~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Psalm 36:8: “They feast on the abundance of your house, and you give them drink from the river of your delights.”

Let us pray. Almighty God, we give thanks to You for Your wonderful and generous blessings. Send Your spirit of unity and cooperation to these men and women who are chosen to represent the people of this State. Guide them into all truth, that by word and deed, they may accomplish the work of this Session. 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. Lord, in Your mercy, hear our prayer. 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. HORNE moved that when the House adjourns, it adjourn in memory of Ross Reeves of Reevesville, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer Walker Whitmore in remembrance for his service to the Blatt Building.

**H. 3400--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

**MESSAGE FROM THE SENATE**

Columbia, S.C., June 5, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 3400:

H. 3400 -- Rep. Weeks: A BILL TO AMEND SECTION 63-3-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OF THE FAMILY COURT IN CERTAIN MATTERS, SO AS TO PROVIDE THAT A CHILD SUPPORT OBLIGATION AUTOMATICALLY TERMINATES WHEN THE CHILD TURNS EIGHTEEN OR GRADUATES FROM HIGH SCHOOL, WHICHEVER IS SOONER.

and asks for a Committee of Conference and has appointed Senators Campsen, Sheheen and Campbell to the Committee of Conference on the part of the Senate.

Very respectfully,

President

Whereupon, the Chair appointed Reps. BANNISTER, HEARN and WEEKS to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 5, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to H. 5165:

H. 5165 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF ATLAS ROAD AND VETERANS ROAD IN RICHLAND COUNTY "JULIUS MURRAY INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "JULIUS MURRAY INTERSECTION", NAME THE PORTION OF GREENLAWN DRIVE IN RICHLAND COUNTY FROM ITS INTERSECTION WITH GARNERS FERRY ROAD TO ITS INTERSECTION WITH LEESBURG ROAD "HOWARD R. CAMPBELL ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "HOWARD R. CAMPBELL ROAD", AND NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 77 AND SOUTH CAROLINA HIGHWAY 555 IN RICHLAND COUNTY "HARRY 'H. B.' RUTHERFORD, SR. INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "HARRY 'H. B.' RUTHERFORD, SR. INTERCHANGE".

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 5383 -- Rep. McLeod: A HOUSE RESOLUTION TO CONGRATULATE AND HONOR CHIEF OF POLICE JACKIE SWINDLER OF NEWBERRY UPON HIS ELECTION AND OUTSTANDING LEADERSHIP AS PRESIDENT OF THE SOUTH CAROLINA LAW ENFORCEMENT OFFICERS ASSOCIATION FOR 2011-2012.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5385 -- Rep. Govan: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF THE REVEREND JAMES WILLIAM HOWARD OF ORANGEBURG AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 5384 -- Rep. Brantley: A BILL TO AMEND ACT 476 OF 1998, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

Referred to Jasper Delegation

S. 1183 -- Senators Setzler, Rose, Land, Anderson, Bryant, Grooms, S. Martin, Knotts, Courson, Bright, Elliott, Peeler, Ryberg, Verdin, Shoopman, Leventis, Sheheen, Massey, Thomas and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-270 SO AS TO PROVIDE THAT ALL OTHER FUNDS COLLECTED BY AN AGENCY MUST BE DEPOSITED IN THE GENERAL FUND AND MUST BE CONSIDERED GENERAL FUNDS, TO PROVIDE FOR DEFINITIONS, AND TO SPECIFY THE APPLICABILITY OF THIS SECTION.

Referred to Committee on Ways and Means

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Loftis |
| Long | Lucas | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. M. Neal | Norman | Ott |
| Owens | Parker | Patrick |
| Pitts | Pope | Putnam |
| Sandifer | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Thayer |
| Toole | Tribble | Vick |
| Weeks | Williams | Young |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, June 6.

|  |  |
| --- | --- |
| Terry Alexander | Nathan Ballentine |
| Don Bowen | Joe Daning |
| Jackie Hayes | George M. Hearn |
| William Bowers | David Mack |
| Peter McCoy, Jr. | Denny Neilson |
| Lewis E. Pinson | Todd Rutherford |
| Ronnie A. Sabb | Bakari Sellers |
| William "Bill" Taylor | Brian White |
| William R. "Bill" Whitmire | Mark Willis |
| Richard "Rick" Quinn | Mia Butler Garrick |
| Anne Parks | H. B. "Chip" Limehouse |
| James E. Smith | Boyd Brown |
| Wendell Gilliard | Chris Hart |
| Kevin Ryan | Jackson "Seth" Whipper |
| Joseph Neal | Chris Murphy |
| Kris Crawford |  |

**Total Present--118**

**LEAVE OF ABSENCE**

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

**STATEMENT OF ATTENDANCE**

Rep. RUTHERFORD signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, June 5.

**DOCTORS OF THE DAY**

Announcement was made that Dr. Patricia Witherspoon and Dr. Philip Van DeGriend of Columbia were the Doctors of the Day for the General Assembly.

**H. 4082--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate returned to the House with amendments the following:

H. 4082 -- Reps. Vick, Edge, Hiott, Hayes, R. L. Brown, Jefferson, Bowers, Anthony, Skelton, Williams, McLeod, G. M. Smith, Weeks, Gilliard, Agnew, Horne, Funderburk, Tribble, Pinson, Clemmons and Neilson: A BILL TO AMEND SECTION 38-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF THE INSURANCE PREMIUM TAX, SO AS TO PROVIDE THAT SEVEN PERCENT OF THE ANNUAL REVENUE OF THIS TAX MUST BE TRANSFERRED TO THE SOUTH CAROLINA FORESTRY COMMISSION AND USED BY IT FOR FIREFIGHTING AND FIREFIGHTING EQUIPMENT REPLACEMENT AND FOREST INDUSTRY ECONOMIC ENHANCEMENT.

Rep. VICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 74; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anthony | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Brantley |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Hamilton | Hardwick | Harrell |
| Hearn | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Loftis | Long |
| Lucas | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | J. M. Neal |
| Norman | Ott | Owens |
| Parker | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Thayer | Tribble |
| Vick | Weeks | Whitmire |
| Williams | Young |  |

**Total--74**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I was temporarily out of the Chamber during the vote to concur with the Senate’s Amendments to H. 4082. If I had been present, I would have voted in favor of concurring with the Senate’s Amendments to the Bill.

Rep. Brian White

**H. 3757--CONFERENCE REPORT ADOPTED**

**H. 3757--Conference Report**

The General Assembly, Columbia, S.C., June 5, 2012

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3757 -- Reps. Hardwick, Hearn, Mitchell, Long, Erickson, Brady, Butler Garrick, Funderburk, Munnerlyn, Knight, Dillard, Cobb‑Hunter, Parks, Huggins, Allison, Tallon, Brannon, Atwater, Whipper, Patrick and J.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 3, TITLE 16 SO AS TO DEFINE NECESSARY TERMS, PROVIDE FOR CERTAIN HUMAN TRAFFICKING OFFENSES AND PROVIDE PENALTIES, TO PROVIDE FOR CRIMINAL LIABILITY OF BUSINESS ENTITIES, TO PROVIDE RESTITUTION FOR VICTIMS OF HUMAN TRAFFICKING OFFENSES, TO ESTABLISH AN INTERAGENCY TASK FORCE TO DEVELOP AND IMPLEMENT A PLAN FOR THE PREVENTION OF TRAFFICKING IN PERSONS, TO REQUIRE THE COLLECTION AND DISSEMINATION OF DATA RELATED TO HUMAN TRAFFICKING BY THE STATE LAW ENFORCEMENT DIVISION (SLED), TO REQUIRE MANDATORY LAW ENFORCEMENT TRAINING ON HUMAN TRAFFICKING OFFENSES, TO PROVIDE FOR THE CREATION OF PUBLIC AWARENESS PROGRAMS REGARDING HUMAN TRAFFICKING IN THE STATE, TO ALLOW CIVIL ACTIONS BY VICTIMS OF HUMAN TRAFFICKING, TO PROVIDE THAT CERTAIN STANDARDS OF WORKING CONDITIONS APPLY WITHOUT REGARD TO IMMIGRATION STATUS, TO PROVIDE CERTAIN PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING PURSUANT TO THE VICTIMS’ BILL OF RIGHTS AND OTHER RELEVANT STATUTORY PROVISIONS, TO REQUIRE THE STATE TO DEVELOP PLANS FOR HOUSING AND COUNSELING, AMONG OTHER THINGS, OF VICTIMS OF HUMAN TRAFFICKING WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THE ACT, TO PROVIDE FOR CERTAIN RIGHTS OF MINOR VICTIMS OF HUMAN TRAFFICKING, TO ESTABLISH HUMAN TRAFFICKING VICTIM‑CASEWORKER PRIVILEGE, AND TO CREATE THE OFFENSE OF MALICIOUSLY OR WITH CRIMINAL NEGLIGENCE PUBLISHING, DISSEMINATING, OR OTHERWISE DISCLOSING THE LOCATION OF A HUMAN TRAFFICKING VICTIM, A TRAFFICKING SHELTER, OR A DOMESTIC VIOLENCE SHELTER AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 16‑3‑930 RELATING TO TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Article 19

Trafficking in Persons

Section 16‑3‑2010. (A) As used in this article:

(1) ‘Business’ means a corporation, partnership, proprietorship, firm, enterprise, franchise, organization, or self‑employed individual.

(2) ‘Charitable organization’ means a ‘charitable organization’ pursuant to Section 33‑56‑20.

(3) ‘Debt bondage’ means the status or condition of a debtor arising from a pledge by the debtor of his personal services or those of a person under his control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined or if the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

(4) ‘Forced labor’ means any type of labor or services performed or provided by a person rendered through another person’s coercion of the person providing the labor or services.

This definition does not include labor or services performed or provided by a person in the custody of the Department of Corrections or a local jail, detention center, or correctional facility.

(5) ‘Involuntary servitude’ means a condition of servitude induced through coercion.

(6) ‘Person’ means an individual, corporation, partnership, charitable organization, or another legal entity.

(7) ‘Sex trafficking’ means the recruitment, harboring, transportation, provision, or obtaining of a person for one of the following when it is induced by force, fraud, or coercion or the person forced to perform the act is under the age of eighteen years and anything of value is given, promised to, or received, directly or indirectly, by another person:

(a) criminal sexual conduct pursuant to Section 16‑3‑651;

(b) criminal sexual conduct in the first degree pursuant to Section 16‑3‑652;

(c) criminal sexual conduct in the second degree pursuant to Section 16‑3‑653;

(d) criminal sexual conduct in the third degree pursuant to Section 16‑3‑654;

(e) criminal sexual conduct with a minor pursuant to Section 16‑3‑655;

(f) engaging a child for sexual performance pursuant to Section 16‑3‑810;

(g) performance pursuant to Section 16‑3‑800;

(h) producing, directing or promoting sexual performance by a child pursuant to Section 16‑3‑820;

(i) sexual battery pursuant to Section 16‑3‑661;

(j) sexual conduct pursuant to Section 16‑3‑800; or

(k) sexual performance pursuant to Section 16‑3‑800.

(8) ‘Services’ means an act committed at the behest of, under the supervision of, or for the benefit of another person.

(9) ‘Trafficking in persons’ means when a victim is subjected to or a person attempts to subject a victim to sex trafficking; forced labor or services; involuntary servitude; or debt bondage by employing one of the following:

(a) physically restraining or threatening to physically restrain another person;

(b) knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or other immigration document, or another actual or purported government identification document, of the victim;

(c) extortion or blackmail;

(d) causing or threatening to cause financial harm to the victim;

(e) facilitating or controlling a victim’s access to a controlled substance; or

(f) coercion.

(10) ‘Victim of trafficking in persons’ or ‘victim’ means a person who has been subjected to the crime of trafficking in persons.

Section 16‑3‑2020. (A) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons.

(B) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, for the purposes of sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in subsection (A), is guilty of trafficking in persons.

(C) For a first offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years.

(D) For a second offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(E) For a third or subsequent offense, the person is guilty of a felony and upon conviction, must be imprisoned not more than forty‑five years.

(F) If the victim of an offense contained in this section is under the age of eighteen, an additional term of fifteen years may be imposed in addition and must be consecutive to the penalty prescribed for a violation of this section.

(G) A person who aids, abets, or conspires with another person to violate the criminal provisions of this section must be punished in the same manner as provided for the principal offender and is considered a trafficker.

(H) A business owner who uses his business in a way that participates in a violation of this article, upon conviction, must be imprisoned for not more than ten years in addition to the penalties provided in this section for each violation.

(I) A plea of guilty or the legal equivalent entered pursuant to a provision of this article by an offender entitles the victim of trafficking in persons to all benefits, rights, and compensation granted pursuant to Section 16‑3‑1110.

(J) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking.

(K) Evidence of the following facts or conditions do not constitute a defense in a prosecution for a violation of this article, nor does the evidence preclude a finding of a violation:

(1) the victim’s sexual history or history of commercial sexual activity, the specific instances of the victim’s sexual conduct, opinion evidence of the victim’s sexual conduct, and reputation evidence of the victim’s sexual conduct;

(2) the victim’s connection by blood or marriage to a defendant in the case or to anyone involved in the victim’s trafficking;

(3) the implied or express consent of a victim to acts which violate the provisions of this section do not constitute a defense to violations of this section;

(4) age of consent to sex, legal age of marriage, or other discretionary age; and

(5) mistake as to the victim’s age, even if the mistake is reasonable.

(L) A person who violates the provisions of this section may be prosecuted by the State Grand Jury pursuant to Section 14‑7‑1600 when a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county.

Section 16‑3‑2030. (A) The principal owners of a business, a business entity, including a corporation, partnership, charitable organization, or another legal entity, that knowingly aids or participates in an offense provided in this article is criminally liable for the offense and will be subject to a fine or loss of business license in the State, or both.

(B) If the principal owners of a business entity are convicted of violating a section of this article, the court or Secretary of State, when appropriate, may:

(1) order its dissolution or reorganization;

(2) order the suspension or revocation of any license, permit, or prior approval granted to it by a state or local government agency; or

(3) order the surrender of its charter if it is organized under state law or the revocation of its certificate to conduct business in the State if it is not organized under state law.

Section 16‑3‑2040. (A) An offender convicted of a violation of this article must be ordered to pay mandatory restitution to the victim as provided in this section.

(B) If the victim of trafficking dies as a result of being trafficked, a surviving spouse of the victim is eligible for restitution. If no surviving spouse exists, restitution must be paid to the victim’s issue or their descendants per stirpes. If no surviving spouse or issue or descendants exist, restitution must be paid to the victim’s estate. A person named in this subsection may not receive funds from restitution if he benefited or engaged in conduct described in this article.

(C) If a person is unable to pay restitution at the time of sentencing, or at any other time, the court may set restitution pursuant to Section 16‑3‑1270.

(D) Restitution for this section, pursuant to Section 16‑3‑1270, means payment for all injuries, specific losses, and expenses sustained by a crime victim resulting from an offender’s criminal conduct pursuant to Section 16‑3‑1110 (12)(a).

(E) Notwithstanding another provision of law, the applicable statute of limitations for a victim of trafficking in persons is pursuant to Section 16‑3‑1110 (12)(a).

(F) Restitution must be paid to the victim promptly upon the conviction of the defendant. The return of the victim to his home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

Section 16‑3‑2050. (A) The Attorney General shall establish an interagency task force to develop and implement a State Plan for the Prevention of Trafficking in Persons. The task force shall meet at least quarterly and should include all aspects of trafficking in persons, including sex trafficking and labor trafficking of both United States citizens and foreign nationals, as defined in Section 16‑3‑2010. The Attorney General also shall collect and publish relevant data to this section on their website.

(B) The task force shall consist of, at a minimum, representatives from:

(1) the Office of the Attorney General, who must be chair;

(2) the South Carolina Labor, Licensing and Regulation;

(3) the South Carolina Police Chiefs Association;

(4) the South Carolina Sheriffs’ Association;

(5) the State Law Enforcement Division;

(6) the Department of Health and Environmental Control Board;

(7) the United States Department of Labor;

(8) the State Office of Victim Assistance;

(9) the South Carolina Commission on Prosecution Coordination;

(10) the Department of Social Services;

(11) a representative from the Governor’s office;

(12) a representative from the Employment Security Commission; and

(13) two persons appointed by the Attorney General from nongovernmental organizations, especially those specializing in trafficking in persons, those representing diverse communities disproportionately affected by trafficking, agencies devoted to child services and runaway services, and academic researchers dedicated to the subject of trafficking in persons.

(C) The Attorney General shall invite representatives of the United States Attorneys’ offices and of federal law enforcement agencies’ offices within the State, including the Federal Bureau of Investigations and the United States Immigration and Customs Enforcement office, to be members of the task force.

(D) The task force shall carry out the following activities either directly or through one or more of its constituent agencies:

(1) develop the state plan within eighteen months of the effective date of this act;

(2) coordinate the implementation of the state plan; and

(3) starting one year after the formation after the task force, submit an annual report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate on or before December thirty‑first of each calendar year.

(E) The task force shall consider carrying out the following activities either directly or through one or more of its constituent agencies:

(1) coordinate the collection and sharing of trafficking data among government agencies, which data collection must respect the privacy of victims of trafficking in persons;

(2) coordinate the sharing of information between agencies for the purposes of detecting criminal groups engaged in trafficking in persons;

(3) explore the establishment of state policies for time limits for the issuance of Law Enforcement Agency (LEA) endorsements as described in C.F.R. Chapter 8, Section 214.11(f)(1);

(4) establish policies to enable state government to work with nongovernmental organizations and other elements of civil society to prevent trafficking in persons and provide assistance to United States citizens and foreign national victims;

(5) review the existing services and facilities to meet trafficking victims’ needs and recommend a system to coordinate services including, but not limited to, health services, including mental health, housing, education and job training, English as a second language classes, interpreting services, legal and immigration services, and victim compensation;

(6) evaluate various approaches used by state and local governments to increase public awareness of the trafficking in persons, including United States citizens and foreign national victims of trafficking in persons;

(7) mandatory training for law enforcement agencies, prosecutors, and other relevant officials in addressing trafficking in persons;

(8) collect and periodically publish statistical data on trafficking, that must be posted on the Attorney General’s website;

(9) prepare public awareness programs designed to educate potential victims of trafficking in persons and their families on the risks of victimization. These public awareness programs must include, but are not limited to:

(a) information about the risks of becoming a victim, including information about common recruitment techniques, use of debt bondage, and other coercive tactics, risk of maltreatment, rape, exposure to HIV or AIDS and other sexually transmitted diseases, and psychological harm related to victimization in trafficking cases;

(b) information about the risks of engaging in commercial sex and possible punishment;

(c) information about victims’ rights in the State;

(d) methods for reporting suspected recruitment activities; and

(e) information on hotlines and available victims’ services;

(10) preparation and dissemination of awareness materials to the general public to educate the public on the extent of trafficking in persons, both United States citizens and foreign nationals, within the United States and to discourage the demand that fosters the exploitation of persons that leads to trafficking in persons.

(a) The general public awareness materials may include information on the impact of trafficking on individual victims, whether United States citizens or foreign nationals, aggregate information on trafficking in persons worldwide and domestically, and warnings of the criminal consequences of engaging in trafficking in persons. These materials may include pamphlets, brochures, posters, advertisements in mass media, and other appropriate media. All materials must be designed to communicate to the target population.

(b) Materials described in this section may include information on the impact of trafficking in persons on individual victims. However, information on the experiences of individual victims must preserve the privacy of the victim and the victim’s family.

(c) All public awareness programs must be evaluated periodically by the task force to ensure their effectiveness.

Section 16‑3‑2060. (A) A person who is a victim of trafficking in persons may bring a civil action in the court of common pleas. The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and other appropriate relief. A prevailing plaintiff also must be awarded attorney’s fees and costs. Treble damages must be awarded on proof of actual damages when the defendant’s acts were wilful and malicious.

(B) Pursuant to Section 16‑3‑1110, the applicable statute of limitations for a crime victim who has a cause of action against an incarcerated offender is tolled and does not expire until three years after the offender’s sentence is completed, including probation and parole, or three years after release from commitment pursuant to Chapter 48, Title 44, whichever is later. However, this provision does not shorten any other tolling period of the statute of limitations which may exist for the victim.

(C) The statute of limitations for the filing of a civil suit does not begin to run until a minor victim has reached the age of majority.

(D) If a victim entitled to sue is under a disability at the time the cause of action accrues, so that it is impossible or impractical for him to bring an action, then the time of the disability is not part of the time limited for the commencement of the action. Disability includes, but is not limited to, insanity, imprisonment, or other incapacity or incompetence.

(E) The running of the statute of limitations may be suspended when a victim could not have reasonably discovered the cause of action due to circumstances resulting from the trafficking situation, such as psychological trauma, cultural and linguistic isolation, and the inability to access services.

(F) A defendant is estopped to assert a defense of the statute of limitations when the expiration of the statute is due to conduct by the defendant inducing the victim to delay the filing of the action or placing the victim under duress.

Section 16‑3‑2070. (A) Victims of trafficking in persons pursuant to this article are considered victims for purposes of the Victims’ Bill of Rights and are entitled to all appropriate forms of compensation available pursuant to the State Crime Victim’s Compensation Fund in accordance with the provisions of Article 13, Chapter 3, Title 16. Victims of trafficking in persons pursuant to this article also are entitled to the rights provided in Article 15, Chapter 3, Title 16.

(B) In addition to the provisions of subsection (A), in a prosecution for violations of the criminal provisions of this article, the identity of the victim and the victim’s family must be kept confidential by ensuring that names and identifying information of the victim and victim’s family are not released to the public, including by the defendant.

(C) Pursuant to Section 16‑3‑1240, it is unlawful, except for purposes directly connected with the administration of the victim’s compensation fund, for any person to solicit, disclose, receive, or make use of or authorize, knowingly permit, participate in or acquiesce in the use of any list, or names of, or information concerning persons applying for or receiving awards without the written consent of the applicant or recipient. The records, papers, files, and communications of the board, its panel and the director and his staff must be regarded as confidential information and privileged and not subject to disclosure under the Freedom of Information Act as contained in Chapter 3, Title 30.

Section 16‑3‑2080. (A) For purposes of this section:

(1) ‘Domestic violence shelter’ means a facility whose purpose is to serve as a shelter to receive and house persons who are victims of criminal domestic violence and that provides services as a shelter.

(2) ‘Trafficking shelter’ means a confidential location which provides emergency housing for victims of trafficking in persons.

(3) ‘Grounds’ means the real property of the parcel of land upon which a domestic violence or trafficking shelter or a domestic violence or trafficking shelter’s administrative offices are located, whether fenced or unfenced.

(B) A person who maliciously or with criminal negligence publishes, disseminates, or otherwise discloses the location of a trafficking victim, a trafficking shelter, a domestic violence shelter, or another place designated as a trafficking shelter or domestic violence shelter, without the authorization of that trafficking victim, trafficking shelter, or domestic violence shelter, is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years.

(C) It is unlawful for a person who has been charged with or convicted of a violation of Section 16‑3‑2020 to enter or remain upon the grounds or structure of a domestic violence or trafficking shelter in which the victim resides or the domestic violence shelter’s administrative offices or the trafficking shelter’s administrative offices.

(D) The domestic violence shelter and trafficking shelter must post signs at conspicuous places on the grounds of the domestic violence shelter, trafficking shelter, the domestic violence shelter’s administrative offices, and the trafficking shelter’s administrative offices which, at a minimum, must read substantially as follows: ‘NO TRESPASSING – VIOLATORS WILL BE SUBJECT TO CRIMINAL PENALTIES’.

(E) This section does not apply if the person has legitimate business or any authorization, license, or invitation to enter or remain upon the grounds or structure of the domestic violence or trafficking shelter or the domestic violence or trafficking shelter’s administrative offices.

(F) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

Section 16-3-2090. (A)(1) The following are subject to forfeiture:

(a) all monies used, or intended for use, in violation of Section 16-3-2020;

(b) all property constituting the proceeds obtained directly or indirectly, for a violation of Section 16-3-2020;

(c) all property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from a violation of Section 16-3-2020;

(d) all property used or intended for use, in any manner or part, to commit or facilitate the commission of a violation for pecuniary gain of Section 16-3-2020;

(e) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or which have been positioned for use, in violation of Section 16-3-2020;

(f) all conveyances including, but not limited to, trailers, aircraft, motor vehicles, and watergoing vessels, which are used or intended for use unlawfully to conceal or transport or facilitate a violation of Section 16-3-2020. No motor vehicle may be forfeited to the State under this item unless it is used, intended for use, or in any manner facilitates a violation of Section 16-3-2020;

(g) all property including, but not limited to, monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for any kind of services under Section 16‑3‑2020, and all proceeds including, but not limited to, monies, and real and personal property traceable to any exchange under Section 16‑3‑2020; and

(h) overseas assets of persons convicted of trafficking in persons also are subject to forfeiture to the extent they can be retrieved by the government.

(2) Any property subject to forfeiture may be seized by the investigating agency having authority upon warrant issued by any court having jurisdiction over the property. Seizure without process may be made if the:

(a) seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding based upon under Section 16-3-2020;

(c) the investigating agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) the investigating agency has probable cause to believe that the property was used or is intended to be used in violation of Section 16-3-2020.

(3) In the event of seizure, proceedings under this section regarding forfeiture and disposition must be instituted within a reasonable time.

(4) Any property taken or detained under this section is not subject to replevin but is considered to be in the custody of the investigating agency making the seizure subject only to the orders of the court having jurisdiction over the forfeiture proceedings. Property is forfeited and transferred to the government at the moment of illegal use. Seizure and forfeiture proceedings confirm the transfer.

(5) For the purposes of this section, whenever the seizure of property subject to seizure is accomplished as a result of a joint effort by more than one law enforcement agency, the law enforcement agency initiating the investigation is considered to be the agency making the seizure.

(6) Law enforcement agencies seizing property pursuant to this section shall take reasonable steps to maintain the property. Equipment and conveyances seized must be removed to an appropriate place for storage. Monies seized must be deposited in an interest bearing account pending final disposition by the court unless the seizing agency determines the monies to be of an evidential nature and provides for security in another manner.

(7) When property and monies of any value as defined in this article or anything else of any value is seized, the law enforcement agency making the seizure, within ten days or a reasonable period of time after the seizure, shall submit a report to the appropriate prosecution agency.

(a) The report must provide the following information with respect to the property seized:

(i) description;

(ii) circumstances of seizure;

(iii) present custodian and where the property is being stored or its location;

(iv) name of owner;

(v) name of lienholder; and

(vi) seizing agency.

(b) If the property is a conveyance, the report shall include the:

(i) make, model, serial number, and year of the conveyance;

(ii) person in whose name the conveyance is registered; and

(iii) name of any lienholders.

(c) In addition to the report, the law enforcement agency shall prepare for dissemination to the public upon request a report providing the following information:

(i) a description of the quantity and nature of the property and money seized;

(ii) the seizing agency;

(iii) the make, model, and year of a conveyance; and

(iv) the law enforcement agency responsible for the property or conveyance seized.

(d) Property or conveyances seized by a law enforcement agency or department may not be used by officers for personal purposes.

(B)(1) Forfeiture of property must be accomplished by petition of the Attorney General or his designee or the circuit solicitor or his designee to the court of common pleas for the jurisdiction where the items were seized. The petition must be submitted to the court within a reasonable time period following seizure and shall provide the facts upon which the seizure was made. The petition shall describe the property and include the names of all owners of record and lienholders of record. The petition shall identify any other persons known to the petitioner to have interests in the property. Petitions for the forfeiture of conveyances also shall include the make, model, and year of the conveyance, the person in whose name the conveyance is registered, and the person who holds the title to the conveyance. A copy of the petition must be sent to each law enforcement agency which has notified the petitioner of its involvement in effecting the seizure. Notice of hearing or rule to show cause must be directed to all persons with interests in the property listed in the petition, including law enforcement agencies which have notified the petitioner of their involvement in effecting the seizure. Owners of record and lienholders of record may be served by certified mail, to the last known address as appears in the records of the governmental agency which records the title or lien.

(2) The judge shall determine whether the property is subject to forfeiture and order the forfeiture confirmed. The Attorney General or his designee or the circuit solicitor or his designee has the burden of proof to establish by a preponderance of the evidence that the property is subject to forfeiture. If the judge finds a forfeiture, he shall then determine the lienholder’s interest as provided in this article. The judge shall determine whether any property must be returned to a law enforcement agency pursuant to this section.

(3) If there is a dispute as to the division of the proceeds of forfeited property among participating law enforcement agencies, this issue must be determined by the judge. The proceeds from a sale of property, conveyances, and equipment must be disposed of pursuant to this section.

