

NO. 59

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

THURSDAY, APRIL 23, 2015

Thursday, April 23, 2015
(Statewide Session)

Indicates Matter Stricken
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

With great confidence the Psalmist writes:

“Shout with joy to God, all the earth! Sing the glory of his name; make his praise glorious!” (Psalm 66:1-2)

Please pray with me:

O Loving God, how wondrously generous You have been to us here in South Carolina. By Your grace we are blessed with incredible natural resources, with opportunities that are boundless, and with a citizenry that is absolutely loaded with talent. We pray that You will lead these Senators, Lord, as they continue to seek evermore creative, meaningful, productive and responsible ways to move our State forward: caring genuinely for every citizen and bringing us all many, many more reasons to sing joyful songs of praise! In Your name we pray, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

Statewide Appointment

Local Appointments

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Gary W. Reinhart, 253 John Lindler Rd., Chapin, SC 29036

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Gary S. Morgan, P. O. Box 3406, Leesville, SC 29070

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Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Arthur L. Myers, Post Office Box 61, Swansea, SC 29160

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Albert J. Dooley, 408 Koewee Drive, Lexington, SC 29072

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Matthew A. Johnson, 3144 Sierra Drive, West Columbia, SC 29170

Reappointment, Spartanburg County Master-in-Equity, with the term to commence April 30, 2015, and to expire April 30, 2021

Gordon G. Cooper, 409 Old Iron Works Road, Spartanburg, SC 29302

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Rebecca L. Adams, 56 Palmetto Wood Parkway, Irmo, SC 29063

Leave of Absence

On motion of Senator GROOMS, at 1:20 P.M., Senator CAMPBELL was granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

- S. 685 Sens. O'Dell, Nicholson, S. Martin, Campbell, Alexander
- S. 667 Sens. Alexander, Peeler
- S. 47 Sen. Nicholson
- S. 690 Sen. Hayes
- S. 586 Sen. Campsen

RECALLED

H. 3890 -- Rep. Norrell: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT ALL SCHOOL DAYS MISSED FOR SCHOOL CLOSINGS NECESSITATED BY WEATHER CONDITIONS OR OTHER DISRUPTIONS REQUIRING SCHOOLS TO CLOSE MUST BE MADE UP, SO AS TO PROVIDE THAT WHEN SCHOOLS CLOSE BECAUSE THE GOVERNOR

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DECLARES A STATE OF EMERGENCY DUE TO SNOW, EXTREME WEATHER CONDITIONS, OR OTHER NATURAL DISASTERS, STUDENTS IN THOSE SCHOOLS ARE NOT REQUIRED TO MAKE UP ANY DAYS MISSED AS A RESULT.

Senator HAYES asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

The Bill was recalled from the Committee on Education and ordered placed on the Calendar for consideration tomorrow.

RECALLED AND ADOPTED

H. 3929 -- Rep. W.J. McLeod: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE CARRYING BOUNDARY STREET OVER THE CSX AND NORFOLK SOUTHERN RAILROAD TRACKS IN THE CITY OF NEWBERRY AS THE "COUNTY COUNCILMAN JOHN E. CALDWELL BRIDGE" IN HONOR OF FORMER NEWBERRY COUNTY COUNCILMAN JOHN E. CALDWELL AND TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE SIGNS AND MARKERS REFLECTING THIS DESIGNATION.

Senator CROMER asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation.

Senator CROMER asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator CROMER, the Resolution was adopted and returned to the House.

RECALLED AND ADOPTED

S. 690 -- Senators Alexander and Hayes: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2015 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO RAISE AWARENESS AND UNDERSTANDING OF MENTAL

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ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator ALEXANDER asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator ALEXANDER, the Resolution was adopted

RECOMMITTED

S. 654 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - STATE ATHLETIC COMMISSION, RELATING TO PROFESSIONAL BOXING, WRESTLING, KICK BOXING, OFF THE STREET BOXING, AND MIXED MARTIAL ARTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4536, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Labor, Commerce and Industry.

S. 665 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, RELATING TO SUSPENSION OF CERTIFICATION DUE TO CRIMINAL CHARGES AND/OR INDICTMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4524, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Judiciary.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 707 -- Senators Shealy and McElveen: A BILL TO AMEND CHAPTER 1, TITLE 27 OF THE 1976 CODE, RELATING TO PROPERTY AND CONVEYANCES, TO PROVIDE THAT A MEMBER OF THE ARMED FORCES WHO IS DEPLOYED OR MOBILIZED OUTSIDE OF THIS STATE, OR RECEIVES ORDERS FOR A PERMANENT CHANGE OF STATION OUTSIDE OF THIS STATE, OR A CIVILIAN EMPLOYEE OF THE DEPARTMENT OF DEFENSE PERFORMING TEMPORARY DUTY OUTSIDE OF THE STATE IN SUPPORT OF THE ARMED FORCES, SHALL BE ELIGIBLE TO WAIVE ANY UNPAID HOMEOWNERS' ASSOCIATION REGIME FEES THAT ACCRUE DURING THE TIME PERIOD THAT THE PERSON IS DEPLOYED, TO PROVIDE THAT THE ASSOCIATION MUST GRANT THE WAIVER IF THE PERSON PROVIDES COPIES OF THE ORDERS THAT REQUIRE SERVICE OUTSIDE OF THIS STATE AND A VALID MILITARY IDENTIFICATION CARD, AND TO EXTEND THE PROVISIONS OF THIS SECTION TO DEPENDENTS RESIDING WITH THE SERVICE MEMBER.

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Read the first time and referred to the Committee on Judiciary.

S. 708 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO END-OF-COURSE TESTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4530, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 709 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO USE AND DISSEMINATION OF TEST RESULTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4532, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 710 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO TEST SECURITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4531, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 711 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSESSMENT PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4529, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 712 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO CONSUMER CREDIT COUNSELING REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4527, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 713 -- Senator Grooms: A CONCURRENT RESOLUTION TO PROCLAIM MAY 2015 AS "MOTORCYCLE SAFETY AWARENESS MONTH" THROUGHOUT THE STATE AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO BE AWARE OF MOTORCYCLISTS WHO SHARE OUR ROADS AND HIGHWAYS

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AND TO WORK TOGETHER TO REDUCE MOTORCYCLE-RELATED CRASHES, INJURIES, AND FATALITIES.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 714 -- Senator Alexander: A BILL TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO FILE TAX LIENS VALIDLY BY IMPLEMENTING AN INTERNET ACCESSIBLE NOTICE SYSTEM.

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Read the first time and referred to the Committee on Finance.

S. 715 -- Senator Allen: A SENATE RESOLUTION TO HONOR THE REVEREND DR. JERRY YOUNG, PRESIDENT OF THE NATIONAL BAPTIST CONVENTION, USA, INCORPORATED, FOR HIS LONG AND DISTINGUISHED MINISTRY AND TO EXTEND TO HIM A WARM WELCOME TO THE PALMETTO STATE AS HE DELIVERS THE KEYNOTE ADDRESS AT THE BAPTIST EDUCATIONAL AND MISSIONARY CONVENTION OF SOUTH CAROLINA'S 138TH ANNUAL SESSION.

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The Senate Resolution was adopted.

S. 716 -- Senator Alexander: A BILL TO AMEND SECTION 12-8-1530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUARTERLY INCOME TAX WITHHOLDINGS, SO AS TO CHANGE THE DUE DATE OF THE FOURTH QUARTER RETURN FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF JANUARY; AND TO AMEND SECTION 12-8-1550, RELATING TO THE DUE DATE FOR FILING STATEMENTS REGARDING INCOME TAX WITHHOLDINGS WITH THE DEPARTMENT OF REVENUE, SO AS TO CHANGE THE DUE DATE FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF JANUARY.

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Read the first time and referred to the Committee on Finance.

S. 717 -- Senator Lourie: A SENATE RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA

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EQUESTRIAN TEAM AND ITS COACHES ON A STELLAR SEASON AND TO CELEBRATE THEIR WIN OF THE 2015 NATIONAL COLLEGIATE EQUESTRIAN ASSOCIATION NATIONAL CHAMPIONSHIP.

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The Senate Resolution was adopted.

H. 3304 -- Reps. Brannon, Allison, Cole, Hicks, Tallon, Nanney, Henderson, Loftis, Hamilton, Stringer, Bannister and Putnam: A BILL TO CREATE THE LANDRUM FIRE AND RESCUE DISTRICT IN GREENVILLE AND SPARTANBURG COUNTIES, TO ESTABLISH A GOVERNING COMMISSION, AND TO PRESCRIBE THE FUNCTIONS AND POWERS OF THE COMMISSION.

Read the first time and referred to the Committee on Judiciary.

H. 3539 -- Reps. J. E. Smith, Bannister, Simrill, Bernstein, King, Govan, McKnight, Williams, Norrell, Tinkler, Henegan, Bales, Jefferson, Hicks, Newton, Funderburk, Huggins, Ridgeway, Collins, Pitts and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-240 SO AS TO ENACT THE "JAMES B. EDWARDS CIVICS EDUCATION INITIATIVE" TO REQUIRE ALL STUDENTS OF PUBLIC OR CHARTER SCHOOLS OR PERSONS PURSUING A GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE IN THIS STATE TO TAKE THE UNITED STATES CITIZENSHIP CIVICS TEST PRODUCED BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, TO DIRECT SCHOOL DISTRICTS TO AWARD A CERTIFICATE OF ACHIEVEMENT TO ALL STUDENTS WHO RECEIVE A GRADE OF 60 OR BETTER ON THE TEST, AND TO DIRECT THE RESPECTIVE SCHOOLS TO REPORT RESULTS TO THE SOUTH CAROLINA EDUCATION OVERSIGHT COMMITTEE FOR INCLUSION IN THE REPORT CARD FOR EACH SCHOOL, AS APPLICABLE.

Read the first time and referred to the Committee on Education.

H. 3840 -- Reps. Clemmons, H. A. Crawford, Johnson, George, Hardwick, Hayes and Ryhal: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REDESIGNATE THE VARIOUS

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PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Read the first time and referred to the Committee on Judiciary.

H. 3890 -- Rep. Norrell: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT ALL SCHOOL DAYS MISSED FOR SCHOOL CLOSINGS NECESSITATED BY WEATHER CONDITIONS OR OTHER DISRUPTIONS REQUIRING SCHOOLS TO CLOSE MUST BE MADE UP, SO AS TO PROVIDE THAT WHEN SCHOOLS CLOSE BECAUSE THE GOVERNOR DECLARES A STATE OF EMERGENCY DUE TO SNOW, EXTREME WEATHER CONDITIONS, OR OTHER NATURAL DISASTERS, STUDENTS IN THOSE SCHOOLS ARE NOT REQUIRED TO MAKE UP ANY DAYS MISSED AS A RESULT.

Read the first time and, on motion of Senator HAYES, with unanimous consent, H. 3890 was ordered placed on the Calendar without reference.

H. 3900 -- Reps. Allison, Brannon, Cole, Forrester, Hicks and Tallon: A BILL TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SPARTANBURG COUNTY SCHOOL DISTRICT 5 BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2015 SCHOOL DISTRICT ELECTIONS, TO DESIGNATE A MAP NUMBER ON WHICH THESE ELECTION DISTRICTS ARE DELINEATED, TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR THE TRUSTEES' TERMS AND MANNER OF ELECTION.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4005 -- Reps. Southard, Merrill, Daning, Jefferson and Rivers: A BILL TO AMEND SECTION 7-7-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE THE PRECINCTS AND THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS

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MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Read the first time and referred to the Committee on Judiciary.

H. 4014 -- Reprs. Gambrell, Gagnon, Hill, Putnam, Thayer and White: A BILL TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE ANDERSON COUNTY BOARD OF EDUCATION, SO AS TO CHANGE THE METHOD OF ELECTING FOUR OF THE FIVE MEMBERS OF THE ANDERSON COUNTY SCHOOL DISTRICT 3 BOARD OF TRUSTEES FROM RESIDENCY AREAS TO SINGLE-MEMBER DISTRICTS.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4035 -- Reprs. Robinson-Simpson, Jefferson, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE OFFICERS, MEMBERS, AND AUXILIARIES OF THE SOUTH CAROLINA STATE CHAPTERS OF ZETA PHI BETA SORORITY, INCORPORATED, FOR THEIR OUTSTANDING SERVICE TO THE CITIZENS OF OUR STATE, OUR NATION, AND THE INTERNATIONAL COMMUNITY AND TO DECLARE MAY 20, 2015, "ZETA PHI BETA SORORITY DAY" IN SOUTH CAROLINA.

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The Concurrent Resolution was introduced and referred to the Committee on Invitations.

REPORTS OF STANDING COMMITTEES

Senator HAYES from the Committee on Banking and Insurance submitted a favorable report on:

S. 135 -- Senators Cleary, Campbell, Verdin, Shealy, Fair, Lourie, Young, Corbin and S. Martin: A BILL TO AMEND SECTION 38-71-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER, SO AS TO REVISE RELATED DEFINITIONS, TO DELETE EXISTING ELIGIBILITY REQUIREMENTS, AND TO PROVIDE A CITATION TO THE SECTION AS BEING "RYAN'S LAW".

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 578 -- Senators Hembree, Campbell and Cleary: A BILL TO AMEND SECTION 48-39-170(C) OF THE 1976 CODE, TO PROVIDE A THREE-YEAR STATUTE OF LIMITATIONS ON THE ENFORCEMENT VIOLATIONS RELATING TO MINOR DEVELOPMENT ACTIVITIES EXCEPT IN INSTANCES WHERE THE ALLEGED VIOLATOR KNOWINGLY OR INTENTIONALLY WITHHELD INFORMATION RELATING TO THE ALLEGED VIOLATION.

Ordered for consideration tomorrow.

Senator HAYES from the Committee on Banking and Insurance submitted a favorable report on:

S. 666 -- Senator Hayes: A BILL TO AMEND SECTION 38-39-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS THAT MAY BE INCLUDED IN PREMIUM SERVICE AGREEMENTS, SO AS TO PROVIDE THESE AGREEMENTS ALSO MAY INCLUDE INTEREST ON MITIGATION LOANS AS APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS DESIGNEE AND TO PROVIDE INTEREST CHARGES RELATED TO MITIGATION PROJECTS OR LOANS MUST BE LIMITED TO THE STATUTORY LEGAL RATE OF INTEREST; AND TO AMEND SECTION 38-39-80, RELATING TO

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ACTIVITIES PROHIBITED OF INSURANCE PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE INSURANCE PREMIUM SERVICE COMPANIES MAY NOT WRITE INSURANCE OR SELL OTHER SERVICES OR COMMODITIES IN CONNECTION WITH A PREMIUM SERVICE CONTRACT EXCEPT AS APPROVED BY THE DIRECTOR OR HIS DESIGNEE FOR MITIGATION PURPOSES.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 3305 -- Reps. Lowe, Bingham, Horne, Weeks and Bradley: A BILL TO AMEND SECTION 41-35-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DENIAL OF UNEMPLOYMENT BENEFITS FOR AN EMPLOYEE WHO TESTS POSITIVE FOR ILLEGAL DRUG USE OR THE UNLAWFUL USE OF LEGAL DRUGS, SO AS TO REVISE THE RANGE OF SPECIMENS FROM AN EMPLOYEE THAT MAY BE TESTED TO INCLUDE ORAL FLUIDS.

Senator O'DELL from the General Committee submitted a favorable report on:

H. 3324 -- Reps. J.E. Smith, G.M. Smith, Yow, Hardee, Clemmons, Goldfinch, Hardwick, Johnson, Duckworth, W.J. McLeod and Gilliard: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY STATE AND LOCAL LEVEL VETERANS ISSUES; TO MAKE APPROPRIATE LEGISLATIVE RECOMMENDATIONS FOR IMPROVING THE STRUCTURE, DELIVERY, AND COORDINATION OF VETERANS SERVICES IN SOUTH CAROLINA; AND TO PROVIDE FOR THE COMMITTEE'S MEMBERSHIP, DURATION, AND STAFFING.

Ordered for consideration tomorrow.

Senator O'DELL from the General Committee submitted a favorable report on:

H. 3547 -- Reps. J.E. Smith and Yow: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-2350, SO AS TO PROVIDE THAT THE REEMPLOYMENT RIGHTS AND PROTECTIONS GRANTED TO MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD

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AND SOUTH CAROLINA STATE GUARD WHO SERVE STATE DUTY SHALL APPLY ALSO TO A PERSON WHO IS EMPLOYED IN SOUTH CAROLINA BUT IS A MEMBER OF ANOTHER STATE'S NATIONAL GUARD OR STATE GUARD.

Ordered for consideration tomorrow.

Senator O'DELL from the General Committee submitted a favorable report on:

H. 3683 -- Reps. Williams, Hosey, Gilliard, Mack and Yow: A BILL TO AMEND SECTION 25-1-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL POWERS AND DUTIES OF THE ADJUTANT GENERAL, SO AS TO REQUIRE THE ADJUTANT GENERAL TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY.

Ordered for consideration tomorrow.

