~~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 Proverbs 18:24: “Some friends play at friendship but a true friend sticks closer than one’s nearest kin.”

Let us pray. Almighty God, watch over these Representatives and staff as they strive to do their duties. Let them be caring to those in need. Give them the desire to work together in their respective responsibilities. Provide for their every need. Bestow Your blessings and grace upon our Nation, President, State, Governor, Speaker, staff, and all who serve their needs. 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. TALLON moved that when the House adjourns, it adjourn in memory of George Cameron Todd of Columbia, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report on:

H. 3941 -- Reps. Sandifer, Harrell, Bannister, Daning, Erickson, Forrester and Gambrell: A BILL TO AMEND SECTION 6-1-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A POLITICAL SUBDIVISION'S AUTHORITY TO SET A MINIMUM

WAGE, SO AS TO ALSO PROHIBIT THE MANDATE OF AN EMPLOYEE BENEFIT.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 3960 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-41-35 SO AS TO REQUIRE EMPLOYERS PARTICIPATING IN A MULTIPLE EMPLOYER SELF-INSURED HEALTH PLAN TO EXECUTE HOLD HARMLESS AGREEMENTS IN WHICH THE EMPLOYER AGREES TO PAY ALL UNPAID PORTIONS OF INSURED CLAIMS, AND TO REQUIRE THE DEPARTMENT OF INSURANCE TO PROVIDE FORMS THAT MUST BE USED FOR THESE AGREEMENTS, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

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

H. 3893 -- Reps. Bedingfield, G. R. Smith, Loftis, Stringer, Burns, Hamilton, Erickson, Taylor, Clemmons, Delleney, Pitts and Willis: A BILL TO AMEND SECTION 59-18-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADOPTION OF NEW STATEWIDE EDUCATION STANDARDS AND ASSESSMENTS, SO AS TO PROVIDE SUCH AN ADOPTION MUST NOT BE IMPLEMENTED UNTIL APPROVED BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4012 -- Reps. Hodges, 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, 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 BEAUFORT COUNTY'S CANDICE GLOVER FOR HER CONTINUED SUCCESS ON AMERICAN IDOL AND TO WISH HER ULTIMATE VICTORY AS SHE STRIVES TO BECOME THE SEASON TWELVE AMERICAN IDOL.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4013 -- Reps. J. R. Smith, Clyburn, Hixon, Taylor, Wells, 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, 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, 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, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Thayer, Toole, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR REBECCA ROBBINS OF AIKEN COUNTY UPON THE OCCASION OF HER RETIREMENT FROM THE AIKEN COUNTY COMMISSION FOR HIGHER EDUCATION, TO THANK HER FOR HER MANY YEARS OF OUTSTANDING PUBLIC SERVICE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4014 -- Reps. Mitchell, Cobb-Hunter and King: A BILL TO AMEND SECTION 59-127-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY, SO AS TO RECONSTITUTE THE BOARD OF TRUSTEES BY REVISING THE NUMBER OF BOARD MEMBERS AND THE MANNER IN WHICH THEY ARE ELECTED TO ACCOUNT FOR THE NEW SEVENTH CONGRESSIONAL DISTRICT, PROVIDING TWO AT-LARGE SEATS FILLED BY ELECTION OF THE GENERAL ASSEMBLY AND TWO AT-LARGE SEATS FILLED BY APPOINTMENT OF THE GOVERNOR, ONE OF WHOM IS RECOMMENDED BY THE SOUTH CAROLINA STATE NATIONAL ALUMNI ASSOCIATION, TO REVISE OTHER PROVISIONS RELATING TO TERMS OF BOARD MEMBERS, AND TO PROVIDE TRANSITION PROVISIONS.

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

H. 4015 -- Reps. Brannon and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 56 SO AS TO DEFINE THE TERM "AUTONOMOUS VEHICLE" AND OTHER TERMS RELATED TO THE MANUFACTURE AND OPERATION OF AN "AUTONOMOUS VEHICLE", AND TO PROVIDE A PROCEDURE FOR THE TESTING AND OPERATION OF AUTONOMOUS VEHICLES IN THIS STATE.

Referred to Committee on Labor, Commerce and Industry

H. 4016 -- Reps. Robinson-Simpson, Cobb-Hunter, Clyburn, Sabb, Williams, Jefferson, Mitchell, Dillard, King, Mack, Gilliard and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-150-385 SO AS TO PROVIDE A DESIGNATED LOTTERY GAME FROM WHICH PROCEEDS MUST BE USED TO PROVIDE ADDITIONAL FUNDS TO FACILITATE ACCELERATED LEARNING FOR UNDERACHIEVING STUDENTS TO ELIMINATE DISPARITY IN STUDENT ACHIEVEMENT IN KINDERGARTEN THROUGH TWELFTH GRADE, AND TO NAME THE GAME "THE BOOST LEARNING GAME".

Referred to Committee on Ways and Means

H. 4017 -- Reps. Robinson-Simpson, Cobb-Hunter, Clyburn, Sabb, Williams, Jefferson, King, Anderson, Mitchell, Dillard, Neal, Mack, Gilliard, Hodges and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-52 SO AS TO ENACT THE STEP INCENTIVE FOR SUCCESSFUL TEACHERS IN LOW-PERFORMING SCHOOLS (STILPS) STUDY COMMITTEE TO DEVELOP A STEP INCREASE COMPENSATION PLAN FOR HIGHLY QUALIFIED TEACHERS WITH DEMONSTRATED SUCCESS IN ELEVATING STUDENT ACADEMIC ACHIEVEMENT AND WHO SERVE IN LOW-PERFORMING SCHOOLS AS A REWARD FOR GAINS IN ACADEMIC ACHIEVEMENT BY THEIR STUDENTS; TO PROVIDE FOR ITS MEMBERSHIP AND DUTIES, AND TO REQUIRE THE COMMITTEE TO MAKE A REPORT OF ITS FINDINGS WITH RECOMMENDATIONS TO THE GENERAL ASSEMBLY, THE SUPERINTENDENT OF EDUCATION, AND THE GOVERNOR, AND TO PROVIDE FOR ITS TERMINATION; AND TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL PROMULGATE REGULATIONS TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMITTEE EFFECTIVE STARTING WITH THE 2014-2015 SCHOOL YEAR.

Referred to Committee on Education and Public Works

H. 4018 -- Reps. Robinson-Simpson, Williams, Jefferson, Anderson, Gilliard, Cobb-Hunter, Mitchell, Dillard, King, Mack, Neal, R. L. Brown, Clyburn and Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3710 SO AS TO ALLOW A FIVE THOUSAND DOLLAR TAX CREDIT TO ANY TAXPAYER THAT EMPLOYS A FORMERLY INCARCERATED INDIVIDUAL AS A FULL-TIME EMPLOYEE FOR ONE YEAR, TO SPECIFY THE TAXES FOR WHICH THE CREDIT MAY BE APPLIED, AND SPECIFY ELIGIBILITY REQUIREMENTS.

Referred to Committee on Ways and Means

H. 4019 -- Reps. Mitchell and Loftis: A BILL TO AMEND SECTION 31-7-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDEVELOPMENT PROJECT COSTS, SO AS TO PROVIDE PROPERTY ASSEMBLY COSTS ALSO INCLUDE THE COST OF ENVIRONMENTAL REMEDIATION.

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

Rep. NORMAN objected.

Referred to Committee on Ways and Means

H. 4020 -- Rep. Allison: A JOINT RESOLUTION TO PROVIDE THAT ACT 99 OF 1999, THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT, IS REAUTHORIZED UNTIL JULY 1, 2014.

Rep. ALLISON asked unanimous consent to have the Joint Resolution placed on the Calendar without reference.

Rep. COBB-HUNTER objected.

Referred to Committee on Education and Public Works

S. 308 -- Senators Bennett, Shealy, Grooms, Hembree, L. Martin, Massey, Campbell, Turner, Thurmond, Bryant, Verdin, S. Martin, Davis, Bright, Corbin, Campsen, Fair and Cromer: A BILL TO AMEND SECTION 16-23-465 OF THE 1976 CODE, RELATING TO THE CARRYING OF A CONCEALED WEAPON IN A BUSINESS THAT SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES, TO PERMIT THE POSSESSION OF A WEAPON UNLESS NOTICE OF A PROHIBITION IS PROVIDED BY THE BUSINESS, TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN A BUSINESS BY SOMEONE CARRYING A FIREARM, AND TO REDUCE THE PENALTIES FOR VIOLATIONS.

Referred to Committee on Judiciary

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, April 24.

|  |  |
| --- | --- |
| Bakari Sellers | Tracy Edge |
| Mike Gambrell | Beth Bernstein |
| M.S. McLeod | William R. "Bill" Whitmire |
| Peter McCoy, Jr. | Walt J. McLeod |
| Chip Huggins | Ted Vick |
| Richard "Rick" Quinn | Grady Brown |
| Mark Willis | William Bowers |
| Chris Hart | Joseph Neal |
| Mandy Powers Norrell | Todd Rutherford |
| G. Murrell Smith | Phil Owens |

**Total Present--12****1**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BOWEN a leave of absence for the day due to official State business.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. M. SMITH a temporary leave of absence to attend a hearing.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KENNEDY a leave of absence due to medical reasons.

**STATEMENT OF ATTENDANCE**

Rep. EDGE 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, April 23.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Ed Evans of Seneca was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Reps. HENDERSON and HAMILTON presented to the House the Eastside High School "Eagles" Wrestling Team, the 2013 AAA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. SANDIFER presented to the House the 2012 Miss South Carolina Ali Rogers and the 2012 Miss South Carolina contestants, 2012 Miss Teen Sydney Sill, and 2013 Miss Teen Rachel Wyatt.

STATEMENT FOR THE JOURNAL

 Ladies and gentleman, I want to introduce to you a true American hero. Standing in the balcony with his daughter Rea, son-in-law Ted, and granddaughter Heather, is John "Jack" Achenbach.

 Jack turned 90 years old on April 11th and has witnessed some incredible changes and developments to our Nation. In 1942 at the age of 19 Jack enlisted in the Navy and began his career as an Aircraft Machinist mate. He served in the Pacific on the USS *Intrepid* (on which he endured two kamikaze attacks) and USS *Lexington*.

 Jack was on board the Lexington in Tokyo Bay during the historic signing of the armistice ending World War Two. During a weekend visit to a friend’s home in Pennsylvania he met the love of his life, Rita George, and they were married in May 1949.

 Jack's military career eventually took him into the Korean Conflict, in which he suffered a leg injury that left him permanently disabled. However, he overcame this injury and retired from the military, obtaining a civil service job at the Naval Air Rework Facility in Jacksonville, Florida, from which he retired in 1975.

 Jack received the Presidential Unit Citation with 1 Star, Navy Good Conduct Medal, China Service Medal, American Campaign Medal, Asiatic Pacific Campaign Medal with 9 Stars, World War II Victory Medal, Navy Occupation Medal, National Defense Medal, Philippine Liberation Medal with 2 Stars, Korean Service Medal, and United Nations Korea Service Medal.

 Jack is a devoted family man, delights in his two daughters, Rita Achenbach Brooks of Goose Creek and Jacqueline Ann Schoolcraft of Jacksonville, Florida, and one grandchild, Heather Brooks Platzer of Daniel Island.

 Jack attends Immaculate Conception Catholic Church in Goose Creek and loves the outdoors and traveling. Until recently, he and his beloved Rita (who passed away in 2009) traveled extensively. Jack is an avid reader of current events and also enjoys United States history and historical fiction.

 Also standing in the balcony with Jack is his neighbor, Representative Joe Daning, who will present him with a House Resolution and a South Carolina flag that was flown over the dome in his honor.

 Ladies and gentleman, please join me in giving a true American hero and his family a warm welcome to the State House.

Rep. William Crosby

STATEMENT FOR THE JOURNAL

 During several hours of today’s session, we were in negotiations to work out issues related to H. 3945, the Ethics Reform Bill. These meetings were critical to ensure we meet the cross-over deadline to have bills sent to the Senate so we can pass ethics reform this year. Unfortunately, this meeting caused us to miss several votes today. Rep. Kenneth A. Bingham

 Rep. Bruce Bannister

 Rep. Tommy E. Pope

 Rep. Rick Quinn

 Rep. James Merrill

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3024 |
| Date: | ADD: |
| 04/24/13 | HARRELL and STAVRINAKIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3027 |
| Date: | ADD: |
| 04/24/13 | WHIPPER, R. L. BROWN and COBB-HUNTER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3093 |
| Date: | ADD: |
| 04/24/13 | WHIPPER and W. J. MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3101 |
| Date: | ADD: |
| 04/24/13 | BRANNON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3109 |
| Date: | ADD: |
| 04/24/13 | THAYER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3152 |
| Date: | ADD: |
| 04/24/13 | THAYER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3159 |
| Date: | ADD: |
| 04/24/13 | THAYER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3165 |
| Date: | ADD: |
| 04/24/13 | THAYER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3258 |
| Date: | ADD: |
| 04/24/13 | PITTS and COBB-HUNTER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3357 |
| Date: | ADD: |
| 04/24/13 | GAGNON, WHIPPER, RYHAL, R. L. BROWN and ERICKSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3410 |
| Date: | ADD: |
| 04/24/13 | WHIPPER and COBB-HUNTER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3425 |
| Date: | ADD: |
| 04/24/13 | NEAL |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3557 |
| Date: | ADD: |
| 04/24/13 | WHIPPER and HODGES |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3584 |
| Date: | ADD: |
| 04/24/13 | THAYER and G. R. SMITH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3435 |
| Date: | ADD: |
| 04/24/13 | K. R. CRAWFORD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3964 |
| Date: | ADD: |
| 04/24/13 | KNIGHT |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3505 |
| Date: | ADD: |
| 04/24/13 | WHIPPER and HODGES |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3784 |
| Date: | ADD: |
| 04/24/13 | VICK, HARRELL and PITTS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3943 |
| Date: | ADD: |
| 04/24/13 | LOFTIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3986 |
| Date: | ADD: |
| 04/24/13 | BURNS, GOLDFINCH and LOFTIS |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3357 |
| Date: | ADD: |
| 04/24/13 | RYHAL, WHIPPER, R. L. BROWN and ERICKSON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3618 |
| Date: | ADD: |
| 04/24/13 | MURPHY |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3464 |
| Date: | ADD: |
| 04/24/13 | COBB-HUNTER and GILLIARD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3762 |
| Date: | ADD: |
| 04/24/13 | VICK |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3961 |
| Date: | ADD: |
| 04/24/13 | R. L. BROWN and WHIPPER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3125 |
| Date: | ADD: |
| 04/24/13 | HIOTT, TOOLE, HARDEE, DILLARD and COBB-HUNTER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3324 |
| Date: | ADD: |
| 04/24/13 | J. R. SMITH |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3383 |
| Date: | ADD: |
| 04/24/13 | R. L. BROWN and WHIPPER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3993 |
| Date: | ADD: |
| 04/24/13 | BARFIELD, GEORGE, HAYES, ATWATER, TOOLE, HUGGINS, QUINN and BINGHAM |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3763 |
| Date: | ADD: |
| 04/24/13 | FUNDERBURK |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 3945 |
| Date: | REMOVE: |
| 04/24/13 | BRANHAM and BRANNON |

**SENT TO THE SENATE**

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

H. 3751 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO CONFORM WITH FEDERAL MANDATES ENACTED BY THE UNITED STATES CONGRESS IN THE TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011; BY ADDING SECTION 41-41-45 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL IMPOSE A PENALTY ON FRAUDULENT OVERPAYMENTS OF UNEMPLOYMENT BENEFITS; BY ADDING SECTION 41-33-910 SO AS TO CREATE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE INTEGRITY FUND AND PROVIDE FOR ITS SOURCE AND USE; BY ADDING SECTION 41-35-135 SO AS TO PROVIDE THE DEPARTMENT SHALL CHARGE THE ACCOUNT OF AN EMPLOYER WHEN THE EMPLOYER FAILS TO RESPOND TIMELY OR ADEQUATELY TO A REQUEST BY THE DEPARTMENT FOR INFORMATION CONCERNING A CLAIM FOR UNEMPLOYMENT BENEFITS WHEN THE EMPLOYER HAS DEMONSTRATED A PATTERN OF FAILING TO TIMELY OR ADEQUATELY RESPOND TO THESE REQUESTS; AND TO AMEND SECTION 43-5-598, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE SOUTH CAROLINA EMPLOYABLES PROGRAM ACT, SO AS TO REVISE THE DEFINITION OF "NEW HIRE" TO APPLY WHERE THE SEPARATION OF AN EMPLOYEE FROM EMPLOYMENT IS FOR AT LEAST SIXTY CONSECUTIVE DAYS.

H. 3354 -- Reps. King, Knight, Hart, Howard, J. E. Smith, Cobb-Hunter, Neal, Douglas and Powers Norrell: A BILL TO AMEND SECTION 44-63-84, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS TO WHOM DEATH CERTIFICATES MAY BE ISSUED, SO AS TO PROVIDE THAT THE COUNTY REGISTRAR SHALL ISSUE, UPON REQUEST, DEATH CERTIFICATES THAT WERE FILED ELECTRONICALLY; AND TO MAKE TECHNICAL CORRECTIONS.

**H. 3263--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3263 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 79 TO TITLE 2, TO ENACT THE "SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT ACT" SO AS TO ESTABLISH AND PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT COMMISSION, TO PROVIDE THAT THIS COMMISSION SHALL ACT TO ENHANCE THE VALUE OF MILITARY FACILITIES LOCATED IN THIS STATE AND ASSIST DEFENSE COMMUNITIES WITH THIS VALUE ENHANCEMENT, TO ESTABLISH THE SOUTH CAROLINA MILITARY VALUE REVOLVING LOAN ACCOUNT TO PROVIDE LOANS TO ASSIST DEFENSE COMMUNITIES TO ENHANCE THE VALUE OF MILITARY FACILITIES, AND TO PROVIDE FOR OTHER METHODS AND INCENTIVES TO ACCOMPLISH THESE PURPOSES.

Rep. J. E. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 96; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Branham | Brannon | R. L. Brown |
| Burns | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Douglas | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardwick |
| Harrell | Hayes | Henderson |
| Hixon | Hodges | Horne |
| Hosey | Howard | Jefferson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| M. S. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Newton | Norman |
| Ott | Owens | Patrick |
| Pitts | Pope | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Wood |

**Total--96**

 Those who voted in the negative are:

**Total--0**

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

**H. 3631--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3631 -- Reps. Daning, Crosby, Sottile, Atwater and Sabb: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE FOR THE ISSUANCE OF GOLF CART PERMITS, TO REGULATE THE OPERATION OF GOLF CARTS, AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 56-2-105 RELATING TO THE ISSUANCE OF GOLF CART PERMITS AND THE OPERATION OF GOLF CARTS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3631 (COUNCIL\SWB\3631C005. SWB.CM13), which was tabled:

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

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

 “Section 56‑3‑115. (A) For the purposes of this section, ‘gated community’ means any homeowners’ community with at least one access‑controlled ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance.

 (B) An individual or business owner of a vehicle commonly known as a golf cart may obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and liability insurance for the golf cart and upon payment of a five dollar fee. The Comptroller General shall place a sufficient portion of this fee into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering golf cart permits.

 (1) During daylight hours only, a permitted golf cart may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

 (2) During daylight hours only, a permitted golf cart may be operated within four miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

 (3) During daylight hours only, within four miles of the registration holder’s address, and while traveling along a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less, a permitted golf cart may cross a highway or street at an intersection where the highway has a posted speed limit of more than thirty‑five miles an hour.

 (4) During daylight hours only, a permitted golf cart may be operated along a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

 (C) A person operating a permitted golf cart must be at least sixteen years of age and hold a valid driver’s license. The operator of a permitted golf cart being operated on a highway or street must have in his possession:

 (1) the registration certificate issued by the department;

 (2) proof of liability insurance for the golf cart; and

 (3) his driver’s license.

 (D)(1) A golf cart permit must be replaced with a new permit every five years, or at the time the permit holder changes his address.

 (2) Golf cart owners holding golf cart permits on or before October 1, 2012, will have until September 30, 2015, to obtain a replacement permit.

 (E) A political subdivision may:

 (1) on designated streets or roads within the political subdivision’s jurisdiction, reduce the area in which a permitted golf cart may operate from four miles to no less than two miles; or

 (2) prohibit the operation of golf carts on any street or highway within the political subdivision if its governing body determines that the prohibition is necessary in the interest of safety.

 (F) The provisions of this section that restrict the use of a golf cart to certain streets, certain hours, and certain distances shall not apply to a golf cart used by a public safety agency in connection with the performance of its duties.

 (G) A person who violates a provision contained in this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

 (H) The provisions of this section that restrict the operation of a golf cart to daylight hours only do not apply to a golf cart that is equipped with working headlights and rear lights.”

SECTION 2. Section 56‑2‑105 is repealed.

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

Renumber sections to conform.

Amend title to conform.

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

Rep. DANING explained the Bill.

Reps. OTT, BALES, HERBKERSMAN, DANING, SOUTHARD, K. R. CRAWFORD, W. J. MCLEOD, WHITMIRE, SANDIFER, GEORGE, JEFFERSON, R. L. BROWN, WHIPPER, HOSEY, GILLIARD, GOLDFINCH and ROBINSON-SIMPSON requested debate on the Bill.

**LEAVE OF ABSENCE**

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

**H. 3725--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3725 -- Reps. Putnam, Ballentine, Patrick, Huggins, H. A. Crawford, Mitchell, Allison, Barfield, Chumley, Felder, Gagnon, Henderson, Hixon, Owens, Rivers, Ryhal, Simrill, Spires, Stringer, Taylor, Willis, Wood, Sellers, Long and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SAFE ACCESS TO VITAL EPINEPHRINE (SAVE) ACT"; BY ADDING SECTION 59-63-95 SO AS TO ALLOW SCHOOL DISTRICT AND PRIVATE SCHOOL GOVERNING AUTHORITIES TO OBTAIN SUPPLIES OF EPINEPHRINE AUTO-INJECTORS FOR SCHOOLS TO USE IN CERTAIN CIRCUMSTANCES; TO AUTHORIZE CERTAIN PEOPLE TO PRESCRIBE AND DISPENSE PRESCRIPTIONS FOR EPINEPHRINE AUTO-INJECTORS; TO AUTHORIZE CERTAIN SCHOOL PERSONNEL TO PROVIDE EPINEPHRINE AUTO-INJECTORS TO STUDENTS FOR SELF-ADMINISTRATION OF THE INJECTOR; TO AUTHORIZE CERTAIN PERSONNEL TO ADMINISTER EPINEPHRINE AUTO-INJECTORS TO STUDENTS AND OTHER PEOPLE; TO PROVIDE FOR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND SCHOOL DISTRICT AND PRIVATE SCHOOL GOVERNING AUTHORITIES TO DEVELOP AND FACILITATE IMPLEMENTATION OF GUIDELINES FOR MANAGEMENT OF STUDENTS WITH LIFE-THREATENING ALLERGIES, INCLUDING FOR ADMINISTRATION AND PROVISION OF EPINEPHRINE AUTO-INJECTORS TO STUDENTS AND OTHER PEOPLE; AND TO PROVIDE FOR IMMUNITY FROM LIABILITY WITH REGARD TO USE OF EPINEPHRINE AUTO-INJECTORS BY SCHOOLS.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3725 (COUNCIL\NBD\3725C001. NBD.VR13), which was adopted:

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

/SECTION 1. This act may be cited as the “Safe Access to Vital Epinephrine Act”.

SECTION 2. Article 1, Chapter 63, Title 59 is amended by adding:

 “Section 59‑63‑95. (A) As used in this section, and unless the specific context indicates otherwise:

 (1) ‘Administer’ means the direct application of an epinephrine auto‑injector into the body of a person.

 (2) ‘Advanced practice registered nurse’ means a registered nurse prepared for an advanced practice registered nursing role by virtue of the additional knowledge gained through an advanced formal education program in a specialty area pursuant to Chapter 33, Title 40.

 (3) ‘Designated school personnel’ means an employee, agent, or volunteer of a school designated by the governing authority of the school district or the governing authority of the private school who has completed the training required in accordance with the guidelines of the governing authority to provide for or administer an epinephrine auto‑injector to a student.

 (4) ‘Epinephrine auto‑injector’ means a device that automatically injects a premeasured dose of epinephrine into a person.

 (5) ‘Governing authority of a school’ means the board of trustees of a school district or the board of trustees of a private school.

 (6) ‘Participating governing authorities’ means governing authorities of school districts and governing authorities of private schools that authorize schools to maintain a supply of undesignated epinephrine auto‑injectors and to provide and administer epinephrine auto‑injectors to students and other people pursuant to Sections 59‑63‑95(B) and (C).

 (7) ‘Physician’ means a doctor of medicine licensed by the South Carolina Board of Medical Examiners pursuant to Article 1, Chapter 47, Title 40.

 (8) ‘Physician assistant’ means a health care professional licensed to assist with the practice of medicine with a physician supervisor pursuant to Article 7, Chapter 47, Title 40.

 (9) ‘Provide’ means to supply one or more epinephrine auto‑injectors to a student or other person.

 (10) ‘School’ means a public or private school.

 (11) ‘Self‑administration’ means a student or other person’s discretionary use of an epinephrine auto‑injector, whether provided by the student or the other person or by a school nurse or other designated school personnel pursuant to this section.

 (B) Notwithstanding another provision of law, a physician, an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40‑33‑34, and a physician assistant licensed to prescribe medication pursuant to Sections 40‑47‑955 through 40‑47‑965 may prescribe epinephrine auto‑injectors maintained in the name of a school for use in accordance with subsection (D). Notwithstanding another provision of law, licensed pharmacists and physicians may dispense epinephrine auto‑injectors in accordance with a prescription issued pursuant to this subsection. Notwithstanding another provision of law, a school may maintain a stock supply of epinephrine auto‑injectors in accordance with a prescription issued pursuant to this subsection. For the purposes of administering and storing epinephrine auto-injectors, schools are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.

