~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Job 42:1: “Then Job answered the Lord, and said, I know that you can do all things, and that no purpose of yours can be thwarted.”

Let us pray. Almighty God, help us to believe that You can do all things and that You will carry us in the midst of trial and tribulations, as we deal with the agenda of the day. Bless each of these Representatives and staff as they work together in accomplishing the works of Your hand. Grace our Nation, President, State, Governor, Speaker, staff and all who serve in any capacity in this State. 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 Friday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. ANTHONY moved that when the House adjourns, it adjourn in memory of Coach Bob Dunlap of Greer, which was agreed to.

**REGULATION WITHDRAWN AND RESUBMITTED**

Document No. 4426

Agency: Real Estate Appraisers Board

Statutory Authority: 1976 Code Sections 40-1-70 and 40-60-10(I)(3)

Real Estate Appraisers Board

Received by Speaker of the House of Representatives January 23, 2014

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 23, 2014

Revised: May 27, 2014

**REGULATION RESUBMITTED**

Document No. 4431

Agency: Department of Health and Environmental Control

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-140(7), and 44-55-2310 et seq.

Public Swimming Pools

Received by Speaker of the House of Representatives

January 16, 2014

Referred to Agriculture, Natural Resources and Environmental Affairs Committee

Legislative Review Expiration May 16, 2014

S 01/21/2014 Referred to Committee

H 01/21/2014 Referred to Committee

03/04/2014 Agency Withdrawal

120 Day Period Tolled

03/04/2014 Resubmitted 05/16/2014

**REGULATION WITHDRAWN**

Document No. 4384

Agency: State Athletic Commission

Statutory Authority: 1976 Code Sections 40-1-70 and 40-81-70

Requirements of Licensure for Professional Boxing, Wrestling, Kick Boxing, and Off the Street Boxing

Received by Speaker of the House of Representatives January 22, 2014

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration: Permanently Withdrawn

**REGULATION WITHDRAWN**

Document No. 4385

Agency: State Athletic Commission

Statutory Authority: 1976 Code Sections 40-1-70 and 40-81-70

Requirements of Licensure in Mixed Martial Arts

Received by Speaker of the House of Representatives January 22, 2014

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration: Permanently Withdrawn

**HOUSE RESOLUTION**

The following was introduced:

H. 4814 -- Reps. Rutherford, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM, HEAD COACH DAWN STALEY, TEAM COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2014 SOUTHEASTERN REGULAR SEASON CONFERENCE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4815 -- Rep. Rutherford: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM OF RICHLAND COUNTY WITH HEAD COACH DAWN STALEY, TEAM COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2014 SOUTHEASTERN CONFERENCE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the University of South Carolina women’s basketball team of Richland County with Head Coach Dawn Staley, team coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2014 Southeastern Conference Championship title.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4813 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST CALHOUN STREET IN THE TOWN OF DILLON FROM ITS INTERSECTION WITH SOUTH FIRST AVENUE TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 "BILL COWARD, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "BILL COWARD, SR. MEMORIAL HIGHWAY".

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4816 -- Rep. Barfield: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR HUNTER YURACHEK FOR HIS DEDICATED SERVICE AS COASTAL CAROLINA UNIVERSITY DIRECTOR OF ATHLETICS AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT AS HE LEAVES THE UNIVERSITY AND TAKES UP NEW CHALLENGES.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1048 -- Senator Hutto: A CONCURRENT RESOLUTION TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT LITERACY IS A VITAL AND FUNDAMENTAL ELEMENT OF THE WELL-BEING OF EVERY CITIZEN OF SOUTH CAROLINA FORMING THE FOUNDATION FOR EDUCATION AND COMMUNICATION LEADING TO IMPROVED QUALITY OF LIFE AND A WELL-PREPARED WORKFORCE THEREBY AIDING SOUTH CAROLINA IN ATTRACTING BUSINESS AND INDUSTRY AND ADVANCING THE ECONOMIC INTERESTS OF OUR BELOVED STATE, AND TO NAME THE WEEK OF MARCH 2, 2014, THROUGH MARCH 8, 2014, AS "READERS-2-LEADERS LITERACY AWARENESS WEEK" IN SOUTH CAROLINA.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1054 -- Senators Hayes, Peeler, Coleman and Gregory: A CONCURRENT RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE PALMETTO STATE AND TO DECLARE MARCH 4, 2014, "YORK COUNTY DAY" IN SOUTH CAROLINA.

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

**INTRODUCTION OF BILLS**

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

H. 4701 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Without Reference

H. 4702 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2013-2014, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Without Reference

H. 4817 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 49-4-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF WITHDRAWAL OF SURFACE WATER FOR AGRICULTURAL USES, SO AS TO REQUIRE PERMITTING FOR NEW WITHDRAWALS AND FOR EXPANSION OF EXISTING REGISTRATIONS; TO AMEND SECTION 49-4-55, RELATING TO THE RIGHT OF REGISTERED SURFACE WATER WITHDRAWERS TO APPLY FOR A PERMIT AND EXEMPT WITHDRAWERS TO APPLY FOR A PERMIT OR REGISTER AN EXEMPT USE, SO AS TO CHANGE THE OPTION OF A WITHDRAWER OF SURFACE WATER FOR AGRICULTURAL USES TO OBTAIN A PERMIT INTO A REQUIREMENT AND ELIMINATE THE RIGHT OF AN EXEMPT WITHDRAWER TO REGISTER THE USE; TO AMEND SECTION 49-4-70, RELATING TO APPLICATIONS FOR SURFACE WATER WITHDRAWAL PERMITS AND OPERATIONAL AND CONTINGENCY PLANS, SO AS TO PROHIBIT APPLICATION TO WITHDRAWERS WHO ARE REGISTERED TO WITHDRAW SURFACE WATER FOR AGRICULTURAL USES, EXCEPT IF THE WITHDRAWER EXPANDS AN EXISTING REGISTERED USE; AND FOR OTHER PURPOSES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4818 -- Reps. J. E. Smith and Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-11-625 SO AS TO PROVIDE A PERSON WHO, WITHOUT LEGAL CAUSE OR GOOD EXCUSE, ENTERS A PUBLIC LIBRARY AFTER HAVING BEEN WARNED BY AN EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE LIBRARY NOT TO DO SO OR WITHOUT HAVING BEEN WARNED FAILS AND REFUSES, WITHOUT GOOD CAUSE OR GOOD EXCUSE, TO LEAVE IMMEDIATELY UPON BEING ORDERED OR REQUESTED TO DO SO IS GUILTY OF A MISDEMEANOR TRIABLE IN A MUNICIPAL OR MAGISTRATES COURT, AND TO PROVIDE THE PROVISIONS OF THIS SECTION MUST BE CONSTRUED AS IN ADDITION TO, AND NOT AS SUPERSEDING, ANOTHER STATUTE RELATING TO TRESPASS OR UNLAWFUL ENTRY ON LANDS OF ANOTHER.

Referred to Committee on Judiciary

H. 4819 -- Reps. Norman, King, Long, D. C. Moss, Delleney, Felder, V. S. Moss and Simrill: A BILL TO AMEND ACT 470 OF 2000, AS AMENDED, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF ROCK HILL SCHOOL DISTRICT 3 IN YORK COUNTY, SO AS TO ESTABLISH AND REAPPORTION THESE ELECTION DISTRICTS.

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

H. 4820 -- Reps. Norman, King, Long, D. C. Moss, Delleney, Felder, V. S. Moss, Pope and Simrill: A BILL TO AMEND ACT 473 OF 2002, RELATING TO THE ELECTION DISTRICTS OF MEMBERS OF CLOVER SCHOOL DISTRICT 2 IN YORK COUNTY, SO AS TO ESTABLISH AND REAPPORTION THESE ELECTION DISTRICTS.

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

S. 440 -- Senators Fair, Hutto and Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-19-1435 SO AS TO PROVIDE THAT THE USE OF RESTRAINTS ON JUVENILES APPEARING IN COURT ARE PROHIBITED UNLESS THE RESTRAINTS ARE NECESSARY TO PREVENT HARM OR IF THE JUVENILE IS A FLIGHT RISK AND THERE ARE NO LESS RESTRICTIVE ALTERNATIVES AVAILABLE; TO GIVE A JUVENILE'S ATTORNEY THE RIGHT TO BE HEARD BEFORE THE COURT ORDERS THE USE OF RESTRAINTS; AND IF RESTRAINTS ARE ORDERED, TO REQUIRE THE COURT TO MAKE FINDINGS OF FACT IN SUPPORT OF THE ORDER.

Referred to Committee on Judiciary

S. 748 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 30, TITLE 44 SO AS TO BE ENTITLED "IMMUNITY FROM LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES", AND TO PROVIDE THAT THE SERVICES OF A HEALTH CARE PROVIDER TREATING A PATIENT FREE OF CHARGE ARE DEEMED TO BE WITHIN THE SCOPE OF THE GOOD SAMARITAN STATUTE; TO REENTITLE CHAPTER 30, TITLE 44 AS "HEALTH CARE PROFESSIONALS"; AND TO DESIGNATE SECTIONS 44-30-10 THROUGH 44-30-90 AS ARTICLE 1, CHAPTER 30, TITLE 44, ENTITLED "HEALTH CARE PROFESSIONAL COMPLIANCE ACT".

Referred to Committee on Judiciary

S. 764 -- Senators Alexander, Cromer and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2, CHAPTER 35, TITLE 43 SO AS TO CREATE THE VULNERABLE ADULT GUARDIAN AD LITEM PROGRAM WITHIN THE OFFICE ON AGING TO RECRUIT, TRAIN, AND SUPERVISE VOLUNTEERS TO SERVE AS COURT APPOINTED GUARDIANS AD LITEM FOR VULNERABLE ADULTS IN ABUSE, NEGLECT, AND EXPLOITATION PROCEEDINGS; TO PROVIDE THE DUTIES AND RESPONSIBILITIES OF A GUARDIAN AD LITEM; TO PROVIDE THAT A GUARDIAN AD LITEM MAY BE A LAYPERSON OR AN ATTORNEY; TO PROVIDE QUALIFICATIONS TO BECOME A GUARDIAN AD LITEM; TO AUTHORIZE THE VULNERABLE ADULT GUARDIAN AD LITEM PROGRAM TO INTERVENE IN PROCEEDINGS TO PETITION FOR REMOVAL OF A GUARDIAN AD LITEM UNDER CERTAIN CONDITIONS; TO PROVIDE THAT CERTAIN INFORMATION, REPORTS, AND RECORDS MUST BE MADE AVAILABLE TO GUARDIANS AD LITEM BY CERTAIN STATE AND FEDERAL AGENCIES, MEDICAL AND DENTAL PRACTITIONERS, AND FINANCIAL INSTITUTIONS; TO PROVIDE THAT REPORTS AND INFORMATION COLLECTED AND MAINTAINED BY THE PROGRAM ARE CONFIDENTIAL AND TO PROVIDE FOR CIVIL IMMUNITY WHEN ACTING IN GOOD FAITH AND IN THE ABSENCE OF GROSS NEGLIGENCE; AND TO AMEND SECTION 43-35-45, RELATING, AMONG OTHER THINGS, TO THE APPOINTMENT OF AN ATTORNEY AND A GUARDIAN AD LITEM FOR A VULNERABLE ADULT IN A PROCEEDING, SO AS TO FURTHER PROVIDE THAT THE COURT SHALL APPOINT AN ATTORNEY FOR A LAY GUARDIAN AD LITEM AND THAT THE GUARDIAN AD LITEM MAY BE REMOVED IF THE VULNERABLE ADULT HAS THE CAPACITY TO ASSIST IN THE CASE.

Referred to Committee on Judiciary

S. 957 -- Senator Bennett: A BILL TO AMEND SECTION 7-7-230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN DORCHESTER COUNTY, SO AS TO REDESIGNATE AN EXISTING PRECINCT, TO ADD NINE PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

**ROLL CALL**

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

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

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, March 4.

|  |  |
| --- | --- |
| Bruce Bannister | Grady Brown |
| Heather Crawford | Tracy Edge |
| Chris Hart | Peter McCoy, Jr. |
| Harold Mitchell | Andy Patrick |
| Ronnie A. Sabb | Ted Vick |
| Patsy Knight | Brian White |
| David Mack | Leon Howard |
| Jerry Govan |  |

**Total Present--121**

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. March Seabrook was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4354 |
| Date: | ADD: |
| 03/04/14 | R. L. BROWN and GOLDFINCH | |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4630 |
| Date: | ADD: |
| 03/04/14 | PITTS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3049 |
| Date: | ADD: |
| 03/04/14 | CROSBY |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3985 |
| Date: | ADD: |
| 03/04/14 | CROSBY |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4804 |
| Date: | ADD: |
| 03/04/14 | BOWEN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4403 |
| Date: | ADD: |
| 03/04/14 | GILLIARD, JEFFERSON and WILLIAMS | |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3943 |
| Date: | ADD: |
| 03/04/14 | TOOLE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4561 |
| Date: | ADD: |
| 03/04/14 | R. L. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4799 |
| Date: | ADD: |
| 03/04/14 | STAVRINAKIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4347 |
| Date: | ADD: |
| 03/04/14 | GILLIARD |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3428 |
| Date: | ADD: |
| 03/04/14 | PATRICK and JEFFERSON | |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4670 |
| Date: | ADD: |
| 03/04/14 | HAMILTON and BANNISTER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4578 |
| Date: | ADD: |
| 03/04/14 | RIVERS, ERICKSON and LONG | |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4223 |
| Date: | ADD: |
| 03/04/14 | PUTNAM |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4818 |
| Date: | ADD: |
| 03/04/14 | FUNDERBURK |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4749 |
| Date: | ADD: |
| 03/04/14 | ERICKSON and LONG |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4801 |
| Date: | ADD: |
| 03/04/14 | WILLIAMS, ANDERSON, CLYBURN and HOSEY |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4632 |
| Date: | REMOVE: |
| 03/04/14 | CROSBY |

**H. 4804--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4804 -- Reps. Gambrell, Gagnon, Putnam, Thayer, White and Bowen: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF SEVEN OR FEWER DAYS THAT SCHOOLS IN THE ANDERSON COUNTY SCHOOL DISTRICT CLOSED IN 2014 DUE TO INCLEMENT WEATHER FROM WINTER STORM LEON AND WINTER STORM PAX FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

The yeas and nays were taken resulting as follows:

Yeas 42; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bingham | Bowen |
| Bowers | Brannon | Cole |
| K. R. Crawford | Crosby | Delleney |
| Douglas | Felder | Forrester |
| Gagnon | Gambrell | George |
| Hamilton | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Hixon | Hodges | Hosey |
| Huggins | Lucas | McEachern |
| Merrill | V. S. Moss | Norman |
| Pitts | Quinn | Ridgeway |
| Simrill | Sottile | Spires |
| Taylor | Thayer | Weeks |
| Wells | Willis | Wood |

**Total--42**

Those who voted in the negative are:

**Total--0**

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

**H. 4033--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4033 -- Rep. Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-2426 SO AS TO PROVIDE THAT ONE-HALF OF THE PAID ADMISSIONS TO A SOCCER SPECIFIC STADIUM IS EXEMPT FROM THE ADMISSION LICENSE TAX IMPOSED PURSUANT TO SECTION 12-21-2420, AND TO DEFINE THE TERM "SOCCER SPECIFIC STADIUM".

Rep. MERRILL moved to adjourn debate on the Bill until Tuesday, March 25, which was agreed to.

**H. 4543--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4543 -- Reps. Southard, R. L. Ott, Jefferson, H. A. Crawford, M. S. McLeod, Vick, Hardwick, Williams, Robinson-Simpson, George, Daning, Munnerlyn, Long, Crosby, Felder, Gagnon, Hayes, Hixon, Howard, Norman, Stavrinakis, V. S. Moss and Knight: A BILL TO AMEND SECTION 50-13-640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL POSSESSION OF BLUE CATFISH, SO AS TO DECREASE THE MAXIMUM LENGTH OF A BLUE CATFISH THAT MAY BE TAKEN ON CERTAIN BODIES OF WATER, TO MAKE A TECHNICAL CHANGE, AND TO ESTABLISH THE DAILY POSSESSION LIMIT FOR BLUE CATFISH TAKEN FROM LAKE MARION AND LAKE MOULTRIE; AND TO AMEND SECTION 50-9-1120, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE POINT SYSTEM FOR VIOLATING CERTAIN PROVISIONS THAT REGULATE FISHING AND HUNTING, SO AS TO PROVIDE THAT TAKING OR POSSESSING MORE THAN THE LEGAL CREEL OR SIZE LIMIT OF BLUE CATFISH IS A FOURTEEN POINT VIOLATION.

Rep. PITTS moved to adjourn debate on the Bill, which was adopted.

**LEAVE OF ABSENCE**

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

**H. 4551--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4551 -- Reps. Limehouse, Sottile and Hardwick: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS FOR CERTAIN SPECIES OF FISH, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TAKE OR POSSESS A GREAT WHITE SHARK (CARCHARODON CARCHARIAS), AND TO PROVIDE THAT ANY GREAT WHITE SHARK THAT IS CAUGHT MUST BE RELEASED IMMEDIATELY AND MUST REMAIN COMPLETELY IN THE WATER AT ALL TIMES WHILE BEING UNHOOKED AND RELEASED.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 4551 (COUNCIL\SWB\4551C001.SWB.CM14), which was adopted:

Amend the bill, as and if amended, Section 50‑5‑1705(L), as contained in SECTION 1, by deleting / unhooked and / on line 30, page 1.

When amended Section 50‑5‑1705(L) shall read:

/ (L) It is unlawful to take or possess a great white shark (Carcharodon carcharias). Any great white shark that is caught must be released immediately and must remain completely in the water at all times while being released. /

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Clemmons | Clyburn |
| Cobb-Hunter | Cole | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Kennedy |
| King | Loftis | Lowe |
| Lucas | McCoy | McEachern |
| Merrill | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Rutherford | Ryhal |
| Sandifer | Simrill | Skelton |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | Whitmire | Williams |
| Willis |  |  |

**Total--94**

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

Due to Appropriation Bill matters this morning, I was unable to vote on H. 4551. If I had been present, I would have voted in favor of the Bill.

Rep. Chip Limehouse

**H. 4561--INTERRUPTED DEBATE**

The following Bill was taken up:

H. 4561 -- Reps. Hixon, King, Hodges, Simrill, Huggins, Ballentine, Brannon, Hiott, Hardwick, Bales, Knight, Clyburn, Southard, Tallon, Skelton, Erickson, Sottile, Limehouse, Stavrinakis, McCoy, Parks, Crosby, Anthony, Mitchell, Bowen, H. A. Crawford, Robinson-Simpson, Toole, Kennedy, Patrick, Bowers, Atwater, Bedingfield, Williams, M. S. McLeod, G. R. Smith, George, Putnam, Allison, Burns, Chumley, Clemmons, Cobb-Hunter, Daning, Delleney, Dillard, Edge, Felder, Forrester, Funderburk, Gagnon, Hamilton, Hardee, Hart, Hayes, Henderson, Horne, Hosey, Jefferson, Loftis, Long, Lowe, Lucas, W. J. McLeod, V. S. Moss, Murphy, Newton, Norman, Owens, Pitts, Pope, Ridgeway, Riley, Rutherford, Sabb, Sandifer, J. R. Smith, Taylor, Thayer, Wells, White, Whitmire, Willis, Wood and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 20 TO TITLE 50 SO AS TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES TO ENTER INTO THE INTERSTATE BOATING VIOLATOR COMPACT.

Rep. PITTS moved to adjourn debate on the Bill.

Rep. HIXON moved to table the motion.

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

Yeas 58; Nays 36

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | G. A. Brown |
| R. L. Brown | Burns | Clemmons |
| Clyburn | Delleney | Felder |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Huggins |
| Limehouse | Lucas | M. S. McLeod |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Norman |
| Norrell | R. L. Ott | Owens |
| Patrick | Pope | Quinn |
| Ridgeway | Rivers | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Toole | Vick |
| Wells |  |  |

**Total--58**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Bowers |
| Brannon | Cobb-Hunter | Cole |
| K. R. Crawford | Crosby | Daning |
| Dillard | Douglas | Finlay |
| Forrester | Funderburk | Gagnon |
| Gilliard | Hart | Hosey |
| King | Loftis | McEachern |
| W. J. McLeod | Merrill | Neal |
| Newton | Parks | Pitts |
| Putnam | Robinson-Simpson | Rutherford |
| Stavrinakis | Thayer | Weeks |
| Williams | Willis | Wood |

**Total--36**

So, the motion to adjourn debate was tabled.

Further proceedings were interrupted by the Joint Assembly.

**JOINT ASSEMBLY**

At 1:00 p.m. the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

The Reading Clerk of the House read the following Concurrent Resolution:

S. 943 -- Senators Bryant and Alexander: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE DAN DELLINGER, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:00 P.M. ON TUESDAY, MARCH 4, 2014.

The Honorable Dan Dellinger and distinguished party were escorted to the rostrum by Senators Peeler, Courson, Hayes, Johnson and Shealy and REPRESENTATIVES WILLIAMS, TALLON and ERICKSON. The Lieutenant Governor recognized our special guests and then introduced the Honorable Dan Dellinger, the National Commander of the American Legion, who addressed the Joint Assembly as follows:

**ADDRESS BY THE NATIONAL COMMANDER**

**OF THE AMERICAN LEGION**

Lt. Governor McConnell, I thank you for that introduction……It’s truly an honor to speak to such a distinguished body in this historic statehouse.

Before I begin, please allow me to take a moment to introduce members of The American Legion family who are with me today.

First, it’s a real pleasure for me to introduce the Commander of the South Carolina American Legion, James E. ‘Gene’ McDaniel of Greenwood.

The National Executive Committeeman for the Department of South Carolina, Mickey C. Taylor of Myrtle Beach.

Alternate NECman Cecil F. ‘Bud’ Hennis from Murrells Inlet.

Department Adjutant Lloyd H. Woods of Columbia.

Also here is his predecessor, Past Department Adjutant and Past Department Commander Jim Hawk of Irmo.

My trusted aide and fellow Virginian, Bob Renner.

The American Legion Auxiliary Department of South Carolina President Linda N. Smiley of North Augusta.

Department Auxiliary Secretary and Alternate NECwoman Louise Winesett of Columbia.

We also have with us the Director of The American Legion Riders of South Carolina, Joe Dipasqua of Loris.

And, our South Carolina liaison with the military, Bill Heil – adjutant of Post 195 in Lugoff.

And last but not least, Howard Metcalf, Director of the South Carolina Office of Veterans Affairs.

On behalf of the more than 2.3 million Legionnaires around the world and the nearly 200 Legion posts throughout the state of South Carolina, I want to thank each of you for what you do for our men and women who serve in our military and our veterans from past wars.

Ladies and gentlemen, in preparation of my appearance before you today, I visited the website of the South Carolina Division of Veterans’ Affairs. What struck me wasn’t the homepage, the benefits page, resources or information about local VA news and events. I printed the section that really caused me to reflect on why I am here today.

Almost 10 pages with 15 images each. Each image is a head-and-shoulder photograph of a young military hero on the South Carolina Wall of Valor. 140 names as of last week. The first image placed on the website belonged to Marine Captain Daniel G. McCollum of Irmo. He was killed in Operation Enduring Freedom on January 9, 2002.

