~~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 Jeremiah 29:11: “For surely I know the plans I have for you, says the Lord. Plans for your welfare and not for harm, to give you a future with hope.”

 Let us pray. Almighty God, bless these Representatives and staff as they continue their important and necessary work. Give them the strength of their convictions and the desire to do what is best for this State. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who labor in these Halls of Government. 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. ANDERSON moved that when the House adjourns, it adjourn in memory of Latres Rockell McCray Coffield of Georgetown, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for Ronald Rouse, center for the Hartsville High School football team who died, and his family.

**REPORT OF STANDING COMMITTEE**

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

H. 3812 -- Reps. Jefferson, W. J. McLeod, King, Alexander, Brannon, R. L. Brown, Gilliard, Quinn, Williams, Bowers, Dillard, Funderburk, Hodges, Hosey, Howard, Pope, Powers Norrell, Ridgeway, Robinson-Simpson, Ryhal, Whipper and Wood: A HOUSE RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT SENATE BILL S. 323, THE COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR KIDNEY TRANSPLANT PATIENTS ACT OF 2013, TO GUARANTEE ACCESS BY ALL SOUTH CAROLINIANS WHO NEED A KIDNEY TRANSPLANT TO EXTENDED MONTHS OF MEDICARE PART B COVERAGE FOR IMMUNOSUPPRESSIVE DRUGS THAT ARE CRITICAL TO THE LONG-TERM SUCCESS OF KIDNEY TRANSPLANTS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3835 -- Reps. McEachern, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, 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, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE KEENAN HIGH SCHOOL GIRLS BASKETBALL TEAM FOR CAPTURING THE 2013 CLASS AA STATE CHAMPIONSHIP TITLE AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3836 -- Rep. McEachern: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE KEENAN HIGH SCHOOL GIRLS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED ON THEIR IMPRESSIVE SEASON AND FOR CAPTURING THE 2013 CLASS AA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Keenan High School girls basketball team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended on their impressive season and for capturing the 2013 Class AA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3837 -- Rep. Jefferson: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF ANNIE MAE SAVAGE WRIGHT OF BONNEAU AND TO

EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3839 -- Reps. Cobb-Hunter, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, 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, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO CONGRATULATE RENA "GERTY" KING OF ORANGEBURG COUNTY, ON THE OCCASION OF HER NINETY-FIRST BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3840 -- Reps. Pope, D. C. Moss, Delleney, Felder, King, Long, V. S. Moss, Norman and Simrill: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE UNION BAPTIST CHURCH OF YORK COUNTY ON THE OCCASION OF ITS HISTORIC ONE HUNDRED SEVENTY-FIFTH ANNIVERSARY AND TO COMMEND THE CHURCH FOR NEARLY TWO CENTURIES OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3838 -- Reps. Norman, Delleney, Felder, Pope and Simrill: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN YORK COUNTY FROM ITS INTERSECTION WITH RAWLSVILLE ROAD TO ITS INTERSECTION WITH CRAIG ROAD "EZRA DEWITT MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "EZRA DEWITT 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. 546 -- Senator Thurmond: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR LAWRENCE MCGOWAN "LARRY" TODD, ASSISTANT SOLICITOR OF THE 9TH JUDICIAL CIRCUIT OF CHARLESTON COUNTY, UPON THE OCCASION OF HIS RETIREMENT AFTER EIGHTEEN YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

**INTRODUCTION OF BILLS**

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

H. 3829 -- Reps. Bedingfield, Stringer, Allison, Bannister, Chumley, Dillard, Hamilton, Henderson, Loftis, Nanney, Putnam, Robinson-Simpson, G. R. Smith and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 53, TITLE 59 SO AS TO BE CAPTIONED THE "GREENVILLE TECHNICAL COLLEGE AREA COMMISSION"; TO DESIGNATE SECTIONS 1A, 4, AND 5 OF ACT 743 OF 1962 AS SECTIONS 59-53-1500, 59-53-1510, AND 59-53-1520, RESPECTIVELY, OF ARTICLE 18, CHAPTER 53, TITLE 59; AND TO AMEND ARTICLE 18, CHAPTER 53, TITLE 59, RELATING TO THE MEMBERSHIP, POWERS, AND DUTIES OF THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION AND THE TERMS AND APPOINTING PROCEDURES FOR MEMBERS.

Referred to Committee on Education and Public Works

H. 3830 -- Reps. Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-253 SO AS TO EXTEND THE HOMESTEAD EXEMPTION FOR THE DISABLED AND ELDERLY TO ALL FAIR MARKET VALUE OF THE HOMESTEAD SUBJECT TO PROPERTY TAX BEGINNING FOR THE PROPERTY TAX YEAR IN WHICH THE INDIVIDUAL CURRENTLY RECEIVING THE HOMESTEAD EXEMPTION ATTAINS THE AGE OF EIGHTY-FIVE YEARS IF THE GROSS HOUSEHOLD INCOME OF THAT INDIVIDUAL IS FIFTY THOUSAND DOLLARS OR LESS, TO DEFINE HOUSEHOLD INCOME, AND TO PROVIDE THE METHOD OF CLAIMING THE EXEMPTION.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3831 -- Reps. Williams, Jefferson and Southard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57 TO TITLE 44 ENTITLED "RESTROOM ACCESS FOR RETAIL SALES CUSTOMERS" SO AS TO PROVIDE THAT A RETAILER SELLING TANGIBLE PERSONAL GOODS IN A PLACE OF BUSINESS SHALL PROVIDE RESTROOM FACILITIES FOR CUSTOMERS, WHICH MUST BE AVAILABLE FOR USE UPON THE REQUEST OF THE RETAIL STORE CUSTOMERS.

Referred to Committee on Labor, Commerce and Industry

H. 3832 -- Reps. Hardwick, Anderson, Atwater, Bales, Gambrell and D. C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-22-35 SO AS TO SPECIFY THE MANNER IN WHICH A REGISTERED ENGINEER OR SURVEYOR MAY NEGOTIATE A CONTRACT FOR HIS PROFESSIONAL SERVICES; TO AMEND SECTION 40-22-2, RELATING TO THE PURPOSE OF CHAPTER 22, TITLE 40 CONCERNING THE REGULATION OF ENGINEERS AND SURVEYORS, SO AS TO FURTHER STATE THIS PURPOSE; TO AMEND SECTION 40-22-10, RELATING TO THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, SO AS TO PROVIDE ADDITIONAL QUALIFICATIONS; TO AMEND 40-22-20, RELATING TO DEFINITIONS, SO AS TO ADD, REDEFINE, AND DELETE DEFINITIONS; TO AMEND SECTION 40-22-30, RELATING TO ACTIVITIES PROHIBITED WITHOUT A LICENSE, SO AS TO PROHIBIT BROKERING OR COORDINATING ENGINEERING OR SURVEYING SERVICES FOR A FEE; TO AMEND SECTION 40-22-50, RELATING TO DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD SHALL MAINTAIN AND UPDATE, RATHER THAN ANNUALLY PREPARE, A ROSTER OF INFORMATION CONCERNING PROFESSIONAL ENGINEERS AND SURVEYORS; TO AMEND SECTION 40-22-60, RELATING TO THE DUTY OF THE BOARD TO PROMULGATE CERTAIN REGULATIONS, SO AS TO UPDATE A CROSS REFERENCE; TO AMEND SECTION 40-22-75, RELATING TO EMERGENCY WAIVER OF LICENSE REQUIREMENTS, SO AS TO LIMIT APPLICATION OF THIS WAIVER TO DECLARED NATIONAL OR STATE EMERGENCIES, AND TO PROVIDE A WAIVER MAY NOT EXCEED NINETY DAYS; TO AMEND SECTION 40-22-110, RELATING TO THE AUTOMATIC SUSPENSION OF THE LICENSE OF MENTALLY INCOMPETENT PERSONS, SO AS TO DELETE A REDUNDANCY; TO AMEND SECTION 40-22-220, RELATING TO ELIGIBILITY REQUIREMENTS FOR LICENSURE AS AN ENGINEER, SO AS TO REVISE EDUCATION REQUIREMENTS; TO AMEND SECTION 40-22-222, RELATING TO LICENSING OF EXISTING ENGINEERS, SO AS TO ADD AN OPTIONAL ACCREDITATION SOURCE FOR AN EDUCATION REQUIREMENT; TO AMEND SECTION 40-22-225, RELATING TO ELIGIBILITY REQUIREMENTS FOR LICENSURE AS A SURVEYOR, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40-22-230, RELATING TO APPLICATION REQUIREMENTS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40-22-250, RELATING TO A CERTIFICATE OF AUTHORIZATION TO PRACTICE AS A FIRM, SO AS TO REVISE REQUIREMENTS FOR THE CERTIFICATE AND TO PROVIDE REQUIREMENTS THROUGH WHICH A LICENSEE MAY MAINTAIN A BRANCH OFFICE; TO AMEND SECTION 40-22-260, RELATING TO TEMPORARY LICENSES, SO AS TO REVISE CIRCUMSTANCES IN WHICH THE DEPARTMENT MAY GRANT A TEMPORARY LICENSE TO AN OUT-OF-STATE FIRM, AND TO PROVIDE REQUIREMENTS FOR SUBMISSION OF PLANS PRODUCED AND SUBMITTED FOR PERMITTING BY A PERSON HOLDING A TEMPORARY CERTIFICATE OF AUTHORIZATION; TO AMEND SECTION 40-22-270, RELATING TO SEALS OF LICENSEES, SO AS TO PROVIDE THE SEAL AND SIGNATURE OF A LICENSEE ON A DOCUMENT CONSTITUTES A CERTIFICATION THAT THE DOCUMENT WAS PREPARED BY THE LICENSEE OR UNDER HIS DIRECT SUPERVISION, AMONG OTHER THINGS; TO AMEND SECTION 40-22-280, RELATING TO EXCEPTIONS FROM THE APPLICABILITY OF THE CHAPTER, SO AS TO MODIFY THE EXEMPTIONS; AND TO AMEND SECTION 40-22-290, RELATING TO TIER A SURVEYING, SO AS TO EXEMPT THE CREATION OF NONTECHNICAL MAPS.

Referred to Committee on Labor, Commerce and Industry

H. 3833 -- Reps. Horne, Bannister and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-738 SO AS TO ALLOW THE HOLDER OF A RETAIL WINE PERMIT FOR OFF-PREMISES CONSUMPTION WHOSE RETAIL SPACE IS AT LEAST TEN THOUSAND SQUARE FEET AND WHOSE PRIMARY PRODUCT IS NOT BEER, WINE, OR DISTILLED SPIRITS TO CONDUCT UP TO TWENTY-FOUR WINE TASTINGS IN A CALENDAR QUARTER, AND TO PROVIDE RESTRICTIONS; AND BY ADDING SECTION 61-4-965 SO AS TO ALSO ALLOW THE HOLDER OF A RETAIL PERMIT AUTHORIZING THE SALE OF BEER FOR OFF-PREMISES CONSUMPTION WHOSE RETAIL SPACE IS AT LEAST TEN THOUSAND SQUARE FEET AND WHOSE PRIMARY PRODUCT IS NOT BEER, WINE, OR DISTILLED SPIRITS TO CONDUCT UP TO TWENTY-FOUR BEER TASTINGS IN A CALENDAR QUARTER, AND TO PROVIDE RESTRICTIONS.

Referred to Committee on Judiciary

H. 3834 -- Reps. Loftis, W. J. McLeod, Neal, Williams, Bannister, R. L. Brown, Hosey and Ridgeway: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3586 SO AS TO ALLOW AN INCOME AND OTHER SPECIFIED TAX CREDITS FOR TWENTY-FIVE PERCENT OF THE TOTAL COST OF A SOLAR ENERGY SYSTEM PLACED IN SERVICE IN 2013 THROUGH 2018, TO PROVIDE CEILINGS ON THE AMOUNT OF THE CREDIT THAT MAY BE CLAIMED IN ONE YEAR AND PROVIDE FOR THE TIMING OF CREDITS, TO PROVIDE FOR THE ALLOCATION OF THE CREDIT IN THE CASE OF CERTAIN PASS-THROUGH ENTITIES, AND TO REQUIRE THE TAXPAYER TO ELECT THE CREDIT TO APPLY IN THE CASE OF OVERLAPPING CREDITS.

Referred to Committee on Ways and Means

S. 237 -- Senators Shealy, Setzler, Courson, Turner, Cromer, Massey, Young and Alexander: A BILL TO AMEND SECTION 10-1-161 OF THE 1976 CODE, RELATING TO STATE CAPITOL BUILDING FLAGS FLOWN AT HALF-STAFF, TO PROVIDE THAT FLAGS ATOP THE STATE CAPITOL BUILDING MUST BE LOWERED TO HALF-STAFF FOR MEMBERS OF THE UNITED STATES MILITARY SERVICES, WHO WERE RESIDENTS OF THIS STATE AND WHO LOST THEIR LIVES IN THE LINE OF DUTY, ON THE DAY WHEN THEIR NAMES ARE RELEASED TO THE GENERAL PUBLIC, AND THE FLAGS SHALL REMAIN AT HALF-STAFF UNTIL AT LEAST DAWN THE SECOND DAY AFTER FUNERAL SERVICES ARE CONDUCTED.

Referred to Committee on Education and Public Works

S. 477 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF FUNERAL SERVICE, RELATING TO REQUIREMENTS OF LICENSURE FOR FUNERAL SERVICE PROVIDERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4318, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Labor, Commerce and Industry

S. 517 -- Senators Massey and Nicholson: A BILL TO AMEND ACT 185 OF 1997, RELATING TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 4 OF MCCORMICK COUNTY, TO PROVIDE THAT IN THE EVENT OF A VACANCY ON THE BOARD OCCURRING FOR ANY REASON OTHER THAN EXPIRATION OF A TERM, THE BOARD SHALL CALL A SPECIAL ELECTION TO FILL THE UNEXPIRED TERM, AND TO MAKE TECHNICAL CHANGES.

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

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Branham | Brannon | R. L. Brown |
| BurnsChumley | ClemmonsCobb-Hunter | ClyburnCole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Loftis | Long |
| Lowe | Lucas | Mack |
| McEachern | W. J. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Newton | Norman |
| Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Tallon | Taylor |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Williams | Willis | Wood |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, March 20.

|  |  |
| --- | --- |
| James Merrill | Elizabeth Munnerlyn |
| Tommy Stringer | H. B. "Chip" Limehouse |
| William R. "Bill" Whitmire | Peter McCoy, Jr. |
| Ralph Kennedy | Grady Brown |
| Laurie Funderburk | Leon Stavrinakis |
| Mia S. McLeod | William Bowers |
| James E. Smith | Jerry Govan |
| Jenny A. Horne | Joseph Neal |

**Total Present--121**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BALLENTINE a leave of absence for the day due to business reasons.

**STATEMENT OF ATTENDANCE**

Rep. SELLERS 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, March 19.

**DOCTORS OF THE DAY**

Announcement was made that Dr. Patricia Witherspoon and Dr. Kristen Bishop of Columbia were the Doctors of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. LUCAS presented to the House the Hartsville High School "Red Foxes" Football Team, the 2012 AAA Champions, their coaches and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3086 |
| Date: | ADD: |
| 03/20/13 | RIVERS and GILLIARD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3091 |
| Date: | ADD: |
| 03/20/13 | W. J. MCLEOD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3473 |
| Date: | ADD: |
| 03/20/13 | WOOD and HARDWICK |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3491 |
| Date: | ADD: |
| 03/20/13 | LOFTIS and EDGE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3518 |
| Date: | ADD: |
| 03/20/13 | RIVERS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3101 |
| Date: | ADD: |
| 03/20/13 | STRINGER, HAMILTON and BURNS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3772 |
| Date: | ADD: |
| 03/20/13 | STRINGER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3540 |
| Date: | ADD: |
| 03/20/13 | HART |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3538 |
| Date: | ADD: |
| 03/20/13 | WEEKS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3648 |
| Date: | ADD: |
| 03/20/13 | POWERS NORRELL |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3580 |
| Date: | ADD: |
| 03/20/13 | WEEKS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3367 |
| Date: | ADD: |
| 03/20/13 | MITCHELL |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3822 |
| Date: | ADD: |
| 03/20/13 | HIXON and NORMAN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3766 |
| Date: | ADD: |
| 03/20/13 | LIMEHOUSE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3474 |
| Date: | ADD: |
| 03/20/13 | RIVERS |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3268 |
| Date: | REMOVE: |
| 03/20/13 | STRINGER |

**SENT TO THE SENATE**

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

H. 3229 -- Reps. Daning and Crosby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-5-170 SO AS TO CREATE THE DIVISION OF INTERSCHOLASTIC ATHLETICS TO SERVE AS THE SOLE GOVERNING BODY OF ATHLETICS FOR SOUTH CAROLINA PUBLIC SCHOOLS, TO PROVIDE FOR A DIRECTOR OF THE DIVISION APPOINTED BY THE SUPERINTENDENT OF EDUCATION, TO PROVIDE MATTERS ABOUT WHICH THE DIVISION SHALL PROMULGATE REGULATIONS AND FOR WHICH THE DIVISION MAY ISSUE EMERGENCY REGULATIONS, TO PROVIDE FOR THE CREATION OF AN ADVISORY COMMITTEE TO ASSIST THE DIVISION IN EVALUATING THE OVERALL INTERSCHOLASTIC ATHLETIC PROGRAM AND RELATED RECOMMENDATIONS, TO PROVIDE FOR THE COMPOSITION OF THE COMMITTEE, AND TO PROVIDE MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE SUPERINTENDENT OF EDUCATION AND MAY NOT RECEIVE COMPENSATION; AND TO AMEND SECTION 59-39-160, RELATING TO REQUIREMENTS FOR PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES, SO AS TO MAKE CONFORMING CHANGES.