 (C) The governing authority of a school district or private school may authorize school nurses and other designated school personnel to:

 (1) provide an epinephrine auto‑injector to a student to self‑administer the epinephrine auto‑injector in accordance with a prescription specific to the student that is on file with the school;

 (2) administer an epinephrine auto‑injector to a student in accordance with a prescription specific to the student on file with the school;

 (3) administer an epinephrine auto‑injector to a student or other individual on school premises whom the school nurse or other designated school personnel believes in good faith is experiencing anaphylaxis, in accordance with a standing protocol of a physician, an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40‑33‑34, or a physician assistant licensed to prescribe medication pursuant to Sections 40‑47‑955 through 40‑47‑965, regardless of whether the student or other individual has a prescription for an epinephrine auto‑injector.

 (D) The governing authority of a school district or the governing authority of a private school may enter into arrangements with manufacturers of epinephrine auto‑injectors or third‑party suppliers of epinephrine auto‑injectors to obtain epinephrine auto‑injectors at fair‑market, free, or reduced prices.

 (E) Participating governing authorities, in consultation with the State Department of Education and the Department of Health and Environmental Control, shall implement a plan for the management of students with life‑threatening food allergies enrolled in the schools under their jurisdiction. The plan must include, but need not be limited to:

 (1) education and training for school personnel on the management of students with life‑threatening allergies, including training related to the administration of an epinephrine auto‑injector, techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis, and the standards and procedures for the storage and administration of an epinephrine auto‑injector;

 (2) procedures for responding to life‑threatening allergic reactions, including emergency follow‑up procedures; and

 (3) a process for the development of individualized health care and allergy action plans for every student with a known life‑threatening allergy.

 (F) Participating governing authorities shall make the plan developed pursuant to subsection (E) available on the websites of the school district and private school governing authorities and on the websites of schools; provided, however, if a school does not have a website, make the plan publicly available through other practicable means as determined by such governing authorities.

 (G) This section applies only to Participating governing authorities.

 (H) A school, school district, school district governing authority, private school governing authority, the Department of Health and Environmental Control, the Department of Education, and employees, volunteers, and other agents of all of those entities, including, but not limited to, a physician, advanced practice registered nurse, physician assistant, pharmacist, school nurse, and other designated school personnel, who:

 (1) develop or implement, or participate in the development or implementation of, a plan, pursuant to subsection (E), including, but not limited to, providing training to school nurses and other designated school personnel;

 (2) make publicly available a plan, pursuant to subsection (F);

 (3) prescribe epinephrine auto‑injectors, pursuant to subsection (B);

 (4) dispense epinephrine auto‑injectors, pursuant to subsection (B);

 (5) provide epinephrine auto‑injectors to students or other people for self‑administration, pursuant to subsection (C); or

 (6) administer epinephrine auto‑injectors to students or other people, pursuant to subsection (C), must not be liable for damages for injuries that result from the administration or self‑administration of an epinephrine auto‑injector to a student, regardless of whether the student’s parent or guardian, or a physician, advanced practice registered nurse, or physician assistant, authorized the administration or self‑administration, or to another person, regardless of whether the other person to whom a school nurse or other designated school personnel provides or administers an epinephrine auto‑injector gave authorization for the administration. This immunity does not apply to acts or omissions constituting gross negligence or wilful, wanton, or reckless conduct. The administration of an epinephrine auto‑injector pursuant to this section is not the practice of medicine or nursing. The immunity from liability provided under this subsection is in addition to, and not in lieu of, immunity provided pursuant to Sections 15‑1‑310, 15‑78‑10, and any other provisions of law.”

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

Renumber sections to conform.

Amend title to conform.

Rep. PATRICK explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 104; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowers | Branham |
| Brannon | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Douglas | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hardwick | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Huggins | Jefferson | 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 |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Wood |  |

**Total--104**

 Those who voted in the negative are:

**Total--0**

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

**LEAVE OF ABSENCE**

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

**H. 3853--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3853 -- Reps. Owens, Patrick, Bedingfield, Loftis, Taylor, Allison, Anthony, Brannon, Southard, Bowen, Whitmire, Limehouse, Cole, Erickson, Forrester, Harrell, Herbkersman, Hixon, Lucas, D. C. Moss, Norman, Pitts, Pope, Putnam, Simrill, G. R. Smith, Sottile, Stringer, Wells and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-111 SO AS TO AUTHORIZE AN ALTERNATIVE EDUCATION CAMPUS (AEC) TO BE ESTABLISHED BY A CHARTER SCHOOL SPONSOR WHICH SHALL CONSTITUTE A CHARTER SCHOOL SERVING A SPECIFIC STUDENT POPULATION, AND TO PROVIDE THE CRITERIA FOR A CHARTER SCHOOL TO BE DESIGNATED AS AN AEC; TO AMEND SECTION 59-40-55, RELATING TO A CHARTER SCHOOL SPONSOR'S POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES INCLUDING THE ADOPTION OF NATIONAL INDUSTRY STANDARDS FOR THE SCHOOL, AND THE CLOSURE OF LOW PERFORMING SCHOOLS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO CHARTER SCHOOL APPLICATIONS AND THE FORMATION OF CHARTER SCHOOLS, SO AS TO PROVIDE THAT THE CHARTER SCHOOL APPLICATION MUST BE BASED ON AN APPLICATION TEMPLATE WITH COMPLIANCE GUIDELINES DEVELOPED BY THE DEPARTMENT OF EDUCATION, AND TO FURTHER PROVIDE FOR THE CONTENTS OF THE APPLICATION AND FOR LETTERS OF INTENT TO BE SUBMITTED BY AN APPLICANT AND A CHARTER COMMITTEE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE AND ITS DUTY TO REVIEW CHARTER SCHOOL APPLICATIONS, SO AS TO DELETE THE COMMITTEE, TO REVISE THE PROCEDURES REQUIRED OF A CHARTER SCHOOL APPLICANT IN REGARD TO A CHARTER SCHOOL APPLICATION, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL PROVIDE GUIDANCE ON COMPLIANCE TO BOTH SPONSORS AND APPLICANTS, AND TO FURTHER PROVIDE FOR THE STANDARDS FOR A SCHOOL BOARD OF TRUSTEES OR AREA COMMISSION TO FOLLOW WHEN CONSIDERING THE DENIAL OF AN APPLICATION; TO AMEND SECTION 59-40-90, AS AMENDED, RELATING TO APPEAL OF FINAL DECISIONS OF A SCHOOL DISTRICT TO THE ADMINISTRATION LAW COURT, SO AS TO ALSO INCLUDE FINAL DECISIONS OF A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING SPONSOR; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER SCHOOL SPONSOR AND THE RENEWAL OR TERMINATION OF A CHARTER BY THE SPONSOR, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN A CHARTER SCHOOL SHALL AUTOMATICALLY AND PERMANENTLY CLOSE, TO REVISE THE CRITERIA TO CONSIDER WHEN REVOKING OR NOT RENEWING A CHARTER, TO PROVIDE FOR WHEN A SPONSOR SUMMARILY MAY REVOKE A CHARTER, AND TO PROVIDE FOR THE MANNER IN WHICH STAYS OF THE REVOCATION OR NONRENEWAL OF THE CHARTER TAKE EFFECT OR MAY BE GRANTED; TO AMEND SECTION 59-40-115, AS AMENDED, RELATING TO THE TERMINATION OF A CHARTER SCHOOL'S CONTRACT WITH A SPONSOR, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE; AND TO AMEND SECTION 59-40-180, AS AMENDED, RELATING TO REGULATIONS AND GUIDELINES PERTAINING TO CHARTER SCHOOLS, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3853 (COUNCIL\AGM\3853C003. AGM.AB13), which was adopted:

Amend the bill, as and if amended, Section 59‑40‑55(B)(11), as contained in SECTION 2, by deleting the item in its entirety and inserting:

/ (11) permanently close any charter school at the conclusion of the school year after receiving the lowest performance level rating as defined by the federal accountability system for three consecutive years in accordance Section 59‑40‑110(E). /

Amend the bill further, Section 59‑40‑110, as contained in SECTION 6, by deleting the SECTION in its entirety and inserting:

/ SECTION 6. Section 59‑40‑110 of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

 “Section 59‑40‑110. (A) A charter must be approved or renewed for a period of ten school years; however, the charter only may be revoked or not renewed under the provisions of subsection (C) of this section. The sponsor annually shall evaluate the conditions outlined in subsection (C). The annual evaluation results must be used in making a determination for nonrenewal or revocation.

 (B) A charter renewal application must be submitted to the school’s sponsor one hundred twenty calendar days before the end of the school year for term of the charter contract, and it must contain:

 (1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application; ~~and~~

 (2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education~~.~~; and

 (3) any proposed material changes to the current charter or charter school contract to be implemented in the next ten year charter term.

 (C) A charter must be revoked or not renewed by the sponsor if it determines that the charter school:

 (1) committed a material violation of the conditions, standards, performance expectations, or procedures provided for in the charter application or charter school contract, or both;

 (2) failed to meet ~~or make reasonable progress,~~ the academic performance standards and expectations as defined in the charter application or charter school contract, or both~~, toward pupil achievement standards identified in the charter application~~;

 (3) failed to maintain its books and records according to generally accepted accounting principles or failed to create an appropriate system of internal control, or both ~~meet generally accepted standards of fiscal management~~; or

 (4) violated any provision of law from which the charter school was not specifically exempted.

 (D) A sponsor summarily may revoke any charter school that is determined by the sponsor to pose an imminent threat of harm to the health or safety of students, or both, based on documented and clear and convincing data.

 (E) Any charter school shall automatically and permanently close at the conclusion of the school year in which the school first becomes subject to automatic closure for receiving the lowest performance level rating as defined by the federal accountability system for three consecutive years. The determination of closure is considered final. Automatic closure shall not apply to any charter school serving fifty percent or more students with disabilities or any charter school designated as an Alternative Education Campus (AEC) by its sponsor as outlined in Section 59‑40‑111.

 (F) At least sixty days before not renewing or terminating a charter school, the sponsor shall notify in writing the charter school’s governing body of the proposed action. The notification shall state the grounds for the proposed action in reasonable detail. Termination must follow the procedure provided for in this section.

 ~~(E)~~(G) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified in subsection (C) of this section.

 ~~(F)~~(H) The charter school’s governing body may request in writing a hearing before the sponsor within fourteen days of receiving notice of nonrenewal or termination of the charter. Failure by the school’s governing body to make a written request for a hearing within fourteen days must be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to the school’s governing body of the hearing date. The sponsor shall conduct a hearing before taking final action. The sponsor shall take final action to renew or not renew a charter by the last day of classes in the last school year for which the charter school is authorized.

 ~~(G)~~(I) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has not committed a material violation of the provisions specified in subsection (C) of this section and the sponsor refuses to renew the charter. In such cases, the charter school shall continue to receive local funding pursuant to Section 59‑40‑140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

 ~~(H)~~(J) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59‑40‑90. Upon appeal to the Administrative Law Court, there is no automatic stay of the revocation or nonrenewal decision. Pending resolution of the appeal, the charter school also may move before the Administrative Law Court for imposition of a stay of the revocation or nonrenewal on the grounds that an unusual hardship to the charter school will result from the execution of the sponsor’s decision.

 (K) Prior to any public charter school closure, the sponsor shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and net assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the sponsor. In the event of a public charter school closure for any reason, the sponsor shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.” /

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

/ SECTION \_\_\_. Section 59‑40‑65(A)(1) of the 1976 Code, as added by Act 26 of 2007, is amended to read:

 “(1) provide each student enrolled in the program with a course or courses of online or computer instruction approved by the ~~State Department of Education~~ charter school’s sponsor that must meet or exceed the South Carolina content and grade specific standards. Students enrolled in the program of online or computer instruction must receive all instructional materials required for the student’s program;” /

Renumber sections to conform.

Amend title to conform.

Rep. OWENS 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 106; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowers | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Delleney |
| Dillard | Douglas | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | 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 | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--106**

 Those who voted in the negative are:

**Total--0**

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, meeting with the Greenville Children’s Hospital delegation, and missed the vote on H. 3853. The voting bell was not heard outside the Chamber and so I was not aware that a vote was being taken. As a co-sponsor of the Bill, I regret not being able to vote on H. 3853. If I had been present, I would have voted in favor of the Bill.

 Rep. Garry Smith

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

**RECURRENCE TO THE MORNING HOUR**

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

**REPORTS OF STANDING COMMITTEES**

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3098 -- Rep. Spires: A BILL TO AMEND SECTION 44-81-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHTS OF LONG-TERM CARE FACILITY RESIDENTS, SO AS TO REQUIRE A RESIDENT OR HIS REPRESENTATIVE TO PROVIDE THE ADMINISTRATOR OF THE FACILITY CERTAIN NOTICE OF THE INTENT OF THE RESIDENT TO VOLUNTARILY RELOCATE TO ANOTHER FACILITY, AND TO PROVIDE THE FACILITY MAY CHARGE THE RESIDENT THE EQUIVALENT OF THIRTY DAYS OCCUPANCY FOR FAILURE TO GIVE THIS NOTICE.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 3856 -- Reps. Erickson, M. S. McLeod, Spires, Mitchell, Cobb-Hunter, Long, Murphy, Munnerlyn, Sabb, King, K. R. Crawford, Jefferson, H. A. Crawford, McCoy, Robinson-Simpson, Allison, Horne, W. J. McLeod, McEachern, Dillard, Felder, Gagnon, Henderson, Nanney, Powers Norrell, Sandifer, Stavrinakis and Wood: A BILL TO AMEND SECTION 63-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT IN CHILDCARE FACILITIES, SO AS TO ALSO PROHIBIT SUCH EMPLOYMENT OF A PERSON WHO HAS BEEN CONVICTED OF UNLAWFUL CONDUCT TOWARD A CHILD, CRUELTY TO CHILDREN, OR CHILD ENDANGERMENT.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 3567 -- Rep. Horne: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE THE DEFINITION OF "CHILDREN AND ADOLESCENTS IN NEED OF MENTAL HEALTH TREATMENT" IN A RESIDENTIAL TREATMENT FACILITY BY REVISING THE TERM TO INCLUDE YOUNG ADULTS AND BY INCREASING THE ELIGIBILITY AGE FROM UNDER EIGHTEEN TO UNDER TWENTY-ONE.

Ordered for consideration tomorrow.

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

H. 3907 -- Reps. Willis, Owens, Stringer, Daning, Brannon, Rivers, Kennedy, King, Mitchell, Putnam, Wells and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 1, TITLE 56 SO AS TO AUTHORIZE THE DEPARTMENT OF MOTOR VEHICLES TO ACCEPT UNCERTIFIED CHECKS FOR PAYMENT FOR PRODUCTS OR SERVICES ISSUED BY THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT MAY REFUSE TO PROVIDE A PERSON ANY PRODUCT OR SERVICE, EXCEPT AN IDENTIFICATION CARD, UNTIL THE PERSON HAS PAID ALL FEES OWED THE DEPARTMENT AS A RESULT OF A RETURNED CHECK, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A FEE SPECIFIED IN SECTION 34-11-70 TO COVER THE COSTS ASSOCIATED WITH THE COLLECTION OF FEES, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A PROCESSING FEE FOR THE USE OF CREDIT CARDS, AND TO PROVIDE THAT ALL PROCESSING FEES COLLECTED PURSUANT TO THIS ARTICLE MUST BE PLACED IN A SPECIAL RESTRICTED ACCOUNT TO BE USED BY THE DEPARTMENT TO DEFRAY ITS COSTS.

Ordered for consideration tomorrow.

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

H. 3961 -- Reps. Wood, Allison, Owens, Horne, Crosby, Daning, Gagnon, Govan, Hardee, Jefferson, Kennedy, Munnerlyn, J. R. Smith, Spires, Taylor, Wells, R. L. Brown and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "AUTISM AWARENESS" SPECIAL LICENSE PLATES.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4021 -- Reps. Gilliard, 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, 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 DECLARE MAY 2013 AS "WATER SAFETY AWARENESS MONTH" AND TO ENCOURAGE PUBLIC SCHOOL DISTRICTS OF THIS STATE TO PROVIDE AT LEAST ONE HOUR OF INSTRUCTION ON WATER SAFETY DURING THE MONTH OF MAY.

Whereas, drowning ranks as one of the leading causes of death in our nation; and

Whereas, according to the Centers for Disease Control and Prevention, from 2005‑2009, there were an average of three thousand five hundred fifty‑three unintentional drownings (non‑boating related) in the United States, an average of ten deaths per day; and

Whereas, children aged five to fourteen most often drown in swimming pools and open water such as rivers, lakes, dams, and canals; and

Whereas, a swimming pool is fourteen times more likely than a motor vehicle to be involved in the death of a child aged four and under; and

Whereas, understanding the precious gift South Carolina children are to the future of this State, the House of Representatives declares May 2013 as “Water Safety Awareness Month”; and

Whereas, attempting to avert the unspeakable tragedies that South Carolina families and communities face upon the drowning and physical damage of children who are simply unaware of the potential dangers of swimming pools and bodies of water, the House of Representatives encourages public school districts of this State to provide at least one hour of instruction on water safety during the month of May. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the House of Representatives of the State of South Carolina, by this resolution, declare May 2013 as “Water Safety Awareness Month” and encourage public school districts of this State to provide at least one hour of instruction on water safety during the month of May.

Be it further resolved that a copy of this resolution be forwarded to each public school district superintendent of this State.

The Resolution was adopted.

**H. 3847--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

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.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3847 (COUNCIL\MS\3847C001.MS.AHB13), which was adopted:

Amend the bill, as and if amended, by deleting Section 48-60-50(B)(1), as contained in SECTION 3, page 7, lines 4 through 27, and inserting:

/ (1) ~~Beginning program year 2012,~~ For the program year 2014, which begins July 1, 2013, a television manufacturer or computer monitor manufacturer ~~annually must~~ shall recycle or arrange for the recycling of its market share of covered television devices or covered computer monitor devices pursuant to this section. Market share, as used in this chapter, is the total weight of the manufacturer’s televisions or computer monitors that were sold at retail in the United States to individuals during the previous program year, multiplied by the population fraction of South Carolina to the United States population, divided by the total weight of all of the televisions or computer monitors that were sold at retail to individuals in South Carolina during the previous program year. The individual recycling obligation for each television manufacturer is ~~the total~~ calculated by multiplying 4.8 million pounds ~~of television recycled by all television manufacturers during the previous program year multiplied~~ by the manufacturer’s market share as calculated above. The individual recycling obligation for each computer monitor manufacturer is calculated by multiplying 720,000 pounds by the manufacturer’s market share as calculated above. The population fraction is determined by using the most recent United States Census data for the total population of South Carolina divided by the total population of the United States. A television manufacturer or computer monitor manufacturer may use covered televisions or covered computer monitor devices to meet their recycling obligation. /

Amend the bill further, by deleting Section 48-60-55(J), as contained in SECTION 4, pages 11 and 12, and inserting:

/ (J)(1) Local governments that receive recycling services from stewardship programs participating in the representative organization’s plan to recycle covered television devices and covered computer monitor devices must not charge the manufacturer or the representative operating the stewardship program for collection costs and shall offer the manufacturer or its representative other covered devices collected by a participating local government at no cost. Provided, this item does not obligate a local government to offer other covered devices collected by a participating local government at no cost once the representative organization’s obligation within its plan to recycle covered television devices and covered computer monitor devices has been met during a program year.

 (2) A representative organization shall provide the department and each local government recycling representative a point of contact for the organization, including email and phone number, to ensure communication and coordination among local governments, participating manufacturers, consumer electronic device stewardship programs and the representative organization. /

Amend the bill further, by deleting Section 48-60-170(A), as contained in SECTION 12, page 16 and 17, and inserting:

/ (A) The intent of this chapter is to implement programs and services that ensure the availability of adequate end‑of‑life electronic product handling for the benefit of citizens of the State, which fairly, effectively, and efficiently share the burdens of doing so among television manufacturers, computer manufacturers, and computer monitor manufacturers, regardless of the effect on competition of doing so, and which require the State to direct and supervise implementation of a statewide plan of one or more consumer electronic device stewardship programs. Representative organizations and persons participating in representative organizations may not be held liable or prosecuted under federal or state antitrust law. /

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT 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 75; Nays 33

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bales | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowers | G. A. Brown | R. L. Brown |
| Burns | Clemmons | Clyburn |
| Cobb-Hunter | H. A. Crawford | Crosby |
| Dillard | Finlay | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hiott |
| Hodges | Horne | Hosey |
| Jefferson | King | Knight |
| Limehouse | Loftis | Lucas |
| Mack | McEachern | W. J. McLeod |
| Merrill | Mitchell | V. S. Moss |
| Munnerlyn | Murphy | Neal |
| Ott | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Quinn | Ridgeway | Riley |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Taylor |
| Vick | Weeks | Whipper |
| White | Whitmire | Williams |

**Total--75**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Brannon | Chumley | Cole |
| K. R. Crawford | Delleney | Douglas |
| Erickson | Felder | Forrester |
| Hamilton | Hardee | Hixon |
| Huggins | Long | Lowe |
| McCoy | D. C. Moss | Nanney |
| Newton | Norman | Owens |
| Putnam | Rivers | Simrill |
| Tallon | Thayer | Toole |
| Wells | Willis | Wood |

**Total--33**

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

RECORD FOR VOTING

 I was out of the Chamber on constituent business when the bell rang for the vote on H. 3847. As I entered the Chambers, I inadvertently voted ‘nay’ on the Bill. I wish the record to reflect that I meant to vote in favor of H. 3847.

 Rep. Kevin Hardee

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 3774--AMENDED AND ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 3774 -- Reps. Loftis, Hardwick, Clemmons, Hamilton, Huggins, J. R. Smith, Goldfinch, Hixon, Ryhal, Sottile and Spires: A JOINT RESOLUTION TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2017; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3774 (COUNCIL\GGS\3774C001.GGS.AC13), which was adopted:

Amend the bill, as and if amended, on page 5, by striking SECTION 4 in its entirety and inserting:

/ SECTION 4. This joint resolution is intended to apply retroactively. For development approval that is current and valid on December 31, 2012, the running of the period of the development approval and any associated vested right is suspended during the period beginning January 1, 2013, and ending December 31, 2017. /

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

The amendment was then adopted.

Rep. HARDEE proposed the following Amendment No. 2 to H. 3774 (COUNCIL\NBD\3774C001.NBD.AC13), which was adopted:

Amend the joint resolution, as and if amended, Section 2, item (3), page 4, after line 40 by adding an appropriately lettered subitem to read:

/ ( ) a permit issued by the Office of Coastal Resource Management; /

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

The amendment was then adopted.

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

The yeas and nays were taken resulting as follows:

 Yeas 103; Nays 0

 Those who voted in the affirmative are:

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

**Total--103**

 Those who voted in the negative are:

**Total--0**

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

**H. 3735--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3735 -- Reps. Goldfinch, Hardwick, H. A. Crawford, Huggins, Hardee, Clemmons, Vick, Finlay, Chumley, Hamilton, Herbkersman, Hiott, Hixon, V. S. Moss, Owens, Pitts, Sottile, Wells, Wood, Powers Norrell, Knight and McCoy: A BILL TO AMEND SECTION 50-5-2730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S ADOPTION OF CERTAIN FEDERAL LAWS AND REGULATIONS THAT REGULATE THE TAKING OF FISH IN STATE WATERS, SO AS TO PROVIDE THAT LAWS AND REGULATIONS DO NOT APPLY TO BLACK SEA BASS (CENTROPRIATES STRIATA), TO PROVIDE A LAWFUL CATCH LIMIT AND SIZE FOR THIS SPECIES OF FISH, AND TO PROVIDE THAT THERE IS NO CLOSED SEASON ON THE CATCHING OF BLACK SEA BASS (CENTROPRIATES STRIATA).

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3735 (COUNCIL\SWB\3735C001.SWB.CM13), which was adopted:

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

/ SECTION 1. Section 50‑5‑2730 of the 1976 Code is amended to read:

 “Section 50‑5‑2730. (A) Unless otherwise provided by law, any regulations promulgated by the federal government under the Fishery Conservation and Management Act (PL 94‑265) or the Atlantic Tuna Conservation Act (PL 94‑70) which establishes seasons, fishing periods, gear restrictions, sales restrictions, or bag, catch, size, or possession limits on fish are declared to be the law of this State and apply statewide including in state waters.

 (B) This provision does not apply to Black Sea Bass (Centropristis striata) whose lawful catch limit is five fish per person per day or the same as the federal limit for Black Sea Bass, whichever is higher. The lawful minimum size is thirteen inches total length. Additionally, there is no closed season on the catching of Black Sea Bass (Centropristis striata).”

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

Renumber sections to conform.

Amend title to conform.

Rep. GOLDFINCH 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 100; Nays 1

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Barfield | Bedingfield |
| Bernstein | 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 | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gambrell | George | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | 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 | Pitts | Pope |
| Powers Norrell | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--100**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Gilliard |  |  |

**Total--1**

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

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. DANING a temporary leave of absence.

**H. 3762--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3762 -- Reps. Ott, Skelton, Hardwick, Hodges, Knight, Bales, Jefferson, Parks, Sellers, Finlay, Funderburk, Gagnon, Gambrell, George, Hayes, Hiott, Hixon, Horne, Lowe, D. C. Moss, Norman, Pitts, Putnam, Riley, White, Williams and Vick: A BILL TO AMEND SECTIONS 50-11-740, AS AMENDED, AND 50-11-745, RELATING TO THE CONFISCATION, FORFEITURE, SALE, AND RELEASE OF PROPERTY USED FOR THE UNLAWFUL HUNTING OF WILDLIFE, SO AS TO PROVIDE ADDITIONAL TYPES OF PROPERTY THAT ARE COVERED BY BOTH PROVISIONS, AND TO REVISE THE PENALTIES THAT MAY BE IMPOSED FOR THE UNLAWFUL HUNTING OF WILDLIFE.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3762 (COUNCIL\SWB\3762C001.SWB.CM13), which was adopted:

Amend the bill, as and if amended, Section 50-11-740, as contained in SECTION 1, by inserting / or subsequent / after / third / on line 1, page 3.