POLLED AND ADOPTED

Senator O'DELL from the General Committee polled out H. 4026 favorable:

H. 4026 -- Reps. Erickson, Collins, M.S. McLeod, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN ARE SIGNIFICANT PROBLEMS AND TO DECLARE

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TUESDAY, APRIL 28, 2015, AS "CHILDREN'S ADVOCACY DAY"
IN SOUTH CAROLINA.

**Poll of the General Committee
Polled 17; Ayes 16; Nays 0; Not Voting 1**

AYES

O'Dell	Sheheen	Lourie
Bryant	Jackson	Cromer
Cleary	Bright	Verdin
Shane Martin	Shealy	Young
Kimpson	Johnson	McElveen
Sabb		

Total--16

NAYS

Total--0

NOT VOTING

Campbell

Total--1

Ordered for consideration tomorrow.

Adopted

On motion of Senator O'DELL, with unanimous consent the Resolution was taken up for immediate consideration, adopted and ordered returned to the House.

Appointments Reported

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable report on:

Statewide Appointment

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Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2013, and to expire April 6, 2019

Veterinarian - At Large:

Elizabeth M. Fuller, 1236 Sunset Dr., Charleston, SC 29407 *VICE*
Oswald H. King

Received as information.

Senator COURSON from the Committee on Education submitted a favorable report on:

Statewide Appointments

Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2012, and to expire July 1, 2015

SC Alliance of Black Educators:

Ronald L. Epps, 6 Old South Drive, Columbia, SC 29209

Received as information.

Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2015, and to expire July 1, 2018

SC Alliance of Black Educators:

Ronald L. Epps, 6 Old South Drive, Columbia, SC 29209

Received as information.

Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence May 3, 2014, and to expire May 3, 2018

At-large, Governor:

Don L. McLaurin, 13 Water Street, Charleston, SC 29401

Received as information.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Statewide Appointments

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Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2015, and to expire June 30, 2019
3rd Congressional District:

Timothy W. Roberts, 2907 Rambling Path, Anderson, SC 29621

Received as information.

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2011, and to expire June 30, 2015
3rd Congressional District:

Timothy W. Roberts, 2907 Rambling Path, Anderson, SC 29621

Received as information.

Reappointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2014, and to expire June 30, 2018
7th Congressional District:

Bryan H. Dowd, BHD Builders, Inc., 1931 Osprey Drive, Florence, SC 29501

Received as information.

Reappointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2015, and to expire November 27, 2019

General Public:

Dean S. Stephens, 102 Golf View Lane, Greenville, SC 29609

Received as information.

Reappointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2011, and to expire November 27, 2015

General Public:

Dean S. Stephens, 102 Golf View Lane, Greenville, SC 29609

Received as information.

THURSDAY, APRIL 23, 2015

Initial Appointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2014, and to expire November 27, 2018

LISW:

Harold T. Patrick, Jr., 37 Carolina Street, Charleston, SC 29403 *VICE*
Marjorie Hammock

Received as information.

Initial Appointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2012, and to expire November 27, 2016

LBSW:

Jacqueline S. Lowe, 3 South Canterbury Ct., Blythewood, SC 29016
VICE Susan Powell Graham (resigned)

Received as information.

Reappointment, South Carolina Panel for Dietetics, with the term to commence May 30, 2013, and to expire May 30, 2017

Dietician, Consulting:

Edna Cox Rice, 117 Scotland Dr., Lexington, SC 29072

Received as information.

Message from the House

Columbia, S.C., April 21, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

MASTER-IN-EQUITY

Reappointment, Spartanburg County Master-in-Equity, with term to commence April 30, 2015, and to expire April 30, 2021:

The Honorable Gordon G. Cooper, 409 Old Iron Works Road,
Spartanburg, South Carolina 29302

Very respectfully,
Speaker of the House

Received as information.

[SJ]

THURSDAY, APRIL 23, 2015

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

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

H. 3393 -- Rep. Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-630 SO AS TO PROVIDE THAT A PERSON SHALL OBTAIN A FEDERAL MIGRATORY HUNTING AND CONSERVATION STAMP IN ADDITION TO OBTAINING REQUIRED STATE HUNTING LICENSES AND PERMITS, TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY CONTRACT WITH THE UNITED STATES FISH AND WILDLIFE SERVICE TO MAKE THE FEDERAL MIGRATORY HUNTING AND CONSERVATION STAMP AVAILABLE THROUGH THE LICENSE SALES SYSTEM OF THE DEPARTMENT, TO PROVIDE FOR THE ENDORSEMENT OF THE STAMP ON STATE HUNTING LICENSES BY THE DEPARTMENT, AND TO PROVIDE FOR RELATED FEES, AMONG OTHER THINGS; AND TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO REVENUE GENERATED FROM THE SALE OF HUNTING LICENSES, SO AS TO PROVIDE THAT FEES REMITTED TO THE DEPARTMENT FOR EACH FEDERAL MIGRATORY HUNTING AND CONSERVATION STAMP MUST BE CREDITED TO THE FISH AND WILDLIFE PROTECTION FUND, AND TO PROVIDE FOR THE DISTRIBUTION OF THESE FEES.

Statement by Senator YOUNG

I voted in favor of H. 3393 on Third Reading. My vote against the Bill on 2nd reading was based on a misunderstanding on the Senate floor yesterday. At that time, I believed the Bill imposed a fee increase for a South Carolina resident to hunt ducks. I have now learned that this information was not accurate. I provide this statement so that the Senate Journal will reflect that I support the bill.

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H. 3668 -- Reps. Pitts and Goldfinch: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-365, SO AS TO PROVIDE THAT ALL PERSONS MUST WEAR A HAT, COAT, OR VEST OF SOLID VISIBLE INTERNATIONAL ORANGE WHILE ON WILDLIFE MANAGEMENT AREA LANDS DURING DEER HUNTING SEASON.

H. 3762 -- Reps. Hayes and Hiott: A BILL TO AMEND SECTION 50-11-2460, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ANIMAL TRAPS THAT ARE ALLOWED FOR TRAPPING, SO AS TO PROVIDE THAT A TRAP MAY BEAR ITS OWNER'S DEPARTMENT OF NATURAL RESOURCES-ISSUED CUSTOMER NUMBER.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 211 -- Senator Campsen: A BILL TO AMEND SECTION 56-2-105(E) OF THE 1976 CODE, SO AS TO ALLOW POLITICAL SUBDIVISIONS TO CREATE SEPARATE GOLF CART PATHS ON STREETS AND ROADS WITHIN THE JURISDICTION OF THE POLITICAL SUBDIVISION.

S. 592 -- SENATOR CAMPSEN: A BILL TO AMEND SECTION 50-11-710(A) OF THE 1976 CODE, RELATING TO THE HUNTING OF FERAL HOGS, COYOTES, AND ARMADILLOS, TO PROVIDE THAT FERAL HOGS, COYOTES, AND ARMADILLOS MAY BE HUNTED AT ANY TIME OF THE YEAR UNDER AUTHORITY OF AND PURSUANT TO THE CONDITIONS CONTAINED IN A DEPREDATION PERMIT ISSUED BY THE DEPARTMENT AND FROM THE LAST DAY OF FEBRUARY TO THE FIRST DAY OF JULY OF THAT SAME YEAR WITH ANY LEGAL FIREARM, BOW AND ARROW, OR CROSSBOW WHEN NOTICE IS GIVEN TO THE DEPARTMENT, AND TO PROVIDE CONDITIONS FOR HUNTING THESE ANIMALS AT NIGHT.

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SECOND READING BILL

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

H. 3658 -- Reps. Yow, Henegan and Lucas: A BILL TO AMEND ACT 1010 OF 1968, AS AMENDED, RELATING TO THE LOCAL EDUCATION ADVISORY COUNCILS IN THE CHESTERFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE NUMBER OF ADVISORY COUNCILS FROM SEVEN TO FOUR THROUGH CONSOLIDATION OF SPECIFIC ATTENDANCE AREAS, TO PROVIDE UNEXPIRED TERMS OF ADVISORY COUNCIL MEMBERS SERVING ON THE EFFECTIVE DATE OF THIS ACT ARE TERMINATED ON THAT DATE AND ADVISORY COUNCIL MEMBERS SUBSEQUENTLY MUST BE APPOINTED BY THE DISTRICT BOARD OF EDUCATION AND THE LEGISLATIVE DELEGATION WILL HAVE NO ROLE IN APPOINTING MEMBERS TO THE ADVISORY COUNCILS, TO PROVIDE FOR THE STAGGERING OF ADVISORY COUNCIL MEMBER TERMS, AMONG OTHER THINGS.

AMENDED, READ THE SECOND TIME

S. 512 -- Senators Sheheen, McElveen, Lourie and L. Martin: A BILL TO AMEND SECTION 6-13-90 OF THE 1976 CODE, RELATING TO WILFUL DAMAGE TO A WATER SYSTEM, TO PROVIDE DIFFERENT PENALTIES FOR VIOLATIONS OF THE SECTION BASED UPON THE AMOUNT OF PROPERTY DAMAGE; AND TO PROVIDE THAT ALL OFFENSES OF THIS NATURE SHALL BE SUBJECT TO THIS PENALTY.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE proposed the following amendment (JUD0512.006), which was adopted:

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

/ SECTION 1. Article 7, Chapter 11 of Title 16 of the 1976 Code is amended by adding:

“Section 16-11-745. (A) It shall be unlawful for any person to wilfully and maliciously injure, destroy, damage, tamper with, obstruct, or impair a public water system as defined by Section 44-55-20(13) or a public sewer system of the State or a political subdivision of the State, or any part thereof, or any machinery, apparatus, or equipment of the

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water system, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the appropriate agency of the State or political subdivision. It shall also be unlawful to aid, agree with, employ, or conspire with a person to do or cause to be done any of the foregoing acts.

(B) A person who violates this section, upon conviction, shall be liable to pay all damages suffered by the water system, and is guilty of a misdemeanor and must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both if the value of the damage is two thousand dollars or less. A person who violates this section, upon conviction, is guilty of a misdemeanor and must be fined not more than five thousand dollars nor less than two thousand dollars or imprisoned for not more than 3 years, or both if the value of the damage is greater than two thousand dollars.”

SECTION 2. Section 5-31-20 of the 1976 Code is deleted.

SECTION 3. Section 6-13-90 of the 1976 Code is deleted.

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.

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Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

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AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Jackson	Johnson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
McElveen	Nicholson	O'Dell
Peeler	Pinckney	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

AMENDMENT WITHDRAWN, READ THE SECOND TIME

H. 3443 -- Reps. Long, Erickson, Daning, Atwater, Bradley, Hixon, Newton, Ridgeway, Simrill, Spires, G.M. Smith, Weeks and Johnson: A BILL TO AMEND SECTION 40-37-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASING, POSSESSING, ADMINISTERING, SUPPLYING, AND PRESCRIBING OF CERTAIN PHARMACEUTICAL AGENTS BY OPTOMETRISTS AND THE PROHIBITION ON SCHEDULE I AND II CONTROLLED SUBSTANCES, SO AS TO CLARIFY THAT SCHEDULE II CONTROLLED SUBSTANCES THAT HAVE BEEN RECLASSIFIED FROM SCHEDULE III TO SCHEDULE II ON OR AFTER OCTOBER 6, 2014, MAY CONTINUE TO BE PURCHASED, POSSESSED, ADMINISTERED, SUPPLIED, AND PRESCRIBED BY AN OPTOMETRIST.

The Senate proceeded to the consideration of the Bill.

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Senator CAMPSEN proposed the following amendment (3443R001.KG.GEC), which was withdrawn:

Amend the bill, as and if amended, page 1, by striking lines 34-38 and inserting:

/ substances as defined in Section 44-53-110 except for hydrocodone combination products, which have been reclassified from Schedule III to Schedule II on or after October 6, 2014 and may continue to be purchased, possessed, administered, supplied, and prescribed by an optometrist for diagnostic and therapeutic purposes in the practice

/
Renumber sections to conform.
Amend title to conform.

On motion of Senator CAMPSEN, the amendment was withdrawn.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Jackson	Johnson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
McElveen	Nicholson	O'Dell
Peeler	Pinckney	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

Total--41

NAYS

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Total--0

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 176 -- Senator Alexander: A BILL TO AMEND SECTION 44-63-74(A) OF THE 1976 CODE, RELATING TO ELECTRONIC FILING AND TRANSMISSION OF DEATH CERTIFICATES, TO PROVIDE THAT DEATH CERTIFICATES MUST BE ELECTRONICALLY FILED WITH THE BUREAU OF VITAL STATISTICS WITHIN THREE DAYS AFTER DEATH, TO PROVIDE THAT MEDICAL CERTIFICATIONS OF CAUSE OF DEATH SHALL BE COMPLETED AND RETURNED TO FUNERAL HOME DIRECTORS WITHIN FORTY-EIGHT HOURS AFTER DEATH BY THE PHYSICIAN IN CHARGE OF THE PATIENT'S CARE FOR THE ILLNESS OR CONDITION WHICH RESULTED IN DEATH, EXCEPT WHEN INQUIRY IS REQUIRED BY CORONER OR MEDICAL EXAMINER, TO PROVIDE THAT IF THE CAUSE OF DEATH CANNOT BE DETERMINED WITHIN FORTY-EIGHT HOURS AFTER DEATH, A MEDICAL CERTIFICATION SHALL BE ENTERED AS PENDING AND A SUPPLEMENTAL REPORT SHALL BE FILED WITH THE BUREAU OF VITAL STATISTICS AND THIS REPORT SHALL BE MADE PART OF THE DEATH CERTIFICATE, AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 32-8-325(A)(1), RELATING TO THE RECEIPT OF INSTRUCTIONS FOR CREMATION, TO PROVIDE THAT A DEATH CERTIFICATE ABSTRACT IS SUFFICIENT TO AUTHORIZE CREMATIONS; AND TO AMEND SECTION 32-8-340(A), RELATING TO THE TIME PERIOD PRIOR TO CREMATION, TO CONFORM TO AMENDMENTS ALLOWING FOR THE USE OF A DEATH CERTIFICATE ABSTRACT.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (AGM\176C004.AGM.AB15), which was adopted:

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

[SJ]

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/ SECTION 1. Section 44-63-74(A) of the 1976 Code is amended to read:

“(A)(1) Notwithstanding any other provision of law, death certificates must be electronically filed with the Bureau of Vital Statistics as prescribed by the State Registrar of Vital Statistics within five days after death.

(2) The funeral director or other person acting as the funeral director who first assumes custody of a dead body shall file a death certificate. He also shall obtain:

(a) the personal data of the decedent from the next of kin or the best qualified person or source available; and

(b) the medical certification of cause of death as provided in department regulations.

(3) Medical certifications of cause of death must be completed and returned to the funeral home director within forty-eight hours after receipt of notice of the death by the physician in charge of the patient’s care for the illness or condition which resulted in death, except when an inquiry is required by a coroner or medical examiner. If the cause of death cannot be determined within forty-eight hours after death, the medical certification must be entered as pending, and the physician, medical examiner, or coroner shall submit a supplemental report to the State Registrar on a form furnished by or approved by him as soon as practicable. The supplemental report shall be made a part of the death certificate. If the forty-eight hour period terminates on a weekend, federal holiday, or state holiday, the physician must file the certification by the end of the next business day. In the absence of this physician or with his approval, the certificate may be completed by his associate physician, the chief medical officer of the institution in which the death occurred, or by the pathologist who performed an autopsy upon the decedent.

(4) Death certificates must be transmitted electronically between the funeral home director and the physician, coroner, or medical examiner certifying the cause of death in order to document the death certificate information prescribed by this chapter. Required signatures on death certificates must be provided by electronic signature. An individual who acts, without compensation, as a funeral director on behalf of a deceased family member or friend, physicians certifying fewer than twelve deaths per year, and funeral homes that perform fewer than twelve funerals per year are exempt from ~~this~~ the requirement to file

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electronically but must comply with the requirements of items (2) or (3), as applicable.

(5)(a) A physician who fails to certify the cause of death within forty-eight hours, without good cause shown, may be assessed an administrative penalty for violating item (3) and the department shall notify the Board of Medical Examiners if a penalty is assessed. Each day after the initial forty-eight hour period shall constitute an additional violation.

(b) A funeral home or funeral director who fails to file a death certificate or collect data or collect medical certification of cause of death as required in items (1), (2), or both, without good cause shown, may be assessed an administrative penalty for violating the respective item and the department shall notify the Board of Funeral Services if a penalty is assessed. Each day after the initial five day period in item (1) shall constitute an additional violation of that item.

(c) A physician, funeral director, or funeral home that is required to file electronically pursuant to item (4) but who fails to file accordingly may be assessed an administrative penalty for violating item (4).

(d) The administrative penalties are:

(i) two hundred and fifty dollars for a first violation or a warning letter;

(ii) five hundred dollars for a second violation; and

(iii) one thousand dollars for a third or subsequent violation.

(e) The department shall retain any administrative penalties collected pursuant to this subsection and must allocate all of these funds to the Bureau of Vital Statistics for its use.”