(4) All property, conveyances, and equipment which will not be reduced to proceeds may be transferred to the law enforcement agency or agencies or to the prosecution agency. Upon agreement of the law enforcement agency or agencies and the prosecution agency, conveyances and equipment may be transferred to any other appropriate agency. Property transferred may not be used to supplant operating funds within the current or future budgets. If the property seized and forfeited is an aircraft or watercraft and is transferred to a state law enforcement agency or other state agency pursuant to the provisions of this subsection, its use and retainage by that agency is at the discretion and approval of the State Budget and Control Board.

(5) If a defendant or his attorney sends written notice to the petitioner or the seizing agency of his interest in the subject property, service may be made by mailing a copy of the petition to the address provided, and service may not be made by publication. In addition, service by publication may not be used for a person incarcerated in a Department of Corrections facility, a county detention facility, or other facility where inmates are housed for the county where the seizing agency is located. The seizing agency shall check the appropriate institutions after receiving an affidavit of nonservice before attempting service by publication.

(6) Any forfeiture may be effected by consent order approved by the court without filing or serving pleadings or notices provided that all owners and other persons with interests in the property, including participating law enforcement agencies, entitled to notice under this section, except lienholders and agencies, consent to the forfeiture. Disposition of the property may be accomplished by consent of the petitioner and those agencies involved. Persons entitled to notice under this section may consent to some issues and have the judge determine the remaining issues.

(7) Disposition of forfeited property under this section must be accomplished as follows:

(a) Property forfeited under this subsection shall first be applied to payment to the victim. The return of the victim to his home country or other absence of the victim from the jurisdiction shall not prevent the victim from receiving compensation.

(b) The victim and the South Carolina Victims’ Compensation Fund shall each receive one‑fourth, and law enforcement shall receive one‑half of the value of the forfeited property.

(c) If no victim is named, or reasonable attempts to locate a named victim for forfeiture and forfeiture fails, then all funds shall revert to the South Carolina Victims’ Compensation Fund and law enforcement to be divided equally.

(d) If federal law enforcement becomes involved in the investigation, they shall equitably split the share local law enforcement receives under this section, if they request or pursue any of the forfeiture. The equitable split must be pursuant to 21 U.S.C. Section 881(e)(1)(A) and (e)(3), 18 U.S.C. Section 981(e)(2), and 19 U.S.C. Section 1616a.

(C)(1) An innocent owner, manager, or owner of a licensed rental agency or any common carrier or carrier of goods for hire may apply to the court of common pleas for the return of any item seized. Notice of hearing or rule to show cause accompanied by copy of the application must be directed to all persons and agencies entitled to notice. If the judge denies the application, the hearing may proceed as a forfeiture hearing.

(2) The court may return any seized item to the owner if the owner demonstrates to the court by a preponderance of the evidence:

(a) in the case of an innocent owner, that the person or entity was not a consenting party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture; or

(b) in the case of a manager or an owner of a licensed rental agency, a common carrier, or a carrier of goods for hire, that any agent, servant, or employee of the rental agency or of the common carrier or carrier of goods for hire was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.

If the licensed rental agency demonstrates to the court that it has rented the seized property in the ordinary course of its business and that the tenant or tenants were not related within the third degree of kinship to the manager or owner, or any agents, servants, or employees of the rental agency, then it is presumed that the licensed rental agency was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.

(3) The lien of an innocent person or other legal entity, recorded in public records, shall continue in force upon transfer of title of any forfeited item, and any transfer of title is subject to the lien, if the lienholder demonstrates to the court by a preponderance of the evidence that he was not a consenting party to, or privy to, or did not have knowledge of, the involvement of the property which made it subject to seizure and forfeiture.

(D) A person who uses property or a conveyance in a manner which would make the property or conveyance subject to forfeiture except for innocent owners, rental agencies, lienholders, and the like as provided for in this section, is guilty of a misdemeanor and, upon conviction, must be imprisoned for not less than thirty days nor more than one year, fined not more than five thousand dollars, or both. The penalties prescribed in this section are cumulative and must be construed to be in addition to any other penalty prescribed by another provision of this article.”

SECTION 2. Section 16‑3‑930 of the 1976 Code is repealed.

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect one hundred eighty days after approval by the Governor. /

Amend title to conform.

Sen. C. Bradley Hutto Rep. Bruce W. Bannister

Sen. George E. Campsen III Rep. J. Todd Rutherford

Sen. Phillip W. Shoopman Rep. F. G. Delleney, Jr.

On Part of the Senate. On Part of the House.

Rep. HARDWICK explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 82; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cole | Corbin | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Funderburk | Govan |
| Hamilton | Hardwick | Harrell |
| Hearn | Horne | Hosey |
| Jefferson | Johnson | King |
| Knight | Loftis | Long |
| Lucas | McEachern | McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Rutherford | Ryan |
| Sabb | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Thayer | Toole | Tribble |
| Weeks | Whitmire | Williams |
| Young |  |  |

**Total--82**

Those who voted in the negative are:

**Total--0**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**H. 4763--CONFERENCE REPORT ADOPTED**

**H. 4763--Conference Report**

The General Assembly, Columbia, S.C., June 5, 2012

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4763 -- A BILL TO AMEND SECTION 32‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32‑7‑100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 32‑7‑10 of the 1976 Code is amended to read:

“Section 32‑7‑10. As used in this chapter, unless the context requires otherwise:

(1) ‘Administrator’ means the Administrator of the South Carolina Department of Consumer Affairs.

(2) ‘At need’ means after the beneficiary is deceased, and ‘at preneed’ means before the beneficiary is deceased.

~~(2)~~(3) ‘Beneficiary’ means the person who is to be the subject of the disposition, services, facilities, or merchandise described in a preneed funeral contract.

~~(3)~~(4) ‘Common trust fund’ means a trust in which the proceeds of more than one funeral contract may be held by the trustee.

~~(4)~~(5) ‘Department’ means the South Carolina Department of Consumer Affairs.

~~(5)~~(6) ‘Financial institution’ means a bank, trust company, or savings and loan association authorized by law to do business in this State.

(7) ‘Funeral services’ or ‘funeral arrangements’ means any of the following:

(a) engaging in providing shelter, care, and custody of the human dead;

(b) preparing the human dead by embalming or other methods for burial or other disposition; or

(c) engaging in the practice or performing any functions of funeral directing or embalming as presently recognized by persons engaged in these functions.

~~(6)~~(8) ‘Preneed funeral contract’ means a contract which has for its purpose the furnishing or performance of funeral services or the furnishing or delivery of personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body to be furnished or delivered at a time determinable by the death of the person whose body is to be disposed of, but does not mean the furnishing of a cemetery lot, crypt, niche, mausoleum, grave marker, or monument.

~~(7)~~(9) ‘Provider’ means a funeral home licensed in this State which is the entity providing services and merchandise pursuant to a preneed funeral contract and is designated trustee of all funds.

~~(8)~~(10) ‘Purchaser’ means the person who is obligated to make payments under a preneed funeral contract.

~~(9)~~(11) ‘Seller’ means a licensed funeral director in this State who is directly employed by the provider.

(12) ‘Trust account’ means a federally insured account where the funds shall be paid to a provider only when the provider furnishes the financial institution with a certified certificate of death and a certified statement that the services have been performed and the merchandise has been delivered.”

SECTION 2. Section 32‑7‑35 of the 1976 Code is amended to read:

“Section 32‑7‑35. (A) A preneed funeral contract may be transferred to another provider only upon the prior written request of the purchaser or the beneficiary of a deceased purchaser or pursuant to Section 32‑7‑45. The selling provider must be paid a fee equal to ten percent of the contract face amount. The selling provider also must be paid ten percent of the earnings in that portion of the final year before transfer.

(B) A preneed funeral contract, whether revocable or irrevocable, funded by an insurance policy may be transferred to another provider only upon the prior written request of the purchaser or the beneficiary of a deceased purchaser or pursuant to Section 32‑7‑45. The selling provider may not collect, charge, or receive a fee in connection with this transfer of a preneed funeral contract funded by an insurance policy. An irrevocable preneed funeral contract funded by an insurance policy may be transferred to another provider only upon the prior written request of the purchaser or the beneficiary of a deceased purchaser or pursuant to Section 32‑7‑45.

(C)(1) At preneed, a preneed funeral contract may be transferred only to a funeral home that is licensed to sell preneed funeral contracts. The receiving funeral home is not required to pay an additional service charge unless there are changes to the contract.

(2) At need, a preneed funeral contract may be transferred to any funeral home that is licensed by the Board of Funeral Directors.”

SECTION 3. Section 32‑7‑50 of the 1976 Code is amended to read:

“Section 32‑7‑50. (A) Without first securing a license from the department, no one, except a financial institution, may accept or hold payments made on a preneed funeral contract.

(1) The State Board of Funeral Service must revoke the license of a funeral home or funeral director, or both, if the funeral home or funeral director: (a) accepts funds for a preneed funeral contract or other prepayment of funeral expenses without a license to sell preneed funeral contracts, or (b) is licensed to sell preneed funeral contracts and fails to deposit the funds collected in trust in a federally insured account as required by Section 32‑7‑20(H).

(2) Application for a license must be in writing, signed by the applicant, and verified on forms furnished by the department. ~~Each~~ An application must contain at least the following: the full name and address, both residence and place of business, of the applicant and every member, officer, and director of it if the applicant is a firm, partnership, association, or corporation. A license issued pursuant to the application is valid only at the address stated in the application for the applicant or at a new address approved by the department.

(3) If a licensee cancels the license and later applies for a new license, the department shall investigate the applicant’s books, records, and accounts to determine if the applicant violated the provisions of this chapter during the time he did not have a license.

(B) Upon receipt of the application, a one‑time payment of a two hundred fifty dollar license fee, and the deposit in an amount to be determined by the department of the security or proof of financial responsibility as the department may determine, the department shall issue a license unless it determines that the applicant has made false statements or representations in the application, is insolvent, has conducted his business in a fraudulent manner, is not authorized to transact business in this State, or if, in the judgment of the department, the applicant should be denied a license for some other good and sufficient reason.

(C) A person selling a preneed funeral contract shall collect from each purchaser a service charge and all fees collected must be remitted by the person collecting them to the department at least once each month.

(1) With the fees collected, the person also must provide the department with a listing of each contract sold. If the listing or fees collected are not sent to the department within sixty days of the last day of the month when the contract was sold, the department shall assess a civil penalty of ten dollars for each contract not reported to the department. The monies collected as civil penalties must be deposited in the Preneed Funeral Loss Reimbursement Fund. Upon its own initiative or upon complaint or information received, the department shall investigate a person’s books, records, and accounts if the department has reason to believe that fees are collected and either not remitted or not timely remitted.

(2) The service charge for each contract may not exceed a total of thirty dollars, twenty-five dollars for the department to use in administering the provisions of this chapter and five dollars to be allocated to the Preneed Funeral Loss Reimbursement Fund.

(3) The department shall keep a record of each preneed funeral contract for which it receives a service charge.

(D) A license issued pursuant to this section expires on September thirtieth of each odd-numbered year unless otherwise revoked or canceled. A license must be renewed by filing a renewal application at least thirty days prior to expiration on forms prescribed by the department. A renewal application must be accompanied by a fee of two hundred dollars for the department to use in administering this chapter. The department shall deposit one hundred dollars of each renewal fee received into the Preneed Funeral Loss Reimbursement Fund. The department shall consider the factors in subsection (B) before issuing a license.”

SECTION 4. Section 32‑7‑60(B) of the 1976 Code, as last amended by Act 70 of 2009, is further amended to read:

“(B) From the service charge for each preneed contract as required by Section 32‑7‑50(C), the department shall deposit into the fund that portion of the charge as established by the department. The department may suspend or resume deposits into the fund at any time and for any period to ensure that a sufficient amount is available to meet likely disbursements and to maintain an adequate reserve. The maximum amount of the service charge to be allocated to the Preneed Funeral Loss Reimbursement Fund as required by Section 32‑7‑50(C)(2) may not exceed the amount of five dollars for each preneed contract. ~~The maximum amount of the fund is five hundred thousand dollars with a five percent adjustment compounded annually.~~”

SECTION 5. Section 32‑7‑100 of the 1976 Code is amended to read:

“Section 32-7-100. (A) A person wilfully violating the provisions of this chapter is guilty of a:

(1) misdemeanor, if the value of money obtained or sought to be obtained is two thousand dollars or less and, upon conviction, the person must be fined not less than one thousand dollars ~~or more than five thousand dollars~~, or imprisoned for not ~~less than ten days or more than six months~~ more than thirty days, or both~~.~~; ~~In addition, this person may be prohibited from entering into further preneed funeral contracts if the department, in its discretion, finds that the offense is sufficiently grievous.~~

(2) felony, if the value of money obtained or sought to be obtained is more than two thousand dollars but less than ten thousand dollars, and, upon conviction, the person must be fined in the discretion of the court, or imprisoned for not more than five years, or both;

(3) felony, if the value of money obtained or sought to be obtained is ten thousand dollars or more, and, upon conviction, the person must be fined in the discretion of the court, or imprisoned for not more than ten years, or both.

(4) In addition, a person convicted of a misdemeanor or a felony pursuant to this section may be prohibited from entering into further preneed funeral contracts, if the department, in its discretion, finds that the offense is sufficiently grievous.

(B) The determination of the degree of an offense under subsection (A) must be measured by the total value of all money obtained or sought to be obtained by the unlawful conduct.

~~(B)~~(C)(1) Before the suspension, revocation, or other action by the department involving a license to sell preneed funeral contracts becomes final, a licensee is entitled to request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.

(2) Other action by the department may include a warning notice of deficiency, additional education requirements concerning the provisions of this chapter, a fine, or a cease and desist order for violation of a provision in this chapter.”

SECTION 6. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 7. This act takes effect upon approval by the Governor. /

Amend title to conform.

Sen. Paul G. Campbell, Jr. Rep. William E. Sandifer III

Sen. Kent M. Williams Rep. Julia Ann Parks

Sen. Chauncey K. Gregory Rep. McLain R. Toole

On Part of the Senate. On Part of the House.

Rep. SANDIFER explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Hiott | Horne | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | Loftis |
| Long | Lucas | McEachern |
| McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pope | Putnam | Rutherford |
| Sabb | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Thayer | Toole | Tribble |
| Weeks | Whitmire | Williams |
| Young |  |  |

**Total--91**

Those who voted in the negative are:

**Total--0**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 4763. If I had been present, I would have voted in favor of the Bill.

Rep. Brian White

**S. 1044--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Thursday, June 7, which was adopted:

S. 1044 -- Senators Knotts, Cromer and Ford: A BILL TO AMEND SECTION 38-59-250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE REQUIREMENTS FOR THE INITIATION OF OVERPAYMENT RECOVERY EFFORTS PURSUANT TO THE SOUTH CAROLINA HEALTH CARE FINANCIAL RECOVERY AND PROTECTION ACT, SO AS TO ADD REQUIREMENTS CONCERNING AN APPEAL.

**S. 580--DEBATE ADJOURNED**

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

S. 580 -- Senator Setzler: A BILL TO AMEND SECTION 40-18-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, SO AS TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO A PERSON BASED SOLELY ON HIS BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES, THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER-BASED INFORMATION, OR SYSTEM VULNERABILITY TESTING.

**S. 1340--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Thursday, June 7, which was adopted:

S. 1340 -- Senators Malloy and Knotts: A BILL TO AMEND SECTION 41-15-520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMEDIES OF EMPLOYEES ALLEGING DISCRIMINATION, SO AS TO PROVIDE PROCEDURES THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL FOLLOW UPON RECEIPT OF A COMPLAINT ALLEGING SUCH DISCRIMINATION.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 1007 -- Senator Rose: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, BY ADDING SECTION 57-3-755 TO PROVIDE THAT THE DEPARTMENT MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE.

S. 168 -- Senators Shoopman, Verdin and Leventis: A BILL TO AMEND SECTION 16-11-580, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR CUTTING, REMOVING, OR TRANSPORTING TIMBER PRODUCTS WITHOUT THE CONSENT OF THE LANDOWNER, SO AS TO INCREASE THE PENALTY FROM FIVE HUNDRED DOLLARS TO FIFTEEN HUNDRED DOLLARS IF THE VALUE OF THE TIMBER IS ONE THOUSAND DOLLARS OR LESS AND TO ESTABLISH MINIMUM AND MAXIMUM PENALTIES FOR TIMBER PRODUCTS VALUED AT MORE THAN ONE THOUSAND DOLLARS BUT LESS THAN FIVE THOUSAND DOLLARS AND FOR TIMBER PRODUCTS VALUED AT FIVE THOUSAND DOLLARS OR MORE.

S. 1329 -- Senator Fair: A BILL ACT TO AMEND SECTION 24-21-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, AND THE MEMBERS OF THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT THE MEMBER OF THE BOARD WHO IS APPOINTED ON AN AT-LARGE BASIS MUST BE SELECTED FROM ONE OF THE CONGRESSIONAL DISTRICTS AND AT LEAST ONE APPOINTEE SHALL POSSESS THE QUALIFICATIONS THAT THE AT-LARGE APPOINTEE FORMERLY MET.

**S. 1220--DEBATE ADJOURNED**

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

S. 1220 -- Senators Campbell, Hayes and Ford: A BILL TO AMEND SECTION 48-2-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR CERTAIN ENVIRONMENTAL PROGRAMS, INCLUDING THE SURFACE WATER WITHDRAWAL PROGRAM, WHICH ARE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND FOR ADMINISTRATION OF THESE PROGRAMS, SO AS TO ENUMERATE THE FEES FOR SURFACE WATER WITHDRAWAL APPLICATIONS AND PERMITS THAT WOULD OTHERWISE HAVE BEEN REPEALED JANUARY 1, 2013; BY ADDING SECTION 49-4-175 SO AS TO REIMPOSE THE FEES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY CHARGE FOR SURFACE WATER WITHDRAWAL AND APPLICATIONS AND PERMITS AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN THESE FEES TO IMPLEMENT AND OPERATE THE SURFACE WATER WITHDRAWAL PROGRAM; AND TO AMEND ACT 247 OF 2010, BY REPEALING PROVISIONS THAT PROSPECTIVELY REPEAL THE IMPOSITION OF SURFACE WATER WITHDRAWAL PERMIT FEES.

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 1354 -- Senators Bryant, Thomas, Ford and L. Martin: A BILL TO AMEND SECTION 35-1-604 OF THE 1976 CODE, RELATING TO SECURITIES VIOLATIONS, TO REQUIRE ALL CEASE AND DESIST ORDERS ISSUED BY THE SECURITIES COMMISSIONER TO BE PUBLIC DOCUMENTS AND TO REQUIRE PUBLICATION ON THE ATTORNEY GENERAL'S WEBSITE.

S. 1099 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-19-650 SO AS TO PROVIDE THAT MEMBERS OF THE BOARD OF JUVENILE PAROLE SHALL RECEIVE A HEARING FEE.

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.

S. 300 -- Senators Fair, Hutto, Jackson, Knotts, Rankin and Ford: A BILL TO AMEND SECTION 63-19-1440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO AUTHORIZE THE DEPARTMENT OF JUVENILE JUSTICE TO ALLOW A JUVENILE WHO IS TEMPORARILY COMMITTED TO ITS CUSTODY, AFTER BEING ADJUDICATED FOR A STATUS OFFENSE, MISDEMEANOR OFFENSE, OR A PROBATION VIOLATION OR CONTEMPT, TO UNDERGO A COMMUNITY EVALUATION WITH CERTAIN SAFEGUARDS AND EXCEPTIONS.

**S. 741--DEBATE ADJOURNED**

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

S. 741 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

**S. 1555--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1555 -- Senators Knotts, Setzler and Massey: A BILL TO AMEND SECTION 7-7-380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE THE NAMES OF CERTAIN PRECINCTS, 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.

The yeas and nays were taken resulting as follows:

Yeas 68; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Battle | Bingham |
| Bowen | Brady | Brannon |
| Brantley | R. L. Brown | Chumley |
| Clemmons | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Forrester | Frye |
| Gambrell | Hamilton | Harrell |
| Hayes | Hearn | Henderson |
| Hiott | Hixon | Huggins |
| Knight | Long | Lucas |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | J. M. Neal | Norman |
| Ott | Owens | Parker |
| Patrick | Pitts | Pope |
| Putnam | Ryan | Sandifer |
| Skelton | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Toole |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--68**

Those who voted in the negative are:

**Total--0**

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

**S. 1438--RECONSIDERED**

The motion of Rep. BINGHAM to reconsider the vote whereby S. 1438 was rejected on second reading, was taken up and agreed to.

**S. 1438--REJECTED**

The following Bill was taken up:

S. 1438 -- Senators Lourie, Alexander, Sheheen, Courson, Nicholson, Hutto and Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 84 TO TITLE 44 SO AS TO CREATE THE COMMISSION ON HUNGER WITHIN AND STAFFED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES.

The yeas and nays were taken resulting as follows:

Yeas 44; Nays 53

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anthony | Bales | Battle |
| Bingham | Brady | Branham |
| Brantley | G. A. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | Dillard |
| Funderburk | Gambrell | Hayes |
| Herbkersman | Hodges | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | Mack |
| McEachern | McLeod | Munnerlyn |
| J. M. Neal | Neilson | Ott |
| Parks | Pinson | Rutherford |
| Sabb | Sandifer | G. M. Smith |
| Southard | Spires | Stavrinakis |
| Weeks | Williams |  |

**Total--44**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bowen | Brannon | Chumley |
| Clemmons | Cole | Corbin |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Frye |
| Hamilton | Harrison | Hearn |
| Henderson | Hiott | Hixon |
| Horne | Huggins | Loftis |
| Long | Lucas | Merrill |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Owens | Parker |
| Patrick | Pope | Putnam |
| Ryan | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Whitmire |
| Willis | Young |  |

**Total--53**

So, the Bill was rejected.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 1438. If I had been present, I would have voted in favor of the Bill.

Rep. Brian White

**S. 473--RECONSIDERED**

The motion of Rep. SANDIFER to reconsider the vote whereby S. 473 was rejected on second reading was taken up and agreed to.

**S. 473--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 473 -- Senators Lourie, Setzler and Ford: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT AGENTS, SO AS TO REVISE DEFINITIONS, TO INCLUDE DEFINITIONS FOR "ADMINISTRATOR", "DEPARTMENT", AND "FINANCIAL SERVICES CONTRACT", TO REVISE THE POWERS OF THE DEPARTMENT OF CONSUMER AFFAIRS WITH RESPECT TO ATHLETE AGENTS AND STUDENT ATHLETES, TO PROVIDE FOR INSPECTION OF OUT-OF-STATE RECORDS, TO REQUIRE AN APPLICANT TO UNDERGO A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK AND TO PROVIDE FINGERPRINTS, TO PROVIDE FOR REPORTING AND MAINTENANCE OF CRIMINAL HISTORY RECORDS CHECK RESULTS, TO REVISE CONSIDERATIONS THE DEPARTMENT MAY MAKE WHEN ISSUING A CERTIFICATE OF REGISTRATION, TO REVISE THE TIME IN WHICH A CERTIFICATE OF REGISTRATION IS VALID AND TO PROVIDE THAT THE CERTIFICATE IS NONTRANSFERABLE AND NONASSIGNABLE, TO PROVIDE THAT IF A PERSON AGGRIEVED BY DEPARTMENT ACTION FAILS TO REQUEST A CONTESTED CASE THE ADMINISTRATIVE ACTION IS FINAL, TO PROVIDE THAT FUNDS COLLECTED BY THE DEPARTMENT MUST BE USED TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER, TO REQUIRE THAT THE ADDRESS OF THE ATHLETE AGENT BE INCLUDED IN AN AGENCY CONTRACT, TO REVISE WHAT THE CONTRACT MUST CONTAIN, TO PROVIDE ADDITIONAL PROHIBITED ACTS OF ATHLETE AGENTS, TO ALLOW THE DEPARTMENT TO ISSUE A CEASE AND DESIST ORDER AND IMPOSE A PENALTY UPON FINDING OF MISCONDUCT, TO PROVIDE REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS CHAPTER.

Rep. HAYES spoke in favor of the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 67; Nays 27

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anthony |
| Bales | Barfield | Battle |
| Bingham | Bowen | Brady |
| Branham | Brannon | Brantley |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Crosby | Delleney | Dillard |
| Frye | Funderburk | Gambrell |
| Govan | Hardwick | Harrell |
| Hayes | Hearn | Hixon |
| Hodges | Horne | Hosey |
| Howard | Jefferson | Johnson |
| King | Knight | Long |
| Lucas | Mack | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Pinson |
| Pope | Quinn | Sabb |
| Sandifer | Skelton | G. M. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Taylor | Tribble |
| Weeks | White | Williams |
| Young |  |  |

**Total--67**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bedingfield |
| Chumley | Clemmons | Cole |
| Corbin | Erickson | Forrester |
| Hamilton | Henderson | Hiott |
| Huggins | Loftis | Merrill |
| Nanney | Patrick | Putnam |
| Ryan | G. R. Smith | Southard |
| Stringer | Tallon | Thayer |
| Toole | Whitmire | Willis |

**Total--27**

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

**OBJECTION TO RECALL**

Rep. BRANTLEY asked unanimous consent to recall S. 1556 from the Committee on Education and Public Works.

Rep. NORMAN objected.

**OBJECTION TO RECALL**

Rep. BRANTLEY asked unanimous consent to recall S. 1557 from the Committee on Judiciary.

Rep. FORRESTER objected.

**H. 4813--DEBATE ADJOURNED**

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

H. 4813 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Rep. WHITE moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 4814--DEBATE ADJOURNED**

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

H. 4814 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2011-2012, TO PROVIDE REPORTING REQUIREMENTS WITH RESPECT TO A SPECIFIC APPROPRIATION, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Rep. WHITE moved to adjourn debate on the Senate Amendments, which was agreed to.

**S. 1031--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 1031 -- Senators Lourie, L. Martin, Elliott, Setzler and Alexander: A BILL TO AMEND SECTION 56-5-5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56-5-5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56-5-5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHED IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56-5-5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS A FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56-5-5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56-5-5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56-5-5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

Rep. THAYER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 89; Nays 2

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anthony |
| Bales | Barfield | Battle |
| Bedingfield | Bingham | Bowen |
| Brady | Branham | Brantley |
| G. A. Brown | R. L. Brown | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Corbin | Crosby |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Knight |
| Loftis | Long | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | D. C. Moss |
| Munnerlyn | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parks |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Tribble |
| Weeks | Whitmire | Williams |
| Willis | Young |  |

**Total--89**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brannon | Parker |  |

**Total--2**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 1031. If I had been present, I would have voted in favor of the Bill.

Rep. Brian White

**H. 5025--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 5025 -- Reps. Govan, Cobb-Hunter, King, Limehouse, J. H. Neal, Ott, R. L. Brown and Gilliard: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT AND THREE ALUMNI MEMBERS, AND TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, INCLUDING A PROVISION THAT THE TERMS OF ALL PRESENTLY ELECTED MEMBERS OF THE BOARD SHALL EXPIRE ON JUNE 30, 2012, AT WHICH TIME THEIR SUCCESSORS ELECTED AS PROVIDED BY THIS SECTION SHALL TAKE OFFICE.

Rep. BRANHAM explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 0; Nays 89

Those who voted in the affirmative are:

**Total--0**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Bales | Barfield |
| Bedingfield | Bowen | Brady |
| Branham | Brannon | Brantley |
| R. L. Brown | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corbin | Crosby | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | Hamilton | Hardwick |
| Harrell | Hayes | Hearn |
| Henderson | Herbkersman | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | King | Knight |
| Loftis | Lucas | Mack |
| McCoy | McEachern | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Owens |
| Parker | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Rutherford | Ryan |
| Sabb | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Tribble | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--89**

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

**H. 3676--DEBATE ADJOURNED**

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

H. 3676 -- Reps. J. E. Smith, Clemmons, Dillard, Herbkersman, Limehouse, Mitchell and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 23 TO TITLE 31 SO AS TO ENACT THE "SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011", TO DEFINE TERMS, MAKE FINDINGS, TO PROVIDE THAT THE PURPOSE OF A COMMUNITY LAND TRUST IS TO HOLD LEGAL AND EQUITABLE TITLE TO LAND TO THEN LEASE THE LAND TO PROMOTE AFFORDABILITY, TO PROVIDE THE MANNER IN WHICH COMMUNITY LAND TRUSTS ARE FUNDED, AND TO PROVIDE THE PROCESS BY WHICH COMMUNITY LAND TRUSTS OPERATE.