When amended, Section 50-11-740 shall read:

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

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

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

 In all other instances, forfeiture must be accomplished by the initiation by the State of an action in the circuit court in the county in which the property was seized giving notice to owners of record and lienholders of record or other persons having claimed an interest in the property subject to forfeiture and an opportunity to appear and show, if they can, why the property should not be forfeited and disposed of as provided for by this section. Failure of any person claiming an interest in the property to appear at the above proceeding after having been given notice of the proceeding constitutes a waiver of his claim and the property must be immediately forfeited to the State.

 Notice of the above proceedings must be accomplished by:

 (a) personal service of the owner of record or lienholder of record by certified copy of the petition or notice of hearing or;

 (b) in the case of property for which there is no owner or lienholder of record, publication of notice in a newspaper of local circulation in the county where the property was seized for at least two successive weeks before the hearing.

 The department shall sell any confiscated device at public auction for cash to the highest bidder in front of the county courthouse in the county where it is confiscated, after having given ten days’ public notice of the sale by posting advertisement thereof on the door or bulletin board of the county courthouse or by publishing the advertisement at least once in a newspaper of general circulation in the county. Upon sale, the department shall pay over the net proceeds, after payment of the proper costs and expenses, if any, of the seizure, advertisement, and sale, including any proper expense incurred for the storage of the confiscated device, to the State Treasurer for deposit in the Fish and Wildlife Protection Fund. ~~When~~ If an individual is apprehended for a first offense and the device is of greater value than ~~one~~ two thousand five hundred dollars, the owner may at any time before sale redeem it by paying to the department the sum of ~~one~~ two thousand five hundred dollars. When the device is of lesser value than ~~one~~ two thousand five hundred dollars, the owner may at any time before sale redeem it by paying to the department the retail market value. ~~The sums received by the department must be deposited in the game protection fund pursuant to the provisions of this section.~~

 If an individual is apprehended for a second offense and the device is of greater value than five thousand dollars, the owner may at any time before sale redeem it by paying to the department the sum of five thousand dollars. When the device is of lesser value than five thousand dollars, the owner may at any time before sale redeem it by paying to the department the retail market value.

 If an individual is apprehended for a third or subsequent offense, the device must be forfeited to the State.” /

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

Rep. HIXON proposed the following Amendment No. 2 to H. 3762 (COUNCIL\SWB\3762C002.SWB.CM13), which was adopted:

Amend the bill, as and if amended, Section 50‑11‑740 as contained in SECTION 1, by deleting lines 32 through 39 on page 1 and inserting:

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

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

Renumber sections to conform.

Amend title to conform.

Rep. HIXON 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 106; Nays 0

 Those who voted in the affirmative are:

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

**Total--106**

 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. 3827--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3827 -- Reps. Pitts and Loftis: A BILL TO AMEND SECTION 44-1-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUESTS FOR FINAL REVIEW OF A DECISION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BEFORE REQUESTING A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE PROVISIONS ESTABLISHING INITIAL DECISIONS INVOLVING ACTIONS OF THE DEPARTMENT AS STAFF DECISIONS WHICH BECOME DEPARTMENT DECISIONS AND ULTIMATELY FINAL AGENCY DECISIONS IF NOT APPEALED TO THE BOARD AND TO INSTEAD PROVIDE THAT INITIAL STAFF DECISIONS ARE DEPARTMENT DECISIONS AND FINAL AGENCY DECISIONS IF NOT APPEALED AND THAT SUCH APPEALS MUST BE MADE TO THE ADMINISTRATIVE LAW COURT.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 3827 (COUNCIL\GGS\3827C001.GGS.AC13):

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

/ SECTION 1. Timely resolutions of disputes with minimal delay regarding determinations and decisions made by the South Carolina Department of Health and Environmental Control promote economic development, ensure the protection of the State’s natural resources and environment, and allow earlier implementation of healthcare projects for the benefit of the State’s citizens. The current process imposes unreasonable and unnecessary delay which may be eliminated by allowing challenges to Department decisions to be made directly to the South Carolina Administrative Law Court.

SECTION 2. Section 44‑1‑60 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

 “Section 44‑1‑60. (A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case shall be made using the procedures set forth in this section.

 (B) The department staff shall comply with all requirements for public notice, receipt of public comments and public hearings before making a department decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment and public hearings.

 (C) ~~The initial decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department shall be a staff decision.~~ The staff’s decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department must be in writing and shall constitute a decision by the department as set forth in Subsection (D)(2). In making such a ~~staff~~ written department decision on ~~any~~a permit, license, certification or other approval, the department staff shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such permit, license, certification or other approval. ~~At the time that such staff decision is made,~~ The department ~~shall issue a department decision, and~~ shall base its department decision on the administrative record which shall consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record may also include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department decision need not be issued for routine permits for which no adverse public comments have been received.

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

 (2) The ~~staff~~ written department decision becomes the final agency decision fifteen calendar days after notice of the ~~staff~~ department decision has been mailed to the applicant, unless a written request ~~for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person~~ for a contested case is filed with the Administrative Law Court within fifteen calendar days after notice of the department decision is mailed to the applicant, permittee, or licensee, and persons who have requested in writing to be notified of the department decision and served upon the Clerk of the DHEC Board and applicant, permittee, or licensee. The Administrative Law Court shall give consideration to the provisions of Section 1‑23‑330 regarding the department’s specialized knowledge.

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

 (E) A person to whom an emergency order is issued by the department may apply directly to the Administrative Law Court for relief and must be afforded a hearing within forty‑eight hours. Regardless of whether a hearing is held, the department must revoke all emergency orders as soon as conditions or operations change to the extent that an emergency no longer exists.

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

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

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

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

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

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

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

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

 ~~(H) Applicants, permittees, licensees, and affected persons are encouraged to engage in mediation during the final review process.~~

 ~~(I) The department may promulgate regulations providing for procedures for final reviews.~~

 ~~(J) Any statutory deadlines applicable to permitting and licensing programs administered by the department must be extended to all for this final review process. If any deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.”~~

SECTION 3. All statutes and regulations must be interpreted to conform with this statutory amendment to allow challenges to department decisions to be filed directly to the South Carolina Administrative Law Court, and to the extent any existing provision in statute or regulation conflicts with this statutory amendment that provision is superseded.

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

SECTION 5. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

AMEND THE TITLE TO READ:

/ TO AMEND SECTION 44-1-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUESTS FOR FINAL REVIEW OF DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BY THE BOARD, SO AS TO REMOVE THE BOARD FROM CHALLENGES TO DEPARTMENT DECISIONS AND TO PROVIDE THAT CHALLENGES TO THESE DECISIONS MUST BE FILED WITH THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT . /

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

Reps. JEFFERSON, J. E. SMITH, OTT, W. J. MCLEOD, BERNSTEIN, SABB, WILLIAMS, VICK, SOUTHARD, DOUGLAS, NEAL, R. L. BROWN, RYHAL, WHIPPER, FORRESTER, HIOTT, HARDWICK, V. S. MOSS, HIXON, HARDEE, DILLARD, SPIRES, H. A. CRAWFORD, CLEMMONS, GOLDFINCH, LOFTIS, GILLIARD, G. R. SMITH, MUNNERLYN, M. S. MCLEOD and ERICKSON requested debate on the Bill.

**SPEAKER IN CHAIR**

Rep. MCCOY moved that the House recede until 2:00 p.m., which was agreed to.

**THE HOUSE RESUMES**

At 2:00 p.m. the House resumed, ACTING SPEAKER FINLAY 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. LONG a leave of absence for the remainder of the day.

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

**RECURRENCE TO THE MORNING HOUR**

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

**REPORTS OF STANDING COMMITTEES**

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3983 -- Reps. Sellers, G. M. Smith and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 29 TO CHAPTER 7, TITLE 44 SO AS TO PROVIDE RURAL COUNTIES WITH ACCESS TO FREE EMERGENCY HOSPITAL CARE AND ALLOW RELICENSURE OF CLOSED RURAL HOSPITALS AS FREESTANDING EMERGENCY HEALTH CARE FACILITIES UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3978 -- Reps. White and G. M. Smith: A BILL TO AMEND ARTICLE 2, CHAPTER 7, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAID NURSING HOME PERMITS, TO DEFINE "MEDICAID PERMIT DAY", TO SPECIFY THE MANNER IN WHICH ADDITIONAL MEDICAID PERMIT DAYS ARE ALLOCATED, TO SET FORTH COMPLIANCE STANDARDS AND PENALTIES FOR VIOLATIONS, AND TO PROVIDE CERTAIN REPORTING REQUIREMENTS.

Ordered for consideration tomorrow.

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

H. 3102 -- Reps. Forrester, V. S. Moss, Allison and Atwater: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "JAIDON'S LAW"; TO AMEND SECTION 63-7-1680, AS AMENDED, RELATING TO THE CONTENTS, APPROVAL, AND AMENDMENT OF A PLACEMENT PLAN DEVELOPED BY THE DEPARTMENT OF SOCIAL SERVICES FOR A CHILD REMOVED FROM THE CUSTODY OF HIS OR HER PARENTS, SO AS TO FURTHER PROVIDE FOR THE VISITATION RIGHTS AND OBLIGATIONS OF THE PARENTS UNDER THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1690, RELATING TO CONTENTS OF A PLACEMENT PLAN WHEN THE CONDITIONS FOR REMOVAL OF A CHILD FROM THE CUSTODY OF HIS OR HER PARENTS INCLUDE CONTROLLED SUBSTANCE ABUSE BY THE PARENTS, SO AS TO MAKE THE CONTENTS OF THE PLAN MANDATORY, RATHER THAN IN THE DISCRETION OF THE COURT; TO AMEND SECTION 63-7-1710, RELATING TO CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF SOCIAL SERVICES SHALL FILE A PETITION TO TERMINATE PARENTAL RIGHTS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF THE PARENT IS CONVICTED OF HOMICIDE BY CHILD ABUSE, OR AIDING OR ABETTING TO COMMIT HOMICIDE BY CHILD ABUSE, OF ANOTHER CHILD OF THE PARENT; TO PROVIDE THAT THE DEPARTMENT SHALL FILE THIS PETITION IF A PARENT FAILED THREE HAIR-STRAND DRUG TESTS OVER A NINE-MONTH PERIOD; AND TO PROVIDE THAT THE DEPARTMENT SHALL FILE SUCH A PETITION IF A PARENT FAILED TWICE IN A TWELVE-MONTH PERIOD TO COMPLY WITH THE TERMS OF A TREATMENT PLAN OR PLACEMENT PLAN; TO AMEND SECTION 63-7-1940, RELATING TO COURT-ORDERED PLACEMENT OF A PERSON IN THE CENTRAL REGISTRY FOR CHILD ABUSE AND NEGLECT, SO AS TO PROVIDE THAT THE COURT SHALL ORDER THAT A PERSON BE PLACED IN THE REGISTRY IF THE PERSON GAVE BIRTH TO THE CHILD AND THE CHILD TESTED POSITIVE FOR DRUGS; AND TO AMEND SECTION 63-7-2570, AS AMENDED, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT TERMINATING THESE RIGHTS ON THE GROUNDS OF SEVERE AND REPETITIVE ABUSE OR NEGLECT INCLUDES HOSPITALIZATION OF A CHILD FOR MORE THAN FOURTEEN DAYS DUE TO ABUSE OR NEGLECT; TO INCLUDE IN THE GROUNDS FOR TERMINATING THESE RIGHTS A PARENT'S ADDICTION TO ALCOHOL OR ILLEGAL DRUGS OR PRESCRIPTION MEDICATION ABUSE WHEN THE PARENT'S ADDICTION IS UNLIKELY TO CHANGE WITHIN A REASONABLE TIME; AND TO PROVIDE AS A GROUND FOR TERMINATING THESE RIGHTS A PARENT BEING CONVICTED OF MURDER, VOLUNTARY MANSLAUGHTER, OR HOMICIDE BY CHILD ABUSE OF ANOTHER CHILD OF THE PARENT.

Ordered for consideration tomorrow.

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

S. 143 -- Senators Malloy, Ford, Massey, S. Martin and Hayes: A BILL TO AMEND ARTICLES 1, 2, 3 AND 4 OF TITLE 62, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO, AMONG OTHER THINGS, DEFINE THE JURISDICTION OF THE PROBATE CODE, TO DETERMINE INTESTATE SUCCESSION, TO PROVIDE FOR THE PROCESS OF EXECUTING A WILL, TO PROVIDE FOR THE PROCESS TO PROBATE AND ADMINISTER A WILL, AND TO PROVIDE FOR LOCAL AND FOREIGN PERSONAL REPRESENTATIVES; AND TO AMEND ARTICLES 6 AND 7 OF TITLE 62, RELATING TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO PROVIDE FOR THE GOVERNANCE OF NONPROBATE TRANSFERS, AND TO AMEND THE SOUTH CAROLINA TRUST CODE.

Ordered for consideration tomorrow.

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

H. 3822 -- Reps. Pitts, Loftis, Funderburk, Hixon, Norman and G. R. Smith: A BILL TO AMEND SECTION 23-31-210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF CONCEALABLE WEAPONS PERMITS, SO AS DELETE THE DEFINITIONS OF "RESIDENT", "QUALIFIED NONRESIDENT", "PROOF OF RESIDENCE", AND "PROOF OF OWNERSHIP OF REAL PROPERTY" AND REVISE THE DEFINITIONS OF "PICTURE IDENTIFICATION", "PROOF OF TRAINING", AND "CONCEALABLE WEAPON"; TO AMEND SECTION 23-31-215, AS AMENDED, RELATING TO THE ISSUANCE OF A CONCEALABLE WEAPONS PERMIT, SO AS TO REVISE THE REQUIREMENTS THAT MUST BE MET IN ORDER TO RECEIVE A CONCEALABLE WEAPONS PERMIT, INCREASE THE APPLICATION FEE FOR A PERMIT FOR RESIDENTS OF THE STATE TO ONE HUNDRED DOLLARS AND CREATE A NONRESIDENT APPLICATION FEE OF ONE HUNDRED FIFTY DOLLARS, ALLOW PERMIT APPLICATIONS TO BE SUBMITTED ONLINE WITH SLED, AND TO REVISE THE LIST OF PLACES WHERE A PERSON MAY NOT CARRY A CONCEALABLE WEAPON AND PROVIDE THAT A PERSON MAY NOT CARRY A CONCEALABLE WEAPON INTO A PLACE CLEARLY MARKED WITH A SIGN PROHIBITING THE CARRYING OF A CONCEALABLE WEAPON, PROVIDE THAT A PERMIT IS VALID FOR FIVE YEARS, AND TO REQUIRE SLED TO SEND A RENEWAL NOTICE AT LEAST THIRTY DAYS BEFORE A PERMIT EXPIRES; AND TO REPEAL SECTION 23-31-240 RELATING TO PERSONS ALLOWED TO CARRY A CONCEALABLE WEAPON WHILE ON DUTY.

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

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

S. 22 -- Senators Sheheen, Massey, L. Martin, Hayes, Campsen, Nicholson, Young and Alexander: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2013" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10 OF THE 1976 CODE, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY AMENDING SECTION 1-11-10, TO DIVEST THE BUDGET AND CONTROL BOARD OF CERTAIN PROGRAMS, POWERS, DUTIES, AND RESPONSIBILITIES AND TRANSFER THOSE PROGRAMS, POWERS, DUTIES, AND RESPONSIBILITIES TO OTHER GOVERNMENT AGENCIES; BY AMENDING SECTION 1-11-20, TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR THE TRANSITION; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 1, TO ESTABLISH THE EXECUTIVE BUDGET AND STRATEGIC PLANNING OFFICE WITHIN THE DEPARTMENT OF ADMINISTRATION, AND TO PROVIDE FOR THE POWERS, DUTIES, AND AUTHORITY OF THE OFFICE; BY ADDING CHAPTER 2 TO TITLE 2 TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; BY ADDING CHAPTER 55 TO TITLE 11 TO ESTABLISH THE STATE FISCAL ACCOUNTABILITY AUTHORITY, TO PROVIDE FOR THE MEMBERSHIP OF THE AUTHORITY, AND TO PROVIDE FOR THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE AUTHORITY; TO AMEND CHAPTER 35, TITLE 11 BY ADDING SECTION 11-35-315 TO ESTABLISH THE PROCUREMENT OVERSIGHT BOARD, THE MEMBERSHIP ON THE BOARD, AND THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE BOARD; TO AMEND CHAPTER 3, TITLE 2 BY ESTABLISHING THE LEGISLATIVE FISCAL OFFICE, AND TO PROVIDE FOR THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE OFFICE, TO AMEND TITLE 2 BY ADDING CHAPTER 79 TO ENACT THE STATE AGENCY DEFICIT PREVENTION AND RECOGNITION ACT, AND TO PROVIDE FOR THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH AGENCY DEFICIT PREVENTION AND RECOGNITION; TO AMEND CHAPTER 17, TITLE 60 TO ESTABLISH THE CONFEDERATE RELIC ROOM AND MILITARY MUSEUM COMMISSION, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION AND THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE COMMISSION; TO AMEND TITLE 2 BY ADDING A CHAPTER 9 TO ESTABLISH THE JOINT STRATEGIC TECHNOLOGY COMMITTEE, TO PROVIDE FOR THE MEMBERS ON THE COMMITTEE AND THE POWERS, DUTIES, AND AUTHORITY TO BE EXERCISED BY THE COMMITTEE; TO ESTABLISH THE CHARLESTON NAVY BASE MUSEUM AUTHORITY, TO PROVIDE THAT THE AUTHORITY MAY EXERCISE ALL POWERS AND AUTHORITY GRANTED TO THE HUNLEY COMMISSION BY SPECIFIC STATUTORY AUTHORITY REFERENCED IN SECTIONS 54-7-100 AND 54-7-110; BY ADDING SECTION 1-11-185, TO PROVIDE FOR APPROVALS FOR PERMANENT IMPROVEMENT PROJECTS; BY ADDING SECTION 11-31-5, TO PROVIDE THAT STATE BOARD MEANS THE GOVERNING BODY OF THE STATE FISCAL AFFAIRS AUTHORITY; BY ADDING SECTION 11-50-65, TO PROVIDE THAT THE STATE FISCAL AFFAIRS AUTHORITY MUST PROVIDE ADMINISTRATIVE SUPPORT TO THE RURAL INFRASTRUCTURE AUTHORITY; TO AMEND SECTIONS 1-11-20, 1-11-25, 1-11-26, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-140, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 1-11-440, 1-15-10, CHAPTER 47, TITLE 2, 2-7-72, 2-7-73, 2-7-74, 2-7-76, 2-13-240, 2-15-50, 2-59-10, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, 10-11-90, 10-11-110, 10-11-140, 10-11-330, 11-9-610, 11-9-620, 11-9-630, 11-9-665, 11-9-670, 11-9-680, 11-9-820, 11-9-825, 11-9-830, 11-9-880, 11-9-890, 11-18-20, 11-27-10, 11-35-310, 11-35-3820, 11-35-3840, 11-35-5270, 11-37-30, 11-37-200, 11-38-20, 11-40-20, 11-40-250, 11-41-70, 11-41-80, 11-41-90, 11-41-100, 11-42-30, 11-42-40, 11-42-60, 11-43-510, 11-45-30, 11-45-55, 11-45-105, 11-49-40, 11-50-50, 11-49-100, 11-51-30, 11-51-125, 11-51-190, 11-53-20, 13-7-10, 13-7-30, 13-7-810, 13-7-830, 13-7-860, 15-78-140, 16-3-1620, 16-3-1680, 25-11-10, 25-11-80, 25-11-90, 25-11-310, 44-38-380, 44-53-530, 44-96-140, 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, 48-52-460, 48-52-635, 48-52-680, 59-109-30, 59-109-40, 59-115-20, 59-115-40, 63-11-500, 63-11-700, 63-11-730, 63-11-1110, 63-11-1140, 63-11-1310, 63-11-1340, 63-11-1360, AND 63-11-1510 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE DEPARTMENT OF ADMINISTRATION, STATE FISCAL ACCOUNTABILITY AUTHORITY, AND OTHER STATE AGENCIES, AND TO SUPPLEMENT SUCH PROVISIONS; AND TO REPEAL SECTIONS 1-30-110, 1-11-22, AND 11-11-90.

Ordered for consideration tomorrow.

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

H. 3149 -- Rep. Tallon: A BILL TO AMEND SECTION 40-54-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING DEALERS IN PRECIOUS METALS, SO AS TO MODIFY THE TERM "PURCHASE"; TO AMEND SECTION 40-54-40, RELATING TO THE REQUIREMENT THAT A SELLER OF PRECIOUS METALS PROVIDE CERTAIN POSITIVE IDENTIFICATION BEARING HIS PHOTOGRAPH, SO AS TO PROVIDE THIS REQUIREMENT MAY BE SATISFIED BY CERTAIN IDENTIFICATION ISSUED BY THE STATE OR THE UNITED STATES; TO AMEND SECTION 40-54-50, RELATING TO A MANDATORY PERIOD FOR WHICH A DEALER IN PRECIOUS METALS MUST HOLD PRECIOUS METALS HE PURCHASES BEFORE HE MAY SELL THE PRECIOUS METALS, SO AS TO INCREASE THE MANDATORY PERIOD AND SPECIFY LOCATION FOR HOLDING THE METALS; AND TO AMEND SECTION 40-54-80, RELATING TO PENALTIES, SO AS TO INCREASE PENALTIES FOR THE PURCHASE OF PRECIOUS METALS BY A DEALER WITH A REVOKED LICENSE.

Ordered for consideration tomorrow.

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

H. 3124 -- Reps. Bingham, Taylor, Long and M. S. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-7-315 SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, OR DISCIPLINING AN EMPLOYEE WHO REPORTS CHILD ABUSE OR NEGLECT, WHETHER REQUIRED OR PERMITTED TO REPORT; AND TO CREATE A CAUSE OF ACTION FOR REINSTATEMENT AND BACK PAY WHICH AN EMPLOYEE MAY BRING AGAINST AN EMPLOYER WHO VIOLATES THIS PROHIBITION.

Ordered for consideration tomorrow.

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

H. 3956 -- Rep. Horne: A BILL TO AMEND SECTION 61-6-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO REVISE THE DEFINITION OF "FURNISHING LODGING" TO PROVIDE FOR AT LEAST EIGHTEEN INSTEAD OF TWENTY ROOMS THAT A BUSINESS

MUST OFFER FOR ACCOMMODATIONS ON A REGULAR BASIS.

Ordered for consideration tomorrow.

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

H. 3722 -- Reps. Wells, Clemmons, Felder, Gagnon, Goldfinch, Hixon, Kennedy, Ridgeway, Robinson-Simpson, Ryhal, G. R. Smith, J. R. Smith, Taylor and Wood: A BILL TO AMEND CHAPTER 1, TITLE 26, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTARIES PUBLIC, SO AS TO DEFINE TERMS, TO MAKE GRAMMATICAL CORRECTIONS, TO PROVIDE THAT TO BE QUALIFIED FOR A NOTARIAL COMMISSION, A PERSON MUST BE REGISTERED TO VOTE AND READ AND WRITE IN THE ENGLISH LANGUAGE, TO AUTHORIZE AND PROHIBIT CERTAIN ACTS OF A NOTARY PUBLIC, TO PROVIDE MAXIMUM FEE A NOTARY MAY CHARGE, TO PROVIDE THE PROCESS FOR GIVING A NOTARIAL CERTIFICATE, TO SPECIFY CHANGES FOR WHICH A NOTARY MUST NOTIFY THE SECRETARY OF STATE, TO PROVIDE THE ELEMENTS AND PENALTIES OF CERTAIN CRIMES RELATING TO NOTARIAL ACTS, AND TO PROVIDE THE FORM FOR A NOTARIZED DOCUMENT SENT TO ANOTHER STATE, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

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

H. 3894 -- Reps. Clemmons and Horne: A BILL TO AMEND SECTION 28-2-370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FACTORS THAT MAY BE CONSIDERED WHEN DETERMINING JUST COMPENSATION IN CONDEMNATION ACTIONS REGARDING EMINENT DOMAIN, SO AS TO INCLUDE DIMINUTION IN VALUE OF THE LANDOWNER'S REMAINING PROPERTY CAUSED BY RECONFIGURATION OF ROADWAYS AND CIRCUITOUS ACCESS.

Ordered for consideration tomorrow.

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

H. 3147 -- Reps. Pope, Tallon, Southard and V. S. Moss: A BILL TO AMEND SECTION 42-1-160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITIONS OF "INJURY" AND "PERSONAL INJURY" IN WORKERS' COMPENSATION, SO AS TO MODIFY THE REQUIREMENTS OF AN EMPLOYEE SEEKING WORKERS' COMPENSATION FOR PERSONAL INJURY CAUSED BY STRESS, MENTAL INJURY, OR MENTAL ILLNESS, AND TO ADD MENTAL ILLNESS TO RELATED CONDITIONS THAT ARE NOT COMPENSABLE IF RESULTING FROM AN EVENT INCIDENTAL TO NORMAL RELATIONS BETWEEN AN EMPLOYEE AND EMPLOYER.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4022 -- Reps. Neal, Bernstein, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, 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, 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 COLUMBIA JEWISH DAY SCHOOL FOR ITS TWENTY YEARS OF OUTSTANDING EDUCATIONAL SERVICE TO THE CHILDREN OF COLUMBIA AND TO WISH THE SCHOOL MUCH CONTINUED SUCCESS IN THE YEARS TO COME.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4023 -- Reps. Dillard, Anderson, Robinson-Simpson, Hamilton and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-21-18 SO AS TO REQUIRE STATE AGENCIES, BOARDS, COMMITTEES, COMMISSIONS, OR POLITICAL SUBDIVISIONS TO ENTER INTO MEDIATION BEFORE INSTITUTING A CRIMINAL ACTION FOR FAILURE TO PAY LATE FEES IMPOSED BY THE ENTITY.