Since my predecessor, Past National Commander James Koutz, spoke to you on March 5, 2013, six more names have been added to that Wall. Most recently was Army Specialist Hilda Clayton of Augusta. Just 22 years old, she was a wife and a combat photographer. She attended training right here at Fort Jackson. She made the Supreme Sacrifice in Afghanistan on July 2 of last year.

Whether it was through service in Iraq, Afghanistan, World War II or any other American battleground, those who made these sacrifices delivered what President Lincoln called, “the last best measure of devotion.”

They died for their country. They died for their family. They died for you and me.

They bring to mind a famous definition that, “A Veteran is someone, who at one point in their life, wrote a blank check payable to the USA for an amount up to, and including, their life.”

The American Legion vows to always remember the sacrifice of this nation’s heroes and their families.

But whether a veteran serves in combat or in garrison, during peacetime or wartime, they all took an oath to defend the Constitution against all enemies, foreign and domestic. That willingness to offer up one’s life for his or her country is one of the many differences between military life and private sector careers.

I bring this up because of the all too frequent suggestions coming from Washington and other quarters that military and veterans benefits are too generous and should be comparable to the private sector.

I can think of no other occupation where members are not allowed to quit on the spot. Unlike civilians, military members are subject to the Uniform Code of Military Justice and face prison if they disrespect their employers.

The so-called “generous benefits” of military life are available to anyone willing to enlist, uproot their children from their schools and friends every two or three years; live in undesired locations, frequently separate from family members for long periods of time and expect spouses to begin a new career with each change of duty station.

Despite the hardships, most serve proudly and without complaint.

But make no mistake, The American Legion is very frustrated by the latest round of military cuts being proposed by the Pentagon.

At a press conference last week, the Secretary of Defense warned against becoming a hollow force. The American Legion believes that the administration’s 2015 budget is leading us in that direction.

Cutting forces to pre-World War II levels makes no sense in a world where countries such as North Korea, Iran and Pakistan could become viable nuclear threats to our very existence. Moreover, we do not know the exact nature of future wars and conflicts. The American Legion believes that we must be prepared for any scenario.

It is also unconscionable to propose that members of the military pay for part of their housing allowances out of their own pockets. Cuts to commissaries and increasing TRI-CARE fees send the wrong message when you are trying to encourage quality men and women to pursue a career in our all-volunteer force.

The American Legion will continue to call for an end to sequestration and insufficient defense budgets. Providing for the common defense of our nation is a responsibility required by the U.S. Constitution.

One reason I am so happy to be here is because this state really seems to understand the value of military service.

With about 413,000 military veterans in South Carolina, the people of the Palmetto State know all about patriotism and sacrifice.

Sadly, South Carolina lost a great veteran last month. General Pete Spragins of Beaufort was beloved by his Army Rangers. His military career spanned 32 years. A veteran of both the Korean and Vietnam Wars, he introduced the Rangers’ signature black beret.

He came from a family lineage of military heroes that dates back to the Civil War. From Francis Marion to William Westmoreland, some of America’s greatest military leaders have at one time called South Carolina home. This state is also home to bases from every military branch, including Fort Jackson, where I visited yesterday. The young men and women there represent the best that America has to offer. When their military service ends, we need to serve these people as well as they have served their country.

That means jobs, education and access to quality health care. The American Legion is a proud sponsor of hundreds of veterans job fairs each year, and we salute U.S. Representative Joe Wilson for hosting a fair yesterday in Aiken.

We also want to express our appreciation and encouragement to Rep. Stephen Goldfinch for his work on the South Carolina Military Service Integrity and Preservation Act – which adds state criminal penalties to those who fraudulently represent themselves as veterans to obtain financial benefits.

Finally, I want to thank this great body for including veteran status on South Carolina drivers licenses.

Now, if you would allow me for one moment to call to the dais two men who have been designated by The American Legion Department of South Carolina as the Outstanding Members of the Legislature for 2014. This is in recognition for their dedicated service to their community, state and nation. They are true friends of veterans and The American Legion.

Senator William O’Dell and Representative William Hixon would you please join me?

Plaques are presented to Senator O’Dell and Representative Hixon

We appreciate all that you do on behalf of veterans.

Thank you so much, South Carolina Legislature.

God Bless you and God Bless America.

**JOINT ASSEMBLY RECEDES**

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

**THE HOUSE RESUMES**

At 1:15 p.m. the House resumed, the SPEAKER in the Chair.

Rep. COBB-HUNTER moved that the House recede until 2:45 p.m., which was agreed to.

Further proceedings were interrupted by the House receding, the pending question being consideration of H. 4561.

**THE HOUSE RESUMES**

At 2:45 p.m. the House resumed, ACTING SPEAKER GOLDFINCH 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. G. M. SMITH a leave of absence for the remainder of the day.

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being consideration of H. 4561.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4821 -- 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, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, 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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF THE HONORABLE JESSE EDISON HINES, SR., OF FLORENCE COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

Whereas, the members of the House of Representatives of the State of South Carolina were saddened to learn of the death of the Honorable Jesse Edison Hines, Sr., at the age of eighty on Sunday, September 1, 2013; and

Whereas, born in Florence County on May 23, 1933, he was the devoted son of Columbus Hines and Amy Hines McAllister, and he graduated from Wilson High School in Florence in 1951; and

Whereas, Jesse Hines earned a bachelor of science and agriculture from South Carolina State College in 1955, and after graduation, he worked in the steel industry in Bridgeport, Connecticut; and

Whereas, he was drafted to serve his country during the Korean Conflict and deployed to Korea where he served for more than fourteen months, and he was honorably discharged in 1959; and

Whereas, upon returning to South Carolina, Mr. Hines taught agriculture at Spaulding High School for eighteen years, mentoring many award‑winning students through the Future Farmers of America; and

Whereas, he returned to his alma mater where he earned a master’s in education in 1967, and then he completed certification in administration at the University of South Carolina and Clemson University; and

Whereas, from 1977 until he retired in 1989, Mr. Hines served as the Vocational Director of the Lee County Career and Technology Center, but he returned to education as the Director of Adult and Community Education for Darlington and then as the interim Superintendent of Florence County District Four; and

Whereas, in 1991, he was elected to represent District 62 in the South Carolina House of Representatives where he served faithfully for fourteen years, lending his insight and expertise to numerous committees, including the Education and Public Works Committee and as 2nd vice chairman of the Agriculture, Natural Resources and Environmental Affairs Committee; and

Whereas, Jesse Hines’ many awards for outstanding service to his community and State culminated in his receiving the prestigious Order of the Palmetto, the state’s highest civilian award; and

Whereas, he was a member of the NAACP; Phi Beta Sigma Fraternity, Inc.; Meadow Prong Lodge #246 Free and Accepted Masons; Meadow Prong Baptist Church; and a founding member of New Christian Fellowship Baptist Church; and

Whereas, for more than fifty‑three years, he was married to his beloved wife, Neverseen K. Hines, and together they reared two fine children, Wanda H. Robinson and Jesse E. Hines, Jr. They blessed their parents with four adoring grandchildren; and

Whereas, the members of the House of Representatives of the State of South Carolina are grateful for the life and legacy of the Honorable Jesse Edison Hines, Sr., and for the example of dedication and excellence he set for all who knew him. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, express their profound sorrow upon the passing of the Honorable Jesse Edison Hines, Sr., of Florence County and extend their deepest sympathy to his large and loving family and his many friends.

Be it further resolved that a copy of this resolution be provided to the family of the Honorable Jesse Edison Hines, Sr.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4822 -- 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, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, 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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF ALFRED H. "FREDDY" VANG OF COLUMBIA, FORMER DIRECTOR OF THE SOUTH CAROLINA WATER RESOURCES COMMISSION, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4823 -- Rep. Tallon: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND NINA SRIVASTAVA OF SPARTANBURG FOR HER OUTSTANDING COMMUNITY SERVICE AND TO CONGRATULATE HER UPON BEING NAMED A 2014 PRUDENTIAL SPIRIT OF COMMUNITY AWARD DISTINGUISHED FINALIST.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4824 -- Reps. Norman, D. C. Moss, Delleney, Pope and Simrill: A HOUSE RESOLUTION TO CONGRATULATE MICHAEL WAIKSNIS, PRINCIPAL OF SULLIVAN MIDDLE SCHOOL IN ROCK HILL SCHOOL DISTRICT THREE OF YORK COUNTY, ON BEING NAMED 2014 MIDDLE SCHOOL PRINCIPAL OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4825 -- Rep. Bowers: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR LIEUTENANT HARVEY LAWRENCE BETHEA, OF THE HILTON HEAD FIRE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER MORE THAN THREE DECADES OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4826 -- Rep. Bowers: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR G. THOMAS "TOM" UPSHAW, PRESIDENT AND CEO OF PALMETTO ELECTRIC COOPERATIVE, INC., UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-THREE YEARS OF EXEMPLARY SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 975 -- Senator Cleary: A CONCURRENT RESOLUTION TO RECOGNIZE THE LAST SATURDAY OF SEPTEMBER EACH YEAR AS GREEN APPLE DAY OF SERVICE IN SOUTH CAROLINA.

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

**INTRODUCTION OF BILLS**

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

H. 4827 -- Reps. Gagnon and Gambrell: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF SEVEN OR FEWER DAYS THAT SCHOOLS IN THE ABBEVILLE COUNTY SCHOOL DISTRICT CLOSED IN 2014 DUE TO INCLEMENT WEATHER FROM WINTER STORM LEON AND WINTER STORM PAX FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

On motion of Rep. GAGNON, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 4828 -- Rep. Pitts: A BILL TO AMEND SECTION 9-8-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO INCLUDE ADMINISTRATIVE LAW JUDGES IN THE DEFINITION OF "JUDGE"; AND TO AMEND SECTION 9-8-40, AS AMENDED, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO ALLOW ADMINISTRATIVE LAW JUDGES SERVING ON JULY 1, 2014, TO ELECT TO BECOME A MEMBER.

Referred to Committee on Ways and Means

H. 4829 -- Reps. Erickson, Newton, Patrick and Herbkersman: A BILL TO AMEND SECTION 54-3-700, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CESSATION OF MARINE TERMINAL OPERATIONS AND THE SALE OF PROPERTY AT PORT ROYAL, SO AS TO RECOGNIZE THAT THE STATE PORTS AUTHORITY HAS CEASED OPERATIONS AT PORT ROYAL, TO DIRECT THE STATE PORTS AUTHORITY TO SELL THE PORT ROYAL PROPERTY AS SOON AS PRACTICABLE ON OR BEFORE JUNE 30, 2015, TO PROVIDE THAT IF THE PROPERTY IS NOT SOLD BY JUNE 30, 2015, THE AUTHORITY MUST TRANSFER THE PROPERTY TO THE GENERAL SERVICES DIVISION TO BE SOLD AT AUCTION, TO PROVIDE THAT THE SALES PRICE AT AUCTION IS DEEMED THE FAIR MARKET VALUE OF THE PROPERTY THUS SATISFYING ALL FIDUCIARY DUTIES, TO PROVIDE THAT ALL SALES MUST BE MADE ACCORDING TO STATE PROCEDURES, AND TO PROVIDE THAT A SALE OF THE PROPERTY PURSUANT TO THIS ACT SATISFIES THE STATE PORTS AUTHORITY BOARD'S FIDUCIARY DUTIES TO THE AUTHORITY AND TO THE AUTHORITY'S BOND HOLDERS.

Referred to Committee on Ways and Means

H. 4830 -- Rep. G. A. Brown: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF THREE OR FEWER DAYS THAT SCHOOLS IN THE LEE COUNTY SCHOOL DISTRICT CLOSED IN 2014 DUE TO INCLEMENT WEATHER FROM WINTER STORM LEON AND WINTER STORM PAX FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

On motion of Rep. G. A. BROWN, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 4831 -- Rep. White: A BILL TO AMEND SECTION 56-3-790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES TO CHARTERED VOLUNTEER RESCUE LEAGUES FOR MOTOR VEHICLES OWNED AND OPERATED FOR RESCUE WORK WITHOUT CHARGE, SO AS TO REVISE THIS PROVISION TO ALLOW THE DEPARTMENT TO ISSUE A NONPROFIT OR FOR PROFIT RESCUE LICENSE PLATE TO A RESCUE ENTITY OR BUSINESS.

Referred to Committee on Education and Public Works

S. 995 -- Senator Hayes: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REVISE BOUNDARIES OF EXISTING PRECINCTS AND TO DESIGNATE THE MAP NUMBER ON WHICH THE BOUNDARIES OF YORK COUNTY VOTING PRECINCTS AS REVISED BY THIS ACT MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

**H. 4561--ORDERED TO THIRD READING**

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

H. 4561 -- Reps. Hixon, King, Hodges, Simrill, Huggins, Ballentine, Brannon, Hiott, Hardwick, Bales, Knight, Clyburn, Southard, Tallon, Skelton, Erickson, Sottile, Limehouse, Stavrinakis, McCoy, Parks, Crosby, Anthony, Mitchell, Bowen, H. A. Crawford, Robinson-Simpson, Toole, Kennedy, Patrick, Bowers, Atwater, Bedingfield, Williams, M. S. McLeod, G. R. Smith, George, Putnam, Allison, Burns, Chumley, Clemmons, Cobb-Hunter, Daning, Delleney, Dillard, Edge, Felder, Forrester, Funderburk, Gagnon, Hamilton, Hardee, Hart, Hayes, Henderson, Horne, Hosey, Jefferson, Loftis, Long, Lowe, Lucas, W. J. McLeod, V. S. Moss, Murphy, Newton, Norman, Owens, Pitts, Pope, Ridgeway, Riley, Rutherford, Sabb, Sandifer, J. R. Smith, Taylor, Thayer, Wells, White, Whitmire, Willis, Wood and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 20 TO TITLE 50 SO AS TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES TO ENTER INTO THE INTERSTATE BOATING VIOLATOR COMPACT.

Rep. VICK explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Atwater | Ballentine | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Bowers | R. L. Brown |
| Burns | Chumley | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Erickson | Felder |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Goldfinch |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Kennedy |
| Knight | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Nanney | Newton |
| Norman | Norrell | R. L. Ott |
| Owens | Patrick | Pope |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | 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. 4543--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4543 -- Reps. Southard, R. L. Ott, Jefferson, H. A. Crawford, M. S. McLeod, Vick, Hardwick, Williams, Robinson-Simpson, George, Daning, Munnerlyn, Long, Crosby, Felder, Gagnon, Hayes, Hixon, Howard, Norman, Stavrinakis, V. S. Moss and Knight: A BILL TO AMEND SECTION 50-13-640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL POSSESSION OF BLUE CATFISH, SO AS TO DECREASE THE MAXIMUM LENGTH OF A BLUE CATFISH THAT MAY BE TAKEN ON CERTAIN BODIES OF WATER, TO MAKE A TECHNICAL CHANGE, AND TO ESTABLISH THE DAILY POSSESSION LIMIT FOR BLUE CATFISH TAKEN FROM LAKE MARION AND LAKE MOULTRIE; AND TO AMEND SECTION 50-9-1120, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE POINT SYSTEM FOR VIOLATING CERTAIN PROVISIONS THAT REGULATE FISHING AND HUNTING, SO AS TO PROVIDE THAT TAKING OR POSSESSING MORE THAN THE LEGAL CREEL OR SIZE LIMIT OF BLUE CATFISH IS A FOURTEEN POINT VIOLATION.

The Committee on Agriculture, Natural Resources and Environmental Affairs proposed the following Amendment No. 1 to H. 4543 (COUNCIL\SWB\4543C001.SWB.CM14), which was adopted:

Amend the bill, as and if amended, Section 50‑11‑640(B), as contained in SECTION 1, by deleting line 39 on page 1, AND INSERTING:

/ (B) furcatus) is not more than ten in Lake Marion, Lake Moultrie, and the upper reach of the Santee River. /

When amended, Section 50‑13‑640(B) shall read:

/ (B) The daily possession limit for blue catfish (Ictalurus furcatus) is not more than ten in Lake Marion, Lake Moultrie, and the upper reach of the Santee River. /

Renumber sections to conform.

Amend title to conform.

Rep. VICK explained the amendment.

The amendment was then adopted.

Rep. VICK explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 4

Those who voted in the affirmative are:

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

**Total--103**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Barfield | Bedingfield | K. R. Crawford |
| G. R. Smith |  |  |

**Total--4**

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. 4543. If I had been present, I would have voted against the Bill.

Rep. Phillip Lowe

**H. 4574--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4574 -- Reps. Hardwick and W. J. McLeod: A BILL TO AMEND SECTION 40-23-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE ENVIRONMENTAL CERTIFICATION BOARD, SO AS TO REVISE AND ADD DEFINITIONS; TO AMEND SECTION 40-23-90, RELATING TO BOARD INVESTIGATIONS OF COMPLAINTS AGAINST LICENSEES, SO AS TO CHANGE THE MANNER IN WHICH AN INITIAL COMPLAINT MAY BE REFERRED TO AN INVESTIGATOR; TO AMEND SECTION 40-23-95, RELATING TO REFERRALS OF VIOLATIONS FROM THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO THE BOARD, SO AS TO ELIMINATE THE AUTHORITY OF THE BOARD WITH RESPECT TO REPORTS OF CERTAIN VIOLATIONS THAT DO NOT ALLEGE UNLICENSED PRACTICE; TO AMEND SECTION 40-23-230, RELATING TO LICENSEES, SO AS TO ELIMINATE A PROVISION THAT ENABLES CERTAIN LICENSEES FROM OBTAINING CLASS "A" OR CLASS "B" WELL DRILLER LICENSES WHEN MEETING CERTAIN CRITERIA; TO AMEND SECTION 40-23-300, RELATING TO CERTIFICATION CLASSES OF WATER TREATMENT OPERATORS, SO AS TO REVISE CRITERIA FOR TRAINEE WATER OPERATORS AND CLASS "E" WATER TREATMENT OPERATORS; TO AMEND SECTION 40-23-310, RELATING TO WATER DISTRIBUTION SYSTEM OPERATOR LICENSES, SO AS TO REVISE CRITERIA FOR TRAINEE WATER DISTRIBUTION SYSTEM OPERATOR AND A CLASS "D" WATER DISTRIBUTION SYSTEM OPERATOR; TO AMEND SECTION 40-23-320, RELATING TO LICENSURE AS A CLASS "C" ENVIRONMENTAL, COASTAL, OR ROCK WELL DRILLER, SO AS TO REPLACE THE REQUIREMENT OF HAVING AT LEAST ONE YEAR OF EXPERIENCE AS AN APPRENTICE WITH AT LEAST ONE YEAR OF EXPERIENCE AS A CLASS "D" WELL DRILLER; AND TO AMEND SECTION 40-23-340, RELATING TO RESTRICTIONS ON WELL DRILLERS ACCORDING TO CLASSIFICATION OF THE WELL DRILLER, SO AS TO REVISE RESTRICTIONS ON CLASS "D" AND CLASS "C" WELL DRILLERS.

Rep. V. S. MOSS 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 | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | 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 | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hart | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Newton | Norman |
| Norrell | R. L. Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | 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. 4501--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4501 -- Reps. Hiott, Knight and R. L. Ott: A BILL TO AMEND SECTION 44-2-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUPERB ACCOUNT AND THE SUPERB FINANCIAL RESPONSIBILITY FUND ESTABLISHED TO ASSIST IN CARRYING OUT THE PURPOSES OF THE STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE BANK ACT, SO AS TO DEFINE "USUAL, CUSTOMARY, AND REASONABLE COSTS", OF SITE REHABILITATION OF RELEASES FROM UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM, AS PAYMENTS NOT LESS THAN THE JULY 1, 2011, SUPERB ALLOWABLE COST REIMBURSEMENT SCHEDULE AND TO FURTHER PROVIDE FOR THE USE AND APPLICATION OF THIS REIMBURSEMENT SCHEDULE.

Reps. R. L. OTT, COBB-HUNTER, HIOTT, TOOLE, ATWATER, BEDINGFIELD, HARDWICK, HOSEY, R. L. BROWN, KNIGHT, WILLIAMS, JEFFERSON, J. E. SMITH, CLEMMONS, SOUTHARD, HART, BERNSTEIN, SABB, MCEACHERN, MACK, DILLARD and DOUGLAS requested debate on the Bill.

**S. 699--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 699 -- Senator Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-25-815 SO AS TO IMPOSE AN INSPECTION FEE OF ONE DOLLAR A TON ON THE DISTRIBUTION OR SALE OF COMMERCIAL FERTILIZER IN THIS STATE, TO PROVIDE THAT THIS FEE MUST BE REPORTED, PAID, AND ENFORCED IN THE SAME MANNER THAT THE EXISTING FIFTY CENTS A TON INSPECTION TAX ON THE SALE OF COMMERCIAL FERTILIZER IS REPORTED, PAID, AND ENFORCED, TO PROVIDE THAT THE REVENUES OF THIS INSPECTION FEE MUST BE RETAINED AND EXPENDED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS OF CLEMSON UNIVERSITY (CLEMSON PSA) FOR THE SUPPORT OF THE DIVISION'S PROGRAMS, AND TO PROVIDE THAT UNEXPENDED FEE REVENUES AT THE END OF A FISCAL YEAR CARRY FORWARD TO THE SUCCEEDING FISCAL YEAR AND MUST BE USED FOR THE SAME PURPOSES.

Rep. ATWATER moved to adjourn debate on the Bill until Tuesday, March 25.

Rep. HODGES moved to table the motion, which was agreed to.

Rep. HODGES explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 79; Nays 26

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Branham | R. L. Brown |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | H. A. Crawford | Crosby |
| Daning | Dillard | Douglas |
| Edge | Erickson | Finlay |
| Funderburk | Gambrell | George |
| Goldfinch | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Jefferson |
| Kennedy | Knight | Limehouse |
| Loftis | Mack | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| V. S. Moss | Munnerlyn | Newton |
| Norrell | R. L. Ott | Parks |
| Patrick | Pitts | Putnam |
| Ridgeway | Riley | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Taylor |
| Toole | Vick | Weeks |
| Wells | White | Whitmire |
| Williams |  |  |

**Total--79**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bowers | Brannon |
| G. A. Brown | Burns | Cole |
| K. R. Crawford | Delleney | Felder |
| Forrester | Gagnon | Hamilton |
| Huggins | Lowe | Lucas |
| McCoy | D. C. Moss | Nanney |
| Norman | Pope | Quinn |
| Rivers | Stringer | Tallon |
| Thayer | Willis |  |

**Total--26**

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

**H. 4403--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4403 -- Reps. Cobb-Hunter, Dillard, King, Knight, R. L. Brown, Atwater, Whipper, Gilliard, R. L. Ott, Jefferson and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-75 SO AS TO DECLARE JANUARY SEVENTEENTH OF EACH YEAR AS "EARTHA KITT DAY" IN SOUTH CAROLINA IN HONOR OF THE LATE EARTHA MAE KITT, NATIONALLY AND INTERNATIONALLY KNOWN ACTRESS, SINGER, AND NATIVE SOUTH CAROLINIAN AND TO PROMOTE CULTURAL TOURISM IN THE STATE IN ORDER TO ENHANCE THE ECONOMIC WELL-BEING AND IMPROVE THE QUALITY OF LIFE OF ALL SOUTH CAROLINIANS.