SECTION 2. Section 32-8-325(A)(1) of the 1976 Code is amended to read:

“(A) A crematory authority shall not cremate human remains until it has received all of the following:

(1)(a) A An abstract of information from a filed death certificate available on the electronic vital records system or a certified copy of the death certificate; however, if the decedent was pronounced dead during hours the department was not open to the public, a completed copy of the death certificate, excluding the signature of the State Registrar of Vital Statistics, signed by the attending physician, coroner, or medical examiner must be provided to the crematory authority; the death certificate signed by the registrar must be filed the next working day of

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the department and a certified copy must be provided to the crematory authority.”

SECTION 3. Section 32-8-340(A) of the 1976 Code is amended to read:

“(A) Human remains may not be cremated before twenty-four hours have elapsed from the time of death as indicated on the attending physician’s, medical examiner’s, ~~or~~ coroner’s certificate of death, or an abstract of information from a filed death certificate available on the electronic vital records system. However, if it is known that the decedent had an infectious or dangerous disease and if the time requirement is waived in writing by the attending physician, medical examiner, or coroner in the county in which the death occurred, the remains may be cremated before twenty-four hours have elapsed.”

SECTION 4. This act takes effect January 1, 2016. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the Bill.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McElveen
Nicholson	O'Dell	Peeler
Rankin	Reese	Sabb
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Williams	Young

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Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 341 -- Senator Kimpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-65 SO AS TO PROVIDE THAT EVERY HOSPITAL IN THIS STATE SHALL PROVIDE THE PARENTS OF EACH NEWBORN BABY DELIVERED IN THE HOSPITAL CERTAIN EDUCATIONAL INFORMATION ON RENAL MEDULLARY CARCINOMA AND THE DEBILITATING EFFECT OF THIS RARE KIDNEY CANCER ASSOCIATED WITH THE SICKLE CELL TRAIT, AND TO PROVIDE A HOSPITAL IS NOT REQUIRED TO PROVIDE OR PAY FOR RENAL MEDULLARY CARCINOMA TESTING.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator CLEARY explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	McElveen
Nicholson	O'Dell	Peeler
Pinckney	Rankin	Reese

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Sabb	Scott	Setzler
Shealy	Sheheen	Thurmond
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 474 -- Senator O'Dell: A BILL TO AMEND SECTION 44-22-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHAPTER DEFINITIONS, SO AS TO ADD AND DEFINE THE TERM "AUTHORIZED HEALTH CARE PROVIDER"; TO AMEND SECTION 44-22-60, RELATING TO PATIENTS' RIGHTS, SO AS TO ALLOW AN AUTHORIZED HEALTH CARE PROVIDER TO PERFORM THE REQUIRED INITIAL EXAMINATION; AND TO AMEND SECTION 44-22-140, RELATING TO AUTHORIZATION OF MEDICATIONS AND TREATMENT GIVEN OR ADMINISTERED TO A PATIENT, SO AS TO ALLOW AN AUTHORIZED HEALTH CARE PROVIDER TO PERFORM THESE FUNCTIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (S-474), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 30-33 and inserting:

/ “(1) ~~Reserved~~ ‘Authorized health care provider’ means advanced practice registered nurses and physician assistants licensed in South Carolina and authorized to provide specific treatments, care, or services pursuant to their respective practice acts in Title 40.”

/

Re-number sections to conform.

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Amend title to conform.

Senator CLEARY explained the Bill.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Bryant	Campsen	Cleary
Corbin	Courson	Cromer
Davis	Gregory	Grooms
Hayes	Hembree	Hutto
Johnson	Kimpson	Leatherman
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McElveen
Nicholson	O'Dell	Peeler
Pinckney	Rankin	Reese
Sabb	Scott	Setzler
Shealy	Sheheen	Thurmond
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 667 -- Senators Hayes, Williams, Alexander, Peeler and L. Martin:
A BILL TO AMEND SECTION 1-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION AND BOUNDARIES OF THE STATE, SO AS TO CLARIFY THE BOUNDARY BETWEEN NORTH CAROLINA AND

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SOUTH CAROLINA ALONG HORRY, DILLON, MARLBORO, CHESTERFIELD, LANCASTER, YORK, CHEROKEE AND SPARTANBURG COUNTIES AND TO PROVIDE ADDITIONAL INFORMATION ABOUT THE PLATS DESCRIBING THE LOCATION OF THE BOUNDARY BETWEEN NORTH CAROLINA AND SOUTH CAROLINA ALONG GREENVILLE, PICKENS, AND OCONEE COUNTIES; BY ADDING SECTION 12-2-110 SO AS TO PROVIDE THAT "NEW JOBS" ARE NOT CREATED IN SOUTH CAROLINA BY EMPLOYEES WHOSE WORK LOCATION IS CHANGED FROM NORTH CAROLINA TO SOUTH CAROLINA AS A RESULT OF THE BOUNDARY CLARIFICATION, NOR IS THERE ANY NEW INVESTMENT IN SOUTH CAROLINA AS A RESULT OF PROPERTY THAT CHANGES LOCATION FROM NORTH CAROLINA TO SOUTH CAROLINA AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-2-120 SO AS TO PROVIDE FOR THE MANNER AND APPLICATION OF TAX ASSESSMENTS AND REFUNDS FOR THE PERIOD PRIOR TO THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-2-130 SO AS TO PROVIDE THAT IN THE YEAR CONTAINING THE DATE OF THE BOUNDARY CLARIFICATION, THE DEPARTMENT OF REVENUE HAS THE AUTHORITY TO COMPROMISE TAXES THAT RESULT IN TAXATION IN BOTH SOUTH CAROLINA AND NORTH CAROLINA SOLELY BECAUSE OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-6-5600 SO AS TO PROVIDE FOR THE INCOME TAX TREATMENT OF INDIVIDUALS AND BUSINESSES WHOSE STATE OF RESIDENCE OR PROPERTY LOCATION CHANGES AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-21-820 SO AS TO PROVIDE FOR THE MANNER OF CIGARETTE AND TOBACCO PRODUCTS TAXATION AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-24-160 SO AS TO PROVIDE THAT IF, AS A RESULT OF THE BOUNDARY CLARIFICATION, PROPERTY IS DEEMED TO HAVE CHANGED LOCATIONS FROM NORTH CAROLINA TO SOUTH CAROLINA AND IF SOLELY AS A RESULT OF THIS CHANGE, A DEED IS FILED IN SOUTH CAROLINA, NO DEED RECORDING FEES ARE DUE ON THIS FILING AND NO COUNTY FILING FEES MAY BE CHARGED; BY ADDING SECTION 12-28-350 SO AS TO PROVIDE THAT A RETAILER THAT SELLS

[SJ]

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MOTOR FUEL WHOSE BUSINESS LOCATION CHANGES FROM SOUTH CAROLINA TO NORTH CAROLINA AS A RESULT OF THE BOUNDARY CLARIFICATION IS ALLOWED A REFUND OF SOUTH CAROLINA MOTOR FUEL TAXES OR USER FEES IF NORTH CAROLINA REQUIRES THAT RETAILER TO PAY THE NORTH CAROLINA MOTOR FUEL TAXES OR USER FEES ON THAT SAME FUEL; BY ADDING SECTION 12-36-2695 SO AS TO PROVIDE FOR THE MANNER IN WHICH SALES AND USE TAXES AND ADMISSIONS TAXES MUST BE COLLECTED AND PAID AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-37-140 SO AS TO PROVIDE FOR HOW CERTAIN REAL AND PERSONAL PROPERTY IS SUBJECT TO PROPERTY TAXATION, AND FOR PROCEDURAL MATTERS RELATING TO THIS TAXATION, INCLUDING APPLICATION LIEN DATES; BY ADDING SECTION 12-37-145 SO AS TO FURTHER PROVIDE FOR MOTOR VEHICLE LICENSE REGISTRATION AND MOTOR VEHICLE PERSONAL PROPERTY TAXES AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-37-150 SO AS TO PROVIDE THAT IF AS A RESULT OF THE BOUNDARY CLARIFICATION AN INDIVIDUAL IS REQUIRED TO REGISTER HIS PERSONAL MOTOR VEHICLE IN SOUTH CAROLINA AND IF THE PROPERTY TAXES ON THAT MOTOR VEHICLE WOULD HAVE BEEN LESS IN NORTH CAROLINA, THE INDIVIDUAL MAY RECEIVE A TAX REBATE FROM THE SOUTH CAROLINA COUNTY FOR THE DIFFERENCE BETWEEN THE TAX THE INDIVIDUAL WAS REQUIRED TO PAY IN SOUTH CAROLINA AND THE INDIVIDUAL WAS REQUIRED TO PAY IN NORTH CAROLINA ON THAT SAME VEHICLE; BY ADDING SECTION 12-37-155 SO AS TO PROVIDE THAT FOR 2016 ONLY, THE LIEN DATE FOR NONBUSINESS PERSONAL PROPERTY, OTHER THAN MOTOR VEHICLES, IS JANUARY 1, 2016, FOR INDIVIDUALS WHOSE STATE OF RESIDENCY CHANGES FROM NORTH CAROLINA TO SOUTH CAROLINA SOLELY AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 29-3-800 SO AS TO PROVIDE SPECIFIED PROCEDURES IN REGARD TO THE FORECLOSURE OF MORTGAGES AND OTHER LIENS ENCUMBERING AFFECTED LANDS; BY ADDING SECTION 30-5-270 SO AS TO PROVIDE FOR SPECIAL RECORDING REQUIREMENTS FOR DEEDS, PLATS,

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MORTGAGES, AND OTHER INSTRUMENTS REGARDING REAL PROPERTY IN THE AFFECTED JURISDICTIONS, AND TO REQUIRE A NOTICE OF THE STATE BOUNDARY CLARIFICATION TO BE PROVIDED BY THE REGISTER OF DEEDS OR CLERKS OF COURT IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-1-310 SO AS TO PROVIDE A COMPLIANCE SCHEDULE FOR ENVIRONMENTAL PERMITTEES IMPACTED BY THE BOUNDARY CLARIFICATION; BY ADDING SECTION 44-6-110 SO AS TO PROVIDE THAT A MEDICAID PROVIDER OUTSIDE OF THE GEOGRAPHICAL BOUNDARY OF SOUTH CAROLINA BUT WITHIN THE SOUTH CAROLINA MEDICAID SERVICE AREA SHALL NOT LOSE STATUS AS A MEDICAID PROVIDER AS A RESULT OF THE CLARIFICATION OF THE SOUTH CAROLINA - NORTH CAROLINA BORDER; BY ADDING CHAPTER 2 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH UTILITY SERVICES MUST BE PROVIDED IN AREAS AFFECTED BY THE BOUNDARY CLARIFICATION; BY ADDING SECTION 59-63-550 SO AS TO FURTHER PROVIDE FOR SCHOOL ATTENDANCE PROCEDURES AND REQUIREMENTS FOR CHILDREN RESIDING IN SCHOOL DISTRICTS AFFECTED BY THE BOUNDARY CLARIFICATION; AND BY ADDING SECTION 59-112-150 SO AS TO FURTHER PROVIDE FOR IN-STATE TUITION RATES AND THE AWARDED OF OTHER STATE-SUPPORTED SCHOLARSHIPS AND GRANTS TO INDEPENDENT PERSONS AND THEIR DEPENDENTS AFFECTED BY THE BOUNDARY CLARIFICATION.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Corbin	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Johnson	Kimpson

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Leatherman	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	Matthews
McElveen	Nicholson	O'Dell
Peeler	Pinckney	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

S. 586 -- Senators L. Martin, Sheheen and Massey: A BILL TO AMEND SECTION 1-11-470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON A CONSTITUTIONAL OFFICER'S USE OF FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY, SO AS TO CHANGE REFERENCES FROM THE BUDGET AND CONTROL BOARD TO THE STATE FISCAL ACCOUNTABILITY AUTHORITY; TO AMEND CHAPTER 30 OF TITLE 1 OF THE 1976 CODE, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO PROVIDE CORRECT REFERENCES TO ESTABLISHING AUTHORITY OR DUTIES FOR EACH DEPARTMENT AND DELETE LANGUAGE CONCERNING GOVERNMENT AGENCY TRANSFERS THAT HAVE BEEN ACCOMPLISHED; TO AMEND SECTION 2-13-240, RELATING TO DISTRIBUTION OF CODE SETS BY THE LEGISLATIVE COUNCIL, SO AS TO PROVIDE THAT THE LEGISLATIVE COUNCIL, AS IT DETERMINES IN THE BEST INTERESTS OF THE STATE, MAY DISTRIBUTE OR SELL CODE OF LAWS, SUPPLEMENTS, OR REPLACEMENT VOLUMES TO PUBLIC SECTOR ENTITIES EXCEPT THAT IT MUST NOT CHARGE THE GENERAL ASSEMBLY FOR CODES PLACED IN THE STATEHOUSE OR GRESSETTE OR BLATT

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BUILDINGS; TO AMEND SECTION 48-4-10, RELATING TO CREATION OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO DELETE PROVISIONS CONCERNING GOVERNMENT AGENCY TRANSFERS THAT HAVE BEEN ACCOMPLISHED; TO AMEND SECTION 58-3-580, RELATING TO STAFF ORGANIZATION AND ALLOCATION IN THE OFFICE OF REGULATORY STAFF, SO AS TO DELETE PROVISIONS THAT HAVE BEEN ACCOMPLISHED AND TO CLARIFY THE EXECUTIVE DIRECTOR'S AUTHORITY CONCERNING OFFICE PERSONNEL; TO AMEND SECTION 63-19-360, RELATING TO INSTITUTIONAL SERVICES, SO AS TO DELETE LANGUAGE CONCERNING REPORTS THAT ALREADY HAVE BEEN COMPLETED AND TO PROVIDE THAT FUTURE REPORTS BE MADE TO THE DEPARTMENT OF ADMINISTRATION INSTEAD OF THE BUDGET AND CONTROL BOARD, WHICH WILL BE ABOLISHED JULY 1, 2015, AS PROVIDED BY ACT 121 OF 2014; AND TO REPEAL SECTION 1-11-22, RELATING TO THE ORGANIZATION OF THE BUDGET AND CONTROL BOARD STAFF; SECTION 48-22-20, RELATING TO POWERS DEVOLVED UPON THE DEPARTMENT OF NATURAL RESOURCES BY THE 1993 RESTRUCTURING ACT; AND SECTION 59-150-355, RELATING TO EDUCATION LOTTERY APPROPRIATIONS AND USES, SO AS TO DELETE PROVISIONS CONCERNING TRANSFERS OF OR ACTIONS BY STATE GOVERNMENT AGENCIES THAT HAVE BEEN ACCOMPLISHED.

The Senate proceeded to the consideration of the Bill.

Senator SHEHEEN proposed the following amendment (586R001.KM.VAS), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 21 through 42, in Section 1-11-470, as contained in SECTION 1, and inserting therein the following:

/ SECTION 1. Section 1-11-470 of the 1976 Code is amended to read:

“Section 1-11-470. (A) No funds appropriated by the General Assembly may be used by a constitutional officer to purchase space including, but not limited to, notices or advertisements, in a print medium or time from a radio or television medium without unanimous prior written approval of the ~~Budget and Control Board~~ General Assembly.

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~~(B) No funds appropriated by the General Assembly may be used by a constitutional officer to print on, or distribute with, official documents extraneous promotional material or to purchase plaques, awards, citations, or other recognitions without unanimous prior written approval of the Budget and Control Board.~~

~~(C)~~ If nonpublic funds are used for the purposes enumerated in subsection (A), the constitutional officer expending the funds must submit the source of the funds showing all contributors to the ~~Budget and Control Board~~ Other Funds Joint Oversight Committee before the funds are expended.

~~(D)~~(C) The provisions of this section do not apply to the Governor or to the General Assembly.” /

Amend the bill, as and if amended, by striking lines 13 through 41 on page 13 and by striking lines 1 through 25 on page 14, in Section 1-30-10, as contained in SECTION 2, and inserting therein the following:

/ Section 1-30-80. (A) ~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations association with any such agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in and must be administered as part of the Department of Parks, Recreation and Tourism to include a Parks, Recreation and Tourism Division.~~

~~—Department of Parks, Recreation and Tourism, formerly provided for at Sections 51-1-10, 51-3-10, 51-7-10, 51-9-10, and 51-11-10, et seq.~~

The Department of Parks, Recreation and Tourism is established as provided in Section 51-1-10.