Referred to Committee on Judiciary

H. 4024 -- Reps. K. R. Crawford and Ridgeway: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA LICENSED MIDWIFE ACT" BY ADDING ARTICLE 12 TO CHAPTER 47, TITLE 40 SO AS TO PROVIDE A CITATION; TO PROVIDE NECESSARY DEFINITIONS; TO REQUIRE LICENSURE BY THE BOARD OF MEDICAL EXAMINERS TO PRACTICE AS AN APPRENTICE MIDWIFE, LICENSED MIDWIFE, OR CERTIFIED PROFESSIONAL MIDWIFE, AND TO PROVIDE EXCEPTIONS; TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MAY EMPLOY ADDITIONAL STAFF AS NECESSARY FOR THE PERFORMANCE OF THE DEPARTMENT'S DUTIES UNDER THE ACT; TO CREATE THE LICENSED MIDWIFE COMMITTEE AS AN ADVISORY COMMITTEE TO THE BOARD OF MEDICAL EXAMINERS, AND TO PROVIDE FOR THE DUTIES, POWERS, COMPOSITION, TERMS, AND MEETINGS OF THE COMMITTEE; TO DEFINE THE EXTENT OF CARE THAT A LICENSEE MAY PROVIDE; TO RECOMMEND REQUIREMENTS FOR LICENSURE; AND TO PROVIDE MISCELLANEOUS REQUIREMENTS FOR AN APPRENTICE MIDWIFE, LICENSED MIDWIFE, OR CERTIFIED PROFESSIONAL MIDWIFE; AND TO AMEND SECTION 44-89-30, RELATING TO DEFINITIONS IN THE BIRTHING CENTER LICENSURE ACT, SO AS TO MAKE CONFORMING CHANGES.

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

H. 4025 -- Rep. J. E. Smith: A BILL TO AMEND SECTIONS 1-13-20, 1-13-30, 1-13-70, 1-13-80, AND 1-13-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO PROHIBITING DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, RELIGION, COLOR, SEX, AGE, NATIONAL ORIGIN, OR DISABILITY, SO AS TO ALSO PROHIBIT SUCH DISCRIMINATION BECAUSE OF SEXUAL ORIENTATION OR GENDER IDENTITY AND TO DEFINE "SEXUAL ORIENTATION" AND "GENDER IDENTITY".

Referred to Committee on Judiciary

H. 4026 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO AGRITOURISM AND TOURISM-ORIENTED DIRECTIONAL SIGNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4314, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 4027 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO SIGN REQUIREMENTS FOR PETITIONS TO CLOSE ROAD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4311, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 4028 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO SPECIFIC INFORMATION SERVICE SIGNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4312, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

**H. 3464--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3464 -- Reps. Allison, Brannon, Erickson, Bedingfield, Taylor, Kennedy, Clyburn, Anderson, G. A. Brown, Clemmons, H. A. Crawford, Douglas, Forrester, Goldfinch, Hamilton, Hardwick, Hixon, Horne, Hosey, Nanney, Pope, Powers Norrell, G. R. Smith, J. R. Smith, Stringer, Wood, Felder, Cobb-Hunter and Gilliard: A BILL TO AMEND SECTION 63-7-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPEDITED RELATIVE PLACEMENTS OF CHILDREN AT THE PROBABLE CAUSE HEARING, SO AS TO ENCOURAGE PLACEMENT OF THE CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE UNDER CERTAIN CIRCUMSTANCES; TO SET FORTH CRITERIA FOR THE COURT TO CONSIDER WHEN DECIDING WHETHER TO PLACE A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING, THE INDIVIDUAL MUST BE ADDED AS A PARTY TO THE ACTION FOR THE DURATION OF THE CASE OR UNTIL FURTHER ORDER OF THE COURT.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3464 (COUNCIL\NBD\3464C001.NBD.VR13), which was adopted:

Amend the bill, as and if amended, by striking Section 63-7-730(B), as contained in SECTION 1, in its entirety and inserting:

/ (B) If the court orders expedited placement of the child with a grandparent or other relative of the first or second degree, the individual may be added as a party to the action for the duration of the case or until further order of the court.” /

Renumber sections to conform.

Amend title to conform.

Rep. MCCOY 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 92; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Ballentine | Bedingfield | Brannon |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Loftis | Lowe | Lucas |
| McCoy | McEachern | M. S. McLeod |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Owens |
| Parks | Patrick | Pitts |
| Powers Norrell | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Vick | Wells |
| Whipper | White | Whitmire |
| Willis | Wood |  |

**Total--92**

 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. 3945--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3945 -- Reps. G. M. Smith, Harrell, Lucas, Bannister, Toole, Stringer, Hamilton, Sottile, Barfield, Bingham, Spires, Hardwick, Burns, Owens, Hiott, R. L. Brown, Allison, Forrester, Long, Erickson, Murphy, Horne, Willis, Gagnon, Simrill, Funderburk and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 13, TITLE 8 SO AS TO ESTABLISH THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE, TO PROVIDE FOR ITS POWERS, DUTIES, PROCEDURES, AND JURISDICTION, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO REPEAL ARTICLE 3, CHAPTER 13, TITLE 8 RELATING TO THE STATE ETHICS COMMISSION; TO REPEAL ARTICLE 5, CHAPTER 13, TITLE 8 RELATING TO THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-700, AS AMENDED, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, SO AS TO PROVIDE THAT IF A MEMBER OF THE GENERAL ASSEMBLY DETERMINES THAT HE HAS A CONFLICT OF INTEREST, HE MUST COMPLY WITH CERTAIN REQUIREMENTS BEFORE ABSTAINING FROM ALL VOTES ON THE MATTER, AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL WHO IS REQUIRED TO RECUSE HIMSELF FROM A MATTER MUST DO SO; TO AMEND SECTION 8-13-740, AS AMENDED, RELATING TO REPRESENTATION OF ANOTHER PERSON BY A PUBLIC OFFICIAL BEFORE A GOVERNMENTAL ENTITY, SO AS TO FURTHER DELINEATE WHAT IS CONSIDERED A CONTESTED CASE WHEN REPRESENTATION BY A MEMBER OF THE GENERAL ASSEMBLY IS PERMITTED; TO AMEND SECTION 8-13-745, RELATING TO PAID REPRESENTATION OF CLIENTS AND CONTRACTING BY A MEMBER OF THE GENERAL ASSEMBLY OR AN ASSOCIATE IN PARTICULAR SITUATIONS, SO AS TO DELETE A PROHIBITION AGAINST CERTAIN CONTRACTS WITH AN ENTITY FUNDED WITH GENERAL FUNDS; TO AMEND SECTION 8-13-1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, SO AS TO FURTHER PROVIDE FOR THESE CONTENTS; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, SO AS TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8-13-1338, RELATING TO PERSONS WHO MAY NOT SOLICIT CONTRIBUTIONS, SO AS TO INCLUDE THE HEAD OF ANY STATE AGENCY WHO IS SELECTED BY THE GOVERNOR, THE GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD; TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, SO AS TO DELETE AN EXCEPTION FOR A COMMITTEE CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 8-13-1510 AND 8-13-1520, BOTH AS AMENDED, RELATING TO PENALTIES FOR ETHICAL AND OTHER VIOLATIONS, AND BY ADDING SECTION 8-13-1530 SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS AND FOR WHERE CERTAIN WILFUL VIOLATIONS MUST BE TRIED; AND TO REPEAL SECTIONS 8-13-710 AND 8-13-715 RELATING TO REPORTING OF PARTICULAR GIFTS AND AUTHORIZED REIMBURSEMENTS FOR SPEAKING ENGAGEMENTS.

Reps. DELLENEY, LUCAS, SIMRILL, BALLENTINE, NORMAN, FELDER, ATWATER, SPIRES, H. A. CRAWFORD, ROBINSON-SIMPSON, DILLARD, HAMILTON, HARDWICK, CLEMMONS, GOLDFINCH, G. R. SMITH, BEDINGFIELD, V. S. MOSS, LOFTIS, NANNEY, HARDEE, OWENS, GILLIARD, BRANNON, RYHAL, BURNS, D. C. MOSS, CHUMLEY, TOOLE, TALLON, ALLISON, WOOD, FORRESTER, BRANHAM, HOSEY, SKELTON, HIOTT, NEAL, DOUGLAS, RIDGEWAY, NEWTON, COBB-HUNTER, BERNSTEIN, MITCHELL, WILLIAMS, JEFFERSON, J. E. SMITH, HART, MUNNERLYN, MCEACHERN, SANDIFER and MURPHY requested debate on the Bill.

**H. 3366--AMENDED, REQUEST FOR DEBATE AND DEBATE ADJOURNED**

The following Bill was taken up:

H. 3366 -- Reps. J. E. Smith, Long, Delleney, Skelton, Huggins, Allison, Toole, Felder, Cobb-Hunter and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-66-75 SO AS TO REQUIRE A HEALTH CARE PROVIDER TO GIVE A PATIENT AN OPPORTUNITY TO AUTHORIZE DISCLOSURE OF CERTAIN INFORMATION TO DESIGNATED FAMILY MEMBERS AND OTHER INDIVIDUALS AND TO AUTHORIZE THE INVOLVEMENT OF THESE FAMILY MEMBERS AND OTHER INDIVIDUALS IN THE TREATMENT OF THE PATIENT; TO SPECIFY WHEN THE OPPORTUNITY TO SIGN AN AUTHORIZATION MUST BE PROVIDED TO A PATIENT AND TO SPECIFY THE CONTENTS OF THE AUTHORIZATION; AND TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR GOOD FAITH DISCLOSURE OF INFORMATION; AND TO AMEND SECTION 44-66-20, AS AMENDED, RELATING TO DEFINITIONS IN THE ADULT HEALTH CARE CONSENT ACT, SO AS TO DEFINE "PATIENT" AND "TREATMENT" AND TO AMEND OTHER DEFINITIONS.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3366 (COUNCIL\GGS\3366C001.GGS.AC13), which was adopted:

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

/ SECTION 1. Chapter 66, Title 44 of the 1976 Code is amended by adding:

 “Section 44‑66‑75. (A) A health care provider or the provider’s agent shall provide on the patient information form an opportunity for the patient to designate a family member or other individual designated by the patient as a person with whom the provider may discuss the patient’s medical condition and treatment plan.

 (B) The authorization provided for in subsection (A):

 (1) satisfies the requirements of Title 42 of the Code of Federal Regulations, relating to public health, and the privacy rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA);

 (2) must present the question, ‘Do you want to designate a family member or other individual with whom the provider may discuss your medical condition and treatment?’;

 (3) must specify that the patient may revoke or modify an authorization with regard to a family member or other individual designated by the patient in the authorization and that the revocation or modification must be in writing.

 (C) A health care provider may disclose information pursuant to an authorization unless the provider has actual knowledge that the authorization has been revoked or modified.

 (D) A health care provider who in good faith discloses information in accordance with an authorization signed by a patient pursuant to this section is not subject to civil liability, criminal liability, or disciplinary sanctions because of this disclosure.

 (E) Nothing in this section may be construed to:

 (1) require a health care provider to disclose information that he otherwise may withhold or limit;

 (2) limit or prevent a provider from disclosing information without written authorization from the patient if this disclosure is otherwise lawful or permissible;

 (3) prohibit a provider from receiving and using information relevant to the safe and effective treatment of the patient from family members; and

 (4) conflict with an individual’s health care power of attorney as provided for in Section 62‑5‑504.

 (F) Notwithstanding another provision of this chapter, this section does not apply to nursing homes, as defined in Section 44-7-130 or to a dentist, dental hygienist, or dental technician licensed in Chapter 15, Title 40.”

SECTION 2. Section 44‑66‑20 of the 1976 Code, as last amended by Act 351 of 2002, is further amended to read:

 “Section 44‑66‑20. As used in this chapter:

 (1) ‘Health care’ means a procedure to diagnose or treat a human disease, ailment, defect, abnormality, or complaint, whether of physical or mental origin. ~~It~~ Health care also includes the provision of intermediate or skilled nursing care; services for the rehabilitation of injured, disabled, or sick persons; and the placement in or removal from a facility that provides these forms of care.

 (2) ‘Health care provider’ or ‘provider’ means a person, health care facility, organization, or corporation licensed, certified, or otherwise authorized or permitted by the laws of this State to administer health care.

 (3) ‘Health care professional’ means an individual who is licensed, certified, or otherwise authorized by the laws of this State to provide health care to members of the public.

 (4) ‘Patient’ means an individual sixteen years of age or older who presents or is presented to a health care provider for treatment.

 (5) ‘Person’ includes, but is not limited to, an individual, a state agency, or a representative of a state agency.

 (~~5~~6) ‘Physician’ means an individual who is licensed to practice medicine or osteopathy ~~under~~ pursuant to Chapter 47, ~~of~~ Title 40.

 (7) ‘Treatment’ means the broad range of emergency, outpatient, intermediate, and inpatient services and care that may be extended to a patient to diagnose and treat a human disease, aliment, defect, abnormality, or complaint, whether of physical or mental origin. Treatment includes, but is not limited to, psychiatric, psychological, substance abuse, and counseling services.

 (~~6~~8) ‘Unable to consent’ means unable to appreciate the nature and implications of the patient’s condition and proposed health care, to make a reasoned decision concerning the proposed health care, or to communicate that decision in an unambiguous manner. This ~~definition~~ term does not ~~include~~ apply to minors, and this chapter does not affect the delivery of health care to minors unless they are married or have been determined judicially to be emancipated. A patient’s inability to consent must be certified by two licensed physicians, each of whom has examined the patient. However, in an emergency the patient’s inability to consent may be certified by a health care professional responsible for the care of the patient if the health care professional states in writing in the patient’s record that the delay occasioned by obtaining certification from two licensed physicians would be detrimental to the patient’s health. A certifying physician or other health care professional shall give an opinion regarding the cause and nature of the inability to consent, its extent, and its probable duration. If a patient unable to consent is being admitted to hospice care pursuant to a physician certification of a terminal illness required by Medicare, that certification meets the certification requirements of this item.”

SECTION 3. This act takes effect January 1, 2014 . /

Renumber sections to conform.

Amend title to conform.

Rep. HART explained the amendment.

The amendment was then adopted.

Rep. K. R. CRAWFORD spoke against the Bill.

Rep. SIMRILL requested debate on the Bill.

Rep. BEDINGFIELD moved to adjourn debate on the Bill until Tuesday, April 30.

Rep. J. E. SMITH moved to table the motion.

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

Yeas 15; Nays 71

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Barfield | Bernstein | Douglas |
| Gilliard | Hart | Jefferson |
| Knight | M. S. McLeod | Munnerlyn |
| Robinson-Simpson | Ryhal | J. E. Smith |
| Southard | Vick | Whipper |

**Total--15**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Bedingfield | Bowers | Brannon |
| Burns | Chumley | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Hamilton |
| Hardee | Hardwick | Harrell |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Huggins | Limehouse | Loftis |
| Lowe | Lucas | McCoy |
| McEachern | W. J. McLeod | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Newton | Norman | Owens |
| Parks | Patrick | Pitts |
| Powers Norrell | Putnam | Riley |
| Rivers | Sabb | Sandifer |
| Simrill | G. R. Smith | J. R. Smith |
| Sottile | Spires | Tallon |
| Taylor | Thayer | Toole |
| Wells | White | Whitmire |
| Willis | Wood |  |

**Total--71**

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

The question then recurred to the motion to adjourn debate until Tuesday, April 30, which was agreed to.

**H. 3618--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3618 -- Reps. K. R. Crawford, Sandifer, Whitmire, Cobb-Hunter and Murphy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-47-938 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PHYSICIAN MAY ENTER A SUPERVISORY RELATIONSHIP WITH A PHYSICIAN ASSISTANT; TO AMEND SECTION 40-47-910, RELATING TO DEFINITIONS IN THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO ADD AND REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40-47-940, RELATING TO APPLICATION FOR LICENSURE, SO AS TO DELETE CERTAIN APPLICATION REQUIREMENTS; TO AMEND SECTION 40-47-945, RELATING TO CONDITIONS FOR GRANTING PERMANENT LICENSURE, SO AS TO DELETE REQUIREMENTS THAT AN APPLICANT APPEAR BEFORE THE BOARD WITH HIS SUPERVISING PHYSICIAN AND HIS SCOPE OF PRACTICE GUIDELINES, AND TO DELETE THE PROHIBITION AGAINST THE APPROVAL OF A SUPERVISING PHYSICIAN OF ON-THE-JOB TRAINING OR TASKS NOT LISTED ON THE APPLICATION FOR LIMITED LICENSURE AS A PHYSICIAN ASSISTANT; TO AMEND SECTION 40-47-955, RELATING TO PHYSICAL PRESENCE REQUIREMENTS OF THE SUPERVISING PHYSICIAN OF A PHYSICIAN ASSISTANT, SO AS TO DELETE EXISTING REQUIREMENTS CONCERNING ON-SITE SETTINGS AND TO PROVIDE WHERE AND HOW A PHYSICIAN ASSISTANT MAY PRACTICE, TO REVISE PROVISIONS CONCERNING OFF-SITE SETTINGS, AND TO REVISE CERTAIN REQUIREMENTS OF A SUPERVISING PHYSICIAN; TO AMEND SECTION 40-47-960, RELATING TO MINIMUM REQUIREMENTS FOR SCOPE OF PRACTICE GUIDELINES FOR PHYSICIAN ASSISTANTS, SO AS TO INCLUDE THE IMMEDIATE CONSULTATION BETWEEN THE PHYSICIAN ASSISTANT AND HIS PRIMARY OR SUPERVISING PHYSICIAN; TO AMEND SECTION 40-47-965, RELATING TO THE AUTHORITY OF A PHYSICIAN ASSISTANT TO REQUEST OR RECEIVE PROFESSIONAL SAMPLES OF DRUGS AUTHORIZED UNDER HIS SCOPE OF PRACTICE GUIDELINES, SO AS TO DELETE THE PROHIBITION AGAINST REQUESTING OR RECEIVING PROFESSIONAL SAMPLES OF SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40-47-970, RELATING TO THE PRESCRIBING OF DRUGS BY A PHYSICIAN ASSISTANT, SO AS TO AS TO DELETE A PROHIBITION AGAINST PRESCRIBING SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40-47-975, RELATING TO THE AUTHORITY OF A SUPERVISING PHYSICIAN TO REQUEST PERMISSION FROM THE BOARD FOR A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION TO RECEIVE ON-THE-JOB TRAINING, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE THAT A SUPERVISING PHYSICIAN MAY DETERMINE WHETHER A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION NEEDS ADDITIONAL TRAINING OR EDUCATION, THAT THE PHYSICIAN AND PHYSICIAN ASSISTANT MAY JOINTLY DETERMINE THE MEANS OF PROVIDING THIS TRAINING OR EDUCATION, AND THAT CERTAIN RELATED INFORMATION MUST BE SUBMITTED TO THE BOARD OF MEDICAL EXAMINERS AND THE PHYSICIAN ASSISTANT COMMITTEE FOR THE APPROVAL OF EACH; TO AMEND SECTION 40-47-995, RELATING TO THE TERMINATION OF A SUPERVISORY RELATIONSHIP BETWEEN A PHYSICIAN AND PHYSICIAN ASSISTANT, SO AS TO PROVIDE THAT UPON THIS TERMINATION THE PRACTICE OF THE PHYSICIAN ASSISTANT MUST CEASE UNTIL NEW SCOPE OF PRACTICE GUIDELINES, RATHER THAN A NEW APPLICATION, ARE SUBMITTED BY A NEW SUPERVISING PHYSICIAN TO THE BOARD; AND TO REPEAL SECTION 40-47-980 RELATING TO THE TREATMENT OF PATIENTS IN CHRONIC CARE AND LONG-TERM CARE FACILITIES.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3618 (COUNCIL\AGM\3618C002.AGM.AB13), which was adopted:

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

/ SECTION 1. Article 7, Chapter 47, Title 40 of the 1976 Code is amended by adding:

 “Section 40‑47‑938. (A) A physician currently possessing an active, unrestricted permanent license to practice medicine under the provisions of this chapter, who accepts the responsibility to supervise a physician assistant’s activities, must enter into a supervisory relationship with a physician assistant licensed pursuant to this article, subject to approval of a scope of practice guidelines by the board. The physician must notify the board, in writing, of the proposed supervisory relationship and include the proposed scope of practice guidelines for the relationship. Upon receipt of board approval, the physician assistant may begin clinical practice with the named supervising physician and alternate physicians.

 (B) A supervising physician may determine that there are additional medical acts, tasks, or functions for which a physician assistant under his supervision needs additional training or education to meet the needs of the physician’s practice and that the physician would like to incorporate into the physician assistant’s scope of practice guidelines. The physician must determine, in consultation with the physician assistant, the means of educating the physician assistant, which may include training under the direct supervision of the physician, education or certification of proposed practices, or other appropriate educational methods. The physician must notify the board in writing of the requested changes to the physician assistant’s scope of practice guidelines and must provide documentation to the board of the competence of the physician assistant to perform the additional medical acts, tasks, or functions. Upon receipt of board approval of the requested changes, the physician assistant may incorporate such additional medical acts, tasks, or functions into practice.

 (C) The board shall review and determine whether to approve these proposed scope of practice guidelines or requested changes to the scope of practice guidelines within ten business days after receipt of notice from the supervising physician as required by subsections (A) and (B) of this section. If the board needs additional information or clarification, a physician member of the board must contact the supervisory physician within ten business days of receipt of the physician’s notice. If the board requests additional information or clarification to consider approval of scope of practice guidelines or changes to these guidelines, it must be provided by the supervising physician in a timely manner and, upon receipt, a determination regarding approval must be made within ten business days.”

SECTION 2. Section 40‑47‑910 of the 1976 Code is amended to read:

 “Section 40‑47‑910. As used in this article:

 (1) ‘Alternate physician supervisor’ or ‘alternate supervising physician’" means a South Carolina licensed physician currently possessing an active, unrestricted permanent license to practice medicine in South Carolina who accepts the responsibility to supervise a physician assistant’s activities in the absence of the supervising physician and this physician is approved by the physician supervisor in writing in the scope of practice guidelines.

 (2) ‘Board’ means the Board of Medical Examiners of South Carolina.

 (3) ‘Committee’ means the Physician Assistant Committee as established by this article as an advisory committee responsible to the board.

 (4) ‘Immediate consultation’ means a supervising physician must be available for direct communication, telephone, or other means of telecommunication.

 (~~4~~5) ‘NCCPA’ means the National Commission on Certification of Physician Assistants, Inc., the agency recognized to examine and evaluate the education of physician assistants, or its successor organization as recognized by the board.

 (~~5~~6) ‘Physician assistant’ means a health care professional licensed to assist in the practice of medicine with a physician supervisor.

 (~~6~~7) ‘Physician supervisor or supervising physician’ means a South Carolina licensed physician currently possessing an active, unrestricted permanent license to practice medicine in South Carolina who is approved to serve as a supervising physician for no more than ~~two~~ three full‑time equivalent physician assistants. The physician supervisor is the individual who is responsible for supervising a physician assistant’s activities.

 (~~7~~8) ‘Supervising’ means overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant as part of a physician‑led team in a manner approved by the board.”

SECTION 3. Section 40‑47‑940(A) of the 1976 Code is amended to read:

 “(A) An application must be submitted to the board on forms supplied by the board. The application must be complete in every detail before ~~it~~ licensure may be ~~approved~~ granted and must be accompanied by a nonrefundable fee. As part of the application process, the supervising physician and physician assistant must specify clearly in detail those medical acts, tasks, or functions for which approval is being sought. The specific medical acts, tasks, or functions must be included in the scope of practice guidelines, and the scope of practice guidelines must accompany the application.”

SECTION 4. Section 40‑47‑945 of the 1976 Code is amended to read:

 “Section 40‑47‑945. (A) Except as otherwise provided in this article, an individual shall obtain a permanent license from the board before the individual may practice as a physician assistant. The board shall grant a permanent license as a physician assistant to an applicant who has:

 (1) submitted a completed application on forms provided by the board;

 (2) paid the nonrefundable application fees established in this article;

 (3) successfully completed an educational program for physician assistants approved by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor organization;

 (4) successfully completed the NCCPA certifying examination and provide documentation that the applicant possesses a current, active, NCCPA certificate;

 (5) certified that the applicant is mentally and physically able to engage safely in practice as a physician assistant;

 (6) no licensure, certificate, or registration as a physician assistant under current discipline, revocation, suspension, probation, or investigation for cause resulting from the applicant’s practice as a physician assistant;

 (7) good moral character;

 (8) submitted to the board other information the board considers necessary to evaluate the applicant’s qualifications;

 (9) appeared before a board member or board designee with ~~the applicant’s supervising physician and~~ all original diplomas and certificates and demonstrated knowledge of the contents of this article. A temporary authorization to practice may be issued as provided in Section 40‑47‑940 pending completion of this requirement and subject to satisfactory interview as provided below; and

 (10) successfully completed an examination administered by the committee on the statutes and regulations regarding physician assistant practice and supervision.

 (B) Not later than ninety days from the date a temporary authorization is issued, each applicant shall appear before a board member or board designee ~~with the applicant’s supervising physician and scope of practice guidelines~~ and demonstrate knowledge of the contents of this article. Failure to appear within the prescribed time automatically results in the immediate invalidation of the authorization to practice pending compliance and further order of the board. If approved, a permanent license may be issued immediately. If not approved, the application must be reviewed by the committee and may be recommended to the board for approval as presented to or modified by the committee.

 (C) The supervising physician of a limited licensee physically must be present on the premises at all times when the limited licensee is performing a task. ~~No on‑the‑job training or task not listed on the application may be approved for a limited license holder.~~”

SECTION 5. Section 40‑47‑950 of the 1976 Code is amended to read:

 “Section 40‑47‑950. (A) The board may issue a limited physician assistant license to an applicant who has:

 (1) submitted a completed application on forms provided by the board;

 (2) paid the nonrefundable application fees established by this regulation;

 (3) successfully completed an educational program for physician assistants approved by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor organization;

 (4) never previously failed two consecutive NCCPA certifying examinations and has registered for, or intends to register to take the next offering of, the NCCPA examination;

 (5) certified that the applicant mentally and physically is able to engage safely in practice as a physician assistant;

 (6) no licensure, certificate, or registration as a physician assistant under current discipline, revocation, suspension, probation, or investigation for cause resulting from the applicant’s practice as a physician assistant;

 (7) good moral character;

 (8) submitted to the board any other information the board considers necessary to evaluate the applicant’s qualifications;

 (9) appeared before a board member or board designee with ~~the applicant’s supervising physician and~~ all original diplomas and certificates and demonstrated knowledge of the contents of this article; and

 (10) successfully completed an examination administered by the committee on the statutes and regulations regarding physician assistant practice and supervision.