The yeas and nays were taken resulting as follows:

Yeas 93; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| George | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Herbkersman | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | Knight | Limehouse |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Newton | Norman |
| Norrell | R. L. Ott | Owens |
| Parks | Patrick | Pope |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Simrill | Skelton |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Toole | Vick | Weeks |
| Wells | Williams | Willis |

**Total--93**

Those who voted in the negative are:

**Total--0**

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

**H. 3428--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3428 -- Reps. Allison, Erickson, M. S. McLeod, J. E. Smith, Spires, Hiott, Owens, Whitmire, Douglas, Hamilton, Bannister, Neal, Alexander, Weeks, Norrell, Bales, Anderson, Robinson-Simpson, Williams, Henderson, Sottile, Munnerlyn, Rutherford, Vick, R. L. Brown, Whipper, Branham, Govan, J. R. Smith, Hayes, George, Funderburk, W. J. McLeod, Bernstein, Felder, Wood, Patrick and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-152-25 SO AS TO DEFINE TERMS CONCERNING THE FIRST STEPS TO SCHOOL READINESS INITIATIVE; BY ADDING SECTION 59-152-32 SO AS TO PROVIDE THE FIRST STEPS BOARD OF TRUSTEES SHALL DEVELOP A COMPREHENSIVE LONG-RANGE INITIATIVE AND STRATEGY FOR SCHOOL READINESS; BY ADDING SECTION 59-152-33 SO AS TO PROVIDE A STATEWIDE ASSESSMENT OF STUDENT SCHOOL READINESS; BY ADDING SECTION 63-11-1725 SO AS TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE SOUTH CAROLINA EARLY CHILDHOOD ADVISORY COUNCIL; BY ADDING SECTION 63-11-1735 SO AS TO PROVIDE FIRST STEPS SHALL ENSURE THE COMPLIANCE OF BABYNET WITH FEDERAL MAINTENANCE OF EFFORT REQUIREMENTS, AND TO DEFINE CERTAIN TERMS; TO AMEND SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF FIRST STEPS, SO AS TO REDESIGNATE COUNTY FIRST STEPS PARTNERSHIPS AS LOCAL FIRST STEPS PARTNERSHIPS; TO AMEND SECTION 59-152-20, RELATING TO THE PURPOSE OF FIRST STEPS, SO AS TO REDESIGNATE COUNTY PARTNERSHIPS AS LOCAL PARTNERSHIPS; TO AMEND SECTION 59-152-30, RELATING TO THE GOALS OF FIRST STEPS, SO AS TO RESTATE CERTAIN GOALS OF STUDENT READINESS; TO AMEND SECTION 59-152-40, RELATING TO OVERSIGHT OF THE INITIATIVE BY THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO REQUIRE THE BOARD ALSO BE ACCOUNTABLE FOR THE INITIATIVE; TO AMEND SECTION 59-152-50, RELATING TO THE ESTABLISHMENT OF THE OFFICE OF FIRST STEPS TO SCHOOL READINESS, SO AS TO REVISE THE TIME FOR REQUIRED PERFORMANCE AUDITS AND TO CORRECT AN OBSOLETE REFERENCE; TO AMEND SECTION 59-152-60, RELATING TO FIRST STEPS PARTNERSHIPS, SO AS TO REQUIRE A LOCAL PARTNERSHIP IN EACH COUNTY, TO PROVIDE THAT MEETINGS AND ELECTIONS OF A LOCAL PARTNERSHIP ARE SUBJECT TO THE FREEDOM OF INFORMATION ACT AND CERTAIN DISCLOSURE REQUIREMENTS, TO SPECIFY AND REVISE REQUIREMENTS FOR THE COMPOSITION OF A LOCAL PARTNERSHIP BOARD AND TO CORRECT AN OBSOLETE REFERENCE; TO AMEND SECTION 59-152-70, RELATING TO THE POWERS AND DUTIES OF A LOCAL PARTNERSHIP BOARD, SO AS TO REVISE THE REQUIREMENTS CONCERNING COUNTY NEEDS ASSESSMENTS, RECORD KEEPING AND REPORTING, TO PROVIDE STAFFING PURSUANT TO LOCAL BYLAWS, AND TO PROVIDE MULTIPLE LOCAL PARTNERSHIPS MAY COLLABORATE TO MAXIMIZE EFFICIENT DELIVERY OF SERVICES AND THE EXECUTION OF THEIR DUTIES AND POWERS; TO AMEND SECTION 59-152-90, RELATING TO FIRST STEPS GRANTS, SO AS TO ESTABLISH THE GRANTS AS LOCAL PARTNERSHIP GRANTS, AND TO REVISE THE PROCESS FOR OBTAINING A GRANT AND THE METHOD OF ALLOCATING GRANT FUNDS; TO AMEND SECTION 59-152-100, RELATING TO USE OF FIRST STEPS GRANT FUNDS, SO AS TO PROVIDE THE SECTION APPLIES TO GRANTS EXPENDED BY A FIRST STEPS PARTNERSHIP, AND TO REVISE THE PERMISSIBLE USES OF GRANT FUNDS; TO AMEND SECTION 59-152-120, RELATING TO THE USE OF GRANT FUNDS FOR CAPITAL EXPENDITURES, SO AS TO REVISE THE PURPOSE FOR WHICH FUNDS MAY BE USED AND TO REQUIRE PRIOR APPROVAL OF THE BOARD OF TRUSTEES; TO AMEND SECTION 59-152-130, RELATING TO A MANDATORY MATCHING OF FUNDS BY LOCAL PARTNERSHIPS, SO AS TO REVISE THE MANDATORY AMOUNT, TO ENCOURAGE PRIVATE CONTRIBUTIONS TO HELP LOCAL PARTNERSHIPS MEET THEIR MANDATORY MATCHING REQUIREMENT, AND TO DELETE A PROVISION ALLOWING CERTAIN EXPENSES TO BE INCLUDED IN DETERMINING MATCHING FUNDS; TO AMEND SECTION 59-152-140, RELATING TO THE PERMISSIBILITY OF CARRY FORWARD FUNDS BY A LOCAL PARTNERSHIP, SECTION 59-152-150, RELATING TO ACCOUNTABILITY SYSTEMS, AND SECTION 59-152-160, RELATING TO PROGRESS EVALUATIONS, ALL SO AS TO DELETE OBSOLETE TERMS; TO AMEND SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO REVISE THE COMPOSITION OF THE BOARD; AND TO REPEAL SECTION 59-152-80 RELATING TO FIRST STEPS GRANTS AND SECTION 59-152-110 RELATING TO THE USE OF FIRST STEPS LOCAL PARTNERSHIP GRANT FUNDS.

Rep. PATRICK proposed the following Amendment No. 1 to H. 3428 (AMEND\COUNCIL\AGM\3428C002.AGM.AB14.DOCX), which was adopted:

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

/ SECTION 1. Chapter 152, Title 59 of the 1976 Code is amended by adding:

“Section 59‑152‑25. For the purposes of this title:

(A) ‘Evidence‑based program’ means a program based on a clear and consistent program model that is designated as such by the South Carolina First Steps to School Readiness Board of Trustees because the program:

(1)(a) is grounded in published, peer reviewed research that is linked to determined outcomes;

(b) employs well trained and competent staff to whom the program provides continual professional development that is relevant to the specific model being delivered;

(c) demonstrates strong linkages to other community based services; and

(d) is operated to ensure program fidelity; or

(2) is commonly recognized by experts in the field as such a program.

(B) ‘Board of trustees’ or ‘board’ means the First Steps School to Readiness Board of Trustees pursuant to Article 17, Title 63.”

(C) ‘Evidence‑informed program’ means a program that does not satisfy the criteria of an evidenced‑based program model but that the South Carolina First Steps to School Readiness Board of Trustees determines is supported by research indicating its potential effectiveness.

(D) ‘Partnership’ refers to a local First Steps organization designated as such by the South Carolina First Steps to School Readiness Board of Trustees, organized under Section 501(c)(3) of the Internal Revenue Code as a nonprofit corporation, and formed to further, within the coverage area, the purpose and goals of the First Steps initiative as stated in Sections 59‑152‑20 and 59‑152‑30.

(E) ‘Preschool child’ means a child from the prenatal stage to entry into five‑year‑old kindergarten.

(F) ‘Prevalent program investment’ means a program administered by a partnership and funded with state grant money, which accounts for at least ten percent of total programmatic spending in First Steps.

(G) ‘School readiness’ means the level of child development necessary to ensure early school success as measured in the following domains: physical health and motor skills; emotional and social competence; language and literacy development; and mathematical thinking and cognitive skills. School readiness is supported by the knowledge and practices of families, caregivers, healthcare providers, educators, and communities.”

SECTION 2. Chapter 152, Title 59 of the 1976 Code is amended by adding:

“Section 59‑152‑32. (A) In Section 63‑11‑1720, the South Carolina First Steps to School Readiness Board of Trustees may carry out its assigned functions by developing a comprehensive long‑range initiative for improving early childhood development, increasing school readiness and literacy, establishing results oriented measures and objectives, and assessing whether services provided by First Steps Partnerships to children and families are meeting the goals and achieving the results established in this chapter. The board shall do the following to fulfill these duties before July 1, 2015:

(1) in consultation with the State Board of Education, and with the advice and consent of that board, adopt a description of school readiness that includes specific:

(a) characteristics and development levels of a ready child that must include, but are not limited to, emerging literacy, numeracy, and physical, social, and emotional competencies;

(b) characteristics of school, educators, and caregivers that the board considers necessary to create an optimal learning environment for the early years of students’ lives; and

(c) characteristics of the optimal environment which would lead to the readiness of students and their continued success;

(2) establish specific benchmarks and objectives for use by the board of trustees, local partnership boards, and any agency that administers a program to benefit preschool children;

(3) determine whether state and local programs and activities are effective and contribute to achieving the goals established in Section 59‑152‑30; and

(4) publish and distribute a list of approved evidence‑based and evidence‑informed programs.

(B) The board of trustees shall review the school readiness description, benchmarks, and objectives and adopt any revisions it considers appropriate before December 31, 2014, again before December 31, 2019, and every five years afterward.”

SECTION 3. Chapter 152, Title 59 of the 1976 Code is amended by adding:

“Section 59‑152‑33. (A) Before July 1, 2015, the South Carolina Education Oversight Committee shall recommend an assessment to evaluate and measure the school readiness of students prior to their entrance into a pre‑kindergarten or kindergarten program per the goals pursuant to Section 59‑152‑30 to the State Board of Education. Prior to submitting the recommendation to the State Board, the Education Oversight Committee shall seek input from the South Carolina First Steps to School Readiness Board of Trustees and other early childhood advocates. In making the recommendation, the South Carolina Education Oversight Committee shall consider assessments that are research‑based, reliable, and appropriate for measuring readiness. The assessment chosen must evaluate each child’s early language and literacy development, numeracy skills, physical well‑being, social and emotional development, and approaches to learning. The assessment of academic readiness must be aligned with first and second grade standards for English language arts and mathematics. The purpose of the assessment is to provide teachers, administrators, and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, and health needs, and providing appropriate instruction and support for each child. The results of the screenings and the developmental intervention strategies recommended to address the child’s identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language and emergent literacy skills are assessed to be below the national standards must be aligned with the district’s reading proficiency plan for addressing the readiness needs of each student. The school readiness assessment adopted by the State Board of Education may not be used to deny a student admission or progress to kindergarten or first grade. Every student entering the public schools for the first time in prekindergarten and kindergarten must be administered a readiness screening by the forty fifth day of the school year.

(B) The results of individual students in a school readiness assessment may not be publicly reported.

(C) Following adoption of a school readiness assessment, the State Board of Education shall adopt a system for reporting population‑level results that provides baseline data for measuring overall change and improvement in the skills and knowledge of students over time. The Department of Education shall house and monitor the system.

(D) The South Carolina First Steps of School Readiness Board of Trustees shall support the implementation of the school readiness assessment and must provide professional development to support the readiness assessment for teachers and parents of programs supported with First Steps funds. The board shall utilize the annual aggregate literacy and other readiness assessment information in establishing standards and practices to support all early childhood providers served by First Steps.”

SECTION 4. Article 17, Chapter 11, Title 63 of the 1976 code is amended by adding:

“Section 63‑11‑45. The Director of the First Steps agency must be subject to the authority of the Agency Head Salary Commission.”

SECTION 5. Article 17, Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Section 63‑11‑1725. (A) For the purposes of this article, ‘advisory council’ means the South Carolina Advisory Council established by Executive Order Number 2010‑06 in compliance with the Improving Head Start for School Readiness Act of 2007, 42 U.S.C. Section 9837b, et seq.

(B) The membership of the advisory council is exclusively composed of the membership of the Board of Trustees of the South Carolina First Steps to School Readiness Initiative. Each voting and nonvoting member shall serve as a voting member of the South Carolina Advisory Council, concurrent with his service on the board.

(C) The advisory council is an entity distinct from the Board of Trustees and must act accordingly to fulfill its responsibilities under 42 U.S.C. Section 9837b(b)(1)(D)(i) of the Improving Head Start for School Readiness Act of 2007. The advisory council shall keep separate minutes that explicitly distinguish its actions and votes from those made when acting in the capacity of the board of trustees. The advisory council must officially adjourn before acting as the board of trustees, and the board of trustees shall adjourn before acting as the advisory council.

(D) The State Director of First Steps shall coordinate the activities of the advisory council. Pursuant to 42 U.S.C. Section 9837b(b)(1)(D)(i), the advisory council shall:

(1) conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to the age of school entry, including an assessment of the availability of high quality prekindergarten services for low income children in the State;

(2) identify opportunities for, and barriers to, collaboration and coordination among federally funded and state‑funded child development, child care, and early childhood education programs and services, including collaboration and coordination among state agencies responsible for administering these programs;

(3) develop recommendations for increasing the overall participation of children in existing federal, state, and local child care and early childhood education programs, including outreach to underrepresented and special populations;

(4) develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the State;

(5) develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the State;

(6) assess the capacity and effectiveness of two‑year and four‑year public and private institutions of higher education in the state for supporting the development of early childhood educators, including the extent to which these institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or prekindergarten program;

(7) make recommendations for improvements in state early learning standards and undertake efforts to develop high quality comprehensive early learning standards, as appropriate;

(8) develop and publish, using available demographic data, an indicators‑based measure of school readiness at the state and community level;

(9) incorporate, within the periodic statewide needs assessments required in 42 U.S.C. Section 9837(b), any data related to the capacity and efforts of private sector providers, Head Start providers, and local school districts to serve children from birth to age five, including fiscal, enrollment, and capacity data; and

(10) perform all other functions, as permitted under federal and state law, to improve coordination and delivery of early childhood education and development to children in this State.

(E) The advisory council shall designate a meeting as its annual meeting. All of the chief executive officers of the State agencies represented on the Early Childhood Advisory Council must attend the annual meeting in person.

(F) The advisory council shall prepare an annual report of its activities for presentation to the Governor and General Assembly.”

SECTION 6. Article 17, Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Section 63‑11‑1735. (A) For the purposes of this article:

(1) ‘BabyNet’ is the interagency early intervention system that is the Part C program in South Carolina.

(2) ‘I.D.E.A.’ means the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400, et seq.

(3) ‘Maintenance of effort’ means the requirement of Part C that relevant state and local agencies maintain a specified level of financial support for early intervention services in compliance with 34 C.F.R. 303.124.

(4) ‘Part C program’ means an program of early intervention services to infants and toddlers with disabilities required in each state by I.D.E.A. and for which South Carolina First Steps to School Readiness is designated as the lead agency to administer the Part C program in South Carolina by Executive Order Number 2009‑12 in compliance with Subchapter VIII, Chapter 33, Title 20, U.S. Code Annotated relating to Head Start programs, and as provided in Section 44‑7‑2520(A), which relates to definitions concerning the South Carolina Infants and Toddlers with Disabilities Act.

(B) First Steps shall ensure that BabyNet complies with the maintenance of effort requirement by coordinating with all agencies that provide early intervention services in this State to ensure they each properly document all Part C expenditures annually.”

SECTION 7. Section 59‑152‑10 of the 1976 Code is amended to read:

“Section 59‑152‑10. There is established South Carolina First Steps to School Readiness, a comprehensive, results‑oriented initiative for improving early childhood development by providing, through ~~county~~ local partnerships, public and private funds and support for high‑quality early childhood development and education services for children by providing support for their families’ efforts toward enabling their children to reach school ready to ~~learn~~ succeed.”

SECTION 8. Section 59‑152‑20 of the 1976 Code is amended to read:

“Section 59‑152‑20. The purpose of the First Steps initiative is to develop, promote, and assist efforts of agencies, private providers, and public and private organizations and entities, at the state level and the community level, to collaborate and cooperate in order to focus and intensify services, assure the most efficient use of all available resources, and eliminate duplication of efforts to serve the needs of young children and their families. First Steps funds must not be used to supplant or replace any other funds being spent on services but must be used to expand, extend, improve, or increase access to services or to enable a community to begin to offer new or previously unavailable services in their community. The South Carolina First Steps to School Readiness Board of Trustees, ~~Office of~~ First Steps to School Readiness agency, and the ~~County~~ local First Steps Partnerships shall ~~assure that collaboration, the development of partnerships, and the sharing and maximizing of resources are occurring before funding for the implementation/management grants, as provided for in this chapter, are made available~~ ensure that collaborations, the existence and continued development of partnerships, and the sharing and maximizing of resources occur so that the funding of grants and services, as provided in this chapter, may continue.”

SECTION 9. Section 59‑152‑30 of the 1976 Code is amended to read:

“Section 59‑152‑30. The goals for South Carolina First Steps to School Readiness are to:

(1) provide parents with access to the support they might seek and want to strengthen their families and to promote the optimal development of their preschool children;

(2) increase comprehensive services so children have reduced risk for major physical, developmental, and learning problems;

(3) promote high quality preschool programs that provide a healthy environment that will promote normal growth and development;

(4) provide services so all children receive the protection, nutrition, and health care needed to thrive in the early years of life so they arrive at school ready to ~~learn~~ succeed; and

(5) mobilize communities to focus efforts on providing enhanced services to support families and their young children so as to enable every child to reach school healthy and ready to ~~learn~~ succeed.”

SECTION 10. Section 59‑152‑40 of the 1976 Code is amended to read:

“Section 59‑152‑40. The South Carolina First Steps to School Readiness Board of Trustees established in Section 63‑11‑1720 shall oversee and be accountable for the South Carolina First Steps to School Readiness initiative.”

SECTION 11. Section 59‑152‑50 of the 1976 Code is amended to read:

“Section 59‑152‑50. ~~Within~~ Under supervision of the South Carolina First Steps to School Readiness Board of Trustees, ~~an Office of~~ there is created South Carolina First Steps to School Readiness ~~shall be established~~, an agency of state government. The ~~office~~ agency shall:

(1) provide to the board information on best practice, successful strategies, model programs, and financing mechanisms;

(2) review the ~~county~~ local partnerships’ plans and budgets in order to provide technical assistance and recommendations regarding local grant proposals and improvement in meeting statewide and local goals;

(3) provide technical assistance, consultation, and support to ~~county~~ local partnerships to facilitate their success including, but not limited to, model programs, strategic planning, leadership development, best practice, successful strategies, collaboration, financing, and evaluation;

(4) evaluate each program funded by the South Carolina First Steps to School Readiness Board of Trustees on a regular cycle to determine its effectiveness and whether it should continue to receive funding;

(~~4~~5) recommend to the board the applicants meeting the criteria for First Steps partnerships and the grants to be awarded;

(~~5~~6) submit an annual report to the board by December first which includes, but is not limited to, the statewide needs and resources available to meet the goals and purposes of the First Steps to School Readiness initiative, a list of risk factors the agency considers to affect school readiness, identification of areas where client‑level data is not available, an explanation of how First Steps programs reach the most at‑risk children, the ongoing progress and results of the First Steps to School Readiness initiative statewide and locally, fiscal information on the expenditure of funds, and recommendations and legislative proposals to further implement the South Carolina First Steps to School Readiness initiative statewide;

~~(6)~~ ~~provide for on‑going data collection and contract for an in‑depth performance audit due January 1, 2003, and every three years thereafter, to ensure that statewide goals and requirements of the First Steps to School Readiness initiative are being met; and~~

(7) provide for ongoing data collection. Before June 30, 2015, the board shall develop a response to the November 2014 external evaluation of each prevalent program and the overall goals of the initiative, as provided in Section 59‑125‑160. The agency shall contract with an external evaluator to develop a schedule for an in‑depth and independent performance audit designed to measure the success of each prevalent program in regard to its success in supporting the goals of the State Board and those set forth in Section 59‑152‑20 and Section 59‑152‑30. Results of all external performance audits must be published in the agency’s annual report; and

(~~7~~8) coordinate the First Steps to School Readiness initiative with all other state, federal, and local public and private efforts to promote good health and school readiness of young children and support for their families.”

SECTION 12. Section 59‑152‑60 of the 1976 Code is amended to read:

“Section 59‑152‑60. (A) ~~The Office of First Steps to School Readiness, in collaboration with each county legislative delegation, shall initiate county forums for the purpose of bringing together stakeholders who are actively involved or interested in early childhood development and education so as to initiate a County First Steps Partnership. The times and locations of these forums and county‑wide meetings must be publicized in the local print and broadcast media.~~

~~(B) At a countywide meeting the participants shall begin to select, to the extent possible within the area covered by the partnership:~~

~~(1) Not more than two members from each of these categories to sit on the First Steps partnership board:~~

~~(a) pre‑kindergarten through primary educator;~~ Each county must be represented by a Local First Steps Partnership Board and each local board must provide services within every county it represents. A local partnership board must be comprised of individuals with resources, skills, knowledge, and interest in improving the readiness of young children for school. A list of all local partnership board members must be published in the partnership’s annual report, be reported annually to the local legislative delegation, and be on file with the First Steps Agency.

(B) The South Carolina First Steps to School Readiness Board of Trustees must establish bylaws for use by each local partnership board. These bylaws must, in addition to other requirements provided in this section, require that a meeting or election of a local partnership board comply with all Freedom of Information Act and IRS disclosure requirements.

(C) In accordance with the bylaws established by the board of trustees, each local partnership board shall maintain a total minimum membership of twelve and a maximum membership of thirty elected, appointed, and designated individuals. Elected and appointed members shall comprise a voting majority of the board.

(1) No more than four from any of the following categories may be elected to sit on a First Steps Partnership Board:

(a) pre‑kindergarten through primary educator;

(b) family education, training, and support provider;

(c) childcare ~~and~~ or early childhood development/education provider;

(d) healthcare provider;

(e) ~~transportation provider~~ local government;

(f) nonprofit organization that provides services to families and children;

(g) faith community; ~~and~~

(h) business community;

(i) philanthropic community; and

(j) parents of preschool children.