~~(B)(1) Effective July 1, 2008, the The South Carolina Film Commission of the Department of Commerce is transferred to the Department of Parks, Recreation and Tourism and becomes is a separate division of the Department of Parks, Recreation and Tourism.~~

(2) The South Carolina Film Commission as established in this section as a separate division of the Department of Parks, Recreation and Tourism ~~and transferred to it~~ shall ensure that funds made available to film projects through the South Carolina Film Commission are budgeted and spent so as to further the following objectives:

(a) stimulation of economic activity to develop the potentialities of the State by recruiting and facilitating motion picture production and

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supporting companies and facilities that further the objectives of the division's programs and standards;

~~(b) conservation, restoration, and development of the natural and physical, the human and social, and the economic and productive resources of the State taking steps necessary to foster the economic and cultural development of the indigenous motion picture industry;~~

~~(c) promotion of a system of transportation for the State, through development and expansion of the highway, railroad, port, waterway, and airport systems receiving and disbursing funds which may become available by the federal government for programs related to motion picture production and related activities;~~

~~(d) promotion and correlation of state and local activity in planning public works projects;~~

~~(e) promotion of public interest in the development of the State through cooperation with public agencies, private enterprises, and charitable and social institutions by entering contracts within the amount made available by appropriation, with individuals, organizations, and institutions for services furthering the objectives of the division's programs, and with local and regional associations for cooperative endeavors furthering the objectives of the division's programs;~~

~~(f) encouragement of industrial development, private business, commercial enterprise, agricultural production, transportation, and the utilization and investment of capital within the State;~~

~~(g) assistance in the development of existing state and interstate trade, commerce, and markets for South Carolina goods and in the removal of barriers to the industrial, commercial, and agricultural development of the state;~~

~~(h)(e) assistance in ensuring stability in employment, increasing the opportunities for employment of the citizens of the State, devising ways and means to raise the living standards of the people of the State in accordance with the objectives of the division's programs and standards;~~

~~(i)(f) enhancement of the general welfare of the people; and~~

~~(j)(g) encouragement and consideration as appropriate so as to consider race, gender, and other demographic factors to ensure nondiscrimination, inclusion, and representation of all segments of the State to the greatest extent possible. /~~

Amend the bill further, as and if amended, page 20, by striking SECTION 5 in its entirety.

Amend the bill further, as and if amended, page 23, by striking SECTION 7 and SECTION 8 and inserting:

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/ SECTION 7. Section 1-7-85 of the 1976 Code is amended to read:

“Section 1-7-85. Notwithstanding any other provision of law, the Office of the Attorney General may obtain reimbursement for its costs in representing the State in criminal proceedings and in representing the State and its officers and agencies in civil and administrative proceedings. These costs may include, but are not limited to, attorney fees or investigative costs or costs of litigation awarded by court order or settlement, travel expenditures, depositions, printing, transcripts, and personnel costs. Reimbursement of these costs may be obtained by the Office of the Attorney General from the budget of an agency or officer that it is representing or from funds generally appropriated for legal expenses, with the approval of the ~~State Budget and Control Board~~ State Fiscal Accountability Authority.”

SECTION 8. Section 1-7-160 of the 1976 Code is amended to read:

“Section 1-7-160. A department or agency of state government may not hire a classified or temporary attorney as an employee except upon the written approval of the Attorney General and at compensation approved by him. All of these attorneys at all times are under the supervision and control of the Attorney General except as otherwise provided by law unless prior approval by ~~the State Budget and Control Board~~ the Department of Administration is obtained. This section does not apply to an attorney hired by the General Assembly or the Judicial department.”

SECTION 9. Section 1-7-170(A) of the 1976 Code is amended to read:

“Section 1-7-170. (A) A department or agency of state government may not engage on a fee basis an attorney at law except upon the written approval of the Attorney General and upon a fee as must be approved by him. This section does not apply to the employment of attorneys in special cases in inferior courts when the fee to be paid does not exceed two hundred fifty dollars or exceptions approved by the ~~State Budget and Control Board~~ Department of Administration. This section does not apply to an attorney hired by the General Assembly or the judicial department.”

SECTION 10. Section 1-11-141(A) of the 1976 Code is amended to read:

“Section 1-11-141. (A) Agencies shall insure state-owned vehicles through the ~~Budget and Control Board~~ Insurance Reserve Fund of the State Fiscal Accountability Authority or shall absorb the cost of accident repairs within the agency budget.”

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SECTION 11. Section 1-11-141(C) of the 1976 Code is amended to read:

“(C) Employees subjected to these assessments may appeal the assessment to the following bodies, in the following order:

- (1) Agency Accident Review Board;
- (2) Agency Executive Director or governing board or commission;
- (3) State Motor Vehicle Management Council; and
- (4) ~~State Budget and Control Board~~ Insurance Reserve Fund of the State Fiscal Accountability Authority.”

SECTION 12. Section 1-11-145 of the 1976 Code is amended to read:

“Section 1-11-145. The ~~State Budget and Control Board~~ Insurance Reserve Fund of the State Fiscal Accountability Authority may employ special agents to examine insurance risks carried by ~~such Board~~ the authority and perform any other duties which may be required of them. The cost of necessary supplies, equipment and travel expenses of the special agents shall be paid from the revenues of the Insurance Reserve Fund.”

SECTION 13. Section 1-11-147 of the 1976 Code is amended to read:

“Section 1-11-147. To underwrite automobile liability insurance provided by the ~~board authority~~, the ~~Budget and Control Board~~ Insurance Reserve Fund of the State Fiscal Accountability Authority is authorized to either self-insure, purchase reinsurance, or use a combination of self-insurance and reinsurance. Should the ~~board authority~~ elect to purchase automobile liability reinsurance, the reinsurance shall be procured through a bid process in accordance with the South Carolina Consolidated Procurement Code with a contract term not to exceed three years.”

SECTION 14. Section 1-11-160 of the 1976 Code is amended to read:

“Section 1-11-160. The Division of General Services ~~Division~~ of the ~~Budget and Control Board~~ Department of Administration shall, when necessary, execute a certificate of exemption from taxation when a certificate is required for Federal tax purposes for or on behalf of political subdivisions that purchase property from or through the Division of General Services ~~Division~~ and the certificate so executed shall then constitute the certificate of the political subdivision. The Division of General Services ~~Division~~ shall accept the political subdivision’s requisition or purchase order as conclusive proof that the property so

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requisitioned or purchased is for the exclusive use of the political subdivision.”

SECTION 15. Section 1-11-405 of the 1976 Code is amended to read:

“Section 1-11-405. No aircraft may be purchased, leased, or lease-purchased for more than a thirty-day period by any state agency without the prior authorization of the ~~State Budget and Control Board~~ State Fiscal Accountability Authority and the Joint Bond Review Committee.”

SECTION 16. Section 1-11-460 of the 1976 Code is amended to read:

“Section 1-11-460. The State ~~Budget and Control Board~~ Fiscal Accountability Authority, through the ~~Division of Insurance Services~~ Insurance Reserve Fund, is authorized to pay judgments against individual governmental employees and officials, in excess of one million dollars, subject to a maximum of four million dollars in excess of one million dollars for one employee and a maximum of twenty million dollars in excess of five million dollars in one fiscal year. These payments are limited to judgments rendered under 42 U.S.C. Section 1983 against governmental employees or officials who are covered by a tort liability policy issued by the Insurance Reserve Fund. These payments are also limited to judgments against governmental employees and officials for acts committed within the scope of employment. If a judgment is paid, the payment must be recovered by assessments against all governmental entities purchasing tort liability insurance from the Insurance Reserve Fund.”

SECTION 17. Section 2-7-69(A) of the 1976 Code is amended to read:

“Section 2-7-69. (A) (A) Notwithstanding another provision of law, if the ~~Budget and Control Board~~ Executive Budget Office authorizes a state agency to exceed the number of positions authorized by the general appropriation act, the authorization for the positions must terminate at the end of the fiscal year in which the authorization is made unless the authorization is included as a new position in the general appropriation act for the following fiscal year. At each stage of the consideration of the annual general appropriation bill, the ~~Budget and Control Board~~ Executive Budget Office shall compile and present in a report to the Members of the General Assembly an explanation and justification of all such new positions.”

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SECTION 18. Section 6-27-20 of the 1976 Code is amended to read:

“Section 6-27-20. There is created the Local Government Fund administered by the State Treasurer. This fund is part of the general fund of the State. It is the intent of the General Assembly that this fund not be subject to mid-year cuts. However, if mid-year cuts are mandated by the ~~State Budget and Control Board~~ Executive Budget Office or the General Assembly, as appropriate, pursuant to section 11-9-890(B), to avoid a year-end deficit, this fund is not subject to such cuts, except by a majority vote of the entire ~~State Budget and Control Board~~ State Fiscal Accountability Authority which is separate and apart from any other reduction. These cuts are permitted only to the extent that counties and municipalities do not receive less funding than received in the immediate preceding fiscal year. The Local Government Fund must be financed as provided in this chapter.”

SECTION 19. Section 8-1-190 of the 1976 Code is amended to read:

“Section 8-1-190. Notwithstanding other provisions of law, the ~~Budget and Control Board~~ Department of Administration is authorized to enter into pilot programs with individual agencies or groups of agencies in order to create innovations in State Government. The ~~Budget and Control Board~~ Department of Administration will monitor the findings and results of pilot programs to determine if legislative recommendations should be provided to the General Assembly.”

SECTION 20. The second, third, and fourth paragraphs of Section 8-11-165 of the 1976 Code is amended to read:

“No employee of agencies reviewed by the Agency Head Salary Commission may receive a salary in excess of ninety-five percent of the midpoint of the agency head salary range or the agency head actual salary, whichever is greater, except on approval of the ~~State Budget and Control Board~~ the Agency Head Salary Commission and the Department of Administration, and except for employees of higher education technical colleges, colleges, and universities.

No president of a technical college may receive a salary in excess of ninety-five percent of the midpoint of the agency head salary range or the agency head actual salary, whichever is greater, except on approval of the Agency Head Salary Commission ~~and the State Budget and Control Board~~.

The Agency Head Salary Commission may recommend ~~to the State Budget and Control Board~~ that agency head salaries be adjusted to the

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minimum of their salary ranges and may recommend to the board that agency head salaries be adjusted when necessary up to the midpoints of their respective salary ranges. These increases must be based on criteria developed and approved by the Agency Head Salary Commission.”

SECTION 21. Section 8-11-170(A) of the 1976 Code is amended to read:

“Section 8-11-170. (A) An agency head may not be dually employed by another state agency or institution of higher education without prior approval by the Agency Head Salary Commission ~~and the State Budget and Control Board.~~”

SECTION 22. Section 8-11-186 of the 1976 Code is amended to read:

“Section 8-11-186. A state agency shall report to the appropriate Senate Finance and House of Representatives Ways and Means subcommittees an interim new full-time employment position when authorization is requested from the ~~Budget and Control Board~~ Executive Budget Office. The report must include, but not be limited to, justification of need for the position and a detailed explanation of the source of funding.”

SECTION 23. Section 8-11-193 of the 1976 Code is amended to read:

“Section 8-11-193. Notwithstanding any other provision of law, in a fiscal year in which the general funds appropriated for an institution of higher education are less than the general funds appropriated for that institution in the preceding fiscal year, or whenever the General Assembly or the ~~State Budget and Control Board~~ Director of the Executive Budget Office implements a midyear across-the-board budget reduction, agency heads for institutions of higher education and the State Board for Technical and Comprehensive Education through policy and procedure for the Technical College System may institute employee furlough programs of not more than twenty working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees regardless of source of funds, place of work, or tenure status, and must include employees in classified positions and unclassified positions as well as agency heads. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency or individual institution. During the furlough, affected employees shall be entitled to receive the same state benefits as otherwise available to them except for receiving their salaries. For benefits which require employer and employee contributions including, but not limited to, contributions

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to the South Carolina Retirement System or the optional retirement program, institutions will be responsible for making both employer and employee contributions during the time of the furlough if coverage would otherwise be interrupted. For benefits which require only employee contributions, the employee remains solely responsible for making the contributions. Placement of an employee on furlough pursuant to this section does not constitute a grievance or appeal under the State Employee Grievance Act. In the event an institution's reduction is due solely to the General Assembly transferring or deleting a program, this section does not apply. The implementation of a furlough program authorized by this section shall be on an institution by institution basis."

SECTION 24. Section 8-11-195(A) of the 1976 Code is amended to read:

"Section 8-11-195. (A) During a fiscal year when the Board of Economic Advisors officially estimates and ~~the State Budget and Control Board~~ it is formally certifies certified pursuant to Section 11-9-890 that revenues likely will result in a deficit in excess of the combined reserves in the Capital Reserve Fund and the General Fund Reserve, the ~~board~~ department may authorize the furlough of employees of state agencies, institutions, or departments. However, a furlough only may be authorized ~~by unanimous consent of the board and~~ only as a last resort alternative to a reduction in force of state employees. Furloughs may be authorized for the time considered necessary by the ~~board~~ department but may not exceed ten days in a fiscal year nor more than two days in a pay period. No furlough may be authorized before January fifteenth of the fiscal year in which the deficit is projected to occur."

SECTION 25. Section 8-11-195(B) of the 1976 Code is amended to read:

"(B) If the ~~Budget and Control Board~~ Department of Administration authorizes a furlough, to the extent practical it must be statewide in nature and inclusive of all employees regardless of source of funds, place of work, or tenure. The furlough must include employees in classified positions and unclassified positions as well as agency heads."

SECTION 26. Section 8-11-700(5) of the 1976 Code is amended to read:

"(5) 'Division' means the Office of Human Resource Management Division Resources of the ~~State Budget and Control Board~~ Department of Administration."

SECTION 27. Section 8-11-920(2) of the 1976 Code is amended to read:

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“(2) ‘Board’ means the ~~State Budget and Control Board~~ Department of Administration.”

SECTION 28. The third paragraph of Section 10-1-105 is amended to read:

“Unless otherwise agreed to by the ~~State Budget and Control Board~~ Director of the Department of Administration, any building constructed with the state funds shall include windows which may be conveniently opened.”

SECTION 29. Section 10-1-130 of the 1976 Code is amended to read:

“Section 10-1-130. The trustees or governing bodies of state institutions and agencies may grant easements and rights of way over any property under their control, ~~upon the concurrence and acquiescence of the State Budget and Control Board~~ subject to the provisions contained in Section 1-11-65(A), whenever it appears that such easements will not materially impair the utility of the property or damage it and, when a consideration is paid therefor, any such amounts shall be placed in the State Treasury to the credit of the institution or agency having control of the property involved.”

SECTION 30. Section 10-1-135 of the 1976 Code is amended to read:

“Section 10-1-135. For easements, rights-of-way, or any other encroachment on or over any state park, state forest, state historic area, state wildlife refuge or preserve, Heritage Trust Site, or other state-owned lands of natural significance the responsible management agency shall, in addition to the provisions of Section 10-1-130, make the following determinations prior to requesting approval from the ~~State Budget and Control Board~~ Department of Administration, or the State Fiscal Accountability Authority, as appropriate:

- (a) There is an important public necessity for the encroachment;
- (b) Alternative routes or locations not on state property are neither prudent nor feasible, and the proposed encroachment is not disruptive of the existing or planned uses of the state property;
- (c) The entity responsible for the encroachment shall make reasonable mitigation of the impacts of the proposed encroachment, upon the recommendation of the governing body of the responsible management agency.”

SECTION 31. Section 10-1-163(B) of the 1976 Code is amended to read:

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“Section 10-1-163. ~~(B)~~ All costs for the display, cleaning, and restoration of all portraits, flags, banners, monuments, statues, and plaques on the exterior or interior of the State House except those inside the Senate and House Chambers must be paid from the accounts of ~~General Services, Division of the State Budget and Control Board~~ the Division of General Services of the Department of Administration unless otherwise directed by the General Assembly.”

SECTION 32. Section 10-1-180 of the 1976 Code is amended to read:

“Section 10-1-180. The expenditure of funds by any state agency, except the Department of Transportation for permanent improvements as defined in the state budget, is subject to approval and regulation of the ~~State Budget and Control Board~~ Department of Administration or the State Fiscal Accountability Authority, as appropriate, pursuant to Section 1-11-185(A) or as otherwise provided by law. The board shall have authority to allot to specific projects from funds made available for such purposes, such amounts as are estimated to cover the respective costs of such projects, to declare the completion of any such projects, and to dispose, according to law, of any unexpended balances of allotments, or appropriations, or funds otherwise provided for such projects, upon the completion thereof. The approval of the ~~Budget and Control Board~~ Department of Administration is not required for minor construction projects, including renovations and alterations, where the cost does not exceed an amount determined by the ~~Joint Bond Review Committee and the Budget and Control Board~~ department.”

All construction, improvement, and renovation of state buildings shall comply with the applicable standards and specifications set forth in each of the following codes: The Standard Building Code, The Standard Existing Building Code, The Standard Gas Code, The Standard Mechanical Code, The Standard Plumbing Code and The Standard Fire Prevention Code, all as adopted by the Southern Building Code Congress International, Inc.; and the National Electrical Code NFPA 70, The National Electrical Safety Code-ANSI-C2, The National Fire Protection Association Standard-NFPA 59, all with the code editions, revision years, and deletions as specified in the Manual For Planning and Execution of State Permanent Improvements. The State Engineer shall determine the enforcement and interpretation of the aforementioned codes and referenced standards on state buildings. Any interested local officials shall coordinate their comments related to state buildings through the State Engineer and shall neither delay construction nor delay

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or deny water, sewer, power, other utilities, or firefighting services. Agencies may appeal to the ~~Director of Office of General Services~~ State Fiscal Accountability Authority regarding the application of these codes to state buildings.”

SECTION 33. The first paragraph of Section 10-7-80 of the 1976 Code is amended to read:

“Section 10-7-80. The State Superintendent of Education and the county superintendents of education of the several counties of the State shall furnish upon request to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority and the Department of Administration ~~on request~~ a complete list showing the location of each and every school building in their several counties, the numbers of the school districts in which such buildings are located and the names and addresses of the trustees having the buildings in charge.”

