Limehouse | Lowe |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| J. H. Neal | Neilson | Ott |
| Parker | Parks | Pinson |
| Pitts | Quinn | Rutherford |
| Sandifer | Skelton | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Toole | Weeks | Whipper |
| White | Whitmire |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Atwater |
| Ballentine | Barfield | Bedingfield |
| Bowen | H. B. Brown | Clemmons |
| Cole | Corbin | Delleney |
| Forrester | Funderburk | Hamilton |
| Harrison | Henderson | Herbkersman |
| Hiott | Hixon | Huggins |
| Loftis | Long | Lucas |
| McCoy | Munnerlyn | Nanney |
| J. M. Neal | Norman | Owens |
| Patrick | Pope | Putnam |
| Ryan | Simrill | G. R. Smith |
| Southard | Stringer | Taylor |
| Thayer | Tribble | Willis |
| Young |  |  |

**Total--43**

So, the motion to adjourn debate until Tuesday, March 6, was agreed to.

**RECURRENCE TO THE MORNING HOUR**

Rep. LIMEHOUSE moved that the House recur to the morning hour, which was agreed to.

**HOUSE RESOLUTION**

The following was introduced:

H. 4941 -- Reps. Murphy, Horne, Knight and Harrell: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SUMMERVILLE HIGH SCHOOL SENIOR WRESTLER, JORDAN WIGGER, FOR ANOTHER OUTSTANDING WRESTLING SEASON, AND TO CONGRATULATE HIM FOR PUTTING A HOLD ON HIS FOURTH STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4942 -- Reps. Gilliard, Murphy and Horne: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR CORPORAL BOB BERES OF SUMMERVILLE FOR HIS OUTSTANDING COMMUNITY AND PUBLIC SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4943 -- Reps. Lowe, Crawford, Erickson, Patrick, Brannon, Ott, Bowers, G. A. Brown, Clemmons, Cole, Frye, Merrill, Pitts, Spires, Tallon and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-715 SO AS TO PROVIDE FOR THE HUNTING OF COYOTES, ARMADILLOS, AND FERAL HOGS ON PRIVATE PROPERTY DURING NIGHTTIME HOURS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4944 -- Reps. Crawford, Patrick, Herbkersman, Brady, Bedingfield, Anderson, Sandifer, Erickson, McCoy, Brannon, Bowers, Gambrell, Hayes, Limehouse, Lowe, Mack, Pinson and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA TELEMEDICINE INSURANCE REIMBURSEMENT ACT"; BY ADDING SECTION 38-71-295 SO AS TO PROVIDE RELATED DEFINITIONS, TO PROVIDE FOR A PHYSICIAN OR OTHER HEALTH CARE PROVIDER THAT PERFORMS TELEMEDICINE SERVICES IN A CERTAIN MANNER MUST BE REIMBURSED FOR THOSE SERVICES IN THE SAME MANNER AS HEALTH CARE SERVICES PROVIDED THROUGH AN IN-PERSON CONSULTATION, TO PROVIDE DELIVERY OF HEALTH CARE BY MEANS OF TELEMEDICINE MUST SATISFY CERTAIN REQUIREMENTS FOR DELIVERING THE SAME CARE IN PERSON; AND TO PROVIDE THE SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS MAY AUTHORIZE THE PROVISION OF ADDITIONAL HEALTH CARE SERVICES BY CERTAIN MEANS THROUGH THE USE OF STANDARD TELEPHONE, FACSIMILE TRANSMISSIONS, UNSECURED ELECTRONIC MAIL, OR A COMBINATION OF THEM, SUBJECT TO AN EXCEPTION.

Referred to Committee on Labor, Commerce and Industry

H. 4945 -- Reps. Funderburk, Brantley, Harrison, McLeod, Butler Garrick, Munnerlyn, Taylor, J. H. Neal, Dillard, Bannister, G. R. Smith, Bowers, Cobb-Hunter, Delleney, Hixon, Long, Pope and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-5-185 SO AS TO AUTHORIZE A PERSON TO REGISTER TO VOTE ELECTRONICALLY ON THE INTERNET WEBSITE OF THE STATE ELECTION COMMISSION, TO PROVIDE A PROCEDURE FOR THIS TYPE OF REGISTRATION AND AUTHORIZE THE STATE ELECTION COMMISSION TO PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ACT.

Referred to Committee on Judiciary

**H. 4554--RECALLED AND REFERRED TO COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

On motion of Rep. COLE, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary and was referred to the Committee on Labor, Commerce and Industry:

H. 4554 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-75-1010 SO AS TO PROVIDE A TITLE INSURER MAY ISSUE CLOSING OR SETTLEMENT INSURANCE, TO PROVIDE FOR LOSS AGAINST WHICH THIS INSURANCE MAY INDEMNIFY AN INSURED, AND TO PROVIDE FOR ADMINISTRATIVE FORMS, FEES, AND NOTICE REQUIREMENTS; AND TO AMEND SECTION 38-1-20, AS AMENDED, SECTION 38-5-30, AS AMENDED, SECTION 38-7-10, AND SECTION 38-57-170 ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO INCLUDE CLOSING OR SETTLEMENT INSURANCE.

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

**ADJOURNMENT**

At 12:39 p.m. the House, in accordance with the motion of Rep. ANDERSON, adjourned in memory of Reverend Jannie B. T. Royal of Georgetown, to meet at 10:00 a.m. tomorrow.

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