(2) ~~Three parents of pre‑school children. After the first year of the implementation of the First Steps to School Readiness initiative, parents serving on the County First Steps Partnership Board must have pre‑school children being served by First Steps programs; and~~

~~(3)~~ ~~Four members from early childhood education.~~

~~(C)~~ ~~After the county partnership board has been formed, if necessary to~~ To assure that all areas of the county or multicounty region are adequately represented and reflect the diversity of the ~~county~~ coverage area, each county legislative delegation may appoint up to four ~~additional~~ members to a local partnership board. Of these members, two are appointed by the Senate members and two by the House of Representative members of the delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school.

(~~D~~3) Each of the following entities located within a particular First Steps Partnership coverage area shall designate one member to serve as a member of ~~its County~~ the local First Steps Partnership Board:

(a) county department of social services;

(b) county department of health and environmental control;

(c) Head Start or early Head Start;

(d) county library; and

(e) each of the school districts in the county.

(D) In conjunction with the independent external program evaluation established in Section 59‑152‑160, the South Carolina First Steps to School Readiness Board of Trustees shall conduct a formal review of the membership categories for First Steps Partnership Board composition. Upon completion of the review, the South Carolina First Steps to School Readiness Board of Trustees shall submit to the General Assembly a statement either verifying the continued applicability and appropriateness of the composition categories for First Steps Partnership Boards in place at that time, or recommending any appropriate and necessary changes.

(E) Members who miss more than three consecutive meetings without excuse or members who resign must be replaced from the same categories as their predecessor. The terms of the members of a ~~County~~ local First Steps Partnership Board are for ~~two~~ four years; however, membership on the board may not exceed ~~six~~ eight consecutive years.

(F) The chairman of a ~~County First Steps~~ local partnership board must be elected by majority vote of the board. The chairman shall serve a one‑year term; however, the chairman may be elected to subsequent terms not to exceed a total of four consecutive years.

(G) ~~County~~ A local First Steps ~~Partnerships~~ Partnership board must have policies and procedures for conducting meetings and disclosing records comparable to those provided for in the Freedom of Information Act. Prior to every vote taken by the board, members must abstain from voting if the issue being considered would result in a conflict of interest. The abstention must be noted in the minutes of the meeting.”

SECTION 13. Section 59‑152‑70 of the 1976 Code is amended to read:

“Section 59‑152‑70. (A) A First Steps Partnership Board shall, among its other powers and duties:

(1) adopt by‑laws as established by the First Steps to School Readiness Board to effectuate the provisions of this chapter which must include the creation of a periodic meeting schedule;

(2) coordinate a collaborative effort at the county or ~~multi‑county~~ multicounty level which will bring the community together to identify the area needs related to the goals of First Steps to School Readiness; develop a strategic long‑term plan for meeting those needs; develop specific initiatives to implement the elements of the plan; and integrating service delivery where possible;

(3) coordinate and oversee the implementation of the comprehensive strategic plan including, but not limited to, direct service provision, contracting for service provision, and organization and management of volunteer programs;

(4) effective July 1, 2016, each partnership’s comprehensive plan shall include the following core functions:

(a) service as a local portal connecting families of preschool children to community‑based services they may need or desire to ensure the school readiness of their children;

(b) service as a community convener around the needs of preschool children and their families; and

(c) support of state‑level school readiness priorities as determined by the State Board.

(~~4~~5) ~~create and annually revise a county~~ update a needs assessment every three years;

(~~5~~6) implement fiscal policies and procedures as required by the First Steps ~~office~~ agency and as needed to ensure fiscal accountability of all funds appropriated to the partnership;

(~~6~~7) keep accurate records of the partnership’s board meetings, board member’s attendance, programs, and activities for annual submission to the First Steps to School Readiness Board of Trustees;

(~~7~~8) collect information and submit an annual report by October ~~1~~ first to the First Steps to School Readiness Board of Trustees, and otherwise participate in the annual review and the three‑year evaluation of operations and programs. ~~The first annual report must be submitted October 1, 2000.~~ Reports must include but not be limited to:

(a) determination of the current level and data pertaining to the delivery and effectiveness of services for young children and their families, including the numbers of preschool children and their families served;

(b) strategic goals for increased availability, accessibility, quality, and efficiency of activities and services for young children and their families which will enable children to reach school ready to ~~learn~~ succeed;

(c) monitoring of progress toward strategic goals;

(d) report on implementation activities;

(e) recommendations for changes to the strategic plan which may include new areas of implementation;

(f) evaluation and report of program effectiveness and client satisfaction before, during, and after the implementation of the strategic plan, where available; and

(g) estimation of cost savings attributable to increased efficiency and effectiveness of delivery of services to young children and their families, where available.

(B) Each ~~County First Steps~~ local partnership may, in the performance of its duties, employ or acquire ~~administrative, clerical, stenographic, and other personnel as may be necessary to effectuate the provisions of this section. However, overhead~~ staff pursuant to the local partnership bylaws established by the South Carolina First Steps School to Readiness Board of Trustees. Overhead costs of ~~the partnership’s~~ a First Step partnership’s operations may not exceed eight percent of ~~its implementation/management grant allocation unless prior approval is received from the First Steps to School Readiness Board of Trustees~~ the total state funds appropriated for partnership grants. The South Carolina First Steps to School Readiness Board of Trustees shall contract with an independent cost accountant to provide recommendations as to an adequate, and not excessive, overhead cost rate for individual partnerships no later than July 1, 2017. Once these recommendations are received, the First Steps to School Readiness Board of Trustees may adjust the overhead percentage for the local partnership.

(C) Each ~~County~~ First Steps partnership may apply for, receive, and expend federal, state, and local funds, grants, and other funding in order to improve programs as provided in Section 59‑152‑25(A).

(D) ~~Day care facilities receiving grants must first use a portion of their funds to achieve licensed status and then to achieve the equivalent status to that of enhanced ABC provider.~~

~~(E)~~ To be designated a ~~County~~ First Steps partnership, the ~~county or multi‑county~~ local partnership must be a private nonprofit corporation organized under Section 501(c)(3) of the Internal Revenue Code. ~~However, developing partnerships which have not yet received 501(c)(3) status may qualify for grants if they have received a state charter for incorporation and meet other criteria as established by the board.~~

(E) Multiple First Steps local partnerships may collaborate in a manner they determine will maximize the efficient and effective provision of First Steps services and programs to children and their families and best enable the partnerships to execute their duties and powers established in this chapter. In such a collaboration, partnerships may merge or work in concert with one or more of their program, administrative, or development functions or establish multicounty partnerships. The decision to collaborate in the manner permitted in this subsection rests entirely with the local partnership boards of directors involved.

(F) As a condition of receiving state funds, each local partnership must be subject to performance reviews by the South Carolina First Steps agency, including, but not limited to, local board functioning and collaboration and compliance with state standards and fiscal accountability. If any significant operational deficiencies or misconduct are identified within the partnership, the South Carolina First Steps Board of Trustees must identify a remedy with input from the local legislative delegation.”

SECTION 14. Section 59‑152‑90 of the 1976 Code is amended to read:

“Section 59‑152‑90. (A) A local partnership’s grant may be funded annually by the First Steps School to Readiness Board of Trustees and must be contingent on the General Assembly’s appropriation of funds to use for offering grants.

(B) To obtain a grant, a ~~County~~ First Steps partnership ~~or developing partnership~~ must qualify by meeting the grant requirements established pursuant to subsection (C). A First Steps Partnership shall submit an application to ~~the Office of~~ First Steps agency in a format specified by the First Steps to School Readiness Board. The application shall include~~, as appropriate to the level of grant applied for,~~ the level of funding requested, a description of needs of children and families; assets and resources available; and the proposed strategies to address needs as they relate to the goals of South Carolina First Steps to School Readiness.

~~(B)~~ ~~To receive a Level One development of the collaborative effort, needs assessment, and strategic planning grant, the County First Steps Partnership must meet the criteria established by the First Steps to School Readiness Board including, but not limited to, total population covered by the partnership and quality of any pre‑exiting needs assessment and/or strategic plans for that geographic area.~~

~~(C)~~ ~~To receive a Level Two implementation/management grant for First Steps to School Readiness, a County First Steps Partnership must have completed a needs assessment and review by the First Steps to School Readiness Board and develop a comprehensive, long‑range plan to provide high quality early childhood development and education services. The plan must identify the needs of children and their families in the local area; assets and resources available; explain how supports and services are to be organized and delivered; establish measurable objectives and interim goals for meeting the local and state goals for First Steps; and an evaluation plan.~~

~~(D)~~ ~~In developing these plans, the First Steps Partnership must be given sufficient flexibility, but they must be accountable to the First Steps to School Readiness Board for fiscal management, program management, and program results.~~

(~~E~~C)(1) ~~The allocations for the grants shall take into consideration the quality of the grant proposal; the population of children birth to age five contained in the area served by the partnership; the percentage of students in grades 1‑3 who are eligible for the free and reduced price lunch program; average per capita income; and the area’s ability to support the strategic plan initiative. The criteria also shall take into account the standing of the geographical area covered by a county partnership in relation to the statewide Kids Count indicators. Priority must be given to strategic plans that incorporate models with demonstrated success.~~ Pursuant to 63‑11‑1730, the South Carolina First Steps to School Readiness Board of Trustees shall establish the grant qualification requirements. The board shall develop and promulgate grant qualification requirements in regulation pursuant to the Administrative Procedures Act. These requirements must include, but not be limited to, the following:

(a) adoption and adherence to bylaws promulgated by the South Carolina First Steps to School Readiness Board of Trustees, which includes but is not limited to compliance with the board composition, attendance, voting, and disclosure requirements;

(b) use of the South Carolina First Steps to School Readiness benchmarks and objectives;

(c) implementation of programs and activities, which are effective and contributing to state goals, and otherwise acceptable pursuant to the requirements of Chapter 152, Title 59; and

(d) fulfillment of all the duties in Section 59‑152‑70.

(2) The South Carolina First Steps to School Readiness Board of Trustees shall establish a formula, which includes the identification of the most relevant and effective factors, by which the allocations for qualifying Partnership grants are calculated. The board shall identify the factors, develop the funding formula, and promulgate regulations for both. The factors used in the funding formula, and the weight given to each factor by the formula, must reflect that the intent of the General Assembly is to ensure that the money allocated to each local partnership is in proportion to the following:

(a) population of eligible children;

(b) population of at‑risk children; and

(c) population with below average income

(3) The agency shall include the grant qualification requirements and funding formula on its website. The website information shall include formula details, announcements regarding proposed changes to the formula, and directions for public input.

(E) In conjunction with the independent external program evaluation established pursuant to Section 59‑152‑160, the board of trustees shall conduct a formal review of the grant qualification requirements and funding process adopted pursuant to subsections (C) and (D) and, upon completion of the review, shall submit to the General Assembly a statement either verifying the continued applicability and appropriateness of the grant qualification requirements and funding process in use at that time or recommending any appropriate and necessary changes

(F) Funding must reflect the combined total allocations of the coverage area of a multicounty partnership.”

SECTION 15. Section 59‑152‑100 of the 1976 Code is amended to read:

“Section 59‑152‑100. (A) Grant funds expended by First Steps partnerships must be used to address the needs of young children and their families as identified in the partnerships’ comprehensive plans. The funds must be used to expand, extend, or improve the quality of provided services if there is evidence as to existing programs’ effectiveness; offer new or previously unavailable services in the area; or increase access to services. Partnership grant funds may not supplant comparable current expenditures by counties or state agencies on behalf of young children and their families, and may not be used where other state or federal funding sources are available. Partnerships are expected to collaborate with other community organizations or entities expending funds on early childhood services designed to impact school readiness in order to maximize impact and minimize duplication of efforts.

(B) At least seventy‑five percent of state funds appropriated for programs must be used by the local partnership for evidence‑based programs. Not more than twenty‑five percent of state funds appropriated for programs to a local partnership may be used for evidence‑informed programs.

(C) All activities and services provided by a ~~First Steps~~ local partnership must be made available to young children and families on a voluntary basis and must focus ~~on the following:~~

~~(1) lifelong learning:~~

~~(a) school readiness;~~

~~(b) parenting skills;~~

~~(c) family literacy; and~~

~~(d) adult and continuing education.~~

~~(2) health care:~~

~~(a) nutrition;~~

~~(b) affordable access to quality age‑appropriate health care;~~

~~(c) early and periodic screenings;~~

~~(d) required immunizations;~~

~~(e) initiatives to reduce injuries to infants and toddlers; and~~

~~(f) technical assistance and consultation for parents and child care providers on health and safety issues.~~

~~(3) quality child care:~~

~~(a) staff training and professional development incentives;~~

~~(b) quality cognitive learning programs;~~

~~(c) voluntary accreditation standards;~~

~~(d) accessibility to quality child care and development resources; and~~

~~(e) affordability.~~

~~(4) transportation:~~

~~(a) coordinated service;~~

~~(b) accessibility;~~

~~(c) increased utilization efficiency; and~~

~~(d) affordability~~ solely on ‘school readiness’ as defined in Section 59‑152‑25 by implementing programs geared specifically toward the achievement of First Steps goals pursuant to Section 59‑152‑30.

(~~B~~D) Any part of the initiative within the county strategic plan using local district resources within a school district must be conducted only with approval of the district’s board of trustees.”

SECTION 16. Section 59‑152‑120 of the 1976 Code is amended to read:

“Section 59‑152‑120. Funds received ~~for implementation of a county partnership’s implementation/management grant~~ by a local partnership may not be used for capital expenses ~~for~~, new construction, or to renovate, refurbish, or upgrade existing facilities without prior approval by the South Carolina First Steps to School Readiness Board of Trustees. ~~However, funds may be made available for renovating, refurbishing, or upgrading of existing facilities used to support First Steps to School Readiness activities and services for children, families, and providers from funds made available to the partnerships in Section 59‑152‑150(C) and Section 63‑11‑1750(A). The county partnership must demonstrate to the satisfaction of the First Steps to School Readiness Board that the capital expenditure is:~~

~~(1) a priority need for the local initiative and other state or federal funds for such projects are insufficient; and~~

~~(2) necessary to provide services to under‑served children and families.~~”

SECTION 17. Section 59‑152‑130 of the 1976 Code is amended to read:

“Section 59‑152‑130. (A) ~~The County First Steps~~ Local partnerships shall provide an annual match of at least fifteen percent, to include private donations, grant funds, and in‑kind donated resources, or any combination of them. The South Carolina First Steps to School Readiness Board of Trustees may decrease this percentage requirement for a partnership based on their capacity to provide that match. ~~Private~~ The First Step partnership shall encourage private individuals and groups ~~must be encouraged~~ to contribute to a partnership’s efforts to meet its match. The match required of individual partnerships by the First Steps board should take into consideration such factors as:

(1) local wealth, using such indicators as the number and percentage of children eligible for free and reduced lunches in grades 1‑3; and

(2) in‑kind donated resources.

Only in‑kind donations, as defined by the standard fiscal accountability system provided for in Section 59‑152‑~~140~~150, which meet the criteria established by the South Carolina First Steps to School Readiness Board of Trustees and that are quantifiable may be applied to the in‑kind match requirement. ~~Expenses, including those paid both by cash and through in‑kind contributions, incurred by other nonstate entities participating in county partnerships may be included in determining matching funds.~~

(B) The ~~Office of the~~ South Carolina First Steps to School Readiness agency shall establish guidelines and reporting formats for ~~county~~ partnerships to document expenses to ensure they meet matching fund requirements. The ~~office~~ agency shall compile a report annually on the private cash and in‑kind contributions received by the South Carolina First Steps to School Readiness Board of Trustees and ~~County~~ First Steps partnerships.”

SECTION 18. Section 59‑152‑140 of the 1976 Code is amended to read:

“Section 59‑152‑140. To ensure effective use of funds, awards under contract for ~~County~~ First Steps Partnerships, with the approval of the ~~Office of~~ First Steps to School Readiness agency, may be carried forward and used in the following fiscal year. Funds appropriated to South Carolina First Steps to School Readiness may also be carried forward into subsequent years.”

SECTION 19. Section 59‑152‑150 of the 1976 Code is amended to read:

“Section 59‑152‑150. (A) The ~~Office of~~ First Steps to School Readiness agency shall develop and require local partnerships to adopt and implement a standard fiscal accountability system including, but not limited to, a uniform, standardized system of accounting, internal controls, payroll, fidelity bonding, chart of accounts, and contract management and monitoring. Additionally, the accountability system shall require competitive bids for the purchase or procurement of goods and services of ten thousand dollars or more. A bid other than the lowest bid may be accepted by a majority vote of the ~~county~~ partnership board if other considerations outweigh the cost factor; however, written justification must be filed with the ~~Office of~~ First Steps agency. The ~~Office of~~ First Steps agency may contract with outside firms to develop and ensure implementation of this standard fiscal accountability system, and the ~~Office of~~ First Steps agency may inspect fiscal and program records of ~~county~~ partnerships and developing partnerships to ensure their compliance with the required system. The ~~Office of~~ First Steps agency may contract with a state entity with existing means for developing contracts and disbursing funds in order to make use of the existing infrastructure, if it is efficient and not administratively burdensome to partnerships.

(B) Each ~~County~~ local First Steps partnership shall expend funds through the South Carolina First Steps to School Readiness Board of Trustees or its fiscal designees until the capacity of the ~~County First Steps~~ local partnership to manage its fiscal and administrative responsibilities in compliance with the standard accountability system has been reviewed and certified by the South Carolina First Steps to School Readiness Board of Trustees or its designee.

(C) All private and non‑state funds sought by local partnerships must be used exclusively for meeting the goals and purpose of First Steps as specified in Section 59‑152‑20 and Section 59‑152‑30. Private funds received by a ~~County~~ First Steps partnership must be deposited in a separate fund subject to review by the First Steps agency and the State Board.

(D) Disbursements may be made only on the written authorization of the individual designated by the ~~county~~ partnership board and only for the purposes specified. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined five thousand dollars or imprisoned for six months, or both.

(E) The offenses of misuse, misappropriation, and embezzlement of public funds, apply to this chapter.”

SECTION 20. Section 59‑125‑160 of the 1976 Code is amended to read:

“Section 59‑125‑160. (A) The South Carolina First Steps to School Readiness Board of Trustees shall establish internal evaluation policies and procedures for ~~County First Steps~~ local partnerships for an annual review of the functioning of the partnership, implementation of strategies, and progress toward the interim goals and benchmarks. In instances where no progress has been made, the ~~Office of~~ First Steps to School Readiness agency shall provide targeted assistance and/or the South Carolina First Steps to School Readiness Board of Trustees may terminate the grant. ~~In addition, a program evaluation of The First Steps to School Readiness initiatives at the state and local levels must be conducted every three years~~ An independent evaluation of each prevalent program investment using valid and reliable measures must be completed and published by the First Steps Board of Trustees no less than every five years. The First Steps board shall adopt a cyclical evaluation calendar including each major program investment no later than June 30, 2015. After publication of a baseline report for each major program investment as defined in Section 59‑152‑25, subsequent reports will be published no later than five calendar years from the date of each prior publication. In addition to the independent evaluation of each prevalent program, an evaluation of the progress on the initiative’s goals and purpose must be completed by November 1, 2014, and every five years thereafter by an independent, external evaluator under contract with the South Carolina First Steps to School Readiness Board of Trustees. ~~However, the selected evaluator shall be approved, and the evaluation overseen, by a committee consisting of three members, one appointed by the First Steps Board, one appointed by the President~~ *~~Pro Tempore~~* ~~of the Senate and one appointed by the Speaker of the House. These committee members must be professionally recognized as proficient in child development, early childhood education, or a closely related field. The first report shall be provided no later than January 1, 2003.~~ The purpose of this evaluation will be to gauge First Steps’ progress in meeting the goals established in Section 59‑152‑20 and Section 59‑52‑30.

(B) ~~County First Steps~~ Local partnerships must agree to participate in such an evaluation in order to receive a First Steps grant. Subsequent grant approval and grant allocations must be dependent, in part, on the results of the evaluations. If an evaluation finds no progress has been made in meeting local goals or implementing strategies as agreed to in the First Steps grant, the grant ~~must~~ may be terminated.

(C) The purpose of the evaluation is to assess progress toward achieving the First Steps goals and to determine the impact of ~~the initiative on children and families at the state and local levels~~ each strategy in supporting improved school readiness as defined in Section 52‑152‑15. The impact assessment shall include, but is not limited to, school readiness measures; benefits from child development services; immunization status; low birth‑weight rates; parent literacy; parenting skills; parental involvement; transportation; and developmental screening results. During the course of the evaluation, if an evaluator determines that any state agency has failed to comply with the coordination and collaboration provisions as required in this chapter, the final report must reflect that information. ~~Program~~ Each program evaluation ~~reports~~ report must be reported to the General Assembly no later than three months after conclusion of the evaluation. ~~All County First Steps~~ Local partnerships shall cooperate fully in collecting and providing data and information for the evaluation of their funded strategies.”

SECTION 21. Section 63‑11‑1720 of the 1976 Code is amended to read:

“Section 63‑11‑1720. (A) There is created the South Carolina First Steps to School Readiness Board of Trustees which must be chaired by the Governor, or his designee, and must include the State Superintendent of Education, or his designee, who shall serve as ex officio voting members of the board. ~~The board is composed of the twenty appointed, voting members as follows:~~

(B) In making the appointments specified in subsection (C)(1), (2), and (3) of this chapter, the Governor, President *Pro Tempore* of the Senate, and the Speaker of the House of Representatives shall seek to ensure diverse geographical representation on the board by appointing individuals from each congressional district as possible.

(C) The board shall include members appointed in the following manner:

(1) The Governor shall appoint ~~two members~~ one member from each of the following sectors:

(a) parents of young children;

(b) business community;

(c) early childhood educators;

(d) medical ~~or child care and development~~ providers; ~~and~~

(e) child care and development providers; and

(~~e~~f) the General Assembly, one member from the Senate and one member from the House of Representatives.

(2) The President *Pro Tempore* of the Senate shall appoint one member from each of the following sectors:

(a) parents of young children;

(b) business community;

(c) early childhood educators; and

(d) medical or child care and development providers.

(3) The Speaker of the House of Representatives shall appoint one member from each of the following sectors:

(a) parents of young children;

(b) business community;

(c) early childhood educators; and

(d) medical or child care and development.

(4) The chairman of the Senate Education Committee or his designee.

(5) The chairman of the House Education and Public Works Committee or his designee.

(6) The chief executive officer of each of the following shall serve as an ex officio ~~nonvoting~~ voting member:

(a) Department of Social Services ~~or his designee~~;

(b) Department of Health and Environmental Control ~~or his designee~~;

(c) Department of Health and Human Services ~~or his designee~~;

(d) ~~Department of Mental Health or his designee;~~

~~(e)~~ Department of Disabilities and Special Needs ~~or his designee~~;

(~~f~~) ~~Department of Alcohol and Other Drug Abuse Services or his designee;~~

~~(g)~~ ~~Department of Transportation or his designee;~~

~~(h)~~ ~~State Budget and Control Board, Division of Research and Statistics or his designee; and~~

~~(i)~~ ~~State Board for Technical and Comprehensive Education~~

(e) State Head Start Collaboration Officer; and

(f) Children’s Trust of South Carolina.