SECTION 34. Section 11-9-30 of the 1976 Code is amended to read:

“Section 11-9-30. The ~~Budget and Control Board~~ Executive Budget Office shall have the authority to transfer appropriate funds from one department to another when personnel are transferred by an act of the legislature from one department to another to perform the same functions.”

SECTION 35. Section 11-9-810 of the 1976 Code is amended to read:

“Section 11-9-810. The General Assembly finds and declares that ~~the present system of advising the Budget and Control Board and General Assembly on economic trends has, at times, developed in a fragmented manner, and that~~ a unified system of dealing with the collection, analysis, interpretation, and presentation of matters relative to the economy is urgently needed for the orderly development of projections and forecasts as relates to revenues and expenditures for a specified period of time. It is the purpose of this provision to establish an organizational and procedural framework governing formulation, evaluation and continuing review of all state revenues and expenditures for all state programs; and to establish general policy governing the administration of the ~~Office of The Board of Economic Advisors~~ Revenue and Fiscal Affairs Office.”

SECTION 36. Section 11-11-15 of the 1976 Code is amended to read:

“Section 11-11-15. The ~~functions of the State Budget and Control Board in the preparation and submission~~ Governor shall annually prepare and submit to the General Assembly ~~a~~ of the recommended state budget

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are devolved upon the Governor. Wherever the phrase ‘State Budget and Control Board’ appears in the context of preparing and submitting budget recommendations to the General Assembly, it means the Governor. In preparing the recommended state budget, the Governor may consult with the State Treasurer, the Comptroller General, or other state officials as needed. The Executive Budget Office shall assist the Governor in preparing the budget recommendations, ~~but this function of the Executive Budget Office may not be construed as altering the overall management and administration of the Executive Budget Office.~~”

SECTION 37. Section 11-11-170(B)(4) of the 1976 Code is amended to read:

“(B)(4) Two percent of the revenues, or the funds obtained pursuant to Chapter 49, Title 11, must be deposited in a fund separate and distinct from the general fund and all other funds, which is hereby established in the State Treasury styled the Tobacco Settlement Local Government Fund. Earnings on the fund must be credited to the fund. This fund must be used to fund the operation of and grants distributed by the ~~Office~~ Division of Local Government of the Division of Regional Development of the Budget and Control Board of the Rural Infrastructure Authority, or its successor in interest.”

SECTION 38. Section 11-11-180(A) of the 1976 Code is amended to read:

“Section 11-11-180. (A) By August thirty-first of each year, the Comptroller General shall report to the ~~State Budget and Control Board Executive Budget Office and Revenue and Fiscal Affairs Office~~ the amounts of general fund revenues and expenditures recorded for the preceding fiscal year and any resulting surplus or deficit of the general fund from a budgetary-based perspective. If the Comptroller General determines that annual expenditures exceeded revenues, an operating deficit must be declared in the report and ~~the State Budget and Control Board must meet to address~~ the deficit must be addressed in the manner that revenue forecast shortfalls are addressed in Section 11-9-890(B), within sixty days of receiving the report or earlier at any previously scheduled meeting. The operating deficit must be the first item on the agenda of the first State Budget and Control Board meeting held after the Comptroller General reports a deficit pursuant to this section.”

SECTION 39. Section 11-11-320(D)(1) of the 1976 Code is amended to read:

“(D)(1) Any appropriation of monies from the Capital Reserve Fund as provided in subsection (C) of this section must be ranked in priority

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of expenditure and is effective on September first of the following fiscal year. If it is determined that the fiscal year has ended with an operating deficit, then the monies appropriated from the Capital Reserve Fund must be reduced by the ~~State Budget and Control Board~~ State Fiscal Accountability Authority based on the rank of priority, beginning with the lowest priority, to the extent necessary and applied by the board to the year-end operating deficit before withdrawing monies from the General Reserve Fund.”

SECTION 40. Section 11-11-420(B) of the 1976 Code is amended to read:

“(B) To ~~insure~~ ensure compliance with subsection (A) of this section, the Executive Budget Office shall annually and prior to December first determine the total number of permanent state positions based on full-time annual equivalency and the total resident population of the State for which data are available.”

SECTION 41. Section 11-49-100 of the 1976 Code is amended to read:

“Section 11-49-100. All accounts of the authority must be held and maintained separately from all other funds, properties, assets, and accounts of this State and its other agencies. The board shall keep an accurate account of all of its activities and all of its receipts and expenditures and annually, in the month of January, shall make a report of its activities to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority, the report to be in a form prescribed by the ~~State Budget and Control Board~~ State Fiscal Accountability Authority. Audited financial statements must be submitted to the Comptroller General by October fifteenth following the end of the fiscal year.”

SECTION 42. Section 11-53-10 of the 1976 Code is amended to read:

“Section 11-53-10. Each state agency may establish a special account for the purpose of funding the agency’s nonrecurring implementation expenses of the South Carolina Enterprise Information System (SCEIS). An agency may transfer into this account funds at the discretion of the agency head to be set aside and expended for the identified purpose. The total amount of funds transferred into the account cannot exceed the agency’s implementation costs as projected by the SCEIS Project Team. The special account is exempt from the calculation of any mid-year budget reduction ~~ordered by the State Budget and Control Board~~ imposed pursuant to Section 11-9-890(B). Any unexpended balance in the special account may be carried forward to the succeeding fiscal year

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and expended for the same purposes. The Comptroller General shall monitor these special accounts to ensure compliance with the provisions of this joint resolution. It is the intent of the General Assembly that agencies pursue grants and other nonstate funding sources to fund their portion of the SCEIS implementation.”

SECTION 43. Section 12-10-100(C) of the 1976 Code is amended to read:

“(C) By May fifteenth of each year, the council shall prepare a public document that itemizes each revitalization agreement concluded during the previous calendar year. The report must list each revitalization agreement, the results of each cost/benefits analysis, and receipts and expenditures of application fees. This document must be forwarded to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority, Governor, Senate Finance Committee, and House Ways and Means Committee. This document may not contain proprietary or confidential information that is otherwise exempt pursuant to Chapter 4 of Title 30, the Freedom of Information Act, and this section must not be construed to require the release of that exempt information.”

SECTION 44. Section 12-62-70(A)(1) of the 1976 Code is amended to read:

“Section 12-62-70. (A)(1) Upon a determination by the director of the ~~Office of General Services Division of the State Budget and Control Board~~ Division of General Services of the Department of Administration of the underutilization of state property by a state agency, the department may negotiate below-market rates for temporary use, no more than twelve months, of space for the underutilized property. The negotiations and temporary use are exempt from the provisions of the State Consolidated Procurement Code. The motion picture production company shall reimburse costs at normal and customary rates incurred by the state agency to the state agency, including costs required to repair any damage caused by the motion picture production company to real or personal property of the State.”

SECTION 45. Section 13-1-45(B) of the 1976 Code is amended to read:

“(B) The department shall provide the required staff and may add additional staff or contract for services, if necessary, to administer the fund in accordance with this section. The compensation, costs, and expenses incurred incident to administering the fund may be paid from revenues. If the department requests, the State ~~Budget and Control Board~~ Fiscal Accountability Authority may provide legal, technical, planning,

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and other assistance through intergovernmental agreement. Costs incurred by the board pursuant to such a request must be reimbursed to it by the department from revenues.”

SECTION 46. Section 13-1-1000(1) of the 1976 Code is amended to read:

“(1) ‘Board’ means the ~~Budget and Control Board~~ State Fiscal Accountability Authority.”

SECTION 47. Section 13-1-1010 of the 1976 Code is amended to read:

“Section 13-1-1010. Notwithstanding any other provision of law, the Aeronautics Commission is hereby created within the ~~Budget and Control Board~~ State Fiscal Accountability Authority. The ~~Budget and Control Board~~ State Fiscal Accountability Authority shall provide administrative support functions to the division. The commission shall oversee the operation of the division as the division’s governing body. The Joint Bond Review Committee must review, prior to approval by the Aeronautics Commission, purchases or sales of any aeronautics assets, the value of which exceeds fifty thousand dollars. There may be no purchase or sale of any aeronautics assets without the approval of the commission.”

SECTION 48. Section 23-47-65(A)(1) of the 1976 Code is amended to read:

“(A)(1) The South Carolina 911 Advisory Committee is created to assist the Revenue and Fiscal Affairs Office in carrying out its responsibilities in implementing a wireless enhanced 911 system consistent with FCC Docket Number 94-102. The committee must be appointed by the Governor and shall consist of: a director of a division of the ~~State Budget and Control Board, ex officio; Department of Administration;~~ the Executive Director of the Revenue and Fiscal Affairs Office; two employees of CMRS providers licensed to do business in the State; two 911 system employees; and one employee of a telephone (local exchange access facility) service supplier licensed to do business in the State; and one consumer. Local governments and related organizations such as the National Emergency Number Association may recommend PSAP Committee members, and industry representatives may recommend wireline and CMRS Committee members to the Governor. There is no expense reimbursement or per diem payment from the fund created by the CMRS surcharge made to members of the committee.”

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SECTION 49. Section 24-1-250(A) of the 1976 Code is amended to read:

“Section 24-1-250. (A) The Department of Corrections is hereby authorized to sell mature trees and other timber suitable for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State Forester to determine the economic and environmental feasibility of and obtain approval for such sales. Funds derived from timber sales shall be utilized by the Department of Corrections to maintain and expand the agricultural program subject to the approval of the ~~State Budget and Control Board~~ Department of Administration or at the discretion of the director, for projects or services benefiting the general welfare of the inmate population.”

SECTION 50. Section 24-1-290(D) of the 1976 Code is amended to read:

“(D) The marketing plan and the procedures for negotiating new contracts and contract renewals must be ~~submitted to and approved by the Budget and Control Board prior to implementation~~ conducted in a manner consistent with the provisions of the State Consolidated Procurement Code. The Department of Corrections shall annually submit an audit report of the program to the Senate Corrections and Penology Committee and the House Medical, Military, Public and Municipal Affairs Committee. The provisions of the section may not be construed to apply to traditional prison industries as authorized in Section 24-3-320.”

SECTION 51. Section 24-3-20(C) of the 1976 Code is amended to read:

“(C) Notwithstanding another provision of law, the department shall make available for use in litter control and removal any or all prison inmates not engaged in programs determined by the department to be more beneficial in terms of rehabilitation and cost effectiveness. The department shall not make available for litter control those inmates who, in the judgment of the director, pose a significant threat to the community or who are not physically, mentally, or emotionally able to perform work required in litter control. No inmate may be assigned to a county prison facility except upon written acceptance of the inmate by the chief county administrative officer or his designee, and no prisoner may be assigned to litter control in a county which maintains a facility unless he is assigned to the county prison facility. The department shall include in its annual report to the ~~Budget and Control Board~~ Executive Budget Office and the Revenue and Fiscal Affairs Office an analysis of the job and

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program assignments of inmates. This plan must include such programs as litter removal, prison industries, work release, education, and counseling. The department shall make every effort to minimize not only inmate idleness but also occupation in marginally productive pursuits. ~~The Budget and Control Board and the Governor's Office~~ Executive Budget Office and the Revenue and Fiscal Affairs Office shall comment in writing to the department concerning necessary alterations in this plan."

SECTION 52. Section 31-3-1690 of the 1976 Code is amended to read:

"Section 31-3-1690. No authority shall be required to offer its securities to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority, the Department of Administration, or any other governmental entity at any time nor shall any authority be required to turn over any surplus of sinking funds to said ~~Board~~ State Fiscal Accountability Authority, the Department of Administration, or any other governmental entity."

SECTION 53. Section 38-13-180 of the 1976 Code is amended to read:

"Section 38-13-180. For purposes of Sections 38-13-190 and 38-13-200, 'insurance reserve fund' or 'funds' means the insurance reserve funds administered by the ~~Division of General Services of the State Budget and Control Board~~ State Fiscal Accountability Authority to provide liability and property insurance, as authorized under Section 1-11-140, Chapter 7 of Title 10, and the regulations prescribed by the ~~State Budget and Control Board~~ State Fiscal Accountability Authority."

SECTION 54. Section 38-13-190(2) of the 1976 Code is amended to read:

"(2) The director or his designee shall examine all methods of operation of the insurance reserve funds to determine whether the funds are being administered in accordance with sound insurance practices and in the best interest of the State. Following the examination, the director or his designee shall prepare a report for submission, through the department, to the ~~State Budget and Control Board~~ Fiscal Accountability Authority, the Governor, the Speaker of the House of Representatives, and the President of the Senate containing his findings and conclusions and any recommendations to improve the efficiency, effectiveness, and overall operation of the funds."

SECTION 55. Section 38-57-45 of the 1976 Code is amended to read:

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“Section 38-57-45. (A) No insurance agency, insurer, or health maintenance organization may make, publish, disseminate, circulate, or place before the public or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other solicitation material, an advertisement, representation, or statement with respect to the business of insurance which utilizes the Seal of South Carolina or any symbol which contains, includes, or is derivative of the Seal of South Carolina without the approval of the ~~State Budget and Control Board~~ Department of Insurance.

(B) An insurance agency, an insurer, or a health maintenance organization must include in a prominent manner in solicitation material it utilizes specifically directed at and distributed to state employees a statement that the insurance program or health maintenance program is not officially endorsed by the State unless the program officially has been endorsed by the ~~Budget and Control Board~~ Public Employee Benefit Authority.”

SECTION 56. Section 41-31-820 of the 1976 Code is amended to read:

“Section 41-31-820. (A) Unemployment compensation premiums collected from state agencies will be deposited into a separate account and used to pay unemployment compensation benefits to eligible employees of the State. Premiums will be based on experience ratings provided by private consultants and the ~~State Budget and Control Board~~ Department of Administration. The Unemployment Compensation Funds’ contribution level must be reviewed no less than biennially to ensure that premiums are commensurate with the cost of operating the Unemployment Compensation Fund. All interest earned on this account must be retained by the Unemployment Compensation Fund and used to offset costs.

(B) Notwithstanding the amounts annually appropriated as "Unemployment Compensation Insurance" to cover unemployment benefit claims paid to employees of the state government who are entitled under federal law, the State Treasurer and the Comptroller General, are hereby authorized and directed to pay from the general fund of the State to the department funds necessary to cover actual benefit claims paid during the current fiscal year which exceed the amounts paid in for this purpose by the various agencies, departments, and institutions subject to unemployment compensation claims. The department must certify quarterly to the ~~State Budget and Control Board~~ Department of

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Administration the state's liability for such benefit claims actually paid to claimants who were employees of the State of South Carolina and entitled under federal law. The amount so certified must be remitted to the department."

SECTION 57. Section 41-33-470 of the 1976 Code is amended to read:

"Section 41-33-470. The department shall report to the ~~State Budget and Control Board~~ Executive Budget Office in the same manner as is required generally for the submission of financial requirements for the ensuing year and the board shall include in its request for general appropriations presented to the General Assembly at its next regular session a statement of the amounts required for any replacement required by Section 41-33-460."

SECTION 58. Section 43-1-70 of the 1976 Code is amended to read:

"Section 43-1-70. The director may appoint and employ such other officers and employees as are authorized and may be necessary to perform the duties placed upon the department by law, and the director shall fix their compensation unless the General Assembly shall do so, but in no event shall the director expend any sums for purposes unauthorized by law. All such compensation shall be fixed by the state department, which shall submit to the ~~State Budget and Control Board~~ Director of the Department of Administration all proposed salaries not fixed by law, and the ~~State Budget and Control Board~~ Director of the Department of Administration shall pass upon such salaries so that the amounts paid shall be in keeping with the salaries paid to other state employees for similar service and duties. The director may require such officers and employees to furnish bonds in such amounts as it may determine. The selection of such officers and employees shall be made entirely upon the qualification and merit of the individuals so employed."

SECTION 59. Section 43-5-1275 of the 1976 Code is amended to read:

"Section 43-5-1275. As applicable, all state agencies shall adopt Electronic Data Interchange Standards as set forth by the ~~Budget and Control Board, Office of Research and Statistics Information Resource Planning and Management~~ Division of Technology of the Department of Administration so that exchanges and sharing of information concerning AFDC clients and revenue sources are freely available. However, in the exchange and sharing of information all requirements for confidentiality of information must be maintained. ~~For the next two years these state~~

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agencies shall report to the Budget and Control Board, Division of Information Resource Technology before January first on the agency's progress and compliance with this section and its utilization of the system created as a result of this action.”

SECTION 60. Section 44-1-40 of the 1976 Code is amended to read:

“Section 44-1-40. The board shall select a director for the department who shall serve a four-year term and who shall have such authority and perform such duties as may be directed by the board. The salary of the director shall be fixed by the board, upon approval of the ~~State Budget and Control Board~~ Agency Head Salary Commission. For any vacancy occurring in the office of director ~~on or after February 1, 1995~~, the board, after consultation with and approval by the Governor, must submit the name of its appointee to the Senate for the Senate's advice and consent. ~~On or after February 1, 1995, the~~ The board may remove a director only after consultation with and approval by the Governor.”