**H. 3163--DEBATE ADJOURNED**

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

H. 3163 -- Reps. Taylor, G. R. Smith, Long and Daning: A BILL TO AMEND SECTION 30-4-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES AND THE TIME IN WHICH A PUBLIC BODY MUST RESPOND TO A REQUEST MADE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE FOR THE ELECTRONIC TRANSMISSION OF PUBLIC RECORDS UNDER THE ACT, TO PROVIDE A PUBLIC BODY MAY NOT CHARGE FOR STAFF TIME BUT MAY CHARGE THE PREVAILING COMMERCIAL RATE FOR COPY COSTS WHEN RESPONDING TO A REQUEST, TO PROVIDE A PUBLIC BODY MAY NOT ASSESS A COPY CHARGE WHEN PROVIDING A RECORD STORED OR TRANSMITTED IN ELECTRONIC FORMAT, TO PROVIDE A PUBLIC BODY MAY REQUIRE A DEPOSIT BEFORE FULFILLING A REQUEST, TO REVISE THE TIME LIMITS FOR RESPONDING TO A REQUEST, TO PROVIDE THAT DURING THE HOURS OF OPERATION OF A PUBLIC BODY IT MUST MAKE AVAILABLE WITHOUT WRITTEN REQUEST ALL DOCUMENTS RECEIVED OR REVIEWED BY A MEMBER OF THE BODY IN A PUBLIC MEETING DURING THE PRECEDING SIX MONTHS, AND TO PROVIDE THAT A PUBLIC BODY MAY SATISFY THIS REQUIREMENT BY MAKING THE RECORDS AVAILABLE ON THE INTERNET; TO AMEND SECTION 30-4-100, RELATING TO EQUITABLE REMEDIES AVAILABLE UNDER THE ACT, SO AS TO PROVIDE FOR SPECIFIC ENFORCEMENT AND CIVIL CONTEMPT REMEDIES WHEN A PUBLIC BODY FAILS TO COMPLY WITH THE TIME LIMITS FOR RESPONDING TO A REQUEST; AND TO AMEND SECTION 30-4-110, RELATING TO FINES AND CRIMINAL PENALTIES FOR A VIOLATION OF THE ACT, SO AS TO INCREASE THE FINES AND PROVIDE AN OFFICER OR PUBLIC OFFICIAL WHO WILFULLY VIOLATES THE ACT MAY BE PUNISHED PURSUANT TO THE ACT.

**H. 3512--DEBATE ADJOURNED**

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

H. 3512 -- Reps. Quinn and J. E. Smith: A BILL TO AMEND SECTION 61-6-1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS PROVIDED ONLY BY THE RETAIL DEALER AND IS NOT PROHIBITED BY FEDERAL LAW; AND TO AMEND SECTION 61-6-1500, RELATING TO RESTRICTIONS ON RETAIL DEALERS OF CERTAIN ALCOHOLIC PRODUCTS, SO AS TO PROHIBIT CERTAIN TRANSACTIONS TO ANOTHER RETAIL DEALER IN CERTAIN SITUATIONS, TO PROHIBIT CERTAIN TRANSACTIONS BETWEEN LOCATIONS OWNED BY THE SAME RETAIL DEALER, AND TO PROVIDE ADDITIONAL PENALTIES.

**H. 3554--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3554 -- Reps. Cole, Forrester, G. M. Smith, Stavrinakis, Herbkersman and Merrill: A BILL TO AMEND SECTION 61-4-1515, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SAMPLES AND SALES OF BEER AT BREWERIES, SO AS TO SPECIFY THAT FOURTEEN PERCENT ALCOHOL BY WEIGHT IS THE MAXIMUM THAT MAY BE OFFERED FOR ON-PREMISES CONSUMPTION, TO ALLOW FOR THE SALE OF SIXTY-FOUR OUNCES OF BEER TO A CONSUMER EVERY TWENTY-FOUR HOURS, TO PROVIDE THE BEER MUST BE SOLD AT THE APPROXIMATE RETAIL PRICE, TO PROVIDE THAT APPROPRIATE TAXES MUST BE REMITTED, AND TO CLARIFY THAT A CERTAIN PROVISION APPLIES TO OFF-PREMISES CONSUMPTION.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3554 (COUNCIL\NL\3554C001.NL.DG13), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking lines 32 and 33 and inserting:

/ ~~brewed in this State~~ to consumers on its licensed premises~~, with or without cost, to consumers under the~~ for on‑premises consumption /

Renumber sections to conform.

Amend title to conform.

Rep. COLE explained the amendment.

The amendment was then adopted.

Reps. QUINN and KENNEDY proposed the following Amendment No. 2 to H. 3554 (COUNCIL\3554C001.AGM.AB13.KRL), which was tabled:

Amend the bill, as and if amended, Section 61‑4‑1515(A)(3), as contained in SECTION 1, page 2, by deleting the item in its entirety and inserting:

/ (3) ~~a sample shall be~~ no more than ~~two ounces per brand of beer with over eight percent alcohol by weight and no more than four~~ sixteen ounces of beer ~~with under eight percent alcohol by weight brewed at the licensed premises; and~~ /

Renumber sections to conform.

Amend title to conform.

Rep. QUINN explained the amendment.

Rep. COLE moved to table the amendment.

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

Yeas 65; Nays 49

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bannister | Barfield | Bernstein |
| Bowen | Branham | Brannon |
| R. L. Brown | Cobb-Hunter | Cole |
| K. R. Crawford | Crosby | Daning |
| Delleney | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Govan | Hardee |
| Harrell | Hart | Hayes |
| Herbkersman | Hixon | Hodges |
| Jefferson | King | Knight |
| Limehouse | Long | Lucas |
| Mack | McCoy | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Newton | Norman | Ott |
| Parks | Patrick | Pope |
| Powers Norrell | Rivers | Rutherford |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | Sottile | Southard |
| Stavrinakis | Tallon | Wells |
| Whipper | White |  |

**Total--65**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bedingfield |
| Bingham | G. A. Brown | Burns |
| Clyburn | H. A. Crawford | Dillard |
| Clemmons | Douglas | Edge |
| Goldfinch | Hamilton | Hardwick |
| Henderson | Hiott | Horne |
| Hosey | Huggins | Kennedy |
| Loftis | Lowe | McEachern |
| W. J. McLeod | Merrill | Murphy |
| Nanney | Owens | Pitts |
| Putnam | Quinn | Ridgeway |
| Riley | Robinson-Simpson | J. R. Smith |
| Spires | Stringer | Taylor |
| Toole | Vick | Weeks |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--49**

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 71; Nays 32

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Bales | Bannister |
| Bedingfield | Bernstein | Bowen |
| Brannon | R. L. Brown | Clyburn |
| Cobb-Hunter | Cole | K. R. Crawford |
| Daning | Delleney | Dillard |
| Edge | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Herbkersman | Hixon | Horne |
| Hosey | Kennedy | King |
| Knight | Limehouse | Loftis |
| Long | Lucas | Mack |
| McCoy | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Newton | Norman |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Rivers |
| Robinson-Simpson | Rutherford | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Taylor | Whipper | White |
| Whitmire | Williams |  |

**Total--71**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Barfield |
| Bingham | G. A. Brown | Clemmons |
| Douglas | Felder | Gilliard |
| Goldfinch | Hayes | Henderson |
| Hiott | Huggins | Jefferson |
| Lowe | McEachern | W. J. McLeod |
| Nanney | Ott | Owens |
| Quinn | Ridgeway | Riley |
| Ryhal | J. R. Smith | Stringer |
| Toole | Vick | Weeks |
| Willis | Wood |  |

**Total--32**

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

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3554. If I had been present, I would have voted against the Bill.

 Rep. Heather A. Crawford

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

**S. 230--RECALLED FROM THE CLARENDON DELEGATION**

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

S. 230 -- Senator Johnson: A BILL TO AMEND SECTION 7-27-275, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLARENDON COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION, SO AS TO ADJUST THE MEMBERSHIP AND COMPOSITION OF THE BOARD.

**OBJECTION TO RECALL**

Rep. HARDWICK asked unanimous consent to recall H. 3762 from the Committee on Judiciary.

Rep. WEEKS objected.

**OBJECTION TO RECALL**

Rep. PITTS asked unanimous consent to recall H. 3796 from the Committee on Education and Public Works.

Rep. BRANNON objected.

**S. 304--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

S. 304 -- Senators Shealy, Cromer and Campsen: A BILL TO AMEND SECTIONS 50-13-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING GENERAL RESTRICTIONS ON FRESHWATER FISHING, SO AS TO MAKE A TECHNICAL CHANGE AND TO REVISE THE DEFINITION OF THE TERM "BAIT FISH"; TO AMEND SECTION 50-13-60, AS AMENDED, RELATING TO THE LAWFUL POSSESSION OF FISH, SO AS TO MAKE A TECHNICAL CHANGE TO THE PROVISION RELATING TO THE POSSESSION OF A GAME FISH; TO AMEND SECTIONS 50-13-200, 50-13-210, 50-13-250, 50-13-260, AND 50-13-270, ALL AS AMENDED, RELATING TO THE PROTECTION OF FRESHWATER GAME FISH, SO AS TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, TO REVISE THE NUMBER OF TROUT THAT MAY BE TAKEN ON THE LOWER REACH OF THE SALUDA RIVER, TO PROVIDE THE LEGAL LENGTH OF SMALLMOUTH BASS THAT MAY BE TAKEN FROM CERTAIN LAKES, RIVERS, AND RESERVOIRS ALONG THE STATE'S WESTERN REGION, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 50-13-620, 50-13-625, AND 50-13-635, ALL AS AMENDED, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO PROVIDE THAT A COMMERCIAL TROTLINE WHICH USES FIFTY OR FEWER HOOKS MUST BE MARKED AT INTERVALS OF TWENTY-FIVE HOOKS, TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, AND TO REVISE THE NUMBER OF SET HOOKS A RECREATIONAL FISHERMAN MAY USE.

The yeas and nays were taken resulting as follows:

 Yeas 109; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Clemmons | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Newton | Norman |
| Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--109**

 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.

**MOTION PERIOD**

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

**S. 3--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 3 -- Senators L. Martin, Hayes, Fair and Campsen: A BILL TO AMEND SECTION 61-2-180, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, SO AS TO CLARIFY THAT THIS SECTION IS NOT AN EXCEPTION OR LIMITATION TO ACTIVITIES, DEVICES, OR MACHINES THAT ARE PROHIBITED BY SECTION 12-21-2710 OR OTHER PROVISIONS THAT PROHIBIT GAMBLING; AND TO AMEND SECTION 61-4-580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, SO AS TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF AN ACTIVITY, DEVICE, OR MACHINE THAT IS PROHIBITED BY SECTION 12-21-2710 OR BY OTHER PROVISIONS THAT PROHIBIT GAMBLING.

Rep. RUTHERFORD proposed the following Amendment No. 3 to S. 3 (COUNCIL\BBM\3C003.BBM.HTC13), which was tabled:

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

/ SECTION \_\_\_. Article 19, Chapter 21, Title 12 of the 1976 Code is amended by adding:

 “Section 12‑21‑2713. A business establishment must apply to a magistrate of the county for certification that a machine, board, or other device maintained and operated on the premises does not violate the provisions of Section 12‑21‑2710 or any other provision of law of this State. A magistrate, or his designee, in the county where the business establishment is located shall certify in writing that the machine, board, or other device in question may be lawfully operated or shall order the machine, board, or other device confiscated and destroyed pursuant to the provisions of Section 12‑21‑2712 if a violation of Section 12‑21‑2710 is found.

 (B) A magistrate may charge a fee of not more than twenty dollars for certification of each machine, board, or other device pursuant to the provisions of this section, and a business establishment which obtains this certification of a machine, board, or device shall keep a copy of the certification on the premises at all times.” /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

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

Rep. RUTHERFORD spoke against the Bill.

Rep. PITTS proposed the following Amendment No. 4 to S. 3 (COUNCIL\AGM\3C001.AGM.AB13), which was rejected:

Amend the bill, as and if amended, by deleting SECTION 3 in its entirety and inserting:

/ SECTION 3. This act takes effect five business days after the approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

Rep. DELLENEY moved to table the amendment.

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

Yeas 57; Nays 57

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Bedingfield | Bingham |
| Burns | Clemmons | Cole |
| H. A. Crawford | Delleney | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Henderson | Hiott |
| Hixon | Huggins | Kennedy |
| Limehouse | Loftis | Long |
| Lucas | D. C. Moss | Nanney |
| Newton | Norman | Owens |
| Patrick | Pope | Putnam |
| Quinn | Riley | Rivers |
| Ryhal | Simrill | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stringer | Tallon |
| Taylor | Toole | Wells |
| White | Willis | Wood |

**Total--57**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Bernstein | Bowen | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Clyburn | Cobb-Hunter | K. R. Crawford |
| Crosby | Daning | Dillard |
| Douglas | Edge | Gambrell |
| George | Gilliard | Hart |
| Hayes | Herbkersman | Hodges |
| Horne | Hosey | Howard |
| Jefferson | King | Knight |
| Lowe | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | V. S. Moss | Munnerlyn |
| Murphy | Pitts | Powers Norrell |
| Ridgeway | Robinson-Simpson | Rutherford |
| Sabb | Sandifer | Sellers |
| Skelton | J. E. Smith | Southard |
| Stavrinakis | Vick | Weeks |
| Whipper | Whitmire | Williams |

**Total--57**

So, the House refused to table the amendment.

Rep. DELLENEY spoke against the amendment.

Rep. RUTHERFORD spoke in favor of the amendment.

Rep. SKELTON spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

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

Yeas 50; Nays 63

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Bernstein | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Clyburn | Cobb-Hunter |
| Dillard | Douglas | Finlay |
| Funderburk | George | Gilliard |
| Hart | Hayes | Hodges |
| Hosey | Howard | Jefferson |
| King | Knight | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | Munnerlyn | Murphy |
| Ott | Pitts | Powers Norrell |
| Ridgeway | Robinson-Simpson | Rutherford |
| Sabb | Sandifer | Sellers |
| Skelton | J. E. Smith | Stavrinakis |
| Vick | Weeks | Whipper |
| Whitmire | Williams |  |

**Total--50**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Bedingfield | Bingham |
| Burns | Clemmons | Cole |
| H. A. Crawford | Crosby | Daning |
| Delleney | Erickson | Felder |
| Forrester | Gagnon | Gambrell |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Hiott | Hixon | Horne |
| Huggins | Kennedy | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | D. C. Moss |
| V. S. Moss | Nanney | Newton |
| Norman | Owens | Patrick |
| Pope | Putnam | Quinn |
| Riley | Rivers | Ryhal |
| Simrill | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Toole | Wells |
| White | Willis | Wood |

**Total--63**

So, the amendment was rejected.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 88; Nays 26

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Clemmons | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Hiott | Hixon | Horne |
| Huggins | Kennedy | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Newton | Norman |
| Ott | Owens | Patrick |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Ryhal |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Toole |
| Vick | Wells | Whipper |
| White | Whitmire | Willis |
| Wood |  |  |

**Total--88**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Branham | Clyburn | Cobb-Hunter |
| Dillard | Douglas | George |
| Gilliard | Hart | Hayes |
| Hodges | Hosey | Howard |
| Jefferson | King | Knight |
| Mitchell | Munnerlyn | Robinson-Simpson |
| Rutherford | Sabb | Stavrinakis |
| Weeks | Williams |  |

**Total--26**

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

**H. 3491--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3491 -- Reps. Sandifer, Clemmons, Atwater, Ott, D. C. Moss, Erickson, Herbkersman, Ballentine, Forrester, Sottile, Lowe, Toole, Bales, Weeks, Edge and Loftis: A BILL TO AMEND SECTION 27-32-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING VACATION TIME SHARING PLANS, SO AS TO DEFINE AND REDEFINE CERTAIN TERMS; TO AMEND SECTION 27-32-55, RELATING TO FEES FOR THE RESALE OF AN INTEREST IN A VACATION TIMESHARE, SO AS TO PROVIDE REQUIREMENTS OF A RESALE VACATION TIMESHARE SERVICE PROVIDER; TO AMEND SECTION 27-32-80, RELATING TO THE TRANSFER OF AN INTEREST IN A VACATION TIME SHARING PLAN FROM A SELLER TO A THIRD PARTY, SO AS TO MAKE THE PROVISIONS APPLICABLE TO A RESALE OF THE INTEREST; AND TO AMEND SECTION 27-32-130, RELATING TO ENFORCEMENT AND IMPLEMENTATION PROVISIONS, SO AS TO MAKE THE PROVISIONS APPLICABLE TO A VACATION TIME SHARING ASSOCIATION.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 3491 (COUNCIL\AGM\3491C001. AGM.AB13), which was adopted:

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

/ SECTION 1. Section 27‑32‑10 of the 1976 Code, as last amended by Act 310 of 2006, is further amended to read:

 “Section 27‑32‑10. For purposes of this chapter:

 (1) ‘Accommodations means any hotel or motel room, condominium or cooperative unit, cabin, lodge, apartment, or other private or commercial structure designed for occupancy by one or more individuals or a recreational vehicle campsite or campground.