Rep. CLEMMONS moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 3028--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3028 -- Reps. Clemmons, Taylor, Clyburn and Long: A BILL TO AMEND SECTION 59-26-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUCTION, ANNUAL, AND CONTINUING CONTRACTS FOR TEACHERS, SO AS TO INCREASE THE INDUCTION CONTRACT PERIOD FROM ONE YEAR TO FIVE YEARS.

Rep. CLEMMONS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 97; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Huggins | Jefferson | Johnson |
| King | Knight | Loftis |
| Long | Lucas | Mack |
| McCoy | McEachern | McLeod |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pinson | Pope |
| Putnam | Quinn | Rutherford |
| Ryan | Sabb | Sandifer |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Tribble |
| Vick | Weeks | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--97**

Those who voted in the negative are:

**Total--0**

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

**H. 4513--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4513 -- Rep. Harrison: A BILL TO AMEND SECTION 43-35-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE MEMBERSHIP AND MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 43-35-330, RELATING TO THE DUTIES OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE DUTIES OF THE COUNCIL AND ADD THE REQUIREMENT THAT THE COUNCIL ANNUALLY PREPARE AND DISTRIBUTE TO THE MEMBERSHIP AND THE MEMBERS OF THE GENERAL ASSEMBLY A REPORT OF THE COUNCIL'S ACTIVITIES AND ACCOMPLISHMENTS FOR THE CALENDAR YEAR.

Rep. HARRISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bowen |
| Bowers | Brady | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clyburn | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Govan | Harrell | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Loftis |
| Long | Lucas | Mack |
| McCoy | McEachern | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--96**

Those who voted in the negative are:

**Total--0**

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

**H. 4786--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4786 -- Reps. Sandifer and D. C. Moss: A BILL TO AMEND SECTION 41-35-20 OF THE 1976 CODE, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, TO INCLUDE SERVICES PROVIDED BY SUBSTITUTE TEACHERS UNDER CERTAIN CIRCUMSTANCES.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 87; Nays 7

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Bowers | Brady |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cole | Corbin | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Gambrell | Govan |
| Hamilton | Hardwick | Harrell |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Johnson | Knight |
| Loftis | Long | Lucas |
| McCoy | McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | Skelton |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whitmire |
| Williams | Willis | Young |

**Total--87**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Howard | Jefferson |
| King | Mack | McEachern |
| J. H. Neal |  |  |

**Total--7**

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

**S. 105--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 105 -- Senators Verdin, Leventis and L. Martin: A BILL TO AMEND THE 1976 CODE, BY ADDING ARTICLE 8 TO CHAPTER 25, TITLE 57, TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO CREATE AND SUPERVISE A STATEWIDE PROGRAM RELATED TO PROVIDING DIRECTIONAL SIGNS ALONG THE STATE'S MAJOR HIGHWAYS AND INTERCHANGES LEADING TO AGRITOURISM ORIENTED FACILITIES ENGAGED IN EDUCATIONAL OR AGRITOURISM ACTIVITIES.

Rep. DANING explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Gambrell | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Knight |
| Loftis | Long | 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 | Rutherford |
| Ryan | Sabb | Sandifer |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--102**

Those who voted in the negative are:

**Total--0**

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

**H. 3433--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3433 -- Reps. Herbkersman and Patrick: A BILL TO AMEND SECTION 7-7-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVIEW AND RENAME CERTAIN VOTING PRECINCTS OF BEAUFORT COUNTY AND TO REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Rep. HERBKERSMAN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crosby | Delleney |
| Dillard | Erickson | Forrester |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Johnson |
| King | Knight | Loftis |
| Long | 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 | Rutherford | Ryan |
| Sabb | Sandifer | Sellers |
| Skelton | G. M. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--101**

Those who voted in the negative are:

**Total--0**

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

**H. 3747--DEBATE ADJOURNED**

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

H. 3747 -- Rep. Cooper: A BILL TO AMEND SECTION 12-36-2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT BIOLOGICS ADMINISTERED BY A PHYSICIAN IN A PHYSICIAN'S OFFICE.

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

**H. 4042--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 4042 -- Reps. Harrison, Brady, Pinson, H. B. Brown, Munnerlyn, Viers, Horne and Hardwick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-5-31 SO AS TO MAKE IT AN UNFAIR TRADE PRACTICE FOR A MOTOR VEHICLE GLASS REPAIR BUSINESS THAT ADMINISTERS INSURANCE CLAIMS FOR MOTOR VEHICLE GLASS REPAIRS TO HAVE AN INSURED'S GLASS REPAIR BUSINESS REFERRED TO ITSELF OR TO USE INFORMATION TO SOLICIT BUSINESS.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bowen | Bowers |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Knight |
| Loftis | Long | Lucas |
| Mack | McCoy | McEachern |
| McLeod | D. C. Moss | Munnerlyn |
| Murphy | Nanney | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Rutherford | Ryan |
| Sabb | Sandifer | Skelton |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--96**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 4042. If I had been present, I would have voted in favor of the Bill.

Rep. V. Steve Moss

**H. 5098--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 5098 -- Reps. Hixon, Clyburn, Harrison, Taylor and Young: A BILL TO AMEND SECTION 61-6-2010, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEMPORARY PERMITS FOR THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IN A COUNTY OR MUNICIPALITY UPON A FAVORABLE REFERENDUM VOTE, SO AS TO FURTHER PROVIDE FOR THOSE ELECTIONS WHICH CONSTITUTE GENERAL ELECTIONS FOR PURPOSES OF THE REFERENDUMS REQUIRED UNDER THIS SECTION.

Rep. HIXON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 84; Nays 17

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Atwater | Bales |
| Bannister | Battle | Bedingfield |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cole |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Johnson | King | Knight |
| Limehouse | Lucas | Mack |
| McCoy | McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Putnam | Rutherford | Ryan |
| Sabb | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Vick |
| Weeks | White | Young |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Barfield | Chumley | Clemmons |
| Corbin | Frye | Hayes |
| Hiott | Jefferson | Loftis |
| Nanney | Parker | Pinson |
| Stringer | Toole | Tribble |
| Whitmire | Willis |  |

**Total--17**

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

**RETURNED TO THE SENATE WITH AMENDMENTS**

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

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56-5-2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56-5-2930, 56-5-2935, OR 56-5-2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56-5-2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

**S. 1569--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 1569 -- Senators Grooms, Pinckney, Campsen, Campbell, Malloy, Scott, Alexander, Anderson, Bright, Bryant, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Gregory, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORT ACCESS ROAD IN NORTH CHARLESTON THE "ROBERT FORD PORT CONNECTOR".

The Concurrent Resolution was adopted and sent to the Senate.

**MOTION PERIOD**

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

**S. 45--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 45 -- Senators McConnell, Campsen and Ford: A BILL TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17-15-55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT'S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT'S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, IF THE STATE'S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT, OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY-EIGHT HOURS.

Rep. BANNISTER proposed the following Amendment No. 4 to S. 45 (COUNCIL\MS\7829AHB12), which was tabled:

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

/ SECTION 1. Section 17‑15‑30 of the 1976 Code is amended to read:

“Section 17‑15‑30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community, ~~the~~ a court may, on the basis of available information, consider the nature and circumstances of ~~the~~ an offense charged and ~~the~~ an accused’s:

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) ~~The~~ A court shall consider, if available:

(1) ~~the~~ an accused’s criminal record;

(2) any charges pending against ~~the~~ an accused at the time release is requested;

(3) all incident reports generated as a result of ~~the~~ an offense charged~~, if available~~; and

(4) whether ~~the~~ an accused is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status.

(C)(1) Prior to or at the time of ~~the~~ a hearing, the arresting law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable, attending the hearing~~ agency shall provide the court with the following information, if available:

~~(1)~~(a) the accused’s criminal record;

~~(2)~~(b) any charges pending against the accused at the time release is requested;

~~(3)~~(c) all incident reports generated as a result of the offense charged; and

~~(4)~~(d) any other information that will assist the court in determining conditions of release.

~~(D)~~(2) The arresting law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable,~~ agency shall inform the court if any of the information ~~required in subsection (C)~~ is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable,~~ agency to provide the court with the information ~~required in subsection (C)~~ does not constitute grounds for the postponement or delay of the person’s hearing.

~~(E)~~(D) A court hearing ~~this matter~~ these matters has contempt powers to enforce ~~these~~ the provisions of this section.”

SECTION 2. Chapter 15, Title 17 of the 1976 Code is amended by adding:

“Section 17‑15‑55. (A)(1) The circuit courts, at their discretion, may review and reconsider bond for general sessions offenses set by summary court judges. Also, the circuit courts shall consider motions regarding reconsideration of bond for general sessions offenses set by summary court judges upon motions filed with the clerks of court. Hearings on these motions must be scheduled. The rules of evidence do not apply to bond hearings.

(2) After a circuit court judge has heard and ruled upon a defendant’s motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant’s prima facie showing of a material change in circumstances which relate to the factors provided in Section 17-15-30, and which have arisen since the prior motion to reconsider. In addition, the circuit court may hear further defense motions to reconsider based on the length of time the defendant has been held for trial but not sooner than six months. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances. Information regarding the defendant’s guilt or innocence does not qualify as a change in circumstances for purposes of reconsidering bond absent the solicitor’s consent.

(B)(1) Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. The motions must be filed with the clerks of court, and a copy must be served on the chief judge, defense counsel of record, and bond surety, if any.

(2) After a circuit court judge has heard and ruled upon the state’s motion to reconsider a bond set by a summary court judge, further state motions to reconsider may be heard by the circuit court only upon the state’s prima facie showing of a material change in circumstances which have arisen since the prior motion to reconsider. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances.

(3) If the state’s motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing to be conducted by the circuit court judge within forty-eight hours of receiving service of the state’s motion or as soon as practical. The chief judge shall order the solicitor to notify the defense counsel of record and bond surety of the time and date of the hearing, and the solicitor shall provide proof reasonable efforts were made to affect the notice. Upon notice by the State, the defense counsel of record and bond surety shall make reasonable efforts to notify the defendant of the emergency hearing. The court may proceed with the hearing despite the absence of the defendant or bond surety. The court may not proceed with the hearing if the defense counsel of record is not present. If an emergency bond hearing is held without the presence of the defendant and bond is revoked, the judge having heard the matter may conduct the hearing on the defendant’s motion to reconsider the revocation. Defense motions to reconsider revocation must be filed with the clerk of court and served on the solicitor and bond surety.”

SECTION 3. Section 17‑15‑10 of the 1976 Code is amended to read:

“(A) Any person charged with a noncapital offense triable in either the magistrate’s, county or circuit court, shall, at his appearance before any of such courts, be ordered released pending trial on his own recognizance without surety in an amount specified by the court, unless the court determines in its discretion that such a release will not reasonably assure the appearance of the person as required, or unreasonable danger to the community will result. If such a determination is made by the court, it may impose any one or more of the following conditions of release:

~~(a)~~(1) Require the execution of an appearance bond in a specified amount with good and sufficient surety or sureties approved by the court;

~~(b)~~(2) Place the person in the custody of a designated person or organization agreeing to supervise him;

~~(c)~~(3) Place restrictions on the travel, association or place of abode of the person during the period of release;

~~(d)~~(4) Impose any other conditions deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

(B) Any person charged with the offense of burglary in the first degree pursuant to Section 16-11-311 may have his bond hearing for that charge in summary court unless the solicitor objects.”

SECTION 4. The provisions of Section 1 of Act 115 of 2012 which amended Section 17-15-20 of the 1976 Code and allow sureties to be relieved of an appearance bond under certain designated circumstances are retroactive and apply to all existing and future appearance bonds.

SECTION 5. Except as provided in SECTION 4, the repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

Renumber sections to conform.

Amend title to conform.

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

Rep. BANNISTER proposed the following Amendment No. 8 to S. 45 (COUNCIL\SWB\5394CM12), which was adopted:

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

/ SECTION 1. Section 17‑15‑30 of the 1976 Code is amended to read:

“Section 17‑15‑30. (A) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community, ~~the~~ a court may, on the basis of available information, consider the nature and circumstances of ~~the~~ an offense charged and ~~the~~ an accused’s:

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

(7) record of flight to avoid prosecution or failure to appear at other court proceedings.

(B) ~~The~~ A court shall consider, if available:

(1) ~~the~~ an accused’s criminal record;

(2) any charges pending against ~~the~~ an accused at the time release is requested;

(3) all incident reports generated as a result of ~~the~~ an offense charged~~, if available~~; and

(4) whether ~~the~~ an accused is an alien unlawfully present in the United States, and poses a substantial flight risk due to this status.

(C)(1) Prior to or at the time of ~~the~~ a hearing, the arresting law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable, attending the hearing~~ agency shall provide the court with the following information, if available:

~~(1)~~(a) the accused’s criminal record;

~~(2)~~(b) any charges pending against the accused at the time release is requested;

~~(3)~~(c) all incident reports generated as a result of the offense charged; and

~~(4)~~(d) any other information that will assist the court in determining conditions of release.

~~(D)~~(2) The arresting law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable,~~ agency shall inform the court if any of the information ~~required in subsection (C)~~ is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement ~~officer, local detention facility officer, or local jail officer, as applicable,~~ agency to provide the court with the information ~~required in subsection (C)~~ does not constitute grounds for the postponement or delay of the person’s hearing.

~~(E)~~(D) A court hearing ~~this matter~~ these matters has contempt powers to enforce ~~these~~ the provisions of this section.”

SECTION 2. Chapter 15, Title 17 of the 1976 Code is amended by adding:

“Section 17‑15‑55. (A)(1) The circuit courts, at their discretion, may review and reconsider bond for general sessions offenses set by summary court judges. Also, the circuit courts may consider motions regarding reconsideration of bond for general sessions offenses set by summary court judges upon motions filed with the clerks of court. Hearings on these motions must be scheduled. The rules of evidence do not apply to bond hearings.

(2) After a circuit court judge has heard and ruled upon a defendant’s motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant’s prima facie showing of a material change in circumstances which relate to the factors provided in Section 17-15-30, and which have arisen since the prior motion to reconsider. In addition, the circuit court may hear further defense motions to reconsider based on the length of time the defendant has been held for trial after six months. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances. Information regarding the defendant’s guilt or innocence does not qualify as a change in circumstances for purposes of reconsidering bond absent the solicitor’s consent.

(B)(1) Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. The motions must be filed with the clerks of court, and a copy must be served on the chief judge, defense counsel of record, and bond surety, if any.

(2) After a circuit court judge has heard and ruled upon the state’s motion to reconsider a bond set by a summary court judge, further state motions to reconsider may be heard by the circuit court only upon the state’s prima facie showing of a material change in circumstances which have arisen since the prior motion to reconsider. The chief judge shall schedule a hearing or if such showing is not set forth in the written motion, deny the motion for failure to make a prima facie showing of a material change in circumstances.

(3) If the state’s motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing to be conducted by the circuit court judge within forty-eight hours of receiving service of the state’s motion or as soon as practical. The chief judge shall order the solicitor to notify the defense counsel of record and bond surety of the time and date of the hearing, and the solicitor shall provide proof reasonable efforts were made to affect the notice. Upon notice by the State, the defense counsel of record and bond surety shall make reasonable efforts to notify the defendant of the emergency hearing. The court may proceed with the hearing despite the absence of the defendant or bond surety. The court may not proceed with the hearing if the defense counsel of record is not present. If an emergency bond hearing is held without the presence of the defendant and bond is revoked, the judge having heard the matter may conduct the hearing on the defendant’s motion to reconsider the revocation. Defense motions to reconsider revocation must be filed with the clerk of court and served on the solicitor and bond surety.”

SECTION 3. Section 17‑15‑10 of the 1976 Code is amended to read:

“(A) Any person charged with a noncapital offense triable in either the magistrate’s, county or circuit court, shall, at his appearance before any of such courts, be ordered released pending trial on his own recognizance without surety in an amount specified by the court, unless the court determines in its discretion that such a release will not reasonably assure the appearance of the person as required, or unreasonable danger to the community will result. If such a determination is made by the court, it may impose any one or more of the following conditions of release:

~~(a)~~(1) Require the execution of an appearance bond in a specified amount with good and sufficient surety or sureties approved by the court;

~~(b)~~(2) Place the person in the custody of a designated person or organization agreeing to supervise him;

~~(c)~~(3) Place restrictions on the travel, association or place of abode of the person during the period of release;

~~(d)~~(4) Impose any other conditions deemed reasonably necessary to assure appearance as required, including a condition that the person return to custody after specified hours.

(B) Any person charged with the offense of burglary in the first degree pursuant to Section 16-11-311 may have his bond hearing for that charge in summary court unless the solicitor objects.”

SECTION 4. The provisions of Section 1 of Act 115 of 2012 which amended Section 17-15-20 of the 1976 Code and allow sureties to be relieved of an appearance bond under certain designated circumstances are retroactive and apply to all existing and future appearance bonds.

SECTION 5. Except as provided in SECTION 4, the repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Rep. BANNISTER spoke in favor of the amendment.

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 2 to S. 45 (COUNCIL\MS\7840AHB12), which was adopted:

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

/ SECTION \_\_. Section 38‑53‑50 of the 1976 Code, as last amended by Act 346 of 2008, is further amended to read:

“Section 38‑53‑50. (A) A surety desiring to be relieved on a bond for good cause shall file with the clerk of court a motion to be relieved on the bond. A copy of the motion must be served upon the defendant, his attorney, and the solicitor’s office. The court then shall schedule a hearing to determine if the surety should be relieved on the bond and notify all parties of the hearing date. At the time of the filing of the motion, a fee of twenty dollars must be paid to the clerk of court to be retained by the clerk for use in the operation of the clerk’s office. The fee will cover the cost of copies of the motion required by the surety.

(B) If the circumstances warrant immediate incarceration of the defendant to prevent imminent violation of one of the specific terms of the bail bond, or if the defendant has violated one of the specific terms of the bond, the surety may take the defendant to the appropriate detention facility for holding until the court orders that the surety be relieved. The surety, within three business days following recommitment, must file with the detention facility and the court an affidavit clocked in with the clerk of court on a form provided by the Division of Court Administration stating the facts to support the surrender of the defendant for good cause. Nonpayment of fees alone is not sufficient cause to warrant immediate incarceration of the defendant. When the defendant and the affidavit are presented at the appropriate detention facility, the facility shall take custody of the defendant. When the affidavit is filed with the court, the surety also shall file a motion to be relieved on the bond pursuant to subsection (A). A surety who surrenders a defendant and files an affidavit which does not show good cause is subject to penalties imposed for perjury as provided for in Article 1, Chapter 9, Title 16.

(C) If the defendant is incarcerated by the surety or a law enforcement agency as a result of a bench warrant, the surety shall file an affidavit with the court stating that the defendant is incarcerated in the appropriate detention facility as a result of the bench warrant as well as the violation of the specific term or terms of the bail bond stated in the bench warrant. Once the affidavit pursuant to the provisions of this subsection has been filed, the surety is relieved of all liability on the bail bond by the court unless otherwise ordered by the circuit court.

~~(D)~~ After the surety has been relieved by order of the court, a new undertaking must be filed with the appropriate court in order to secure the subsequent release of the defendant. The undertaking must contain the same conditions included in the original bond unless the conditions have been changed by the court.” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

Rep. HART proposed the following Amendment No. 5 to S. 45 (COUNCIL\NBD\12592AC12), which was adopted:

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

/ SECTION \_\_. Chapter 15, Title 17 of the 1976 Code is amended by adding:

“Section 17‑15‑175. A judge may not issue a bench warrant for failure to appear in court, unless the solicitor or clerk of court has provided notice to the attorney of record before the bench warrant is issued.” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 84; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Bannister | Barfield |
| Battle | Bedingfield | Bowen |
| Brady | Branham | Brannon |
| G. A. Brown | H. B. Brown | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crosby | Daning |
| Delleney | Erickson | Forrester |
| Funderburk | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hayes | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Hosey | Knight |
| Limehouse | Loftis | Long |
| Lucas | McCoy | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. M. Neal | Neilson | Norman |
| Owens | Parker | Parks |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Ryan |
| Sandifer | Sellers | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Tribble | Weeks | White |
| Whitmire | Willis | Young |

**Total--84**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Atwater | Bowers |
| Brantley | R. L. Brown | Butler Garrick |
| Dillard | Frye | Gilliard |
| Govan | Hodges | Howard |
| Huggins | Jefferson | Johnson |
| King | Mack | J. H. Neal |
| Ott | Quinn | Sabb |
| Toole | Williams |  |

**Total--23**

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

**S. 1321--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 1321 -- Senators Malloy, McConnell, Knotts, Ford and Campsen: A BILL TO AMEND THE "OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010", CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16-11-110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16-23-500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22-3-560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22-5-920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS' RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24-19-10, RELATING TO THE DEFINITION OF A "YOUTHFUL OFFENDER", SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16-11-312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE-YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24-21-5 AND SECTION 24-21-100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24-21-280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY-DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44-53-370 AND SECTION 44-53-375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44-53-470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER’S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56-5-2990 OR SECTION 56-5-2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56-1-460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON'S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56-5-2990 OR SECTION 56-5-2945; AND BY AMENDING SECTION 56-1-460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON'S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

The Judiciary Committee proposed the following Amendment No. 1 to S. 1321 (COUNCIL\MS\7821AHB12), which was adopted:

Amend the bill, as and if amended, by deleting Section 24-19-10(d), as contained in SECTION 5, beginning on page 7, beginning on line 5, and inserting:

/ “(d) ‘Youthful offender’ means an offender who is:

(i) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63‑19‑1210 for allegedly committing an offense that is not a violent crime, as defined in Section 16‑1‑60, and that is a misdemeanor, a Class D, Class E, or Class F felony, as defined in Section 16‑1‑20, or a felony which provides for a maximum term of imprisonment of fifteen years or less;

(ii) seventeen but less than twenty‑five years of age at the time of conviction for an offense that is not a violent crime, as defined in Section 16‑1‑60, and that is a misdemeanor, a Class D, Class E, or Class F felony, or a felony which provides for a maximum term of imprisonment of fifteen years or less;

(iii) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63‑19‑1210 for allegedly committing burglary in the second degree (Section 16‑11‑312). ~~The~~ If the offender is sentenced pursuant to the provisions of this chapter and if the offender committed burglary in the second degree pursuant to Section 16‑11‑312(B), the offender must receive ~~and serve a minimum~~ a sentence ~~of at least three years~~ as provided in Section 24-19-50(3), no part of which may be suspended, and the person is not eligible for conditional release until the person has ~~served the three‑year minimum sentence~~ met the conditions as provided by thecourt;

(iv) seventeen but less than twenty‑one years of age at the time of conviction for burglary in the second degree (Section 16‑11‑312). ~~The~~ If the offender is sentenced pursuant to the provisions of this chapter and if the offender committed burglary in the second degree pursuant to Section 16‑11‑312(B), the offender must receive ~~and serve a minimum~~ a sentence ~~of at least three years~~ as provided in Section 24-19-50(3), no part of which may be suspended, and the person is not eligible for conditional release until the person has ~~served the three‑year minimum sentence~~ met the conditions as provided by the court;

(v) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63‑19‑1210 for allegedly committing a lewd act upon a child pursuant to Section 16‑15‑140, and the alleged offense involved consensual sexual conduct with a person who was at least fourteen years of age at the time of the act; or

(vi) seventeen but less than twenty‑five years of age at the time of conviction for committing a lewd act upon a child pursuant to Section 16‑15‑140, and the conviction resulted from consensual sexual conduct, provided the offender was eighteen years of age or less at the time of the act and the other person involved was at least fourteen years of age at the time of the act.” /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

Rep. SELLERS proposed the following Amendment No. 3 to S. 1321 (COUNCIL\NBD\12662CM12), which was adopted:

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

/SECTION \_\_. Section 16‑23‑20(9)(a) of the 1976 Code, as last amended by Act 28 of 2007, is further amended to read:

“(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver’s license, registration, or proof of insurance. If the person has been issued a concealed weapons permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle’s passenger compartment; or ”

SECTION \_\_. Section 16‑23‑10(10) of the 1976 Code, as added by Act 294 of 2004, is amended to read:

“(10) ‘Luggage compartment’ means the trunk of a motor vehicle which has a trunk; however, with respect to a motor vehicle which does not have a trunk, the term ‘luggage compartment’ refers to the area of the motor vehicle in which the manufacturer designed that luggage be carried or to the area of the motor vehicle in which luggage is customarily carried. In a station wagon, van, hatchback vehicle, truck, or sport utility vehicle, the term ‘luggage compartment’ refers to the area behind~~, but not under,~~ the rearmost seat. ~~In a truck, the term ‘luggage compartment’ refers to the area behind the rearmost seat, but not under the front seat.~~” /

Renumber sections to conform.

Amend title to conform.

Rep. SELLERS explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 3

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Anthony | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Bowers | Brady |
| Branham | Brannon | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clemmons | Clyburn | Cole |
| Corbin | Crosby | Delleney |
| Dillard | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | McCoy | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. M. Neal | Neilson | Norman |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sandifer | Sellers | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--96**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Chumley | Daning |

**Total--3**

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

**RECURRENCE TO THE MORNING HOUR**

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

**REPORTS OF STANDING COMMITTEE**

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

H. 5354 -- Reps. Norman, Delleney, King, Long, D. C. Moss, Pope and Simrill: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MATSON STREET IN THE TOWN OF KERSHAW BETWEEN ITS NORTHERN AND SOUTHERN INTERSECTIONS WITH UNITED STATES HIGHWAY 521 BUSINESS "SCHP PATROLMAN WALTER T. BELL MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "SCHP PATROLMAN WALTER T. BELL MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

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

H. 5380 -- Reps. McLeod and Tribble: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSTATE HIGHWAY 26 AND SOUTH CAROLINA HIGHWAY S-36-32 (JALAPA ROAD) INTERCHANGE IN NEWBERRY COUNTY AS THE "SENATOR BOB LAKE INTERCHANGE" IN RECOGNITION OF THE DISTINGUISHED PUBLIC SERVICE OF THE HONORABLE ROBERT C. LAKE, JR., AND TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE SIGNS OR MARKERS REFLECTING THIS DESIGNATION.

Ordered for consideration tomorrow.

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

H. 5381 -- Reps. McLeod and Tribble: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE WILSON ROAD BRIDGE OVER THE CSX RAILROAD IN NEWBERRY COUNTY AS THE "HIGHWAY COMMISSIONER EARL BERGEN BRIDGE" IN RECOGNITION OF HIS VISION AND SIGNIFICANT ACCOMPLISHMENTS IN CREATING THE PRESENT ROADWAY SYSTEM FOR THE CITY AND COUNTY OF NEWBERRY, AND TO REQUEST THE DEPARTMENT OF TRANSPORTATION TO ERECT APPROPRIATE SIGNS OR MARKERS REFLECTING THIS DESIGNATION.

Ordered for consideration tomorrow.

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

S. 1566 -- Senator L. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON HIGHWAY 137, BETWEEN NORRIS AND LIBERTY, THAT CROSSES THE TWELVE MILE RIVER, IN HONOR OF DR. VIRGIL MITCHELL, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS "DR. VIRGIL MITCHELL BRIDGE".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5386 -- Reps. Huggins, Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, 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, 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, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO CONGRATULATE RANDALL G. AND NOVEITA A. ROE OF COLUMBIA ON THE OCCASION OF THEIR FORTIETH WEDDING ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSING AND FULFILLMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5387 -- Rep. Quinn: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR LIEUTENANT BOBBY E. SHEALY, ARSON UNIT, SOUTH CAROLINA STATE LAW ENFORCEMENT DIVISION, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-SIX YEARS OF DEVOTED SERVICE TO THE CITY OF NEWBERRY AND TO WISH HIM MUCH HAPPINESS AND SUCCESS IN THE YEARS AHEAD.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 5388 -- Rep. Brantley: A BILL TO AMEND ACT 476 OF 1998, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION SHALL BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

Referred to Jasper Delegation

H. 5389 -- Rep. McLeod: A BILL TO PROVIDE THAT A GOLF CART MAY BE OPERATED AT NIGHT ALONG AN AUTHORIZED ROADWAY WITHIN NEWBERRY COUNTY AS LONG AS IT HAS PROPER HEADLIGHTS AND IS INSURED.