~~(7)~~ ~~The following organizations shall designate one member to serve as an ex officio nonvoting member:~~

~~(a)~~ ~~South Carolina State Library;~~

~~(b)~~ ~~Transportation Association of South Carolina; and~~

~~(c)~~ ~~State Advisory Committee on the Regulation of Childcare Facilities.~~

(~~B~~D) The terms of the members are for four years and until their successors are appointed and qualify~~, except of those first appointed~~. ~~When making the initial appointments, the Governor, the President~~ *~~Pro Tempore~~* ~~of the Senate, and the Speaker of the House of Representatives shall designate half of their appointments to serve two‑year terms only.~~ The appointments of the members from the General Assembly shall be coterminous with their terms of office.

(~~C~~E) Vacancies for any reason must be filled in the manner of the original appointment for the unexpired term. A member may not serve more than two terms or eight years, whichever is longer. A member who misses more than three consecutive meetings without excuse or a member who resigns must be replaced in the same manner as his predecessor. Members may be paid per diem, mileage, and subsistence as established by the board not to exceed standards provided by law for boards, committees, and commissions. A complete report of the activities of the First Steps to School Readiness Board of Trustees must be made annually to the General Assembly.”

SECTION 22. Section 63‑11‑1730 of the 1976 Code is amended to read:

“Section 63‑11‑1730. To ~~carry out its assigned functions, the board is authorized, but not limited to~~ oversee and be accountable for the South Carolina First Steps to School Readiness Initiative, the board shall in accordance with the APA:

(1) develop and facilitate a comprehensive long‑range initiative for improving early childhood development and increasing school readiness and literacy, which shall include the specific requirements of Chapter 152, Title 59;

(2) in accordance with the APA, promulgate regulations, establish guidelines, policies and procedures for the continued implementation of the South Carolina First Steps to School Readiness initiative;

(3) provide oversight on the implementation and evaluation of the South Carolina First Steps to School Readiness initiative at the state and ~~county~~ local levels;

(4) ~~facilitate and direct the establishment of developing County First Steps Partnerships and establish the criteria for designation of County First Steps Partnerships;~~

~~(5)~~ establish ~~criteria and procedures for awarding state First Steps grants to County First Steps Partnerships~~ and promulgate grant qualification requirements and a formula by which allocating for qualifying partnership grants must be calculated;

(~~6~~5) ~~provide~~ ensure the provision of technical assistance, consultation services and support to ~~County~~ First Steps Partnerships including: the creation and annual revision of county needs assessments; the prioritization, implementation, and evaluation of each First Steps Partnership’s strategic plans based on needs assessments; and the identification of assets from other funding sources;

(~~7~~6) assess and develop recommendations: for ensuring coordination and collaboration among service providers at both the state and county level, for increasing the efficiency and effectiveness of state programs and funding and other programs and funding sources, as allowable, as necessary to carry out the First Steps to School Readiness initiative, including additional fiscal strategies, redeployment of state resources, and development of new programs;

(~~8~~7) establish ~~results oriented~~ and implement results‑oriented measures and objectives and assess whether services provided by ~~County~~ First Steps Partnerships to children and families are meeting the goals and achieving the results established for the First Steps initiative pursuant to Chapter 152, Title 59;

(~~9~~8) receive gifts, bequests, and devises for deposit for awarding grants to First Steps Partnerships; and

(~~10~~9) report annually to the General Assembly by January first on activities and progress to include recommendations for changes and legislative initiatives and results of program evaluations.

(10) establish and promulgate internal policies and procedures to allow the optimal operation of the board, and which must include but not be limited to an established and consistent process for making decisions;

(11) develop, implement, and document an annual performance process for the Director of the First Steps agency as directed by the Agency Head Salary Commission;

(12) establish and promulgate bylaws for adoption by local First Steps Partnerships;

(13) establish and promulgate internal evaluation policies and procedures for local Partnerships for annual review pursuant to Chapter 152, Title 59; and

(14) arrange for the conduction of an independent external program evaluation pursuant to Chapter 152, Title 59.”

SECTION 23. Section 1‑5‑40(A) of the 1976 Code is amended by adding an item at the end to read:

“(107) South Carolina First Steps to School Readiness Board of Trustees”

SECTION 24. Sections 59‑152‑80 and 59‑152‑110 of the 1976 Code are repealed.

SECTION 25. This act takes effect upon approval by 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 113; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bernstein | Bingham |
| Bowen | Bowers | Branham |
| 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 | Hamilton | Hardee |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Neal | Newton |
| Norman | Norrell | R. L. 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 | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | White | Whitmire |
| Williams | Willis |  |

**Total--113**

Those who voted in the negative are:

**Total--0**

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

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3428. If I had been present, I would have voted in favor of the Bill.

Rep. Jerry N. Govan, Jr.

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

**H. 3027--DEBATE ADJOURNED**

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

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.

Rep. WEEKS moved to adjourn debate upon the Senate Amendments until Wednesday, March 5, which was agreed to.

**S. 682--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 682 -- Senator Hembree: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 9 AND 57 IN HORRY COUNTY "STALVEY BELLAMY INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "STALVEY BELLAMY INTERSECTION".

The Concurrent Resolution was adopted and sent to the Senate.

**H. 4783--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4783 -- Reps. Kennedy and Clyburn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 378 AND DOUBLE BRIDGES ROAD IN SALUDA COUNTY "CORLEY CROSSROADS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "CORLEY CROSSROADS".

The Concurrent Resolution was adopted and sent to the Senate.

**LEAVE OF ABSENCE**

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

STATEMENT FOR THE JOURNAL

I would like the record to reflect that it was necessary for me to leave Columbia to attend to business in my home district tonight.

Rep. Bill Bowers

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**RECURRENCE TO THE MORNING HOUR**

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

**REPORT OF STANDING COMMITTEE**

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

H. 4813 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST CALHOUN STREET IN THE TOWN OF DILLON FROM ITS INTERSECTION WITH SOUTH FIRST AVENUE TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 "BILL COWARD, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "BILL COWARD, SR. MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4834 -- Reps. Alexander, Mitchell, Williams, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, 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, Willis and Wood: A HOUSE RESOLUTION TO REMEMBER AND CELEBRATE THE LIFE OF THE HONORABLE ALFRED RUSH, MEMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES (1868-1870, 1874-1876) AND PIONEER IN THE ESTABLISHMENT OF FREE PUBLIC EDUCATION FOR ALL IN SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4835 -- Reps. Kennedy, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, 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, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, 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 CONGRATULATE THE BATESBURG-LEESVILLE HIGH SCHOOL FOOTBALL TEAM AND COACH DR. JERRY BROWN ON THEIR IMPRESSIVE WIN OF THE 2013 CLASS AA DIVISION II STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4836 -- Rep. Kennedy: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE BATESBURG-LEESVILLE HIGH SCHOOL FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR WINNING THE 2013 CLASS AA DIVISION II STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Batesburg‑Leesville High School football team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for winning the 2013 Class AA Division II State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4837 -- Reps. Forrester, 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, 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, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, 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 PIEDMONT NATURAL GAS ON CAPTURING FIRST PLACE AT THE 2013 NATIONAL GAS RODEO, A FEAT THAT EARNED THE COMPANY THE UNOFFICIAL TITLE OF "PREMIER TEAM IN THE NATURAL GAS BUSINESS."

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4833 -- Reps. Clemmons, Limehouse, Southard and Hixon: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO DEFEAT H.R. 1518 AND S. 1406 WHICH WOULD ENACT EXCESSIVE GUIDELINES RELATING TO THE PRACTICE OF SORING THE TENNESSEE WALKING HORSE, AND ADOPT ALTERNATIVE LEGISLATION PROPOSED BY THE TENNESSEE WALKING HORSE INDUSTRY THAT ADDRESSES THIS ISSUE AND PROTECTS THE INDUSTRY.

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

**INTRODUCTION OF BILLS**

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

H. 4832 -- Rep. Norrell: A BILL TO AMEND SECTION 27-40-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERMINATION OF AN UNEXPIRED RENTAL AGREEMENT FOR ABANDONED PROPERTY UPON RENTAL TO A NEW TENANT UNDER THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO REVISE AND CORRECT CROSS-REFERENCES TO AVAILABLE REMEDIES.

Referred to Committee on Judiciary

H. 4838 -- Reps. Pitts, Goldfinch, Spires, Finlay, Gagnon, Hosey, Lowe, McCoy, Putnam, Ridgeway, Ryhal, Thayer, White, Whitmire and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-525 SO AS TO PROVIDE THE DEPARTMENT OF NATURAL RESOURCES THE AUTHORITY TO PROMULGATE REGULATIONS GOVERNING CERTAIN AREAS TO ESTABLISH SEASONS, DATES, AREAS, BAG LIMITS, AND OTHER RESTRICTIONS FOR HUNTING AND TAKING WILD TURKEY; AND TO AMEND SECTION 50-11-520, AS AMENDED, 50-11-530, 50-11-540, AND 50-11-544, ALL RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' REGULATION OF THE HUNTING OF WILD TURKEYS, SO AS TO REVISE THE SEASON FOR THE HUNTING AND TAKING OF MALE WILD TURKEYS, TO ESTABLISH "SOUTH CAROLINA YOUTH TURKEY HUNTING DAY", TO ESTABLISH BAG LIMITS FOR THE TAKING OF MALE WILD TURKEYS, TO PROVIDE THAT THE DEPARTMENT MUST CONDUCT AN ANALYSIS OF THE STATE'S WILD TURKEY RESOURCES AND ISSUE A REPORT TO THE GENERAL ASSEMBLY WHICH RECOMMENDS CHANGES TO THE WILD TURKEY SEASON AND BAG LIMITS, TO REVISE THE DEPARTMENT'S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEYS, AND TO ALLOW IT TO PROMULGATE EMERGENCY REGULATIONS FOR THE PROPER CONTROL OF THE HARVESTING OF WILD TURKEYS, TO REVISE THE PENALTIES FOR VIOLATING THE PROVISIONS THAT REGULATE THE HUNTING OF WILD TURKEY, AND TO PROVIDE THAT ALL WILD TURKEY TRANSPORTATION TAGS MUST BE VALIDATED AS PRESCRIBED BY THE DEPARTMENT BEFORE A TURKEY IS MOVED FROM THE POINT OF KILL.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4839 -- Reps. Pitts, Goldfinch, Spires, Finlay, Gagnon, Hosey, Lowe, McCoy, Putnam, Ridgeway, Ryhal, Thayer, White, Whitmire and Willis: A BILL TO AMEND SECTION 50-1-60, AS AMENDED, SECTIONS 50-11-120, 50-11-150, AND SECTIONS 50-11-310, 50-11-335, 50-11-430, ALL AS AMENDED, RELATING TO THE DIVISION OF THE STATE INTO GAME ZONES, SMALL GAME SEASONS, SMALL GAME BAG LIMITS, THE OPEN SEASON FOR ANTLERED DEER, THE BAG LIMIT ON ANTLERED DEER, AND BEAR HUNTING, SO AS TO DECREASE THE NUMBER OF GAME ZONES, REVISE THE DATES FOR THE VARIOUS SMALL GAME SEASONS, TO REVISE THE SMALL GAME BAG LIMITS FOR THE VARIOUS GAME ZONES, REVISE THE DATES FOR THE VARIOUS ANTLERED DEER OPEN SEASON; AND TO REPEAL SECTION 50-11-2110, RELATING TO FIELD TRIALS IN AND PERMIT FOR GAME ZONE NINE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 4840 -- Reps. Putnam, Owens, Stringer, Burns, Rivers, Bowen, Clyburn, Thayer and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "HIGH SCHOOL EQUIVALENCY DIPLOMA ACCESSIBILITY ACT" BY ADDING SECTION 59-43-25 SO AS TO PROVIDE THAT BEFORE JANUARY 1, 2015, THE STATE BOARD OF EDUCATION SHALL SELECT A TEST OR TEST BATTERY THAT ELIGIBLE CANDIDATES SUCCESSFULLY MAY COMPLETE AS AN ALTERNATIVE TO THE GENERAL EDUCATION DEVELOPMENT TEST BATTERY TO RECEIVE A HIGH SCHOOL EQUIVALENCY DIPLOMA, THAT AN ESSENTIAL TRAIT OF THIS TEST OR TEST BATTERY MUST BE THAT IT ONLY MAY BE OFFERED IN A HANDWRITTEN, PAPER AND PEN OR PENCIL FORMAT AND MAY NOT BE DEPENDENT ON COMPUTER TECHNOLOGY FOR ITS ADMINISTRATION, TO REQUIRE THE BOARD SHALL AUTHORIZE THE ADMINISTRATION OF THIS TEST BY THE STATE DEPARTMENT OF EDUCATION PURSUANT TO CERTAIN REGULATIONS AND POLICIES, AND TO PROVIDE THE BOARD SHALL ISSUE HIGH SCHOOL EQUIVALENCY DIPLOMAS TO ELIGIBLE CANDIDATES WHO COMPLETE SUCCESSFULLY THE TEST OR TEST BATTERY AFTER JANUARY 1, 2015; AND TO AMEND SECTION 59-43-20, RELATING TO POWERS OF THE STATE BOARD OF EDUCATION WITH RESPECT TO BASIC ADULT AND SECONDARY EDUCATION, SO AS TO MAKE CONFORMING CHANGES.

Referred to Committee on Education and Public Works

**S. 657--DEBATE ADJOURNED**

The following Bill was taken up:

S. 657 -- Senator L. Martin: A BILL TO AMEND SECTION 22-2-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, RELATING TO MAGISTRATE JURY AREAS IN EACH COUNTY, SO AS TO REVISE AND UPDATE THE TERRITORIAL DESCRIPTIONS OF THE JURY AREAS AND PROVIDE REFERENCES TO PUBLIC MAPS SHOWING THE JURY AREAS.

Rep. COBB-HUNTER moved to adjourn debate on the Bill, which was agreed to.

**S. 1001--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 1001 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, RELATING TO LAW ENFORCEMENT OFFICER AND E-911 OFFICER TRAINING AND CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4347, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. BANNISTER explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bernstein |
| Bingham | Bowen | Branham |
| G. A. Brown | R. L. Brown | Burns |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | K. R. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | George | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hayes | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| Knight | Limehouse | Loftis |
| Long | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Nanney | Neal | Norman |
| Norrell | R. L. 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 | Stringer | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |

**Total--105**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution 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 S. 1001. If I had been present, I would have voted in favor of the Joint Resolution.

Rep. Eddie Tallon

**H. 4347--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4347 -- Reps. Bannister, Cobb-Hunter, McCoy, Allison, Whipper and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM ACT" BY ADDING ARTICLE 4 TO CHAPTER 11, TITLE 63 SO AS TO CREATE THE SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM, A PROGRAM TO PROVIDE COORDINATION AND MEDICAL SERVICE RESOURCES STATEWIDE TO AGENCIES AND ENTITIES THAT RESPOND TO VICTIMS OF CHILD ABUSE AND NEGLECT, AND TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE PROGRAM; AND TO AMEND SECTION 63-11-310, RELATING TO RESPONSIBILITIES OF CHILDREN'S ADVOCACY CENTERS, SO AS TO REQUIRE THESE CENTERS TO COMPLY WITH REQUIREMENTS OF THE SOUTH CAROLINA CHILDREN'S MEDICAL RESPONSE SYSTEM AND OTHERWISE COORDINATE WITH THE PROGRAM.

The Judiciary Committee proposed the following Amendment No. 1 to H. 4347 (COUNCIL\GGS\4347C001.GGS.VR14), which was adopted:

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

/ Whereas, the General Assembly has determined that the State is in need of a coordinated program to respond to the medical needs of victims of child abuse and neglect; and

Whereas, the purpose of this program is to provide coordination and medical service resources to those entities responding to cases of child abuse and neglect in order to assist in the process of obtaining forensic medical information and to perform other activities as are consistent with this act. Now, therefore, /

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

/ SECTION 1. Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Article 4

South Carolina Children’s Advocacy Medical Response System

Section 63‑11‑400. This article may be cited as the ‘South Carolina Children’s Advocacy Medical Response System Act’.

Section 63‑11‑410. There is created the South Carolina Children’s Advocacy Medical Response System, a program to provide coordination and administration of medical service resources to those entities responding to cases of suspected child abuse or neglect. The program is administered by the University of South Carolina School of Medicine.

Section 63‑11‑420. For purposes of this article:

(1) ‘Child’ has the same meaning as provided for in Section 63‑7‑20.

(2) ‘Child abuse or neglect’ has the same meaning as provided for in Section 63‑7‑20.

(3) ‘Children’s advocacy centers’ has the same meaning as provided for in Section 63‑11‑310.

(4) ‘Program’ means the South Carolina Children’s Advocacy Medical Response System, created pursuant to this article.

(5) ‘Health care provider’ means a physician, advanced practice registered nurse, or physician assistant licensed to practice in this State pursuant to Article 1, Chapter 47, Title 40, Article 1, Chapter 33, Title 40, and Article 7, Chapter 47, Title 40, respectively.

Section 63‑11‑430. (A) The program coordinates and administers child abuse medical service resources for the State, assisting and collaborating with children’s advocacy centers and state agencies charged with the investigation, assessment, treatment, and prosecution of child abuse or neglect for children in the State.

(B) The program shall develop, support, and maintain a consistent quality standard of care and practice for the following services intrinsic to the assessment of children with suspected abuse or neglect:

(1) forensic medical examinations, assessments, and diagnoses;

(2) medical consultations;

(3) participation in multidisciplinary team case conferences and reviews; and

(4) medical expert witness services.

(C) The program also shall develop, support, and maintain:

(1) guidelines for the educational, clinical training, and professional development requirements of health care providers participating in the forensic medical assessment of children who are suspected victims of child abuse or neglect;

(2) a standardized clinical assessment tool to report the findings of the forensic medical assessment; and

(3) guidelines for the South Carolina Department of Social Services and law enforcement agencies on when to obtain a forensic medical assessment.

(D) The program shall collect and manage data from child abuse health care providers participating in the program, children’s advocacy centers, and children’s hospitals for the purposes of establishing quality assurance programs, research, and public policy guidance.”

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

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER 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 105; Nays 0

Those who voted in the affirmative are:

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

**Total--105**

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. 4364--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4364 -- Reps. Cobb-Hunter, Douglas, M. S. McLeod, Whipper and R. L. Brown: A BILL TO AMEND SECTION 7-3-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SELECTION AND DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR TO PUBLISH ON THE COMMISSION'S WEBSITE ACTS OR JOINT RESOLUTIONS OF THE GENERAL ASSEMBLY AFFECTING THE ELECTION LAWS OF THIS STATE TOGETHER WITH A BRIEF EXPLANATION, IF NECESSARY, OF EACH SUCH ENACTMENT, TO PROVIDE THE CRITERIA FOR THE SELECTION OF THE ENACTMENTS REQUIRED TO BE PUBLISHED, AND THE DURATION OF THE WEBSITE PUBLICATION.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4364 (COUNCIL\BBM\4364C001.BBM.HTC14), which was adopted:

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

/ SECTION 1. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 265 of 2012, is further amended to read:

“(C) The executive director shall:

(1) maintain a complete master file of all qualified electors by county and by precincts;

(2) delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

(3) enter names on the master file as they are reported by the county registration boards;

(4) furnish each county registration board with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(5) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

(6) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

(7) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

(8) obtain information from any other source which may assist him in carrying out the purposes of this section;

(9) perform such other duties relating to elections as may be assigned him by the State Election Commission;

(10) furnish at reasonable price any precinct lists to a qualified elector requesting them;

(11) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993;

(12) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the U.S.C., Title 42, Section 1973ff, et seq; and

(13) establish and maintain a statewide voter registration database that shall be administered by the commission and made continuously available to each board of elections and to other agencies as authorized by law; and

(14) publish on the commission’s website each change to voting procedures by act or joint resolution of the General Assembly, or by ordinance of a political subdivision of the State, relating to the election laws of the State together with a brief explanation, if necessary, of each such enactment. Enactments and any accompanying explanations published on the commission’s website pursuant to this item must remain on the commission’s website at least through the date of the next general election.”

SECTION 2. This act takes effect upon approval by the Governor and applies to applicable legislation affecting voting procedures enacted or ordained that take effect after 2013. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

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

**Total--104**

Those who voted in the negative are:

**Total--0**

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

**H. 4560--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4560 -- Reps. G. M. Smith and Weeks: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESTRUCTION OR EXPUNGEMENT OF CERTAIN ARREST AND BOOKING RECORDS UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE FOR THE RETENTION OF EVIDENCE GATHERED, INCIDENT REPORTS, AND INVESTIGATIVE FILES PRODUCED AS A RESULT OF A LAW ENFORCEMENT ACTION, TO PROVIDE THAT THESE MATERIALS ARE NOT SUBJECT TO AN EXPUNGEMENT ORDER, AND AUTHORIZE REDACTION OF CERTAIN INFORMATION FOLLOWING A NO CONVICTION DISPOSITION OF THE CRIMINAL CHARGE.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4560 (COUNCIL\MS\4560C001.MS.AHB14), which was tabled:

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

/ SECTION 1. Section 17‑1‑40 of the 1976 Code, as last amended by Act 75 of 2013, is further amended to read:

“Section 17‑1‑40. (A) A person who after being charged with a criminal offense and the charge is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge or any associated bench warrant may be retained by any municipal, county, or state law enforcement agency. Provided, however, that local and state detention and correctional facilities may retain booking records, identifying documentation and materials, and other institutional reports and files under seal, on all persons who have been processed, detained, or incarcerated, for a period not to exceed three years from the date of the expungement order to manage their statistical and professional information needs and, ~~where~~ when necessary, to defend such facilities during litigation proceedings except when an action, complaint, or inquiry has been initiated. Information retained by a local or state detention or correctional facility as permitted under this section after an expungement order has been issued is not a public document and is exempt from disclosure. ~~Such~~ This information only may be disclosed by judicial order, pursuant to a subpoena filed in a civil action, or as needed during litigation proceedings. A person who otherwise intentionally retains the arrest and booking record, files, mug shots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed pursuant to this section is guilty of contempt of court.

(B) Evidence gathered, incident reports, and investigative files produced as a result of a law enforcement action or investigation must be retained, under seal, by the agency for future investigative purposes or any other law enforcement purpose for a period not to exceed three years from the date of the expungement order and are not subject to an order for destruction of arrest records. Provided, however, specific language indicating a subject has been arrested or charged with a crime must be redacted from the incident report following a no conviction disposition of such criminal charge.

(C) A municipal, county, or state agency may not collect a fee for the destruction of records pursuant to the provisions of this section.

(~~C~~D) This section does not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation.

(~~D~~E) The State Law Enforcement Division is authorized to promulgate regulations that allow for the electronic transmission of information pursuant to this section.

(F) ‘Under seal’ for the purpose of this section means not subject to disclosure outside of law enforcement and prosecutors, attorneys representing the entity, and other government agencies unless disclosure is otherwise allowed by circuit court order. A person who violates the provisions of subsection (B) is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.”

SECTION 2. Section 22-5-910 of the 1976 Code, as last amended by Act 75 of 2013, is further amended to read:

“Section 22-5-910. (A) Following a first offense conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, the defendant after three years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant. However, this section does not apply to:

(1) an offense involving the operation of a motor vehicle;

(2) a violation of Title 50 or the regulations promulgated pursuant to Title 50 for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses are authorized; or

(3) an offense contained in Chapter 25, Title 16, except first offense criminal domestic violence as contained in Section 16‑25‑20, which may be expunged five years from the date of the conviction.