 (2) ‘Person’ means any individual, corporation, firm, association, joint venture, partnership, trust estate, business trust, syndicate, fiduciary, and any other group or combination.

 (3) ‘Contract’ means the agreement between the seller and a purchaser: (a) setting forth the terms and conditions of the purchase and sale of an ownership interest in a vacation time sharing ownership plan, or (b) setting forth the terms and conditions of the purchase and sale of a lease or other right‑to‑use interest in a vacation time sharing lease plan.

 (4) ‘Commission’ means the South Carolina Real Estate Commission.

 (5) ‘Facilities’ means a structure, service, or property, whether improved or unimproved, made available to the purchaser for recreational, social, family, or personal use.

 (6) ‘Seller’ means a person who creates a vacation time sharing plan or is in the business of selling interests in a vacation timeshare plan, or employs agents to do the same, or a person who succeeds to the interest of a seller by sale, lease, assignment, mortgage, or other transfer; except that, the term includes only a person who offers interests in vacation time sharing plans in the State of South Carolina in the ordinary course of business. The term ‘seller’ does not include the following:

 (a) an owner of a time sharing interest who has acquired the time sharing interest for his own use and occupancy and who later offers it for resale on his own behalf or through a real estate broker;

 (b) a managing entity or owners’ association of a time sharing plan, not otherwise a seller, that offers on the association’s behalf time sharing interests in the time sharing plan transferred to the association through foreclosure, deed in lieu of foreclosure, or gratuitous transfer; or

 (c) a person who owns or is conveyed, assigned, or transferred time sharing interests, and who subsequently conveys, assigns, or transfers all acquired time sharing interests to a single purchaser in a single transaction, which transaction may occur in stages.

 (7) ‘Vacation time sharing ownership plan’ means any arrangement, plan, or similar devise, whether by tenancy in common, sale, term for years, deed, or other means, in which the purchaser receives an ownership interest in real property and the right to use accommodations or facilities, or both, for a period or periods of time during a given year, but not necessarily for consecutive years, which extends for a period of more than one year. A vacation time sharing ownership plan may be created in a condominium established on a term for years or leasehold interest having an original duration of thirty years or longer. An interest in a vacation time sharing ownership plan is recognized as an interest in real property for all purposes pursuant to the laws of this State.

 (8) ‘Vacation time sharing lease plan’ means any arrangement, plan, or similar devise, whether by membership agreement, lease, rental agreement, license, use agreement, security, or other means, in which the purchaser receives a right to use accommodations or facilities, or both, but does not receive an ownership interest in real property, for a period or periods of time during a given year, but not necessarily for consecutive years, which extends for a period of more than three years. These lease plans do not include an arrangement or agreement in which a purchaser in exchange for an advance fee and yearly dues is entitled to select from a designated list of facilities located in more than one state, accommodations of companies that operate nationwide in at least nine states in the United States through franchises or ownership, for a specified time period and at reduced rates and under which an interest in real property is not transferred.

 (9) ‘Vacation time sharing plan’ means either a vacation time sharing ownership plan or a vacation time sharing lease plan.

 (10) ‘Substantially complete’ means all structural components and mechanical systems of all buildings containing or comprising facilities or accommodations are finished in accordance with the plans or specifications of the vacation time sharing plan, as evidenced by a recorded certificate of completion executed by an independent registered surveyor, architect, or engineer.

 (11) ‘Unit week’ means a number of consecutive days, normally seven consecutive days in duration, which may reasonably be assigned to purchasers of vacation time sharing plans by the seller.

 (12) ‘Escrow agent’ means a bank or trust company doing business in this State or a bonded trust agent bonded in at least the amount of the trust; except, that nothing contained in this chapter prevents investment of funds escrowed pursuant to this chapter by the bank, trust company, or bonded agent, with payment of all interest and dividends to the seller of vacation time sharing plans. For purposes of section 27‑32‑55, escrow agent also means a licensed South Carolina attorney in good standing, a licensed South Carolina real estate broker in good standing, or a licensed South Carolina title insurance agent in good standing.

 (13) ‘Escrow account’ means funds held or maintained by an escrow agent.

 (14) ‘Fund’ and ‘recovery fund’ means the South Carolina Vacation Time Sharing Recovery Fund.

 (15) ‘Claim’ means a monetary loss sustained or allegedly sustained by a person due to the wrongdoing of a registrant or licensee.

 (16) ‘Real estate broker’s trust account’ means a demand account in a bank or savings institution in this State held by a duly licensed South Carolina real estate broker.

 (17) ‘Resale vacation time sharing interest’ means a vacation time sharing interest, including all or substantially all ownership, rights, or interests associated with the vacation time sharing interest that has been previously acquired by an owner for his own use and occupancy and is later offered or advertised for sale or rent, or legal ownership is transferred by or with the assistance of a resale service provider.

 (18) ‘Resale service provider’ means any person or entity, including any agent or employee of such person or entity, who, directly or indirectly, offers or uses telemarketing, direct mail, email, or any other forms of communication in connection with offering of vacation time sharing resale services. This term does not include the following:

 (a) a newspaper, periodical, or publisher, unless the newspaper, periodical, or publisher derives more than ten percent of its gross revenue from vacation time sharing resale services. For purposes of this chapter, the calculation of gross revenue derived from providing vacation time sharing resale services includes revenue of any affiliate, parent, agent, and subsidiary of the newspaper, periodical, or publisher, so long as the resulting percentage of gross revenue is not decreased by the inclusion of such affiliate, parent, subsidiary, or agent in the calculation;

 (b) a seller, vacation time sharing association, managing entity, or other person responsible for managing or operating the vacation time sharing plan to the extent they offer vacation time sharing resale services to owners of vacation time sharing interests in such a vacation time sharing plan; or

 (c) a consumer vacation time sharing reseller who, in a given calendar year, sells seven or fewer resale vacation time sharing interests.

 (19) ‘Vacation time sharing resale service’ means:

 (a) the advertising of, or an offer to advertise, any resale vacation time sharing interest for resale or rent; or

 (b) the transfer or offer to assist in the transfer of legal ownership of any resale vacation time sharing interest.

 (20) ‘Vacation time sharing association’ means an association made up of all owners of vacation time sharing interests in a vacation time sharing plan, including sellers and owners of such vacation time sharing plan.

 (21) ‘Consumer vacation time sharing reseller’ means an owner of a resale vacation time sharing interest.”

SECTION 2. Section 27‑32‑55 of the 1976 Code is amended to read:

 “Section 27‑32‑55. ~~An owner of an interest in a vacation time sharing plan may not be charged an up‑front appraisal fee for the resale of his interest but may be charged only an up‑front marketing fee or commission upon the resale of the interest in an amount stipulated by written agreement between the owner and his sales agent. A person violating the provisions of this section has committed an unfair trade practice pursuant to Section 39‑5‑20 and is subject to all penalties and remedies provided by law for this violation.~~

 (A) Before engaging in any vacation time sharing resale services, a resale service provider must provide a written contract to the consumer vacation time sharing reseller that includes:

 (1) The name, physical address, telephone number, and website address, if any, of the resale service provider and any other agent or third party who will provide any of the vacation time sharing resale services on behalf of the resale service provider.

 (2) The name, physical address, telephone number, and email address of the escrow agent, if applicable, that will be used to hold funds or other property pursuant to this section.

 (3) A complete description of the vacation timesharing resale services.

 (4) The duration of the contract for vacation time sharing resale services expressed in days, weeks, months or years.

 (5) A description of any fees, costs, or other consideration to be paid to the resale service provider or any agent or third party of it. These fees must include marketing and advertising fees or commissions that are paid upon the resale of a resale vacation time sharing interest.

 (6) A statement, if applicable, that the resale service provider will deliver to the consumer vacation time sharing reseller all documentation evidencing the transfer of legal ownership of the resale vacation time sharing interest as provided in subsection (B).

 (7) A statement, if applicable, that the consumer time sharing reseller shall have five business days from the date they receive the notice of right to dispute the release funds from the escrow agent as referenced in subsection (B).

 (8) The internet addresses and telephone numbers for both the Department of Consumer Affairs and the commission.

 (9) A statement printed in at least 12‑point boldfaced type immediately preceding the space in the contract provided for the consumer time sharing reseller’s signature in substantially the following form:

 ‘You have an unwaivable right to cancel this contract for any reason within 5 business days after the date you sign this contract. If you decide to cancel this contract, you must notify (name of resale service provider) in writing of your intent to cancel. Your notice of cancellation must be effective upon the date sent and must be sent to (resale service provider’s mailing address) or to (resale service provider’s e‑mail address). Your refund will be made within 20 days after receipt of notice of cancellation or within 5 days after receipt of funds from your cleared check, whichever is later. You are not obligated to pay (name of resale service provider) any money unless you sign this contract and return it to (name of resale service provider).’

 ‘Before signing this contract, you should carefully review your original vacation time sharing purchase contract and other project documents to determine whether there are any restrictions or special conditions applicable to the resale or rental of your vacation time sharing interest. You may also wish to contact your resort management company or your vacation time sharing association to learn about resale or rental options that may be available to you.’

 (B) With respect to all fees, costs and compensation paid to a resale service provider, the following shall apply:

 (1) A consumer vacation time sharing reseller may not be charged an appraisal fee in connection with the sale or rental of a resale vacation time sharing interest.

 (2) A consumer vacation time sharing reseller may be charged marketing or advertising fees prior to the sale or rental of a resale vacation time sharing interest.

 (3) A consumer vacation time sharing reseller shall not pay any advance fee, cost or compensation for vacation time sharing resale services, except as provided in item (2), unless one hundred percent of all funds are deposited into an escrow account until the vacation time sharing resale service is completed and all other requirements of this section have been met.

 (a) The funds or other property required to be escrowed hereunder may only be released from escrow to or on the order of the person providing the vacation time sharing resale services upon completion of all of the following:

 (i) Presentation by the vacation time sharing resale services provider of an affidavit by such person to the escrow agent that all promised vacation time sharing resale services have been performed, including delivery to both the consumer vacation time sharing reseller and the vacation time sharing plan association or managing entity of a copy of the recorded instrument or other legal document evidencing the transfer of ownership or of legal title to the resale vacation time sharing interest to the transferee.

 (ii) The escrow agent’s submission of the affidavit and a notice of right to dispute the release of funds or property in escrow to the consumer vacation time sharing reseller. The notice shall state the consumer vacation time sharing reseller shall have five business days after receipt of such affidavit to submit a written dispute to the escrow agent that all promised vacation time sharing resale services have in fact not been fully performed by the resale service provider. The consumer vacation time sharing reseller may submit the dispute by electronic mail or regular mail. The dispute is effective upon the date sent.

 (iii) Failure of the consumer vacation time sharing reseller to submit a dispute pursuant to subsubitem (ii).

 (iv) Should the escrow agent receive conflicting demands for funds or other property held in escrow, the escrow agent must immediately notify the commission of the dispute and either promptly submit the matter to arbitration or, by interpleader or otherwise, seek an adjudication of the matter by court.

 (b) The commission may audit or examine the escrow account. The resale service provider must make available documents relating to the escrow account or escrow obligation to the commission upon the commission’s request.

 (c) The escrow agent must retain all resale transfer agreements, escrow account records, affidavits and notices of dispute received pursuant to this subsection for a period of three years.

 (C) No person shall knowingly participate, for consideration or with the expectation of consideration, in any plan or scheme, a purpose of which is to transfer a resale vacation time sharing interest to a person or entity that the person knows or reasonably should know does not have the ability, means, or intent to pay all assessments and taxes associated with ownership of the resale vacation time sharing interest that are due or that come due during the transferee’s ownership. Failure to pay assessments or taxes that are due or that come due after acquisition of a resale vacation time sharing interest by a transferee who acquires the resale vacation time sharing interest for commercial purposes and not for personal use and enjoyment is prima facie evidence of an intentional and purposeful violation of this subsection. It must be considered a violation of this section if there is any transfer, series of transfers, or other action made or taken by any person for the purpose of circumventing this section.

 (D) Engagement in any vacation time sharing resale service, or receipt of consideration in connection with, any vacation time sharing resale service without an executed written contract as provided in this section or the transfer of a resale vacation time sharing interest to a person who the resale service provider knows or should have known has demonstrated a pattern of nonpayment of assessments, taxes, or fees associated with the obligations of ownership, is prima facie evidence of a violation of this section.

 (E) Providing resale advertising services with respect to a consumer resale vacation time sharing interest in a vacation time share property located or offered within this State or required to be registered in this State, including acting as an agent or third‑party service provider for a resale service provider, constitutes operating, conducting, engaging in, or carrying on a business or business venture in this State.

 (F) A contract for vacation time sharing resale services resulting from conduct in violation of this section is voidable by the consumer vacation time sharing reseller and the resale service provider shall return all consideration received pursuant to the contract to the consumer vacation time sharing reseller.

 (G) A person violating the provisions of this section has committed an unfair trade practice pursuant to Title 39, Chapter 5 of the Unfair Trade Practices Act and is subject to all penalties and remedies provided by law for this violation.

 (H) The Department of Consumer Affairs may enforce this section.”

SECTION 3. Section 27‑32‑130 of the 1976 Code is amended to read:

 “Section 27‑32‑130. The Real Estate Commission is responsible for the enforcement and implementation of this chapter and the Department of Labor, Licensing and Regulation, at the request of the Real Estate Commission, shall prosecute a violation under this chapter. The commission shall promulgate regulations for the implementation of this chapter, subject to the State Administrative Procedures Act. The provisions of this section do not limit the right of a purchaser or lessee or a vacation time sharing association to bring a private action to enforce the provisions of this chapter.”

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

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER 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 113; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Newton | Norman |
| Ott | Owens | Patrick |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--113**

 Those who voted in the negative are:

**Total--0**

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

**LEAVE OF ABSENCE**

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

**H. 3541--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3541 -- Reps. Harrell, J. E. Smith, Bales, Williams, Bannister, J. R. Smith, Patrick, Brannon, Erickson, Huggins, Kennedy, Ballentine, M. S. McLeod, Bernstein, Atwater, Cole, Funderburk, George, Hixon, Long, McCoy, W. J. McLeod, Pitts, Pope, G. R. Smith, Tallon, Taylor, Wood and Knight: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED; AND TO AMEND SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT AND INSPECTOR GENERAL, SO AS TO DELETE AN OBSOLETE REFERENCE TO INSPECTOR GENERAL, TO MAKE A CONFORMING CHANGE TO THE RANK OF THE ADJUTANT GENERAL, TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS AMENDMENT, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY FOLLOWING THE GENERAL ELECTION, WHICH MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS AMENDMENT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE.

Rep. BARFIELD proposed the following Amendment No. 2 to H. 3541 (COUNCIL\GGS\3541C002.GGS.HTC13), which was tabled:

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

/ SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

 “Section 7. There ~~shall~~must be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, a Comptroller General, and a Commissioner of Agriculture~~, and an Adjutant General~~ who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of ~~such~~these offices ~~shall~~must be prescribed by law and their compensation ~~shall~~must be neither increased nor diminished during the period for which they ~~shall have been~~are elected.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Adjutant General from the list of state officers which the Constitution requires to be elected?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 3. It is proposed that Section 4, Article XIII of the Constitution of this State be amended to read:

 “Section 4. (A) There ~~shall~~must be an Adjutant ~~and Inspector~~ General elected by the ~~qualified electors of the State at the same time and in the same manner as other State officers~~ members of the General Assembly meeting in joint session, who shall rank as ~~Brigadier~~ Major General, and whose duties and compensation ~~shall~~must be prescribed by law. The Governor ~~shall~~, by and with the advice and consent of the Senate, shall appoint ~~such~~ other staff officers as the General Assembly may direct.

 (B) Beginning with the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, to offer as a candidate for the office of Adjutant General, an individual must be a qualified elector of South Carolina and have been federally recognized in the rank of Colonel (O‑6) or higher in at least one of the branches of the United States Armed Forces.”

SECTION 4. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 4, Article XIII of the Constitution of this State, relating to state constitutional officers, be amended so as to delete an obsolete reference to the Inspector General; to require that the Adjutant General be elected by the members of the General Assembly meeting in joint session; to make a conforming change to the rank of the Adjutant General; and to provide that upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of this provision, to offer as a candidate for the office of Adjutant General, an individual must be a qualified elector of South Carolina and have been federally recognized in the rank of Colonel (O‑6) or higher in at least one of the branches of the United States Armed Forces.” /

Renumber sections to conform.

Amend title to conform.

Rep. BARFIELD explained the amendment.

Rep. BANNISTER moved to table the amendment, which was agreed to by a division vote of 59-14.

The question then recurred to the passage of the Joint Resolution.

The yeas and nays were taken resulting as follows:

 Yeas 108; Nays 4

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | Ott | Patrick |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--108**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Barfield | Gilliard | Sabb |
| Sandifer |  |  |

**Total--4**

So, the Joint Resolution, having received the necessary two-thirds vote, was passed and ordered to third reading.