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

**H. 4654--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate returned to the House with amendments the following:

H. 4654 -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D. C. Moss, V. S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: A BILL TO AMEND SECTION 48-1-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48-1-130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER, TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, AND TO PROVIDE THIS SECTION DOES NOT ABROGATE ANY EMERGENCY POWER OF THE DEPARTMENT; TO AMEND SECTION 48-1-250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT, AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS; TO CREATE THE "ISOLATED WETLANDS AND CAROLINA BAYS TASK FORCE" TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING ISSUES RELATED TO ISOLATED WETLANDS AND CAROLINA BAYS IN SOUTH CAROLINA, TO PROVIDE FOR THE OBLIGATIONS OF THE TASK FORCE, AMONG OTHER THINGS; AND TO PROVIDE THE TERM "PERMIT" AS USED IN THE POLLUTION CONTROL ACT IS INCLUSIVE AND TO SPECIFY ITS INTENDED MEANING.

Rep. HARDWICK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Bowers | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Cole | Corbin |
| Crosby | Daning | Delleney |
| Erickson | Forrester | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | Mack |
| McCoy | McEachern | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Owens | Parker | Parks |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--103**

Those who voted in the negative are:

**Total--0**

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

**H. 4497--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate returned to the House with amendments the following:

H. 4497 -- Reps. Sellers, Johnson, Brady, Gilliard, Jefferson and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-29-187 SO AS TO ENACT THE "CERVICAL CANCER PREVENTION ACT"; TO PROVIDE THAT BEGINNING WITH THE 2012-2013 SCHOOL YEAR, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL OFFER AS AN OPTION THE CERVICAL CANCER VACCINE SERIES TO FEMALE STUDENTS ENROLLING IN THE SEVENTH GRADE; TO PROVIDE THE STUDENT MAY ONLY RECEIVE THESE VACCINATIONS AT THE OPTION OF THE PARENT OR GUARDIAN OF THE CHILD; TO PROVIDE A PROCEDURE THROUGH WHICH A PARENT OR GUARDIAN MAY EXERCISE THE OPTION FOR THEIR CHILD TO RECEIVE THESE VACCINATIONS; TO REQUIRE A RELATED EDUCATION PROGRAM; AND TO PROVIDE THAT IMPLEMENTATION OF THIS SECTION IS CONTINGENT UPON STATE AND FEDERAL FUNDING.

Rep. SELLERS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

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

**Total--106**

Those who voted in the negative are:

**Total--0**

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

**H. 3527--FREE CONFERENCE POWERS GRANTED**

Rep. HERBKERSMAN moved that the Committee of Conference on the following Bill be resolved into a Committee of Free Conference and briefly explained the Conference Committee's reasons for this request:

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V. S. Moss, Cobb-Hunter, Herbkersman, Willis, Harrell, Pope, D. C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET-BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bowen |
| Bowers | Brady | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Loftis |
| Long | Lucas | Mack |
| McCoy | McEachern | McLeod |
| 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 | Ryan |
| Sabb | Sandifer | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Tribble |
| Vick | Weeks | White |
| Whitmire | Williams | Willis |
| Young |  |  |

**Total--100**

Those who voted in the negative are:

**Total--0**

So, the motion to resolve the Committee of Conference into a Committee of Free Conference was agreed to.

The Committee of Conference was thereby resolved into a Committee of Free Conference. The SPEAKER appointed Reps. GILLIARD, RUTHERFORD and HERBKERSMAN to the Committee of Free Conference and a message was ordered sent to the Senate accordingly.

**H. 3527--FREE CONFERENCE REPORT ADOPTED**

**H. 3527--Free Conference Report**

The General Assembly, Columbia, S.C., May 30, 2012

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V.S. Moss, Cobb‑Hunter, Herbkersman, Willis, Harrell, Pope, D.C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑3‑970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET‑BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Article 9, Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Section 24-3-970. It is unlawful for an inmate, or a person acting in behalf of or enabling an inmate, to utilize any internet-based social networking website for purposes of harassing, intimidating or otherwise contacting a crime victim. An inmate or person acting in behalf of an inmate utilizing an internet-based social networking website for purposes described herein is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both.

The provisions of this section apply only to inmates incarcerated in a State Department of Corrections facility.”

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

Sen. C. Bradley Hutto Rep. Wendell G. Gilliard

Sen. Paul G. Campbell, Jr. Rep. J. Todd Rutherford

Sen. Phillip W. Shoopman Rep. William G. Herbkersman

On Part of the Senate. On Part of the House.

Rep. HERBKERSMAN explained the Free Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bowen |
| Bowers | Branham | Brannon |
| Brantley | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crosby | Daning | Delleney |
| Dillard | Erickson | Forrester |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| King | Knight | Limehouse |
| Loftis | Long | 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 | Ryan | Sabb |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Vick | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--101**

Those who voted in the negative are:

**Total--0**

The Free Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**H. 3527--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Free Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MCCOY a leave of absence for the remainder of the day due to family reasons.

**H. 4614--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate returned to the House with amendments the following:

H. 4614 -- Reps. Pitts, Lucas, Hearn, Brannon, Weeks, Spires, Loftis and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 15, TITLE 63 SO AS TO SPECIFY CERTAIN PROCEDURES AND REQUIREMENTS FOR COURT-ORDERED CHILD CUSTODY, INCLUDING, BUT NOT LIMITED TO, DEFINING "JOINT CUSTODY" AND "SOLE CUSTODY", REQUIRING PARENTS TO JOINTLY PREPARE AND SUBMIT A PARENTING PLAN, WHICH THE COURT MUST CONSIDER BEFORE ISSUING TEMPORARY AND FINAL CUSTODY ORDERS; REQUIRING THE COURT TO MAKE FINAL CUSTODY DETERMINATIONS IN THE BEST INTEREST OF THE CHILD BASED UPON THE EVIDENCE PRESENTED, REQUIRING THE COURT TO CONSIDER JOINT CUSTODY IF EITHER PARENT SEEKS IT, STATING FINDINGS OF FACT AS TO WHY OR WHY NOT JOINT CUSTODY WAS AWARDED, PROVIDING MATTERS THAT MAY BE INCLUDED IN A CUSTODY ORDER, PROVIDING FACTORS THE COURT MAY CONSIDER IN ISSUING OR MODIFYING A CUSTODY ORDER WHEN CONSIDERING THE BEST INTEREST OF THE CHILD, AND AUTHORIZING A PARENT TO SEEK ARBITRATION OF AN ISSUE THAT CANNOT BE RESOLVED BETWEEN THE PARENTS; AND TO AMEND SECTION 63-5-30, RELATING TO THE RIGHTS AND DUTIES OF PARENTS TO THEIR CHILDREN, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROVIDED BY AN ORDER OF THE COURT, PARENTS HAVE EQUAL POWERS, RIGHTS, AND DUTIES CONCERNING ALL MATTERS AFFECTING THEIR CHILDREN.

Rep. HEARN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

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

**Total--100**

Those who voted in the negative are:

**Total--0**

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

**H. 4945--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate returned to the House with amendments the following:

H. 4945 -- Reps. Funderburk, Harrison, Brantley, 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.

Rep. FUNDERBURK explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

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

**Total--102**

Those who voted in the negative are:

**Total--0**

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

**H. 3730--CONFERENCE REPORT ADOPTED**

**H. 3730--Conference Report**

The General Assembly, Columbia, S.C., May 31, 2012

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3730 -- Reps. Munnerlyn, Sabb, Vick, Hayes, Tribble and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑450 SO AS TO PROVIDE THAT A COMMERCIAL FUR LICENSE, IN ADDITION TO A STATE HUNTING LICENSE IS REQUIRED OF ALL PERSONS WHO SELL OR TAKE FURBEARING ANIMALS BY ANY MEANS, EXCEPT A PROCESSOR, MANUFACTURER, OR RETAILER, AND TO PROVIDE THAT A PERSON UNDER THE AGE OF SIXTEEN MAY PURCHASE A COMMERCIAL FUR LICENSE WITHOUT HAVING TO PURCHASE A STATE HUNTING LICENSE AFTER COMPLETING THE TRAPPERS EDUCATION COURSE; TO AMEND SECTION 50‑11‑40, RELATING TO THE UNLAWFUL USE OF RECORDED SOUNDS OR AMPLIFIED IMITATIONS OF CALLS OR SOUNDS BY A PERSON TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS, SO AS TO DELETE THE PROVISION THAT MAKES IT UNLAWFUL TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE HUNTING AND TAKING OF COYOTES; TO AMEND SECTION 50‑11‑1080, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES DECLARING OPEN SEASON ON COYOTES, SO AS TO PROVIDE THAT THERE IS NO CLOSED SEASON FOR HUNTING OR TAKING COYOTES WITH WEAPONS; TO AMEND SECTION 50‑11‑2400, RELATING TO DEFINITIONS OF CERTAIN TERMS THAT PERTAIN TO THE TRAPPING OF FURBEARING ANIMALS, SO AS TO REVISE THE DEFINITION OF THE TERMS “FURBEARING ANIMAL” AND “COMMERCIAL PURPOSES”, AND TO PROVIDE DEFINITIONS FOR THE TERMS “OWNER” AND “AGENT”; TO AMEND SECTION 50‑11‑2430, RELATING TO REQUIRING A FUR TRAPPER TO CARRY PROOF THAT HE IS THE OWNER OF THE PROPERTY ON WHICH HE SETS HIS TRAPS, OR HAS PERMISSION FROM THE OWNER OF THE PROPERTY UPON WHICH HIS TRAPS ARE SET, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50‑11‑2440, RELATING TO REQUIRING A TRAPPER TO VISIT HIS TRAPS DAILY, SO AS TO MODIFY THE FREQUENCY THAT A TRAPPER MUST VISIT HIS TRAPS; TO AMEND SECTION 50‑11‑2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE BY THE OWNERS OF TRAPS, SO AS TO ALLOW A TRAP OWNER’S DESIGNEE TO REMOVE WILDLIFE FROM HIS TRAPS, AND TO PROVIDE THAT A DESIGNEE MUST POSSESS WRITTEN PERMISSION FROM THE TRAP’S OWNER TO ACT ON HIS BEHALF AND MUST MEET ALL COMMERCIAL FUR LICENSING REQUIREMENTS OR BE LISTED ON A VALID DEPREDATION PERMIT; TO AMEND SECTION 50‑11‑2460, RELATING TO CERTAIN TRAPS THAT ARE ALLOWED FOR TRAPPING, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT RESTRICTS THE TYPES OF TRAPS THAT ARE ALLOWED TO THOSE THAT ARE IN ACCORDANCE WITH APPROVED COMMERCIAL FUR LICENSES, TO ALLOW FOR THE USE OF LIVE TRAPS TO CAPTURE CERTAIN FERAL ANIMALS, TO REVISE THE SIZE OF FOOT‑HOLD TRAPS THAT ARE ALLOWABLE, TO PROVIDE THAT SMALL SNAP, BOX, AND OTHER TRAPS ARE ALLOWED FOR TRAPPING; TO AMEND SECTION 50‑11‑2475, RELATING TO THE ISSUANCE OF A FUR PROCESSOR’S LICENSE, SO AS TO REVISE THE COST OF THE LICENSE, TO REQUIRE A TAXIDERMIST TO KEEP A DAILY REGISTER OF THE NAME AND ADDRESS OF EACH PERSON FROM WHOM A FURBEARING ANIMAL IS RECEIVED ALONG WITH OTHER INFORMATION ABOUT THE ANIMAL, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTIONS 50‑11‑1060, 50‑11‑1070, AND 50-11-2420 RELATING TO THE ISSUANCE OF A COMMERCIAL FUR LICENSE, THE ISSUANCE OF A PERMIT TO POISON PREDATORY ANIMALS, AND THE KILLING OF BOBCATS.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/SECTION 1. Article 1, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑450. (A) In addition to a valid state hunting license, an annual commercial fur license is required of all persons who sell or take by any means, for commercial purposes, and all persons who trap or who attempt to trap any furbearing animals. The license is issued by the department at a cost of twenty‑five dollars for residents and two hundred dollars for nonresidents. Any person having in his possession more than five furbearing animals or raw or green pelts shall have a valid commercial fur license. The provisions of this section do not apply to a processor, manufacturer, or retailer.

(B) A person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after completing the ‘Trappers Education Course’.

(C) A person under the age of sixteen is exempt from the licensing requirements of this section while in the presence of a commercial fur licensee, but may not sell any furbearing animals or raw or green pelts unless licensed.”

SECTION 2.

SECTION 50‑11‑40 of the 1976 Code is amended to read:

“Section 50‑11‑40. (A) It is unlawful for ~~any~~ a person to hunt, ~~catch,~~ take, ~~kill,~~ or attempt to hunt, ~~catch,~~ or take, ~~or kill any~~ a game bird or game animal by the use or aid of recorded calls or sounds or recorded or electronically amplified imitations of calls or sounds. This section does not apply to the hunting and taking of coyotes.

(B) ~~Any~~ A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than one hundred dollars.”

SECTION 3.

SECTION 50‑11‑1080 of the 1976 Code is amended to read:

“Section 50‑11‑1080. ~~Whenever it appears that coyotes are destroying birds, poultry, pigs, lambs, or other property in any county in this State or there is an apparent epidemic of rabies in any county, the department, upon the written request of a majority of the legislative delegation of any such county, shall declare an open season on coyotes, with the use of firearms, in the county suffering from the destruction and for such time as the delegation may consider desirable.~~ There is no closed season for hunting or taking coyotes with weapons.”

SECTION 4.

SECTION 50‑11‑2400 of the 1976 Code is amended to read:

“Section 50‑11‑2400. For the purpose of this article:

(a) ‘furbearing animal’ includes red and gray fox, coyote, raccoon, opossum, muskrat, mink, skunk, otter, bobcat, weasel, or beaver;

(b) ‘fur buyer’ means any person who purchases any whole furbearing animal, raw or green furs, pelts, or hides;

(c) ‘take’ means to shoot, wound, kill, trap, capture, or collect, or attempt to shoot, wound, kill, trap, capture, or collect;

(d) ‘commercial purposes’ means taking or possessing any fur, pelt, hide, or whole animal for exchange, sale, trade, or barter and taking or possessing more than five furs, pelts, hides, or whole animals ~~is taking for commercial purposes~~;

(e) ‘trapper’ means any person who takes or attempts to take animals by trapping;

(f) ‘trap’ means any device, other than a weapon, designed or constructed for taking animals;

(g) ‘foot‑hold trap’ means a steel‑jawed, spring‑loaded device designed to capture the animal by the foot;

(h) ‘live trap’ means any box or cage designed for capturing and holding any animal unharmed;

(i) ‘processor’ means any person engaged in tanning or dressing furs, pelts, or hides of furbearing animals for commercial purposes;

(j) ‘transfer’ includes selling, bartering, exchanging, and transporting~~.~~;

(k) ‘owner’ means an individual or entity that owns property or equipment; and

(l) ‘agent’ means an individual or entity appointed by the owner to act in his place.”

SECTION 5.

SECTION 50‑11‑2430 of the 1976 Code is amended to read:

“Section 50‑11‑2430. Any person engaged in the act of trapping ~~shall have proof that he is~~ must be the owner of the property on which the traps or devices are set or ~~carry on his person~~ have written permission from the landowner or his agent in possession to use the property for trapping.”

SECTION 6.

SECTION 50‑11‑2440 of the 1976 Code is amended to read:

“Section 50‑11‑2440. A trapper ~~shall~~ must visit his traps ~~daily~~ at least once each day from two hours before sunrise to two hours after sunset and remove any animal caught ~~but no trapper may visit any trap at night and no trap may be set “in the open” or in paths, roadways, or runways commonly used by persons or domestic animals~~ with the exception that a trapper must visit body gripping traps when used in water sets and other traps when used in ‘submersion sets’ at least once every forty‑eight hours.”

SECTION 7.

SECTION 50‑11‑2445 of the 1976 Code is amended to read:

“Section 50‑11‑2445. It is unlawful for ~~any~~ a person, other than the owner of the trap, or the owner’s designee, to remove any lawfully trapped wildlife from any legally set trap. A designee must have in his possession written permission from the owner of the trap or the owner’s agent, and must meet all commercial fur licensing requirements or be listed on a valid depredation permit. ~~Any~~ A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for no more than thirty days.”

SECTION 8.

SECTION 50‑11‑2460 of the 1976 Code is amended to read:

“Section 50‑11‑2460. ~~The~~ (A) Only the following traps are allowed for trapping ~~in accordance with an approved commercial fur license~~ unless otherwise provided in this title:

(1) body gripping traps (generally known by the brand name ‘Conibear’) when used without bait ~~or scents~~ for vertical water sets and vertical slide sets only;

(2) live traps, which also may be used to capture feral animals at any time without a license or permit from the department;

(3) foot‑hold traps having an inside jaw spread of 5.75 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for land sets and ~~6.50~~ 7.25 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for water sets;

(4) enclosed foot‑hold traps such as the ‘Duffer’, ‘egg’, ‘coon‑ cuff’, and similarly designed dog‑proof style traps designed for raccoons;

(5) snares may be used ~~in~~ for water sets only~~.~~ ; small snap, box, and other commonly used traps to capture commensal rodents or snakes in homes and businesses may be used by property owners, occupants, or their designees, at any time to capture snakes, rats, and mice.

(B) All other traps, including ‘deadfall’ traps, are unlawful unless expressly authorized by the department by regulation.

(C) All traps must bear the owner’s name and address either directly thereon or by an attached identification tag.

SECTION 9.

SECTION 50‑11‑2475 of the 1976 Code is amended to read:

“Section 50‑11‑2475. A person engaged in processing hides of furbearing animals is required to obtain a fur processor’s license. The license is issued by the department at a cost of ~~five~~ two hundred dollars. The license is valid for the state fiscal year in which it is issued. A taxidermist who possesses any fur, pelt, hide, or whole furbearing animal legally owned by another person, which he is temporarily holding for the purpose of processing, is not required to obtain this license. A commercial fur licensee who only processes furs, hides, or pelts taken by him is not required to have a processor’s license. All processors ~~shall~~ and taxidermists must keep a daily register showing the name and address of each person from whom the fur, pelt, hide, or whole furbearing animal is received, the number of each species, and the date and place of origin. All processors ~~shall~~ must report the information to the department not later than June thirtieth of each year.”

SECTION 10.

SECTION 50‑11‑2640 of the 1976 Code is amended by adding at the end:

“(D) Each animal taken or possessed in violation of this section constitutes a separate offense.”

SECTION 11.

SECTION 50‑9‑350(4) of the 1976 Code, as added by Act 233 of 2010, is amended to read:

“(4) ~~The apprentice license is valid only during the license year in which it is issued, and the duration of any other hunting permits obtained with this license may not exceed that of the apprentice license~~ An apprentice license holder may obtain other hunting permits and tags which are required for specific hunting activities.”

SECTION 12.

SECTION 50‑11‑2570(A) of the 1976 Code is amended to read:

“(A) The department may issue special permits, at no cost to the applicant, for the taking, capturing, or transportation of ~~a furbearing animal or another game animal~~ wildlife which is destroying or damaging private or public property, wildlife habitat, game species, timber, ~~or growing~~ crops, or other agriculture so as to be a nuisance or for scientific, ~~or~~ research, or wildlife management purposes.”

SECTION 13. (A) Notwithstanding any other provision of law, a nonresident may obtain a lifetime combination license which grants the same privileges as a statewide combination license from the Department of Natural Resources at its Columbia office if:

(1) the applicant was born in this State and provides a notarized birth certificate from the South Carolina Department of Health and Environmental Control;

(2) the applicant has held title in fee simple, either in whole or in part, to real property located within this State for at least five years immediately preceding the date of application, and the applicant provides a notarized record of ownership from the appropriate county official in the county where the real property is located;

(3) the applicant, if born after June 30, 1979, and having attained the age of sixteen or older, complies with all hunter education requirements of this State and provides a certificate of completion for the course; and

(4) the applicant has not been charged for natural resource violations which could result in the suspension of hunting or fishing privileges.

(B) This license is available for purchase from July 1, 2012, through September 30, 2012. The fee is seven hundred dollars.

SECTION 14.

SECTIONS 50‑11‑1060, 50‑11‑1070, 50‑11‑2420, and 50‑11‑2575 of the 1976 Code are repealed.

SECTION 15. This act takes effect upon approval by the Governor. /

/s/Sen. C. Bradley Hutto Rep. Marion B. Frye

/s/Sen. George E. Campsen III /s/Rep. Kenneth F. Hodges

/s/Sen. Shane R. Martin /s/Rep. William M. Hixon

On Part of the Senate. On Part of the House.

Rep. HODGES explained the Conference Report.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Barfield |
| Battle | Bedingfield | Bowen |
| Bowers | Brady | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Funderburk | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrell | Harrison |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | Mack |
| 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 |
| Rutherford | Ryan | Sabb |
| Sandifer | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--102**

Those who voted in the negative are:

**Total--0**

The Conference Report was adopted and a message was ordered sent to the Senate accordingly.

**H. 3730--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**H. 4699--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate returned to the House with amendments the following:

H. 4699 -- Reps. Bannister, Harrison, Horne, Sellers, Hearn, Young, H. B. Brown, J. E. Smith, Brannon, Stavrinakis, Funderburk, Allen, Weeks, Munnerlyn and McLeod: A BILL TO AMEND SECTION 14-5-610, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS AND ADDITIONAL AT-LARGE JUDGES, SO AS TO INCREASE THE NUMBER OF AT-LARGE CIRCUIT COURT JUDGES FROM THIRTEEN TO NINETEEN; AND TO AMEND SECTION 63-3-40, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO ADD SIX ADDITIONAL FAMILY COURT JUDGES WHO SHALL BE AT LARGE AND MUST BE ELECTED WITHOUT REGARD TO THEIR COUNTY OR CIRCUIT OF RESIDENCE.

Rep. BANNISTER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 1

Those who voted in the affirmative are:

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

**Total--101**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Pinson |  |  |

**Total--1**

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

**S. 580--DEBATE ADJOURNED**

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

S. 580 -- Senator Setzler: A BILL TO AMEND SECTION 40-18-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, SO AS TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO A PERSON BASED SOLELY ON HIS BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES, THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER-BASED INFORMATION, OR SYSTEM VULNERABILITY TESTING.

**S. 1220--AMENDED AND SENT TO THE SENATE**

The following Bill was taken up:

S. 1220 -- Senators Campbell, Hayes and Ford: A BILL TO AMEND SECTION 48-2-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR CERTAIN ENVIRONMENTAL PROGRAMS, INCLUDING THE SURFACE WATER WITHDRAWAL PROGRAM, WHICH ARE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND FOR ADMINISTRATION OF THESE PROGRAMS, SO AS TO ENUMERATE THE FEES FOR SURFACE WATER WITHDRAWAL APPLICATIONS AND PERMITS THAT WOULD OTHERWISE HAVE BEEN REPEALED JANUARY 1, 2013; BY ADDING SECTION 49-4-175 SO AS TO REIMPOSE THE FEES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY CHARGE FOR SURFACE WATER WITHDRAWAL AND APPLICATIONS AND PERMITS AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN THESE FEES TO IMPLEMENT AND OPERATE THE SURFACE WATER WITHDRAWAL PROGRAM; AND TO AMEND ACT 247 OF 2010, BY REPEALING PROVISIONS THAT PROSPECTIVELY REPEAL THE IMPOSITION OF SURFACE WATER WITHDRAWAL PERMIT FEES.

Rep. HARDWICK requested unanimous consent to amend S.1220 on third reading, which was agreed to.

Rep. HARDWICK proposed the following Amendment No. 4 to S. 1220 (COUNCIL\NBD\12719AC12), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 4 and 5 of the bill in their entirety.

Renumber sections to conform.

Amend title to conform.

Rep. HARDWICK explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 5

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Battle | Bedingfield | Bowen |
| Bowers | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Harrison | Hart | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | McEachern |
| McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parker |
| Parks | Patrick | Pinson |
| Pitts | Pope | Putnam |
| Quinn | Ryan | Sandifer |
| Sellers | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--102**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Dillard | Mack |
| J. H. Neal | Sabb |  |

**Total--5**

The Bill, as amended, was read the third time, and ordered returned to the Senate with amendments.

**S. 741--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 741 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

Reps. HARDWICK AND VICK proposed the following Amendment No. 2 to S. 741 (COUNCIL\SWB\5395CM12), which was adopted:

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

/ SECTION 1. Section 50‑11‑710 of the 1976 Code, as last amended by Act 243 of 2010, is further amended to read:

“Section 50‑11‑710. (A) Night hunting in this State is unlawful except that:

(1) ~~raccoons~~ Raccoons, opossums, foxes, ~~coyotes,~~ mink, and skunk may be hunted at night; however, they may not be hunted with artificial lights except when treed or cornered with dogs, ~~or~~ and may not be hunted with buckshot or any shot larger than a number four, or any rifle ammunition larger than a twenty‑two rimfire~~; and~~ .

(2) Feral hogs may be hunted at night with ~~an artificial light that is carried on the hunter’s person attached to a helmet or hat, or part of a belt system worn by the hunter and with a sidearm that has iron sites, and barrel length not exceeding nine inches with or without the aid of bait, electronic calls, artificial light, or night vison devices:. The sidearm may not be equipped with a butt‑stock, scope, laser site, or light emitting or light enhancing device. However, hogs may not be hunted at night from a vehicle, or with a centerfire rifle or shotgun, unless specifically permitted by the department. A person that violates this item is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both~~ or without the aid of bait, electronic calls, artificial light, or night vision devices:

(a) during any time of the year with a bow and arrow other than a crossbow, or pistol having iron sights, a barrel length not exceeding nine inches, and which is not equipped with a butt‑stock, scope, or laser site;

(b) from the last day of February to the first day of July of that same year with any legal firearm, bow and arrow, or crossbow when notice is given to the department pursuant to subsection (D). When hunting at night with a center fire rifle pursuant to this item, a hunter must be at an elevated position at least ten feet from the ground; and

(c) at any time of the year under authority of and pursuant to the conditions contained in a depredation permit issued by the department pursuant to Section 50‑11‑2570.

(3) ~~coyotes~~ Coyotes and armadillos may be hunted at night with ~~an artificial light that is carried on the hunter’s person attached to a helmet or hat, or part of a belt system worn by the hunter. Coyotes and armadillos may be hunted with a rifle or sidearm no larger than .22 caliber rimfire, a shotgun with a shot size no larger than a BB, or a sidearm of any caliber that has iron sites and a barrel length not exceeding nine inches. Any weapon used to hunt coyotes or armadillos may not be equipped with a butt‑stock, scope, laser site, or light emitting or light enhancing device. It is unlawful to have in one’s possession any shot size larger than a BB while legally hunting coyotes and armadillos at night with a shotgun, and coyotes and armadillos may not be hunted at night from a vehicle, unless specifically permitted by the department. A person who violates this item is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.~~ with or without the aid of bait, electronic calls, artificial light, or night vision devices:

(a) during any time of the year with a bow and arrow other than a crossbow, a rimfire rifle, a shotgun with shot size no larger than a BB, or a pistol of any caliber having iron sights, a barrel length not exceeding nine inches, and which is not equipped with a butt‑stock, scope, or laser light;

(b) from the last day of February to the first day of July of that same year with any legal firearm, bow and arrow, or crossbow when notice is given to the department pursuant to subsection (D). When hunting at night with a center fire rifle pursuant to this item, a hunter must be at an elevated position at least ten feet from the ground; and

(c) at any time of the year under authority of and pursuant to the conditions contained in a depredation permit issued by the department pursuant to Section 50‑11‑2570.

(B) The provisions contained in subitems (2)(b) and (3)(b) of subsection (A) do not apply to a person who has violated any provision contained in Article 4, Chapter 11, Title 50, except Section 50‑11‑708 and Section 50‑11‑750, during the previous five years.

~~(B)~~(C) For the purposes of this section, ‘night’ means that period of time between one hour after official sundown of a day and one hour before official sunrise of the following day.

(D) For the purposes of this section, ‘notice to the department’ means that the landowner upon which the animals will be taken has either called the department at least forty‑eight hours prior to hunting or registered the property as otherwise prescribed by the department. The notice must include the name of each person participating in the hunt, the hunting license number of each person participating in the hunt, and the location of the hunt. Property must only be registered only one time during each season, or annually for year‑round hunts.

~~(C)~~(E) Any person violating the provisions of this section, upon conviction, must be fined for the first offense not more than one thousand dollars, or be imprisoned for not more than one year, or both; for the second offense within two years from the date of conviction for the first offense, not more than two thousand dollars nor less than four hundred dollars, or be imprisoned for not more than one year nor for less than ninety days, or both; for a third or subsequent offense within two years of the date of conviction for the last previous offense, not more than three thousand dollars nor less than five hundred dollars, or be imprisoned for not more than one year nor for less than one hundred twenty days, or both. Any person convicted under this section after more than two years have elapsed since his last conviction must be sentenced as for a first offense.