(B) If the defendant has had no other conviction during the three‑year period, or during the five‑year period as provided in subsection (A)(3), following the first offense conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of not more than one thousand dollars, or both, including a conviction in magistrates or general sessions court, the circuit court may issue an order expunging the records including any associated bench warrant. No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred prior to June 1, 1992.

(C) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of the expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34‑11‑95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

(D) As used in this section, 'conviction' includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail.”

SECTION 3. Section 17-22-910 of the 1976 Code is amended to read:

“Section 17-22-910. Applications for expungement of all criminal records must be administered by the solicitor's office in each circuit in the State as authorized pursuant to:

(1) Section 34‑11‑90(e), first offense misdemeanor fraudulent check;

(2) Section 44‑53‑450(b), conditional discharge for simple possession of marijuana or hashish;

(3) Section 22‑5‑910, first offense conviction in magistrates court;

(4) Section 22‑5‑920, youthful offender act;

(5) Section 56‑5‑750(f), first offense failure to stop when signaled by a law enforcement vehicle;

(6) Section 17‑22‑150(a), pretrial intervention;

(7) Section 17‑1‑40, criminal records destruction, except as provided in Section 17‑22‑950;

(8) Section 20‑7‑8525, juvenile expungements;

(9) Section 17‑22‑530(a), alcohol education program; ~~and~~

(10) Section 17-22-330(A), traffic education program; and

(11) any other statutory authorization.”

SECTION 4. Section 17-22-940(E) of the 1976 Code is amended to read:

“(E) In cases when charges are sought to be expunged pursuant to Section 17‑22‑150(a), 17‑22‑530(a), 22‑5‑910, or 44‑53‑450(b), the circuit pretrial intervention director, alcohol education program director, traffic education program director, or summary court judge shall attest by signature on the application to the eligibility of the charge for expungement before either the solicitor or his designee and then the circuit court judge, or the family court judge in the case of a juvenile, signs the application for expungement.”

SECTION 5. Section 17-22-950(A) of the 1976 Code is amended to read:

“(A) When criminal charges are brought in a summary court and the accused person is found not guilty or if the charges are dismissed or nolle prossed, pursuant to Section 17‑1‑40, the presiding judge of the summary court, at no cost to the accused person, immediately shall issue an order to expunge the criminal records, including any associated bench warrants, of the accused person unless the dismissal of the charges occurs at a preliminary hearing or unless the accused person has charges pending in summary court and a court of general sessions and such charges arise out of the same course of events. This expungement must occur no sooner than the appeal expiration date and no later than thirty days after the appeal expiration date. Upon issuance of the order, the judge of the summary court or a member of the summary court staff must coordinate with SLED to confirm that the criminal charge is statutorily appropriate for expungement; obtain and verify the presence of all necessary signatures; file the completed expungement order with the clerk of court; provide copies of the completed expungement order to all governmental agencies which must receive the order including, but not limited to, the arresting law enforcement agency, the detention facility or jail, the solicitor's office, the magistrates or municipal court where the arrest or bench warrant originated, the magistrates or municipal court that was involved in any way in the criminal process of the charge or bench warrant sought to be expunged, and SLED. The judge of the summary court or a member of the summary court staff also must provide a copy of the completed expungement order to the applicant or his retained counsel. The prosecuting agency or appropriate law enforcement agency may file an objection to a summary court expungement. If an objection is filed by the prosecuting agency or law enforcement agency, that expungement then must be heard by the judge of a general sessions court. The prosecuting agency's or the appropriate law enforcement agency's reason for objecting must be that the:

(1) accused person has other charges pending;

(2) prosecuting agency or the appropriate law enforcement agency believes that the evidence in the case needs to be preserved; or

(3) accused person's charges were dismissed as a part of a plea agreement.”

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

Renumber sections to conform.

Amend title to conform.

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

Rep. WEEKS proposed the following Amendment No. 2 to H. 4560 (COUNCIL\MS\4560C002.MS.AHB14):

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

/ SECTION 1. Section 17‑1‑40 of the 1976 Code, as last amended by Act 75 of 2013, is further amended to read:

“Section 17‑1‑40. (A)(1) A person who after being charged with a criminal offense and the charge is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge or any associated bench warrant may be retained by any municipal, county, or state law enforcement agency. Provided, however, that local and state detention and correctional facilities may retain booking records, identifying documentation and materials, and other institutional reports and files under seal, on all persons who have been processed, detained, or incarcerated, for a period not to exceed three years from the date of the expungement order to manage their statistical and professional information needs and, ~~where~~ when necessary, to defend such facilities during litigation proceedings except when an action, complaint, or inquiry has been initiated. Information retained by a local or state detention or correctional facility as permitted under this section after an expungement order has been issued is not a public document and is exempt from disclosure. ~~Such~~ This information only may be disclosed by judicial order, pursuant to a subpoena filed in a civil action, or as needed during litigation proceedings. A person who otherwise intentionally retains the arrest and booking record, files, mug shots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed pursuant to this section is guilty of contempt of court.

(2) If a person has been issued a courtesy summons pursuant to Section 22‑3‑330 or another provision of law and the charge for which the courtesy summons was issued is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge or any associated bench warrant may be retained by any municipal, county, or state law enforcement agency in accordance with the provisions of item (1).

In addition, a person who violates the provisions of this item is subject to the same penalty as provided in item (1).

(B) Evidence gathered, incident reports, and investigative files produced as a result of a law enforcement action or investigation must be retained, under seal, by the agency for future investigative purposes or any other law enforcement purpose for a period not to exceed three years from the date of the expungement order and are not subject to an order for destruction of arrest records. Provided, however, specific language indicating a subject has been arrested or charged with a crime must be redacted from the incident report following a no conviction disposition of such criminal charge.

(C) A municipal, county, or state agency may not collect a fee for the destruction of records pursuant to the provisions of this section.

(~~C~~D) This section does not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation.

(~~D~~E) If a charge enumerated in subsection (C) is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the charge must be removed from any Internet‑based public record no later than thirty days from the disposition date.

(~~E~~F) The State Law Enforcement Division is authorized to promulgate regulations that allow for the electronic transmission of information pursuant to this section.

(G) ‘Under seal’ for the purpose of this section means not subject to disclosure outside of law enforcement and prosecutors, attorneys representing the entity, and other government agencies unless disclosure is otherwise allowed by circuit court order. A person who violates the provisions of subsection (B) is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.”

SECTION 2. Section 22-5-910 of the 1976 Code, as last amended by Act 75 of 2013, is further amended to read:

“Section 22-5-910. (A) Following a first offense conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, the defendant after three years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant. However, this section does not apply to:

(1) an offense involving the operation of a motor vehicle;

(2) a violation of Title 50 or the regulations promulgated pursuant to Title 50 for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses are authorized; or

(3) an offense contained in Chapter 25, Title 16, except first offense criminal domestic violence as contained in Section 16‑25‑20, which may be expunged five years from the date of the conviction.

(B) If the defendant has had no other conviction during the three‑year period, or during the five‑year period as provided in subsection (A)(3), following the first offense conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of not more than one thousand dollars, or both, including a conviction in magistrates or general sessions court, the circuit court may issue an order expunging the records including any associated bench warrant. No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred prior to June 1, 1992.

(C) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of the expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34‑11‑95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

(D) As used in this section, 'conviction' includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail.”

SECTION 3. Section 17-22-910 of the 1976 Code is amended to read:

“Section 17-22-910. Applications for expungement of all criminal records must be administered by the solicitor's office in each circuit in the State as authorized pursuant to:

(1) Section 34‑11‑90(e), first offense misdemeanor fraudulent check;

(2) Section 44‑53‑450(b), conditional discharge ~~for simple possession of marijuana or hashish~~;

(3) Section 22‑5‑910, first offense conviction in magistrates court;

(4) Section 22‑5‑920, youthful offender act;

(5) Section 56‑5‑750(f), first offense failure to stop when signaled by a law enforcement vehicle;

(6) Section 17‑22‑150(a), pretrial intervention;

(7) Section 17‑1‑40, criminal records destruction, except as provided in Section 17‑22‑950;

(8) Section 20‑7‑8525, juvenile expungements;

(9) Section 17‑22‑530(a), alcohol education program; ~~and~~

(10) Section 17-22-330(A), traffic education program; and

(11) any other statutory authorization.”

SECTION 4. Section 17-22-940(E) of the 1976 Code is amended to read:

“(E) In cases when charges are sought to be expunged pursuant to Section 17‑22‑150(a), 17‑22‑530(a), 22‑5‑910, or 44‑53‑450(b), the circuit pretrial intervention director, alcohol education program director, traffic education program director, or summary court judge shall attest by signature on the application to the eligibility of the charge for expungement before either the solicitor or his designee and then the circuit court judge, or the family court judge in the case of a juvenile, signs the application for expungement.”

SECTION 5. Section 17-22-950(A) of the 1976 Code is amended to read:

“(A) When criminal charges are brought in a summary court and the accused person is found not guilty or if the charges are dismissed or nolle prossed, pursuant to Section 17‑1‑40, the presiding judge of the summary court, at no cost to the accused person, immediately shall issue an order to expunge the criminal records, including any associated bench warrants, of the accused person unless the dismissal of the charges occurs at a preliminary hearing or unless the accused person has charges pending in summary court and a court of general sessions and such charges arise out of the same course of events. This expungement must occur no sooner than the appeal expiration date and no later than thirty days after the appeal expiration date. Upon issuance of the order, the judge of the summary court or a member of the summary court staff must coordinate with SLED to confirm that the criminal charge is statutorily appropriate for expungement; obtain and verify the presence of all necessary signatures; file the completed expungement order with the clerk of court; provide copies of the completed expungement order to all governmental agencies which must receive the order including, but not limited to, the arresting law enforcement agency, the detention facility or jail, the solicitor's office, the magistrates or municipal court where the arrest or bench warrant originated, the magistrates or municipal court that was involved in any way in the criminal process of the charge or bench warrant sought to be expunged, and SLED. The judge of the summary court or a member of the summary court staff also must provide a copy of the completed expungement order to the applicant or his retained counsel. The prosecuting agency or appropriate law enforcement agency may file an objection to a summary court expungement. If an objection is filed by the prosecuting agency or law enforcement agency, that expungement then must be heard by the judge of a general sessions court. The prosecuting agency's or the appropriate law enforcement agency's reason for objecting must be that the:

(1) accused person has other charges pending;

(2) prosecuting agency or the appropriate law enforcement agency believes that the evidence in the case needs to be preserved; or

(3) accused person's charges were dismissed as a part of a plea agreement.”

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

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

Rep. RUTHERFORD moved to adjourn debate on the Bill, which was agreed to.

**H. 3134--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3134 -- Reps. Nanney and Taylor: A BILL TO AMEND SECTION 29-3-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORDS, SO AS TO PROVIDE THAT THE MORTGAGEE OF RECORD, THE OWNER OR HOLDER OF THE DEBT INSTRUMENT SECURED BY THE MORTGAGE, THE TRUSTEE OR BENEFICIARY OF A DEED OF TRUST, OR THE LEGAL REPRESENTATIVE OR ATTORNEY-IN-FACT OF ANY OF THOSE PARTIES MAY EXECUTE A MORTGAGE SATISFACTION OR DEED OF TRUST RELEASE, AND TO PROVIDE A PROCEDURE AND FORM FOR USE IN THIS EXECUTION.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3134 (COUNCIL\AGM\3134C001.AGM.AB14), which was adopted:

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

/ SECTION 1. Section 29‑3‑330 of the 1976 Code, as last amended by Act 19 of 2011, is further amended to read:

“Section 29‑3‑330. (A) In this section these words shall have the following meaning:

(1) ‘Mortgage’ means a lien against real property that is granted to secure the payment of money; a deed of trust MUST BE given the same meaning as a ‘mortgage’.

(2) ‘Register’ means the official, including the register of deeds, register of mense conveyances or clerk of court charged with the recording and indexing duties in Chapter 5, Title 30.

(3) ‘Release’ means an instrument releasing all real property encumbered from the lien of the mortgage.

(4) ‘Satisfaction’ means a discharge signed by the mortgagee of record, the trustee of a deed of trust, or by an agent or officer, legal representative, or attorney‑in‑fact under a written instrument duly recorded, of either of the foregoing indicating that the property subject to the security instrument is released.

(5) ‘Security instrument’ means any mortgage, deed of trust, or other written instrument securing the payment of money and being a lien upon real property.

(B) ~~Any mortgage, deed of trust, or other written instrument securing the payment of money and being a lien upon real property may be cancelled, discharged, and~~ A security instrument may be satisfied or released by any of the following methods:

(~~a~~1) The mortgagee ~~or other person being~~ of record, the owner or holder of the mortgage, ~~as appears by the record of the instrument or any assignment of the instrument~~ the trustee of a deed of trust, or the legal representative, agent or officer, or attorney‑in‑fact, under a written instrument duly recorded~~, of the holder of the instrument~~ of any of the foregoing, may exhibit the security instrument to the ~~officer or his deputy~~ register who has charge of the recording of the security instrument and then in the presence of the ~~officer or his deputy~~ register write across the face of the record of the security instrument the words ‘The debt secured is paid in full and the lien of this instrument is satisfied’, ‘The lien of this instrument has been released’, or words of like meaning and date the notation and sign it~~, the~~. The signature ~~to~~ must be witnessed by the ~~officer or his deputy;~~ register.

(~~b~~2) The satisfaction ~~of the mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property~~ or release of the security instrument may be written upon or attached to the original security instrument and executed by any person above named in the presence of ~~one or more~~ two witnesses and acknowledged, in which event the satisfaction or release must be recorded across the face of the record of the original instrument~~; or~~.

(3) The mortgagee of record, the trustee of a deed of trust, or an agent or officer, legal representative, or attorney‑in‑fact, under a written instrument duly recorded, of either of the foregoing, may execute a satisfaction or release of a mortgage or deed of trust. Any person executing such satisfaction or release which is false is guilty of perjury and subject to Section 16‑9‑10 and MUST BE liable for damages that any person may sustain as a result of the false affidavit, including reasonable attorney’s fees incurred in connection with the recovery of such damages. This satisfaction or release must be signed in the presence of two witnesses, acknowledged, and must be in substantially the same form as follows:

‘STATE OF SOUTH CAROLINA MORTGAGE/DEED OF TRUST SATISFACTION

PURSUANT TO SECTION 29‑3‑330(B)(3) OF THE SOUTH CAROLINA CODE OF LAWS, 1976

The undersigned being the mortgagee of record, the trustee of a deed of trust, or the legal representative, agent or officer, or attorney‑in‑fact of the mortgagee of record or the trustee of the trust, under a written agreement duly recorded, of either of the foregoing, certifies:

The debt secured by the mortgage/deed of trust recorded in the office of the Clerk of Court or Register of Deeds of \_\_\_\_\_\_\_\_\_\_\_\_ County in book \_\_\_\_\_\_ at page \_\_\_\_\_\_ is:

[ ] paid in full and the lien or the foregoing instrument has been released; or

[ ] the lien of the foregoing instrument has been released.

The Clerk of Court or Register of Deeds may enter this cancellation into record.

Under penalties of perjury, I declare that I have examined this affidavit this \_\_\_day of \_\_\_\_\_\_\_\_ and, to the best of my knowledge and belief, it is true, correct, and complete.

WITNESS my/our hand this \_\_\_ day of \_\_\_\_, 20 \_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness Signature)

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_

This instrument was acknowledged before me this (date) by (name of officer/authorized signer, title of officer/authorized signer), of (name of corporation/entity acknowledging), a (type of entity and state or place of incorporation/formation), on behalf of the corporation/entity.

Signature of Notary \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name of Notary \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’

This notary acknowledgment form does not preclude the use of any other form of acknowledgment permitted by South Carolina law. The filing of this satisfaction shall satisfy or release the lien of the mortgage or deed of trust. Upon presentation, the register shall record this satisfaction or release pursuant to Section 29‑3‑330(B)(3) and mark the mortgage or deed of trust satisfied or released of record.

~~(c)(i)~~ ~~In case the original mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property has been lost or destroyed it may be satisfied, either by the owner and holder of the instrument in person or his personal representative or duly authorized attorney‑in‑fact, by an instrument in writing duly executed in the presence of two witnesses and acknowledged pursuant to the Uniform Recognition of Acknowledgments Act in Chapter 3, Title 26, and in addition the person executing the satisfaction shall make an affidavit that he or the person he represents is at the time of the satisfaction a bona fide owner and holder of the mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property and that has not been assigned, hypothecated, or otherwise disposed of. The affidavit must be recorded along with the satisfaction. The maker of any affidavit which is false is guilty of perjury and punished as by law provided for the punishment of perjury.~~

~~(ii)~~ ~~The signature of the owner or holder of the instrument which has been lost or destroyed to which this section applies may be proved in the manner provided above or in the alternative may also be acknowledged by the owner or holder of the instrument in the presence of two witnesses, taken before an officer competent to administer an oath. The form of the acknowledgement must be as provided in Section 30‑5‑30(C) and if the acknowledgement is taken outside this State, it may be taken in the manner provided in Section 30‑5‑30(B).~~

(~~d~~4) If the ~~mortgage, deed of trust, or other written~~ security instrument was recorded in counterparts, the original ~~of the~~ security instrument need not be presented and the satisfaction or release of it may be evidenced by an instrument of satisfaction~~,~~ or release, ~~or discharge,~~ which may be executed in counterparts, ~~executed~~ by the mortgagee, the holder of the mortgage, the legal representative, agent or officer, or the attorney‑in‑fact under a written instrument duly recorded. Upon presentation of the instrument of satisfaction~~,~~ or release, ~~or discharge,~~ or a counterpart of it, the ~~officer or his deputy having charge of the recording of instruments~~ register shall record the same.

(~~e~~5) Any licensed attorney admitted to practice in the State of South Carolina who can provide proof of payment of funds by evidence of payment made payable to the mortgagee, holder of record, servicer, or other party entitled to receive payment may record, or cause to be recorded, an affidavit, in writing, duly executed in the presence of two witnesses and acknowledged pursuant to the Uniform Recognition of Acknowledgments Act in Chapter 3, Title 26, which states that full payment of the balance or payoff amount of the ~~mortgage or other instrument securing the payment of money and being a lien upon real property~~ security instrument has been made and that evidence of payment from the mortgagee, assignee, or servicer exists. This affidavit, duly recorded in the appropriate county, shall serve as notice of satisfaction of the mortgage and release of the lien upon the real property. The filing of the affidavit ~~shall~~ must be sufficient to satisfy~~,~~ or release~~, or discharge~~ the lien. Upon presentation of the instrument of satisfaction~~,~~ or release, ~~or discharge,~~ the ~~officer or his deputy having charge of the recording of instruments shall~~ register must record the same. This section may not be construed to require an attorney to record an affidavit pursuant to this item or to create liability for failure to file such affidavit. The licensed attorney signing any such instrument which is false is guilty of perjury and subject to Section 16‑9‑10 and shall be liable for damages that any person may sustain as a result of the false affidavit, including reasonable attorney’s fees incurred in connection with the recovery of such damages. The affidavit referred to in this item shall be as follows:

‘STATE OF SOUTH CAROLINA MORTGAGE LIEN

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_ SATISFACTION AFFIDAVIT

PURSUANT TO ~~Section~~ SECTION 29‑3‑330

OF SC CODE OF LAWS

FOR BOOK \_\_\_\_ PAGE \_\_\_\_\_

The undersigned on oath, being first duly sworn, hereby certifies as follows:

1. The undersigned is a licensed attorney admitted to practice in the State of South Carolina.

2. That with respect to the mortgage or deed of trust given by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_ and recorded in the offices of the Clerk of Court or Register of Deeds in book \_\_\_\_\_\_\_\_\_ at page \_\_\_\_\_\_\_\_:

a. [ ] That the undersigned was given written payoff information and made such payoff and is in possession of a canceled check or other evidence of payment to the mortgagee, holder of record, or representative servicer;

b. [ ] That the undersigned was given written payoff information and made such payoff by wire transfer or other electronic means to the mortgagee, holder of record, or representative servicer and has confirmation from the undersigned’s bank of the transfer to the account provided by the mortgagee, holder of record, or representative servicer.

Under penalties of perjury, I declare that I have examined this affidavit this \_\_\_ day of \_\_\_\_ and, to the best of my knowledge and belief, it is true, correct, and complete.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness) (Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness) (Name‑‑Please Print)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Attorney’s S.C. Bar number)

STATE OF SOUTH CAROLINA ACKNOWLEDGEMENT

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’

Upon presentation to the office of the Register of Deeds, the register is directed to record pursuant to Section 29‑3‑330(~~e~~B)(3) and mark the mortgage or deed of trust satisfied or released of record.”

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

Renumber sections to conform.

Amend title to conform.

Rep. HORNE 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 101; Nays 0

Those who voted in the affirmative are:

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

**Total--101**

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. 3170--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 3170 -- Reps. W. J. McLeod, Bannister, Spires, Jefferson, Williams, Taylor, J. E. Smith, Munnerlyn and Knight: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO GROUNDS FOR DIVORCE, SO AS TO PROVIDE THAT A DIVORCE MAY BE GRANTED ON THE GROUND OF CONTINUOUS SEPARATION FOR A PERIOD OF ONE HUNDRED FIFTY DAYS RATHER THAN ONE YEAR.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 3, Article XVII of the Constitution of this State be amended to read:

“Section 3. Divorces from the bonds of matrimony shall be allowed on the grounds of adultery, desertion, physical cruelty, continuous separation for a period of at least ~~one year~~ one hundred fifty days or habitual drunkenness.”

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

“Must Section 3, Article XVII of the Constitution of this State be amended so as to provide that a divorce may be granted on the ground of continuous separation for a period of at least one hundred fifty days, rather than on the ground of continuous separation for a period of at least one year?

Yes 

No 

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

Rep. BANNISTER moved to adjourn debate on the Joint Resolution until Thursday, March 6, which was agreed to.

**H. 3169--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3169 -- Reps. W. J. McLeod, Bannister, Spires, Jefferson, Williams, Taylor, J. E. Smith, Munnerlyn, Whipper and Knight: A BILL TO AMEND SECTION 20-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR DIVORCE, SO AS TO PROVIDE THAT A DIVORCE MAY BE GRANTED ON THE GROUND OF CONTINUOUS SEPARATION FOR ONE HUNDRED FIFTY DAYS, RATHER THAN FOR ONE YEAR.

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

**S. 19--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 19 -- Senators Ford, Campsen and Shealy: A BILL TO AMEND SECTION 17-15-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BOND AND THE AUTHORITY OF THE CIRCUIT COURT TO REVOKE BOND UNDER CERTAIN CIRCUMSTANCES, SO AS TO INCLUDE THE COMMISSION OF A SUBSEQUENT VIOLENT CRIME BY A PERSON RELEASED ON BOND IN THE PURVIEW OF THE STATUTE AND TO ADD AN ADDITIONAL PENALTY IF A PERSON COMMITS A GENERAL SESSIONS COURT OFFENSE WHILE ON RELEASE ON BOND.