STATEMENT FOR THE JOURNAL

 I abstained from voting on H. 3541, due to a potential conflict of interest.

 Ted Vick

**H. 3540--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3540 -- Reps. Harrell, J. E. Smith, Bales, Hosey, Cobb-Hunter, Bannister, J. R. Smith, Patrick, Brannon, Erickson, Taylor, Huggins, Kennedy, Ballentine, Bernstein, Sellers, Williams, Jefferson, M. S. McLeod, Atwater, Bowers, R. L. Brown, Cole, Douglas, George, Hixon, Long, McCoy, Mitchell, Pitts, Pope, G. R. Smith, Tallon, Wood, Weeks, Knight and Hart: A BILL TO AMEND SECTION 1-3-240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE ADJUTANT GENERAL TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 25-1-320, RELATING TO THE STATE ADJUTANT GENERAL, SO AS TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE 2014 GENERAL ELECTION, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY THAT FOLLOWS THE GENERAL ELECTION THAT MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS ACT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO ESTABLISH CERTAIN QUALIFICATIONS FOR THE OFFICE OF ADJUTANT GENERAL; TO AMEND SECTION 25-1-340, AS AMENDED, RELATING TO VACANCIES IN THE OFFICE OF ADJUTANT GENERAL, SO AS TO DELETE A REFERENCE TO THE ELIGIBILITY REQUIREMENTS OF CONSTITUTIONAL OFFICERS; AND TO PROVIDE THAT THE ABOVE PROVISIONS ARE EFFECTIVE UPON THE RATIFICATION OF AMENDMENTS TO SECTION 7, ARTICLE VI, AND SECTION 4, ARTICLE XIII OF THE CONSTITUTION OF THIS STATE DELETING THE REQUIREMENT THAT THE STATE ADJUTANT GENERAL BE ELECTED BY THE QUALIFIED ELECTORS OF THIS STATE.

The yeas and nays were taken resulting as follows:

 Yeas 110; Nays 2

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Bowers | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Rutherford |
| Ryhal | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--110**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Gilliard | Sabb |  |

**Total--2**

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

STATEMENT FOR THE JOURNAL

 I abstained from voting on H. 3540, due to a potential conflict of interest.

 Ted Vick

**RECURRENCE TO THE MORNING HOUR**

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

Rep. SELLERS moved that the House recede until 1:30 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 1:30 p.m. the House resumed, Acting SPEAKER KENNEDY in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. VICK a leave of absence for the remainder of the day due to military duty.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BRANNON a leave of absence for the remainder of the day due to illness.

**REPORTS OF STANDING COMMITTEES**

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

H. 3099 -- Reps. Nanney and Long: A BILL TO AMEND SECTION 63-17-2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES REQUIRED TO PROVIDE INFORMATION TO THE DEPARTMENT OF SOCIAL SERVICES FOR THE PURPOSE OF ESTABLISHING, MODIFYING, AND ENFORCING CHILD SUPPORT OBLIGATIONS, SO AS TO ALSO REQUIRE THESE ENTITIES TO PROVIDE THIS INFORMATION TO CLERKS OF COURT FOR THE SAME PURPOSE IN CASES NOT BEING ADMINISTERED PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT BY THE DEPARTMENT OF SOCIAL SERVICES; AND TO MAKE TECHNICAL CORRECTIONS.

Ordered for consideration tomorrow.

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

H. 3568 -- Reps. Weeks and Sandifer: A BILL TO AMEND SECTION 16-13-385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERING, TAMPERING WITH, OR BYPASSING ELECTRIC, GAS, OR WATER METERS, SECTION 58-7-60, RELATING TO THE UNLAWFUL APPROPRIATION OF GAS, AND SECTION 58-7-70, RELATING TO THE WRONGFUL USE OF GAS AND INTERFERENCE WITH GAS METERS, ALL SO AS TO RESTRUCTURE THE PENALTIES AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS OF THE STATUTES.

Ordered for consideration tomorrow.

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

S. 239 -- Senators Cleary, Davis, L. Martin, Campbell, Cromer, Setzler, Ford and Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ENSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

Ordered for consideration tomorrow.

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

S. 213 -- Senators Cleary, Davis, L. Martin, Peeler, Williams, Campbell, Cromer, Rankin, Shealy, Alexander, Gregory, Bryant, Bennett, Nicholson, Johnson, Setzler, Ford and Campsen: A BILL TO AMEND TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57, SO AS TO AUTHORIZE QUALIFIED NONPROFIT ORGANIZATIONS TO OPERATE AND CONDUCT RAFFLES THROUGH REGISTRATION WITH THE SOUTH CAROLINA SECRETARY OF STATE, TO PROVIDE STANDARDS FOR THESE EVENTS, TO REQUIRE PROCEEDS TO BE USED FOR CHARITABLE PURPOSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

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

H. 3580 -- Reps. D. C. Moss, Pitts, Pope, Patrick, McEachern, Bannister, Delleney, Tallon and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-23-140 SO AS TO PROVIDE FOR THE CERTIFICATION OF CANINE TEAMS.

Ordered for consideration tomorrow.

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

H. 3165 -- Reps. Tallon, Henderson, G. R. Smith, Long, V. S. Moss, Atwater and Taylor: A BILL TO AMEND SECTION 41-35-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISQUALIFICATIONS FROM UNEMPLOYMENT BENEFITS, SO AS TO REVISE THE METHOD OF DETERMINING THE BENEFITS OF A PERSON DISCHARGED FROM EMPLOYMENT FOR ILLEGAL DRUG USE, GROSS MISCONDUCT, AND FAILURE TO ACCEPT WORK, TO DEFINE CERTAIN TERMS, TO SPECIFY CRITERIA FOR A LABORATORY QUALIFIED TO PERFORM A TEST FOR ILLEGAL DRUG USE BY A PERSON SEEKING OR RECEIVING UNEMPLOYMENT BENEFITS, TO LIMIT THE LIABILITY OF AN EMPLOYER FOR ACTS OR OMISSIONS IN THE DISCLOSURE OF A DRUG TEST PERFORMED UNDER THIS SECTION, AND TO PROVIDE THE MISUSE OF BIOLOGICAL MATERIAL OBTAINED IN THE COURSE OF THIS DRUG TESTING IS MISDEMEANOR SUBJECT TO CERTAIN MONETARY PENALTIES.

Ordered for consideration tomorrow.

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

H. 3538 -- Reps. Bannister, Tallon, Sandifer, Hamilton, Erickson, Gambrell, Brannon, Allison, Felder and Weeks: A BILL TO AMEND SECTION 16-17-500, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OR PURCHASE OF TOBACCO PRODUCTS FOR MINORS, SO AS TO INCLUDE ALTERNATIVE NICOTINE PRODUCTS IN THE PURVIEW OF THE STATUTE; TO AMEND SECTION 16-17-501, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF RELEVANT TOBACCO PRODUCT FOR MINORS OFFENSES, SO AS TO DEFINE THE TERMS "ALTERNATIVE NICOTINE PRODUCT" AND "ELECTRONIC CIGARETTE"; AND TO AMEND SECTIONS 16-17-502, 16-17-503, AND 16-17-504, RELATING TO DISTRIBUTION OF TOBACCO PRODUCT SAMPLES, ENFORCEMENT AND REPORTING, AND IMPLEMENTATION, RESPECTIVELY, ALL SO AS TO MAKE CONFORMING CHANGES TO INCLUDE ALTERNATIVE NICOTINE PRODUCTS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3841 -- Reps. Herbkersman, Bowers, Erickson, Hodges, Newton and Patrick: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND ST. JOSEPH'S/CANDLER HEALTH SYSTEM OF SAVANNAH, GEORGIA, FOR ITS COMMITMENT TO THE WELL-BEING AND LONG-TERM HEALTH OF THE CITIZENS OF SOUTH CAROLINA'S COASTAL LOWCOUNTRY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3842 -- Reps. Sandifer, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO MISS SOUTH CAROLINA 2012 ALI ROGERS AND THE CONTESTANTS OF THE MISS SOUTH CAROLINA 2012 PAGEANT, MISS AMERICA TEEN 2013 RACHEL WYATT, AND MISS SOUTH CAROLINA TEEN 2012 SYDNEY SILL, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THEIR RESPECTIVE TITLES.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to Miss South Carolina 2012 Ali Rogers and the contestants of the Miss South Carolina 2012 Pageant, Miss America Teen 2013 Rachel Wyatt, And Miss South Carolina Teen 2012 Sydney Sill, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing their respective titles.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3843 -- Reps. Parks, Jefferson, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, 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, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE THE REENACTMENT OF THE HISTORIC 1913 WASHINGTON, D.C., WOMEN'S SUFFRAGE MARCH AND RALLY, TO BE HELD ON SATURDAY, MARCH 23, 2013, AND TO ENCOURAGE THE CITIZENS OF THE PALMETTO STATE TO PARTICIPATE IN THIS WORTHY EVENT.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3844 -- Reps. Huggins, Ballentine, W. J. McLeod, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, 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, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE CHAPIN GARDEN CLUB FOR ITS OUTSTANDING HISTORY AND VOLUNTEER WORK IN THE CHAPIN COMMUNITY AND TO CONGRATULATE MARY LAFOND, CLUB PRESIDENT, AND THE CLUB'S MEMBERS UPON THE OCCASION OF THEIR SEVENTY-FIFTH ANNIVERSARY.

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

**INTRODUCTION OF BILLS**

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

H. 3845 -- Rep. Quinn: A BILL TO AMEND SECTION 12-43-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A PROPERTY ASSESSMENT VALUE, SO AS TO PROVIDE THAT THE APPEAL MUST BE BASED ON THE MARKET VALUES OF REAL PROPERTY AS OF DECEMBER THIRTY-FIRST OF THE TAX YEAR UNDER APPEAL; TO AMEND SECTION 12-60-2510, AS AMENDED, RELATING TO A PROPERTY TAX ASSESSMENT NOTICE, SO AS TO PROVIDE THAT IN A YEAR IN WHICH AN ASSESSABLE TRANSFER OF INTEREST OCCURS DUE TO A CONVEYANCE, IF THE ASSESSOR DETERMINES THAT FAIR MARKET VALUE IS MORE THAN THE PURCHASE PRICE, THE ASSESSOR SHALL STATE WITH PARTICULARITY, THE BASIS FOR THE INCREASE IN FAIR MARKET VALUE, TO PROVIDE THAT THE TAXPAYER AT LEAST HAS THIRTY DAYS OF RECEIPT OF THE TAX NOTICE TO APPEAL, AND TO REQUIRE THE ASSESSOR TO INCLUDE A PROPERTY TAX REFUND ASSIGNMENT CONTRACT IN CERTAIN CASES; BY ADDING SECTION 12-60-2570 SO AS TO PROVIDE THAT THE COUNTY ASSESSOR SHALL HAVE THE BURDEN OF PROOF IN A PROPERTY TAX APPEAL; AND BY ADDING SECTION 12-60-2580 SO AS TO ALLOW A TAXPAYER TO APPEAL THE VALUE ONCE EVERY FIVE YEARS AND TO PROVIDE EXCEPTIONS.

Referred to Committee on Ways and Means

H. 3846 -- Reps. Hardwick, H. A. Crawford, Barfield, Clemmons, Hardee and Ryhal: A BILL TO AMEND SECTION 44-53-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN ARTICLE 3, CHAPTER 53, TITLE 44, "NARCOTICS AND CONTROLLED SUBSTANCES", SO AS TO REVISE THE DEFINITION OF "CONTROLLED SUBSTANCE ANALOGUE" BY DELETING THE PROVISIONS STATING THAT IT IS A SUBSTANCE INTENDED FOR HUMAN CONSUMPTION.

Referred to Committee on Judiciary

H. 3847 -- Reps. Hiott and Hardwick: A BILL TO AMEND SECTION 48-60-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR TERMS USED IN THE SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT OF 2010, SO AS TO ADD, AMONG OTHER DEFINITIONS, TERMS RELATED TO COMPUTER MONITORS; TO AMEND SECTION 48-60-30, RELATING TO REQUIREMENTS OF CERTAIN MANUFACTURERS TO PROVIDE LABELS ON DEVICES INDICATING THE BRAND, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; TO AMEND SECTION 48-60-50, RELATING TO THE REQUIREMENT FOR TELEVISION MANUFACTURERS TO PROVIDE A RECOVERY PROGRAM FOR RECYCLING TELEVISIONS, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; BY ADDING SECTION 48-60-55 SO AS TO PROVIDE FOR THE CREATION AND OPERATION OF STATEWIDE CONSUMER ELECTRONIC DEVICE STEWARDSHIP PROGRAMS AND THE DEVELOPMENT AND IMPLEMENTATION OF RELATED RECOVERY PLANS, INCLUDING REQUIREMENTS FOR APPROVAL OF PLANS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO ESTABLISH OTHER RESPONSIBILITIES AND AUTHORITY OF THE DEPARTMENT AND REQUIREMENTS OF REGULATED MANUFACTURERS; TO AMEND SECTION 48-60-60, RELATING TO PROTECTION FROM LIABILITY FOR CERTAIN DAMAGES, SO AS TO APPLY TO COMPUTER MONITOR MANUFACTURERS; TO AMEND SECTION 48-60-70, RELATING TO RETAILER SALE REQUIREMENTS, SO AS TO PROHIBIT RETAILERS FROM SELLING DEVICES MADE BY MANUFACTURERS WHO DO NOT COMPLY WITH THE REQUIREMENTS OF SECTION 48-60-55; TO AMEND SECTION 48-60-90, RELATING TO DISCARDING OR PLACING COVERED DEVICES IN A WASTE STREAM, TO PROHIBIT COMPONENTS OF COVERED DEVICES; TO AMEND SECTION 48-60-100, RELATING TO RECOVERY PROCESS FEES, SO AS TO LIMIT THE ABILITY OF LOCAL GOVERNMENTS TO CHARGE CERTAIN FEES; TO AMEND SECTION 48-60-140, RELATING TO REQUIREMENTS THAT RECOVERY PROCESSES COMPLY WITH STATE AND FEDERAL LAW, SO AS TO REQUIRE RECYCLING OR REUSE FACILITIES TO MAINTAIN CERTIFICATION, TO IDENTIFY APPROVED CERTIFICATION PROGRAMS, AND TO REQUIRE MANUFACTURERS AND GOVERNMENTS ONLY TO USE FACILITIES THAT HAVE APPROPRIATE CERTIFICATION; TO AMEND SECTION 48-60-150, RELATING TO THE DEPARTMENT'S PROMULGATION OF REGULATIONS, SO AS TO ELIMINATE THE RIGHT TO CHARGE CERTAIN FEES TO MANUFACTURERS; BY ADDING SECTION 48-60-160 SO AS TO PROVIDE FOR CERTAIN FEES AND PENALTIES; BY ADDING SECTION 48-60-170 SO AS TO SET FORTH THE PURPOSES OF THE CHAPTER AND CERTAIN LIMITATIONS ON LIABILITY; TO PROVIDE EXPIRATION DATES FOR REGULATIONS PROMULGATED PURSUANT TO THIS CHAPTER, AND TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTION 48-60-50 JUNE 30, 2014, AND CERTAIN OTHER PROVISIONS JUNE 30, 2020.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3848 -- Reps. K. R. Crawford, Alexander, Atwater, Huggins, Williams, Bannister, Bedingfield, Clemmons, Gagnon, George, Hamilton, Hart, Hayes, Lowe, Lucas, Mitchell, D. C. Moss, Norman, Putnam, Robinson-Simpson, G. M. Smith, G. R. Smith and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 1, TITLE 1 SO AS TO ESTABLISH THE "DAYLIGHT SAVING AS THE NEW STANDARD TIME PACT".

Referred to Committee on Judiciary

H. 3849 -- Rep. Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-105 SO AS TO PROHIBIT AN INCUMBENT OR FORMER MEMBER OF THE GENERAL ASSEMBLY FROM BEING ELECTED OR APPOINTED BY THE GENERAL ASSEMBLY TO THE GOVERNING BOARD OF A SOUTH CAROLINA COLLEGE OR UNIVERSITY FOR A PERIOD OF ONE YEAR AFTER TERMINATING HIS LEGISLATIVE SERVICE OR FAILING TO FILE FOR ELECTION TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 7-11-15.