~~(D)~~(F)(1) A person who violates items (2) and (3) of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(2) In addition to any other penalty, any person convicted for a second or subsequent offense under this section within three years of the date of conviction for a first offense shall have his privilege to hunt in this State suspended for a period of two years. No hunting license may be issued to an individual while his privilege is suspended, and any license mistakenly issued is invalid. The penalty for hunting in this State during the period of suspension, upon conviction, must be imprisonment for not more than one year nor less than ninety days.

~~(E)~~(G) The provisions of this section may not be construed to prevent any owner of property from protecting the property from destruction by wild game as provided by law.

~~(F)~~(H) It is unlawful for a person to use artificial lights at night, except vehicle headlights while traveling in a normal manner on a public road or highway, while in possession of or with immediate access to both ammunition of a type prohibited for use at night by the first paragraph of this section and a weapon capable of firing the ammunition. A violation of this paragraph is punishable as provided by Section 50‑11‑720.”

SECTION 2. Section 50‑11‑740 of the 1976 Code is amended to read:

“Section 50‑11‑740. Every vehicle, boat, trailer, other means of conveyance, animal, and firearm used in the hunting of deer or bear at night, or used in connection with a violation of Section 50‑11‑710, is forfeited to the State and must be confiscated by any peace officer who shall forthwith deliver it to the department.

‘Hunting’ as used in this section in reference to a vehicle, ~~or~~ boat, or other means of conveyance includes the transportation of a hunter to or from the place of hunting or the transportation of the carcass, or any part of the carcass, of a deer, ~~or~~ bear, coyote, armadillo, or feral hog which has been unlawfully killed at night.

For purposes of this section, a conviction for unlawfully hunting deer, ~~or~~ bear, coyote, armadillo, or feral hog at night is conclusive as against any convicted owner of the above‑mentioned property.”

SECTION 3. Section 50‑16‑70 of the 1976 Code, as last amended by Act 211 of 2010, is further amended to read:

Section 50‑16‑70. (A) A person violating the provisions of this chapter, or any condition of a permit issued pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than six months, or both. The department must suspend the hunting privileges of a person convicted of violating this chapter for one year from the date of the conviction.

(B) In addition to any other penalties provided by law, a person convicted of a violation of subsection (A) is also subject to the confiscation, forefeiture, and sale provisions contained in Section 50‑11‑740 for any property, vehicle, trailer, or other means of conveyance utilized to import, possess, or transport the animal.

(C) For the purposes of this section, each animal imported in violation of subsection (A) constitutes a separate offense.

(D) Notwithstanding Chapter 3, Title 22, magistrates court shall have jurisdiction over actions arising under this section. ”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| 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 | Lucas |
| Mack | McEachern | McLeod |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Neilson | Norman | Ott |
| Parker | Parks | Patrick |
| Pinson | Pope | Quinn |
| Ryan | Sabb | Sandifer |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--104**

Those who voted in the negative are:

**Total--0**

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

**H. 4813--DEBATE ADJOURNED**

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

H. 4813 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Rep. WHITE moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 4814--DEBATE ADJOURNED**

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

H. 4814 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2011-2012, TO PROVIDE REPORTING REQUIREMENTS WITH RESPECT TO A SPECIFIC APPROPRIATION, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Rep. WHITE moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 3676--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3676 -- Reps. J. E. Smith, Clemmons, Dillard, Herbkersman, Limehouse, Mitchell and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 23 TO TITLE 31 SO AS TO ENACT THE "SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011", TO DEFINE TERMS, MAKE FINDINGS, TO PROVIDE THAT THE PURPOSE OF A COMMUNITY LAND TRUST IS TO HOLD LEGAL AND EQUITABLE TITLE TO LAND TO THEN LEASE THE LAND TO PROMOTE AFFORDABILITY, TO PROVIDE THE MANNER IN WHICH COMMUNITY LAND TRUSTS ARE FUNDED, AND TO PROVIDE THE PROCESS BY WHICH COMMUNITY LAND TRUSTS OPERATE.

Rep. J. E. SMITH explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Battle | Bedingfield |
| Bowen | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| R. L. Brown | Butler Garrick | Clemmons |
| Clyburn | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrison |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | Mack |
| McEachern | McLeod | D. C. Moss |
| Munnerlyn | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Ott |
| Parker | Parks | Patrick |
| Pinson | Pitts | Pope |
| Putnam | Quinn | Ryan |
| Sabb | Sandifer | Sellers |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | Whipper | Whitmire |
| Williams | Willis | Young |

**Total--102**

Those who voted in the negative are:

**Total--0**

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

**H. 3747--DEBATE ADJOURNED**

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

H. 3747 -- Rep. Cooper: A BILL TO AMEND SECTION 12-36-2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT BIOLOGICS ADMINISTERED BY A PHYSICIAN IN A PHYSICIAN'S OFFICE.

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

**RECURRENCE TO THE MORNING HOUR**

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

Rep. THAYER moved that the House recede until 2:30 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:30 p.m. the House resumed, ACTING SPEAKER MUNNERLYN in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**H. 5025--COMMITTEE OF CONFERENCE APPOINTED**

The following was received from the Senate:

Columbia, S.C., June 6, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it insists upon its amendments to H. 5025:

H. 5025 -- Reps. Govan, Cobb-Hunter, King, Limehouse, J. H. Neal, Ott, R. L. Brown and Gilliard: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO REVISE THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH MEMBERS OF THE BOARD ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT AND THREE ALUMNI MEMBERS, AND TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, INCLUDING A PROVISION THAT THE TERMS OF ALL PRESENTLY ELECTED MEMBERS OF THE BOARD SHALL EXPIRE ON JUNE 30, 2012, AT WHICH TIME THEIR SUCCESSORS ELECTED AS PROVIDED BY THIS SECTION SHALL TAKE OFFICE.

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

Very respectfully,

President

Whereupon, the Chair appointed Reps. GOVAN, COBB-HUNTER and SKELTON to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 6, 2012

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber at a mutually convenient time today, for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. HOSEY the invitation was accepted.

**H. 4008--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

The Senate returned to the House with amendments the following:

H. 4008 -- Reps. Harrison, H. B. Brown, G. R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D. C. Moss, Patrick, Pinson, Sandifer, G. M. Smith, J. R. Smith, Stringer, Toole, Willis, Bingham and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44-7-392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER'S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THAT PERSON; BY ADDING SECTION 44-7-394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40-71-10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

Rep. HARRISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 58; Nays 43

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allison |
| Anthony | Bales | Ballentine |
| Bannister | Battle | Bingham |
| Brady | Branham | Brannon |
| Brantley | G. A. Brown | H. B. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Cole | Crawford | Daning |
| Funderburk | Gilliard | Govan |
| Harrell | Harrison | Hayes |
| Herbkersman | Hodges | Hosey |
| Huggins | Jefferson | Johnson |
| King | Knight | Mack |
| McEachern | McLeod | Munnerlyn |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parker | Pinson |
| Pope | Quinn | Sabb |
| Sellers | Skelton | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Vick | Weeks |
| Whipper |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Barfield | Bedingfield | Bowen |
| Chumley | Clemmons | Corbin |
| Crosby | Delleney | Erickson |
| Forrester | Frye | Gambrell |
| Hamilton | Hearn | Henderson |
| Hiott | Hixon | Loftis |
| Long | Lucas | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Norman | Owens |
| Patrick | Putnam | Ryan |
| Sandifer | G. M. Smith | G. R. Smith |
| J. R. Smith | Southard | Stringer |
| Taylor | Thayer | Toole |
| Tribble | Whitmire | Willis |
| Young |  |  |

**Total--43**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 5391 -- Reps. Young, Clyburn, Hixon, J. R. Smith, Spires, Taylor, 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, 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, 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, Sottile, Southard, Stavrinakis, Stringer, Tallon, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams and Willis: A HOUSE RESOLUTION TO COMMEND THE HONORABLE W. GREG RYBERG OF AIKEN COUNTY FOR HIS NEARLY TWENTY YEARS OF DEDICATION AND COMMITMENT IN SERVING AS A MEMBER OF THE SENATE, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 5390 -- Rep. Corbin: A BILL TO PROVIDE THAT A GOLF CART MAY BE OPERATED AT NIGHT ALONG AN AUTHORIZED ROADWAY WITHIN GREENVILLE COUNTY AS LONG AS IT HAS PROPER HEADLIGHTS AND IS INSURED.

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

**S. 580--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Thursday, June 7, which was adopted:

S. 580 -- Senator Setzler: A BILL TO AMEND SECTION 40-18-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, SO AS TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO A PERSON BASED SOLELY ON HIS BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES, THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER-BASED INFORMATION, OR SYSTEM VULNERABILITY TESTING.

**H. 4813--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 4813 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Reps. WHITE, BINGHAM, HERBKERSMAN, LIMEHOUSE, MERRILL, M. A. PITTS, SIMRILL, G. M. SMITH and J. R. SMITH proposed the following Amendment No. 1A to H. 4813 (Doc Name h:\legwork\house\amend\H-WM\001\h4813 amendback2.docx), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting the bill as passed by the House of Representatives, which is hereby incorporated into this amendment by reference.

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 4, line 28, opposite /AID SCHL DIST-DRVRS SLRY/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

20,484,628 20,484,628

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 6, lines 1-2, opposite /MODERNIZE VOCATIONAL EQUPMENT/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

322,797

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 8, line 27, opposite /ALLOC EIA-TEACHER SLRS/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

7,817,585

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 8, immediately after line 28, by inserting a new line to read:

Column 5 Column 6

TEACHER SALARY SUPPORT

STATE SHARE - RECURRING

38,625,010

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 8, immediately after line 28, by inserting a new line to read:

Column 5 Column 6

TEACHER SALARY SUPPORT

STATE SHARE - NON-RECURRING

10,000,000

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 10, line 36, opposite /AID SCH DIST - DRIVER SLRY/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

20,484,628

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 12, lines 1-2, opposite /MODERNIZE VOCATIONAL EQUIPMENT/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

322,797 322,797

Amend the bill further, as and if amended, Part IA, Section 6, COMMISSION ON HIGHER EDUCATION, page 29, line 5, opposite /SC MANUFACTURING EXT/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

682,049 682,049

Amend the bill further, as and if amended, Part IA, Section 6, COMMISSION ON HIGHER EDUCATION, page 31, line 18, opposite /LIFE SCHOLARSHIPS/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

14,047,144 14,047,144

Amend the bill further, as and if amended, Part IA, Section 6, COMMISSION ON HIGHER EDUCATION, page 31, line 19, opposite /PALMETTO FELLOWS/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

3,754,973 3,754,973

Amend the bill further, as and if amended, Part IA, Section 6, COMMISSION ON HIGHER EDUCATION, page 31, line 20, opposite /HOPE SCHOLARSHIP/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

200,000 200,000

Amend the bill further, as and if amended, Part IA, Section 6, COMMISSION ON HIGHER EDUCATION, page 31, immediately after line 31, by inserting a new line to read:

Column 5 Column 6

NFTE 200,000 200,000

Amend the bill further, as and if amended, Part IA, Section 17B, AREA HEALTH EDUCATION CONSORTIUM, page 71, immediately after line 12, by inserting a new line to read:

Column 5 Column 6

RURAL PHYSICIANS PROGRAM

500,000 500,000

Amend the bill further, as and if amended, Part IA, Section 18, TECHNICAL & COMPREHENSIVE EDUCATION BD., page 75, line 35, opposite /OTHER DIRECT TRAINING COSTS/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

2,000,000 2,000,000

Amend the bill further, as and if amended, Part IA, Section 18, TECHNICAL & COMPREHENSIVE EDUCATION BD., page 76, immediately after line 8, by inserting a new line to read:

Column 5 Column 6

Central Carolina Technical

College Training Facility

2,250,000 2,250,000

Amend the bill further, as and if amended, Part IA, Section 18, TECHNICAL & COMPREHENSIVE EDUCATION BD., page 76, immediately after line 8, by inserting a new line to read:

Column 5 Column 6

Aiken Technical College Ctr

for Energy & Advanced Mfg

2,445,000 2,445,000

Amend the bill further, as and if amended, Part IA, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 91, line 13, opposite /OTHER OPERATING EXPENSES/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

1,000,000 1,000,000

Amend the bill further, as and if amended, Part IA, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 92, line 35, opposite /CLASSIFIED POSITIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

800,000 800,000

Amend the bill further, as and if amended, Part IA, Section 23, DEPARTMENT OF MENTAL HEALTH, page 99, line 33, opposite /CASE SERVICES/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

200,000 200,000

Amend the bill further, as and if amended, Part IA, Section 24, DEPARTMENT OF DISABILITIES & SPECIAL NEEDS, page 107, line 31, opposite /OTHER OPERATING EXPENSES/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

100,000 100,000

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 115, line 13, opposite /OTHER OPERATING EXPENSES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

3,968,053

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 116, line 19, opposite /ALLOC CNTY-UNRESTRICTED/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

2,762,123

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 116, line 33, opposite /OTHER OPERATING EXPENSES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

585,873

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 116, line 35, opposite /CASE SERVICES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

8,322,658

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 117, line 7, opposite /OTHER OPERATING EXPENSES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

1,338,207

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 117, line 20, opposite /CASE SERVICES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

40,000,000

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 117, line 32, opposite /OTHER OPERATING EXPENSES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

422,413

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 119, line 10, opposite /CASE SERVICES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

65,000

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 119, line 34, opposite /OTHER OPERATING EXPENSES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

6,285

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 121, line 33, opposite /OTHER OPERATING EXPENSES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

8,841,223

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 122, line 32, opposite /OTHER OPERATING EXPENSES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

843,056

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 122, line 34, opposite /CASE SERVICES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

177,316

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 123, line 16, opposite /ALLOC OTHER ENTITIES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

243,750

Amend the bill further, as and if amended, Part IA, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 124, line 13, opposite /CASE SERVICES/ by decreasing the amount(s) in Column 5 by:

Column 5 Column 6

4,000,000

Amend the bill further, as and if amended, Part IA, Section 33, FORESTRY COMMISSION, page 139, line 20, opposite /CLASSIFIED POSITIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

30,000 30,000

Amend the bill further, as and if amended, Part IA, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 155, line 38, opposite /CLASSIFIED POSITIONS/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

73,869 73,869

Amend the bill further, as and if amended, Part IA, Section 39, DEPARTMENT OF PARKS, RECREATION & TOURISM, page 162, line 2, opposite /ADVERTISING/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

300,000 300,000

Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 168, immediately after line 17, by inserting a new line to read:

Column 5 Column 6

SC MANUFACTURING

EXTENSION PARTNERSHIP

682,049 682,049

Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 170, line 10, opposite /DEAL CLOSING FUND/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

28,209,914 28,209,914

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 176, lines 1-2, opposite /"CIRCUIT COURT JUDGE"/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

586,404 586,404

(3.00) (3.00)

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 176, lines 3-4, opposite /"ADMINISTRATIVE SPECIALIST"/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

110,871 110,871

(3.00) (3.00)

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 176, lines 5-6, opposite /"COURT REPORTER"/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

159,606 159,606

(3.00) (3.00)

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 176, lines 7-8, opposite /"LAW CLERK"/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

176,220 176,220

(3.00) (3.00)

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 176, line 12, opposite /OTHER OPERATING EXPENSES/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

2,456,529 2,456,529

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 176, lines 29-30, opposite /"FAMILY COURT JUDGE"/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

570,974 570,974

(3.00) (3.00)

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 176, lines 31-32, opposite /"ADMINISTRATIVE SPECIALIST"/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

110,871 110,871

(3.00) (3.00)

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 176, lines 33-34, opposite /"COURT REPORTER"/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

159,606 159,606

(3.00) (3.00)

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 176, line 38, opposite /OTHER OPERATING EXPENSES/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

132,000 132,000

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 178, line 36, opposite /EMPLOYER CONTRIBUTIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

910,583 910,583

Amend the bill further, as and if amended, Part IA, Section 45, ATTORNEY GENERAL'S OFFICE, page 180, immediately after line 24, by inserting a new line to read:

Column 5 Column 6

SAVANNAH RIVER MARITIME

COMM LITIGATION 1 1

Amend the bill further, as and if amended, Part IA, Section 46, PROSECUTION COORDINATION COMMISSION, page 181, immediately after line 33, by inserting a new line to read:

Column 5 Column 6

CRIMINAL DOMESTIC

VIOLENCE PROSECUTION

1,500,000 1,500,000

Amend the bill further, as and if amended, Part IA, Section 47, COMMISSION ON INDIGENT DEFENSE, page 184, line 10, opposite /CRIMINAL DOMESTIC VIOLENCE/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

1,000,000 1,000,000

Amend the bill further, as and if amended, Part IA Section 48, GOVERNOR'S OFF.-STATE LAW ENFORCEMENT DIVISION,   
page 186, line 25, opposite /CLASSIFIED POSITIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

631,820 631,820

Amend the bill further, as and if amended, Part IA, Section 48, GOVERNOR'S OFF.-STATE LAW ENFORCEMENT DIVISION, page 189, immediately after line 14, by inserting a new line to read:

Column 5 Column 6

METH LAB CLEAN UP 1,000,000 1,000,000

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 192, line 21, opposite /CLASSIFIED POSITIONS/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

504,005 504,005

Amend the bill further, as and if amended, Part IA, Section 52, DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES, page 202, line 21, opposite /CLASSIFIED POSITIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

174,284 174,284

Amend the bill further, as and if amended, Part IA, Section 53, DEPARTMENT OF JUVENILE JUSTICE, page 206, line 35, opposite /CLASSIFIED POSITIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

13,045 13,045

Amend the bill further, as and if amended, Part IA, Section 66, DEPARTMENT OF MOTOR VEHICLES, page 237, immediately after line 18, by inserting new lines to read:

Column 5 Column 6

/IV. NON-RECURRING APPROPRIATIONS

DEMOLISHER BILL (S1031)

PROGRAMMING AND TRAINING/

IMPLEMENTATION 88,550 88,550

Amend the bill further, as and if amended, Part IA, Section 68A, DEPARTMENT OF TRANSPORTATION, page 245, immediately after line 3, by inserting a new line to read:

Column 5 Column 6

EVACUATION RE-ROUTING PLANS

200,000 200,000

Amend the bill further, as and if amended, Part IA, Section 70A, LEG. DEPT-THE SENATE, page 250, immediately after line 11, by inserting new lines to read:

Column 5 Column 6

SPECIAL ITEM:

JOINT CITIZENS & LEGISLATIVE

COM ON CHILDREN 300,000 50,000

Amend the bill further, as and if amended, Part IA, Section 70B, LEG. DEPT-HOUSE OF REPRESENTATIVES, page 251, line 7, opposite /Unclassified Positions/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

2,500,000 2,500,000

Amend the bill further, as and if amended, Part IA, Section 70B, LEG. DEPT-HOUSE OF REPRESENTATIVES, page 251, line 11, opposite /Other Operating Expenses/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

2,500,000 2,500,000

Amend the bill further, as and if amended, Part IA, Section 70C, LEG. DEPT-CODIFICATION OF LAWS & LEG. COUNCIL, page 252, line 5, opposite /UNCLASS. LEG. MISC (P)/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

262,500 262,500

Amend the bill further, as and if amended, Part IA, Section 70C, LEG. DEPT-CODIFICATION OF LAWS & LEG. COUNCIL, page 252, line 11, opposite /CODE SUPPLEMENTS/ by increasing the amount(s) in Column 5 by:

Column 5 Column 6

25,842

Amend the bill further, as and if amended, Part IA, Section 70C, LEG. DEPT-CODIFICATION OF LAWS & LEG. COUNCIL, page 252, line 33, opposite /EMPLOYER CONTRIBUTIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

87,500 87,500

Amend the bill further, as and if amended, Part IA, Section 70D, LEG. DEPT-LEG. PRINTING, INF. & TECH. SYSTEMS, page 254,

line 11, opposite /OTHER OPERATING EXPENSES/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

779,695 779,695

Amend the bill further, as and if amended, Part IA, Section 72C, GOVERNOR'S OFF-MANSION AND GROUNDS, page 266, line 5, opposite /UNCLASSIFIED POSITIONS/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

15,000 15,000

Amend the bill further, as and if amended, Part IA, Section 72D, OFFICE OF INSPECTOR GENERAL, after page 266, by adding a new section, and beginning on line 1, by inserting new lines to read:

Column 5 Column 6

I. OFFICE OF INSPECTOR GENERAL

NEW POSITIONS:

INSPECTOR GENERAL 1 1

(1.00) (1.00)

AUDITOR IV 1 1

(2.00) (1.60)

ADMINISTRATIVE ASSISTANT 1 1

(1.00) (1.00)

OTHER OPERATING EXPENSES 1 1

SPECIAL ITEM:

FRAUD HOTLINE 1 1

II. EMPLOYEE BENEFITS

C. STATE EMPLOYER CONTRIBUTIONS

EMPLOYER CONTRIBUTIONS 1 1

Amend the bill further, as and if amended, Part IA, Section 73, LIEUTENANT GOVERNOR'S OFFICE, page 267, line 5, opposite /UNCLASSIFIED POSITIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

1 1

Amend the bill further, as and if amended, Part IA, Section 73, LIEUTENANT GOVERNOR'S OFFICE, page 268, line 20, opposite /EMPLOYER CONTRIBUTIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

1 1

Amend the bill further, as and if amended, Part IA, Section 79, ELECTION COMMISSION, page 280, line 20, opposite /OTHER OPERATING EXPENSES/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

150,000 150,000

Amend the bill further, as and if amended, Part IA, Section 80C, B&C-EMPLOYEE BENEFITS, page 300, line 11, opposite /PENSIONS-RET NATL GUARD/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

601,583 601,583

Amend the bill further, as and if amended, Part IA, Section 80C, B&C-EMPLOYEE BENEFITS, page 300, lines 25-26, opposite /HEALTH INSURANCE - EMPLOYER CONTRIBUTIONS/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

5,419,583 5,419,583

Amend the bill further, as and if amended, Part IA, Section 80C, B&C-EMPLOYEE BENEFITS, page 300, line 27, opposite /ST RETIREMENT-STATE EMPLOYEES/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

561,834 561,834

Amend the bill further, as and if amended, Part IA, Section 80C, B&C-EMPLOYEE BENEFITS, page 300, line 30, opposite /OPEB TRUST FUND PAYMENT/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

25,161,557 25,161,557

Amend the bill further, as and if amended, Part IA, Section 86A, AID TO SUBDIVISIONS-DEPARTMENT OF REVENUE, page 309, line 4-5, opposite /AID TO COUNTIES - HOMESTEAD EXEMPTION FUND/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

9,500,000 9,500,000

Amend the bill further, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 342, paragraph 1.88 (Teacher Salary Increases), lines 3-24, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 342, after line 26, by adding an appropriately numbered paragraph to read:

/ *(SDE: EFA-IDEA Contingency Reserve) Notwithstanding any other provision of law, the Department of Education may draw up to $36,202,909 from the Health, Education, and Infrastructure Reserve Account in the Office of the State Treasurer to supplement a loss of federal funding from the Individuals with Disabilities Education Act (IDEA) expected on October 1, 2012. No funds shall be expended until the U.S. Department of Education initiates a reduction in funds, and only in an amount equal to the amount of federal funds withheld. These funds shall be distributed using the same methodology as federal IDEA funds. The Department of Education shall notify within one business day the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee any actions taken by the U.S. Department of Education to reduce IDEA funds.* /

Amend the bill further, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 342, after line 26, by adding an appropriately numbered paragraph to read:

/*(SDE: School Enrollment Policy)\_For Fiscal Year 2012-13, any school district with an open enrollment policy for all schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under the same terms and conditions these students were previously permitted to attend the school.* /

Amend the bill further, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 342, after line 26, by adding an appropriately numbered paragraph to read:

/*(SDE: School District Fees) School districts may not charge parents or guardians tuition or fees solely for the purpose of enrolling in or attending a public school or public school program for which the child is otherwise eligible occurring during the course of the regular school year. School districts choosing to operate a 4K program open to all students may not charge the parents or guardians tuition for attendance in such a program. Districts may continue to charge matriculation and incidental fees per Section 59-19-90(8) of the 1976 Code.* /

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 346, paragraph 1A.14, lines 33-36, and page 347, lines 1-4 by striking the paragraph in its entirety and inserting:

/ 1A.14. (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may ~~only~~ be filled *either* by ~~individuals~~ *an individual* receiving a W-2 ~~(or other form should the Internal Revenue Service change the individual reporting form to another method)~~ from the hiring school district*, or in the case of a charter school authorized under title 59, Chapter 49, an individual employed by an entity under contract with the school district may fill such a position*. *However, if such a position in a charter school is filled by an individual that does not receive a W-2 from the hiring school district, the total compensation for the individual shall not exceed the total compensation of the highest paid individual in a similar position at a school district of the same or lesser size of the charter school in the state of South Carolina. If such total compensation does exceed that amount, the school's EFA and/or EIA allocation shall be reduced by the amount which such compensation exceeds that amount specified in the previous sentence.* ~~Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity.~~ Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. ~~Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.~~ /

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 347, paragraph 1A.15 (Autism Parent-School Partnership Program), lines 5-6, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 362, paragraph 1A.48 (IDEA Maintenance of Effort), line 28, by inserting at the end:

/ *The department is directed to transfer $350,000 to the South Carolina autism Society for the Autism Parent-School Partnership Program.*/

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 363, paragraph 1A.56, lines 34-36, and page 364, lines 1-10, by striking the paragraph in its entirety and inserting:

/*1A.56. (SDE-EIA: XII.C.2.-Teacher Salaries /SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers’ salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be $49,319. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.*

*For fiscal year 2012-13, the Department of Education is directed to increase the 2008-2009 statewide salary schedule by two percent. A local school district board of trustees must provide all certified teachers paid on the teacher salary schedule a two percent salary increase. Districts are to provide this increase using the district salary schedule utilized the prior fiscal year as its base. School districts shall utilize the additional funds made available from the Teacher Salary Support - State Share appropriation to provide the required two percent increase. Each school district shall receive funds under the Teacher Salary Support - State Share line item in the same manner as Teacher Salaries Supplement funds are distributed.*

*Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. If a school district believes it will be unable to provide the required additional step without incurring a deficit, it may apply to the State Board of Education for a waiver from this requirement. Upon approval of the waiver requirement by the Board, the district shall be exempt from providing this step increase for Fiscal Year 2012-2013. Certified teachers employed in districts that are granted a waiver shall not have their experience credit negatively impacted as a result of the district being granted a waiver. A local school district shall continue to pay teachers for changes in their education level. A school district shall not be granted a waiver from providing a step if the incurred deficit is a result of granting salary increases to employees beyond those paid on the teacher salary schedule. The State Board of Education shall report to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee by September 1, 2012, regarding those districts which requested a waiver and the subsequent action taken by the Board.*

*Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/ mobility instructors, and audiologists in the school districts of the state.*

*For purposes of this provision teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.* /

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 364, paragraph 1A.58 (Dropout Recovery Pilot Program), lines 18-32, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 365, after line 19, by adding an appropriately numbered paragraph to read:

/*(SDE-EIA: Flexibility) Funds received by districts from the School Building Aid Program may be flexed in the current fiscal year.*/

Amend the bill further, as and if amended, Part IB, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 372, paragraph 2.5, line 9, opposite “LIFE Scholarships” by striking /*$107,054,616;*/ and inserting /*$121,101,760;*/

Amend the bill further, as and if amended, Part IB, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 372, paragraph 2.5, line 10, opposite “HOPE Scholarships” by striking /*$7,823,474;*/ and inserting /*$8,023,474;*/

Amend the bill further, as and if amended, Part IB, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 372, paragraph 2.5, lines 11-12, opposite “Palmetto Fellows Scholarships” by striking /*$30,277,240;*/ and inserting /*$34,032,213*/

Amend the bill further, as and if amended, Part IB, Section 18, STATE BOARD FOR TECHNICAL & COMPREHENSIVE EDUCATION, page 382, after line 13, by adding an appropriately numbered paragraph to read:

/*(TEC: Manufacturing Training Facility) Of the funds appropriated to the State Board for Technical and Comprehensive Education, $3,500,000 must be utilized to complete the up-fit of a manufacturing training facility at Central Carolina Technical College. The facility shall be used in conjunction with worker training programs offered by the ReadySC program.*/

Amend the bill further, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 396, paragraph 22.47, lines 31-33, by striking the paragraph in its entirety and inserting:

/ *22.47. (DHEC: Best Chance Network & Colorectal Cancer Awareness/Prevention) Section 11-11-230(A) of the 1976 Code is suspended for Fiscal Year 2012-13. There is created in the State Treasury the Smoking Prevention and Cessation Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of the fiscal year shall be carried forward in the fund from the prior fiscal year into the current fiscal year. Of the five million dollars transferred from the Smoking Prevention and Cessation Trust Fund to the Department of Health and Environmental Control the Department, $1,000,000 shall be used for the Best Chance Network and $1,000,000 shall be used for Colorectal Cancer Awareness/Prevention.* /

Amend the bill further, as and if amended, Part IB, Section 24, DEPARTMENT OF DISABILITIES & SPECIAL NEEDS, page 400, paragraph 24.12 (Child Daycare Centers), line 33, by inserting at the end:

/ *By September 15, the department must transfer $100,000 to the Anderson County Disabilities Board for the provision of these services. /*

Amend the bill further, as and if amended, Part IB, Section 40, DEPARTMENT OF COMMERCE, page 419, paragraph 40.17, lines 30-36, and page 420, lines 1-15, by striking the paragraph in its entirety and inserting:

/ 40.17. (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize the $5,000,000 appropriated in Fiscal Year ~~2011-12~~ *2012-13* for Regional Economic Development Organizations to provide funds to the following ~~seven~~ *six* economic development organizations:

(1) Central SC Economic Development Alliance;

(2) Charleston Regional Development Alliance;

(3) Economic Development Partnership;

(4) North Eastern Strategic Alliance (NESA);

(5) Southern Carolina Alliance;

(6) Upstate Alliance; and

~~(7) Lowcountry Economic Alliance~~.