The Committee on Judiciary proposed the following Amendment No. 1 to S. 19 (COUNCIL\MS\19C001.MS.AHB14), which was adopted:

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

/ SECTION 1. Section 17‑15‑55 of the 1976 Code is amend by adding:

“(C) If a person released on bond pursuant to the provisions of this chapter for a violent crime, as defined in Section 16‑1‑60, is charged with a subsequent violent crime, as defined by Section 16‑1‑60, not arising out of the same series of events as the initial violent crime the bond hearing for the subsequent violent crime must be held in the circuit court within thirty days. If the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. If the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds.

(D) If a person while released on bond for a violent crime, as defined in Section 16‑1‑60, is charged with another violent crime not arising out of the same series of events as the initial violent crime, then the jail, prison, or corrections facility where the person is housed must transmit notice of the second arrest, implicating subsection (C), to the solicitor of the circuit in which the crime was committed and the administrative chief judge of the circuit in which the crime was committed. The prosecuting agency must notify any victims of the initial or subsequent crimes pursuant to Chapter 3, Title 16 of any bond hearings.”

SECTION 2. Section 17‑15‑30 of the 1976 Code is amended to read:

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

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

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

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

(1) ~~an accused’s~~ a person’s criminal record;

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

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

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

(5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division.

(C)(1) Prior to or at the time of a hearing, the arresting law enforcement agency shall provide the court with the following information~~, if available~~:

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

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

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

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

(2) The arresting law enforcement agency shall inform the court if any of the information is not available at the time of the hearing and the reason the information is not available. Failure on the part of the law enforcement agency to provide the court with the information does not constitute grounds for the postponement or delay of the person’s hearing.

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

SECTION 3. Section 22‑5‑510 of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“Section 22‑5‑510. (A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event, including, but not limited to, any charges pending against the person requesting bail. ‘Violent offenses’ as used in this section means the offenses contained in Section 16‑1‑60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty‑four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community, a court, on the basis of the following information, may consider the nature and circumstances of an offense charged and the charged person’s:

(1) family ties;

(2) employment;

(3) financial resources;

(4) character and mental condition;

(5) length of residence in the community;

(6) record of convictions; and

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

(D) A court shall consider:

(1) a person’s criminal record;

(2) any charges pending against a person at the time release is requested;

(3) all incident reports generated as a result of an offense charged;

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

(5) whether the charged person appears in the state gang database maintained at the State Law Enforcement Division.

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

(1) the person’s criminal record;

(2) any charges pending against the person at the time release is requested;

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

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

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

~~(E)~~(G) A court hearing this matter has contempt powers to enforce these provisions.”

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

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

Renumber sections to conform.

Amend title to conform.

Rep. WEEKS explained the amendment.

The amendment was then adopted.

Rep. BANNISTER proposed the following Amendment No. 2 to S. 19 (COUNCIL\MS\19C003.MS.AHB14), which was adopted:

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

/ SECTION 1. Section 17‑15‑55 of the 1976 Code is amend by adding:

“(C) If a person commits a violent crime, as defined in Section 16‑1‑60, which was committed when the person was already out on bond for a previous violent crime and the subsequent violent crime did not arise out of the same series of events as the previous violent crime, then the bond hearing for the subsequent violent crime must be held within thirty days. If the court finds that certain conditions of release on bond will ensure that the person is unlikely to flee or pose a danger to any other person or the community and the person will abide by the terms of release on bond, the judge shall consider bond in accordance with the provisions of this chapter and set or amend bond accordingly. If the court finds no such conditions will ensure that the person is unlikely to flee or not pose a danger to the community, the court shall not set a bond for the instant offense and must revoke all previously set bonds.

(D) If a person commits a violent crime, as defined in Section 16‑1‑60, which was committed when the person was already out on bond for a previous violent crime and the subsequent violent crime did not arise out of the same series of events as the previous violent crime, then the jail, prison, or corrections facility where the person is housed must transmit notice of the second arrest, implicating subsection (C), to the solicitor of the circuit in which the crime was committed and the administrative chief judge of the circuit in which the crime was committed. The prosecuting agency must notify any victims of the initial or subsequent crimes pursuant to Chapter 3, Title 16 of any bond hearings.” /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 3 to S. 19 (COUNCIL\GGS\19C002.GGS.VR14), which was rejected:

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

/ SECTION \_\_\_\_. Section 22‑5‑530(B) of the 1976 Code is amended to read:

“(B) In a jurisdiction in which the governing body has established a system for receipt of deposits in lieu of recognizance, a person held or incarcerated in a jail or detention center who is entitled to deposit a sum of money in lieu of entering into recognizance under this section may secure his immediate release from custody by paying to or depositing the sum of money required by this section with the jail or detention facility in which he is being held. A person whose bond has been set by a magistrate or municipal judge may secure his immediate release by posting the amount set by the judge with the jail or detention center.”/

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

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

The question then recurred to the adoption of the amendment.

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

Yeas 50; Nays 58

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Bannister | Bernstein |
| Branham | R. L. Brown | Clyburn |
| Cobb-Hunter | K. R. Crawford | Daning |
| Dillard | Douglas | Edge |
| Erickson | Finlay | Funderburk |
| Gagnon | Gambrell | George |
| Hayes | Hodges | Hosey |
| Howard | Jefferson | Limehouse |
| Long | Lowe | Mack |
| McCoy | McEachern | W. J. McLeod |
| Mitchell | V. S. Moss | Munnerlyn |
| Neal | Newton | Norrell |
| Pitts | Quinn | Ridgeway |
| Sabb | Skelton | J. E. Smith |
| Spires | Stavrinakis | Vick |
| Weeks | Williams |  |

**Total--50**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Ballentine |
| Barfield | Bingham | Bowen |
| Brannon | Burns | Chumley |
| Clemmons | Cole | H. A. Crawford |
| Crosby | Delleney | Felder |
| Forrester | Goldfinch | Govan |
| Hamilton | Hardee | Harrell |
| Henderson | Hiott | Hixon |
| Horne | Huggins | Kennedy |
| Knight | Loftis | Lucas |
| M. S. McLeod | Merrill | D. C. Moss |
| Nanney | Norman | R. L. Ott |
| Patrick | Pope | Putnam |
| Riley | Rivers | Rutherford |
| Ryhal | Sandifer | Simrill |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Wells | White | Whitmire |
| Willis |  |  |

**Total--58**

So, the amendment was rejected.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

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

**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. 3198--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3198 -- Reps. J. E. Smith, M. S. McLeod, Bernstein and Ballentine: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-27-115 SO AS TO PLACE THE DIRECTORS OF THE COUNTY BOARDS OF REGISTRATION AND ELECTIONS UNDER THE GENERAL SUPERVISION OF THE STATE ELECTION COMMISSION, TO AUTHORIZE THE STATE ELECTION COMMISSION TO ESTABLISH BY REGULATION THE MINIMUM QUALIFICATIONS FOR A PERSON TO SERVE AS THE DIRECTOR OF A COUNTY BOARD OF REGISTRATION AND ELECTIONS, TO AUTHORIZE THE STATE ELECTION COMMISSION TO ESTABLISH MANDATORY TRAINING CERTIFICATION AND CONTINUING EDUCATION REQUIREMENTS FOR THE DIRECTORS OF THE COUNTY BOARDS OF REGISTRATION AND ELECTIONS, AND TO REQUIRE COUNTY BOARDS OF REGISTRATION AND ELECTIONS TO MEET AT LEAST FOUR TIMES EACH CALENDAR YEAR; TO AMEND SECTION 7-27-110, RELATING TO THE APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS, SO AS TO PROVIDE THAT ALL COUNTIES MUST HAVE A SINGLE BOARD OF REGISTRATION AND ELECTIONS; TO AMEND SECTION 7-27-260, RELATING TO THE CHEROKEE COUNTY ELECTION COMMISSION AND THE CHEROKEE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-290, RELATING TO THE DILLON COUNTY ELECTION COMMISSION AND THE DILLON COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-320, RELATING TO THE GREENVILLE COUNTY ELECTION COMMISSION AND THE GREENVILLE COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-325, RELATING TO THE GREENWOOD COUNTY ELECTION COMMISSION AND THE GREENWOOD COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-335, RELATING TO THE HORRY COUNTY ELECTION COMMISSION AND THE HORRY COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; TO AMEND SECTION 7-27-415, RELATING TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND THE SPARTANBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY; AND TO AMEND SECTION 7-27-430, RELATING TO THE WILLIAMSBURG COUNTY ELECTION COMMISSION AND THE WILLIAMSBURG COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE BODIES INTO A SINGLE ENTITY.

Rep. DELLENEY moved to adjourn debate on the Bill until Tuesday, March 18, which was agreed to.

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

**H. 4345--RECALLED FROM COMMITTEE ON AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS**

On motion of Rep. PITTS, with unanimous consent, the following Bill was ordered recalled from the Committee on Agriculture, Natural Resources and Environmental Affairs:

H. 4345 -- Reps. Pitts and McCoy: A BILL TO AMEND SECTION 50-9-1120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POINT SYSTEM FOR VIOLATIONS RELATING TO HUNTING AND FISHING, SO AS TO REVISE THE POINTS TO BE ASSESSED FOR TRESPASSING TO HUNT OR TRAP AND RAISE THE POINTS FROM TEN TO EIGHTEEN POINTS.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4843 -- Reps. Douglas, 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, 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, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, 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 JOSEPH KOVAS OF CHESTER FOR HIS OUTSTANDING COMMUNITY SERVICE AND TO CONGRATULATE HIM UPON BEING NAMED A 2014 PRUDENTIAL SPIRIT OF COMMUNITY AWARD DISTINGUISHED FINALIST.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4844 -- Reps. G. R. Smith, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE THE DEVASTATING EFFECTS OF DIABETES AND TO PROCLAIM THURSDAY, MARCH 20, 2014, AS "DIABETES AWARENESS DAY" IN SOUTH CAROLINA, COINCIDING WITH SOUTH CAROLINA'S "DIABETES UNDER THE DOME DAY" SPONSORED BY THE DIABETES INITIATIVE OF SOUTH CAROLINA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4841 -- Reps. Owens, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Parks, Patrick, Pitts, Pope, 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 THE TWENTY-THREE SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2014 ALL-STATE ACADEMIC TEAM IN THE ALL-USA ACADEMIC TEAM COMPETITION SPONSORED BY THE PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

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

**INTRODUCTION OF BILLS**

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

H. 4842 -- Reps. Norrell, Simrill, Pope, Long, Erickson, Delleney and Lucas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-15-260 SO AS TO CREATE THE OFFENSE OF UNLAWFUL DISSEMINATION OF SEXUALLY EXPLICIT MATERIALS WITH INTENT TO CAUSE SUBSTANTIAL EMOTIONAL DISTRESS, AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 4845 -- Rep. Daning: A BILL TO AMEND SECTION 56-5-2945, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF FELONY DRIVING UNDER THE INFLUENCE, SO AS TO INCREASE THE PENALTIES FOR THIS OFFENSE.

Referred to Committee on Judiciary

**S. 657--AMENDED AND DEBATE ADJOURNED**

The following Bill was taken up:

S. 657 -- Senator L. Martin: A BILL TO AMEND SECTION 22-2-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, RELATING TO MAGISTRATE JURY AREAS IN EACH COUNTY, SO AS TO REVISE AND UPDATE THE TERRITORIAL DESCRIPTIONS OF THE JURY AREAS AND PROVIDE REFERENCES TO PUBLIC MAPS SHOWING THE JURY AREAS.

Rep. HERBKERSMAN proposed the following Amendment No. 1 to S. 657 (COUNCIL\NL\657C001.NL.SD14), which was adopted:

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

/ SECTION \_\_. The 1976 Code is amended by adding Section 22-1-11 to read:

“Section 22-1-11. If for a period of six months after being notified of the number of magistrates in each county by the county governing body pursuant to Section 22-1-10, the Senators of that county have not made a recommendation to the Governor for any such magisterial position in that county, the authority to make those recommendations is devolved upon the county’s House of Representatives Legislative Delegation.” /

Renumber sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

The amendment was then adopted.

Rep. MERRILL moved to adjourn debate on the Bill until Tuesday, March 18, which was agreed to.

**LEAVE OF ABSENCE**

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

**H. 4560--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4560 -- Reps. G. M. Smith and Weeks: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESTRUCTION OR EXPUNGEMENT OF CERTAIN ARREST AND BOOKING RECORDS UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE FOR THE RETENTION OF EVIDENCE GATHERED, INCIDENT REPORTS, AND INVESTIGATIVE FILES PRODUCED AS A RESULT OF A LAW ENFORCEMENT ACTION, TO PROVIDE THAT THESE MATERIALS ARE NOT SUBJECT TO AN EXPUNGEMENT ORDER, AND AUTHORIZE REDACTION OF CERTAIN INFORMATION FOLLOWING A NO CONVICTION DISPOSITION OF THE CRIMINAL CHARGE.

Rep. WEEKS proposed the following Amendment No. 2 to H. 4560 (COUNCIL\MS\4560C002.MS.AHB14), which was adopted:

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

/ SECTION 1. Section 17‑1‑40 of the 1976 Code, as last amended by Act 75 of 2013, is further amended to read:

“Section 17‑1‑40. (A)(1) A person who after being charged with a criminal offense and the charge is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge or any associated bench warrant may be retained by any municipal, county, or state law enforcement agency. Provided, however, that local and state detention and correctional facilities may retain booking records, identifying documentation and materials, and other institutional reports and files under seal, on all persons who have been processed, detained, or incarcerated, for a period not to exceed three years from the date of the expungement order to manage their statistical and professional information needs and, ~~where~~ when necessary, to defend such facilities during litigation proceedings except when an action, complaint, or inquiry has been initiated. Information retained by a local or state detention or correctional facility as permitted under this section after an expungement order has been issued is not a public document and is exempt from disclosure. ~~Such~~ This information only may be disclosed by judicial order, pursuant to a subpoena filed in a civil action, or as needed during litigation proceedings. A person who otherwise intentionally retains the arrest and booking record, files, mug shots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed pursuant to this section is guilty of contempt of court.

(2) If a person has been issued a courtesy summons pursuant to Section 22‑3‑330 or another provision of law and the charge for which the courtesy summons was issued is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge or any associated bench warrant may be retained by any municipal, county, or state law enforcement agency in accordance with the provisions of item (1).

In addition, a person who violates the provisions of this item is subject to the same penalty as provided in item (1).

(B) Evidence gathered, incident reports, and investigative files produced as a result of a law enforcement action or investigation must be retained, under seal, by the agency for future investigative purposes or any other law enforcement purpose for a period not to exceed three years from the date of the expungement order and are not subject to an order for destruction of arrest records. Provided, however, specific language indicating a subject has been arrested or charged with a crime must be redacted from the incident report following a no conviction disposition of such criminal charge.

(C) A municipal, county, or state agency may not collect a fee for the destruction of records pursuant to the provisions of this section.

(~~C~~D) This section does not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation.

(~~D~~E) If a charge enumerated in subsection (C) is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the charge must be removed from any Internet‑based public record no later than thirty days from the disposition date.

(~~E~~F) The State Law Enforcement Division is authorized to promulgate regulations that allow for the electronic transmission of information pursuant to this section.

(G) ‘Under seal’ for the purpose of this section means not subject to disclosure outside of law enforcement and prosecutors, attorneys representing the entity, and other government agencies unless disclosure is otherwise allowed by circuit court order. A person who violates the provisions of subsection (B) is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.”

SECTION 2. Section 22-5-910 of the 1976 Code, as last amended by Act 75 of 2013, is further amended to read:

“Section 22-5-910. (A) Following a first offense conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, the defendant after three years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant. However, this section does not apply to:

(1) an offense involving the operation of a motor vehicle;

(2) a violation of Title 50 or the regulations promulgated pursuant to Title 50 for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses are authorized; or

(3) an offense contained in Chapter 25, Title 16, except first offense criminal domestic violence as contained in Section 16‑25‑20, which may be expunged five years from the date of the conviction.

(B) If the defendant has had no other conviction during the three‑year period, or during the five‑year period as provided in subsection (A)(3), following the first offense conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of not more than one thousand dollars, or both, including a conviction in magistrates or general sessions court, the circuit court may issue an order expunging the records including any associated bench warrant. No person may have his records expunged under this section more than once. A person may have his record expunged even though the conviction occurred prior to June 1, 1992.

(C) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of the expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34‑11‑95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

(D) As used in this section, 'conviction' includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail.”

SECTION 3. Section 17-22-910 of the 1976 Code is amended to read:

“Section 17-22-910. Applications for expungement of all criminal records must be administered by the solicitor's office in each circuit in the State as authorized pursuant to:

(1) Section 34‑11‑90(e), first offense misdemeanor fraudulent check;

(2) Section 44‑53‑450(b), conditional discharge ~~for simple possession of marijuana or hashish~~;

(3) Section 22‑5‑910, first offense conviction in magistrates court;

(4) Section 22‑5‑920, youthful offender act;

(5) Section 56‑5‑750(f), first offense failure to stop when signaled by a law enforcement vehicle;

(6) Section 17‑22‑150(a), pretrial intervention;

(7) Section 17‑1‑40, criminal records destruction, except as provided in Section 17‑22‑950;

(8) Section 20‑7‑8525, juvenile expungements;

(9) Section 17‑22‑530(a), alcohol education program; ~~and~~

(10) Section 17-22-330(A), traffic education program; and

(11) any other statutory authorization.”

SECTION 4. Section 17-22-940(E) of the 1976 Code is amended to read:

“(E) In cases when charges are sought to be expunged pursuant to Section 17‑22‑150(a), 17‑22‑530(a), 22‑5‑910, or 44‑53‑450(b), the circuit pretrial intervention director, alcohol education program director, traffic education program director, or summary court judge shall attest by signature on the application to the eligibility of the charge for expungement before either the solicitor or his designee and then the circuit court judge, or the family court judge in the case of a juvenile, signs the application for expungement.”

SECTION 5. Section 17-22-950(A) of the 1976 Code is amended to read:

“(A) When criminal charges are brought in a summary court and the accused person is found not guilty or if the charges are dismissed or nolle prossed, pursuant to Section 17‑1‑40, the presiding judge of the summary court, at no cost to the accused person, immediately shall issue an order to expunge the criminal records, including any associated bench warrants, of the accused person unless the dismissal of the charges occurs at a preliminary hearing or unless the accused person has charges pending in summary court and a court of general sessions and such charges arise out of the same course of events. This expungement must occur no sooner than the appeal expiration date and no later than thirty days after the appeal expiration date. Upon issuance of the order, the judge of the summary court or a member of the summary court staff must coordinate with SLED to confirm that the criminal charge is statutorily appropriate for expungement; obtain and verify the presence of all necessary signatures; file the completed expungement order with the clerk of court; provide copies of the completed expungement order to all governmental agencies which must receive the order including, but not limited to, the arresting law enforcement agency, the detention facility or jail, the solicitor's office, the magistrates or municipal court where the arrest or bench warrant originated, the magistrates or municipal court that was involved in any way in the criminal process of the charge or bench warrant sought to be expunged, and SLED. The judge of the summary court or a member of the summary court staff also must provide a copy of the completed expungement order to the applicant or his retained counsel. The prosecuting agency or appropriate law enforcement agency may file an objection to a summary court expungement. If an objection is filed by the prosecuting agency or law enforcement agency, that expungement then must be heard by the judge of a general sessions court. The prosecuting agency's or the appropriate law enforcement agency's reason for objecting must be that the:

(1) accused person has other charges pending;

(2) prosecuting agency or the appropriate law enforcement agency believes that the evidence in the case needs to be preserved; or

(3) accused person's charges were dismissed as a part of a plea agreement.”

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

Renumber sections to conform.

Amend title to conform.

The amendment was then adopted.

Rep. RUTHERFORD proposed the following Amendment No. 3 to H. 4560 (COUNCIL\GGS\4560C001.GGS.VR14), which was adopted:

Amend the bill, as and if amended, Section 17‑1‑140, as contained in SECTION 1 on page 4560‑1, line 28, after / who / by inserting / is under investigation for a criminal offense or who /

Renumber sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bannister | Barfield | Bernstein |
| Bingham | Bowen | Branham |
| 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 | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Neal |
| Norman | Norrell | R. L. Ott |
| Owens | Parks | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Vick | Weeks | Wells |
| White | Whitmire | Williams |
| Willis |  |  |

**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.

**LEAVE OF ABSENCE**

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

**H. 4643--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4643 -- Rep. Sandifer: A BILL TO REPEAL SECTION 40-11-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND SECTION 40-67-50 BOTH RELATING TO CERTAIN PROFESSIONAL LICENSING FEES.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4643 (COUNCIL\AGM\4643C001. AGM.AB14), which was adopted:

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

/ SECTION 1. Sections 40‑11‑50 and 40‑67‑50 of the 1976 Code are repealed.

SECTION 2. This act takes effect January 1, 2015. /

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

The amendment was then adopted.

Rep. TOOLE 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 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bernstein |
| Bingham | Bowen | Branham |
| R. L. Brown | Burns | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| H. A. Crawford | K. R. Crawford | Crosby |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | George | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Kennedy | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Neal | Newton |
| Norrell | R. L. Ott | Owens |
| Parks | Patrick | Pope |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Rutherford |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | White | Whitmire |
| Williams |  |  |

**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.

**H. 4604--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4604 -- Reps. Sandifer, Mack and Toole: A BILL TO AMEND SECTION 40-22-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE LICENSURE REQUIREMENT TO PRACTICE ENGINEERING, SO AS TO PROVIDE AN EXEMPTION FOR CERTAIN ACTIVITIES PERFORMED BY FULL-TIME EMPLOYEES OR OTHER PERSONNEL OF A MANUFACTURING COMPANY, AND TO DEFINE NECESSARY TERMS.

Rep. SANDIFER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

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

**Total--100**

Those who voted in the negative are:

**Total--0**

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

**H. 4578--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4578 -- Reps. Sandifer, Toole, Rivers, Erickson and Long: A BILL TO AMEND SECTION 23-43-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE SOUTH CAROLINA MODULAR BUILDINGS CONSTRUCTION ACT, SO AS TO REVISE THE DEFINITION OF THE TERM "APPROVED INSPECTION AGENCY" TO REQUIRE THAT AN APPROVED INSPECTION AGENCY RETAIN A BUILDING CONSTRUCTION-ORIENTED ENGINEER OR ARCHITECT TO ENSURE COMPLIANCE; AND TO AMEND SECTION 23-43-90, RELATING TO INSPECTION AND CERTIFICATION OF A MODULAR BUILDING, SO AS TO PROVIDE THAT FINAL PLAN APPROVAL FOR A SINGLE FAMILY RESIDENTIAL MODULAR BUILDING BE PERFORMED BY AN APPROVED INSPECTION AGENCY, AND TO PROVIDE THAT FINAL APPROVAL FOR A COMMERCIAL MODULAR BUILDING BE PERFORMED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4578 (COUNCIL\AGM\4578C001. AGM.AB14), which was adopted:

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

/ SECTION \_\_\_. Section 23‑43‑80 of the 1976 Code is amended to read:

“Section 23‑43‑80. Modular buildings must be certified by the council, as complying with this chapter and the regulations promulgated by authority of this chapter, if they have been manufactured in accordance with approved building systems and passed inspection in accordance with an approved compliance assurance program in Section 23‑43‑90. Certification is evidenced by the attachment to each modular building, a label issued by the council. Certification labels can only be attached to a modular building by the manufacturer under the supervision of the approved inspection agency. A certified modular building may not be altered in any way prior to the issuance of all permits required by local government without the council’s approval.” /

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

The amendment was then adopted.