Referred to Committee on Judiciary

**H. 3163--RECOMMITTED**

The following Bill was taken up:

H. 3163 -- Reps. Taylor, G. R. Smith, Long and Daning: A BILL TO AMEND SECTION 30-4-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES AND THE TIME IN WHICH A PUBLIC BODY MUST RESPOND TO A REQUEST MADE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE FOR THE ELECTRONIC TRANSMISSION OF PUBLIC RECORDS UNDER THE ACT, TO PROVIDE A PUBLIC BODY MAY NOT CHARGE FOR STAFF TIME BUT MAY CHARGE THE PREVAILING COMMERCIAL RATE FOR COPY COSTS WHEN RESPONDING TO A REQUEST, TO PROVIDE A PUBLIC BODY MAY NOT ASSESS A COPY CHARGE WHEN PROVIDING A RECORD STORED OR TRANSMITTED IN ELECTRONIC FORMAT, TO PROVIDE A PUBLIC BODY MAY REQUIRE A DEPOSIT BEFORE FULFILLING A REQUEST, TO REVISE THE TIME LIMITS FOR RESPONDING TO A REQUEST, TO PROVIDE THAT DURING THE HOURS OF OPERATION OF A PUBLIC BODY IT MUST MAKE AVAILABLE WITHOUT WRITTEN REQUEST ALL DOCUMENTS RECEIVED OR REVIEWED BY A MEMBER OF THE BODY IN A PUBLIC MEETING DURING THE PRECEDING SIX MONTHS, AND TO PROVIDE THAT A PUBLIC BODY MAY SATISFY THIS REQUIREMENT BY MAKING THE RECORDS AVAILABLE ON THE INTERNET; TO AMEND SECTION 30-4-100, RELATING TO EQUITABLE REMEDIES AVAILABLE UNDER THE ACT, SO AS TO PROVIDE FOR SPECIFIC ENFORCEMENT AND CIVIL CONTEMPT REMEDIES WHEN A PUBLIC BODY FAILS TO COMPLY WITH THE TIME LIMITS FOR RESPONDING TO A REQUEST; AND TO AMEND SECTION 30-4-110, RELATING TO FINES AND CRIMINAL PENALTIES FOR A VIOLATION OF THE ACT, SO AS TO INCREASE THE FINES AND PROVIDE AN OFFICER OR PUBLIC OFFICIAL WHO WILFULLY VIOLATES THE ACT MAY BE PUNISHED PURSUANT TO THE ACT.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3163 (COUNCIL\AGM\3163C002.AGM.AB13):

Amend the bill, as and if amended, by deleting all after the enacting clause and inserting:

/ SECTION 1. Section 30‑4‑30 of the 1976 Code is amended to read:

 “Section 30‑4‑30. (a) ~~Any~~ A person has a right to inspect ~~or~~, copy, or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30‑4‑40, in accordance with reasonable rules concerning time and place of access.

 (b) The public body may establish and collect fees ~~not to exceed the actual cost of searching for or making copies of records~~ as provided for in this section. The public body may establish and collect reasonable fees not to exceed the actual cost of the search, retrieval, and redaction of records. The public body must develop a fee schedule to be posted on line. The fee for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request. The fee schedule shall list the salary level of the representative of the public body designated to respond to requests and the hourly rate for the search, retrieval, or redaction of records based on the designated employee’s salary level. Fees charged by a public body must be uniform for copies of the same record or document and may not exceed the prevailing commercial rate for the producing of copies. Copy charges may not apply to records that are transmitted in an electronic format. Fees charged by a public body must be uniform for copies of the same record or document and may not exceed the prevailing commercial rate for the producing of copies. Copy charges may not apply to records that are transmitted in an electronic format. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. The records must be furnished at the lowest possible cost to the person requesting the records. Records must be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for the public body to provide the records in this form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees may not be charged for examination and review to determine if the documents are subject to disclosure. ~~Nothing in this chapter prevents the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of these costs before searching for or making copies of the records~~ A deposit not to exceed twenty‑five percent of the total cost for reproduction of the records may be required prior to the public body searching for or making copies of records.

 (c) Each public body, upon written request for records made under this chapter, shall within ~~fifteen~~ ten days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of any ~~such~~ request, notify the person making ~~such~~ the request of its determination and the reasons ~~therefor~~ for it. ~~Such a~~ This determination shall constitute the final opinion of the public body as to the public availability of the requested public record and, if the request is granted, the record must be furnished or made available for inspection or copying no later than thirty calendar days from the date of the original request or no later than thirty calendar days from the date a requested deposit is received, whichever is later, unless the records are more than twenty‑four months old in which case the public body may use no more than forty‑five additional calendar days to produce the records. If written notification of the determination of the public body as to the availability of the requested public record is neither mailed nor personally delivered to the person requesting the document within the ~~fifteen~~ ten days (excepting Saturdays, Sundays, and legal public holidays) allowed ~~herein~~, the request must be considered approved.

 (d) The following records of a public body must be made available for public inspection and copying during the hours of operations of the public body, unless the record is exempt pursuant to Section 30‑4‑40, without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

 (1) minutes of the meetings of the public body for the preceding six months;

 (2) all reports identified in Section 30‑4‑50(A)(8) for at least the fourteen‑day period before the current day; ~~and~~

 (3) documents identifying persons confined in any jail, detention center, or prison for the preceding three months; and

 (4) all documents produced by the public body or its agent that were distributed to or reviewed by any member of the public body during a public meeting for the preceding six month period.

 (e) A public body complies with the provisions of subsection (d) by placing the records in a form that is both convenient and practical for use on a publicly available Internet site, provided that the public body also must produce documents pursuant to this section if requested to do so.”

SECTION 2. Section 30‑4‑100 of the 1976 Code is amended to read:

 “Section 30‑4‑100. (a) ~~Any~~ A citizen of the State may apply to the circuit court for ~~either or both~~ a declaratory judgment ~~and~~, injunctive relief, or both, to enforce the provisions of this chapter in appropriate cases ~~as long as such~~ if the application is made no later than one year ~~following~~ after the date ~~on which the~~ of the alleged violation ~~occurs~~ or one year after a public vote in public session, whichever comes later. The court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.

 (b) A citizen of this State may file a request for hearing with the Office of Freedom of Information Act Review pursuant to Section 1‑23‑665 in the following instances:

 (1) To seek specific enforcement of a request made pursuant to Section 30‑4‑30 when the public body from which the records are requested fails to comply with the time limits provided in Section 30‑4‑30(c).

 (2) To challenge the reasonableness of a fee assessed pursuant to Section 30‑4‑30.

 A determination of the Office of Freedom of Information Act Review may be appealed to the Administrative Law Court or enforced by an administrative law judge pursuant to Section 1‑23‑665.

 (c) A public body may file a request for hearing with the Office of Freedom of Information Act Review pursuant to Section 1‑23‑665 to seek relief from unduly burdensome, overly broad, or otherwise improper requests.

 (~~b~~d) If a person or entity seeking ~~such~~ relief under this section prevails, he ~~or it~~ may be awarded reasonable attorney fees and other costs of litigation. If ~~such~~ the person or entity prevails in part, the court may in its discretion award him ~~or it~~ reasonable attorney fees or an appropriate portion ~~thereof~~ of them.”

SECTION 3. Section 30‑4‑110 of the 1976 Code is amended to read:

 “Section 30‑4‑110. ~~Any~~ A person or group of persons who ~~willfully~~ wilfully violates the provisions of this chapter ~~shall be deemed~~ is guilty of a misdemeanor and, upon conviction ~~shall~~, must be fined not more than ~~one~~ five hundred dollars or imprisoned for not more than thirty days for the first offense, ~~shall be~~ fined not more than ~~two hundred~~ one thousand dollars or imprisoned for not more than sixty days for the second offense, and ~~shall be~~ fined ~~three~~ fifteen hundred dollars or imprisoned for not more than ninety days for the third or subsequent offense. The responsible officer or public official of an agency found to have wilfully violated the provisions of this chapter may be punished pursuant to this chapter.”

SECTION 4. Chapter 23, Title 1 of the 1976 Code is amended by adding:

 “Section 1‑23‑665. (A) There is created within the Administrative Law Court the Office of Freedom of Information Act Review. The chief judge of the Administrative Law Court shall serve as the director of the Office of Freedom of Information Act Review. The hearing officers and staff must be appointed, hired, contracted, and supervised by the chief judge of the court, shall exercise their adjudicatory functions, duties, and responsibilities under the auspices of the Administrative Law Court as directed by the chief judge, and shall perform such other functions and duties as the chief judge of the court prescribes. All employees of the office shall serve at the discretion of the chief judge. The chief judge is solely responsible for the administration of the office, the assignment of cases, and the administrative duties and responsibilities of the hearing officers and staff. Notwithstanding another provision of law, the chief judge also has the authority to promulgate rules governing practice and procedures before the Office of Freedom of Information Act Review. These rules are subject to review as are the rules of procedure promulgated by the Supreme Court pursuant to Article V of the South Carolina Constitution.

 (B) Notwithstanding another provision of law, the hearing officers shall conduct hearings in accordance with Chapter 23 of Title 1, the Administrative Procedures Act, and the rules of procedure for the Office of Freedom of Information Act Review, at suitable locations as determined by the chief judge.

 (C) The hearing officers are bound by the Code of Judicial Conduct, as contained in Rule 501 of the South Carolina Appellate Court Rules. The State Ethics Commission is responsible for the enforcement and administration of those rules and for the issuance of advisory opinions on the requirements of those rules for administrative law judges and hearing officers pursuant to the procedures contained in Section 8‑13‑320. Notwithstanding another provision of law, an administrative law judge or hearing officer, and the judge’s or hearing officer’s spouse or guest, may accept an invitation to, and attend, a judicial‑related or bar‑related function, or an activity devoted to the improvement of the law, the legal system, or the administration of justice.

 (D) Appeals from decisions of the hearing officers must be filed with the ALC pursuant to the court’s appellate rules of procedure. Recordings of all hearings must be made part of the record on appeal, along with all evidence introduced at hearings, and copies will be provided to parties to those appeals at no charge. The chief judge shall not hear any appeals from these decisions.

 (E) A hearing officer must issue an order containing findings of fact and conclusions of law. If a hearing officer determines that information is subject to disclosure, the order must set forth in writing what information must be disclosed and when that disclosure must occur. If the decision of the hearing officer is not timely appealed to the ALC, a prevailing party may apply to the ALC to enforce the determination. If the decision is appealed to the ALC, and the administrative law judge upholds a decision ordering disclosure of information, the administrative law judge may enforce the hearing officer’s determination as the court considers appropriate. If the administrative law judge rules that the determination must be enforced, the court may hold a person, the responsible officer, or the public official of a public body in civil contempt for failing to comply with the provisions of Section 30‑4‑30 or an order of the court relating to Section 30‑4‑30. The administrative law judge may also award attorney’s fees pursuant to Section 30‑4‑100(c).”

SECTION 5. Section 30‑4‑40 of the 1976 Code is amended to read:

 “Section 30‑4‑40. (a) A public body may but is not required to exempt from disclosure the following information:

 (1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information. Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, marine terminal service and nontariff agreements, and evaluations and other materials which contain references to potential customers, competitive information, or evaluation.

 (2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy. Information of a personal nature shall include, but not be limited to, information as to gross receipts contained in applications for business licenses and information relating to public records which include the name, address, and telephone number or other such information of an individual or individuals who are handicapped or disabled when the information is requested for person‑to‑person commercial solicitation of handicapped persons solely by virtue of their handicap. This provision must not be interpreted to restrict access by the public and press to information contained in public records.

 (3) Records of law enforcement and public safety agencies not otherwise available by state and federal law that were compiled in the process of detecting and investigating crime if the disclosure of the information would harm the agency by:

 (A) disclosing identity of informants not otherwise known;

 (B) the premature release of information to be used in a prospective law enforcement action;

 (C) disclosing investigatory techniques not otherwise known outside the government;

 (D) by endangering the life, health, or property of any person; or

 (E) disclosing any contents of intercepted wire, oral, or electronic communications not otherwise disclosed during a trial.

 (4) Matters specifically exempted from disclosure by statute or law.

 (5) Documents of and documents incidental to proposed contractual arrangements and documents of and documents incidental to proposed sales or purchases of property; however:

 (A) these documents are not exempt from disclosure once a contract is entered into or the property is sold or purchased except as otherwise provided in this section;

 (B) a contract for the sale or purchase of real estate shall remain exempt from disclosure until the deed is executed, but this exemption applies only to those contracts of sale or purchase where the execution of the deed occurs within twelve months from the date of sale or purchase;

 (C) confidential proprietary information provided to a public body for economic development or contract negotiations purposes is not required to be disclosed.

 (6) All compensation paid by public bodies except as follows:

 (A) For those persons receiving compensation of fifty thousand dollars or more annually, for all part‑time employees, for any other persons who are paid honoraria or other compensation for special appearances, performances, or the like, and for employees at the level of agency or department head, the exact compensation of each person or employee;

 (B) For classified and unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation between, but not including, thirty thousand dollars and fifty thousand dollars annually, the compensation level within a range of four thousand dollars, such ranges to commence at thirty thousand dollars and increase in increments of four thousand dollars;

 (C) For classified employees not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the salary schedule showing the compensation range for that classification including longevity steps, where applicable;

 (D) For unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the compensation level within a range of four thousand dollars, such ranges to commence at two thousand dollars and increase in increments of four thousand dollars.

 (E) For purposes of this subsection (6), ‘agency head’ or ‘department head’ means any person who has authority and responsibility for any department of any institution, board, commission, council, division, bureau, center, school, hospital, or other facility that is a unit of a public body.

 (7) Correspondence or work products of legal counsel for a public body and any other material that would violate attorney‑client relationships.

 (8) ~~Memoranda, correspondence, and working papers in the possession of individual members of the General Assembly or their immediate staffs; however, nothing herein may be construed as limiting or restricting public access to source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered to be public information under the provisions of this chapter and not specifically exempted by any other provisions of this chapter.~~

 ~~(9)~~ Memoranda, correspondence, documents, and working papers relative to efforts or activities of a public body and of a person or entity employed by or authorized to act for or on behalf of a public body to attract business or industry to invest within South Carolina; however, an incentive agreement made with an industry or business: (1) requiring the expenditure of public funds or the transfer of anything of value, (2) reducing the rate or altering the method of taxation of the business or industry, or (3) otherwise impacting the offeror fiscally, is not exempt from disclosure after:

 (A) the offer to attract an industry or business to invest or locate in the offeror’s jurisdiction is accepted by the industry or business to whom the offer was made; and

 (B) the public announcement of the project or finalization of any incentive agreement, whichever occurs later.

 (~~10~~9) Any standards used or to be used by the South Carolina Department of Revenue for the selection of returns for examination, or data used or to be used for determining such standards, if the commission determines that such disclosure would seriously impair assessment, collection, or enforcement under the tax laws of this State.

 (~~11~~10) Information relative to the identity of the maker of a gift to a public body if the maker specifies that his making of the gift must be anonymous and that his identity must not be revealed as a condition of making the gift. For the purposes of this item, ‘gift to a public body’ includes, but is not limited to, gifts to any of the state supported colleges or universities and museums. With respect to the gifts, only information which identifies the maker may be exempt from disclosure. If the maker of any gift or any member of his immediate family has any business transaction with the recipient of the gift within three years before or after the gift is made, the identity of the maker is not exempt from disclosure.

 (~~12~~11) Records exempt pursuant to Sections 9‑16‑80(B) and 9‑16‑320(D).

 (~~13~~12) All materials, regardless of form, gathered by a public body during a search to fill an employment position, except that materials relating to not fewer than the final three applicants under consideration for a position must be made available for public inspection and copying. In addition to making available for public inspection and copying the materials described in this item, the public body must disclose, upon request, the number of applicants considered for a position. For the purpose of this item ‘materials relating to not fewer than the final three applicants’ do not include an applicant’s income tax returns, medical records, social security number, or information otherwise exempt from disclosure by this section.

 (~~14~~13)(A) Data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher education in the conduct of or as a result of study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where the data, records, or information has not been publicly released, published, copyrighted, or patented.

 (B) Any data, records, or information developed, collected, or received by or on behalf of faculty, staff, employees, or students of a state institution of higher education or any public or private entity supporting or participating in the activities of a state institution of higher education in the conduct of or as a result of study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity until the information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This item applies to, but is not limited to, information provided by participants in research, research notes and data, discoveries, research projects, proposals, methodologies, protocols, and creative works.

 (C) The exemptions in this item do not extend to the institution’s financial or administrative records.

 (~~15~~14) The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation or potential violation of law or regulation, to a state regulatory agency.

 (~~16~~15) Records exempt pursuant to Sections 59‑153‑80(B) and 59‑153‑320(D).

 (~~17~~16) Structural bridge plans or designs unless: (a) the release is necessary for procurement purposes; or (b) the plans or designs are the subject of a negligence action, an action set forth in Section 15‑3‑530, or an action brought pursuant to Chapter 78 of Title 15, and the request is made pursuant to a judicial order.

 (~~18~~17) Photographs, videos, and other visual images, and audio recordings of and related to the performance of an autopsy, except that the photographs, videos, images, or recordings may be viewed and used by the persons identified in Section 17‑5‑535 for the purposes contemplated or provided for in that section.

 (~~19~~18) Private investment and other proprietary financial data provided to the Venture Capital Authority by a designated investor group or an investor as those terms are defined by Section 11‑45‑30.

 (b) If any public record contains material which is not exempt under subsection (a) of this section, the public body shall separate the exempt and nonexempt material and make the nonexempt material available in accordance with the requirements of this chapter.

 (c) Information identified in accordance with the provisions of Section 30‑4‑45 is exempt from disclosure except as provided therein and pursuant to regulations promulgated in accordance with this chapter. Sections 30‑4‑30, 30‑4‑50, and 30‑4‑100 notwithstanding, no custodian of information subject to the provisions of Section 30‑4‑45 shall release the information except as provided therein and pursuant to regulations promulgated in accordance with this chapter.

 (d) A public body may not disclose a ‘privileged communication’, ‘protected information’, or a ‘protected identity’, as defined in Section 23‑50‑15 pursuant to a request under the South Carolina Freedom of Information Act. These matters may only be disclosed pursuant to the procedures set forth in Section 23‑50‑45.”