 (B) A limited license is not renewable and is valid only until the results of a limited licensee’s two consecutive NCCPA certifying examinations are reported to the board. When a limited licensee has failed two consecutive NCCPA certifying examinations, or fails one exam and does not take the NCCPA certifying examination at the next opportunity or, after applying for a limited license, fails to register for the next offering of the examination, the limited license immediately is void and the applicant is no longer eligible to apply for further limited licensure.

 (C) The supervising physician of a limited licensee physically must be present on the premises at all times when the limited licensee is performing a task. ~~No on‑the‑job training, or task not listed on the application, may be approved for a limited license holder.~~”

SECTION 6. Section 40‑47‑955 of the 1976 Code is amended to read:

 “Section 40‑47‑955. (A) The supervising physician is responsible for all aspects of the physician assistant’s practice. Supervision must be continuous but must not be construed as necessarily requiring the physical presence of the supervising physician at the time and place where the services are rendered, except as otherwise required for limited licensees. The supervising physician shall identify the physician assistant’s scope of practice and determine the delegation of medical acts, tasks, or functions. Medical acts, tasks, or functions must be defined in ~~approved~~ written scope of practice guidelines which must be appropriate to the physician assistant’s ability and knowledge.

 (B) ~~In an on‑site practice setting, the supervising physician or alternate supervising physician physically must be present at the same location as the physician assistant at least seventy‑five percent of the time each month the physician assistant is providing services at the same location as the supervising physician or alternate supervising physician. The physician assistant may not provide services in the absence of the supervising physician or alternate supervising physician for more than seven consecutive days each month without the prior written approval of the board. The board may grant in writing exceptions to the seventy‑five percent direct supervision requirement provided for in this subsection~~ Pursuant to scope of practice guidelines, a physician assistant may practice in a public place, a private place, or a facility where the supervising physician regularly sees patients, may make house calls, perform hospital duties, and perform any functions performed by the supervising physician if the physician assistant is also qualified to perform those functions.

 (C) ~~For off‑site practice, a~~ A physician assistant must have six months of clinical experience with the current supervising physician before being permitted to practice at a location off site from the supervising physician, except that a physician assistant who has at least two years continuous practice ~~in South Carolina~~ in the same specialty ~~will be permitted to~~ may practice at a location off site from the supervising physician after three months clinical experience with the supervising physician and upon request of the supervising physician. This three‑month requirement may be waived for experienced physician assistants and supervisors upon recommendation of the committee and approval by the board. The off‑site location may not be more than ~~forty‑five~~ sixty miles ~~or sixty minutes~~ of travel ~~time~~ from the supervising physician or alternate supervising physician without written approval of the board. ~~The supervising physician or alternate supervising physician must be physically present at the off‑site location not less than twenty percent of the time each month the physician assistant is providing services there.~~ Notice of off‑site practice must be filed with the administrative staff of the board before off‑site practice may be authorized. The supervising physician or alternate must review, initial, and date the off‑site physician assistant’s charts ~~not later than five working days from the date of service if not sooner as proportionate to the acuity of care and practice setting~~ periodically as provided in the written scope of practice guidelines, provided he must review and verify the adequacy of clinical practice of ten percent of these charts monthly.

 (D) A supervising physician may ~~not~~ simultaneously supervise no more than ~~two~~ three physician assistants providing clinical service at one time.

 (E) Upon written request, and recommendation of the committee, the board may authorize exceptions to the requirements of this section.”

SECTION 7. Section 40‑47‑960(7) of the 1976 Code is amended to read:

 “(7) situations that require direct evaluation by or immediate referral to the physician, including Schedule II controlled substance prescription authorization as directed in Section 40‑47‑965.”

SECTION 8. Section 40‑47‑965 of the 1976 Code is amended to read:

 “(A) If the written scope of practice guidelines authorizes the physician’s assistant to prescribe drug therapy:

 (1) prescriptions for authorized drugs and devices shall comply with all applicable state and federal laws;

 (2) prescriptions must be limited to drugs and devices authorized by the supervising physician and set forth in the written scope of practice guidelines;

 (3) prescriptions must be signed by the physician assistant and must bear the physician assistant’s identification number as assigned by the board and all prescribing numbers required by law. The preprinted prescription form shall include both the physician assistant’s and physician’s name, address, and phone number and shall comply with the provisions of Section 39‑24‑40;

 (4) drugs or devices prescribed must be specifically documented in the patient record;

 (5) the physician assistant may request, receive, and sign for professional samples of drugs authorized in the written scope of practice guidelines, except for controlled substances in Schedule II, and may distribute professional samples to patients in compliance with appropriate federal and state regulations and the written scope of practice guidelines;

 (6) the physician assistant may authorize prescriptions for an orally administered Schedule II controlled substance, as defined in the federal Controlled Substances Act, pursuant to the following requirements:

 (a) the authorization to prescribe is expressly approved by the supervising physician as set forth in the physician assistant’s written scope of practice guidelines;

 (b) the physician assistant had directly evaluated the patient;

 (c) the authority to prescribe is limited to an initial prescription and must not exceed a seventy‑two hour supply;

 (d) any subsequent prescription authorization must be in consultation with and upon patient examination and evaluation by the supervising physician, and must be documented in the patient’s chart..

 (7) the physician assistant may authorize a medical order for parenteral administration of a Schedule II controlled substance, as defined in the federal Controlled Substances Act, pursuant to the following requirements:

 (a) the authorization to write a medical order is expressly approved by the supervising physician as set forth in the physician assistant’s written scope of practice guidelines;

 (b) the physician assistant is providing patient care in a hospital setting, including emergency and outpatient departments affiliated with the hospital;

 (c) an initial patient examination and evaluation has been performed by the supervising physician, or his delegate physician, and has been documented in the patient’s chart;

 (d) the physician assistant has directly evaluated the patient; and

 (e) the written medical order may not exceed a one‑time administration within a twenty‑four hour period.

 (B) When applying for controlled substance prescriptive authority, the applicant shall comply with the following requirements:

 (1) the physician assistant shall provide evidence of completion of sixty contact hours of education in pharmacotherapeutics acceptable to the board before application;

 (2) the physician assistant shall provide at least fifteen contact hours of education in controlled substances acceptable to the board;

 (3) every two years, the physician assistant shall provide documentation of four continuing education contact hours in prescribing controlled substances acceptable to the board; ~~and~~

 (4) the physician assistant must have a valid Drug Enforcement Administration (DEA) registration and prescribe in accordance with DEA rules; and

 (~~4~~5) the physician assistant and supervising physician must read and sign a document approved by the board describing the management of expanded controlled substances prescriptive authority for physician assistants in South Carolina which must be kept on file for review. Within the two‑year period, the physician assistant and the supervising physician periodically shall review this document and the physician assistant’s prescribing practices to ensure proper prescribing procedures are followed. This review must be documented in writing with a copy kept at each practice site.

 (C) A physician assistant’s prescriptive authorization may be terminated by the board if the physician assistant:

 (1) practices outside the written scope of practice guidelines;

 (2) violates any state or federal law or regulation applicable to prescriptions; or

 (3) violates a state or federal law applicable to physician assistants.”

SECTION 9. Section 40‑47‑970(3) of the 1976 Code is amended to read:

 “(3) prescribe, under any circumstances, controlled substances in Schedule II, except as authorized in Section 40‑47‑965; or”

SECTION 10. Section 40‑47‑995 of the 1976 Code is amended to read:

 “Section 40‑47‑995. If the supervisory relationship between a physician assistant and the supervising physician is terminated for any reason, the physician assistant and the supervising physician shall inform the board immediately in writing of the termination, including the reasons for the termination. The approval of the practice setting terminates coterminous with the termination of the relationship, and practice shall cease until ~~a~~ new ~~application is~~ scope of practice guidelines are submitted by a supervising physician and is approved by the board.”

SECTION 11. Section 40‑47‑980 of the 1976 Code is repealed.

SECTION 12. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. PARKS explained the amendment.

The amendment was then adopted.

Rep. K. R. CRAWFORD proposed the following Amendment No. 2 to H. 3618 (COUNCIL\NBD\3618C001.NBD.AC13), which was adopted:

Amend the bill, as and if amended, Section 40-47-965(A)(6), page [3618-8] after line 25 by adding an appropriately lettered subitem to read:

/ ( )any prescription for continuing drug therapy must include consultation with the supervising physician and must be documented in the patient's chart; /

Amend the bill, further by deleting Section 40-47-965(A)(7)(c), page [3618-8], lines 36-38 and inserting:

/ (c) an initial patient examination and evaluation has been performed by the supervising physician, or his delegate physician, and has been documented in the patient’s chart; however, in a hospital emergency department, a physician assistant may authorize such a medical order if the supervising or delegate physician is unavailable due to clinical demands, but remains on the premises and is immediately available, and the supervising or delegate physician conducts the patient evaluation as soon as practicable and is documented in the patient’s chart; /

Renumber sections to conform.

Amend title to conform.

Rep. K. R. CRAWFORD explained the amendment.

The amendment was then adopted.

Reps. HOWARD, OTT and HAYES proposed the following Amendment No. 3 to H. 3618 (COUNCIL\AGM\3618C003. AGM.AB13), which was tabled:

Amend the bill, as and if amended, Section 40‑47‑945(A), as contained in SECTION 1, by deleting the subsection in its entirety and inserting:

/ (A) Except as otherwise provided in this article, an individual shall obtain a permanent license from the board before the individual may practice as a physician assistant. The board shall grant a permanent license as a physician assistant to an applicant who has:

 (1) submitted a completed application on forms provided by the board;

 (2) paid the nonrefundable application fees established in this article;

 (3)(a) successfully completed an educational program for physician assistants approved by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor organization~~;~~

 ~~(4)~~ and successfully completed the NCCPA certifying examination and provide documentation that the applicant possesses a current, active, NCCPA certificate; or

 (b) graduated from an American or foreign medical school with a doctor of medicine degree or a doctor of osteopathic medicine degree and has completed all requirements necessary to be eligible for a medical residency program in the United States;

 (~~5~~4) certified that the applicant is mentally and physically able to engage safely in practice as a physician assistant;

 (~~6~~5) no licensure, certificate, or registration as a physician assistant under current discipline, revocation, suspension, probation, or investigation for cause resulting from the applicant’s practice as a physician assistant;

 (~~7~~6) good moral character;

 (~~8~~7) submitted to the board other information the board considers necessary to evaluate the applicant’s qualifications;

 (~~9~~8) appeared before a board member or board designee with ~~the applicant’s supervising physician and~~ all original diplomas and certificates and demonstrated knowledge of the contents of this article. A temporary authorization to practice may be issued as provided in Section 40‑47‑940 pending completion of this requirement and subject to satisfactory interview as provided below; and

 (~~10~~9) successfully completed an examination administered by the committee on the statutes and regulations regarding physician assistant practice and supervision. /

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

Rep. ATWATER moved to table the amendment.

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

Yeas 73; Nays 21

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Barfield | Bedingfield | Bernstein |
| Brannon | Burns | Chumley |
| Clemmons | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Douglas | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Henderson |
| Hiott | Hixon | Horne |
| Huggins | Limehouse | Loftis |
| Lowe | Lucas | McCoy |
| McEachern | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Owens | Parks | Patrick |
| Pitts | Powers Norrell | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Wells |
| White | Whitmire | Willis |
| Wood |  |  |

**Total--73**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bales | Bowers |
| Branham | G. A. Brown | Dillard |
| George | Gilliard | Hart |
| Hayes | Hodges | Hosey |
| Jefferson | Mack | M. S. McLeod |
| Neal | Rutherford | Sabb |
| J. E. Smith | Vick | Whipper |

**Total--21**

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 103; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Barfield |
| Bedingfield | Bernstein | Bowers |
| Branham | Brannon | G. A. 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 |
| Hamilton | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Lowe | Lucas | Mack |
| McEachern | M. S. McLeod | W. J. McLeod |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Owens |
| Parks | Patrick | Pitts |
| Powers Norrell | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Vick |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--103**

 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. 3223--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3223 -- Rep. White: A BILL TO AMEND SECTIONS 1-11-55, AS AMENDED, 1-11-425, 1-23-120, AS AMENDED, 2-1-230, 2-3-75, 2-13-60, 2-13-180, 2-13-190, AS AMENDED, 2-13-200, 2-13-210, 11-35-310, 11-53-20, AND 29-6-250, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING, IN WHOLE OR IN PART, TO THE OFFICE OF LEGISLATIVE PRINTING, INFORMATION AND TECHNOLOGY SYSTEMS (LPITS), SO AS TO CHANGE THE NAME OF THIS OFFICE TO THE LEGISLATIVE SERVICES AGENCY (LSA).

Rep. PITTS explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 96; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Ballentine |
| Barfield | Bedingfield | Bernstein |
| 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 |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Knight |
| Limehouse | Loftis | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Owens |
| Parks | Patrick | Pitts |
| Powers Norrell | Putnam | Ridgeway |
| Riley | Rivers | Rutherford |
| Ryhal | Sabb | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Vick |
| Wells | Whipper | White |
| Whitmire | Willis | Wood |

**Total--96**

 Those who voted in the negative are:

**Total--0**

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

**H. 3258--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3258 -- Reps. J. E. Smith, Cobb-Hunter and Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-780 SO AS TO PROVIDE THAT A LEAVE DONOR UNDER THE STATE EMPLOYEES LEAVE TRANSFER PROGRAM ALSO MAY DONATE SICK LEAVE OR ANNUAL LEAVE, OR BOTH, TO A SPECIFIC LEAVE RECIPIENT RATHER THAN TO THE LEAVE POOL ACCOUNT IN THE MANNER THE HUMAN RESOURCE MANAGEMENT DIVISION SHALL DIRECT.

Rep. J. E. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 93; Nays 1

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bales | Ballentine |
| Barfield | Bedingfield | Bernstein |
| Bowers | Branham | Brannon |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Hixon | Hodges |
| Hosey | Huggins | Jefferson |
| Knight | Limehouse | Loftis |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Owens |
| Parks | Patrick | Pitts |
| Powers Norrell | Putnam | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Vick | Wells | White |
| Whitmire | Willis | Wood |

**Total--93**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Lowe |  |  |

**Total--1**

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

**H. 3860--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3860 -- Rep. White: A BILL TO AMEND SECTION 11-35-3005, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROJECT DELIVERY METHODS AUTHORIZED FOR PROCUREMENT OF INFRASTRUCTURE FACILITIES UNDER THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE THAT AN ENTITY OR INDIVIDUAL OFFERING TO CONTRACT FOR DESIGN-BUILD, DESIGN-BUILD-OPERATE-MAINTAIN, OR DESIGN-BUILD-FINANCE-OPERATE-MAINTAIN PROJECT DELIVERY METHODS IS NOT REQUIRED TO HOLD A LICENSE OTHERWISE REQUIRED BY TITLE 40, SO LONG AS THE PERSON WHO ACTUALLY PERFORMS WORK REGULATED BY TITLE 40 HOLDS THE APPROPRIATE LICENSE; AND TO AMEND SECTION 11-35-3030, RELATING TO BOND AND SECURITY UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO REQUIRE PERFORMANCE AND PAYMENT BONDS EQUAL TO ONE HUNDRED PERCENT OF THE VALUE OF DESIGNATED PORTIONS OF CONSTRUCTION, PRIOR TO THE COMMENCEMENT OF WORK ON THOSE PORTIONS OF THE PROJECT.

Rep. WHITE explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 97; Nays 1

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Barfield |
| Bedingfield | Bernstein | 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 |
| Douglas | Edge | Erickson |
| Felder | Forrester | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Govan | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Knight | Limehouse | Loftis |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | Owens | Parks |
| Patrick | Pitts | Powers Norrell |
| Putnam | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Vick | Wells | Whipper |
| White | Williams | Willis |
| Wood |  |  |

**Total--97**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Southard |  |  |

**Total--1**

So, the Bill 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. HIOTT 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. 290 -- Senators Cleary, Hutto, Hembree, Davis and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA TELEMEDICINE INSURANCE REIMBURSEMENT ACT"; BY ADDING SECTION 38-71-300 SO AS TO PROVIDE DEFINITIONS AND TO REQUIRE COVERAGE OF TELEMEDICINE SERVICES BY INDIVIDUAL AND GROUP HEALTH MAINTENANCE ORGANIZATIONS.

Referred to Committee on Labor, Commerce and Industry

**H. 3784--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3784 -- Reps. J. E. Smith, Pitts, Vick and Harrell: A BILL TO AMEND SECTION 59-114-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM, SO AS TO CLARIFY THAT EACH ACADEMIC YEAR'S ANNUAL MAXIMUM GRANT MUST BE BASED ON THE AMOUNT OF AVAILABLE PROGRAM FUNDS; TO AMEND SECTION 59-114-40, AS AMENDED, RELATING TO THE NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM QUALIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT NATIONAL GUARD MEMBERS BECOME ELIGIBLE FOR COLLEGE ASSISTANCE PROGRAM GRANTS UPON COMPLETION OF BASIC TRAINING AND ADVANCED INDIVIDUAL TRAINING; AND TO AMEND SECTION 59-114-65, RELATING TO GRANT AVAILABILITY, SO AS TO ALLOW APPROPRIATIONS TO THE NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM TO BE CARRIED FORWARD TO A SUBSEQUENT FISCAL YEAR AND EXPENDED FOR THE SAME PURPOSE, AND TO EXEMPT APPROPRIATIONS TO THE NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM FROM MIDYEAR BUDGET REDUCTIONS.

Rep. J. E. SMITH explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 103; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Barfield |
| Bedingfield | Bernstein | Bowers |
| Branham | Brannon | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Knight |
| Limehouse | Loftis | 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 | Parks | Patrick |
| Pitts | Powers Norrell | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--103**

 Those who voted in the negative are:

**Total--0**

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

**H. 3896--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3896 -- Reps. Merrill, White and Limehouse: A BILL TO AMEND SECTION 59-4-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMITATION ON TUITION INCREASES UNDER THE SOUTH CAROLINA TUITION PREPAYMENT PROGRAM, SO AS TO PROVIDE THAT, BEGINNING WITH THE 2013-2014 SCHOOL YEAR, A PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE SHALL ACCEPT AS FULL PAYMENT OF ALL TUITION AND FEES DUE FOR THOSE IN-STATE UNDERGRADUATE STUDENTS WHOSE TUITION AND FEES ARE PAID PURSUANT TO A TUITION PREPAYMENT CONTRACT UNDER THE TUITION PREPAYMENT PROGRAM THE AMOUNT OF TUITION AND FEES CHARGED IN-STATE UNDERGRADUATE STUDENTS FOR SCHOOL YEAR 2008-2009 WHO DID NOT PARTICIPATE IN THE PROGRAM, TO ALSO PROVIDE FOR THE MANNER IN WHICH THE TUITION PREPAYMENT PROGRAM, BEGINNING WITH THE 2013-2014 SCHOOL YEAR, SHALL PAY TUITION AND FEES FOR STUDENTS PARTICIPATING IN THE PROGRAM WHO ATTEND IN-STATE PRIVATE INSTITUTIONS OR OUT-OF-STATE INSTITUTIONS, AND TO PROVIDE FOR OTHER RELATED PROVISIONS TO IMPLEMENT THESE REQUIREMENTS.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3896 (COUNCIL\GGS\3896C001. GGS.SD13), which was adopted:

Amend the bill, as and if amended, by striking Item (2) of subsection (B) of Section 59-4-120 of the 1976 Code as contained in SECTION 1 and inserting:

/ (2) The South Carolina Tuition Prepayment Program shall continue to pay tuition and fees for students participating in the program who attend in‑state private institutions or out‑of‑state institutions on the weighted average tuition (WAT) amount basis. /

Renumber sections to conform.

Amend title to conform.

Rep. PITTS explained the amendment.

Rep. WHITE spoke in favor of the amendment.

The amendment was then adopted.

Rep. WHITE explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 97; Nays 1

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Barfield | Bedingfield |
| Bernstein | Bowers | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Daning | 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 | Huggins |
| Jefferson | Knight | Limehouse |
| Loftis | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Powers Norrell | Putnam | Ridgeway |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Wells | Whipper |
| White | Williams | Willis |
| Wood |  |  |

**Total--97**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Brannon |  |  |

**Total--1**

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

RECORD FOR VOTING

 I intended to vote in favor of H. 3896, however during the vote, my voting card was not completely inserted in the vote system on my desk and my vote was not recorded. I would like the record to reflect that I am in favor of the Bill.

 Rep. R. Shannon Riley

**H. 3561--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3561 -- Reps. White, Stavrinakis and Merrill: A BILL TO AMEND SECTION 12-36-920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX ON ACCOMMODATIONS, SO AS TO DELETE CERTAIN ITEMS SUBJECT TO THE FIVE PERCENT TAX ON ADDITIONAL SURCHARGES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3561 (COUNCIL\BBM\3561C003. BBM.HTC13)

Amend the bill, and if amended, by striking SECTION 1, page 1, and inserting:

/ SECTION 1. Subsections (A) and (B) of Section 12‑36‑920 of the 1976 Code, as last amended by Act 56 of 2005, are further amended to read:

 “(A) A sales tax equal to seven percent is imposed on the gross proceeds derived from the rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration. This tax does not apply where the facilities consist of less than six sleeping rooms, contained on the same premises, which is used as the individual’s place of abode. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person for a period of ninety continuous days are not considered proceeds from transients. The tax imposed by this subsection (A) does not apply to additional guest charges as defined in subsection (B) or separately stated optional charges on a bill to a customer for amenities, entertainment, special items in promotional tourist packages, and other guest services.

 (B) A sales tax of five percent is imposed on additional guest charges at any place where rooms, lodgings, or accommodations are furnished to transients for a consideration, unless otherwise taxed under this chapter. For purposes of this subsection, ~~The term~~ additional guest charges ~~includes, but is not limited to~~ are limited to charges for:

 (1) room service;

 (2) ~~amenities;~~

 ~~(3)~~ ~~entertainment;~~

 ~~(4)~~ ~~special items in promotional tourist packages;~~

 ~~(5)~~ laundering and dry cleaning services;

 ~~(6)~~(3) in‑room movies;

 ~~(7)~~(4) telephone ~~charges~~ service; and

 ~~(8)~~(5) rentals of meeting rooms~~; and~~

 ~~(9)~~ ~~other guest services~~.” /

Renumber sections to conform.

Amend title to conform.

Rep. NEAL explained the amendment.

Reps. NORMAN, HIOTT, BRANNON, TAYLOR, SOTTILE, CLEMMONS, GOLDFINCH, V. S. MOSS, BEDINGFIELD, NANNEY, MACK, TALLON, CHUMLEY, WOOD, RYHAL, H. A. CRAWFORD, R. L. BROWN, FORRESTER, ALLISON, COLE, CROSBY, GAMBRELL, THAYER, PUTNAM and EDGE requested debate on the Bill.

**H. 3632--REQUESTS FOR DEBATE AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3632 -- Reps. G. M. Smith, White, Sandifer, J. R. Smith, Bannister and Lucas: A BILL TO AMEND SECTION 42-5-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAINTENANCE TAX IMPOSED BY THE WORKERS' COMPENSATION COMMISSION ON SELF INSURERS, SO AS TO PROVIDE THAT THE COMMISSION SHALL RETAIN A PORTION OF THE ANNUAL MAINTENANCE TAX REVENUE TO PAY THE SALARIES AND EXPENSES OF THE COMMISSION AND TO PROVIDE THAT THE COMMISSION SHALL RETAIN ONE HALF OF THE INTEREST CHARGED ON DELINQUENT MAINTENANCE TAX FOR THE SAME PURPOSE.

Rep. NEAL explained the Bill.

Reps. GILLIARD, GOVAN, BALES and SABB requested debate on the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 106; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Barfield |
| Bedingfield | Bernstein | Bowers |
| 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 | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Knight |
| Limehouse | Loftis | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Norman |
| Ott | Owens | Parks |
| Patrick | Powers Norrell | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--106**

 Those who voted in the negative are:

**Total--0**

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

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

**OBJECTION TO RECALL**

Rep. ALLISON asked unanimous consent to recall H. 4020 from the Committee on Education and Public Works.

Rep. ROBINSON-SIMPSON objected.

**OBJECTION TO RECALL**

Rep. OWENS asked unanimous consent to recall S. 621 from the Committee on Education and Public Works.

Rep. BALES objected.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3435 from the Committee on Education and Public Works.

Rep. TAYLOR objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall S. 117 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. ATWATER objected.

**OBJECTION TO RECALL**

Rep. HENDERSON asked unanimous consent to recall H. 3134 from the Committee on Judiciary.

Rep. HORNE objected.

**H. 3638--POINT OF ORDER**

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

H. 3638 -- Reps. Harrell, Stavrinakis, Limehouse and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55-1-80 SO AS TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL MEMBERS TO COUNTY AVIATION COMMISSIONS AND TO PROVIDE THAT IN COUNTIES WITH TWO MUNICIPALITIES WITH A POPULATION IN EXCESS OF FIFTY THOUSAND, THE MAYORS OF THESE MUNICIPALITIES SHALL SERVE, EX OFFICIO, AS MEMBERS OF THE COMMISSION.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 3568--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3568 -- Reps. Weeks, Sandifer and Gilliard: 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.