Rep. TOOLE explained the Bill.

Rep. SANDIFER spoke in favor of the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bernstein |
| Bingham | Bowen | Branham |
| 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 |
| Hamilton | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Kennedy | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Neal |
| Newton | Norrell | R. L. Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Rutherford | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | White | Whitmire |
| Williams |  |  |

**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. 4644--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4644 -- Rep. Sandifer: A BILL TO AMEND SECTION 40-60-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND SECTIONS 40-60-31, 40-60-33, 40-60-34, 40-60-35, AS AMENDED, 40-60-36, 40-60-37, 40-60-38, 40-60-80, AND 40-60-220, ALL RELATING TO THE SOUTH CAROLINA REAL ESTATE APPRAISERS LICENSE AND CERTIFICATION ACT, SO AS TO CONFORM THE PROVISIONS TO CERTAIN REVISED NATIONAL UNIFORM STANDARDS FOR LICENSING, CERTIFYING, AND RECERTIFYING REAL ESTATE APPRAISERS.

Rep. LOWE explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| Branham | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| K. R. Crawford | Crosby | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | Goldfinch | Govan |
| Hamilton | Hardwick | Harrell |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | Knight |
| Limehouse | Loftis | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Neal | Newton |
| Norrell | R. L. Ott | Owens |
| Parks | Pitts | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Wells | White |
| Whitmire | Williams |  |

**Total--98**

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.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4846 -- Reps. Govan, R. L. Ott, Cobb-Hunter and Hosey: A HOUSE RESOLUTION TO HONOR THE REVEREND WILLIE N. WARING OF MT. CARMEL BAPTIST CHURCH IN CAMERON ON THE OCCASION OF HIS THIRTIETH ANNIVERSARY OF GOSPEL MINISTRY AT MT. CARMEL AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4847 -- Reps. Pope, D. C. Moss and V. S. Moss: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR REVEREND AND MRS. SAM THOMPSON OF YORK COUNTY FOR NEARLY TWO DECADES OF SELFLESS AND DEDICATED SERVICE TO THE

CLOVER COMMUNITY AND TO COMMEND THEIR OUTSTANDING WORK ON BEHALF OF THOSE IN NEED.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4848 -- Reps. Mitchell, Alexander, Anderson, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Gilliard, Govan, Hart, Hodges, Hosey, Howard, Jefferson, King, Mack, McEachern, M. S. McLeod, Neal, Parks, Robinson-Simpson, Rutherford, Sabb, Sellers, Weeks, Whipper and Williams: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE OUTSTANDING ACHIEVEMENTS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN ITS ENVIRONMENTAL JUSTICE PROGRAMS ON THE OCCASION OF THE TWENTIETH ANNIVERSARY OF EXECUTIVE ORDER 12898 ESTABLISHING THE EPA NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL AND THE EPA'S OFFICE OF ENVIRONMENTAL JUSTICE.

The Resolution was adopted.

**INTRODUCTION OF BILL**

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

H. 4849 -- Reps. Anderson, Clyburn, Jefferson and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-77 SO AS TO PROVIDE EACH PUBLIC HIGH SCHOOL SHALL EMPLOY A CERTIFIED ATHLETIC TRAINER ON A FULL-TIME BASIS FOR CERTAIN PURPOSES BEGINNING WITH THE 2014-2015 SCHOOL YEAR, SUBJECT TO FUNDING BY THE GENERAL ASSEMBLY, AND TO DEFINE NECESSARY TERMINOLOGY.

Referred to Committee on Education and Public Works

**H. 4731--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4731 -- Reps. Sandifer and Forrester: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS WITH RESPECT TO TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSMENT AND COLLECTION OF DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, PREPAID WIRELESS SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS; TO AMEND SECTION 58-9-2530, AS AMENDED, RELATING TO THE OPERATING FUND FOR A SYSTEM OF DUAL PARTY RELAY DEVICES AND RELATED TELECOMMUNICATIONS DEVICES, SO AS TO IMPOSE CERTAIN RELATED SURCHARGES ON LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE SALES, AND TO PROVIDE FOR THE REMITTANCE OF THESE FUNDS TO THE DEPARTMENT OF REVENUE FOR TRANSFER TO THE OPERATING FUND; AND TO REPEAL SECTION 59-9-2540 RELATING TO AN ADVISORY COMMITTEE TO MONITOR STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4731 (COUNCIL\AGM\4731C001. AGM.AB14), which was adopted:

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

/ SECTION 1. Article 21, Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Section 58‑9‑2515. Nothing in this article expands, diminishes, or otherwise affects any existing jurisdiction of the commission over any local exchange provider, prepaid wireless provider, CMRS provider, or VoIP provider; or any services provided by any such provider.”

SECTION 2. Article 21, Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Section 58‑9‑2535. (A) A local exchange provider must collect the dual party relay charge established in Section 58‑9‑2530(A) on each local exchange access facility. For bills rendered on or after the effective date of this act, for any individual local exchange access facility that is capable of simultaneously carrying multiple voice and data transmissions, a subscriber must be billed a number of dual party relay charges equal to:

(1) the number of outward voice transmission paths activated on such a facility in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the service supplier; or

(2) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the service supplier. The total number of dual party relay charges is subject to a maximum of fifty such charges per account.

(a) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the local exchange provider. A local exchange provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed.

(b) Local exchange providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the Office of Regulatory Staff as an administrative fee. Within forty‑five days of the end of the month during which such charges were collected, each local exchange provider shall file with the Office of Regulatory Staff, a return showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the Office of Regulatory Staff the charges collected for that month less the administrative fee.

(c) Dual party relay charges imposed under this subsection must be added to the billing by the local exchange provider to its subscriber and may be stated separately.

(B) A CMRS provider must collect the dual party relay charge established in Section 58‑9‑2530(A) for each CMRS connection for which there is a mobile identification number containing an area code assigned to South Carolina by the North American Numbering Plan Administrator; however, trunks or service lines used to supply service to CMRS providers must not be subject to a dual party relay charge. Prepaid wireless telecommunications service is subject to subsection (D) and not to this subsection.

(1) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the CMRS provider. A CMRS provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed.

(2) CMRS providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the department as an administrative fee. On or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges, every CMRS provider shall file with the department a return under oath, in a form prescribed by the department, showing the total amount of charges collected for the month and, at the same time, shall remit to the department the fees collected for that month. The department shall transfer all charges remitted to it to the operating fund.

(3) Dual party relay charges imposed under this subsection must be added to the billing by the CMRS provider to its subscriber and may be stated separately.

(C) A VoIP provider must collect the dual party relay charge established in Section 58‑9‑2530(A) on each VoIP service line. This dual party relay charge must be sourced at the service address in the case of fixed VoIP service, or in the same manner as CMRS is sourced pursuant to the Mobile Telecommunications Sourcing Act, Public Law 106‑252, codified at 4 U.S.C. Sections 116 through 126.

(1) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the VoIP provider. A VoIP provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed. For bills rendered on or after the effective date of this act, for any VoIP service line that is capable of simultaneously carrying multiple voice and data transmissions, a VoIP subscriber must be billed a number of dual party relay charges equal to:

(a) the number of outward voice transmission paths activated on such a VoIP service line in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the VoIP provider; or

(b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the VoIP provider. The total number of dual party relay charges is subject to a maximum of fifty such charges per account.

(2) VoIP providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the department as an administrative fee. Within forty‑five days of the end of the month during which such charges were collected, each VoIP provider shall file with the department a return under oath, in a form prescribed by the department, showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the department the charges collected for that month less the administrative fee. The department shall transfer all charges remitted to it to the operating fund.

(3) Dual party relay charges imposed under this subsection must be added to the billing by the VoIP provider to its subscriber and may be stated separately.

(D) A prepaid wireless seller must collect the dual party relay charge established in Section 58‑9‑2530(A) from a prepaid wireless consumer with respect to each prepaid wireless retail transaction occurring in this State. The amount of the dual party relay charge either must be separately stated on an invoice, receipt, or other similar document that is provided to the prepaid wireless consumer by the prepaid wireless seller; or otherwise disclosed to the prepaid wireless consumer.

(1) For the purposes of this subsection, a prepaid wireless retail transaction must be sourced as provided in Section 12‑36‑910(B)(5)(b).

(2) The dual party relay charge is the liability of the prepaid wireless consumer and not the prepaid wireless seller or of any prepaid wireless provider. However, the prepaid wireless seller is liable to remit to the department all dual party relay charges that the prepaid wireless seller collects from prepaid wireless consumers as provided in this subsection.

(3) A prepaid wireless seller is entitled to retain three percent of the gross dual party relay charges remitted to the department as an administrative fee. A prepaid wireless seller must remit the remainder of the dual party relay charges collected to the department on a monthly, quarterly, or annual basis. The department shall transfer all charges remitted to it to the operating fund.

(4) The audit and appeal procedures applicable pursuant to Chapter 36, Title 12 shall apply to the dual party relay charge.

(5) The department shall establish procedures by which a prepaid wireless seller may document that a sale is not a prepaid wireless retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions pursuant to Section 12‑36‑950.

(E) If a billed subscriber purchases a service that is both a CMRS service and a VoIP service, and there is a single active mobile telephone number or successor dialing protocol associated with the service, then only the CMRS dual party relay charges that are subject to subsection (B) shall apply to the service. Similarly, if an exchange access facility is also a VoIP service line, then only the dual party relay charges that are subject to subsection (A) shall apply to the service.

(F) For services for which a bill is rendered prior to the effective date of this act, no subscriber or consumer is liable to any person or entity for a different dual party relay charge than the consumer or subscriber has been billed, and no local exchange provider, CMRS provider, VoIP provider, prepaid wireless provider, or prepaid wireless seller is liable to any person or entity for billing, collecting, or remitting a different dual party relay charge than is required by this article, or both.

(G) Neither the State, any political subdivision of the State, nor an intergovernmental agency may require any service provider to impose, collect, or remit a tax, fee, surcharge, or other charge for dual party relay funding purposes other than the dual party relay charges set forth in this article.”

SECTION 3. Section 58‑9‑2510 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“Section 58‑9‑2510. As used in this article:

(1) ‘CMRS connection’ means each mobile number assigned to a CMRS customer.

(2) ‘Commercial Mobile Radio Service’ (CMRS) means commercial mobile radio service under Sections 3(27) and 332(d), Federal Telecommunications Act of 1996, 47 U.S.C. Section 151, et seq., Federal Communications Commission Rules, and the Omnibus Budget Reconciliation Act of 1993. The term includes any wireless two‑way communication device, including radio‑telephone communications used in cellular telephone service, personal communication service, or the functional and/or competitive equivalent of a radio‑telephone communications line used in cellular telephone service, a personal communication service, or a network radio access line. The term does not include services that do not provide access to 911 service, a communication channel suitable only for data transmission, a wireless roaming service or other nonlocal radio access line service, or a private telecommunications system.

(~~1~~3) ‘Commission’ means the Public Service Commission.

(~~2~~4) ‘Deaf person’ means an individual who is unable to hear and understand oral communication, with or without the assistance of amplification devices.

(5) ‘Department’ means the Department of Revenue.

(~~3~~6) ‘Dual party relay system’ or ‘DPR’ means a procedure in which a deaf, hearing, or speech impaired TDD user can communicate with an intermediary party, who then orally relays the first party’s message or request to a third party, or a procedure in which a party who is not deaf or hearing or speech impaired can communicate with an intermediary party who then relays the message or request to a TDD user.

(~~3.5~~7) ‘Dual sensory impaired person’ means an individual who is deaf/blind or has both a permanent hearing impairment and a permanent visual impairment.

(8) ‘Exchange access facility’ means the access from a particular telephone subscriber’s premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks, and Centrex network access registers, all as defined by the South Carolina Public Service Commission. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, or wide area telecommunications service (wats), foreign exchange (fx), or incoming lines.

(~~4~~9) ‘Hard of hearing person’ means an individual who has suffered a permanent hearing loss which is severe enough to necessitate the use of amplification devices to hear oral communication.

(~~5~~10) ‘Hearing impaired person’ means a person who is deaf or hard of hearing.

(11) ‘Local exchange provider’ means a local exchange telephone company operating in this State.

(~~6~~12) ‘Operating fund’ means the Dual Party Relay Service Operating Fund which is a specific fund to be created by the commission and established, invested, managed, and maintained for the exclusive purpose of implementing the provisions of this chapter according to commission regulations.

(13) ‘Prepaid wireless consumer’ means a person or entity that purchases prepaid wireless telecommunications service in a prepaid wireless retail transaction.

(14) ‘Prepaid wireless provider’ means a person or entity that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

(15) ‘Prepaid wireless retail transaction’ means the purchase of prepaid wireless telecommunications service from a prepaid wireless seller for any purpose other than resale.

(16) Prepaid wireless seller’ means a person or entity that sells prepaid wireless telecommunications service to another person or entity for any purpose other than resale.

(17) ‘Prepaid wireless telecommunications service’ means any commercial mobile radio service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in units or dollars which decline with use in a known amount.

~~(7)~~ ~~‘Regulatory staff’ means the executive director or the executive director and the employees of the Office of Regulatory Staff.~~

(~~8~~18) ‘Speech impaired person’ means an individual who has suffered a loss of oral communication ability which prohibits normal use of a standard telephone handset.

(19) ‘Subscriber’ means any person, company, corporation, business, association, or party not exempt from county or municipal taxes or utility franchise assessments who is provided telephone (local exchange access facility) service or CMRS service or VoIP service.

(~~9~~20) ‘Telecommunications device’ or ‘telecommunications device for the deaf, hearing, or speech impaired’ or ‘TDD’ or ‘TTY’ means a keyboard mechanism attached to or in place of a standard telephone by some coupling device used to transmit or receive signals through telephone lines.

(21) ‘Voice over Internet Protocol (VoIP) service’ means interconnected VoIP service as that term is defined in 47 C.F.R. Section 9.3 as may be amended.

(22) ‘Voice over Internet Protocol (VoIP) provider’ means a person or entity that provides VoIP service.

(23) ‘Voice over Internet Protocol (VoIP) subscriber’ means a person or entity that purchases VoIP service from a VoIP provider.

(24) ‘Voice over Internet Protocol (VoIP) service line’ means a VoIP service that offers an active telephone number or successor dialing protocol assigned by a VoIP service provider to a customer that has outbound calling capability.”

SECTION 4. Section 58‑9‑2530(A) of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“(A) The commission may require ~~all local exchange telephone companies~~ each local exchange provider, CMRS provider, and VoIP provider operating in this State to impose a monthly dual party relay charge not to exceed ~~twenty‑five~~ ten cents ~~on all residential and business local exchange access facilities~~, and each prepaid wireless seller to impose a dual party relay charge of the same amount on each wireless retail transaction, as necessary to fund the establishment and operation of a dual party relay system and a distribution system of TTY’s and other related telecommunications devices in this State. The amount of the dual party relay charge must be determined by the commission based upon the amount of funding necessary to accomplish the purposes of this article and provide dual party telephone relay services on a continuous basis, and the amount of the charge must be uniform among all local exchange providers, CMRS providers, VoIP providers, and prepaid wireless sellers. ~~If assessed, the local exchange companies shall collect the charge from their customers and transfer the~~ All dual party relay charge monies collected and remitted to the department in accordance with Section 58‑9‑2535 must be transferred to the operating fund, which must be administered by the Office of Regulatory Staff. The dual party relay charge collected and remitted ~~by the local exchange companies~~ in accordance with this article is not subject to any tax, fee, or assessment, nor may it be considered revenue of ~~the~~ a local exchange ~~companies~~ provider, CMRS provider, VoIP provider, prepaid wireless provider, or prepaid wireless seller. The commission may provide for the funding of the dual party relay system through contributions from other sources. The fund must be established, invested, and managed for the exclusive purpose of implementing the provisions of this article according to regulations promulgated by the commission.”

SECTION 5. Section 58‑9‑2540 of the 1976 Code is repealed.

SECTION 6. This act takes effect January 1, 2015. /

Renumber sections to conform.

Amend title to conform.

Rep. FORRESTER explained the amendment.

The amendment was then adopted.

Rep. FORRESTER explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 74; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Bernstein |
| Bingham | Bowen | Branham |
| R. L. Brown | Clyburn | Cole |
| Daning | Dillard | Douglas |
| Edge | Felder | Forrester |
| Funderburk | Gambrell | George |
| Hardwick | Harrell | Hayes |
| Henderson | Hiott | Hixon |
| Hodges | Howard | Huggins |
| Jefferson | Kennedy | Knight |
| Limehouse | Long | Lucas |
| Mack | McEachern | M. S. McLeod |
| W. J. McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Neal | Norrell |
| R. L. Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Quinn | Ridgeway | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Skelton | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Vick | Weeks |
| Wells | Williams |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Barfield | Burns | K. R. Crawford |
| Crosby | Delleney | Erickson |
| Finlay | Gagnon | Goldfinch |
| Hamilton | Horne | Loftis |
| Lowe | McCoy | Merrill |
| Newton | Putnam | Rivers |
| Simrill | G. R. Smith | Stringer |

**Total--21**

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

**S. 558--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 558 -- Senator Reese: A BILL TO AMEND ARTICLE 13, CHAPTER 25, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS PLACED ON THE USE OF WATERCRAFT ON LAKES WILLIAM C. BOWEN AND H. TAYLOR BLALOCK IN SPARTANBURG COUNTY, SO AS TO SPECIFY THE TYPES OF WATERCRAFT TO WHICH THESE RESTRICTIONS APPLY, TO PROVIDE THAT CERTAIN SIGNS THAT CONTAIN THESE RESTRICTIONS MUST BE DESIGNED AND INSTALLED BY THE SPARTANBURG WATER SYSTEM, TO PROVIDE THAT CERTAIN VESSELS ARE EXEMPTED FROM THESE RESTRICTIONS, TO PROVIDE THAT THESE RESTRICTIONS APPLY TO A HYDROELECTRIC GENERATOR OUTFALL, AND TO PROVIDE THAT CERTAIN RESTRICTIONS APPLICABLE TO LAKE H. TAYLOR BLALOCK DO NOT APPLY TO THE HUNTING OF WATERFOWL IN CERTAIN AREAS DURING CERTAIN TIMES OF THE YEAR.

The yeas and nays were taken resulting as follows:

Yeas 68; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Bales |
| Ballentine | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| R. L. Brown | Clemmons | Cole |
| K. R. Crawford | Delleney | Douglas |
| Edge | Felder | Finlay |
| Forrester | Gagnon | George |
| Goldfinch | Hamilton | Hardwick |
| Hayes | Henderson | Herbkersman |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | Limehouse | Loftis |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| D. C. Moss | V. S. Moss | Newton |
| Norrell | Parks | Patrick |
| Pitts | Pope | Putnam |
| Ridgeway | Riley | Ryhal |
| Sandifer | Simrill | Skelton |
| J. R. Smith | Sottile | Southard |
| Spires | Tallon | Taylor |
| Thayer | Vick | Wells |
| White | Williams |  |

**Total--68**

Those who voted in the negative are:

**Total--0**

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

**H. 4749--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4749 -- Reps. Bingham, Allison, Anthony, Hayes, Erickson and Long: A JOINT RESOLUTION TO REQUIRE THAT THE STATE BOARD OF EDUCATION IMMEDIATELY SHALL, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, THE OFFICE OF FIRST STEPS TO SCHOOL READINESS, THE EDUCATION OVERSIGHT COMMITTEE, AND OTHER STAKEHOLDERS AS APPROPRIATE, BEGIN TO CONSIDER WHICH ASSESSMENT MUST BE USED TO ANALYZE THE EARLY LITERACY COMPETENCIES OF CHILDREN IN STATE-FUNDED FULL-DAY AND HALF-DAY FOUR-YEAR-OLD KINDERGARTEN PROGRAMS AND OF ALL CHILDREN ENTERING KINDERGARTEN PROGRAMS IN PUBLIC SCHOOLS DURING THE 2014-2015 SCHOOL YEAR; TO PROVIDE THE ASSESSMENT MUST BE THE SAME OR ALIGNED TO ASSESSMENTS INTENDED TO PROVIDE DIAGNOSTIC INFORMATION TO TEACHERS AND MEASURE STUDENT GROWTH OVER TIME; TO REQUIRE THE BOARD TO PROVIDE A REPORT SUMMARIZING THE ASSESSMENT IT HAS SELECTED TO THE GENERAL ASSEMBLY BEFORE JUNE 1, 2015; AND TO PROVIDE SPECIFIC REQUIREMENTS FOR THE EARLY LITERACY MEASURE SELECTED BY THE BOARD.

Rep. BINGHAM explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bernstein | Bingham | Bowen |
| Branham | 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 |
| Hardwick | Harrell | Hart |
| Hayes | Henderson | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Kennedy | Knight |
| Limehouse | Loftis | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Neal | Newton |
| Norrell | R. L. Ott | Owens |
| Patrick | Pitts | Pope |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Simrill | G. R. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Wells |
| White | Whitmire | Williams |

**Total--102**

Those who voted in the negative are:

**Total--0**

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

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

**MOTION NOTED**

Rep. RUTHERFORD moved to reconsider the vote whereby S. 19 was given second reading and the motion was noted.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4559 -- Reps. McCoy, Merrill, Erickson, Stavrinakis, Daning, Crosby, Rivers, Patrick, Sottile, Whipper, Newton, Gilliard, Mack, Murphy, Limehouse, R. L. Brown, Harrell and Horne: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT SENATE BILL S.1846, THE HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT OF 2013, IN ORDER TO DELAY FLOOD INSURANCE RATE INCREASES CAUSED BY THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012, AND TO REQUIRE THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO STUDY THE AFFORDABILITY OF THAT ACT ON PROPERTY OWNERS AND TO IMPLEMENT AN ACCURATE FLOOD MAPPING APPROACH BEFORE RAISING FLOOD INSURANCE RATES; AND TO UNDERTAKE EFFORTS TO DEVELOP A LONG-TERM SOLUTION TO ENSURING AN AFFORDABLE, ACCESSIBLE, AND SUSTAINABLE FLOOD INSURANCE PROGRAM.

H. 4816 -- Rep. Barfield: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR HUNTER YURACHEK FOR HIS DEDICATED SERVICE AS COASTAL CAROLINA UNIVERSITY DIRECTOR OF ATHLETICS AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT AS HE LEAVES THE UNIVERSITY AND TAKES UP NEW CHALLENGES.

**INTRODUCTION OF BILL**

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

S. 983 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑617 SO AS TO DESIGNATE MARCH OF EACH YEAR AS “ENDOMETRIOSIS AWARENESS MONTH”.

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

**ADJOURNMENT**

At 5:29 p.m. the House, in accordance with the motion of Rep. ANTHONY, adjourned in memory of Coach Bob Dunlap of Greer, to meet at 10:00 a.m. tomorrow.

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