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

Renumber sections to conform.

Amend title to conform.

Rep. QUINN explained the amendment.

Rep. QUINN moved to adjourn debate on the Bill until Wednesday, April 17.

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

Yeas 23; Nays 70

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bannister | Bingham |
| Clyburn | Cole | Finlay |
| Funderburk | George | Hiott |
| Horne | Kennedy | Long |
| Lucas | Newton | Norman |
| Owens | Pope | Quinn |
| Skelton | Southard | Spires |
| Taylor | Wells |  |

**Total--23**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Bales |
| Barfield | Bedingfield | Bowen |
| G. A. Brown | R. L. Brown | Chumley |
| Clemmons | Cobb-Hunter | H. A. Crawford |
| K. R. Crawford | Delleney | Dillard |
| Douglas | Erickson | Felder |
| Forrester | Gambrell | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Hixon |
| Hosey | Howard | Huggins |
| King | Knight | Limehouse |
| Loftis | Lowe | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Ott |
| Patrick | Pitts | Powers Norrell |
| Riley | Rivers | Sandifer |
| Sellers | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Stavrinakis | Stringer |
| Tallon | Weeks | White |
| Willis |  |  |

**Total--70**

So, the House refused to adjourn debate until Wednesday, April 17.

Rep. D. C. MOSS moved to recommit the Bill to the Committee on Judiciary.

Rep. QUINN moved to table the motion.

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

Yeas 22; Nays 83

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Bedingfield | Bingham | Finlay |
| Funderburk | Henderson | Hiott |
| Hixon | Horne | Huggins |
| Lucas | W. J. McLeod | Owens |
| Pope | Quinn | Simrill |
| J. R. Smith | Spires | Taylor |
| Wells |  |  |

**Total--22**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bannister |
| Barfield | Bowen | Bowers |
| Branham | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Forrester |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Herbkersman |
| Hodges | Hosey | Howard |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | McCoy | McEachern |
| M. S. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Ott |
| Patrick | Pitts | Powers Norrell |
| Putnam | Ridgeway | Riley |
| Rivers | Ryhal | Sandifer |
| Sellers | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Southard | Stringer | Tallon |
| Weeks | White | Whitmire |
| Willis | Wood |  |

**Total--83**

So, the House refused to table the motion to recommit the Bill.

The question then recurred to the motion to recommit the Bill.

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

Yeas 72; Nays 34

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bannister |
| Barfield | Bowen | Bowers |
| Branham | G. A. Brown | R. L. Brown |
| Burns | Clemmons | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Erickson |
| Felder | Finlay | Forrester |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Herbkersman | Hodges |
| Hosey | Howard | Kennedy |
| King | Limehouse | Loftis |
| Long | Lowe | McEachern |
| M. S. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Newton | Patrick |
| Pitts | Putnam | Ridgeway |
| Riley | Rivers | Ryhal |
| Sabb | Sandifer | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Stringer | Tallon |
| White | Willis | Wood |

**Total--72**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Bedingfield | Bingham | Clyburn |
| Edge | Funderburk | Hayes |
| Henderson | Hiott | Hixon |
| Horne | Huggins | Knight |
| Lucas | W. J. McLeod | Neal |
| Norman | Ott | Owens |
| Pope | Powers Norrell | Quinn |
| Sellers | Simrill | J. R. Smith |
| Southard | Spires | Stavrinakis |
| Taylor | Weeks | Wells |
| Whitmire |  |  |

**Total--34**

So, the Bill was recommitted.

**H. 3163--MOTION TO RECONSIDER TABLED**

Rep. D. C. MOSS moved to reconsider the vote whereby the following Bill was recommitted to Judiciary Committee:

H. 3163 -- Reps. Taylor, G. R. Smith, Long and Daning: A BILL TO AMEND SECTION 30-4-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES AND THE TIME IN WHICH A PUBLIC BODY MUST RESPOND TO A REQUEST MADE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE FOR THE ELECTRONIC TRANSMISSION OF PUBLIC RECORDS UNDER THE ACT, TO PROVIDE A PUBLIC BODY MAY NOT CHARGE FOR STAFF TIME BUT MAY CHARGE THE PREVAILING COMMERCIAL RATE FOR COPY COSTS WHEN RESPONDING TO A REQUEST, TO PROVIDE A PUBLIC BODY MAY NOT ASSESS A COPY CHARGE WHEN PROVIDING A RECORD STORED OR TRANSMITTED IN ELECTRONIC FORMAT, TO PROVIDE A PUBLIC BODY MAY REQUIRE A DEPOSIT BEFORE FULFILLING A REQUEST, TO REVISE THE TIME LIMITS FOR RESPONDING TO A REQUEST, TO PROVIDE THAT DURING THE HOURS OF OPERATION OF A PUBLIC BODY IT MUST MAKE AVAILABLE WITHOUT WRITTEN REQUEST ALL DOCUMENTS RECEIVED OR REVIEWED BY A MEMBER OF THE BODY IN A PUBLIC MEETING DURING THE PRECEDING SIX MONTHS, AND TO PROVIDE THAT A PUBLIC BODY MAY SATISFY THIS REQUIREMENT BY MAKING THE RECORDS AVAILABLE ON THE INTERNET; TO AMEND SECTION 30-4-100, RELATING TO EQUITABLE REMEDIES AVAILABLE UNDER THE ACT, SO AS TO PROVIDE FOR SPECIFIC ENFORCEMENT AND CIVIL CONTEMPT REMEDIES WHEN A PUBLIC BODY FAILS TO COMPLY WITH THE TIME LIMITS FOR RESPONDING TO A REQUEST; AND TO AMEND SECTION 30-4-110, RELATING TO FINES AND CRIMINAL PENALTIES FOR A VIOLATION OF THE ACT, SO AS TO INCREASE THE FINES AND PROVIDE AN OFFICER OR PUBLIC OFFICIAL WHO WILFULLY VIOLATES THE ACT MAY BE PUNISHED PURSUANT TO THE ACT.

Rep. D. C. MOSS moved to table the motion to reconsider, which was agreed to.

**H. 3512--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3512 -- Reps. Quinn and J. E. Smith: A BILL TO AMEND SECTION 61-6-1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS PROVIDED ONLY BY THE RETAIL DEALER AND IS NOT PROHIBITED BY FEDERAL LAW; AND TO AMEND SECTION 61-6-1500, RELATING TO RESTRICTIONS ON RETAIL DEALERS OF CERTAIN ALCOHOLIC PRODUCTS, SO AS TO PROHIBIT CERTAIN TRANSACTIONS TO ANOTHER RETAIL DEALER IN CERTAIN SITUATIONS, TO PROHIBIT CERTAIN TRANSACTIONS BETWEEN LOCATIONS OWNED BY THE SAME RETAIL DEALER, AND TO PROVIDE ADDITIONAL PENALTIES.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3512 (COUNCIL\NL\3512C001.NL.DG13):

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

/ SECTION 1. Section 61‑6‑1560 of the 1976 Code is amended to read:

 “Section 61‑6‑1650. (A) Notwithstanding any other provision of law, a retail dealer, wholesaler, or producer may offer discounts on alcoholic liquors or nonalcoholic items, listed in Section 61‑6‑1540(A), through the use of premiums, coupons, or stamps redeemable by mail.

 (B) In addition to the provisions of subsection (A), a retail dealer may offer a discount on the sale of alcoholic liquor or nonalcoholic items, listed in Section 61‑6‑1540(A), at the register through the use of premiums, coupons, or stamps, so long as all costs related to the discount, including, but not limited to printing, redemption services, and the actual cost of the discount, are provided and borne only by the retail dealer and the discount is not prohibited by any federal law.”

SECTION 2. Section 61‑6‑1500 of the 1976 Code is amended to read:

 “Section 61‑6‑1500. (A) A retail dealer may not:

 (1) sell, barter, exchange, give, or offer for sale, barter, or exchange, or permit the sale, barter, exchange, or gift, of alcoholic liquors without regard to the size of the container:

 (a) between the hours of 7:00 p.m. and 9:00 a.m.;

 (b) for consumption on the premises;

 (c) to a person under twenty‑one years of age;

 (d) to an intoxicated person; ~~or~~

 (e) to a mentally incompetent person; or

 (f) to a person the retail dealer knows is another retail dealer, except as provided in Section 61‑6‑950 or between locations owned by the same retail dealer;

 (2) permit the drinking of alcoholic liquors in his store or place of business;

 (3) sell alcoholic liquors on credit; however, this item does not prohibit payment by electronic transfer of funds if:

 (a) the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquors; and

 (b) the electronic transfer is initiated by the retailer no later than one business day after delivery; ~~or~~

 (4) redeem proof‑of‑purchase certificates for any promotional item; or

 (5) purchase, barter, exchange, receive, or offer to purchase, barter, exchange, receive or permit the purchase, barter, exchange, or receipt, of alcoholic liquors without regard to the size of the container from another retail dealer, except as provided in Section 61‑6‑950 or between locations owned by the same retail dealer.

 However, during restricted hours a retail dealer is permitted to receive, stock, and inventory merchandise, provide for maintenance and repairs, and other necessary, related functions that do not involve the sale of alcoholic liquors.

 (B)(1) It is unlawful for a person licensed to sell alcoholic liquors pursuant to the provisions of this section to knowingly and willfully refill, partially refill, or reuse a bottle of lawfully purchased alcoholic liquor, or otherwise tamper with the contents of the bottle.

 (2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction:

 (a) for a first offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both;

 (b) for a second or subsequent offense, must be fined one thousand dollars or imprisoned not more than six months, or both.

 (3) In addition to the penalties provided in subsection (B), a violation of this section may subject the licensee or permit holder to revocation or suspension of the license or permit by the department. A third or subsequent violation of subsection (A)(1)(f) within three years of the first violation must result in a mandatory suspension of the license or permit for a period of at least thirty days. A violation of subsection (A)(5) must result in a mandatory suspension of the license or permit for a period of at least thirty days.

 (4) The possession of a refilled or reused bottle or other container of alcoholic liquors is prima facie evidence of a violation of this section. A person who violates this provision must, upon conviction, have his license revoked permanently.

 (C) A retail dealer must keep a record of all sales of alcoholic liquors sold to establishments licensed for on‑premises consumption. The record must include the name of the purchaser and the date and quantity of the sale by brand and bottle size.

 (D) It is unlawful to sell alcoholic liquors except during lawful hours of operation.”

SECTION 3. Subarticle 1, Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑6‑195. The department must not issue or renew a retail dealer’s license until the applicant has certified that the applicant has not purchased and will not purchase alcoholic liquors from another person that does not hold a wholesaler’s license.”

SECTION 4. Section 61‑6‑1530 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

 “( ) ‘The purchase of alcoholic liquors from this location by or on behalf of another retail dealer is unlawful and will result in the suspension of the purchaser’s retail dealer’s license’. The department must prescribe by regulation the size of the lettering and the location of the sign on the seller’s premises.”

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. COLE explained the amendment.

Rep. HERBKERSMAN moved to divide the question, which was agreed to.

**QUESTION 1--INTERRUPTED DEBATE**

The Committee on Judiciary proposed the following Amendment No.  H. 3512 (COUNCIL\3512C001.NL.DG13 QUESTION 1):

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

/ SECTION 1. Section 61‑6‑1560 of the 1976 Code is amended to read:

 “Section 61‑6‑1650. (A) Notwithstanding any other provision of law, a retail dealer, wholesaler, or producer may offer discounts on alcoholic liquors or nonalcoholic items, listed in Section 61‑6‑1540(A), through the use of premiums, coupons, or stamps redeemable by mail.

 (B) In addition to the provisions of subsection (A), a retail dealer may offer a discount on the sale of alcoholic liquor or nonalcoholic items, listed in Section 61‑6‑1540(A), at the register through the use of premiums, coupons, or stamps, so long as all costs related to the discount, including, but not limited to printing, redemption services, and the actual cost of the discount, are provided and borne only by the retail dealer and the discount is not prohibited by any federal law.”

SECTION 2. Section 61‑6‑1500 of the 1976 Code is amended to read:

 “Section 61‑6‑1500. (A) A retail dealer may not:

 (1) sell, barter, exchange, give, or offer for sale, barter, or exchange, or permit the sale, barter, exchange, or gift, of alcoholic liquors without regard to the size of the container:

 (a) between the hours of 7:00 p.m. and 9:00 a.m.;

 (b) for consumption on the premises;

 (c) to a person under twenty‑one years of age;

 (d) to an intoxicated person; ~~or~~

 (e) to a mentally incompetent person; or

 (f) to a person the retail dealer knows is another retail dealer, except as provided in Section 61‑6‑950 or between locations owned by the same retail dealer;

 (2) permit the drinking of alcoholic liquors in his store or place of business;

 (3) sell alcoholic liquors on credit; however, this item does not prohibit payment by electronic transfer of funds if:

 (a) the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquors; and

 (b) the electronic transfer is initiated by the retailer no later than one business day after delivery; ~~or~~

 (4) redeem proof‑of‑purchase certificates for any promotional item; or

 (5) purchase, barter, exchange, receive, or offer to purchase, barter, exchange, receive or permit the purchase, barter, exchange, or receipt, of alcoholic liquors without regard to the size of the container from another retail dealer, except as provided in Section 61‑6‑950 or between locations owned by the same retail dealer.

 However, during restricted hours a retail dealer is permitted to receive, stock, and inventory merchandise, provide for maintenance and repairs, and other necessary, related functions that do not involve the sale of alcoholic liquors.

 (B)(1) It is unlawful for a person licensed to sell alcoholic liquors pursuant to the provisions of this section to knowingly and willfully refill, partially refill, or reuse a bottle of lawfully purchased alcoholic liquor, or otherwise tamper with the contents of the bottle.

 (2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction:

 (a) for a first offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both;

 (b) for a second or subsequent offense, must be fined one thousand dollars or imprisoned not more than six months, or both.

 (4) The possession of a refilled or reused bottle or other container of alcoholic liquors is prima facie evidence of a violation of this section. A person who violates this provision must, upon conviction, have his license revoked permanently.

 (C) A retail dealer must keep a record of all sales of alcoholic liquors sold to establishments licensed for on‑premises consumption. The record must include the name of the purchaser and the date and quantity of the sale by brand and bottle size.

 (D) It is unlawful to sell alcoholic liquors except during lawful hours of operation.”

SECTION 3. Subarticle 1, Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑6‑195. The department must not issue or renew a retail dealer’s license until the applicant has certified that the applicant has not purchased and will not purchase alcoholic liquors from another person that does not hold a wholesaler’s license.”

SECTION 4. Section 61‑6‑1530 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

 “( ) ‘The purchase of alcoholic liquors from this location by or on behalf of another retail dealer is unlawful and will result in the suspension of the purchaser’s retail dealer’s license’. The department must prescribe by regulation the size of the lettering and the location of the sign on the seller’s premises.”

SECTION 5. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. OTT spoke against the question.

Rep. QUINN spoke in favor of the question.

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

**RECURRENCE TO THE MORNING HOUR**

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

**INTRODUCTION OF BILL**

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

S. 261 -- Senators Leatherman, Setzler, Ford and Campsen: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO JANUARY 2, 2013, AND TO DELETE AN INAPPLICABLE SUBITEM.

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

**H. 3512--AMENDED AND ORDERED TO THIRD READING**

Debate was resumed on the following Bill, the pending question being the consideration of Amendment 1, Question 1:

H. 3512 -- Reps. Quinn and J. E. Smith: A BILL TO AMEND SECTION 61-6-1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS PROVIDED ONLY BY THE RETAIL DEALER AND IS NOT PROHIBITED BY FEDERAL LAW; AND TO AMEND SECTION 61-6-1500, RELATING TO RESTRICTIONS ON RETAIL DEALERS OF CERTAIN ALCOHOLIC PRODUCTS, SO AS TO PROHIBIT CERTAIN TRANSACTIONS TO ANOTHER RETAIL DEALER IN CERTAIN SITUATIONS, TO PROHIBIT CERTAIN TRANSACTIONS BETWEEN LOCATIONS OWNED BY THE SAME RETAIL DEALER, AND TO PROVIDE ADDITIONAL PENALTIES.

**QUESTION 1-- ADOPTED**

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

/ SECTION 1. Section 61‑6‑1560 of the 1976 Code is amended to read:

 “Section 61‑6‑1650. (A) Notwithstanding any other provision of law, a retail dealer, wholesaler, or producer may offer discounts on alcoholic liquors or nonalcoholic items, listed in Section 61‑6‑1540(A), through the use of premiums, coupons, or stamps redeemable by mail.

 (B) In addition to the provisions of subsection (A), a retail dealer may offer a discount on the sale of alcoholic liquor or nonalcoholic items, listed in Section 61‑6‑1540(A), at the register through the use of premiums, coupons, or stamps, so long as all costs related to the discount, including, but not limited to printing, redemption services, and the actual cost of the discount, are provided and borne only by the retail dealer and the discount is not prohibited by any federal law.”