SECTION 61. Section 48-23-290 of the 1976 Code is amended to read:

“Section 48-23-290. The State Commission of Forestry may use the income from the Sand Hills State Forest, with the approval of the ~~State Budget and Control Board~~ Executive Budget Office, for the operation, development, and obligations of the forest and other purposes. Income not expended in one year must be retained by the commission and carried forward each year for use pursuant to this section. The commission shall promulgate regulations necessary to carry out this section.”

SECTION 62. Section 48-39-130(C) of the 1976 Code is amended to read:

“(C) Ninety days after July 1, 1977 no person shall fill, remove, dredge, drain or erect any structure on or in any way alter any critical area without first obtaining a permit from the department. Provided, however, that a person who has legally commenced a use such as those evidenced by a state permit, as issued by the former Budget and Control Board prior to July 1, 2015, or a project loan approved by the rural electrification administration or a local building permit or has received a United States Corps of Engineers or Coast Guard permit, where applicable, may continue such use without obtaining a permit. Any person may request the department to review any project or activity to determine if he is exempt under this section from the provisions of this chapter. The department shall make such determinations within forty-five days from the receipt of any such request.”

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SECTION 63. Section 48-39-220(A) of the 1976 Code is amended to read:

“Section 48-39-220. (A) Any person claiming an interest in tidelands which, for the purpose of this section, means all lands except beaches in the Coastal zone between the mean high-water mark and the mean low-water mark of navigable waters without regard to the degree of salinity of such waters, may institute an action against the State of South Carolina for the purpose of determining the existence of any right, title or interest of such person in and to such tidelands as against the State. Service of process shall be made upon the ~~secretary of the State Budget and Control Board~~ Department of Administration, with notice provided to the Attorney General and the Department of Health and Environmental Control.”

SECTION 64. Section 48-43-390(A) of the 1976 Code is amended to read:

“Section 48-43-390. (A) The ~~South Carolina State Budget and Control Board~~ State Fiscal Accountability Authority, hereinafter referred to as the board, is ~~hereby~~ designated as the State Agency with the authority, responsibility and power to lease, subject to review by the Joint Bond Review Committee as required by law, all State lands to persons for the purpose of drilling for and producing oil and gas. The Department of Health and Environmental Control is ~~hereby~~ designated as the exclusive agent for the ~~board~~ State Fiscal Accountability Authority in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to oil and gas leases as may be included ~~herein~~ as responsibilities of the ~~board~~ authority.”

SECTION 65. Section 48-52-620(D) of the 1976 Code is amended to read:

“(D) Each public school district and state agency shall submit to the State Energy Office and each state agency shall include in its annual report to the ~~State Budget and Control Board~~ State Energy Office:

- (1) activities undertaken implementing its energy conservation plan; and
- (2) progress made in achieving its energy conservation goals.”

SECTION 66. A. Section 48-52-810(1) of the 1976 Code is amended to read:

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“(1) ~~‘Board’ means the State Budget and Control Board~~ ‘Office’ means the State Energy Office.”

B. Section 48-52-820(12) of the 1976 Code is amended to read:

“(12) authorize the ~~board~~ office to pursue ENERGY STAR designation from the United States Environmental Protection Agency to further demonstrate a building project’s energy independence.”

C. Section 48-52-825(A) of the 1976 Code is amended to read:

“Section 48-52-825. (A)(1)(a) The ~~board~~ office shall automatically adopt by reference the most current editions of the rating systems developed by Green Building Initiative and U.S. Green Building Council’s Leadership in Energy and Environmental Design used for certification pursuant to this article. Upon adoption, the most current edition of the rating system shall be used for certification purposes under this article. Provided, however, that the most current edition of the rating system shall be subject to regulations concerning that edition of the rating system when promulgated pursuant to item (2).

(b) In the event that two rating systems from the same organization have been adopted by reference and are effective concurrently for certification purposes, then either rating system may be utilized to certify projects as required pursuant to this article. The latter of the two rating systems to be adopted by reference pursuant to subitem (a) shall be deemed to be the most current edition of the rating system for purposes of review and regulation pursuant to subsection (B).

(2) The ~~board~~ office shall refer new or updated rating systems to the Energy Independence and Sustainable Construction Advisory Committee for consideration pursuant to Section 48-52-865(B) immediately upon the release of the new or updated rating system and prior to the rating system’s effective date. After receiving the advisory committee’s recommendations, the ~~board~~ office shall promulgate regulations to amend the rating system under consideration to remove specific provisions, provided that the recommended amendments would not so alter the rating system as to render certification under the rating system impossible. If the advisory committee does not make a recommendation within the time period prescribed in Section 48-52-865(B)(2) the ~~board~~ office, upon consultation with the State Engineer, shall proceed with promulgating regulations as provided in this item.”

D. Section 48-52-830 of the 1976 Code is amended to read:

“Section 48-52-830. (A)(1) All major facility projects in this State, as defined in Section 48-52-810(10)(i), must be designed, constructed,

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and at least certified as receiving two globes using the Green Globes Rating System or receiving the LEED Silver standard. All major facility projects in this State, as defined in Section 48-52-810(10)(a)(ii) or (iii), must be analyzed using a life cycle cost analysis comparing the cost and benefits of designing, constructing, maintaining, and operating the facility at the LEED Silver standard or two globes standard, or better, with certification; normal industry and regulatory standards as applicable; or some standard between the two that causes the project to be designed and constructed in a manner that achieves the lowest thirty-year life cycle cost.

(2) In obtaining certification as receiving two globes using the Green Globes Rating System, a major facility project must earn at least twenty percent of the available points for energy performance under 'C.1.1 Energy Consumption'. In obtaining certification as meeting the LEED Silver standard, a major facility project must earn at least forty percent of the available points for energy performance under 'EA Credit: Optimize Energy Performance'. The Office of State Engineer may waive the requirements of this item for a proposed major facility project should it determine that the costs of meeting this item are not economically feasible. The Office of State Engineer shall notify the ~~board~~ office of the reason for the issuance of a waiver.

(B) The ~~board~~ office may petition the General Assembly to require all major facility projects be certified to a high-performance building rating system standard in addition to or instead of the systems provided in this chapter. However, any alternate rating system adopted by the General Assembly must be no less stringent than the systems provided in this chapter.

(C) The ~~board~~ office shall administer and enforce the provisions in this article. Also, the ~~board~~ office may adopt rules and promulgate regulations to comply with the goals set forth in Section 48-52-820."

E. Section 48-52-840(C) of the 1976 Code is amended to read:

"(C) The ~~board~~ office shall develop and implement a process to monitor and evaluate the energy and environmental benefits associated with each major facility project designed, constructed, or renovated pursuant to this article. The monitoring and evaluation of each major facility project shall commence one year after certification of the major facility project and shall continue for nineteen years thereafter. All data concerning energy and environmental benefits collected pursuant to this section must be made available to the board to be compiled and submitted to the General Assembly pursuant to Section 48-52-860."

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F. Section 48-52-850(C) of the 1976 Code is amended to read:

“(C) The ~~board~~ office shall develop and implement a process to monitor and evaluate the energy and environmental benefits associated with each major facility project designed, constructed, or renovated pursuant to this article. The monitoring and evaluation of each major facility project shall commence one year after certification of the major facility project and shall continue for nineteen years thereafter. All data concerning energy and environmental benefits collected pursuant to this section must be made available to the board to be compiled and submitted to the General Assembly pursuant to Section 48-52-860.”

G. Section 48-52-860 of the 1976 Code is amended to read:

“Section 48-52-860. The ~~board~~ office annually shall submit a report regarding major facility projects to the General Assembly that includes:

- (1) the number and types of buildings designed and constructed;
 - (2) the level of certification of each building designed, constructed, or renovated;
 - (3) actual savings in energy costs;
 - (4) a description of all potential environmental benefits, including, but not limited to, water resources savings and the reduction of waste generation;
 - (5) the ability of buildings to continue to operate at the standard to which it was originally certified;
 - (6) the reason for any waiver granted by the State Engineer’s Office;
- and
- (7) any conflicts or barriers that hinder the effectiveness of this article.”

SECTION 67. Section 49-19-630 of the 1976 Code is amended to read:

“Section 49-19-630. The chief engineer shall have control of the engineering work in the district and he may, whenever he deems it necessary, confer with the Chief Engineer of this State ~~or the State Budget and Control Board~~ and he may, by and with the consent of the board of supervisors, consult any eminent engineer or engineers and obtain his or their opinion and advice concerning the reclamation of lands in the district.”

SECTION 68. Section 49-19-1440(2) of the 1976 Code is amended to read:

“Section 49-19-1440. (2) Construct and maintain main and lateral ditches, canals, levees, dykes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations and syphons and connect

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them or any of them with any canals, drains, ditches, levees or other works that may have been constructed by the ~~State Budget and Control Board~~ State of South Carolina and with any natural stream, lake or watercourse in or adjacent to the district;”

SECTION 69. The third paragraph of Section 49-29-100 of the 1976 Code is amended to read:

“Land placed in the Scenic Rivers Program which is owned by the State may be restricted in conformance with this chapter by executed easement or deed restriction executed by the donating agency and approved by the ~~Budget and Control Board~~ Department of Administration upon authorization of the State Fiscal Accountability Authority.”

SECTION 70. The fourth paragraph of Section 49-29-100 of the 1976 Code is amended to read:

“Section 49-29-100. The ~~Budget and Control Board~~ Department of Administration shall submit annually a report of the property included in the Scenic Rivers Program to the Department of Revenue and the auditor of each county in which the property is situated.”

SECTION 71. Section 50-5-2720 of the 1976 Code is amended to read:

“Section 50-5-2720. The State Auditor may from time to time examine the accounts and books of the Compact Commission, including its receipts, disbursements, and such other items referring to its financial standing as the State Auditor may consider proper, and report the results to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority and the Department of Natural Resources.”

SECTION 72. Section 51-1-60 of the 1976 Code is amended to read:

“Section 51-1-60. The department may contract, be contracted with, use a common seal, and make and adopt regulations. No regulation may be promulgated affecting hunting and fishing except as provided in Section 51-3-145. The department may accept gifts and acquire by gift, purchase, or otherwise real estate and other property, but no real estate may be purchased or disposed of by the department except on approval of the ~~State Budget and Control Board~~ Department of Administration or State Fiscal Accountability Authority, as appropriate. The department shall keep accurate records showing in full the receipts and disbursements and the records must be open at any reasonable time to inspection by the public. The department shall submit annually to the General Assembly and the ~~Budget and Control Board~~ Department of

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Administration, and the State Fiscal Accountability Authority reports the board requires required by the Department of Administration or the State Fiscal Accountability Authority. The department shall have the following duties and responsibilities in addition to such other functions as may, from time to time, be assigned by legislative action ~~or by the State Budget and Control Board.~~”

SECTION 73. Section 54-3-119 of the 1976 Code is amended to read:

“Section 54-3-119. (A) Except as provided in subsection (B), the State Ports Authority Board is directed to sell under those terms and conditions it considers most advantageous to the authority and the State of South Carolina all real property it owns on Daniel Island and Thomas (St. Thomas) Island except for the dredge disposal cells that are needed in connection with the construction of the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance. The sale shall be timed and concluded on a schedule that prudently considers all market conditions affecting the sale but in any event must be ~~under contract for sale by December 31, 2012,~~ ~~and the sale completed by December 31, 2013~~ 2015. The property must be transferred to the State ~~Budget and Control Board~~ Fiscal Accountability Authority for sale if the ports authority is unable to complete the sale by December 31, ~~2013~~ 2015. To assist in the sale of the property, the board shall have the property appraised by at least two independent qualified commercial appraisers not affiliated with the authority. The real property appraisers must be a State Certified General Real Estate Appraiser, a member of the Appraisal Institute (MAI), and must be knowledgeable in appraisal and in appraising marine terminal facilities. The appraisal of the real property should include its future development opportunities and those of the surrounding properties. The sale price must be equal to or greater than at least one of the independent appraisals. The approval of the State ~~Budget and Control Board~~ Fiscal Accountability Authority is required to effectuate the sale if completed on or before December 31, ~~2013~~ 2015.

(B) The board shall give the right of first refusal to those former landowners on Thomas (St. Thomas) Island who sold their land located within the transportation corridor to the authority in anticipation of the authority’s exercise of eminent domain. The right of first refusal must provide that the landowner may repurchase his land at the same price for which the authority purchased it from him. Each contract for the sale of a parcel located in the transportation corridor on Thomas Island must

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contain a covenant creating an easement over the parcel. The easement must permit the authority, and any successor in interest to the authority, reasonable ingress and egress to the real property on Daniel Island owned by the authority as of the effective date of this section. The easement must contain express language that the easement runs with the land.

(C)(1) With regard to the sale of real property pursuant to subsection (A), the State ~~Budget and Control Board~~ Fiscal Accountability Authority is vested with all of the board's fiduciary duties to the ports authority and the ports authority's bondholders if the property is transferred to the State ~~Budget and Control Board~~ Fiscal Accountability Authority for sale. The acceptance of any sales price by either the board or the State ~~Budget and Control Board~~ Fiscal Accountability Authority must be exercised with due regard to the fiduciary duty owed to the ports authority and for the protection of the interests of the ports authority's bondholders as set forth in its bond covenants, and otherwise according to law, including the conversion of a nonperforming asset into revenues in the most expeditious manner.

(2) The State ~~Budget and Control Board~~ Fiscal Accountability Authority may deduct from the proceeds of the sale an amount equal to the actual costs incurred in conjunction with the sale of the property. The balance of the proceeds must be transmitted to the authority."

SECTION 74. Section 55-1-1 of the 1976 Code is amended to read:

"Section 55-1-1. There is created a Division of Aeronautics within the ~~South Carolina Budget and Control Board~~ State Fiscal Accountability Authority that shall be governed by the Aeronautics Commission as provided in Chapter 1, Title 57."

SECTION 75. Section 55-1-5(10) of the 1976 Code is amended to read:

"(10) 'Division' unless otherwise indicated, means the Division of Aeronautics of the ~~South Carolina Budget and Control Board~~ State Fiscal Accountability Authority."

SECTION 76. Section 55-11-10(5) of the 1976 Code is amended to read:

"(5) designate the Division of Aeronautics of the ~~Budget and Control Board~~ State Fiscal Accountability Authority as its agent, to accept, receive, receipt for and disburse federal or state funds or other funds, public or private, made available for the purposes of this section, as may be required or authorized by law;"

SECTION 77. Section 55-15-10(f) of the 1976 Code is amended to read:

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“Section 55-15-10. (f) The term ‘public authority’ means the Division of Aeronautics of the ~~Budget and Control Board~~ State Fiscal Accountability Authority, a municipality, a county or other political subdivision of this State, separately or jointly, authorized to acquire land, air rights, safety markers, and lights as provided in Chapter 9, Title 55.”

SECTION 78. The third paragraph of Section 56-3-840 of the 1976 Code is amended to read:

“Section 56-3-840. All monies collected pursuant to this section, not to exceed the actual revenues collected in fiscal year 1999-2000, must be annually deposited to a separate account and held in reserve for the Department of Public Safety. Notwithstanding any other provision of law, these monies must be deposited to the credit of the department into a special fund in the office of the State Treasurer designated as the ‘Department of Public Safety Building Fund’. The Department of Public Safety must use these monies and other unobligated monies for the purpose of issuing revenue bonds or for entering into a lease purchase agreement for a headquarters facility, including the renovation of existing facilities. ~~The Department of Public Safety is authorized to initiate and direct a capital project to purchase or construct a new headquarters facility. Projects funded under this section other than for the construction or purchase of a new headquarters facility, including but not limited to, the expansion or renovation of an existing facility, must be approved by a joint resolution provided that if the Department of Public Safety employs a lease purchase agreement to build or purchase a new headquarters facility, the lease purchase agreement must be approved by the State Budget and Control Board. The cost of a headquarters facility must not exceed thirty million dollars unless a parking facility or garage is required.~~”

SECTION 79. Section 56-3-4910(B) of the 1976 Code is amended to read:

“(B) The fees collected pursuant to this section must be deposited in a separate fund for the South Carolina Fire Academy. The fund must be administered by the ~~Budget and Control Board~~ Department of Labor, Licensing and Regulation Division of State Fire Marshal and must be used only to train in-state public firefighters, paid and volunteer, to comply with state and federal mandated training standards. Funds collected must be deposited with the State Treasurer. The distribution of the funds is based on fifteen dollars to the department and twenty dollars to the academy for each special license plate sold.”

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SECTION 80. Section 57-11-235 of the 1976 Code is amended to read:

“Section 57-11-235. Following the receipt of any request pursuant to Section 57-11-220, the ~~state board~~ State Fiscal Accountability Authority shall review the same and to the extent that it shall approve such request, it shall be empowered, by resolution duly adopted, to effect the issuance of state highway bonds, or pending the issuance thereof, effect the issuance of bond anticipation notes pursuant to Chapter 17 of Title 11.”