Of the $5,000,000 appropriated for this purpose, ~~$4,700,000~~ *$4,475,000* must be disbursed equally to each organization. Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.

The remaining ~~$300,000~~ *$525,000* shall be provided to Chester County, Lancaster County, ~~Union County,~~ *Saluda County, Lee County, Sumter County, Beaufort County,* and York County provided they meet the requirements established above.

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.

Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

~~Unexpended or undistributed funds shall be carried forward from the prior fiscal year into the current fiscal year and shall be used for the same purpose.~~ *Any unexpended or undistributed funds appropriated in prior fiscal years for Regional Economic Development Organizations shall be transferred to the Rural Infrastructure Fund at the Department of Commerce.* /

Amend the bill further, as and if amended, Part IB, Section 40, DEPARTMENT OF COMMERCE, page 420, after line 23, by adding an appropriately numbered paragraph to read:

/*(CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC Manufacturing Extension Partnership may be utilized to compensate employees or individuals who engage in lobbying services on behalf of the department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing Extension Partnership’s expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by November first.*/

Amend the bill further, as and if amended, Part IB, Section 44, JUDICIAL DEPARTMENT, page 422, after line 24, by adding an appropriately numbered paragraph to read:

/ *(JUD: At-Large Judges) All new judges authorized and funded per this act shall be elected at large.*  /

Amend the bill further, as and if amended, Part IB, Section 45, OFFICE OF THE ATTORNEY GENERAL'S, page 423, paragraph 45.7 (Litigation Recovery Account), line 20, by inserting at the end:

/*Any funds remaining in the Litigation Recovery Account on July 1, 2012 must be transferred to the General Fund for credit in Fiscal Year 2012-13.* /

Amend the bill further, as and if amended, Part IB, Section 53, DEPARTMENT OF JUVENILE JUSTICE, page 440, paragraph 53.13 (Emergency Authority to Transfer PIP Funds), line 11, by striking /2011-12/ and inserting /*2012-13*/

Amend the bill further, as and if amended, Part IB, Section 67, DEPT. OF EMPLOYMENT & WORKFORCE, page 447, paragraph 67.7, line 24, by striking /*Of*/ and inserting /*Thirty percent of*/

Amend the bill further, as and if amended, Part IB, Section 67, DEPT. OF EMPLOYMENT & WORKFORCE, page 447, paragraph 67.7, line 25, by striking /*, any increased revenue resulting from the taxable wage base increase,* /

Amend the bill further, as and if amended, Part IB, Section 69, STATE PORTS AUTHORITY, page 450, paragraph 69.3, lines 19-24, by striking the paragraph in its entirety and inserting:

/ *69.3. (SPA: Harbor Deepening Reserve Fund) There is created at the State Ports Authority the Harbor Deepening Reserve Fund. The Harbor Deepening Reserve Fund is funded by the Harbor Deepening Reserve Account within the State Ports Authority and the Health, Education, and Infrastructure Reserve Account within the Office of State Treasurer. Both accounts shall be separate and distinct from the General Fund and interest accrued by the account must remain in the account. The fund must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state’s harbors. Prior to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for harbor deepening to the Joint Bond Review Committee for review and comment. Funds in the Harbor Deepening Reserve account shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.* /

Amend the bill further, as and if amended, Part IB, Section 70, LEGISLATIVE DEPARTMENT, page 453, paragraph 70.7 (House Pages), lines 20-21, by striking / *House Pages shall not be eligible to receive unemployment benefits.* /

Amend the bill further, as and if amended, Part IB, Section 70, LEGISLATIVE DEPARTMENT, page 453, paragraph 70.15, lines 9-26, by striking the paragraph in its entirety and inserting:

/ 70.15. (LEG: Additional House Support Personnel) ~~The funds provided for Legislative/Constituent Services are appropriated for the purpose of providing additional support personnel to assist House members who are not already being furnished with direct legislative assistance in the conduct of their legislative responsibilities. This amount shall be used for staffing requirements where necessary for part time personnel. The additional personnel may be used only in compliance with Section 8-13-1346(A) of the South Carolina Code of Laws. At a member’s request, the House Operations and Management Committee may use any unexpended portion of a member’s allotment to purchase equipment for a member’s office. The amount herein appropriated for additional support personnel shall be allocated to eligible members as follows: For fiscal years beginning in even years, an eligible member is allowed an allocation of $500 beginning July 1, as approved by the Speaker of the House. An additional $2,000 allotment, as approved by the Speaker of the House, is allowed when the eligible member’s election to the upcoming General Assembly is certified or at the time the member is unopposed for the general election, whichever occurs first. A member elected to a full term in the House of Representatives, who did not serve in the General Assembly preceding the election, is allowed an allocation of $2,000, as approved by the Speaker of the House, from the time the member’s election is certified until the end of the then current fiscal year. For fiscal years beginning in odd years, eligible members are allowed an allocation of $2,500, as approved by the Speaker of the House. Whenever a member is elected to fill an unexpired term, the allotment must be prorated on a monthly basis. The amounts provided above as allotments for members are provided for an aide’s compensation, exclusive of employer contributions. Each member may choose to expend his allocation for an individual legislative aide or may choose to combine his allocation with allocations of other House members for a legislative aide to assist each of the members contributing to the expense of that aide.~~ *From the funds appropriated to the House of Representatives in Part IA, $287,500 shall be dedicated for the administration and operation of the Legislative Aide program pursuant to the policies and procedures as determined by the House Operations and Management Committee.* /

Amend the bill further, as and if amended, Part IB, Section 80A, BUDGET AND CONTROL BOARD, page 471, paragraph 80A.17, lines 1-5, by striking the lines in their entirety and by reinserting:

/ 80A.17. (BCB: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the provider of these services the amount certified. /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 489, paragraph 89.16 (Allowances for Residences & Compensation Restrictions), line 13, after “participation.” by inserting:

/ *Any state institution of higher learning may provide complimentary membership privileges to employees who work at their wellness centers.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 519, after line 2, by adding an appropriately numbered paragraph to read:

/ *(GP: Facilities Accommodation) The Department of Corrections is directed to designate space to accommodate units of the Department of Probation, Parole and Pardon Services (department) and the Board of Probation, Parole, and Pardon Services (board) which are currently located in leased facilities in the Richland County area. The department and the board shall vacate such leased property and relocate into the designated location owned by the Department of Corrections as soon as practicable, but not later than December 31, 2012.*

*The Department of Corrections shall provide relocation services at no cost to the department and the board, with the exception of the relocation of computer and telephone systems.*

*The Department of Corrections is prohibited from charging rent for the facilities; however, they may require reimbursement for utilities and computer services.*

*Any cost savings or cost avoidance realized from this provision shall be utilized by the Department of Probation, Parole and Pardon Services for the Sentencing Reform Program or for the Young Offender Supervision Program.* /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 519, after line 2, by adding an appropriately numbered paragraph to read:

/*(GP: Implementation of Access to Justice Post-Conviction DNA Testing Act) The provisions of the "Access to Justice Post-Conviction DNA Testing Act" (Act 413 of 2008) are not required to be implemented until such time as general funds are appropriated or federal or other funds are received to begin implementation of the act.*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 526, paragraph 90.19 (National Mortgage Settlement), lines 15-17, by striking the paragraph in its entirety.

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 526, paragraph 90.20, line 18, by striking /$377,784,450/ and inserting /*$545,506,793*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 526, paragraph 90.20, line 23, by striking /$255,450,761/ and inserting /*$392,450,761*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 526, paragraph 90.20, after line 23, by inserting:

/*(3) $30,722,343 from Fiscal Year 2012-13 general fund revenue.*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 526, paragraph 90.20, after line 29, by inserting appropriately numbered items to read:

/*( ) Y14-State Ports Authority*

*Harbor Deepening*

*Reserve Fund $300,000,000*

*( ) (Harbor Deepening Reserve Fund) The Harbor Deepening Reserve Fund is funded by the Harbor Deepening Reserve account which is appropriated $180,000,000 to be used in accordance with Proviso 69.3; with the balance coming from the Health, Education, and Infrastructure Reserve Account (HEIRA).* /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 526, paragraph 90.20, line 31, opposite “Item (2) P32-Department of Commerce (a) Deal Closing Fund” by striking /*$2,000,000*/ and inserting /*$7,000,000*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 526, paragraph 90.20, after line 34, by inserting a new subitem under “Item (3) K05-Department of Public Safety” to read /*Vehicles $1;*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 527, paragraph 90.20, after line 10, by inserting a new subitem under “Item (6) F03-Budget and Control Board” to read /*( ) Rural Infrastructure Fund $3,000,000;*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 527, paragraph 90.20, line 28, “Item (11) N04-Department of Corrections,” by striking /*(g) Information Technology Upgrade*/ and inserting /*(g) Law Library/Information Technology Upgrade*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 527, paragraph 90.20, lines 33-34, by striking:

/*(12) E21-Prosecution Coordination Commission*

*CDV Prosecution $1,500,000;/*

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 528, paragraph 90.20, line 1, “Item (13) E23-Commission on Indigent Defense,” by striking / *(b) CDV Court Cost $899,000;*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 528, paragraph 90.20, line 3, “Item (14) E20-Attorney General,” by striking / *(a) Savannah River Maritime Commission Legal Expenses $250,000;*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 528, paragraph 90.20, lines 7-9, by striking:

/*(16) B04-Judicial Department*

*(a) Equipment for Judges and Staff $99,660;*

*(b) Technology Upgrade/Centralized*

*Court Statistics & CMS $2,500,000;*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 528, paragraph 90.20, line 13, “Item (18) P21-South Carolina State University-PSA,” by striking / *LAC Audit*/ and inserting /*Independent Financial Audit*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 528, paragraph 90.20, after line 15, by inserting a new subitem under “Item (19) H27-University of South Carolina-Columbia Campus” to read:

/ *( )USC Law School $ 6,500,000;/*

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 528, paragraph 90.20, after line 17, by inserting a new subitem under “Item (20) J02-Department of Health and Human Services” to read:

/*( ) In-Home Health Care Systems $500,000;*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 528, paragraph 90.20, line 19, Item “(21) J04-Department of Health and Environmental Control (a) AIDS Drug Assistance program (ADAP),” by inserting after (ADAP) /*and Prevention*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 528, paragraph 90.20, line 20, Item “(21) J04-Department of Health and Environmental Control,” by striking /*(b) Immunizations $1,000,000*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 528, paragraph 90.20, lines 26-28, by striking:

/*(23) P16-Department of Agriculture*

*(a) Market Operations $600,000;*

*(b) Farmer’s market Equipment $400,000;*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 529, paragraph 90.20, line 14, Item “(32) Department of Social Services” opposite /Child Support Enforcement System/ by striking /*$3,500,000*/ and inserting /*$2,500,000*/

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 529, paragraph 90.20, immediately after line 16, by inserting an appropriately numbered item to read:

/ *( ) (SUTA Tax Relief) The funds appropriated above to the Department of Employment and Workforce for SUTA Tax Relief may only be used by the department to make payments on outstanding loans from the Unemployment Insurance Trust Fund. As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Any cost savings to employers in rate class 2-20 due to general fund appropriations in any particular year must be allocated proportionately to each employer with respect to each respective employer's responsibility in paying back the federal unemployment loan that particular year and must be administered by the department. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate. The Department of Employment and Workforce is directed to contact the Federal Government by August 1, 2012, to maximize efforts to buy the loan down to the greatest extent possible.* /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 529, paragraph 90.20, lines 17-18, by striking:

/ *(34) Y14-State Ports Authority*

*Harbor Deepening Reserve Fund $180,000,000.* /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 529, paragraph 90.20, after line 18, by inserting appropriately numbered items to read:

/ *( ) X22-Aid to Subdivisions - State Treasurer*

*Local Government Fund $ 10,000,000;*

*( ) H03-Commission on Higher Education*

*University Center of Greenville*

*Technology Upgrade $100,000;*

*( ) H59-State Board for Technical and*

*Comprehensive Education*

*(a) Central Carolina Technical College -*

*Training Facility Purchase and Upfit $ 1,250,000;*

*(b) Tri-County Technical College -*

*Pedestrian Safety Improvements $ 500,000;*

*( ) H12-Clemson University*

*Grid Simulator Project $ 3,000,000;*

*Greenwood Genetics Lab $ 2,000,000;*

*( ) J16-Department of Disabilities and Special Needs*

*Charles Lea Center - 1 to 1 Match $ 1;*

*( ) (Charles Lea Center Match) Each state dollar of the above appropriation for the Charles Lea Center must be matched with one dollar of private funds.*

*( ) H91-Arts Commission*

*Grants $ 1;*

*( ) P24-Department of Natural Resources*

*Savannah River Basin Study Phase II $ 150,000;*

*( ) U12-Department of Transportation*

*Salt Sheds and Maintenance facility $ 3,300,000;*

*( ) H73-Vocational Rehabilitation*

*Rehabilitation Program State match Funds $1,000,000’*

*( ) U20-County Transportation Funds*

*C-Funds $19,671,000; /*

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 529, paragraph 90.20, after line 27, by inserting an appropriately numbered subsection to read:

/ *( ) There is created within the Office of State Treasurer the Health, Education, and Infrastructure Reserve Account (HEIRA) which shall be separate and distinct from the General Fund and interest accrued by the account must remain in the account. In the event the Harbor Deepening Trust Fund has not drawn down funds from this account by March 31, 2013, then the funds shall be distributed in the following manner: 24%, not to exceed $20,111,302 to Other Post-Employment Benefits (OPEB), 40%, not to exceed $33,518,836 to a Bridge Replacement/Repair Program at the Department of Transportation, and the remainder to the Health and Human Services Reserve Account.* /

Amend the bill further, as and if amended, Part II, PERMANENT PROVISIONS, page 529, by inserting after line 29:

/ PART II

PERMANENT PROVISIONS

SECTION 1

The Code Commissioner is directed to include all permanent general laws in this Part in the next edition of the Code of Laws of South Carolina, 1976, and all supplements to the Code.

end of part ii/

Amend the bill further, as and if amended, Part II, PERMANENT PROVISIONS, page 529, by inserting after line 29:

/ SECTION \_\_

TO AMEND SECTION 12‑6‑545, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR PASS‑THROUGH TRADE AND BUSINESS INCOME, SO AS TO REDUCE THE TAX RATE FROM FIVE PERCENT TO THREE PERCENT.

A. Section 12‑6‑545(B)(2) of the 1976 Code, as added by Act 41 of 2005, is amended read:

“(2) The rate of the income tax imposed pursuant to this subsection is:

Taxable Year Beginning in Rate of Tax

2006 6.5 percent

2007 6 percent

2008 5.5 percent

~~after~~ 2008 through 2011 5 percent

after 2011 3 percent”

B. This section takes effect upon approval by the governor and applies for taxable years beginning after 2011. /

Amend the bill further, as and if amended, Part II, PERMANENT PROVISIONS, page 529, by inserting after line 29:

/ SECTION \_\_

TO AMEND SECTION 1-30-25, AS AMENDED, OF THE 1976 CODE, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THE COMPONENTS OF THESE DEPARTMENTS, SO AS TO CONFORM THE PROVISIONS OF THIS SECTION OF THE TRANSFER OF THE DIVISION OF AERONAUTICS FROM THE SOUTH CAROLINA DEPARTMENT OF COMMERCE TO THE STATE BUDGET AND CONTROL BOARD; TO AMEND TITLE 55 BY ADDING CHAPTER 2 SO AS TO TRANSFER THE DIVISION OF AERONAUTICS FROM THE SOUTH CAROLINA DEPARTMENT OF COMMERCE TO THE STATE BUDGET AND CONTROL BOARD; TO PROVIDE THAT THIS PLACEMENT OF THE DIVISION OF AERONAUTICS AS A SEPARATE DIVISION OF THE STATE BUDGET AND CONTROL IS FOR ADMINISTRATIVE AND SUPPORT SERVICES ONLY AND THE DUTIES AND FUNCTIONS OF THE DIVISION OF AERONAUTICS AND ITS EXECUTIVE DIRECTOR ARE GOVERNED SOLELY BY THE AERONAUTICS COMMISSION; TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE AERONAUTICS COMMISSION, THE QUALIFICATIONS FOR COMMISSION MEMBERSHIP, THEIR TERMS OF OFFICE, DUTIES, AND FUNCTIONS; TO PROVIDE THE METHOD OF APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE DIVISION OF AERONAUTICS, AND THE ORGANIZATION AND OBJECTIVES OF THE DIVISION OF AERONAUTICS; AND TO AMEND SECTIONS 55‑1‑1, 55‑1‑5, 55‑5‑190, 55‑8‑10, 55‑8‑170, 55‑11‑10, 55‑11‑230, AND 55‑15‑10, ALL AS AMENDED, RELATING TO, AMONG OTHER THINGS, THE DIVISION OF AERONAUTICS, SO AS TO MAKE CONFORMING AMENDMENTS, AND TO REPEAL ARTICLES 6 AND 7, CHAPTER 1, TITLE 13 OF THE 1976 CODE, ALL RELATING TO THE DIVISION OF AERONAUTICS.

A. Section 1-30-25 of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

“Section 1-30-25. 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 transferred to and incorporated in and must be administered as part of the Department of Commerce to be initially divided into divisions for ~~Aeronautics,~~ the Advisory Coordinating Council for Economic Development, State Development, Public Railways, and Savannah Valley Development:

(A) ~~South Carolina Aeronautics Commission, formerly provided for at Section 55‑5‑10, et seq.~~ Reserved;

(B) Coordinating Council for Economic Development, formerly provided for at Section 41‑45‑30, et seq.;

(C) Savannah Valley Authority, formerly provided for at Section 13‑9‑10, et seq.;

(D) existing divisions or components of the Department of Commerce formerly a part of the State Development Board excluding the South Carolina Film Commission; and

(E) South Carolina Public Railways Commission, formerly provided for at Section 58‑19‑10, et seq.”

B. 1. Title 55 of the 1976 Code is amended by adding:

“CHAPTER 2

Aeronautics Commission

Section 55‑2‑10. As used in this chapter:

(1) ‘Board’ means the State Budget and Control Board.

(2) ‘Executive director’ means the Executive Director for the Division of Aeronautics.

(3) ‘Division’ means the Division of Aeronautics.

(4) ‘Commission’ means the Aeronautics Commission.

Section 55‑2‑20. The Aeronautics Division is created within the State Budget and Control Board and there may be no purchase or sale of any aeronautics assets without the approval of the commission. The board shall be the agency in which the division is located and the board shall provide the division with those administrative and support services required in the operations of a state agency, but otherwise, the division is solely governed by the Aeronautics Commission through its executive director as provided in this chapter.

Section 55‑2‑30. The congressional districts of this State are constituted and created commission districts of the State, designated by numbers corresponding to the number of the respective congressional districts. The commission shall be composed of one member from each district elected by the delegations of the congressional district and one member appointed by the Governor, upon the advice and consent of the Senate, from the State at large. The elections or appointments shall take into account race and gender so as to represent, to the greatest extent possible, all segments of the population of the State and shall comply with the provisions of Chapter 13, Title 8. However, consideration of these factors in making an appointment or in an election does not create 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.

Section 55‑2‑40. (A) A county that is divided among two or more commission districts, for purposes of electing a commission member, is considered to be in the district which contains the largest number of residents from that county.

(B) A county within a commission district may not have a resident commission member for more than one consecutive term and in no event may any two persons from the same county serve as a commission member simultaneously.

Section 55‑2‑50. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. A person may not be elected commissioner who fails to receive a majority vote of the members of the delegation.

The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt rules they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person after he has taken the usual oath of office, a certificate of election as commissioner. The Governor then shall issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.

Section 55‑2‑60. (A) Beginning February 15, 2005, commissioners must be elected by the legislative delegation of each congressional district. For the purposes of electing a commission member, a legislator shall vote only in the congressional district in which he resides. All commission members must serve for a term of office of four years that 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 until their successors are elected and qualify, and 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 must be filled by election in the manner provided in this article for the unexpired term only. A person is not eligible to serve as a commission member who is not a resident of that district at the time of his appointment, except that the at‑large commission member may be appointed from any county in the State regardless of whether another commissioner is serving from that county. Failure by a commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office. The at‑large commission member, upon confirmation by the Senate, shall serve as chairman of the commission.

(B) The terms of the initial members of the commission appointed from congressional district are as follows:

(1) commission members appointed to represent congressional district one and two, two years;

(2) commission members appointed to represent congressional district three and four, three years;

(3) commission members appointed to represent congressional district five, six, and seven, four years.

(C) The at‑large commissioner shall serve at the pleasure of the Governor.

Section 55‑2‑70. Each voting commission member, within thirty days after his election or appointment, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.

Section 55‑2‑80. (A) The commission may adopt an official seal for use on official documents of the division.

(B) The commission shall adopt its own rules and procedures and may select additional officers to serve terms designated by the commission.

(C) Commissioners must be reimbursed for official expenses as provided by law for members of state boards and commissions as established in the annual general appropriations act.

Section 55‑2‑90. Notwithstanding any other provision of law, the executive director must be appointed in accordance with the following procedures:

(A)(1) The commission shall nominate no more than one qualified candidate for the Governor to consider for appointment as executive director. In order to be nominated, a candidate must meet the minimum requirements as provided in Section 13‑1‑1090.

(2) If the Governor rejects a person nominated by the commission for the position of executive director, the commission must nominate another candidate for the Governor to consider until such time as the Governor makes an appointment.

(3) In the case of a vacancy in the position of executive director for any reason, the name of a nominee for the executive director’s successor must be submitted by the commission to the Governor.

(4) The appointment must comply with the provisions contained in Chapter 13, Title 8.

(B) The executive director shall serve at the pleasure of the commission and be appointed as provided in this section.

Section 55‑2‑100. Individuals serving on the commission must meet the following minimum qualifications to be qualified:

(1) the commission chairman must have experience in the fields of business, general aviation, and airport management;

(2) all other members of the commission must have a proven record of public and community service, and experience in the fields of business and aviation. Additionally, each member must meet at least two of the following criteria:

(a) general aviation experience;

(b) airport or fixed based operator (FBO) management experience;

(c) aviation service provider experience;

(d) previous service as a state or regional airport commissioner;

(e) legal experience; or

(f) active involvement in a recognized aviation association.

Section 55‑2‑110. The organization and objectives of the division are stated in Chapters 1 through 9, Title 55.”

2. Section 55‑1‑1 of the 1976 Code, as last amended by Act 361 of 1994, is further amended to read:

“Section 55‑1‑1. There is created a Division of Aeronautics within the ~~Department of Commerce~~ State Budget and Control Board which ~~shall~~ must be governed by the ~~Secretary of Commerce~~ Aeronautics Commission, through an executive director appointed as provided pursuant to Section 55‑2‑90 ~~as provided in Chapter 1 of Title 13~~.

3. Section 55‑1‑5 of the 1976 Code, as last amended by Act 11 of 2005, is further amended to read:

“Section 55‑1‑5. For the purposes of Chapters 1 through 9, ~~of~~ Title 55, the following words and terms are defined as follows:

(1) ~~‘Division’, unless otherwise indicated, means the Division of Aeronautics of the Department of Commerce.~~

~~(2)~~ ~~‘Secretary~~ ‘Commission’, unless otherwise indicated, means the ~~executive and administrative head of the Department of Commerce or his designee~~ Aeronautics Commission established pursuant to Chapter 2 of this title.

~~(3)~~(2) ~~Notwithstanding any other provision of law,~~ ‘executive director’ means the person ~~or persons~~ appointed by the Governor in accordance with Section ~~13‑1‑1080~~ 55‑2‑90 and serving at the pleasure of the Aeronautics Commission to supervise and carry out the functions and duties of the Division of Aeronautics as provided for by law.

(3) ‘Division’, unless otherwise indicated, means the Division of Aeronautics of the State Budget and Control Board.”

4. Section 55‑5‑190 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 55‑5‑190. The division, its members and employees and every county and municipal officer charged with the enforcement of state and municipal laws shall enforce and assist in the enforcement of this chapter. The division may also in the name of the State enforce the provisions of this chapter by injunction in the circuit courts of this State. Other departments and political subdivisions of the State may also cooperate with the Division of Aeronautics of the ~~Department of Commerce~~ board in the development of aeronautics and aeronautic facilities within the State.”

5. Section 55‑8‑10(a) of the 1976 Code, as last amended by Act 361 of 1994, is further amended to read:

“(a) ‘Agency’ means the Division of Aeronautics of the ~~Department of Commerce~~ State Budget and Control Board.”

6. Section 55‑8‑170 of the 1976 Code, as last amended by Act 361 of 1994, is further amended to read:

“Section 55‑8‑170. (a) The operation of an aircraft on the land or waters of or in the air over this State shall be deemed an appointment by the owner or operator of the ~~Secretary of Commerce~~ Executive Director of the Aeronautics Commission to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him, arising from the ownership, maintenance, use or operation of such aircraft and resulting in damage or loss to person or property, and the use or operations shall be signification of his agreement that any such process against him which is so served shall be of the same legal force and validity as though served upon him personally, provided such person is a nonresident of this State or at the time a cause of action arises is a resident of this State but subsequently becomes a nonresident of this State.

(b) Service of process shall be made by serving the original and a copy of the complaint together with a fee of two dollars upon the ~~Secretary of Commerce of the South Carolina Department of Commerce~~ Executive Director of the Aeronautics Division and by mailing of a copy of such process and of the complaint by the plaintiff or his attorney to the defendant at his last known address, within five days thereafter by registered mail. In lieu of such mailing to defendant in a foreign state, plaintiff may cause a copy of the complaint and process to be served personally in the foreign state upon such defendant by any adult person not a party to the suit by actually delivering it to the defendant or by offering to make such delivery in case defendant refuses to accept delivery.

(c) Proof of service of process upon the ~~Secretary of Commerce~~ Executive Director of the Division of Aeronautics of the State Budget and Control Board or proof of mailing or personal delivery to the defendant shall be made by the affidavit of the party doing the act, which shall be filed in the office of the clerk of court in which the suit is filed. Process shall be deemed to be completed upon the filing of such affidavit and of the original registry receipt issued by the post office upon the mailing of such registered letter, if service is obtained by mail.”

7. Section 55‑11‑10(5) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“(5) Designate the Division of Aeronautics of the ~~Department of Commerce~~ State Budget and Control Board as its agent, to accept, receive, receipt for and disburse federal or state funds or other funds, public or private, made available for the purposes of this section, as may be required or authorized by law;”

8. Items (B)(4) and (B)(9)(n) of Section 55‑11‑230 of the 1976 Code, as last amended by Act 265 of 1996, are further amended to read:

“(4) By January 31, 1996, the Airport Environs Planning Commission shall develop a uniform land use plan and uniform building performance standards for the airport environs area, submit them for review and comment to the governing body of each political subdivision represented on the Airport Environs Planning Commission, as well as the ~~South Carolina Department of Commerce~~ Division of Aeronautics of the State Budget and Control Board and the Federal Aviation Administration, conduct public hearings pursuant to Article 3, Chapter 29, Title 6, on the proposed uniform plan and standards. After receiving comments and conducting hearings, the Airport Environs Planning Commission shall adopt a land use plan and building performance standards to be effective throughout the airport environs area and enforced fully and without amendment by each political subdivision represented on the Airport Environs Planning Commission. The Airport Environs Planning Commission, by majority of all voting members, may extend the January 31, 1996, deadline for a reasonable period of time not to exceed beyond March 31, 1996, for the completion of these tasks. Each political subdivision shall enforce the uniform plan and standards as an ‘overlay zone’, identifying areas subject to regulation which are supplementary to the existing regulations of that political subdivision, or as new or superseding provisions to that political subdivision’s ordinances. If there is a conflict between the provisions adopted by the Airport Environs Planning Commission under this section or regulations of a political subdivision applicable to the airport environs area, then the provisions adopted by the Airport Environs Planning Commission under this section shall govern. If a uniform land use plan or uniform building performance standards are not developed by the Airport Environs Planning Commission in the manner provided in this section, any of the entities represented on the Airport Environs Planning Commission may file an action for relief, including mandamus or injunctive relief, in the circuit court for Greenville or Spartanburg County, to require adoption of the plan or standards, or both, as directed by this section. Such an action must be brought within sixty days of the deadline as set forth above.”