SECTION 2. Section 61‑6‑1500 of the 1976 Code is amended to read:

 “Section 61‑6‑1500. (A) A retail dealer may not:

 (1) sell, barter, exchange, give, or offer for sale, barter, or exchange, or permit the sale, barter, exchange, or gift, of alcoholic liquors without regard to the size of the container:

 (a) between the hours of 7:00 p.m. and 9:00 a.m.;

 (b) for consumption on the premises;

 (c) to a person under twenty‑one years of age;

 (d) to an intoxicated person; ~~or~~

 (e) to a mentally incompetent person; or

 (f) to a person the retail dealer knows is another retail dealer, except as provided in Section 61‑6‑950 or between locations owned by the same retail dealer;

 (2) permit the drinking of alcoholic liquors in his store or place of business;

 (3) sell alcoholic liquors on credit; however, this item does not prohibit payment by electronic transfer of funds if:

 (a) the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquors; and

 (b) the electronic transfer is initiated by the retailer no later than one business day after delivery; ~~or~~

 (4) redeem proof‑of‑purchase certificates for any promotional item; or

 (5) purchase, barter, exchange, receive, or offer to purchase, barter, exchange, receive or permit the purchase, barter, exchange, or receipt, of alcoholic liquors without regard to the size of the container from another retail dealer, except as provided in Section 61‑6‑950 or between locations owned by the same retail dealer.

 However, during restricted hours a retail dealer is permitted to receive, stock, and inventory merchandise, provide for maintenance and repairs, and other necessary, related functions that do not involve the sale of alcoholic liquors.

 (B)(1) It is unlawful for a person licensed to sell alcoholic liquors pursuant to the provisions of this section to knowingly and willfully refill, partially refill, or reuse a bottle of lawfully purchased alcoholic liquor, or otherwise tamper with the contents of the bottle.

 (2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction:

 (a) for a first offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both;

 (b) for a second or subsequent offense, must be fined one thousand dollars or imprisoned not more than six months, or both.

 (4) The possession of a refilled or reused bottle or other container of alcoholic liquors is prima facie evidence of a violation of this section. A person who violates this provision must, upon conviction, have his license revoked permanently.

 (C) A retail dealer must keep a record of all sales of alcoholic liquors sold to establishments licensed for on‑premises consumption. The record must include the name of the purchaser and the date and quantity of the sale by brand and bottle size.

 (D) It is unlawful to sell alcoholic liquors except during lawful hours of operation.”

SECTION 3. Subarticle 1, Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑6‑195. The department must not issue or renew a retail dealer’s license until the applicant has certified that the applicant has not purchased and will not purchase alcoholic liquors from another person that does not hold a wholesaler’s license.”

SECTION 4. Section 61‑6‑1530 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

 “( ) ‘The purchase of alcoholic liquors from this location by or on behalf of another retail dealer is unlawful and will result in the suspension of the purchaser’s retail dealer’s license’. The department must prescribe by regulation the size of the lettering and the location of the sign on the seller’s premises.”

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. SKELTON spoke in favor of the question.

The question recurred to the adoption of the question.

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

Yeas 56; Nays 49

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bannister | Bernstein |
| Bowen | R. L. Brown | Clyburn |
| Cobb-Hunter | Cole | K. R. Crawford |
| Daning | Dillard | Edge |
| Erickson | Finlay | Gagnon |
| Gambrell | Goldfinch | Hardwick |
| Harrell | Hart | Herbkersman |
| Horne | Hosey | Huggins |
| Kennedy | King | Knight |
| Long | McCoy | M. S. McLeod |
| Merrill | Mitchell | Munnerlyn |
| Murphy | Newton | Norman |
| Parks | Patrick | Pitts |
| Pope | Quinn | Robinson-Simpson |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Taylor | Weeks |
| Wells | White |  |

**Total--56**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Bales | Barfield | Bedingfield |
| Bingham | Bowers | Branham |
| G. A. Brown | Burns | Chumley |
| Clemmons | Delleney | Forrester |
| Funderburk | George | Gilliard |
| Hardee | Hayes | Henderson |
| Hiott | Hixon | Hodges |
| Jefferson | Loftis | Lowe |
| Lucas | McEachern | W. J. McLeod |
| D. C. Moss | V. S. Moss | Nanney |
| Neal | Ott | Owens |
| Powers Norrell | Putnam | Ridgeway |
| Riley | Rivers | Ryhal |
| Sabb | G. R. Smith | J. R. Smith |
| Stringer | Toole | Whitmire |
| Willis |  |  |

**Total--49**

The question was adopted.

**QUESTION 2-- ADOPTED**

 (3) In addition to the penalties provided in subsection (B), a violation of this section may subject the licensee or permit holder to revocation or suspension of the license or permit by the department. A third or subsequent violation of subsection (A)(1)(f) within three years of the first violation must result in a mandatory suspension of the license or permit for a period of at least thirty days. A violation of subsection (A)(5) must result in a mandatory suspension of the license or permit for a period of at least thirty days.

Rep. HERBKERSMAN spoke in favor of the question.

The question was adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 58; Nays 48

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bannister | Bernstein | Bingham |
| Bowen | R. L. Brown | Clyburn |
| Cobb-Hunter | Cole | K. R. Crawford |
| Dillard | Edge | Erickson |
| Finlay | Gambrell | Gilliard |
| Goldfinch | Hardwick | Harrell |
| Hart | Herbkersman | Horne |
| Hosey | Howard | Huggins |
| Kennedy | King | Knight |
| Limehouse | Long | McCoy |
| M. S. McLeod | Merrill | Mitchell |
| Munnerlyn | Murphy | Newton |
| Norman | Parks | Patrick |
| Pitts | Pope | Quinn |
| Robinson-Simpson | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| J. E. Smith | Sottile | Southard |
| Spires | Stavrinakis | Taylor |
| Weeks | Wells | Whipper |
| White |  |  |

**Total--58**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Barfield |
| Bedingfield | Bowers | Branham |
| G. A. Brown | Burns | Chumley |
| Clemmons | H. A. Crawford | Crosby |
| Daning | Delleney | Douglas |
| Forrester | Funderburk | Gagnon |
| Hardee | Hayes | Henderson |
| Hiott | Hixon | Jefferson |
| Loftis | Lowe | Lucas |
| McEachern | W. J. McLeod | D. C. Moss |
| V. S. Moss | Nanney | Neal |
| Ott | Owens | Powers Norrell |
| Putnam | Ridgeway | Riley |
| Rivers | Ryhal | Sabb |
| G. R. Smith | J. R. Smith | Stringer |
| Toole | Whitmire | Willis |

**Total--48**

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

**H. 3145--AMENDED AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3145 -- Reps. Huggins, Daning, Lowe, Weeks and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-37-45 SO AS TO PROVIDE FOR EXPEDITED EJECTMENTS OF CERTAIN TENANTS BY LANDLORDS; AND TO AMEND SECTION 8-21-1010, AS AMENDED, RELATING TO MAGISTRATES FEES, SO AS TO PROVIDE A FEE FOR FILING AN EXPEDITED EJECTMENT.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3145 (COUNCIL\MS\3145C001.MS.AC13), which was adopted:

Amend the bill, as and if amended, by deleting Section 27‑37‑45(A)(1)(a), as contained in SECTION 1, on page 1, lines 25‑30, and inserting:

/ “(1)(a) ‘Malicious damage to property’ means the intentional, wrongful, or deliberately harmful infliction of substantial destruction, defacing, damaging, impairment, or removal of any part of the premises by the tenant, a member of his household, or his guest without just cause, excuse, or legal justification. For purposes of this section, damage to premises is ‘substantial’ if it exceeds two times the security deposit. ‘Malicious damage to property’ does not include repairs or improvements to the leased premises.” /

Renumber sections to conform.

Amend title to conform.

Rep. HORNE explained the amendment.

The amendment was then adopted by a division vote of 68 to 22.

Reps. J. E. SMITH, COBB-HUNTER, SABB, NEAL, KING, HOWARD, WEEKS, CLYBURN, HOSEY, ANDERSON, WHIPPER, ALLISON, FORRESTER, G. A. BROWN, LOFTIS, CLEMMONS, GOLDFINCH, RYHAL, GILLIARD, HARDWICK, HIXON, HUGGINS, POPE, KENNEDY, ATWATER, ROBINSON-SIMPSON, DILLARD, G. R. SMITH, DOUGLAS, MCEACHERN, MITCHELL, CROSBY, WILLIAMS, WOOD and M. S. MCLEOD requested debate on the Bill.

**H. 3367--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3367 -- Reps. J. E. Smith and Mitchell: A BILL TO AMEND SECTION 33-56-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE SOUTH CAROLINA SOLICITATION OF CHARITABLE FUNDS ACT, SO AS TO REVISE SPECIFIC DEFINITIONS; TO AMEND SECTION 33-56-60, RELATING TO CERTAIN FILING REQUIREMENTS, SO AS TO FURTHER PROVIDE FOR WHICH CHARITABLE ORGANIZATIONS ARE REQUIRED TO FILE AND THE APPLICABLE FILING REQUIREMENTS; TO AMEND SECTION 33-56-70, RELATING TO CONTRACTS WITH PROFESSIONAL SOLICITORS REQUIRED TO BE FILED WITH THE SECRETARY OF STATE, SO AS TO PROVIDE FOR ADDITIONAL FILING INFORMATION AND TO FURTHER PROVIDE WHEN A PROFESSIONAL SOLICITOR, COMMERCIAL CO-VENTURER, OR PROFESSIONAL FUNDRAISING COUNSEL MAY BEGIN PROVIDING OR CONTINUE PROVIDING SOLICITATIONS AND SERVICES IN THIS STATE; TO AMEND SECTION 33-56-110, RELATING TO REGISTRATION OF CERTAIN PERSONS, SO AS TO REVISE THE PROVISIONS OF THE SECTION IN REGARD TO THE REQUIREMENTS OF AND PROCEDURES FOR REGISTRATION, INCLUDING THE SANCTIONS OR PENALTIES FOR NONCOMPLIANCE OR VIOLATION; AND TO AMEND SECTION 33-56-120, RELATING TO PROHIBITED MISREPRESENTATIONS, SO AS TO CLARIFY A REFERENCE.

Rep. HORNE explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 110; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Bowers | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--110**

 Those who voted in the negative are:

**Total--0**

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

**H. 3398--DEBATE ADJOURNED**

Rep. HENDERSON moved to adjourn debate upon the following Bill until Thursday, April 11, which was adopted:

H. 3398 -- Reps. Bales and Weeks: A BILL TO AMEND SECTION 33-56-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOLICITATION OF CHARITABLE FUNDS AND THE REQUIREMENT THAT CHARITABLE ORGANIZATIONS WHICH SOLICIT FUNDS PAY A FILING FEE TO THE SECRETARY OF STATE, SO AS TO EXEMPT CERTAIN PUBLIC SCHOOLS FROM THE PAYMENT OF THIS FEE.

**H. 3268--DEBATE ADJOURNED**

Rep. G. R. SMITH moved to adjourn debate upon the following Bill until Tuesday, April 9, which was adopted:

H. 3268 -- Reps. G. R. Smith, Bedingfield, Willis, Allison, Putnam, Chumley, Dillard, Hamilton, Henderson, Knight, Loftis, Nanney and Robinson-Simpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-2028 SO AS TO ALLOW THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, WHICH PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO VOLUNTARILY DISSOLVE ITSELF AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY IF ACCEPTED BY RESOLUTION OF ITS GOVERNING BODY; TO REQUIRE A PUBLIC HEARING TO BE CONDUCTED BEFORE TAKING A SUPERMAJORITY VOTE OF ITS GOVERNING BODY AND THE GOVERNING BODY OF THE COUNTY; TO REQUIRE THE GOVERNING BODY OF THE COUNTY TO COMPLY WITH THE PROVISIONS OF SECTION 6-11-2140; TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY; AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A SPECIAL PURPOSE DISTRICT THAT PROVIDES BOTH RECREATIONAL AND AGING SERVICES.

**H. 3176--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3176 -- Reps. Clemmons and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES; BY ADDING SECTION 7-13-200 SO AS TO PROVIDE UNIFORM DATES FOR ELECTION EVENTS; BY ADDING SECTION 7-13-1115 SO AS TO REQUIRE A BALLOT TO INDICATE A VOTE CAST FOR A SINGLE CANDIDATE IN ORDER TO BE CERTIFIED AS PART OF THE TOTAL NUMBER OF VOTES CAST; TO AMEND SECTION 7-3-20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; TO AMEND SECTION 7-11-10, AS AMENDED, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; TO AMEND SECTION 7-13-320, AS AMENDED, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE'S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE; TO AMEND SECTION 7-13-330, AS AMENDED, RELATING TO THE BALLOT FORM AND INSTRUCTIONS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT-PARTY-TICKET VOTING ON GENERAL ELECTION BALLOTS; TO AMEND SECTION 7-13-1340, AS AMENDED, RELATING TO REQUIREMENTS FOR VOTE RECORDERS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT-PARTY-TICKET VOTING; TO AMEND SECTION 7-15-320, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD; TO AMEND SECTION 7-15-360, AS AMENDED, RELATING TO THE FURNISHING OF BALLOTS AND ENVELOPES, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT-PARTY-TICKET VOTING; TO AMEND SECTION 7-15-365, AS AMENDED, RELATING TO BALLOTS AND INSTRUCTIONS FURNISHED BY COUNTY BOARDS OF REGISTRATION, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT-PARTY-TICKET VOTING; TO AMEND SECTION 7-15-370, AS AMENDED, RELATING TO THE FURNISHING OF BALLOTS AND ENVELOPES AND THE DUTIES OF THE COUNTY REGISTRATION BOARD, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR STRAIGHT-PARTY-TICKET VOTING; AND TO REPEAL SECTION 7-15-470 RELATING TO ABSENTEE BALLOTS OTHER THAN PAPER BALLOTS.

Reps. CLEMMONS, BARFIELD, ATWATER, J. R. SMITH, HIXON, ROBINSON-SIMPSON, H. A. CRAWFORD, GOLDFINCH, NANNEY, MACK, OWENS, HOSEY, CLYBURN, ANDERSON, WHIPPER, R. L. BROWN, COLE, GILLIARD, G. A. BROWN, WEEKS, HOWARD, NEAL, WILLIAMS, JEFFERSON, OTT, COBB-HUNTER, KING, MCEACHERN, SABB, SANDIFER, BOWEN, FELDER, SOUTHARD, GAGNON, STRINGER, DILLARD, POPE, BEDINGFIELD, G. R. SMITH, LOFTIS, TAYLOR and HARDEE requested debate on the Bill.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HIOTT a temporary leave of absence to attend a meeting with a constituent.

**H. 3474--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3474 -- Reps. Erickson, Owens, Newton, Patrick, Bowen, McCoy, Huggins, Herbkersman, Simrill, Atwater, Cole, Felder, Forrester, Gambrell, Henderson, Loftis, Long, Merrill, Nanney, Pope, Tallon, Thayer, White and Rivers: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY SCHOOL TERM, COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS, AND MAKE-UP DAYS, SO AS TO PROVIDE A SCHOOL DISTRICT MAY USE INSTRUCTIONAL HOURS OR INSTRUCTIONAL DAYS TO SATISFY REQUIREMENTS FOR SCHOOL CALENDARS, COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS, AND MAKE-UP DAYS, AND TO PROVIDE A DATE BEFORE WHICH THE OPENING DATE OF A SCHOOL MAY BEGIN UNLESS THE SCHOOL OPERATES ON A YEAR-ROUND MODIFIED CALENDAR.

Rep. ERICKSON proposed the following Amendment No. 2 to H. 3474 (COUNCIL\AGM\3474C001.AGM.AB13), which was adopted:

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

/ SECTION \_\_\_. Nothing in this act may affect the prosecution of violations of the Compulsory School Attendance Laws of Article 1, Chapter 65, Title 59. /

Renumber sections to conform.

Amend title to conform.

Rep. ERICKSON explained the amendment.

The amendment was then adopted.

Rep. ATWATER proposed the following Amendment No. 3 to H. 3474 (COUNCIL\AGM\3474C004.AGM.AB13), which was adopted:

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

/ SECTION 1. Chapter 5, Title 53 of the 1976 Code is amended by adding:

 “Section 53‑5‑65. Beginning with the 2015-2016 school year, the local school districts of this State shall observe Martin Luther King, Jr. Day and Memorial Day as legal holidays and schools and offices of the districts must be closed on those dates.”

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

Renumber sections to conform.

Amend title to conform.

Rep. ATWATER 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 99; Nays 8

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| Bowers | G. A. Brown | R. L. Brown |
| Burns | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| George | Gilliard | Goldfinch |
| Govan | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | King | Knight |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Neal | Newton |
| Norman | Ott | Parks |
| Patrick | Pope | Powers Norrell |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Toole | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--99**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Chumley | Crosby |
| Loftis | Nanney | Putnam |
| G. R. Smith | Stringer |  |

**Total--8**

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

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

**RECURRENCE TO THE MORNING HOUR**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. FUNDERBURK a temporary leave of absence for a constituent meeting.

**H. 3518--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Joint Resolution until Tuesday, April 9, which was adopted:

H. 3518 -- Reps. Owens, Taylor, Daning, Simrill, Ballentine, Allison, Atwater, Bannister, Barfield, Bedingfield, Clyburn, Hixon, Limehouse, D. C. Moss, Norman, Pope, G. R. Smith, Wells and Rivers: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2016, THE COMMISSION ON HIGHER EDUCATION AND THE PRESIDENTS OF PUBLIC COLLEGES AND UNIVERSITIES SHALL TAKE CERTAIN ACTIONS TO SUPPORT THE EFFORTS OF THE GENERAL ASSEMBLY TO ESTABLISH ACCOUNTABILITY-BASED FUNDING FOR PUBLIC COLLEGES AND UNIVERSITIES.