Rep. WEEKS explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

 Yeas 101; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Bales | Ballentine | Barfield |
| Bedingfield | Bernstein | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Clemmons |
| Clyburn | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Finlay | Forrester |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Limehouse | Loftis | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Powers Norrell | Putnam | Ridgeway |
| Riley | Rivers | Rutherford |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--101**

 Those who voted in the negative are:

**Total--0**

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

**S. 602--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 602 -- Senators Coleman, Hayes, Jackson, Sheheen, Peeler and Gregory: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 901 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 72 TO ITS INTERSECTION WITH CHERRY ROAD "STATE REPRESENTATIVE BESSIE MOODY-LAWRENCE MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "STATE REPRESENTATIVE BESSIE MOODY-LAWRENCE MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**RECURRENCE TO THE MORNING HOUR**

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

**INTRODUCTION OF BILLS**

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

S. 463 -- Senators Hayes and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-53-95 SO AS TO REQUIRE THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PROFESSIONAL SURETY BONDSMAN OR RUNNER MUST PROVIDE HIS BUSINESS, MAILING, RESIDENTIAL, AND EMAIL ADDRESSES WITH THE APPLICATION, TO PROVIDE HE MUST NOTIFY THE DEPARTMENT OF A CHANGE OF ANY OF THESE ADDRESSES OR A LEGAL NAME CHANGE WITHIN THIRTY DAYS, AND TO PROVIDE A PENALTY FOR A VIOLATION; TO AMEND SECTION 38-43-107, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN INSURANCE PRODUCER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38-47-15, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38-48-30, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PUBLIC ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; AND TO AMEND SECTION 38-49-25, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A MOTOR VEHICLE PHYSICAL DAMAGE APPRAISER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS.

Referred to Committee on Judiciary

S. 551 -- Senator Corbin: A BILL TO AMEND SECTION 50-11-310 OF THE 1976 CODE, RELATING TO OPEN SEASON FOR ANTLERED DEER, TO PROVIDE THAT OPEN SEASON IN GAME ZONE 1, WITH ARCHERY EQUIPMENT AND FIREARMS, IS OCTOBER 11 THROUGH JANUARY 1, AND TO PROVIDE THAT ON WMA LANDS, THE DEPARTMENT MAY PROMULGATE REGULATIONS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT TO ESTABLISH SEASONS FOR THE HUNTING AND TAKING OF DEER.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 559 -- Senators Campsen and McGill: A BILL TO AMEND SECTION 50-5-1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR POSSESS MORE THAN FIFTEEN FLOUNDER TAKEN BY MEANS OF GIG, SPEAR, HOOK AND LINE, OR SIMILAR DEVICE IN ANY ONE DAY, NOT TO EXCEED THIRTY FLOUNDER IN ANY ONE DAY ON ANY BOAT.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 590 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TAKE OR POSSESS MORE THAN ONE TARPON IN ANY ONE DAY OR A TARPON OF LESS THAN SEVENTY-SEVEN INCHES IN FORK LENGTH.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 637 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO AGRITOURISM AND TOURISM-ORIENTED DIRECTIONAL SIGNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4314, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Education and Public Works

**H. 3796--REQUESTS FOR DEBATE**

The following Bill was taken up:

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.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3796 (COUNCIL\BBM\3796C002. BBM.HTC13):

Amend the , and if amended, by by striking Section 56‑3‑630(B), as contained in SECTION 2, page 2, and inserting:

 / (B)(1) Trucks described as private passenger motor vehicles pursuant to subsection (A) of this section owned or leased by an individual exclusively for personal use are subject to the state biennial registration fees provided pursuant to Section 56‑3‑620. For purposes of this subsection, ‘exclusively for personal use’ means a truck for which none of the expenses of acquisition or operation are eligible to be deducted from income in computing any federal income tax liability of the individual who registers the vehicle.

 (2) Before a truck may be registered for the fee allowed pursuant to item (1) of this subsection, the applicant must execute an affidavit signed under penalty for perjury certifying that the truck qualifies for the registration fee allowed pursuant to item (1) of this subsection. The affidavit must be in a form prescribed by the South Carolina Department of Motor Vehicles that is furnished to all persons applying to register a truck qualifying by weight as a ‘private passenger’ motor vehicle. If a properly executed affidavit is not submitted by the applicant, the fee to register the truck is as provided pursuant to Section 56‑3‑660. /

Renumber sections to conform.

Amend title to conform.

Rep. NEAL explained the amendment.

Reps. FELDER, NORMAN, HIOTT, SKELTON, H. A. CRAWFORD, RYHAL, BRANNON, WOOD, GOLDFINCH, FORRESTER, BRANHAM, WHIPPER, J. R. SMITH, HARDWICK, ERICKSON, CROSBY, SOUTHARD, WILLIAMS, NEAL, PITTS, JEFFERSON, DOUGLAS and BOWERS requested debate on the Bill.

**H. 3093--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3093 -- Reps. J. E. Smith, W. J. McLeod and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE "SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT", TO PROVIDE THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING BASED ON THE POPULATION OF THE POLITICAL SUBDIVISION IN WHICH THE BUILDING IS LOCATED MAY AT THE TAXPAYER'S OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3093 (COUNCIL\NL\3093C001.NL.DG13), which was adopted:

Amend the bill, as and if amended, by striking Section 12-67-140(A)(1) as contained on page 4 and inserting:

/ (1) a credit against income taxes imposed pursuant to Chapter 6, Chapter 11, and Chapter 13 of this title or corporate license fees pursuant to Chapter 20 of this title, or both; or /

Amend the bill further, as and if amended, by striking Section 12-7-140(B)(5)(a) as contained on page 5 and inserting:

/ (a) the taxpayer’s income tax liability for the taxable year if taxpayer claims the credit allowed by this section as a credit against income tax imposed pursuant to Chapter 6, Chapter 11, or Chapter 13 of this title; or /

Amend the bill further, as and if amended, page 7, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. This act takes effect upon approval by the Governor, and applies to the rehabilitation, renovation, and redevelopment of abandoned buildings begun within or after the tax year of the effective date of this chapter which are undertaken in conformity with the provisions of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH 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 111; Nays 2

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowers | 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 |
| 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 | King | Knight |
| Limehouse | Loftis | 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 | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--111**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Felder | Toole |  |

**Total--2**

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

**H. 3357--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3357 -- Reps. Henderson, Merrill, Herbkersman, Harrell, Gilliard, Stavrinakis, Hodges, Gagnon, Ryhal, Erickson, Whipper and R. L. Brown: A BILL TO AMEND SECTION 12-62-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX REBATE TO A MOTION PICTURE PRODUCTION COMPANY BY THE SOUTH CAROLINA FILM COMMISSION, SO AS TO PROVIDE THAT THE REBATE MAY NOT EXCEED TWENTY PERCENT OF THE TOTAL AGGREGATE PAYROLL FOR QUALIFYING PERSONS SUBJECT TO INCOME TAX WITHHOLDINGS OF SOUTH CAROLINA AND MAY NOT EXCEED TWENTY-FIVE PERCENT FOR QUALIFYING RESIDENTS OF SOUTH CAROLINA; AND TO AMEND SECTION 12-62-60, AS AMENDED, RELATING TO REBATES TO MOTION PICTURE PRODUCTION COMPANIES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY REBATE UP TO THIRTY PERCENT OF CERTAIN EXPENDITURES.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3357 (COUNCIL\NL\3357C001.NL.DG13), which was adopted:

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

/ SECTION \_\_\_. Chapter 62, Title 12 of the 1976 Code is amended by adding:

 “Section 12‑62‑95. The provisions of this chapter do not apply if the motion picture or television production that is made in whole or in part in South Carolina is found to contain scenes the average person, applying contemporary state community standards would find that the work, taken as a whole, appeals to the prurient interest, whether the work depicts or describes, in a patently offensive way, sexual conduct, and whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. The department and the South Carolina Film Commission may not award any benefit offered by this chapter to a motion picture production company producing such motion picture.”/

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 93; Nays 14

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Ballentine |
| Bannister | Barfield | Bernstein |
| Bingham | Bowers | G. A. Brown |
| R. L. Brown | Burns | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Herbkersman |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Knight |
| Limehouse | Loftis | Lowe |
| Lucas | Mack | McCoy |
| McEachern | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Neal |
| Newton | Ott | Owens |
| Parks | Patrick | Powers Norrell |
| Quinn | Ridgeway | Riley |
| Robinson-Simpson | Rutherford | Ryhal |
| Sandifer | Simrill | G. M. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--93**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bedingfield | Brannon |
| Chumley | H. A. Crawford | Felder |
| Hiott | Nanney | Norman |
| Putnam | Rivers | Southard |
| Taylor | Thayer |  |

**Total--14**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. POWERS NORRELL a leave of absence for the remainder of the day due to a speaking engagement.

**H. 3505--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3505 -- Reps. Loftis, Bannister, Harrell, J. R. Smith, Brannon, Huggins, Kennedy, Ballentine, Cole, Hixon, McCoy, G. R. Smith, Hamilton, Tallon, Henderson, Forrester, Whipper and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE "HIGH GROWTH SMALL BUSINESS ACCESS TO CAPITAL ACT OF 2013" BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, TO MAKE THE CREDIT TRANSFERABLE, AND TO PROVIDE FOR CERTAIN ADJUSTED NET CAPITAL GAIN AND LOSS COMPUTATIONS FOR INVESTOR TAXPAYERS WHO RECOGNIZE SUCH A GAIN OR LOSS ON THE SALE OF CREDIT ASSETS AS DEFINED IN THIS CHAPTER.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3505 (COUNCIL\NL\3505C001.NL.DG13), which was adopted:

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

/ SECTION 1. A. Title 11 of the 1976 Code is amended by adding:

“CHAPTER 44

High Growth Small Business Job Creation Act

 Section 11‑44‑10. This chapter may be cited as the ‘High Growth Small Business Job Creation Act of 2013’.

 Section 11‑44‑20. The General Assembly desires to support the economic development goals of this State by improving the availability of early stage capital for emerging high‑growth enterprises in South Carolina. To further these goals, this chapter is intended to:

 (1) encourage individual angel investors to invest in early stage, high‑growth, job‑creating businesses;

 (2) enlarge the number of high quality, high paying jobs within the State;

 (3) expand the economy of this State by enlarging its base of wealth‑creating businesses; and

 (4) support businesses seeking to commercialize technology invented in this state’s institutions of higher education.

 Section 11‑44‑30. For purposes of this chapter:

 (1) ‘Angel investor’ means an accredited investor as defined by the United States Securities and Exchange Commission, who is:

 (a) an individual person who is a resident of this State or a nonresident who is subject to taxes imposed by Chapter 6, Title 12; or

 (b) a pass‑through entity which is formed for investment purposes, has no business operations, does not have committed capital under management exceeding five million dollars, and is not capitalized with funds raised or pooled through private placement memoranda directed to institutional investors. A venture capital fund or commodity fund with institutional investors or a hedge fund does not qualify as an angel investor.

 (2) ‘Headquarters’ means the facility or portion of a facility where corporate staff employees are physically employed, and where the majority of the company’s or company business unit’s financial, personnel, legal, planning, information technology, or other headquarters‑related functions are handled.

 (3) ‘Net income tax liability’ means South Carolina state income tax liability reduced by all other credits allowed under Titles 11, 12, and 48.

 (4) ‘Pass‑through entity’ means a partnership, an S‑corporation, or a limited liability company taxed as a partnership.

 (5) ‘Qualified business’ means a registered business that:

 (a) is either a corporation, limited liability company, or a general or limited partnership located in this State and has its headquarters located in this State at the time the investment was made and has maintained these headquarters for the entire time the qualified business benefitted from the tax credit provided for pursuant to this section;

 (b) was organized no more than five years before the qualified investment was made;

 (c) employs twenty‑five or fewer people in this State at the time it is registered as a qualified business;

 (d) has had in any complete fiscal year before registration gross income as determined in accordance with the Internal Revenue Code of two million dollars or less on a consolidated basis;

 (e) is primarily engaged in manufacturing, processing, warehousing, wholesaling, software development, information technology services, research and development, or a business providing services set forth in Section 12‑6‑3360(M)(13), other than those described in subitem (f); and

 (f) does not engage substantially in:

 (i) retail sales;

 (ii) real estate or construction;

 (iii) professional services;

 (iv) gambling;

 (v) natural resource extraction;

 (vi) financial brokerage, investment activities, or insurance;

 (vii) entertainment, amusement, recreation, or athletic or fitness activity for which an admission or fee is charged.

 A business is substantially engaged in one of the activities defined in subitem (f) if its gross revenue from an activity exceeds twenty‑five percent of its gross revenues in a fiscal year or it is established pursuant to its articles of incorporation, articles of organization, operating agreement, or similar organizational documents to engage as one of its primary purposes such activity.

 (6) ‘Qualified investment’ means an investment by an angel investor of cash in a qualified business for common or preferred stock or an equity interest or a purchase for cash of subordinated debt in a qualified business. Investment of common or preferred stock or an equity interest or purchase of subordinated debt does not qualify as a qualified investment if a broker fee or commission or a similar remuneration is paid or given directly or indirectly for soliciting an investment or a purchase.

 (7) ‘Registered’ or ‘registration’ means that a business has been certified by the secretary as a qualified business at the time of application to the secretary.

 (8) ‘Secretary’ means the Secretary of State.

 Section 11‑44‑40. (A) An angel investor is entitled to a nonrefundable income tax credit of thirty‑five percent of its qualified investment made pursuant to this chapter.

 (B) Fifty percent of the allowed credit may be applied to the angel investor’s net income tax liability in the tax year during which the qualified investment is made, and fifty percent of the allowed credit may be applied to the angel investor’s net income tax liability in the tax years after the qualified investment is made and may be carried forward for a period not to exceed ten years for these purposes as provided in Section 11‑44‑50.

 (C) For any pass‑through entity making a qualified investment directly in a qualified business, each individual who is a shareholder, partner, or member of the entity must be allocated the credit allowed the pass‑through entity in an amount determined in the same manner as the proportionate shares of income or loss of such pass‑through entity would be determined. The pass‑through entity must make an irrevocable election with the Department of Revenue as to the manner in which the credit is allocated. If an individual’s share of the pass‑through entity’s credit is limited due to the maximum allowable credit under this chapter for a taxable year, the pass‑through entity and its owners may not reallocate the unused credit among the other owners.

 Section 11‑44‑50. Tax credits claimed pursuant to this chapter are subject to the following conditions and limitations:

 (1) the total amount of credits allowed pursuant to this chapter may not exceed in the aggregate five million dollars for all taxpayers for any one calendar year;

 (2) the aggregate amount of credit allowed an individual for one or more qualified investments in a single taxable year under this chapter, whether made directly or by a pass‑through entity and allocated to an individual, shall not exceed one hundred thousand dollars each year, not including any carry forward credits;

 (3) the amount of the tax credit allowed an individual under this chapter for a taxable year shall not exceed an individual’s net income tax liability. An unused credit amount is allowed to be carried forward for ten years from the close of the taxable year in which the qualified investment was made. Credit is not allowed against prior years’ tax liability;

 (4) the credit is transferrable by the angel investor to his heirs and legatees upon his or her death and to his or her spouse or incident to divorce;

 (5) the credit may be sold, exchanged, or otherwise transferred, and may be carried forward for a period of ten taxable years following the taxable year in which the credit originated until fully expended. A tax credit or increment of a tax credit may be transferred only once. The credit may be transferred to any taxpayer. A taxpayer to whom a credit has been transferred may use the credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but the transferred credit may not be used more than ten years after it was originally issued; and

 (6) the Department of Revenue may develop procedures for the transfer of the credits.

 Section 11‑44‑60. (A) A qualified business shall register with the secretary for purposes of this chapter. Approval of this registration constitutes certification by the Secretary for twelve months after being issued. A business is permitted to renew its registration with the secretary so long as, at the time of renewal, the business remains a qualified business.

 (B) If the secretary finds that any information contained in an application of a business for registration under this chapter is false, the secretary shall revoke the registration of the business. The secretary shall not revoke the registration of a business only because it ceases business operations for an indefinite period of time, as long as the business renews its registration.

 (C) A registration as a qualified business may not be sold or otherwise transferred, except that, if a qualified business enters into a merger, conversion, consolidation, or other similar transaction with another business and the surviving company would otherwise meet the criteria for being a qualified business, the surviving company retains the registration for the twelve‑month registration period without further application to the secretary. In this case, the qualified business shall provide the secretary with written notice of the merger, conversion, consolidation, or similar transaction and other information as required by the secretary.

 (D) The secretary shall report to the House Ways and Means Committee and the Senate Finance Committee each year all of the businesses that have registered with the secretary as a qualified business. The report must include the name and address of each business, the location of its headquarters, a description of the type of business in which it engages, the amount of capital it has raised, the number of jobs created by the business during the period covered by the report, and the average wages paid by these jobs.

 Section 11‑44‑65. (A) For purposes of this section:

 (1) ‘Angel investor taxpayer’ means a taxpayer who invested in a capital asset and as a result of that investment was eligible to claim the tax credit allowed pursuant to this chapter.

 (2) ‘Credit asset’ means a capital asset acquired by an angel investor taxpayer who was eligible to claim the tax credit allowed pursuant to this chapter with respect to the acquisition.

 (3) ‘Net capital gain’ is as defined in Internal Revenue Code Section 1222 and related sections.

 (4) ‘Net capital loss’ is as defined in Internal Revenue Code Section 1211(b), not including the limitation imposed pursuant to Section 1211(b)(1).

 (B)(1) If an angel investor taxpayer recognized net capital gain on the sale or exchange of credit assets in a taxable year, then the amount of net capital gain of that taxpayer eligible for the deduction otherwise allowed pursuant to Section 12‑6‑1150 must be reduced by the net capital gain on the sale or exchange of credit assets by the angel investor taxpayer.

 (2) In a separate computation in each taxable year the angel investor taxpayer shall attribute the net capital gain on credit assets to each credit asset in the ratio that the long term capital gain on each separate credit asset as a proportion of all such long term gain bears to the net capital gain reduction required pursuant to item (1). If cumulative net capital gain on a credit asset multiplied by seven percent equals the total credit claimed on the credit asset, the excess of the net capital gain attributable to this credit asset over that necessary to produce the total credit amount in the computation is deducted from the reduction otherwise required pursuant to item (1).

 (C)(1) If an angel investor taxpayer recognized net capital loss on the sale or exchange of credit assets in a taxable year in an amount equal to or less than the total of tax credits claimed on those credit assets, then there is added to the angel investor taxpayer’s South Carolina taxable income for that taxable year the amount of the net capital loss on those credit assets not to exceed the tax credits claimed on those credit assets.

 (2) If an angel investor taxpayer recognized net capital loss on the sale or exchange of credit assets in a taxable year in an amount greater than the amount of the tax credits claimed on those credit assets, then there is added to the angel investor taxpayer’s South Carolina taxable income for that taxable year the amount of the tax credit claimed on those credit assets.

 Section 11‑44‑70. (A) An angel investor seeking to claim a tax credit provided for under this chapter shall submit an application to the Department of Revenue for tentative approval for the tax credit in the year for which the tax credit is claimed or allowed. The Department of Revenue shall provide for the manner in which the application is to be submitted. The Department of Revenue shall review the application and tentatively shall approve the application upon determining that it meets the requirements of this chapter.

 (B) The Department of Revenue shall provide tentative approval of the applications by the date provided in subsection (C).

 (C) The Department of Revenue shall notify each qualified investor of the tax credits tentatively approved and allocated to the qualified investor by January thirty‑first of the year after the application was submitted. If the credit amounts on the tax credit applications filed with the Department of Revenue exceed the maximum aggregate limit of tax credits, then the tax credit must be allocated among the angel investors who filed a timely application on a pro rata basis based upon the amounts otherwise allowed by this chapter. Once the tax credit application has been approved and the amount has been communicated to the applicant, the angel investor then may apply the amount of the approved tax credit to its tax liability for the tax year of which the approved application applies.

 Section 11‑44‑80. Tax credits generated as a result of these investments are not considered securities under the laws of this State.”

B. The provisions of Chapter 44, Title 11 contained in this act are repealed on December 31, 2019. Any carry forward credits shall continue to be allowed until the ten year time period in Section 11‑44‑40(B) is completed.

SECTION 2. Section 12‑54‑240(B) of the 1976 Code, as last amended by Act 116 of 2007, is further amended by adding an appropriately numbered item at the end to read:

 “( ) exchange between the Department of Revenue and the Secretary of State of any information that assists the Department of Revenue or the Secretary of State in determining or verifying information concerning whether a business is a qualified business pursuant to Section 11‑44‑60.”

SECTION 3. This act takes effect upon approval by the Governor, and the tax credits permitted by this chapter are first available for investments made after December 31, 2012. /

Renumber sections to conform.

Amend title to conform.

Rep. LOFTIS explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 96; Nays 10

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Ballentine |
| Bannister | Barfield | Bernstein |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Lowe | Lucas | Mack |
| McCoy | McEachern | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Nanney |
| Neal | Newton | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |

**Total--96**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bedingfield | Bingham |
| Felder | Norman | Ott |
| Rivers | Southard | Thayer |
| Vick |  |  |

**Total--10**

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. 3505. If I had been present, I would have voted in favor of the Bill.

 Rep. Donna Wood

RECORD FOR VOTING

 I was temporarily out of the Chamber on constituent business during the vote on H. 3505. Upon returning to the Chamber, I inadvertently voted in favor of this Bill. I wish the record to reflect that I do not support the Bill and intended to vote against it.

 Rep. Gilda Cobb-Hunter

**H. 3767--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3767 -- Reps. Hixon, J. R. Smith, Quinn, Southard, Huggins, Bowen, Stavrinakis, Sabb, Allison, Atwater, Ballentine, Barfield, Chumley, Clyburn, Cole, Daning, Dillard, Erickson, Felder, Finlay, George, Goldfinch, Hamilton, Harrell, Hayes, Hiott, Horne, Hosey, Jefferson, Kennedy, Loftis, Long, Lowe, Lucas, Merrill, V. S. Moss, Norman, Ott, Owens, Pope, Putnam, Riley, Rivers, Rutherford, Simrill, Skelton, Sottile, Spires, Tallon, Taylor, Toole, Wells and Wood: A BILL TO AMEND SECTION 12-36-920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TWO PERCENT STATE SALES TAX IMPOSED ON ACCOMMODATIONS, SO AS TO PROVIDE THAT THE TAX DOES NOT APPLY TO GROSS PROCEEDS FROM RENTALS RECEIVED BY PERSONS RENTING THEIR PERSONAL RESIDENCE FOR FEWER THAN FIFTEEN DAYS TOTAL IN A YEAR AND IF THE GROSS PROCEEDS OF THE RENTAL INCOME ARE EXCLUDED FROM FEDERAL TAXABLE INCOME PURSUANT TO THE PROVISIONS OF SECTION 280A(g) OF THE INTERNAL REVENUE CODE OF 1986.

Rep. HIXON explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 107; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| 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 | Hayes | Henderson |
| Herbkersman | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Lowe | Mack | McCoy |
| McEachern | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--107**

 Those who voted in the negative are:

**Total--0**

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

**H. 3125--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3125 -- Reps. Hodges, M. S. McLeod, Mitchell, Whipper, R. L. Brown, Hiott, Toole, Hardee, Cobb-Hunter and Dillard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "MICROENTERPRISE DEVELOPMENT ACT" BY ADDING CHAPTER 55 TO TITLE 11 SO AS TO PROVIDE THAT THE DEPARTMENT OF COMMERCE SHALL ESTABLISH THE MICROENTERPRISE PARTNERSHIP PROGRAM TO PROMOTE AND FACILITATE THE DEVELOPMENT OF MICROENTERPRISES IN THIS STATE AND TO DEFINE "MICROENTERPRISE" AS A BUSINESS, WHETHER NEW OR EXISTING, INCLUDING STARTUP, HOME-BASED, AND SELF EMPLOYMENT, WITH FIVE OR FEWER EMPLOYEES; TO PROVIDE THAT THE DEPARTMENT SHALL AWARD GRANTS TO COMMUNITY ORGANIZATIONS TO MAKE LOANS AND DEVELOP LOAN SOURCES; TO ESTABLISH CRITERIA TO BE CONSIDERED IN AWARDING GRANTS; TO PROVIDE THAT APPROPRIATED FUNDS MAY BE AWARDED AS A GRANT TO MICROLOAN DELIVERY ORGANIZATIONS AND THAT SUCH GRANTS MUST BE MATCHED BY NONSTATE FUNDS; TO PROVIDE THE PURPOSE FOR WHICH GRANT FUNDS MAY BE EXPENDED; TO PROVIDE CERTAIN PROVISIONS THAT MUST BE IN A CONTRACT BETWEEN THE DEPARTMENT AND A STATEWIDE MICROLENDING SUPPORT ORGANIZATION; AND TO REQUIRE THE STATE TO SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY.

Rep. LOFTIS explained the Bill.

Reps. NORMAN, ATWATER, FELDER, WELLS, TAYLOR, RYHAL, BRANNON, WOOD, ALLISON, FORRESTER, EDGE, JEFFERSON, SOUTHARD, CROSBY and WHIPPER requested debate on the Bill.

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

**OBJECTION TO RECALL**

Rep. ALLISON asked unanimous consent to recall H. 4020 from the Committee on Education and Public Works.

Rep. R. L. BROWN objected.

**OBJECTION TO RECALL**

Rep. HAMILTON asked unanimous consent to recall H. 3605 from the Committee on Ways and Means.

Rep. WHITE objected.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3344 from the Committee on Judiciary.

Rep. BEDINGFIELD objected.

**OBJECTION TO RECALL**

Rep. HART asked unanimous consent to recall S. 117 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. ATWATER objected.