“(n) the uses in the airport environs area and the sub‑area based on future projected uses of the airport which are not compatible and should not be permitted, which are basically incompatible and should be discouraged, and which are generally compatible with some limitations or restrictions. Such determination shall take into account the public safety and public welfare findings set forth in Section 1 hereof. Such determinations are to conform to and be consistent with noise and overflight zone‑compatible land use recommendations of federal and state authorities, including specifically policies established by the United States Air Force pursuant to DODINST 4165.57 Air Installation Compatible Use Zone (A1CUZ), the uses recommended in the 1993 Greenville‑Spartanburg Development Plan adopted by the county planning commissions, and the ~~South Carolina Department of Commerce, Aviation Division~~ Aeronautics Division of the State Budget and Control Board.”

9. Section 55‑15‑10(f) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“(f) The term ‘public authority’ means the Division of Aeronautics of the ~~Department of Commerce~~ State Budget and Control Board, a municipality, a county or other political subdivision of this State, separately or jointly, authorized to acquire land, air rights, safety markers, and lights as provided in Chapter 9, ~~of~~ Title 55.”

10. Articles 6 and 7, Chapter 1, Title 13 of the 1976 Code are repealed.

11. (A) Where the provisions of this part transfer the Division of Aeronautics from the Department of Commerce to the State Budget and Control Board, the employees, authorized appropriations, and assets and liabilities of the transferred division are also transferred to and become part of the Division of Aeronautics of the State Budget and Control Board. All classified or unclassified personnel employed by this Aeronautics Division on the effective date of this act, either by contract or by employment at will, become employees of the State Budget and Control Board with the same compensation, classification, and grade level, as applicable.

(B) Regulations promulgated by the Division of Aeronautics as formerly existed under the Department of Commerce, or other agencies are continued and are considered to be promulgated by the Aeronautics Commission.

(C)(1) The Code Commissioner is directed to change or correct all references to the State Budget and Control Board of the Aeronautics Division of the Department of Commerce in the 1976 Code to reflect the transfer of them to the State Budget and Control Board. References to the names of these offices in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

(2) On or before January 1, 2013, the Code Commissioner also shall prepare and deliver a report to the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes to the 1976 Code of Laws reflecting the provisions of this SECTION.

(D) Members of the Aeronautics Commission serving on the effective date of this act are deemed to have been appointed pursuant to Chapter 2, Title 55 of the 1976 Code as added by this act.

C. This section takes effect July 1, 2012. /

Amend the bill further, as and if amended, Part II, page 529, by inserting after line 29:

/ SECTION \_\_

TO AMEND SECTIONS 12‑62‑50 AND 12‑62‑60, BOTH AS AMENDED, OF THE 1976 CODE, RELATING TO REBATES OF A PORTION OF A THE SOUTH CAROLINA PAYROLL OF A MOVIE PRODUCTION COMPANY REQUIRED TO WITHHOLD SOUTH CAROLINA INDIVIDUAL INCOME TAX ON PERSONS IT EMPLOYS IN THIS STATE AND A PORTION OF THE PRODUCTION EXPENSES MADE BY A MOTION PICTURE COMPANY IN THIS STATE, BOTH IN CONNECTION WITH FILM PRODUCTION IN THIS STATE QUALIFYING FOR THESE REBATES, SO AS RESPECTIVELY TO INCREASE THE MAXIMUM REBATES FROM FIFTEEN PERCENT TO TWENTY PERCENT OF PAYROLL AND THE MAXIMUM REBATE FROM FIFTEEN TO THIRTY PERCENT OF PRODUCTION COSTS.

A. Section 12‑62‑50(A)(1) of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

“(1) The South Carolina Film Commission may rebate to a motion picture production company a portion of the South Carolina payroll of the employment of persons subject to South Carolina income tax withholdings in connection with production of a motion picture. The rebate may not exceed ~~fifteen~~ twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production when total production costs in South Carolina equal or exceed one million dollars during the taxable year. The rebates in total may not annually exceed ten million dollars and shall come from the state’s general fund. For purposes of this section, ‘total aggregate payroll’ does not include the salary of an employee whose salary is equal to or greater than one million dollars for each motion picture.”

B. Section 12‑62‑60(A)(1) of the 1976 Code, as last amended by Act 56 of 2005, is further amended to read:

“(1) An amount equal to twenty‑six percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the department for the exclusive use of the South Carolina Film Commission. The department may rebate to a motion picture production company up to ~~fifteen~~ thirty percent of the expenditures made by the motion picture production company in the State if the motion picture production company has a minimum in‑state expenditure of one million dollars. The distribution of rebates may not exceed the amount annually funded to the department for the South Carolina Film Commission from the admissions tax collected by the State.”

C. This section takes effect July 1, 2012. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GOVAN a temporary leave of absence for a prior legislative commitment.

Rep. WHITE continued speaking.

Rep. WHITE spoke in favor of the amendment.

Rep. OTT spoke against the amendment.

Rep. TAYLOR spoke against the amendment.

Rep. MCLEOD spoke against the amendment.

Rep. CLYBURN spoke against the amendment.

Rep. MACK spoke against the amendment.

Rep. ANTHONY spoke against the amendment.

Rep. HOSEY spoke against the amendment.

Rep. SABB spoke against the amendment.

Rep. VICK spoke against the amendment.

Rep. WILLIAMS spoke against the amendment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. A. BROWN a leave of absence for the remainder of the day.

Rep. J. H. NEAL spoke against the amendment.

Rep. TRIBBLE spoke against the amendment.

Rep. JEFFERSON spoke against the amendment.

Rep. JOHNSON spoke against the amendment.

The question then recurred to the adoption of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 61; Nays 46

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Brannon |
| H. B. Brown | Clemmons | Cole |
| Crawford | Daning | Delleney |
| Erickson | Forrester | Gambrell |
| Hamilton | Hardwick | Harrell |
| Harrison | Hearn | Henderson |
| Herbkersman | Hiott | Hixon |
| Horne | Huggins | Limehouse |
| Loftis | Long | Lucas |
| Merrill | V. S. Moss | Murphy |
| Nanney | Norman | Owens |
| Parker | Patrick | Pinson |
| Pope | Quinn | Ryan |
| Sandifer | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Thayer | Tribble |
| White | Whitmire | Willis |
| Young |  |  |

**Total--61**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Atwater |
| Bales | Branham | Brantley |
| R. L. Brown | Butler Garrick | Clyburn |
| Cobb-Hunter | Corbin | Dillard |
| Funderburk | Gilliard | Hayes |
| Hodges | Hosey | Jefferson |
| Johnson | King | Knight |
| Mack | McEachern | McLeod |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Pitts | Putnam | Rutherford |
| Sabb | Sellers | J. E. Smith |
| Southard | Taylor | Toole |
| Vick | Weeks | Whipper |
| Williams |  |  |

**Total--46**

So, the amendment was adopted.

Rep. PITTS proposed the following Amendment No. 2A to H. 4813 (Doc Name COUNCIL\BBM\10718HTC12.DOCX), which was adopted:

Amend the bill, as and if amended, in Part II, Permanent Provisions, page 529, by adding a new SECTION at the end of Part II appropriately numbered to read:

/ SECTION \_\_

TO ENACT THE “SECOND AMENDMENT RECOGNITION ACT” BY AMENDING SECTION 12‑36‑2120, AS AMENDED, OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE SALES TAX, SO AS TO EXEMPT THE SALES OF HANDGUNS, RIFLES, AND SHOTGUNS DURING A SPECIFIED FORTY‑EIGHT HOUR WEEKEND PERIOD.

A. 1. This section may be cited as the “Second Amendment Recognition Act”.

2. Section 12‑36‑2120 of the 1976 Code is amended by adding a new item at the end appropriately numbered to read:

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

B. This section takes effect July 1, 2012. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. PITTS explained the amendment.

The amendment was then adopted.

Rep. MUNNERLYN proposed the following Amendment No. 3A (Doc Name COUNCIL\NBD\12591DG12.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, paragraph 90.20, page 529, by adding an appropriately numbered subitem to item(31), after line 12 to read:

/ *( )* *Lake Wallace Special Purpose District $ 150,000; /*

Amend the bill further, as and if amended, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 415, after line 18, by adding an appropriately numbered paragraph to read:

/ *37.\_\_. (DNR: Lake Paul Wallace Authority) (A) From the funds appropriated to the department and the Lake Wallace Special Purpose District, there is created the Lake Paul A. Wallace Authority.*

*(1) The function of the authority is to:*

*(a) to manage, maintain, and operate the Lake Paul A. Wallace;*

*(b) ensure that the primary purpose of the lake is for public fishing and recreation in compliance with the federal law under which the lake was established; and*

*(c) provide that the wildlife habitat remain a protected area as long as this function does not contravene with the provisions contained in subitem (a) of this subsection.*

*(2) The Authority has the power granted to it in item (1) and subsections (E) and (F) for the current fiscal year.*

*(3) The Authority is dissolved on June 30 of the current fiscal year.*

*(B)(1) The authority shall be composed of seven members appointed by the Marlboro County Legislative Delegation, as follows:*

*(a) two members nominated by the city council of Bennettsville;*

*(b) two members nominated by the county council of Marlboro County; and*

*(c) three members at‑large who reside near or have a demonstrable history of recreational use of Lake Paul A. Wallace.*

*(2) The members shall serve for the current fiscal year.*

*(3) One of the at‑large members must be designated by the Marlboro County Legislative Delegation to serve as the chairman of the authority.*

*(4) A vacancy must be filled in the same manner as the appointment for the vacant position is made, and the successor appointed to fill the vacancy shall hold office for the remainder of the fiscal year.*

*(5) The Director of the Department of Natural Resources, or his designee, shall serve ex officio as a non‑voting member.*

*(C) The members of the authority may receive such per diem and mileage as is provided by law for members of boards, commissions, and committees.*

*(D) The authority shall convene upon the call of the chairman and organize by electing a vice‑chairman, a secretary, and a treasurer.*

*(E) The authority has the following powers to:*

*(1) maintain a principal office, which shall be located in Bennettsville;*

*(2) make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the authority;*

*(3) hire staff; and*

*(4) do all other acts and things necessary or convenient to carry out any function or power committed or granted to the authority.*

*(F) The authority is empowered to receive and spend any funding available through (1) the department, (2) the municipal, county, state, or federal government, or (3) any other source in order to finance the management, maintenance, and operation of the lake that is in compliance with federal and state law.*

*(G) As used in this paragraph:*

*(1)* ‘*Authority*’ *means the Lake Paul A. Wallace Authority, created to receive, manage, maintain, and operate the property known as Lake Paul A. Wallace located in Marlboro County;*

*(2)* ‘*Department*’ *means the Department of Natural Resources; and*

*(3)* ‘*Lake*’ *means Lake Paul A. Wallace. /*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. MUNNERLYN explained the amendment.

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

Rep. OTT proposed the following Amendment No. 8A to H. 4813, (Doc Name h:\legwork\house\amend\H-WM\001\lgf closing sm bus.docx), which was tabled:

Amend the bill, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 168, line 36, opposite /CLOSING FUND/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

9,936,456 9,936,456

Amend the bill further, as and if amended, Part IA, Section 86A, AID TO SUBDIVISIONS-DEPARTMENT OF REVENUE, page 308, line 3, opposite /AID - LOCAL GOV'T FUND/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

40,000,000 40,000,000

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, by amending amendment 1A Sub, (Doc No. house\amend\h-wm\001\h4813 amendback. docx), page 35, by striking the new Section, added after Section 1, which amended Section 12‑6‑545(B)(2), and inserting:

/ SECTION \_\_\_

TO AMEND SECTION 12‑6‑545, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR PASS‑THROUGH TRADE AND BUSINESS INCOME, SO AS TO REDUCE THE TAX RATE FROM FIVE PERCENT TO THREE PERCENT.

A. Section 12‑6‑545(B)(2) of the 1976 Code is amended read:

“(2) The rate of the income tax imposed pursuant to this subsection is:

Taxable Year Beginning in Rate of Tax

2006 6.5 percent

2007 6 percent

2008 5.5 percent

~~after~~ 2008 through 2011 5 percent

2012 4.5 percent

2013 4 percent

2014 3.5 percent

after 2014 3 percent”

B. This section takes effect upon approval by the governor and applies for taxable years beginning after 2011. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. OTT explained the amendment.

Rep. WHITE moved to table the amendment.

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

Yeas 62; Nays 48

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brannon |
| Chumley | Clemmons | Cole |
| Corbin | Crawford | Daning |
| Delleney | Erickson | Forrester |
| Frye | Gambrell | Hamilton |
| Hardwick | Harrell | Harrison |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Huggins |
| Limehouse | Loftis | Long |
| Lucas | Merrill | Nanney |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | White | Whitmire |
| Willis | Young |  |

**Total--62**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Brady | Branham | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Cobb-Hunter | Crosby |
| Dillard | Funderburk | Gilliard |
| Hayes | Hodges | Horne |
| Hosey | Jefferson | Johnson |
| King | Knight | Mack |
| McEachern | McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Sabb |
| Sellers | J. E. Smith | Southard |
| Stavrinakis | Tribble | Vick |
| Weeks | Whipper | Williams |

**Total--48**

So, the amendment was tabled.

Rep. J. E. SMITH proposed the following Amendment No. 9A to H. 4813 (Doc Name h:\legwork\house\amend\H-WM\001\MFG EXT.DOCX), which was tabled:

Amend the bill, as and if amended, by amending amendment 1A Sub, (Doc No. house\amend\h-wm\001\h4813 amendback2.docx), page 3, by striking:

/Amend the bill further, as and if amended, Part IA, Section 6, COMMISSION ON HIGHER EDUCATION, page 29, line 5, opposite /SC MANUFACTURING EXT/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

682,049 682,049 /

Amend the bill further, as and if amended, by amending amendment 1A Sub, (Doc No. house\amend\h-wm\001\h4813 amendback2.docx), page 9, by striking:

/Amend the bill further, as and if amended, Part IA, Section 40, DEPARTMENT OF COMMERCE, page 168, immediately after line 17, by inserting a new line to read:

Column 5 Column 6

SC MANUFACTURING

EXTENSION PARTNERSHIP

682,049 682,049 /

Amend the bill further, as and if amended, by amending amendment 1A Sub, (Doc No. house\amend\h-wm\001\h4813 amendback2.docx), pages 24-25, by striking:

/Amend the bill further, as and if amended, Part IB, Section 40, DEPARTMENT OF COMMERCE, page 420, after line 23, by adding an appropriately numbered paragraph to read:

*(CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC Manufacturing Extension Partnership may be utilized to compensate employees or individuals who engage in lobbying services on behalf of the department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing Extension Partnership’s expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by November first.*/

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

Rep. MERRILL spoke against the amendment.

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

Rep. MERRILL moved to table the amendment.

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

Yeas 61; Nays 45

Those who voted in the affirmative are:

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

**Total--61**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Anderson | Anthony | Bales |
| Barfield | Branham | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Clyburn | Dillard | Funderburk |
| Gilliard | Govan | Hayes |
| Hodges | Horne | Hosey |
| Jefferson | Johnson | King |
| Knight | Loftis | Mack |
| McEachern | McLeod | D. C. Moss |
| Munnerlyn | J. H. Neal | J. M. Neal |
| Neilson | Ott | Parks |
| Pinson | Rutherford | Sabb |
| J. E. Smith | Southard | Vick |
| Weeks | Whipper | Williams |

**Total--45**

So, the amendment was tabled.

Reps. MERRILL and WHITE proposed the following Amendment No. 4A to H. 4813 (Doc Name h:\legwork\house\amend\H-WM\001\SCHOOL IMPACT FEES.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 519, after line 2, by adding an appropriately numbered paragraph to read:

/*(GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact fee.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. MERRILL explained the amendment.

The amendment was then adopted.

Rep. TOOLE proposed the following Amendment No. 7A to H. 4813 (Doc Name COUNCIL\NBD\12744DG12.DOCX), which was tabled:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting the bill as it was given Third Reading in the House of Representatives on March 15, 2012.

Amend the bill further, Part 1B, SECTION 90, STATEWIDE REVENUE, by adding an appropriately numbered paragraph to read:

/  *90 (SR: New Money) From the $137,000,000 of recurring revenue and the $137,000,000 of nonrecurring revenue certified by the Board of Economic Advisors, there is appropriated $274,000,000 to the General Reserve Fund, which is in addition to any other amount appropriated to the General Reserve Fund in this act.* /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. TOOLE explained the amendment.

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

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

**H. 4813--The General Appropriation Bill**

**ABSTENTION FROM VOTING**

**BASED ON POTENTIAL CONFLICT OF INTEREST**

In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced Part, Section and/or amendment because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

**Part IA, Sections 9, 15A, 34, 68A, 68C**

The reason for abstaining on the above referenced legislation is:

A potential conflict may exist under **S.C. Code §8-13-745(C)** because a contract for goods or services may be entered into within the next year with an agency, commission, board, department, or other entity funded through the general appropriation bill by myself, an individual with whom I am associated in partnership with or a business or partnership in which I have a greater than 5% interest.

Rep. Kenneth A. Bingham

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**H. 4008--RECONSIDERED**

Rep. HARRISON moved to reconsider the vote whereby the House concurred in the Senate amendments and enrolled the following Bill, which was agreed to:

H. 4008 -- Reps. Harrison, H. B. Brown, G. R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D. C. Moss, Patrick, Pinson, Sandifer, G. M. Smith, J. R. Smith, Stringer, Toole, Willis, Bingham and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44-7-392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER'S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THAT PERSON; BY ADDING SECTION 44-7-394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40-71-10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

**H. 4008--NONCONCURRENCE IN SENATE AMENDMENTS**

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

H. 4008 -- Reps. Harrison, H. B. Brown, G. R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D. C. Moss, Patrick, Pinson, Sandifer, G. M. Smith, J. R. Smith, Stringer, Toole, Willis, Bingham and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44-7-392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER'S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THAT PERSON; BY ADDING SECTION 44-7-394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY'S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40-71-10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

The yeas and nays were taken resulting as follows:

Yeas 0; Nays 107

Those who voted in the affirmative are:

**Total--0**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brannon | Brantley | H. B. Brown |
| R. L. Brown | Butler Garrick | Chumley |
| Clemmons | Clyburn | Cole |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Hamilton | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | Mack |
| 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 |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--107**

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

**SILENT PRAYER**

The House stood in silent prayer for the brave soldiers who fought and gave their lives storming the beaches of Normandy sixty-eight years ago to secure the freedom that we have today.

**H. 4814--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 4814 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2011-2012, TO PROVIDE REPORTING REQUIREMENTS WITH RESPECT TO A SPECIFIC APPROPRIATION, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Reps. WHITE, BINGHAM, HERBKERSMAN, LIMEHOUSE, MERRILL, PITTS, SIMRILL, G. M. SMITH and J. R. SMITH proposed the following Amendment No. 1A to H. 4814 (Doc Name COUNCIL\BBM\10723HTC12.DOCX), which was adopted:

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

/ SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11‑11‑320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2011‑2012 the following amounts:

(1) R60‑Department of Employment

and Workforce

SUTA Tax Relief $ 47,000,000

(2) H59‑State Board for Technical and

Comprehensive Education

CATT Program / ready SC $ 13,250,000

(3) H59‑State Board for Technical and

Comprehensive Education

Trident Technical College

Aeronautical Training

Equipment $ 575,000

(4) H59‑State Board for Technical and

Comprehensive Education

Orangeburg‑Calhoun

Technical college

Programmable Logic

Controller Equipment $ 500,000

(5) H59‑State Board for Technical and

Comprehensive Education

Denmark Technical College

Deferred Maintenance $ 250,000

(6) J02‑Department of Health and

Human Services

Medicaid Management

Information System $ 3,238,588

(7) H03‑Commission on Higher Education

Deferred Maintenance $ 13,000,000

(8) H09‑The Citadel

Jenkins Hall Arms

Room Upgrade $ 200,000

(9) H09‑The Citadel

Deferred Maintenance $ 737,691

(10) H12‑Clemson University

Deferred Maintenance $ 1,595,044

(11) H15‑University of Charleston

Science Center Construction $ 1,924,246

(12) H17‑Coastal Carolina University

Research Vessel $ 948,366

(13) H18‑Francis Marion University

Nurse Practitioner Program $ 100,000

(14) H18‑Francis Marion University

Deferred Maintenance $ 1,141,069

(15) H21‑Lander University

Deferred Maintenance $ 646,417

(16) H24‑South Carolina State University

independent financial audit $ 1,255,979

(17) H27‑University of South Carolina

Columbia Campus

USC Palmetto College $ 2,115,000

(18) H27‑University of South Carolina

Columbia Campus

USC Law School $ 3,500,000

(19) H29‑USC‑Aiken Campus

Deferred Maintenance $ 553,795

(20) H34‑USC‑Upstate Campus

Deferred Maintenance $ 729,126

(21) H36‑USC‑Beaufort Campus

Deferred Maintenance $ 327,207

(22) H37‑USC‑Lancaster Campus

Deferred Maintenance $ 137,302

(23) H38‑USC‑Salkehatchie Campus

Deferred Maintenance $ 116,979

(24) H39‑USC‑Sumter Campus

Deferred Maintenance $ 367,869

(25) H40‑USC‑Union Campus

Deferred Maintenance $ 53,290

(26) H47‑Winthrop University

Student Information Technology

Infrastructure Update $ 500,000

(27) H47‑Winthrop University

Deferred Maintenance $ 1,374,947

(28) H51‑Medical University of

South Carolina

Ashley Tower

Renovation ‑ MUSC

Hospital Authority $ 5,500,000

(29) H51‑Medical University of

South Carolina

Deferred Maintenance $ 3,200,000

$ 104,837,915

SECTION 2. The funds appropriated herein to the Department of Employment and Workforce may only be used by the department to make payments on outstanding loans from the Unemployment Insurance Trust Fund. As soon as practicable after the effective date of this Joint Resolution, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Any cost savings to employers in rate class 2‑20 due to general fund appropriations in any particular year must be allocated proportionately to each employer with respect to each respective employer’s responsibility in paying back the federal unemployment loan that particular year and must be administered by the department. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate. The Department of Employment and Workforce is directed to contact the Federal Government by August 1, 2012, to maximize efforts to buy the loan down to the greatest extent possible.

SECTION 3. Of the Funds appropriated herein to South Carolina State University for an independent financial audit, the university shall retain an audit firm to conduct a complete financial review of the university’s financial status and procedures. The qualifications by which a firm is selected shall be determined by working with the State Auditor’s Office. Any funds not used to pay for the audit shall be retained and utilized to correct any findings of the audit as determined and authorized by the General Assembly.

SECTION 4. All funds received herein by the Commission on Higher Education for deferred maintenance shall be distributed to state supported public four‑year universities, two‑year institutions of higher learning, and technical colleges on a pro rata basis. The distribution methodology to be used by the commission shall be based on each institution’s proportion of general fund appropriation in Part IA of Act 73 of 2011 as compared to the total general fund appropriation in that Act for all public four‑year universities and two‑year institutions of higher learning.

SECTION 5. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11‑11‑320(D) of the 1976 Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 6. This joint resolution takes effect thirty days after the completion of the 2011‑2012 fiscal year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11‑11‑320(D)(1) of the 1976 Code. /

Renumber items and sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

The yeas and nays were taken resulting as follows:

Yeas 76; Nays 32

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Brady | Brannon | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cole | Crawford | Crosby |
| Daning | Delleney | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Hiott |
| Hixon | Horne | Huggins |
| Limehouse | Loftis | Long |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Rutherford | Ryan | Sandifer |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Weeks |
| White | Whitmire | Willis |
| Young |  |  |

**Total--76**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Atwater | Bales | Branham |
| Brantley | H. B. Brown | R. L. Brown |
| Cobb-Hunter | Corbin | Dillard |
| Gilliard | Hodges | Jefferson |
| Johnson | King | Knight |
| Mack | McEachern | McLeod |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Parks | Sabb |
| Sellers | Southard | Vick |
| Whipper | Williams |  |

**Total--32**

The amendment was then adopted.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Amendment No. 1A to H. 4814. If I had been present, I would have voted against the adoption of the Amendment.

Rep. Jerry N. Govan

Rep. CROSBY proposed the following Amendment No. 5A to H. 4814 (Doc Name COUNCIL\BBM\10721HTC12.docx), which was tabled:

Amend the joint resolution, as and if amended, Section 1, by striking item (6) and inserting:

/ (6) J02‑Department of Health and

Human Services

Medicaid Management

Information System $ 2,738,588

(6A) Senior Citizen Center Construction

City of North Charleston, subject

to a one for one cash match

$ 500,000 /

Renumber items and sections to conform.

Amend totals and titles to conform.

Rep. CROSBY explained the amendment.

Rep. WHITE moved to table the amendment.

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

Yeas 78; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brannon | H. B. Brown | Butler Garrick |
| Chumley | Clemmons | Cole |
| Corbin | Crawford | Delleney |
| Erickson | Forrester | Frye |
| Gambrell | Hamilton | Hardwick |
| Harrell | Harrison | Hayes |
| Hearn | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Huggins | Johnson | King |
| Loftis | Long | Lucas |
| McEachern | Merrill | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Norman | Owens | Parker |
| Parks | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Tribble | Vick |
| Weeks | White | Whitmire |
| Williams | Willis | Young |

**Total--78**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Bales |
| Brantley | R. L. Brown | Clyburn |
| Crosby | Daning | Dillard |
| Gilliard | Hosey | Jefferson |
| Knight | Mack | McLeod |
| J. M. Neal | Rutherford | Sabb |
| Sellers | Sottile | Whipper |

**Total--21**

So, the amendment was tabled.

Rep. CROSBY proposed the following Amendment No. 6A to H. 4814 (Doc Name COUNCIL\BBM\10725HTC12.docx), which was tabled:

Amend the joint resolution, as and if amended, Section 1, by striking item (28) and inserting:

/ (28) H51‑Medical University of

South Carolina

Ashley Tower

Renovation‑MUSC

Hospital Authority $ 5,300,000

(28A) Senior Citizen Center addition

City of Goose Creek‑no match $ 200,000 /

Renumber items and sections to conform.

Amend totals and titles to conform.

Rep. CROSBY explained the amendment.

Rep. PARKER moved to table the amendment.

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

Yeas 75; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anthony | Atwater | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brannon | H. B. Brown |
| Butler Garrick | Chumley | Clemmons |
| Cole | Corbin | Crawford |
| Delleney | Erickson | Forrester |
| Frye | Gilliard | Hamilton |
| Hardwick | Harrison | Hayes |
| Hearn | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Huggins | Johnson | King |
| Loftis | Long | Lucas |
| Munnerlyn | Murphy | Nanney |
| J. M. Neal | Owens | Parker |
| Patrick | Pinson | Pitts |
| Pope | Putnam | Quinn |
| Ryan | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Tribble |
| Vick | Weeks | White |
| Whitmire | Willis | Young |

**Total--75**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bales | Brantley |
| R. L. Brown | Clyburn | Crosby |
| Daning | Dillard | Govan |
| Hosey | Jefferson | Knight |
| Mack | McEachern | McLeod |
| Merrill | Parks | Rutherford |
| Sellers | Southard | Whipper |

**Total--21**

So, the amendment was tabled.

Rep. LIMEHOUSE proposed the following Amendment No. 7A to H. 4814 (Doc Name h:\legwork\house\amend\H-WM\001\CRF TRIDENT 75K.DOCX), which was adopted:

Amend the joint resolution, as and if amended, by amending amendment 1A, (Doc No. house\amend\council\bbm\10723htc12. docx.), page 2, item (3), H59-State Board for Technical and Comprehensive Education, Trident Technical College Aeronautical Training Equipment, by striking /$575,000/ and inserting /$500,000/

Amend the amendment further, page 4, immediately after item (29) by inserting a new item to read:

/ P20-Clemson University-PSA

Power Grid Research $75,000 /

Renumber items and sections to conform.