**H. 3372--DEBATE ADJOURNED**

Rep. W. J. MCLEOD moved to adjourn debate upon the following Bill until Wednesday, April 10, which was adopted:

H. 3372 -- Reps. Sandifer, Owens, Pitts, Branham, Toole, Sottile, Horne and Willis: A BILL TO AMEND SECTION 56-3-1960, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF PARKING PLACARDS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT A PERSON WHO SUBMITS AN APPLICATION FOR A PLACARD TO THE DEPARTMENT MAY SUBMIT A CERTIFICATE FROM A LICENSED ADVANCED PRACTICE REGISTERED NURSE OR A LICENSED PHYSICIAN ASSISTANT THAT CERTIFIES HE IS HANDICAPPED, AND TO PROVIDE THAT A CERTIFICATE FROM A LICENSED ADVANCED PRACTICE REGISTERED NURSE OR A LICENSED PHYSICIAN ASSISTANT IS NOT REQUIRED TO BE SUBMITTED ALONG WITH AN APPLICATION FOR PLACARDS ISSUED TO AN AGENCY, ORGANIZATION, OR FACILITY.

**H. 3791--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3791 -- Reps. Gagnon and Gambrell: A BILL TO AUTHORIZE THE STARR-IVA WATER AND SEWER DISTRICT IN ANDERSON COUNTY TO PROVIDE WATER SERVICE TO A SPECIFIED AREA OF ABBEVILLE COUNTY, UPON THE CONSENT OF THE GOVERNING BODY OF ABBEVILLE COUNTY, TO SOLVE A CRITICAL WATER SERVICE PROBLEM.

The yeas and nays were taken resulting as follows:

 Yeas 101; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| Bowers | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Harrell | Hart |
| Hayes | Henderson | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--101**

 Those who voted in the negative are:

**Total--0**

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

**H. 3061--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3061 -- Reps. McCoy, M. S. McLeod, Stavrinakis and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-95 SO AS TO REQUIRE THE DEPARTMENT OF EDUCATION TO DEVELOP AND DISTRIBUTE MODEL POLICIES CONCERNING THE NATURE AND RISK OF CONCUSSIONS SUSTAINED BY STUDENT ATHLETES, TO REQUIRE EACH LOCAL SCHOOL DISTRICT TO DEVELOP ITS OWN POLICY, TO REQUIRE THE REVIEW OF THE POLICY BY STUDENT ATHLETES AND THEIR PARENTS OR GUARDIANS, TO REQUIRE THE REMOVAL FROM PLAY AND MEDICAL EVALUATION OF A STUDENT ATHLETE BELIEVED TO HAVE SUSTAINED A CONCUSSION DURING PLAY, TO ALLOW FOR THE EVALUATION TO BE UNDERTAKEN BY A VOLUNTEER HEALTH CARE PROVIDER, AND TO PROVIDE THAT LOCAL SCHOOL DISTRICTS ARE NOT REQUIRED TO ENFORCE THE PROVISIONS OF THIS SECTION.

The Committee on Education proposed the following Amendment No. 1 to H. 3061 (COUNCIL\NBD\3061C002.NBD.AC13), which was adopted:

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

/SECTION 1. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

 “Section 59‑63‑75. (A) The South Carolina Department of Health and Environmental Control, in consultation with the State Department of Education, shall post on its website nationally recognized guidelines and procedures regarding the identification and management of suspected concussions in student athletes. The Department of Health and Environmental Control also shall post on its website model policies that incorporate best practices guidelines for the identification, management, and return to play decisions for concussions reflective of current scientific and medical literature developed by resources from or members of sports medicine community organizations including, but not limited to, the Brain Injury Association of South Carolina, the South Carolina Medical Association, the South Carolina Athletic Trainer’s Association, the National Federation of High Schools, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics. Guidelines developed pursuant to this section apply to South Carolina High School League sanctioned events.

 (B) A local school district shall develop guidelines and procedures based on the model guidelines and procedures referenced in subsection (A).

 ( C ) Each year prior to participation in athletics, each school district shall provide to all coaches, volunteers, student athletes, and their parents or legal guardian, an information sheet on concussions which informs of the nature and risk of concussion and brain injury, including the risks associated with continuing to play after a concussion or brain injury. The parent or legal guardian’s receipt of the information sheet must be documented in writing or by electronic means before the student athlete is permitted to participate in an athletic competition or practice.

 (D)(1) If a coach, athletic trainer, or physician suspects that a student athlete, under the control of the coach, athletic trainer, or physician, has sustained a concussion or brain injury in a practice or in an athletic competition, the student athlete shall be removed from practice or competition at that time.

 (2) A student athlete who has been removed from play may return to play if, as a result of evaluating the student athlete onsite, the athletic trainer or physician determines in his or her best professional judgment that the student athlete does not have any signs or symptoms of a concussion or brain injury.

 (3) A student athlete who has been removed from play and evaluated and who is suspected of having a concussion or brain injury may not return to play until the student athlete has received written medical clearance by a doctor of medicine or a doctor of osteopathic medicine, licensed pursuant to Chapter 47, Title 40, who has had training in concussion evaluation and management.

 (4) The athletic trainer or physician who evaluates the student athlete and authorizes the student athlete to return to play is not liable for civil damages resulting from an act or omission in rendering this decision, other than acts or omissions constituting gross negligence or wilful, wanton misconduct. This immunity applies to an athletic trainer or physician whether or not the athletic trainer or physician received remuneration for his or her services or was serving as a volunteer.

 (E) For purposes of this section, ‘student athlete’ includes cheerleaders.”

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

Renumber sections to conform.

Amend title to conform.

Rep. PATRICK explained the amendment.

Rep. HAYES spoke in favor of 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 111; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Bowers | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Herbkersman |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--111**

 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. 3086--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3086 -- Reps. Daning, J. E. Smith, Crosby, R. L. Brown, M. S. McLeod, Taylor, J. R. Smith, Wells, Hixon, Rivers and Gilliard: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS UNDER CERTAIN CONDITIONS, SO AS TO REVISE THE CRITERIA UNDER WHICH VETERANS WHO ARE HONORABLY DISCHARGED AND THEIR DEPENDENTS MAY RECEIVE IN-STATE TUITION RATES.

The Committee on Education proposed the following Amendment No. 1 to H. 3086 (COUNCIL\DKA\3086C004.DKA.SD13), which was adopted:

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

/ SECTION 1. Section 59‑112‑50 of the 1976 Code, as last amended by Act 133 of 2012, is further amended to read:

 “Section 59‑112‑50. (A)(1) Notwithstanding another provision of law, during the period of their assignment to duty in South Carolina, members of the Armed Services of the United States stationed in South Carolina and their dependents are eligible for in‑state tuition rates. When these armed service personnel are ordered away from the State, their dependents are eligible for in‑state tuition rates as long as they remain continuously enrolled at the state institution in which they are enrolled at the time the assignment ends or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student’s previous institution in order to certify the student’s eligibility for in‑state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. ~~These persons and their dependents are eligible for in‑state tuition rates after their discharge from the armed services even though they were not enrolled at a state institution at the time of their discharge, if they have evidenced an intent to establish domicile in South Carolina and if they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge.~~

 (B)(1) Active duty military personnel may be charged less than the undergraduate tuition rate for South Carolina residents for courses that are presented on a distance basis, regardless of residency.

 ~~(B)~~(2) For purposes of this section, ‘active duty military personnel’ includes, but is not limited to, active duty guardsmen and active duty reservists.

 (C) Notwithstanding any other provision of law, a veteran of the Armed Services of the United States, who has evidenced intent to establish domicile in South Carolina and their dependents, are entitled to receive in‑state tuition and fees at state institutions without the requirement of one year of physical presence in this State. For purposes of this subsection, a ‘veteran’ is defined as an individual who has served on active duty in the United States Armed Forces and who has been honorably discharged from service.”

SECTION 2. This act takes effect July 1, 2013. /

Renumber sections to conform.

Amend title to conform.

Rep. DANING 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 110; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Bowers | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Neal | Newton | Norman |
| Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Weeks | Wells |
| Whipper | Whitmire | Williams |
| Willis | Wood |  |

**Total--110**

 Those who voted in the negative are:

**Total--0**

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

**LEAVE OF ABSENCE**

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

**H. 3091--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3091 -- Reps. Henderson, Huggins, Ballentine and W. J. McLeod: A BILL TO AMEND SECTION 33-56-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PARENT-TEACHER ASSOCIATIONS AND LOCAL CHAMBERS OF COMMERCE BEING EXEMPT FROM THE PROVISIONS OF THE SOLICITATION OF CHARITABLE FUNDS ACT UNDER CERTAIN CONDITIONS, SO AS TO PROVIDE THAT THESE PROVISIONS ALSO DO NOT APPLY TO AN ATHLETIC, BAND, OR OTHER EXTRACURRICULAR ACTIVITY BOOSTER CLUB OR ORGANIZATION AFFILIATED WITH A K-12 SCHOOL IF THE ORGANIZATION IS A 501(c)(3) TAX-EXEMPT ENTITY PROPERTY FILING ALL FEDERAL AND STATE REPORTING FORMS REQUIRED OF THESE ORGANIZATIONS, INCLUDING FORM 990.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3091 (COUNCIL\DKA\3091C007. DKA.SD13), which was adopted:

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

/ SECTION 1. Section 33‑56‑50 of the 1976 Code, as last amended by Act 69 of 2007, is further amended to read:

 “Section 33‑56‑50. (A) The following are not required to file registration statements with the Secretary of State if their fundraising activities are not conducted by professional solicitors, professional fundraising counsel, or commercial co‑venturers: (1) an educational institution which solicits contributions from only its students and their families, alumni, faculty, friends, and other constituencies, trustees, corporations, foundations, and individuals who are interested in and supportive of the programs of the institution;

 (2) a person requesting contributions for the relief of an individual specified by name at the time of the solicitation when all of the contributions collected, without deductions of any kind, are turned over to the named beneficiary for his use, as long as the person soliciting the contributions is not a named beneficiary;

 (3) a charitable organization which (a) does not intend to solicit or receive contributions from the public in excess of twenty thousand dollars in a calendar year and (b) has received a letter of tax exemption from the Internal Revenue Service, if all functions, including fundraising activities, of the organization exempted pursuant to this item are conducted by persons who are compensated no more than five hundred dollars in a year for their services and no part of their assets or income inures to the benefit of or is paid to an officer or a member. If the contributions raised from the public, whether or not the contributions are actually received by a charitable organization during any calendar year, are in excess of these amounts, within thirty days after the date the contributions exceed these amounts, the organization ~~must~~ shall register with and report to the Secretary of State as required by this chapter;

 (4) an organization which solicits exclusively from its membership, including a utility cooperative;

 (5) a veterans’ organization which has a congressional charter; and

 (6) the State, its political subdivisions, and an agency or a department of the State which are subject to the disclosure provisions of the Freedom of Information Act.

 (B) ~~A charitable organization that does not intend to solicit or receive contributions from the public in excess of seven thousand five hundred dollars during a calendar year is not required to file registration statements with the Secretary of State without regard to the fact that their fundraising activities are or are not conducted by professional solicitors, professional fundraising counsel, or commercial co‑venturers.~~ The following are not required to file registration statements with the Secretary of State regardless of whether or not their fundraising activities are conducted by professional solicitors, professional fundraising counsel, or commercial co‑venturers:

 (1) a public school district located in this State and any K‑12 or pre‑kindergarten public school located within the public school district. For purposes of this chapter, the term ‘public school’ includes any student organization within the school that does not maintain separate financial accounts or a separate Federal Employer’s Identification Number (EIN) from the school and whose fundraising revenues are deposited in the school’s student activity fund; and

 (2) a charitable organization that does not intend to solicit or receive contributions from the public in excess of seven thousand five hundred dollars during a calendar year. If the contributions raised from the public, whether or not the contributions are actually received by a charitable organization during any calendar year, are in excess of these amounts, the organization shall register with and report to the Secretary of State as required by this chapter within thirty days after the date the contributions exceed these amounts.

 (C) A charitable organization claiming to be exempt from the registration provisions of this chapter and which solicits charitable contributions ~~must~~ shall submit annually to the Secretary of State, on forms prescribed by the Secretary of State, the name, address, and purpose of the organization and a statement setting forth the reason for the claim for exemption. If appropriate, the Secretary of State or his appropriate division shall issue a letter of exemption that may be exhibited to the public. A filing fee is not required of an exempt organization.

 (D) A professional solicitor, professional fundraising counsel, or commercial co‑venturer conducting fundraising activities on behalf of an exempt organization shall comply with the registration and filing requirements of this chapter.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HENDERSON 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 108; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Bannister | Barfield | Bernstein |
| Bingham | Bowen | Bowers |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Herbkersman |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Sellers | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--108**

 Those who voted in the negative are:

**Total--0**

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

**S. 501--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 501 -- Senator Young: A JOINT RESOLUTION TO AUTHORIZE THE CITY OF NORTH AUGUSTA TO RELOCATE THE WORLD WAR I AND WORLD WAR II MEMORIAL MONUMENT IN CALHOUN PARK TO THE VETERANS MEMORIAL AT WADE HAMPTON VETERANS PARK.

The yeas and nays were taken resulting as follows:

 Yeas 101; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| Bowers | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Ott |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Sellers | Simrill | Skelton |
| G. M. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Weeks |
| Wells | White | Whitmire |
| Williams | Willis |  |

**Total--101**

 Those who voted in the negative are:

**Total--0**

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

**H. 3766--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3766 -- Reps. J. E. Smith, Sottile, Harrell and Limehouse: A JOINT RESOLUTION TO DIRECT A TRANSFER TO REPLENISH THE ACCOUNTS THAT WERE USED TO FUND EMERGENCY REPAIRS TO THE USS LAFFEY; TO GRANT THE PATRIOTS POINT DEVELOPMENT AUTHORITY A THREE-YEAR PERIOD, BEGINNING ON MAY 1, 2014, DURING WHICH IT SHALL MAKE INTEREST-ONLY PAYMENTS ON THE AMOUNT USED TO REPLENISH THE ORIGINAL SOURCE ACCOUNTS AT AN INTEREST RATE AND TERMS TO BE DETERMINED BY THE OFFICE OF THE STATE TREASURER; AND BEGINNING MAY 1, 2017, TO REQUIRE THE PATRIOTS POINT DEVELOPMENT AUTHORITY TO COMMENCE ANNUAL PAYMENTS OF $400,000 UNTIL MAY 1, 2028, AT WHICH TIME A FINAL PAYMENT OF $6,068,867.72 SHALL BECOME DUE AND PAYABLE.

Rep. J. E. SMITH explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

 Yeas 109; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| Bowers | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Kennedy |
| King | Knight | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Ryhal |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Toole | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--109**

 Those who voted in the negative are:

**Total--0**

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

**H. 3796--RECALLED AND REFERRED TO**

**COMMITTEE ON WAYS AND MEANS**

On motion of Rep. PITTS, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works and was referred to the Committee on Ways and Means:

H. 3796 -- Rep. Pitts: A BILL TO AMEND SECTION 6-1-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY POLITICAL SUBDIVISIONS OF THIS STATE, SO AS TO PROVIDE THAT WHEN A GOVERNING BODY OF A POLITICAL SUBDIVISION IMPOSES A SCHEDULE OF ROAD FEES ON MOTOR VEHICLES REGISTERED IN THE COUNTY BASED ON VEHICLE CLASS, THE LOWEST FEE IN THE SCHEDULE MUST APPLY TO ALL MOTOR VEHICLES SUBJECT TO THE STATE BIENNIAL REGISTRATION FEE FOR PRIVATE PASSENGER MOTOR VEHICLES IMPOSED PURSUANT TO SECTION 56-3-620; AND TO AMEND SECTION 56-3-630, AS AMENDED, RELATING TO THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLES FOR PURPOSES OF MOTOR VEHICLE LICENSING AND REGISTRATION BY THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT A TRUCK INCLUDED IN THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLE, WHICH IS NOT USED IN A TRADE OR BUSINESS, MAY BE REGISTERED UPON PAYMENT OF THE BIENNIAL REGISTRATION FEES PROVIDED PURSUANT TO SECTION 56-3-620.

**MOTION PERIOD**

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

**H. 3145--DEBATE ADJOURNED**

Rep. SABB moved to adjourn debate upon the following Bill until Tuesday, April 9, which was adopted:

H. 3145 -- Reps. Huggins, Daning, Lowe, Weeks and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-37-45 SO AS TO PROVIDE FOR EXPEDITED EJECTMENTS OF CERTAIN TENANTS BY LANDLORDS; AND TO AMEND SECTION 8-21-1010, AS AMENDED, RELATING TO MAGISTRATES FEES, SO AS TO PROVIDE A FEE FOR FILING AN EXPEDITED EJECTMENT.

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

**ADJOURNMENT**

At 4:08 p.m. the House, in accordance with the motion of Rep. ANDERSON, adjourned in memory of Latres Rockell McCray Coffield of Georgetown, to meet at 10:00 a.m. tomorrow.

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