**S. 621--RECALLED FROM COMMITTEE ON**

**EDUCATION AND PUBLIC WORKS**

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

S. 621 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4325, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**RECURRENCE TO THE MORNING HOUR**

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

**REPORT OF STANDING COMMITTEE**

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

H. 3919 -- Reps. Owens, Bowen, Patrick, Taylor, Anderson, Allison, Brannon, Loftis, Ballentine, Rivers, Huggins, Knight, Simrill, King, Willis, Whitmire, McCoy, Anthony, Crosby, Neal, Clyburn, Barfield, Bedingfield, R. L. Brown, Cobb-Hunter, George, Hayes, Hiott, Hixon, Hosey, Lucas, Pope, Putnam, G. R. Smith, Wells, Wood and Whipper: A BILL TO AMEND SECTION 59-18-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXIT EXAM REQUIRED FOR HIGH SCHOOL GRADUATION, SO AS TO PROVIDE THAT ALL STUDENTS MUST TAKE THE EXIT EXAM TO GRADUATE BUT NEED NOT ATTAIN ANY MINIMUM SCORE ON THE EXIT EXAM TO GRADUATE, TO PROVIDE AN ELIGIBLE STUDENT WHO PREVIOUSLY FAILED TO RECEIVE A HIGH SCHOOL DIPLOMA OR WAS DENIED GRADUATION SOLELY FOR FAILING THE EXIT EXAM MAY REENROLL IN HIGH SCHOOL AND WILL NOT HAVE TO PASS THE EXIT EXAM TO RECEIVE A HIGH SCHOOL DIPLOMA, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO REMOVE ANY CONFLICTING REQUIREMENTS AND PROMULGATE CONFORMING CHANGES IN ITS APPLICABLE REGULATIONS; TO AMEND SECTION 59-48-35, RELATING TO REQUIREMENTS FOR A DIPLOMA FROM THE SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS, AND SECTION 59-139-60, RELATING TO THE DUTY OF THE STATE BOARD OF EDUCATION TO REVIEW STUDENT PERFORMANCE ON ASSESSMENT TESTING AND TO MONITOR THE PERFORMANCE OF SCHOOLS AND SCHOOL DISTRICTS, ALL SO AS TO MAKE CONFORMING CHANGES; AND TO CREATE THE HIGH SCHOOL ASSESSMENT STUDY COMMITTEE TO CONSIDER WHETHER THE HIGH SCHOOL ASSESSMENT PROGRAM SHOULD REMAIN THE ACCOUNTABILITY ASSESSMENT USED BY THE STATE AND TO RECOMMEND AN ALTERNATIVE IF NECESSARY, TO PROVIDE FOR THE COMPOSITION AND STAFFING OF THE STUDY COMMITTEE, TO REQUIRE THE COMMITTEE REPORT CERTAIN INFORMATION TO THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE TERMINATION OF THE STUDY COMMITTEE.

Ordered for consideration tomorrow.

**H. 3410--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3410 -- Reps. Forrester, Allison, Loftis, V. S. Moss, Cole, Tallon, Mitchell, Cobb-Hunter and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 1, TITLE 13 SO AS TO TRANSFER THE REGIONAL EDUCATION CENTERS ESTABLISHED BY THE EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL TO THE DEPARTMENT OF COMMERCE; TO AMEND SECTION 59-59-170, RELATING TO THE EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL, AND SECTION 59-59-190, RELATING TO ASSISTANCE OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, THE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND THE COMMISSION ON HIGHER EDUCATION SHALL PROVIDE THE DEPARTMENT OF EDUCATION WITH RESPECT TO CERTAIN PROGRAMS UNDER THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT ACT, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 59-59-180 RELATING TO REGIONAL EDUCATION CENTERS.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3410 (COUNCIL\AGM\3410C003. AGM.AB13), which was adopted:

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

/ SECTION 1. Chapter 1, Title 13 of the 1976 Code is amended by adding:

“Article 13

Regional Education Centers

 Section 13‑1‑1810. The powers and duties of the Education and Economic Development Coordinating Council relating to regional education centers pursuant to Sections 59‑59‑170 and 59‑59‑180 are transferred to the Department of Commerce.

 Section 13‑1‑1820. (A) The Department of Commerce shall provide oversight to the regional education centers, which are to coordinate and facilitate the delivery of information, resources, and services to students, educators, employers, and the community as provided in this article.

 (B) The primary responsibilities of these centers are to:

 (1) provide services to students and adults for career planning, employment seeking, training, and other support functions;

 (2) provide information, resources, and professional development programs to educators;

 (3) provide resources to school districts for compliance and accountability pursuant to the provisions of Chapter 59, Title 59;

 (4) provide information and resources to employers including, but not limited to, education partnerships, career oriented learning, and training services;

 (5) facilitate local connections among businesses and those involved in education;

 (6) work with school districts and institutions of higher education to create and coordinate workforce education programs; and

 (7) ensure each regional education center has a career development facilitator.

 (C)(1) Each regional education center shall have a career development facilitator to coordinate career oriented learning, career development, and postsecondary transitioning for the schools in its region.

 (2) A career development facilitator must be certified and recognized by the National Career Development Association.

 (D) The centers shall provide data and reports that the department requests.

 (E)(1) The regional centers must conform to the geographic configuration of the Local Workforce Investment Areas (LWIA) of the South Carolina Workforce Investment Act. Each regional center shall have an advisory board comprised of a school district superintendent, high school principal, local workforce investment board chairperson, technical college president, four‑year college or university representative, career center director or school district career and technology education coordinator, parent‑teacher organization representative, and business and civic leaders. Appointees must reside or do business in the geographic area of the center. Appropriate local legislative delegations shall make the appointments to the regional center boards.

 (2) The regional centers shall include, but not be limited to, the one‑stop shops, workforce investment boards, tech prep consortia, and regional instructional technology centers.

 Section 13‑1‑1840. The South Carolina Department of Employment and Workforce, in collaboration with the State Board for Technical and Comprehensive Education and the Commission on Higher Education, shall assist the Department of Commerce in planning and promoting the career information and employment options and preparation programs provided for in this section and in the establishment of the regional education centers by:

 (1) identifying potential employers to participate in the career oriented learning programs;

 (2) serving as a contact point for employees seeking career information and training;

 (3) providing labor market information including, but not limited to, supply and demand;

 (4) promoting increased career awareness and career counseling through the management and promotion of the South Carolina Occupational Information System;

 (5) collaborating with local agencies and businesses to stimulate funds; and

 (6) cooperating in the creation and coordination of workforce education programs.”

SECTION 2. Section 59‑59‑190 of the 1976 Code, as added by Act 88 of 2005, is amended to read:

 “Section 59‑59‑190. (A) The South Carolina Department of Employment and Workforce, in collaboration with the State Board for Technical and Comprehensive Education and the Commission on Higher Education, shall assist the Department of Education, in planning and promoting the career information and employment options and preparation programs provided for in this chapter ~~and in the establishment of the regional education centers~~ by:

 (1) identifying potential employers to participate in the career‑oriented learning programs;

 (2) serving as a contact point for employees seeking career information and training;

 (3) providing labor market information including, but not limited to, supply and demand;

 (4) promoting increased career awareness and career counseling through the management and promotion of the South Carolina Occupational Information System;

 (5) collaborating with local agencies and businesses to stimulate funds; and

 (6) cooperating in the creation and coordination of workforce education programs.

 (B) The South Carolina Department of Employment and Workforce shall assist in providing a link between employers in South Carolina and youth seeking employment.”

SECTION 3. Section 59‑59‑170 and Section 59‑59‑180 of the 1976 Code are repealed.

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

Renumber sections to conform.

Amend title to conform.

Rep. LOFTIS explained the amendment.

The amendment was then adopted.

Rep. LOFTIS proposed the following Amendment No. 2 to H. 3410 (COUNCIL\AGM\3410C004.AGM.AB13), which was adopted:

Amend the bill, as and if amended, Section 13‑1‑1810, as contained in SECTION 1, page 3410‑1, line 33, by deleting / Sections 59‑59‑170 and 59‑59‑180 / and inserting / Chapter 59, Title 59 . /

Renumber sections to conform.

Amend title to conform.

Rep. LOFTIS 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 | Anderson | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hart | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| King | Knight | Limehouse |
| Loftis | Lowe | Lucas |
| Mack | McCoy | McEachern |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Vick | 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.

**H. 3557--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3557 -- Reps. Cobb-Hunter, White, Bannister, Rutherford, Harrell, Merrill, Simrill, Stavrinakis, Loftis, Horne, Weeks, Mitchell, Ott, Sellers, Hodges and Whipper: A BILL TO AMEND SECTION 12-6-3375, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDIT FOR PORT CARGO VOLUME INCREASE, SO AS TO EXPAND THE TYPES OF BUSINESSES THAT QUALIFY FOR THE CREDIT, TO GIVE THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT DISCRETION IN AWARDING CREDITS, TO FURTHER DEFINE TERMS, TO PROVIDE THAT TAXPAYERS ENGAGED IN THE MOVEMENT OF GOODS IMPORTED OR EXPORTED THROUGH SOUTH CAROLINA'S PORT FACILITIES MAY BE ELIGIBLE FOR THE CREDIT IF THE CARGO SUPPORTS A PRESENCE IN THE STATE AND MEETS OTHER JOB AND CAPITAL INVESTMENT REQUIREMENTS, AND TO PROVIDE THAT A TAXPAYER THAT FAILS TO MEET THE REQUIREMENTS OF THE CREDIT MUST REPAY A PRO RATA PORTION OF THE CREDIT.

Rep. LOFTIS explained the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 108; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| 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 | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| King | Knight | Limehouse |
| Loftis | 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 |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Rutherford |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Thayer |
| Toole | Vick | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |

**Total--108**

 Those who voted in the negative are:

**Total--0**

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

**H. 3644--AMENDED AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3644 -- Reps. Loftis, Gagnon, Herbkersman, Lowe, Lucas, D. C. Moss, Ott, Pitts and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13-1-390 SO AS TO ESTABLISH WITHIN THE DIVISION OF STATE DEVELOPMENT OF THE DEPARTMENT OF COMMERCE THE CLEAN ENERGY INDUSTRY MARKET DEVELOPMENT ADVISORY COUNCIL AND PROVIDE FOR ITS MEMBERSHIP AND FUNCTIONS; TO AMEND SECTION 12-6-3588, RELATING TO THE RENEWABLE ENERGY TAX CREDIT INCENTIVE PROGRAM, SO AS TO REDESIGNATE THE PROGRAM THE SOUTH CAROLINA CLEAN ENERGY TAX INCENTIVE PROGRAM, TO REVISE DEFINITIONS TO EXTEND THE CREDIT TO ADDITIONAL FORMS OF ENERGY PRODUCTION AND OPERATIONS, TO DECREASE INVESTMENT THRESHOLDS AND DECREASE JOB CREATION THRESHOLDS FOR QUALIFYING FOR THE CREDIT AND MAKE THE CREDIT, PREVIOUSLY DUE TO EXPIRE DECEMBER 31, 2015, AVAILABLE THROUGH 2019 AND TO REVISE CREDIT ADMINISTRATION PROCEDURES; AND TO AMEND SECTION 12-6-3600, AS AMENDED, RELATING TO THE INCOME TAX CREDIT FOR CORN-BASED ETHANOL OR SOY-BASED BIODIESEL PRODUCTION IN THIS STATE, SO AS TO EXTEND THE CREDIT TO ALL LIQUID FUELS DERIVED FROM RENEWABLE SOURCES, MAKE CONFORMING DEFINITIONS, REDUCE THE AMOUNT OF LIQUID FUEL ELIGIBLE FOR THE CREDIT, AND TO EXTEND THE PERIOD DURING WHICH THE CREDIT MAY BE CLAIMED THROUGH 2019.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3644 (COUNCIL\BBM\3644C004. BBM.HTC13), which was adopted:

Amend the bill, and if amended, by striking SECTIONS 1, 2, and 3 beginning on page 2, and inserting:

/ SECTION 1. Article 3, Chapter 1, Title 13 of the 1976 Code is amended by adding:

 “Section 13‑1‑390. (A) In addition to those advisory councils that may be established by the Secretary of Commerce pursuant to Section 13‑1‑40, there is established within the division a Clean Energy Industry Manufacturing Market Development Advisory Council to assist in the development of clean energy technology, materials, and products manufactured in this State.

 (B) The council is composed of fourteen members. The Secretary of the South Carolina Department of Commerce or the secretary’s designee and the Director of the State Energy Office or the director’s designee shall serve on the council and the Secretary of Commerce shall appoint one member representative from each of the following:

 (1) advanced vehicle technology industry;

 (2) alternative transportation fuels industry;

 (3) battery manufacturing industry;

 (4) biomass energy industry;

 (5) energy efficiency industry;

 (6) higher education research institution’s incubation and business development department;

 (7) hydroelectric component manufacturing industry;

 (8) hydrogen storage or fuel cell industry;

 (9) solar manufacturing industry;

 (10) SC Technical College System’s clean energy workforce development department;

 (11) utility industry; and

 (12) wind components manufacturing industry.

 (C) Appointed members of the council shall serve for terms of four years and until a successor is appointed and qualified. Terms of members initially appointed expire after June 30, 2017. Appointed members serve at the pleasure of their appointing authority and without compensation or expenses. The functions of the council are advisory to the State. Vacancies must be filled in the manner of original appointment for the unexpired portion of the term.

 (D) The chairman must be designated by the Secretary of Commerce and the council shall select its own vice chairman and adopt those procedures necessary for its operations. The council shall meet at least once annually and at the call of the chair or at the request of a majority of the members. A majority of the members constitutes a quorum to do business. The State Energy Office and the South Carolina Department of Commerce, if necessary, shall provide the necessary staff and administrative facilities and services to the council.

 (E) Not later than October 31, 2014, the council shall provide to the Governor and the General Assembly an initial report which must include, at a minimum, the following:

 (1) a description and analysis of this state’s existing clean energy manufacturing industry;

 (2) an analysis of job development potential for clean energy manufacturing in this State;

 (3) an analysis of market potential in this State, in other states, or in foreign countries for technology, materials, and products manufactured by a clean energy industry from this State;

 (4) recommendations for actions which may be taken to provide incentives for manufacturing of clean energy technology, materials, and products from this State;

 (5) recommendations on categories of clean energy markets that should be developed in this State and benchmarks to increase clean energy manufacturing in this State; and

 (6) recommendations for marketing and public education programs that should be implemented by economic development entities to provide information to the public and to business and industry on the benefits of investment in the clean energy manufacturing industry in this State.

 (F) Following its initial report, the council shall submit to the Governor and to the General Assembly by the end of each calendar year an annual report on the clean energy manufacturing industry activities in this State which must include, at a minimum, the following:

 (1) revisions which the advisory council determines are necessary to its initial and subsequent reports;

 (2) a description and analysis of the clean energy manufacturing industry in this State and growth of the industry during the preceding year;

 (3) recommendations regarding policies that could be implemented to achieve growth in the clean energy manufacturing industry in this State; and

 (4) any other recommendations, including tax and economic development incentives, to facilitate the development of the clean energy manufacturing industry in this State.”

SECTION 2. Section 12‑6‑3588 of the 1976 Code, as added by Act 290 of 2010, is amended to read:

 “Section 12‑6‑3588. (A) The General Assembly has determined to enact the ‘South Carolina ~~Renewable~~ Clean Energy Tax Incentive Program’ as contained in this section to encourage business investment that will produce high quality employment opportunities and enhance this State’s position as a center for production and use of ~~renewable~~ clean energy products. The program accomplishes this goal by providing tax incentives to companies in the solar, wind, geothermal, hydrogen, energy storage, and energy efficiency ~~and other renewable energy~~ industries ~~who~~ which are expanding or locating in South Carolina.

 (B) As used in this section:

 (1) ‘Capital investment’ means an expenditure to acquire, lease, or improve property that is used in operating a business, including land, buildings, machinery, and fixtures.

 (2) ‘Manufacturing’ means fabricating, producing, or manufacturing raw or unprepared materials into usable products, imparting new forms, qualities, properties, and combinations. Manufacturing does not include generating electricity for off‑site consumption.

 (3) ‘Qualifying investment’ means investment in land, buildings, machinery, and fixtures for expansion of an existing facility or establishment of a new facility in this State. Qualifying investment does not include relocating an existing facility in this State to another location in this State without additional capital investment.

 (4) ‘~~Renewable~~ Clean energy operations’ are limited to manufacturers of systems ~~and~~ or components that are used or useful in manufacturing ~~renewable~~ or operation of clean energy equipment for the generation, storage, testing and research and development, and transmission or distribution of electricity from ~~renewable~~ clean energy sources, including specialized packaging for the ~~renewable~~ clean energy equipment manufactured at the facility. A clean energy operation does not include generating electricity for off‑site consumption.

 (C) A business or corporation meeting the requirements of this section ~~beginning in 2010~~ is eligible to receive a ten percentnonrefundable income tax credit of the cost of the company’s total qualifying investments in plant and equipment in this State for ~~renewable~~ clean energy operations.

 (D) The business or corporation ~~must~~ shall:

 (1) manufacture ~~renewable~~ clean energy systems ~~and~~ or components in South Carolina for solar, wind, geothermal, hydrogen, energy storage, or energy efficiency ~~or other renewable energy~~ uses in order to be eligible for the tax credit authorized by this section;

 (2) invest at least ~~five hundred~~ fifty million dollars in a Tier IV county; at least one hundred million dollars in a Tier III county; at least one hundred fifty million dollars in a Tier II county; and at least two hundred million dollars in a Tier I county according to the county ranking and designation system as provided pursuant to Section 12‑6‑3360(B) in the year the tax credit is claimed in new qualifying plant and equipment; and

 (3) have created at least one ~~and one‑half~~ full‑time job for every ~~five hundred thousand~~ one million dollars of capital investment qualifying for the credit that each pays at least one hundred twenty‑five percent of this State’s average annual median wage as defined by the Department of Commerce.

 (E) The income tax credit ~~program~~ is allowed for up to sixty months ~~for a five‑year period~~ beginning with the first month for which the business or corporation is eligible to receive the credit ~~January 1, 2010,~~ and ending no later than December 31, ~~2015~~ 2020.

 (F) A taxpayer may separately qualify for new facilities in separate locations or for separate expansions of existing facilities located in this State.

 (G) A taxpayer’s total credit for all expenditures allowed pursuant to this section must not exceed five hundred thousand dollars for any year and five million dollars total for all years. Unused credits may be carried forward for fifteen years after the tax year in which a qualified expenditure was made. The credit is nonrefundable.

 (H) To obtain the amount of the credit available to a taxpayer, each taxpayer shall notify the Department of Revenue and the Department of Commerce, in writing, of its intention to claim the tax credit. The Department of Revenue shall determine the proof necessary to meet the requirements of subsection (D)(1) and (2). Expenditures qualifying for ~~a~~ the tax credit allowed by this section must be certified by the ~~State Energy Office~~ Department of Revenue. The ~~State Energy Office~~ Department of Revenue may consult with appropriate state and federal officials on standards for certification.

 ~~(I)~~ ~~To obtain the amount of the credit available to a taxpayer,~~  Each taxpayer ~~must~~ shall submit a request for the credit to the ~~State Energy Office~~ Department of Revenue by January thirty‑first for qualifying expenses incurred in the previous calendar year and the ~~State Energy Office~~ Department of Revenue must notify the taxpayer that the submitted expenditures qualify for the credit and the amount of credit allocated to such taxpayer by March first of that year. A taxpayer may claim the maximum amount of the credit for its taxable year which contains the December thirty‑first of the previous calendar year.

 (I) To obtain the amount of the credit available to a taxpayer, the Department of Commerce also must certify to the ~~State Energy Office~~ Department of Revenue that the taxpayer has met the job creation requirements of subsection (D)(3).

 (J) The credits authorized by this section are in lieu of any other applicable income tax credits or abatements allowed by state law, and in the event of an overlap or conflict in available credits or abatements to a taxpayer, the taxpayer must select the credit or abatement ~~he~~ the taxpayer desires in the manner prescribed by the Department of Revenue to the extent the credits or abatements conflict or overlap.”

SECTION 3. Section 12‑6‑3600 of the 1976 Code, as last amended by Act 261 of 2008, is further amended to read:

 “Section 12‑6‑3600. (A)(1) For taxable years beginning after 2006, and before ~~2017~~ 2020, there is allowed a credit against the tax imposed pursuant to this chapter for any corn‑based ~~ethanol~~ or soy‑based ~~biodiesel~~ liquid fuel production facility which is in production at the rate of at least twenty‑five percent of its name plate design capacity for the production of corn‑based ~~ethanol~~ or soy‑based ~~biodiesel~~ liquid fuel, before denaturing, on or before December 31, ~~2011~~ 2015. The credit equals twenty cents a gallon of corn‑based ~~ethanol~~ or soy‑based ~~biodiesel~~ liquid fuel produced and is allowed for sixty months beginning with the first month for which the facility is eligible to receive the credit and ending not later than December 31, ~~2016~~ 2019. The taxpayer is eligible to claim the credit after the facility has six consecutive months of operation at an average production rate of at least twenty‑five percent of its name plate design capacity. In the first taxable year in which the taxpayer is eligible to claim the credit, the taxpayer may claim the credit for the first six months it met the requirements in addition to qualifying production during its current taxable year.

 (2) For taxable years beginning after 2006, and before ~~2017~~ 2020, there is allowed a credit against the tax imposed pursuant to this chapter for ~~an ethanol~~ a liquid fuel production facility using a feedstock other than corn or ~~a biodiesel facility using a feedstock other than~~ soy oil which is in production at the rate of at least twenty‑five percent of its name plate design capacity for the production of ~~ethanol or biodiesel~~ liquid fuel, before denaturing, on or before December 31, ~~2011~~ 2015. The credit equals thirty cents a gallon of noncorn ~~ethanol~~ or nonsoy oil ~~biodiesel~~ liquid fuel produced and is allowed for up to sixty months beginning with the first month for which the facility is eligible to receive the credit and ending no later than December 31, ~~2016~~ 2019. The taxpayer is eligible to claim the credit after the facility has six consecutive months of operation at an average production rate of at least twenty‑five percent of its name plate design capacity. In the first taxable year in which the taxpayer is eligible to claim the credit, the taxpayer may claim the credit for the first six months it met the requirements in addition to qualifying production during its current taxable year.

 (3) Any unused credit may be carried forward for ten years.

 (B) As used in this section:

 (1) ‘Liquid fuel’ means any fuel that will power an internal combustion engine and is derived from algae, cellulose, corn, natural gas, soy, used oil, waste oil, or yellow grease and used as a substitute for gasoline or diesel fuel. Liquid fuel as defined in this item does not include fuels derived from crude tall oil. ~~Ethanol facility” means a plant or facility primarily engaged in the production of ethanol or ethyl alcohol derived from renewable and sustainable bioproducts used as a substitute for gasoline fuel.~~

 (2) ‘Liquid fuel production facility’ means a plant or facility primarily engaged in the production of liquid fuel as defined in this section. ~~Biodiesel facility” means a plant or facility primarily engaged in the production of plant‑ or animal‑based fuels used as a substitute for diesel fuel.~~

 (3) ‘Name plate design capacity’ means the original designed capacity of ~~an ethanol or biodiesel~~ a liquid fuel production facility. Capacity may be specified as bushels of grain ground or gallons of ~~ethanol or biodiesel~~ liquid fuel produced a year.

 (C)(1) Beginning January 1, ~~2017~~ 2020, ~~an ethanol or biodiesel~~ a liquid fuel production facility must receive a credit against the tax imposed by this chapter in the amount of seven and one‑half cents a gallon of ~~ethanol or biodiesel~~ liquid fuel, before denaturing, for new production for a period not to exceed thirty‑six consecutive months.

 (2) For purposes of this subsection, ‘new production’ means production which results from a new facility, a facility which has not received credits before ~~2017~~ 2020, or the expansion of the capacity of an existing facility by at least two million gallons first placed into service after ~~2016~~ 2019, as certified by the design engineer of the facility to the State Energy Office.

 (3) For expansion of the capacity of an existing facility, ‘new production’ means annual production in excess of twelve times the monthly average of the highest three months of ~~ethanol or biodiesel~~ liquid fuel production at ~~an ethanol or biodiesel~~ a liquid fuel production facility during the twenty‑four‑month period immediately preceding certification of the facility by the design engineer.

 (4) Credits are not allowed pursuant to this subsection for expansion of the capacity of an existing facility until production is in excess of twelve times the three‑month average amount determined pursuant to this subsection during any twelve‑consecutive‑month period beginning no sooner than January 1, ~~2017~~ 2020.

 (5) The amount of a credit granted pursuant to this section based on new production must be approved by the State Energy Office based on the ~~ethanol or biodiesel~~ liquid fuel production records as may be necessary to reasonably determine the level of new production.

 (D)(1) The credits described in this section are allowed only for ~~ethanol or biodiesel~~ liquid fuel produced at a plant in this State at which all fermentation, distillation, and dehydration takes place. Credit is not allowed for ~~ethanol or biodiesel~~ liquid fuel produced or sold for use in the production of distilled spirits.

 (2) Not more than ~~twenty‑five million~~ ten million gallons of ~~ethanol or biodiesel~~ liquid fuel produced annually at ~~an ethanol or biodiesel~~ a liquid fuel production facility is eligible for the credits in subsections (A) and (B) of this section, and the credits only may be claimed by a producer for the periods specified in subsections (A) and (B) of this section.

 (3) Not more than ten million gallons of ~~ethanol or biodiesel~~ liquid fuel produced during a twelve‑consecutive‑month period at ~~an ethanol or biodiesel~~ a liquid fuel production facility is eligible for the credit described in subsection (C) of this section, and the credit only may be claimed by a producer for the periods specified in subsection (C) of this section.

 (4) Not more than ~~one hundred twenty‑five~~ fifty million gallons of ~~ethanol or biodiesel~~ liquid fuel produced at ~~an ethanol or biodiesel~~ a liquid fuel production facility by the end of the sixty‑month period set forth in subsection (A) or (B) of this section is eligible for the credit under the subsection. ~~An~~ ~~ethanol or biodiesel~~ A liquid fuel production facility which receives a credit for ~~ethanol or biodiesel~~ liquid fuel produced under subsection (A) or (B) of this section may not receive a credit pursuant to subsection (C) of this section until its eligibility to receive a credit under subsection (A) or (B) of this section has been completed.

 (E) The State Energy Office shall prescribe an application form and procedures for claiming credits under this section.

 (F) For purposes of ascertaining the correctness of the credit allowed pursuant to this section, the State Energy Office or the department may examine or cause to have examined, by any agent or representative designated for that purpose, any books, papers, records, or memoranda bearing upon these matters.

 (G) ~~Notwithstanding the credit amount allowed by this section, for Fiscal Year 2008‑2009, all claims made pursuant to this section must not exceed eight hundred thousand dollars and must apply proportionately to all eligible claimants.~~

 ~~(H)(1)~~ To obtain the maximum amount of the credit available to a taxpayer, each taxpayer must submit a request for credit to the State Energy Office by January thirty‑first for all gallons of qualifying fuel produced in the previous calendar year and the State Energy Office must notify the taxpayer that it qualifies for the credit and the amount of credit allocated to the taxpayer by March first of that year. A taxpayer may claim the maximum credit for its taxable year which contains the December thirty‑first of the previous calendar year. The Department of Revenue may require any documentation that it deems necessary to administer the credit.