Amend totals and titles to conform.

Rep. LIMEHOUSE explained the amendment.

The amendment was then adopted.

Reps. BINGHAM, MERRILL, QUINN, H. B. BROWN and TOOLE proposed the following Amendment No. 8A to H. 4814 (Doc Name h:\legwork\house\amend\H-WM\001\CRF FARM MKT $1.DOCX), which was adopted:

Amend the joint resolution, as and if amended, by amending amendment 1A, doc no. house\amend\council\bbm\10723htc12. docx., page 2, item 7, H03-Commission on Higher Education, opposite “Deferred Maintenance”, by striking /$13,000,000/ and inserting /$12,999,999/

Amend the joint resolution further, as and if amended, page 7, immediately after item (29) by inserting a new item to read:

/ ( ) P16-Department of Agriculture

Farmers Market Phase II

Property Acquisition

and Expansion $ 1 /

Renumber items and sections to conform.

Amend totals and titles to conform.

Rep. BINGHAM explained the amendment.

Rep. BINGHAM spoke in favor of the amendment.

Rep. H. B. BROWN spoke in favor of the amendment.

Rep. CORBIN spoke against the amendment.

Rep. NORMAN spoke against the amendment.

Rep. BRANHAM spoke upon the amendment.

Rep. WHITE spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 83; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allen | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Brady | Brannon |
| Brantley | H. B. Brown | R. L. Brown |
| Butler Garrick | Clyburn | Cobb-Hunter |
| Cole | Crawford | Daning |
| Delleney | Dillard | Forrester |
| Funderburk | Gambrell | Gilliard |
| Govan | Hardwick | Harrell |
| Harrison | Hayes | Hearn |
| Herbkersman | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Johnson | King | Limehouse |
| Loftis | Lucas | Mack |
| McEachern | McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | J. H. Neal | J. M. Neal |
| Neilson | Ott | Owens |
| Parker | Parks | Pitts |
| Pope | Quinn | Sabb |
| Sandifer | Sellers | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Thayer |
| Toole | Tribble | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Chumley | Clemmons | Corbin |
| Crosby | Erickson | Hamilton |
| Henderson | Hiott | Hixon |
| Knight | Long | Nanney |
| Norman | Patrick | Pinson |
| Putnam | Rutherford | Ryan |
| J. R. Smith | Southard | Taylor |
| Willis | Young |  |

**Total--26**

So, the amendment was adopted.

The Senate Amendments were amended, and the Joint Resolution was ordered returned to the Senate.

**H. 3747--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3747 -- Rep. Cooper: A BILL TO AMEND SECTION 12-36-2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT BIOLOGICS ADMINISTERED BY A PHYSICIAN IN A PHYSICIAN'S OFFICE.

Rep. ALLISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Brady |
| Branham | Brannon | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Corbin |
| Crawford | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Gambrell |
| Gilliard | Govan | Hamilton |
| Hardwick | Harrison | Hayes |
| Hearn | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | Mack |
| 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 | Putnam | Quinn |
| Rutherford | Ryan | Sabb |
| Sandifer | Sellers | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Toole |
| Tribble | Vick | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | Young |

**Total--105**

Those who voted in the negative are:

**Total--0**

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

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 5, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1375:

S. 1375 -- Senators Campsen, Hutto and Ford: A BILL TO AMEND SECTION 56-5-3860 OF THE 1976 CODE, RELATING TO THE PROHIBITION OF ANIMALS AND CERTAIN VEHICLES ON CONTROLLED ACCESS HIGHWAYS, TO PROVIDE FOR AN EXEMPTION FOR BICYCLES AND PEDESTRIANS UNDER CERTAIN CIRCUMSTANCES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 6, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1417:

S. 1417 -- Senator Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF "SOUTH CAROLINA TENNIS PATRONS FOUNDATION" SPECIAL LICENSE PLATES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 6, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1055:

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.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 6, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1220:

S. 1220 -- Senators Campbell, Hayes and Ford: A BILL TO AMEND SECTION 48-2-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR CERTAIN ENVIRONMENTAL PROGRAMS, INCLUDING THE SURFACE WATER WITHDRAWAL PROGRAM, WHICH ARE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND FOR ADMINISTRATION OF THESE PROGRAMS, SO AS TO ENUMERATE THE FEES FOR SURFACE WATER WITHDRAWAL APPLICATIONS AND PERMITS THAT WOULD OTHERWISE HAVE BEEN REPEALED JANUARY 1, 2013; BY ADDING SECTION 49-4-175 SO AS TO REIMPOSE THE FEES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY CHARGE FOR SURFACE WATER WITHDRAWAL AND APPLICATIONS AND PERMITS AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN THESE FEES TO IMPLEMENT AND OPERATE THE SURFACE WATER WITHDRAWAL PROGRAM; AND TO AMEND ACT 247 OF 2010, BY REPEALING PROVISIONS THAT PROSPECTIVELY REPEAL THE IMPOSITION OF SURFACE WATER WITHDRAWAL PERMIT FEES.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 6, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1354:

S. 1354 -- Senators Bryant, Thomas, Ford and L. Martin: A BILL TO AMEND SECTION 35-1-604 OF THE 1976 CODE, RELATING TO SECURITIES VIOLATIONS, TO REQUIRE ALL CEASE AND DESIST ORDERS ISSUED BY THE SECURITIES COMMISSIONER TO BE PUBLIC DOCUMENTS AND TO REQUIRE PUBLICATION ON THE ATTORNEY GENERAL'S WEBSITE.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 6, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it concurs in the amendments proposed by the House to S. 1087:

S. 1087 -- Senators Jackson, Cromer, Grooms, Ford, Scott, Elliott, Setzler, Land, Pinckney, Anderson, Ryberg, Matthews, Rankin and Verdin: A BILL TO AMEND SECTION 50-9-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' ABILITY TO DESIGNATE "FREE FISHING DAYS" AND SANCTION FISHING EVENTS EXEMPT FROM FISHING LICENSE REQUIREMENTS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT TO DESIGNATE "FREE FISHING DAYS", TO DESIGNATE JULY FOURTH AND MEMORIAL DAY AS DAYS WHEN A RESIDENT IS NOT REQUIRED TO POSSESS A LICENSE OR PERMIT FOR FRESHWATER RECREATIONAL FISHING, TO LIMIT DEPARTMENT-SANCTIONED EVENTS THAT ARE EXEMPT FROM FISHING LICENSE REQUIREMENTS TO FRESHWATER EVENTS, AND TO EXEMPT CERTAIN COMMERCIAL FISHERMEN FROM THE PROVISIONS CONTAINED IN THIS SECTION.

and has ordered the Bill enrolled for ratification.

Very respectfully,

President

Received as information.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 6, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on H. 3757:

H. 3757 -- Reps. Hardwick, Hearn, Mitchell, Long, Erickson, Brady, Butler Garrick, Funderburk, Munnerlyn, Knight, Dillard, Cobb-Hunter, Parks, Huggins, Allison, Tallon, Brannon, Atwater, Whipper, Patrick and J. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 3, TITLE 16 SO AS TO DEFINE NECESSARY TERMS, PROVIDE FOR CERTAIN HUMAN TRAFFICKING OFFENSES AND PROVIDE PENALTIES, TO PROVIDE FOR CRIMINAL LIABILITY OF BUSINESS ENTITIES, TO PROVIDE RESTITUTION FOR VICTIMS OF HUMAN TRAFFICKING OFFENSES, TO ESTABLISH AN INTERAGENCY TASK FORCE TO DEVELOP AND IMPLEMENT A PLAN FOR THE PREVENTION OF TRAFFICKING IN PERSONS, TO REQUIRE THE COLLECTION AND DISSEMINATION OF DATA RELATED TO HUMAN TRAFFICKING BY THE STATE LAW ENFORCEMENT DIVISION (SLED), TO REQUIRE MANDATORY LAW ENFORCEMENT TRAINING ON HUMAN TRAFFICKING OFFENSES, TO PROVIDE FOR THE CREATION OF PUBLIC AWARENESS PROGRAMS REGARDING HUMAN TRAFFICKING IN THE STATE, TO ALLOW CIVIL ACTIONS BY VICTIMS OF HUMAN TRAFFICKING, TO PROVIDE THAT CERTAIN STANDARDS OF WORKING CONDITIONS APPLY WITHOUT REGARD TO IMMIGRATION STATUS, TO PROVIDE CERTAIN PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING PURSUANT TO THE VICTIMS' BILL OF RIGHTS AND OTHER RELEVANT STATUTORY PROVISIONS, TO REQUIRE THE STATE TO DEVELOP PLANS FOR HOUSING AND COUNSELING, AMONG OTHER THINGS, OF VICTIMS OF HUMAN TRAFFICKING WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THE ACT, TO PROVIDE FOR CERTAIN RIGHTS OF MINOR VICTIMS OF HUMAN TRAFFICKING, TO ESTABLISH HUMAN TRAFFICKING VICTIM-CASEWORKER PRIVILEGE, AND TO CREATE THE OFFENSE OF MALICIOUSLY OR WITH CRIMINAL NEGLIGENCE PUBLISHING, DISSEMINATING, OR OTHERWISE DISCLOSING THE LOCATION OF A HUMAN TRAFFICKING VICTIM, A TRAFFICKING SHELTER, OR A DOMESTIC VIOLENCE SHELTER AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 16-3-930 RELATING TO TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES.

Very Respectfully,

President

Received as information.

**H. 3757--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., June 6, 2012

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on H. 4763:

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32-7-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32-7-100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

Very Respectfully,

President

Received as information.

**H. 4763--ORDERED ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification.

**HOUSE RESOLUTION**

The following was introduced:

H. 5394 -- Rep. Butler Garrick: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. MAREE PRICE, PRINCIPAL OF LONNIE B. NELSON ELEMENTARY SCHOOL, UPON THE OCCASION OF HER RETIREMENT AFTER FORTY YEARS OF OUTSTANDING SERVICE IN THE FIELD OF EDUCATION, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5395 -- Reps. Parker and Allison: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SEW-EURODRIVE FOR ITS EXCELLENCE AS A CORPORATE CITIZEN IN JOB CREATION, ECONOMIC DEVELOPMENT, AND COMMUNITY INVOLVEMENT, AND TO CONGRATULATE THE COMPANY ON ITS PLANS TO DIVERSIFY AND EXPAND ITS LYMAN FACILITY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5396 -- Reps. Funderburk, 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, 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, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE DESCENDANTS OF SARAH "SALLY" HORTON OGBURN AND DOCTOR WESLEY "DOCK" OGBURN UPON THE FESTIVE OCCASION OF THE SIXTY-EIGHTH OGBURN-HORTON FAMILY REUNION AND TO CONGRATULATE THEM FOR THE RICH HERITAGE THEY CELEBRATE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5397 -- Reps. Bales, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, 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, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO COMMEND HOWARD R. CAMPBELL OF RICHLAND COUNTY FOR HIS SERVICE TO THE COMMUNITY AND TO RECOGNIZE HIM ON THE OCCASION OF THE UNVEILING OF THE SIGN DEDICATING A PORTION OF GREENLAWN DRIVE IN HIS HONOR.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5392 -- Rep. Johnson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 15 IN CLARENDON COUNTY FROM ITS INTERSECTION WITH JIM ROSS ROAD TO THE SUMMERTON TOWN LIMIT "PATROLMAN JOHN RAY RIDDLE MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “PATROLMAN JOHN RAY RIDDLE MEMORIAL HIGHWAY”.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1574 -- Senator Setzler: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO SEEK THE WITHDRAWAL OF THE UNITED STATES PREVENTIVE SERVICES TASK FORCE RECOMMENDATION AGAINST PROSTATE-SPECIFIC ANTIGEN-BASED SCREENING FOR PROSTATE CANCER FOR MEN IN ALL AGE GROUPS.

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

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committees:

H. 5393 -- Rep. Herbkersman: A BILL TO PROVIDE THAT A GOLF CART MAY BE OPERATED AT NIGHT ALONG AN AUTHORIZED ROADWAY WITHIN BEAUFORT COUNTY AS LONG AS IT HAS PROPER HEADLIGHTS AND IS INSURED.

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

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

**RATIFICATION OF ACTS**

At 3:45 p.m. the House attended in the Senate Chamber, where the following Acts were duly ratified:

(R247, S. 512) -- Senator Grooms: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑36 SO AS TO PROHIBIT HUNTING MIGRATORY WATERFOWL ON LAKE MOULTRIE WITHIN TWO HUNDRED YARDS OF A DWELLING WITHOUT WRITTEN PERMISSION AND TO PROVIDE A PENALTY FOR A VIOLATION.

(R248, S. 788) -- Senator Verdin: AN ACT TO AMEND CHAPTER 21, TITLE 47, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT, SO AS TO PROVIDE THAT THIS CHAPTER ALSO APPLIES TO “CROP OPERATIONS”, TO DEFINE THE TERM “CROP OPERATION”, TO PROVIDE ADDITIONAL LIABILITY EXEMPTIONS TO VETERINARIANS AND PEOPLE WHO HOLD A SUPERIOR INTEREST IN CERTAIN PROPERTY, TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR A PERSON THAT SUFFERS DAMAGES AS A RESULT OF VIOLATIONS OF THIS CHAPTER RELATING TO ANIMAL FACILITY OPERATIONS, TO PROVIDE THAT IT IS UNLAWFUL TO TAMPER OR INTERFERE WITH CROP OPERATIONS, AND FRAUDULENTLY GAIN ACCESS TO CROP OPERATIONS, TO PROVIDE FOR A CIVIL CAUSE OF ACTION AND CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS RELATED TO CROP OPERATIONS, AND TO MAKE TECHNICAL CHANGES; AND BY ADDING SECTION 47-4-170 SO AS TO PROVIDE THAT CERTAIN INFORMATION PREPARED, OWNED, USED, SUBMITTED TO, IN POSSESSION OF, OR RETAINED BY THE STATE LIVESTOCK-POULTRY HEALTH COMMISSION OR THE STATE VETERINARIAN IS EXEMPT FROM DISCLOSURE.

(R249, S. 836) -- Senators Grooms, Verdin, Knotts, Bright, Bryant, Courson, Campsen, McConnell, Cleary, Rose, Hayes, Shoopman, Massey, Campbell, Fair, Gregory, Cromer, L. Martin and Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 10 TO TITLE 44 SO AS TO ENACT THE INTERSTATE HEALTHCARE COMPACT, TO PROVIDE THAT COMPACT MEMBERS MUST TAKE ACTION TO OBTAIN CONGRESSIONAL CONSENT TO THE COMPACT, TO PROVIDE THAT THE LEGISLATURE IS VESTED WITH THE RESPONSIBILITY TO REGULATE HEALTHCARE DELIVERED IN THEIR STATE, TO PROVIDE FOR HEALTHCARE FUNDING, TO ESTABLISH THE INTERSTATE ADVISORY HEALTH CARE COMMISSION AND TO PROVIDE ITS COMPOSITION, POWERS, DUTIES, AND AUTHORITY, TO PROVIDE THE EFFECTIVE DATE OF THE COMPACT, TO PROVIDE FOR AMENDING THE COMPACT, TO PROVIDE FOR THE MANNER OF WITHDRAWAL FROM THE COMPACT, TO PROVIDE THE PARTICIPATION OF SOUTH CAROLINA IN THE COMPACT DOES NOT INCLUDE THE ADMINISTRATION OF MEDICARE OR THE CHILDREN’S HEALTH INSURANCE PROGRAM ABSENT SPECIFIC AUTHORIZATIONS BY THE GENERAL ASSEMBLY, AND TO PROVIDE NECESSARY DEFINITIONS.

(R250, S. 1127) -- Senator Peeler: AN ACT TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO THE CREATION OF THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING AUTHORITY, SO AS TO ELIMINATE THE SPECIFIC NUMBER OF BOARD MEMBERS THAT MUST BE APPOINTED TO GOVERN A DEPARTMENT; TO AMEND SECTIONS 40‑9‑30 AND 40‑9‑37, BOTH RELATING TO MEMBERSHIP ON THE BOARD OF CHIROPRACTIC EXAMINERS, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40‑15‑20, RELATING TO MEMBERSHIP ON THE STATE BOARD OF DENTISTRY, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND BY ADDING AN ELECTED DENTAL HYGIENIST MEMBER; TO AMEND SECTION 40‑33‑10, RELATING TO MEMBERSHIP ON AND DUTIES OF THE STATE BOARD OF NURSING, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO DELETE THE PROVISION AUTHORIZING THE BOARD TO ESTABLISH A FEE SCHEDULE IN REGULATIONS; TO AMEND SECTION 40‑43‑40, RELATING TO MEMBERSHIP ON THE STATE BOARD OF PHARMACY, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40‑45‑10, RELATING TO MEMBERSHIP ON THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND BY ADDING AN ADDITIONAL MEMBER FROM THE GENERAL PUBLIC; TO AMEND SECTION 40‑47‑10, RELATING TO MEMBERSHIP ON AND DUTIES OF THE STATE BOARD OF MEDICAL EXAMINERS, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO DELETE THE PROVISION AUTHORIZING THE BOARD TO ESTABLISH AN INITIAL FEE SCHEDULE IN REGULATIONS; TO AMEND SECTION 40‑47‑11, RELATING TO MEMBERSHIP ON THE MEDICAL DISCIPLINARY COMMISSION, SO AS TO DECREASE COMMISSION PHYSICIAN MEMBERSHIP FROM THIRTY‑SIX TO THIRTY‑FIVE BY CONTINUING TO APPOINT FIVE PHYSICIAN COMMISSIONERS FROM EACH CONGRESSIONAL DISTRICT, BY ELIMINATING THE SIX AT‑LARGE PHYSICIAN COMMISSIONERS, AND BY DECREASING LAY COMMISSION MEMBERSHIP FROM TWELVE TO SEVEN BY APPOINTING ONE, RATHER THAN TWO, LAY COMMISSIONERS FROM EACH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40‑75‑10, RELATING TO MEMBERSHIP ON THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO‑EDUCATIONAL SPECIALIST, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 44‑1‑20, RELATING TO MEMBERSHIP ON THE BOARD OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 44‑9‑30 AND SECTIONS 44‑20‑210 AND 44‑20‑225, BOTH AS AMENDED, RELATING, RESPECTIVELY, TO MEMBERSHIP ON THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, MEMBERSHIP ON THE SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS, AND MEMBERSHIP ON CONSUMER ADVISORY BOARDS TO THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO MAINTAIN THE SEVEN MEMBER MENTAL HEALTH COMMISSION, THE SEVEN MEMBER COMMISSION ON DISABILITIES AND SPECIAL NEEDS, AND THE SEVEN MEMBER CONSUMER ADVISORY BOARDS BY PROVIDING THAT ONE MEMBER MUST BE APPOINTED FROM EACH CONGRESSIONAL DISTRICT AND BY ELIMINATING THE ONE STATE AT LARGE MEMBER FROM EACH COMMISSION AND FROM EACH BOARD; TO PROVIDE TRANSITION PROVISIONS FOR CONGRESSIONAL DISTRICT MEMBERS ADDED AND TRANSFERRED AND FOR CHANGES IN BOARD COMPOSITION AND OTHERWISE UNREPRESENTED CONGRESSIONAL DISTRICTS; TO DELETE OBSOLETE LANGUAGE AND TO MAKE CHANGES NECESSARY TO CONFORM TO THE PROVISIONS OF THIS ACT.

(R251, S. 1329) -- Senator Fair: AN ACT TO AMEND SECTION 24‑21‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF THE DIRECTOR OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, AND THE MEMBERS OF THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT THE MEMBER OF THE BOARD WHO IS APPOINTED ON AN AT‑LARGE BASIS MUST BE SELECTED FROM ONE OF THE CONGRESSIONAL DISTRICTS AND AT LEAST ONE APPOINTEE SHALL POSSESS THE QUALIFICATIONS THAT THE AT‑LARGE APPOINTEE FORMERLY MET.

(R252, H. 3113) -- Reps. Clemmons and Viers: AN ACT TO AMEND SECTION 50‑1‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION OF THE STATE INTO SIX GAME ZONES, SO AS TO MOVE HORRY COUNTY FROM GAME ZONE 4 AND PLACE IT IN GAME ZONE 5.

(R253, H. 4054) -- Rep. Sandifer: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑36 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON LAKE KEOWEE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE A PENALTY; BY ADDING SECTION 50‑11‑37 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON BROADWAY LAKE WITHIN TWO HUNDRED YARDS OF A DWELLING WITHOUT WRITTEN PERMISSION OF THE OWNER AND OCCUPANT, AND TO PROVIDE A PENALTY; AND BY ADDING SECTION 50‑11‑38 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON LAKE MOULTRIE WITHIN TWO HUNDRED YARDS OF A DWELLING WITHOUT WRITTEN PERMISSION OF THE OWNER AND OCCUPANT, AND TO PROVIDE A PENALTY.

(R254, H. 4652) -- Reps. Sandifer, Harrell, Lucas, Bingham, Hardwick, Harrison, Owens, White, Allison, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bikas, Bowen, Brady, Brannon, Chumley, Clemmons, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Edge, Erickson, Forrester, Frye, Gambrell, Hamilton, Hearn, Henderson, Herbkersman, Hiott, Hixon, Horne, Huggins, Limehouse, Loftis, Long, Lowe, McCoy, Merrill, D.C. Moss, V.S. Moss, Murphy, Nanney, Norman, Parker, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Ryan, Simrill, Skelton, G.M. Smith, G.R. Smith, J.R. Smith, Sottile, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Tribble, Viers, Whitmire, Willis, Young, Battle, Hayes and Anthony: AN ACT TO AMEND SECTION 41‑7‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC POLICY CONCERNING THE RIGHT TO WORK, SO AS TO CLARIFY ARCHAIC LANGUAGE IN THE POLICY; TO AMEND SECTION 41‑7‑80, RELATING TO PENALTIES FOR A VIOLATION OF RIGHT‑TO‑WORK LAWS, SO AS TO PROVIDE A RANGE FOR AN APPLICABLE FINE FROM ONE THOUSAND DOLLARS TO A MAXIMUM OF TEN THOUSAND DOLLARS; TO AMEND SECTION 41‑7‑90, RELATING TO COURT REMEDIES AVAILABLE TO A PERSON FOR A VIOLATION OF HIS RIGHT TO WORK, SO AS TO PERMIT TREBLE DAMAGES, REQUIRE A PERSON SEEKING THIS RELIEF TO CONTEMPORANEOUSLY PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION WITH THE BASIS FOR THE LAWSUIT, AND TO PROVIDE AN EXCEPTION; TO AMEND SECTION 41‑7‑100, RELATING TO CIVIL PENALTIES THE DEPARTMENT MAY ASSESS FOR A VIOLATION AND RELATED APPEALS, SO AS TO PROVIDE A CIVIL PENALTY MAY NOT EXCEED TEN THOUSAND DOLLARS; BY ADDING SECTION 41‑7‑110 SO AS TO PROVIDE AN EMPLOYER OR AN EMPLOYEE WITH PERMISSION MAY CONSPICUOUSLY POST CERTAIN NOTICE CONCERNING THE RIGHTS OF AN EMPLOYEE; AND BY ADDING SECTION 41‑7‑130 SO AS TO REQUIRE CERTAIN REPORTS TO BE FILED WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

(R255, H. 4654) -- Reps. Hardwick, Harrell, Loftis, Sandifer, White, Harrison, Owens, Crosby, Anderson, Bingham, Sottile, Corbin, Chumley, Forrester, Hearn, Henderson, Lucas, D.C. Moss, V.S. Moss, Ott, Parker, Southard, Murphy, Clemmons, Hixon, Knight and Patrick: AN ACT TO AMEND SECTION 48‑1‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO PROVIDE EXEMPTIONS AND LIMITATIONS ON THESE EXEMPTIONS AND TO SPECIFY THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; TO AMEND SECTION 48‑1‑130, RELATING TO FINAL ORDERS OF THE DEPARTMENT DISCONTINUING DISCHARGE OF POLLUTANTS, SO AS TO DELETE PROVISIONS RELATING TO REQUIRED PROCEDURES PRECEDING THE ISSUANCE OF A FINAL ORDER, TO PROVIDE THAT AN ORDER IS SUBJECT TO REVIEW PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, AND TO PROVIDE THIS SECTION DOES NOT ABROGATE ANY EMERGENCY POWER OF THE DEPARTMENT; TO AMEND SECTION 48‑1‑250, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT, AND TO MAKE THESE PROVISIONS RETROACTIVE AND EXTINGUISH ANY RIGHT, CLAIM, OR CAUSE OF ACTION ARISING UNDER OR RELATED TO THE POLLUTION CONTROL ACT, SUBJECT TO EXCEPTIONS FOR THE STATE AND ITS SUBDIVISIONS; TO CREATE THE “ISOLATED WETLANDS AND CAROLINA BAYS TASK FORCE” TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING ISSUES RELATED TO ISOLATED WETLANDS AND CAROLINA BAYS IN SOUTH CAROLINA, TO PROVIDE FOR THE OBLIGATIONS OF THE TASK FORCE, AMONG OTHER THINGS; AND TO PROVIDE THE TERM “PERMIT” AS USED IN THE POLLUTION CONTROL ACT IS INCLUSIVE AND TO SPECIFY ITS INTENDED MEANING.

(R256, H. 4687) -- Reps. King, Parks, Butler Garrick, J.E. Smith and Lucas: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑63‑74 SO AS TO REQUIRE DEATH CERTIFICATES TO BE ELECTRONICALLY FILED WITH THE BUREAU OF VITAL STATISTICS, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND ELECTRONICALLY TRANSMITTED BETWEEN THE FUNERAL HOME AND THE PHYSICIAN, CORONER, OR MEDICAL EXAMINER, CERTIFYING THE CAUSE OF DEATH, TO DOCUMENT DEATH CERTIFICATE INFORMATION AND TO PROVIDE EXEMPTIONS; AND TO PROVIDE THAT REQUIRED SIGNATURES MUST BE PROVIDED ELECTRONICALLY AND TO DEFINE “ELECTRONIC SIGNATURE”.

(R257, H. 4758) -- Reps. Johnson, Brantley, Sabb, Govan, Brannon, Munnerlyn, Anthony, Edge, Pope, Simrill, Whipper and Weeks: AN ACT TO AMEND SECTION 14‑7‑110 AND SECTION 14‑7‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURY COMMISSIONERS FOR THE PURPOSE OF THE SUMMONING OF JURORS IN CIRCUIT COURT AND THE USE OF A COMPUTER FOR THE DRAWING AND SUMMONING OF JURORS IN CIRCUIT COURT, RESPECTIVELY, BOTH SO AS TO DELETE REFERENCES TO JURY COMMISSIONERS AND ALLOW THE CLERK OF COURT OR THE DEPUTY CLERK TO PERFORM THE FUNCTION OF DRAWING AND SUMMONING JURORS.

(R258, H. 4821) -- Reps. G.M. Smith, Pitts, Murphy, Horne, Hearn, McCoy, Stavrinakis, Bannister and Harrison: AN ACT TO AMEND SECTION 8‑21‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COURT FEES AND COSTS, SO AS TO PROVIDE FOR THE FILING OF COURT DOCUMENTS BY ELECTRONIC MEANS FROM AN INTEGRATED ELECTRONIC FILING (E‑FILING) SYSTEM AND TO PROVIDE THAT FEES GENERATED FROM E‑FILING ARE TO BE USED IN SUPPORT OF COURT TECHNOLOGY.

(R259, H. 4887) -- Rep. Johnson: AN ACT 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.

(R260, H. 5287) -- Reps. Pope, Delleney, King, Long, D.C. Moss, V.S. Moss, Norman and Simrill: AN ACT TO AMEND SECTION 22‑2‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY JURY AREAS, SO AS TO PROVIDE FOR JURY AREAS IN RICHLAND COUNTY AND TO PROVIDE FOR ONE JURY AREA COUNTYWIDE FOR THE RICHLAND COUNTY MAGISTRATES CENTRALIZED COURT AND TO PROVIDE FOR JURY AREAS IN YORK COUNTY AND TO PROVIDE FOR ONE JURY AREA COUNTYWIDE FOR THE YORK COUNTY CENTRALIZED DUI COURT.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5377 -- Rep. Harrell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 7, 2012, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, JUNE 19, 2012, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 21, 2012, FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN MONDAY, NOVEMBER 12, 2012, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

**ADJOURNMENT**

At 7:01 p.m. the House, in accordance with the motion of Rep. HORNE, adjourned in memory of Ross Reeves of Reevesville, to meet at 10:00 a.m. tomorrow.

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