SECTION 81. Section 58-9-2550(1) of the 1976 Code is amended to read:

“Section 58-9-2550. The Office of Regulatory Staff may establish a distribution system for TTY and other related telecommunications devices. In establishing this program, the Office of Regulatory Staff may:

(1) select an administrator through the ~~State Budget and Control Board~~ Department of Administration or the State Fiscal Accountability Authority, as appropriate, procurement process to purchase, store, distribute, and maintain telecommunications devices for persons qualified to receive such equipment. In addition, the administrator must be responsible for providing user training and assistance; and”

SECTION 82. Section 59-10-370 of the 1976 Code is amended to read:

“Section 59-10-370. Each phase of implementation of this chapter is contingent upon the appropriation of adequate funding as documented by the fiscal impact statement provided by the Office of State Budget of the State Budget and Control Board, prior to July 1, 2014 and the Revenue and Fiscal Affairs Office after July 1, 2014. There is no mandatory financial obligation to school districts if state funding is not appropriated for each phase of implementation as provided for in the fiscal impact statement ~~of the Office of the State Budget of the State Budget and Control Board.~~”

SECTION 83. Section 59-19-93 of the 1976 Code is amended to read:

“Section 59-19-93. Distributions of funds to a school district pursuant to the South Carolina Education Improvement Act of 1984 must be suspended after June 30, 1985, unless the school district has adopted and filed with the ~~Division of General Services of the State Budget and Control Board~~ Fiscal Accountability Authority a procurement code modeled on the South Carolina Consolidated Procurement Code or the model set forth in the Report of the Local Government Task Force on

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Procurement. All suspended funds must be released to the district at the time the district files an adopted procurement code and all subsequent distributions must be made as provided by law.”

SECTION 84. Section 59-67-710 of the 1976 Code is amended to read:

“Section 59-67-710. (1) The ~~Director of the Division of General Services~~ State Fiscal Accountability Authority, with the approval of the ~~State Budget and Control Board~~, shall provide insurance coverage on all state-owned school buses which are operated under the authority of, and which are being used for the purposes of, Article 3 of this chapter. Such insurance contracts must be provided either through commercial carriers or through the insurance reserve funds ~~of the Division of General Services~~. The insurance contracts shall provide at least the following benefits:

(a) for the lawful occupant of any such school bus who suffers bodily injuries or death, a death benefit of not less than fifty thousand dollars;

(b) for the lawful occupant of any such school bus who suffers bodily injuries, an amount sufficient to defray the cost of hospitalization, surgery, dentistry, medicine, and all other medical expenses up to three thousand dollars or such amount as promulgated by regulation of the Department of Education;

(c) additional coverage must also be provided for the following named perils:

(i) for the loss of both hands or both feet or sight of both eyes, fifty thousand dollars;

(ii) for loss of one hand and one foot, thirty thousand dollars;

(iii) for loss of either hand or foot and sight of one eye, thirty thousand dollars; and

(iv) for loss of either hand or foot or sight of one eye, thirty thousand dollars.”

SECTION 85. Section 59-67-780 of the 1976 Code is amended to read:

“Section 59-67-780. The ~~Director of the Sinking Funds and Property Division of the State Budget and Control Board~~ State Fiscal Accountability Authority may promulgate any rules or regulations or set up any procedure which will, in his judgment, clarify the provisions or facilitate the purposes of this article.”

SECTION 86. Section 59-67-790 of the 1976 Code is amended to read:

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“Section 59-67-790. (A) There is hereby created a fund to be administered by the ~~Director of the Division of General Services~~ State Fiscal Accountability Authority to provide major medical benefits for bodily injuries to school bus passengers when the cost exceeds the benefits provided for in subsection (1)(a) of Section 59-67-710 of the 1976 Code. No claim shall exceed fifty thousand dollars for any one person for any one accident.

(B) The ~~Director of the Division of General Services~~ State Fiscal Accountability Authority shall pay into the Pupil Injury Insurance Fund that portion of the premiums charged to the State Department of Education for providing insurance covering buses he deems necessary to maintain the Pupil Injury Insurance Fund at an actuarially sound level sufficient to pay the benefits authorized by this section.

(C) No payment from the Pupil Injury Insurance Fund shall be permitted when other insurance benefits or workers’ compensation is available to pay such cost or where no charge is made for treatment. Whoever shall file a claim for payment from the Pupil Injury Insurance Fund shall at the same time file an affidavit swearing under oath that the requested claim is not covered by other insurance benefits or workers’ compensation to be received for that claim; provided, this shall not apply to any injured school bus passenger who receives, for bodily injuries, an amount not exceeding three thousand dollars under Section 59-67-710(1)(b) of the 1976 Code.

(D) Any recovery from the State or governmental entity under Chapter 78 of Title 15 of the 1976 Code shall be reduced by the sum received pursuant to this section. In any recovery from a third party, the State shall have a right of subrogation for recovery of payments pursuant to this section.

(E) The ~~Director of the Division of General Services~~ State Fiscal Accountability Authority, with the approval of the State Budget and Control Board, shall promulgate such rules and regulations as may be necessary to carry out the provisions of this section.”

SECTION 87. The first paragraph of Section 59-111-30 of the 1976 Code is amended to read:

“Section 59-111-30. The South Carolina defense scholarship fund is hereby created for which the sum of one hundred twenty thousand dollars is hereby appropriated from the general fund for the fiscal year 1962-1963. Additional appropriations to the fund may be made in annual general appropriation acts. The ~~State Budget and Control Board~~ State Fiscal Accountability Authority shall administer the fund and shall

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allocate to State-supported institutions of higher learning which have elected to make loans to students under the provisions of subchapter II of chapter 17 of Title 20, United States Code, Annotated, their equitable share of the funds appropriated, so as to enable the institutions to contribute to the fund created as required by Federal law, a sum equal to one ninth of the total Federal capital contributed. The allocations made to institutions of higher learning shall be deemed loans by the State to the institutions and payment on the loans shall be made as directed by the Budget and Control Board. Interest on the loans shall not exceed three per cent per annum.”

SECTION 88. Section 59-112-60(B) of the 1976 Code is amended to read:

“Section 59-112-60. (B) Employees of public colleges, universities, and technical colleges may attend classes at an institution of higher learning and receive tuition assistance ~~in accordance with Budget and Control Board guidelines and regulations.~~”

SECTION 89. Section 59-112-70(B) of the 1976 Code is amended to read:

“Section 59-112-70. (B) State-supported colleges and universities, including the technical colleges, may waive the nonresident portion of tuition and fees for those students who are participating in an international Sister-State agreement program which the Governor and the General Assembly have entered to promote the economic development of South Carolina. The nonresident fee waiver for the students is applicable only for those Sister-State agreements where South Carolina students receive reciprocal consideration. The Commission on Higher Education, through coordination with the ~~State Budget and Control Board~~ State Fiscal Accountability Authority, will annually notify institutions of the Sister-State agreements eligible for the nonresident fee waiver. The credit hours generated by these students must be included in the Mission Resource Requirement for funding.”

SECTION 90. Section 59-119-165 of the 1976 Code is amended to read:

“Section 59-119-165. The ~~Budget and Control Board~~ Department of Administration, in conjunction with the Department of Education, shall transfer all federal funds associated with Agricultural Education at the Department of Education to Clemson-PSA (Public Service Activities) no later than July fifteenth of each fiscal year. Notwithstanding any other provisions of law, funds and positions transferred to Clemson-PSA from the Department of Education for Agricultural Education shall be used for

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personnel positions and related office and travel expenses to provide overall leadership, coordination, and structure for agricultural education programs, and South Carolina Association of Young Farmers activities in the public schools of this State. Clemson-PSA shall provide a report to the Department of Education on the use and expenditure of the federal funds transferred by the Department of Education to Clemson-PSA no later than December first of each fiscal year.”

SECTION 91. Section 59-136-505(A) of the 1976 Code is amended to read:

“Section 59-136-505. (A) ~~No later than June 30, 1995, the~~ The formerly constituted Budget and Control Board shall issue issued state institution bonds pursuant to Title 59, Chapter 107, on behalf of Coastal Carolina University to refund and defease all state institution bonds issued on behalf of the University of South Carolina which are the Series 1991B and Series 1992C State Institution Bonds. That portion of the State Institution Bonds to be refunded which was used to provide facilities at Coastal Carolina University shall be refunded by a series of state institution bonds issued on behalf of Coastal Carolina University and secured by pledge of the tuition fees from Coastal Carolina University. The remaining state institution bonds to be refunded shall be refunded from the proceeds of state institution bonds issued on behalf of the University of South Carolina and secured by pledge of tuition fees collected at the University of South Carolina. To the extent that any further action is required by the Budget and Control Board, that action shall be taken by the State Fiscal Accountability Authority as the successor to the board.”

SECTION 92. Article 3, Chapter 136, Title 59 of the 1976 Code is amended by adding:

“Section 59-136-395. Any action by the former Budget and Control Board that is required pursuant to this article, shall be taken by the State Fiscal Accountability Authority as the successor to the board.”

SECTION 93. Section 59-150-390 of the 1976 Code is amended to read:

“Section 59-150-390. The State Department of Education, in consultation with the ~~Budget and Control Board's Office of Information Resources~~ Department of Administration, the State Library, and the Education Television Commission, shall administer primary and secondary technology funding provided for in Section 59-150-350. These funds are intended to provide technology connectivity, hardware, software, and training for the K-12 public schools throughout the State

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and, to the maximum extent possible, involve public-private sector collaborative efforts. Funds allocated to the local school districts for technology expenditures must be distributed based on the number of students eligible for the free and reduced lunch program in grades 1-3.”

SECTION 94. Section 59-7-50 of the 1976 Code is amended to read:

“Section 59-7-50. The Commission shall have the power to accept contributions from all persons, firms, and corporations who may wish to contribute to the program, ~~provided, that both the acceptance and use of any such contributions shall be subject to express approval by the State Budget and Control Board.~~ The Commission may lease or sell the use of its facilities, equipment, programs, publications, and other related materials on ~~such~~ terms as that the Commission deems advantageous, and funds received ~~therefrom~~ shall be used for Commission purposes.”

SECTION 95. Article 11, Chapter 9, Title 11 of the 1976 Code, as added by Act 121 of 2014, is amended to read:

“Article 11

Revenue and Fiscal Affairs Office

Section 11-9-1110. (A) There is established the Revenue and Fiscal Affairs Office to be governed by ~~the three appointed members of the Board of Economic Advisors pursuant to Section 11-9-820. The office is comprised of the Board of Economic Advisors, Office of Research and Statistics, and the Office of State Budget~~ a board comprised of three members as provided in Section 11-9-1120. The functions of the office must be performed, exercised, and discharged under the supervision and direction of the board. The board may organize its staff as it considers appropriate to carry out the various duties, responsibilities, and authorities assigned to it and to its various divisions. The board may delegate to one or more officers, agents, or employees the powers and duties it determines are necessary for the effective and efficient operation of the office.

(B) The Department of Administration shall provide such administrative support to the Revenue and Fiscal Affairs Office or any of its divisions or components as they may request and require in the performance of their duties including, but not limited to, financial management, human resources management, information technology, procurement services, and logistical support.

Section 11-9-1120. ~~(A) The Board of Economic Advisors division of the office shall maintain the organizational and procedural framework under which it is operating, and exercise its powers, duties, and~~

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~~responsibilities, as of the effective date of this section. The board of the Revenue and Fiscal Affairs Office shall be comprised of:~~

~~(1) one member, appointed by, and serving at the pleasure of the Governor, who shall serve as chairman;~~

~~(2) one member appointed by, and serving at the pleasure of the Chairman of the Senate Finance Committee;~~

~~(3) one member appointed by, and serving at the pleasure of the Chairman of the Ways and Means Committee of the House of Representatives;~~

~~(B) The board shall unanimously select an Executive Director of the Revenue and Fiscal Affairs Office who shall serve a four-year term. The executive director only may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity as found by the board. The executive director shall have the authority and perform the duties prescribed by law and as may be directed by the board.~~

~~(C) The Chairman of the board shall report directly to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee to establish policy governing economic trend analysis. The Revenue and Fiscal Affairs Office shall provide for its staffing and administrative support from funds appropriated by the General Assembly.~~

~~(D) The Revenue and Fiscal Affairs Office shall assist the Governor, Chairman of the Senate Finance Committee, and Chairman of the Ways and Means Committee of the House of Representatives in providing an effective system for compiling and maintaining current and reliable economic data. The Revenue and Fiscal Affairs Office may establish an advisory board to assist in carrying out its duties and responsibilities. All state agencies, departments, institutions, and divisions shall provide the information and data the office requires. The Revenue and Fiscal Affairs Office is considered a public body for purposes of the Freedom of Information Act, pursuant to Section 30-4-20(a).~~

~~Section 11-9-1130. (A) The Office of Research and Statistics must be comprised of an Economic Research division and an Office of Precinct Demographics division.~~

~~(B) The Economic Research division shall maintain the organizational and procedural framework under which it is operating, and exercise its powers, duties, and responsibilities, as of the effective date of this section.~~

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~~(C) The Office of Precinct Demographics shall:~~ The Revenue and Fiscal Affairs Office shall:

(1) review existing precinct boundaries and maps for accuracy and develop and rewrite descriptions of precincts for submission to the legislative process;

(2) consult with members of the General Assembly or their designees on matters related to precinct construction or discrepancies that may exist or occur in precinct boundary development in the counties they represent;

(3) develop a system for originating and maintaining precinct maps and related data for the State;

(4) represent the General Assembly at public meetings, meetings with members of the General Assembly, and meetings with other state, county, or local governmental entities on matters related to precincts;

(5) assist the appropriate county officials in the drawing of maps and writing of descriptions or precincts preliminary to these maps and descriptions being filed in this office for submission to the United States Department of Justice;

(6) coordinate with the Census Bureau in the use of precinct boundaries in constructing census boundaries and the identification of effective uses of precinct and census information for planning purposes; and

(7) serve as a focal point for verifying official precinct information for the counties of South Carolina.

~~Section 11-9-1140. The Office of State Budget division of the office shall maintain the organizational and procedural framework under which it is operating, and exercise its powers, duties, and responsibilities, as of the effective date of this section.~~ The Revenue and Fiscal Affairs Office shall assist the General Assembly with the development of the annual general appropriations act.

SECTION 96. Section 11-9-820 of the 1976 Code is amended to read:

“Section 11-9-820. (A)(1) There is created the Board of Economic Advisors, a division of the Revenue and Fiscal Affairs Office, as follows:

(a) one member, appointed by, and serving at the pleasure of the Governor, who shall serve as chairman and shall receive annual compensation of ten thousand dollars;

(b) one member appointed by, and serving at the pleasure of the Chairman of the Senate Finance Committee, who shall receive annual compensation of eight thousand dollars;

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(c) one member appointed by, and serving at the pleasure of the Chairman of the Ways and Means Committee of the House of Representatives, who shall receive annual compensation of eight thousand dollars;

(d) the Director of the Department of Revenue, who shall serve ex officio, with no voting rights.

~~(2) The board shall unanimously select an Executive Director of the Revenue and Fiscal Affairs Office who shall serve a four year term. The executive director only may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity as found by the board. The executive director shall have the authority and perform the duties prescribed by law and as may be directed by the board. The members of the board identified in items (1)(a), (b), and (c) of this subsection shall be the same individuals appointed pursuant to Section 11-9-1120.~~

~~(B) The Chairman of the Board of Economic Advisors shall report directly to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee to establish policy governing economic trend analysis. The Board of Economic Advisors shall provide for its staffing and administrative support from funds appropriated by the General Assembly.~~

~~(C) The Executive Director of the Revenue and Fiscal Affairs Office shall assist the Governor, Chairman of the Board of Economic Advisors, Chairman of the Senate Finance Committee, and Chairman of the Ways and Means Committee of the House of Representatives in providing an effective system for compiling and maintaining current and reliable economic data. The Board of Economic Advisors may establish an advisory board to assist in carrying out its duties and responsibilities. All state agencies, departments, institutions, and divisions shall provide the information and data the advisory board requires. The Board of Economic Advisors is considered a public body for purposes of the Freedom of Information Act, pursuant to Section 30-4-20(a).~~

~~(D)~~(B) The Department of Commerce shall provide to the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office by November tenth the public document prepared pursuant to Section 12-10-100(C) itemizing each revitalization agreement concluded during the previous calendar year. The Department of Revenue shall provide to the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office by November tenth a report of the amount of each tax credit claimed in the previous

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tax year pursuant to Title 12. The report must list individually the amount claimed and the number of filings for each tax credit. The Department of Revenue also must provide to the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office by November tenth ~~magnetic tapes~~ data files containing data from all state individual and corporate income tax filings from the previous tax year, excluding confidential identifying information.”

SECTION 97. Sections 11-9-825 through 11-9-840 of the 1976 Code are amended to read:

“Section 11-9-825. The staff of the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office must be supplemented by the following officials who each shall designate one professional from their individual staffs to assist the ~~BEA~~ RFA staff on a regular basis: the Governor, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, and the State Department of Revenue director. The ~~BEA~~ RFA staff shall meet monthly with these designees in order to solicit their input on BEA forecasts and monthly revenue analysis.