 ~~(2)~~ ~~For the state’s fiscal year beginning July 1, 2008, the maximum amount of credit is to be determined based on an eighteen‑month period beginning July 1, 2008, through December 31, 2009. Applications are to be made by January 31, 2010, for the previous eighteen‑month period commencing July 1, 2008, and ending December 31, 2009. A taxpayer allocated a credit for this eighteen‑month period may claim the credit for its tax year which contains December 31, 2009.~~

 ~~(3)~~ ~~To the extent the maximum amount of the credit contained in this section is repealed, the elimination of the maximum amount shall be seen as the last expression of the legislature and to the extent any language in this act conflicts with that repeal, it shall be considered null and void.~~” /

Renumber sections to conform.

Amend title to conform.

Rep. LOFTIS explained the amendment.

The amendment was then adopted.

Rep. J. R. SMITH proposed the following Amendment No. 2 to H. 3644 (COUNCIL\BBM\3644C005.BBM.HTC13):

Amend the bill, and if amended in SECTION 2, page 3644‑3, by striking SECTION 12‑6‑3588(A) and inserting:

/ (A) The General Assembly has determined to enact the ‘South Carolina ~~Renewable~~ Clean Energy Tax Incentive Program’ as contained in this section to encourage business investment that will produce high quality employment opportunities and enhance this State’s position as a center for production and use of ~~renewable~~ clean energy products. The program accomplishes this goal by providing tax incentives to companies in the solar, wind, geothermal, hydrogen, energy storage, small modular reactors, and energy efficiency ~~and other renewable energy~~ industries ~~who~~ which are expanding or locating in South Carolina. /

Amend the bill further, in SECTION 2, page 3644‑4, by striking Section 12‑6‑3588(D)(1) and inserting:

/ (1) manufacture ~~renewable~~ clean energy systems ~~and~~ or components in South Carolina for solar, wind, geothermal, hydrogen, energy storage, small modular reactors, or energy efficiency ~~or other renewable energy~~ uses in order to be eligible for the tax credit authorized by this section; /

Renumber sections to conform.

Amend title to conform.

Rep. J. R. SMITH explained the amendment.

Reps. J. E. SMITH, HART, W. J. MCLEOD, DANING, J. R. SMITH, FORRESTER, NEAL, SKELTON, LOFTIS, WELLS, TAYLOR, HAMILTON, ANDERSON, G. R. SMITH, WILLIAMS and JEFFERSON requested debate on the Bill.

**H. 3783--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3783 -- Rep. Lucas: A BILL TO AMEND SECTION 12-21-2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX, SO AS TO REQUIRE THE COMPLEX TO BE A NASCAR SANCTIONED SPEEDWAY THAT HOSTS AT LEAST ONE RACE EACH YEAR FEATURING THE PREEMINENT NASCAR CUP SERIES, INSTEAD OF REQUIRING THE SPEEDWAY TO HAVE AT LEAST SIXTY THOUSAND SEATS FOR RACE PATRONS.

Rep. MERRILL proposed the following Amendment No. 1 to H. 3783 (COUNCIL\NL\3783C001.NL.DG13):

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

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

 “Section 12‑21‑2426. (A) In addition to the exemptions allowed from the admissions license tax imposed pursuant to Section 12‑21‑2420 of the 1976 Code, there is also exempt from that tax for ten years beginning July 1, 2013, one‑half of the paid admissions to a soccer specific stadium.

 (B) For purposes of the exemption allowed by this section, a soccer specific stadium means a soccer facility, and its ancillary grounds and facilities, that satisfies all of the following:

 (1) has at least three thousand fixed seats for soccer patrons;

 (2) serves as the home stadium for an accredited professional soccer team; and

 (3) engages in tourism promotion.” /

Renumber sections to conform.

Amend title to conform.

Rep. MERRILL explained the amendment.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of Amendment No. 1.

**H. 4020--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

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

H. 4020 -- Rep. Allison: A JOINT RESOLUTION TO PROVIDE THAT ACT 99 OF 1999, THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT, IS REAUTHORIZED UNTIL JULY 1, 2014.

**H. 3165--REQUEST FOR DEBATE WITHDRAWN**

Reps. WHIPPER, with unanimous consent, withdrew his request for debate on H. 3165; however, other requests for debate remained on the Bill.

**H. 3631--REQUESTS FOR DEBATE WITHDRAWN**

Reps. HERBKERSMAN and OTT, with unanimous consent, withdrew their requests for debate on H. 3631; however, other requests for debate remained on the Bill.

**OBJECTION TO RECALL**

Rep. CROSBY asked unanimous consent to recall H. 3177 from the Committee on Judiciary.

Rep. BRANNON objected.

**H. 3631--REQUESTS FOR DEBATE WITHDRAWN**

Reps. W. J. MCLEOD and DANING, with unanimous consent, withdrew their requests for debate on H. 3631; however, other requests for debate remained on the Bill.

**RECURRENCE TO THE MORNING HOUR**

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

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 24, 2013

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on H. 3453:

H. 3453 -- Reps. Bingham, Allison, Anthony, Hayes and Atwater: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2013 2014 SCHOOL YEAR BY MAY 5, 2013; TO PROVIDE THAT A CONTINUING CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

Very respectfully,

President

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 4030 -- Rep. George: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND ALFRED SCHRELL MCFADDEN, PRINCIPAL OF MARION HIGH SCHOOL, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-THREE YEARS OF OUTSTANDING SERVICE AS AN EDUCATOR, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 4029 -- Reps. Putnam, Simrill, Gagnon, Thayer and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-223 SO AS TO PROVIDE THAT FOR PURPOSES OF AD VALOREM TAXATION, THE FAIR MARKET VALUE OF A MOTOR VEHICLE MAY NOT EXCEED THE AMOUNT PAID FOR THE MOTOR VEHICLE, SO

LONG AS THE MOTOR VEHICLE WAS PURCHASED FROM A LICENSED DEALER.

Referred to Committee on Ways and Means

H. 4031 -- Reps. Goldfinch, Clemmons, Hardwick, H. A. Crawford, Loftis, Barfield, Bedingfield, Hamilton, V. S. Moss, Rivers and G. R. Smith: A BILL TO AMEND SECTION 5-7-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT FOR AN ANNUAL FINANCIAL AUDIT OF THE FINANCES OF A MUNICIPALITY, SO AS TO REQUIRE THAT FUNDS FOR THE AUDIT MUST BE INCLUDED IN THE MUNICIPALITY'S ANNUAL BUDGET, TO PROVIDE THAT IF A COPY OF THE ANNUAL FINANCIAL AUDIT IS NOT FILED WITH THE STATE TREASURER WITHIN THIRTEEN MONTHS OF THE END OF THE AUDIT YEAR, THAT STATE PAYMENTS TO THE MUNICIPALITY MUST BE SUSPENDED, TO REQUIRE ADDITIONAL FORENSIC AUDITS IN THE CASE OF A SUSPENSION OF STATE PAYMENTS, AND TO PROVIDE THAT IF THE DELINQUENT AUDIT AND THE FORENSIC AUDITS ARE NOT FILED WITHIN THIRTEEN MONTHS OF THE BEGINNING OF THE STATE PAYMENTS SUSPENSION, THE MUNICIPALITY'S CERTIFICATE OF INCORPORATION MUST BE CANCELED BY THE SECRETARY OF STATE.

Referred to Committee on Ways and Means

H. 4032 -- Rep. Goldfinch: A BILL TO AMEND SECTION 50-21-860, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS PLACED ON THE USE OF AIRBOATS, SO AS TO CREATE AN EXCEPTION TO THE PROVISION THAT LIMITS THE HOURS OF OPERATION OF AIRBOATS ALONG CERTAIN RIVERS IN GEORGETOWN AND HORRY COUNTIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

**H. 3783--DEBATE ADJOURNED**

Debate was resumed on the following Bill, the pending question being the consideration of Amendment No. 1:

H. 3783 -- Rep. Lucas: A BILL TO AMEND SECTION 12-21-2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX, SO AS TO REQUIRE THE COMPLEX TO BE A NASCAR SANCTIONED SPEEDWAY THAT HOSTS AT LEAST ONE RACE EACH YEAR FEATURING THE PREEMINENT NASCAR CUP SERIES, INSTEAD OF REQUIRING THE SPEEDWAY TO HAVE AT LEAST SIXTY THOUSAND SEATS FOR RACE PATRONS.

Rep. MERRILL proposed the following Amendment No. 1 to H. 3783 (COUNCIL\NL\3783C001.NL.DG13):

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

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

 “Section 12‑21‑2426. (A) In addition to the exemptions allowed from the admissions license tax imposed pursuant to Section 12‑21‑2420 of the 1976 Code, there is also exempt from that tax for ten years beginning July 1, 2013, one‑half of the paid admissions to a soccer specific stadium.

 (B) For purposes of the exemption allowed by this section, a soccer specific stadium means a soccer facility, and its ancillary grounds and facilities, that satisfies all of the following:

 (1) has at least three thousand fixed seats for soccer patrons;

 (2) serves as the home stadium for an accredited professional soccer team; and

 (3) engages in tourism promotion.” /

Renumber sections to conform.

Amend title to conform.

Rep. LUCAS spoke against the amendment.

Rep. MERRILL spoke in favor of the amendment.

Rep. OTT spoke against the amendment.

**POINT OF ORDER**

Rep. K. R. CRAWFORD raised the Rule 9.3 Point of Order that Amendment No. 1 to H. 3783 was out of order in that it was not germane to the Bill.

Rep. MERRILL spoke against the Point stating that both the Bill and Amendment No. 1 dealt with the admissions license tax exemptions.

SPEAKER HARRELL sustained the Point of Order stating that H. 3783 specifically dealt with an admissions license tax exemption for motorsport entertainment complexes but that the amendment dealt with soccer stadiums. He stated that Amendment No. 1 went beyond the scope of the Bill and ruled the Amendment to be non-germane.

Rep. WHITE moved to adjourn debate on the Bill until Thursday, April 25, which was agreed to.

**H. 3027--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3027 -- Reps. G. M. Smith, Pitts, Ballentine, J. E. Smith, Bernstein, Harrell, Cobb-Hunter, Whipper and R. L. Brown: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX ASSESSMENT RATIOS, SO AS TO PROVIDE THAT, IN CERTAIN SITUATIONS, AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO REGARDLESS OF THE OWNER'S RELOCATION AND REGARDLESS OF ANY RENTAL INCOME, AND TO PROVIDE THAT AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES, IN CERTAIN SITUATIONS, MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO ON TWO RESIDENTIAL PROPERTIES SO LONG AS THE OWNER ATTEMPTS TO SELL THE FIRST RESIDENCE WITHIN THIRTY DAYS OF ACQUIRING THE SECOND RESIDENCE.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3027 (COUNCIL\NL\3027C002.NL.DG13), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12‑43‑220(c)(2)(v)(C)(3) as contained on lines 25 ‑ 37 on page 2, and inserting:

/ (3) This subsubitem does not apply unless the owner of the properties or the owner’s agent applies for the four percent assessment ratio on both residences before the first penalty date for the payment of taxes for the tax year for which the owner first claims eligibility for this assessment ratio. The burden of proof for eligibility for the four percent assessment ratio on both residences is on the taxpayer. The taxpayer must provide the proof the assessor requires, including, but not limited to, a copy of the owner’s most recently filed South Carolina individual income tax return and copies of South Carolina motor vehicle registrations for all motor vehicles registered in the name of the owner. The taxpayer must apply to the county assessor by May fifteenth of each year to utilize the provisions of subsubitems (B) and (C) . Along with the application, the applicant must submit a Leave and Earnings Statement (LES) from the current calendar year. Any information contained in the LES that is not related to the active duty status of the member may be redacted. /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

The amendment was then adopted.

Rep. G. R. SMITH explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 104; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Barfield | Bedingfield |
| Bernstein | Bingham | 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 | Goldfinch |
| Govan | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Herbkersman | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | King | Knight |
| Limehouse | Loftis | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | Murphy |
| Nanney | Newton | Norman |
| Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--104**

 Those who voted in the negative are:

**Total--0**

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

**H. 3502--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3502 -- Reps. Murphy, Vick, Goldfinch, K. R. Crawford, Harrell, Horne, M. S. McLeod and Owens: A BILL TO AMEND SECTION 59-121-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEEMOSYNARY CORPORATION ESTABLISHED BY THE BOARD, SO AS TO REMOVE A LIMIT ON THE AMOUNT OF FUNDS OR PROPERTY THAT THE BOARD MAY TRANSFER TO THE CORPORATION.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3502 (COUNCIL\NL\3502C001.NL.DG13), which was adopted:

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

/ SECTION 1. Section 59‑121‑55(B) of the 1976 Code is amended to read:

 “(B) The Board of Visitors is further authorized to transfer ~~not exceeding twenty million dollars of nonstate appropriated~~ funds and property ~~it~~ privately donated to the college, and income or proceeds derived from these privately donated funds and property, that the board holds in its name or in the college’s name for scholarship and other college support purposes to the nonprofit corporation formed pursuant to subsection (A). These funds, ~~and~~ property, and income and proceeds derived from them, must be used by the nonprofit corporation for its stated purposes, except that any restrictions or limitations applicable to a specified portion of these funds or property continue to be applicable after the transfer of ~~those~~ the funds, ~~or~~ property, and income and proceeds derived from them, to the nonprofit corporation. Any encumbrances or liability on the funds, ~~and~~ property, and income and proceeds derived from them so transferred must be assumed by the nonprofit corporation.”

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

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH 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 97; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Ballentine |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowers | Branham |
| Brannon | 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 |
| Goldfinch | Govan | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | King |
| Knight | Limehouse | Loftis |
| Lowe | Lucas | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Newton |
| Norman | Ott | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Wood |  |  |

**Total--97**

 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. 612--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 612 -- Senator Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING ACT 961 OF 1974, RELATING TO THE ELECTION AND TERMS OF THE COMMISSIONERS OF PUBLIC WORKS FOR THE TOWN OF SUMMERVILLE IN DORCHESTER COUNTY.

The yeas and nays were taken resulting as follows:

 Yeas 96; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Barfield | Bernstein | Bingham |
| 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 | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Goldfinch | Govan |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Knight | Limehouse |
| Loftis | Lowe | Lucas |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Newton | Norman |
| Ott | Parks | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Vick | Weeks |
| Wells | White | Whitmire |
| Williams | Willis | Wood |

**Total--96**

 Those who voted in the negative are:

**Total--0**

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

**H. 3453--CONFERENCE REPORT ADOPTED**

**H. 3453--Conference Report**

The General Assembly, Columbia, S.C., April 24, 2013

 The COMMITTEE OF CONFERENCE, to whom was referred:

 H. 3453 -- Reps. Bingham, Allison, Anthony, Hayes and Atwater: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2013‑2014 SCHOOL YEAR BY MAY 15, 2013; TO PROVIDE THAT A CONTINUING‑CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

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

 That the same do pass with the following amendments:

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

 / SECTION 1. Notwithstanding Section 59‑25‑410, the boards of trustees of the several school districts shall decide and notify, in writing, the teachers, as defined in Section 59‑1‑130, in their employ concerning their employment for the 2013‑2014 school year by May 5, 2013.

 SECTION 2. Notwithstanding Regulation 43‑205.1, a continuing‑contract teacher who is being recommended for formal evaluation the following school year must be notified in writing on or before the date the school district issues the written offer of employment or reemployment.

 SECTION 3. Notwithstanding Section 59‑25‑420, any teacher who is reemployed by written notification pursuant to Section 59‑25‑410 shall notify the board of trustees in writing of his acceptance of the contract for the 2013‑2014 school year no later than ten days following receipt of written notification. Failure on the part of the teacher to notify the board of acceptance within the specified time limit is conclusive evidence of the teacher’s rejection of the contract.

 SECTION 4. Notwithstanding another provision of law, school districts uniformly may negotiate salaries below the school district salary schedule for the 2013‑2014 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive Program.

 SECTION 5. This joint resolution takes effect on April 15, 2013./

 Amend title to read:

 / TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2013‑2014 SCHOOL YEAR BY MAY 5, 2013; TO PROVIDE THAT A CONTINUING‑CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE. /

Sen. John W. Matthews, Jr. Rep. Kenny Bingham

Sen. Robert W. Hayes, Jr. Rep. Rita Allison

Sen. Shane Martin Rep. Jackie E. Hayes

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

Rep. BINGHAM explained the Conference Report.

The yeas and nays were taken resulting as follows:

 Yeas 101; Nays 0

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Barfield | Bedingfield |
| Bernstein | Bingham | 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 | Goldfinch |
| Govan | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Knight |
| Limehouse | Loftis | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--101**

 Those who voted in the negative are:

**Total--0**

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

**H. 3989--DEBATE ADJOURNED**

Rep. OWENS moved to adjourn debate upon the following Joint Resolution until Tuesday, April 30, which was adopted:

H. 3989 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4325, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**S. 163--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 163 -- Senators Campbell, McGill, O'Dell, Cleary, Ford and Alexander: A BILL TO AMEND SECTION 12-62-50 OF THE 1976 CODE, RELATING TO THE TAX REBATE TO A MOTION PICTURE PRODUCTION COMPANY BY THE SOUTH CAROLINA FILM COMMISSION, TO PROVIDE THAT THE REBATE MAY NOT EXCEED TWENTY PERCENT OF THE TOTAL AGGREGATE PAYROLL FOR PERSONS SUBJECT TO INCOME TAX WITHHOLDINGS OF SOUTH CAROLINA AND MAY NOT EXCEED TWENTY-FIVE PERCENT FOR RESIDENTS OF SOUTH CAROLINA AND FOR PERSONS EMPLOYED WITH THE PRODUCTION WHEN TOTAL PRODUCTION COSTS IN THIS STATE EQUAL OR EXCEED ONE MILLION DOLLARS DURING THE TAXABLE YEAR; AND TO AMEND SECTION 12-62-60, RELATING TO REBATES TO MOTION PICTURE PRODUCTION COMPANIES, TO PROVIDE THAT THE DEPARTMENT MAY REBATE UP TO THIRTY PERCENT OF THE EXPENDITURES IN SOUTH CAROLINA IF THERE IS A MINIMUM IN-STATE EXPENDITURE OF ONE MILLION DOLLARS.

Rep. HENDERSON proposed the following Amendment No. 1 to S. 163 (COUNCIL\NL\163C001.NL.DG13), which was adopted:

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

/ SECTION 1. Section 12‑62‑50(A)(1) of the 1976 Code, as last amended by Act 56 of 2005, is further amended to read:

 “(A)(1) The South Carolina Film Commission may rebate to a motion picture production company a portion of the South Carolina payroll of the employment of persons subject to South Carolina income tax withholdings in connection with production of a motion picture. The rebate may not exceed ~~fifteen~~ twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings, and may not exceed twenty‑five percent for South Carolina residents, for persons employed in connection with the production when total production costs in South Carolina equal or exceed one million dollars during the taxable year. The rebates in total may not annually exceed ten million dollars and shall come from the state’s general fund. For purposes of this section, ‘total aggregate payroll’ does not include the salary of an employee whose salary is equal to or greater than one million dollars for each motion picture.”

SECTION 2. Section 12‑62‑60(A)(1) of the 1976 Code, as last amended by Act 56 of 2005, is further amended to read:

 “(A)(1) An amount equal to twenty‑six percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the department for the exclusive use of the South Carolina Film Commission. The department may rebate to a motion picture production company up to ~~fifteen~~ thirty percent of the expenditures made by the motion picture production company in the State if the motion picture production company has a minimum in‑state expenditure of one million dollars. The distribution of rebates may not exceed the amount annually funded to the department for the South Carolina Film Commission from the admissions tax collected by the State.”

SECTION 3. Chapter 62, Title 12 of the 1976 Code is amended by adding:

 “Section 12‑62‑95. The provisions of this chapter do not apply if the motion picture or television production that is made in whole or in part in South Carolina is found to contain scenes the average person, applying contemporary state community standards would find that the work, taken as a whole, appeals to the prurient interest, whether the work depicts or describes, in a patently offensive way, sexual conduct, and whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. The department and the South Carolina Film Commission may not award any benefit offered by this chapter to a motion picture production company producing such motion picture.”

SECTION 4. 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 86; Nays 16

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Ballentine |
| Barfield | Bernstein | Bingham |
| Bowers | Branham | G. A. Brown |
| R. L. Brown | Burns | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| K. R. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Goldfinch |
| Govan | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Herbkersman | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Limehouse | Loftis |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Neal | Newton |
| Ott | Parks | Pitts |
| Pope | Ridgeway | Riley |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. M. Smith | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Williams |
| Willis | Wood |  |

**Total--86**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bedingfield | Brannon |
| Chumley | H. A. Crawford | Hiott |
| Nanney | Norman | Owens |
| Patrick | Putnam | Quinn |
| Rivers | Southard | Taylor |
| Thayer |  |  |

**Total--16**

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

**H. 3974--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3974 -- Reps. Loftis, Brannon, Burns, Erickson, Bannister, Barfield, Hamilton, Harrell, Henderson, Hosey, Murphy, G. M. Smith, G. R. Smith and J. R. Smith: A BILL TO AMEND SECTION 12-54-240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCLOSURE OF RECORDS AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO ALLOW THE DISCLOSURE OF CERTAIN INFORMATION TO THE SECRETARY OF STATE ABOUT A TAXPAYER WHO FILED AN INITIAL OR FINAL CORPORATE RETURN; AND BY ADDING SECTION 12-58-165 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO EXPUNGE THE RECORDING OF A LIEN ONCE THE LIEN IS FULLY PAID AND SATISFIED.

Rep. RUTHERFORD proposed the following Amendment No. 1 to H. 3974 (COUNCIL\AGM\3974C001.AGM.AB13), which was adopted:

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

/ SECTION 1. This act must be known and may be cited as the “Expungement Act of 2013”.

SECTION 2. Chapter 35, Title 15 of the 1976 Code is amended by adding:

“Article 13

Civil Expungement

 Section 15‑35‑1100. Where summary judgment is granted to a defendant in a civil action on all causes of action brought against him in the action, or the causes of action are dismissed by consent of the parties, the court shall sua sponte order the name of the defendant be expunged from the public indices where it is recorded.”

SECTION 3. Section 12‑54‑240(B)(17) of the 1976 Code is amended to read:

 “(17) disclosure of information to the Secretary of State about a taxpayer who filed an initial or final corporate return or failed to pay a tax or fee or file a return, where the Secretary of State has the power to dissolve administratively the taxpayer or to revoke the taxpayer’s authority to transact business in this State for failure to pay taxes or fees or file returns.”

SECTION 4. Chapter 58, Title 12 of the 1976 Code is amended by adding:

 “Section 12‑58‑165. The department may take necessary action to expunge the recording of any lien imposed pursuant to Section 12‑54‑120, or any other provision authorizing the department to collect monies due, once the lien is fully paid and satisfied. If, upon investigation, the department determines that no taxes were due, the provisions of this section apply and the recorded lien may be expunged as if it were fully paid and satisfied.”

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

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

Rep. LOFTIS explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

 Yeas 105; Nays 1

 Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Atwater |
| Ballentine | Barfield | Bedingfield |
| Bernstein | Bingham | 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 | Goldfinch |
| Govan | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Knight | Limehouse | Loftis |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| Whipper | White | Whitmire |
| Williams | Willis | Wood |

**Total--105**

 Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Southard |  |  |

**Total--1**

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

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3405 -- Reps. Hardee, Anderson, Barfield, Clemmons, H. A. Crawford, Edge, George, Hardwick, Hayes and Ryhal: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME STATE ROAD S-26-668 IN HORRY COUNTY "BRANDON OLIVER STEVENS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "BRANDON OLIVER STEVENS MEMORIAL HIGHWAY".

H. 3979 -- Reps. Harrell, R. L. Brown, Crosby, Gilliard, Goldfinch, Horne, Limehouse, Mack, McCoy, Merrill, Rivers, Sottile, Stavrinakis, Whipper, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Loftis, Long, Lowe, Lucas, McEachern, M. S. McLeod, W. J. McLeod, 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, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO SUPPORT PLANS TO CREATE THE NATIONAL MEDAL OF HONOR MUSEUM ON THE WATERFRONT IN MOUNT PLEASANT, SOUTH CAROLINA, OVERLOOKING THE CITY OF CHARLESTON, WHICH WILL SERVE AS A PERMANENT PLACE OF HONOR AND RECOGNITION FOR THOSE INDIVIDUALS WHO HAVE BEEN AWARDED THE HIGHEST LEVEL OF RECOGNITION FOR THEIR SACRIFICE AND SERVICE; AS A PLACE TO INSPIRE CURRENT AND FUTURE GENERATIONS ABOUT THE IDEALS OF COURAGE, PATRIOTISM, LEADERSHIP, AND SACRIFICE; TO HELP THEM UNDERSTAND THE MEANING AND PRICE OF FREEDOM; AND TO ENCOURAGE THEM TO EMBRACE THEIR RESPONSIBILITIES AS CITIZENS IN A DEMOCRACY.

H. 4002 -- Reps. G. A. Brown, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, 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, 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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF SARAH ROSS JONES OF LEXINGTON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

H. 4007 -- Reps. Hardwick, 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, 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 CONCURRENT RESOLUTION TO CONGRATULATE CAPTAIN ROBERT E. CARR OF THE HORRY COUNTY POLICE DEPARTMENT ON HIS RECENT PROMOTION AND TO THANK HIM FOR HIS MANY YEARS OF OUTSTANDING SERVICE TO THE PEOPLE OF HORRY COUNTY.

H. 4008 -- Reps. Hardwick, 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, 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 CONCURRENT RESOLUTION TO CONGRATULATE HORRY COUNTY POLICE CHIEF SAUNDRA RHODES ON HER PROMOTION TO CHIEF OF POLICE AND TO THANK HER FOR HER MANY YEARS OF OUTSTANDING SERVICE TO THE PEOPLE OF HORRY COUNTY.

**ADJOURNMENT**

At 5:43 p.m. the House, in accordance with the motion of Rep. TALLON, adjourned in memory of George Cameron Todd of Columbia, to meet at 10:00 a.m. tomorrow.

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