Section 11-9-830. In order to provide a more effective system of providing advice to the Governor and the General Assembly on economic trends, the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office shall:

(1) compile and maintain in a unified, concise, and orderly form information about total revenues and expenditures which involve the funding of state government operations, revenues received by the State which comprise general revenue sources of all receipts to include amounts borrowed, federal grants, earnings, and the various activities accounted for in other funds;

(2) continuously review and evaluate total revenues and expenditures to determine the extent to which they meet fiscal plan forecasts/projections;

(3) evaluate federal revenues in terms of impact on state programs;

(4) compile economic, social, and demographic data for use in the publishing of economic scenarios for incorporation into the development of the state budget;

(5) bring to the attention of the Governor and the General Assembly the effectiveness, or lack thereof, of the economic trends and the impact on statewide policies and priorities;

(6) establish liaison with the Congressional Budget Office and the Office of Management and Budget at the national level.

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Section 11-9-840. (A) In the organizational and procedural framework governing the formulation, evaluation, and continuing review of revenues and expenditures, any appropriate governmental entity identifying or requesting a change in the official revenue and expenditure forecast or projection, for a specified period of time, shall first notify the office of the Chairman of the Board of Economic Advisors who must bring it to the attention of the Governor before any independent adjustment in the appropriations or requests of the revenue or expenditures for a particular year. The Ways and Means Committee in the House of Representatives and the Senate Finance Committee must be the first to be notified subsequent to notifying the Governor and must be informed simultaneously.

(B) ~~The Board of Economic Advisors~~ Revenue and Fiscal Affairs Office shall meet on a quarterly basis and at the call of the Governor, the General Assembly, the Chairman of the Board, or at the request of any member of the board who believes a meeting is necessary due to existing financial circumstances.

(C) ~~The Board of Economic Advisors~~ Revenue and Fiscal Affairs Office is the official voice of the State in economic matters and shall speak as one voice through the guidance and direction of the chairman. Individual members shall not speak or report individually on findings and status of economic ~~developments~~ activity.”

SECTION 98. Section 11-9-880(A) of the 1976 Code is amended to read:

“Section 11-9-880. (A) The Board of Economic Advisors shall make an initial forecast of economic conditions in the State and state revenues for the next fiscal year no later than November ~~tenth~~ fifteenth of each year. Adjustments to the forecast must be considered on December ~~tenth~~ fifteenth and January ~~tenth~~ fifteenth. A final forecast for the next fiscal year must be made on February fifteenth. The February fifteenth forecast may be adjusted monthly if the board determines that changing economic conditions have affected the February fifteenth forecast. Before making or adjusting any forecast, the board must consult with outside economic experts with respect to national and South Carolina economic business conditions. All forecasts and adjusted forecasts must contain:

- (1) a brief description of the econometric model and all assumptions and basic decisions underlying the forecasts;
- (2) a projection of state revenues on a quarterly basis;

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(3) separate discussions of any industry which employs more than twenty percent of the state's total nonagricultural employment and separate projections for these industries.”

SECTION 99. Section 11-9-890 of the 1976 Code, as last amended by Act 121 of 2014, is amended to read:

“Section 11-9-890. ~~A.(A) Beginning August 15, 1986, the Board of Economic Advisors shall delineate the official fiscal year 1986-87 revenue estimates by quarters.~~ In all subsequent revenue estimates made under the provisions of Section 11-9-880, the Board of Economic Advisors shall incorporate quarterly revenue estimates within the annual revenue estimate.

~~B.(B)~~(1) If at the end of the first, second, or third quarter of any fiscal year the Board of Economic Advisors reduces the revenue forecast for the fiscal year by three percent or less below the amount projected for the fiscal year in the forecast in effect at the time the general appropriations bill for the fiscal year is ratified, within three days of that determination, the Director of the Executive Budget Office must reduce general fund appropriations by the requisite amount in the manner prescribed by law. Upon making the reduction, the Director of the Executive Budget Office immediately must notify the State Treasurer and the Comptroller General of the reduction, and upon notification, the appropriations are considered reduced. No agencies, departments, institutions, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding in any part of this section may be discontinued, deleted, or deferred by the Director of the Executive Budget Office. A reduction of rate of expenditure by the Director of the Executive Budget Office, under authority of this section, must be applied as uniformly as shall be practicable, except that no reduction must be applied to funds encumbered by a written contract with the agency, department, or institution not connected with state government.

(2) If at the end of the first, second, or third quarter of any fiscal year the Board of Economic Advisors reduces the revenue forecast for the fiscal year by more than three percent below the amount projected for the fiscal year in the forecast in effect at the time the general appropriations bill for the fiscal year is ratified, the President Pro Tempore of the Senate and the Speaker of the House of Representatives may call each respective house into session to take action to avoid a year-end deficit. If the General Assembly has not taken action within twenty days of the determination of the Board of Economic Advisors,

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the Director of the Executive Budget Office must reduce general fund appropriations by the requisite amount in the manner prescribed by law and in accordance with item (1).”

SECTION 100. A. Section 2-7-71 of the 1976 Code is amended to read:

“Section 2-7-71. When a bill relating to state taxes is reported out of a standing committee of the Senate or House of Representatives for consideration, there must be attached and printed as a part of the committee report a statement of the estimated revenue impact of the bill on the finances of the State certified by the ~~Board of Economic Advisors~~ Executive Director of the Revenue and Fiscal Affairs office, or his designee. As used in this section ‘statement of estimated revenue impact’ means the consensus of the persons executing the required statement as to the increase or decrease in the net tax revenue to the State if the bill concerned is enacted by the General Assembly. In preparing a statement, the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office may request technical advice of the Department of Revenue.”

B. Section 2-7-73(A) of the 1976 Code is amended to read:

“Section 2-7-73. (A) Any bill or resolution which would mandate a health coverage or offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, must have attached to it a statement of the financial impact of the coverage, according to the guidelines enumerated in subsection (B). This financial impact analysis must be conducted by the ~~Revenue and Fiscal Affairs Office~~ Department of Insurance and signed by an authorized agent of the Department of Insurance, or his designee. The statement required by this section must be delivered to the Senate or House committee to which any bill or resolution is referred, within thirty days of the written request of the chairman of such committee.”

C. Section 2-7-78 of the 1976 Code is amended to read:

“Section 2-7-78. This section applies to the annual appropriation recommendation of the Governor and to the report of the conference committee on the annual general appropriations bill. A provision offered for inclusion in the annual general appropriations bill by amendment or otherwise, by the Governor, or which increases or decreases the most recent official projection of general fund revenues of the Board of Economic Advisors must not be included in the bill or recommendation unless the revenue impact is certified by the ~~board~~ Executive Director of the Revenue and Fiscal Affairs Office, or his designee. Changes to the

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official general fund revenue estimate as a result of the provision may not exceed the amounts certified by the board. The requirements of this section are in addition to the other provisions of law regarding fiscal impact statements.”

SECTION 101. Section 4-10-790 of the 1976 Code is amended to read:

“Section 4-10-790. The ~~Revenue and Fiscal Affairs Office~~ Department of Revenue shall furnish data to the State Treasurer and to the applicable political subdivisions receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to political subdivisions upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240. The Revenue and Fiscal Affairs Office shall provide technical assistance to the applicable political subdivisions receiving revenues for the purpose of calculating distributions and estimating revenues.”

SECTION 102. Section 6-1-50 of the 1976 Code is amended to read:

“Section 6-1-50. Counties and municipalities receiving revenues from state aid, currently known as Aid to Subdivisions, shall submit annually to the Revenue and Fiscal Affairs Office a financial report detailing their sources of revenue, expenditures by category, indebtedness, and other information as the Revenue and Fiscal Affairs Office requires. The Revenue and Fiscal Affairs Office shall determine the content and format of the annual financial report. The financial report for the most recently completed fiscal year must be submitted to the Revenue and Fiscal Affairs Office by ~~January~~ March fifteenth of each year. If an entity fails to file the financial report by January fifteenth, then the chief administrative officer of the entity shall be notified in writing that the entity has thirty days to comply with the requirements of this section. The Director of the Revenue and Fiscal Affairs Office may, for good cause, grant a local entity an extension of time to file the annual financial report. Notification by the Director of the Revenue and Fiscal Affairs Office to the ~~Comptroller General~~ State Treasurer that an entity has failed to file the annual financial report thirty days after written notification to the chief administrative officer of the entity must result in the withholding of ten percent of subsequent payments of state aid to the entity until the report is filed. The Revenue and Fiscal Affairs Office is

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responsible for collecting, maintaining, and compiling the financial data provided by counties and municipalities in the annual financial report required by this section.”

SECTION 103. Section 23-47-65(A)(1) of the 1976 Code is amended to read:

“Section 23-47-65. (A)(1). The South Carolina 911 Advisory Committee is created to assist the Revenue and Fiscal Affairs Office in carrying out its responsibilities in implementing a wireless enhanced 911 system consistent with FCC Docket Number 94-102. The committee must be appointed by the Governor and shall consist of: ~~a director of a division of the State Budget and Control Board, ex officio~~ an individual with technical or operational knowledge of E-911 systems who is appointed by the Executive Director of the Fiscal Affairs Office; the Executive Director of the Revenue and Fiscal Affairs Office or his designee; two employees of CMRS providers licensed to do business in the State; two 911 system employees; and one employee of a telephone (local exchange access facility) service supplier licensed to do business in the State; and one consumer. Local governments and related organizations such as the National Emergency Number Association may recommend PSAP Committee members, and industry representatives may recommend wireline and CMRS Committee members to the Governor. There is no expense reimbursement or per diem payment from the fund created by the CMRS surcharge made to members of the committee.”

SECTION 104. A. Section 44-6-170(A) and (B) of the 1976 Code is amended to read:

“Section 44-6-170. (A) As used in this section:

(1) ‘Office’ means the ~~Office of Research and Statistics of the~~ Revenue and Fiscal Affairs Office.

(2) ‘Council’ means the Data Oversight Council.

(3) ‘Committee’ means the Joint Legislative Health Care Planning and Oversight Committee.

(B) There is established the Data Oversight Council comprised of:

(1) one hospital administrator;

(2) the chief executive officer or designee of the South Carolina Hospital Association;

(3) one physician;

(4) the chief executive officer or designee of the South Carolina Medical Association;

(5) one representative of major third party health care payers;

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- (6) one representative of the managed health care industry;
- (7) one nursing home administrator;
- (8) three representatives of nonhealth care-related businesses;
- (9) one representative of a nonhealth care-related business of less than one hundred employees;
- (10) the executive vice president or designee of the South Carolina Chamber of Commerce;
- (11) a member of the Governor's office staff;
- ~~(12) a representative from the Human Services Coordinating Council;~~
- ~~(13)(12) the director or his designee of the South Carolina Department of Health and Environmental Control;~~
- ~~(14)(13) the executive director or his designee of the State Department of Health and Human Services;~~
- ~~(15) the chairman or his designee of the State Health Planning Committee created pursuant to Section 44-7-180.~~

The members enumerated in items (1) through (10) must be appointed by the Governor for three-year terms and until their successors are appointed and qualify; the remaining members serve ex officio. The Governor shall appoint one of the members to serve as chairman. The office shall provide staff assistance to the council.”

B. Section 44-6-170(H) of the 1976 Code is amended to read:

“(H) If a provider fails to submit the health care data as required by this section or Section 44-6-175 or regulations promulgated pursuant to those sections, the ~~Office of Research and Statistics~~ office may assess a civil fine of up to five thousand dollars for each violation, but the total fine may not exceed ten thousand dollars.”

SECTION 105. The Code Commissioner is directed to change or correct all similar references in the 1976 Code to the “Office of Research and Statistics of the Revenue and Fiscal Affairs Office” to “the Revenue and Fiscal Affairs Office”.

SECTION 106. Sections 1-11-22, 48-22-20, and 59-150-355 1-11-22, 1-11-23, 1-11-360, 1-11-400, 1-25-70, the second paragraph of Section 2-7-65, 9-4-10(H), 9-16-315(G), 10-1-163(A), 10-1-179(A), 10-1-206, 44-20-30(19), 48-23-270, 48-23-280, 51-1-70, 51-13-860, 59-7-50, 59-59-250, 59-111-30, 59-130-35, 59-136-500, 59-136-505(C) 1-11-360, and 2-7-62 of the 1976 Code are repealed.

SECTION 107. Act 121 of 2014, R. 124, S. 22, the South Carolina Restructuring Act of 2014, abolished the South Carolina Budget and Control Board and devolved its powers, duties, responsibilities, and

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authority upon the newly created Department of Administration, State Fiscal Accountability Authority, Revenue and Fiscal Affairs Office, and other previously existing departments and agencies of the State. Act 121 required the South Carolina Code Commissioner to make a report to the General Assembly recommending amendments to sections of the 1976 Code not addressed in the act that must nonetheless be amended to comply with the provisions contained within the Act. It is the intent of the General Assembly to act upon the Code Commissioner's report to make technical and conforming changes to the 1976 Code to reflect the devolution of the Budget and Control Board as contained in Act 121.

SECTION 108. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of government restructuring as clearly enumerated in the title.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 109. 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 110. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs,

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sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 111. This act takes effect July 1, 2015. /

Renumber sections to conform.

Amend title to conform.

The question then being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
Matthews	McElveen	Nicholson
Peeler	Pinckney	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

S. 673 -- Senator Sheheen: A BILL TO AMEND SECTION 4-9-82(A) OF THE 1976 CODE, RELATING TO TRANSFER BY HOSPITAL PUBLIC SERVICE DISTRICT OF ASSETS, TO

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PROVIDE THAT THE TERM "TRANSFER" DOES NOT INCLUDE ENTRY INTO A LEASE OR A MANAGEMENT AGREEMENT BY A HOSPITAL PUBLIC SERVICE DISTRICT.

The Senate proceeded to consideration of the Bill.

Senator SHEHEEN proposed the following amendment (JUD0673.002), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ A BILL

TO AMEND SECTION 4-9-82 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A TRANSFER OF ASSETS BY A HOSPITAL PUBLIC SERVICE DISTRICT, SO AS TO SPECIFY THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO ANY TRANSACTION THAT INCLUDES THE HOSPITAL PUBLIC SERVICE DISTRICT'S ENTRY INTO A LEASE OF ANY OR ALL OF ITS REAL PROPERTY ASSOCIATED WITH THE DELIVERY OF HOSPITAL SERVICES REGARDLESS OF THE LENGTH OF THE TERM OF THE REAL PROPERTY LEASE OR WHETHER OR NOT THE TRANSACTION ALSO INCLUDES THE SALE OR LEASE OF OTHER ASSETS OF THE DISTRICT.

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

SECTION 1. Section 4-9-82 of the 1976 Code is amended by adding an appropriately numbered subsection at the end to read:

"() Notwithstanding any other provision of law, the provisions of this section do not apply to any transaction that includes the hospital public service district's entry into a lease of any or all of its real property associated with the delivery of hospital services regardless of:

- (a) the length of the term of the real property lease, or
- (b) whether or not the transaction also includes the sale or lease

of other assets of the district."

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

/

Renumber sections to conform.

Amend title to conform.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

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AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
McElveen	Nicholson	O'Dell
Peeler	Pinckney	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 588 -- Senators Young, Setzler and Massey: A BILL TO AMEND SECTION 7-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO ADD FIVE PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

On motion of Senator YOUNG, the Bill was carried over.

S. 629 -- Senator Hayes: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANDATE THAT SCHOOL DAYS MISSED DUE TO WEATHER CONDITIONS OR OTHER DISRUPTIONS BE MADE

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UP, SO AS TO PROVIDE A LOCAL SCHOOL BOARD MAY WAIVE UP TO THREE SUCH MISSED DAYS, TO PROVIDE THIS WAIVER ONLY MAY BE GRANTED BY MAJORITY VOTE OF THE LOCAL SCHOOL BOARD, TO PROVIDE THE STATE BOARD OF EDUCATION MAY WAIVE THREE OR FEWER SUCH MISSED DAYS IN ADDITION TO THOSE WAIVED BY THE LOCAL SCHOOL BOARD, AND TO PROVIDE THESE WAIVERS ONLY MAY BE GRANTED BY MAJORITY VOTE OF THE LOCAL SCHOOL BOARD AND ONLY MAY BE GRANTED AT THE REQUEST OF THE LOCAL SCHOOL BOARD.

On motion of Senator HAYES, the Bill was carried over.

AMENDED, CARRIED OVER

S. 40 -- Senators Bryant, Grooms, Davis, Campsen, Cleary, Alexander, Kimpson and Young: A CONCURRENT RESOLUTION TO JOIN THE SOUTH CAROLINA AND GEORGIA JOINT WATER CAUCUS TO ENCOURAGE STATE AGENCIES, IN CONJUNCTION WITH THE U.S. ARMY CORPS OF ENGINEERS, TO IMPLEMENT A WATER MANAGEMENT PROGRAM FOR THE SAVANNAH RIVER BASIN TO ENSURE CONTINUOUS OPTIMIZATION OF WATER QUALITY AND QUANTITY MANAGEMENT OF THE WATER RESOURCES SHARED BY SOUTH CAROLINA AND GEORGIA THROUGHOUT THE SAVANNAH RIVER BASIN.

The Senate proceeded to consideration of the Resolution.

Senator BRYANT proposed the following amendment (40R001.KM.KLB), which was adopted:

Amend the concurrent resolution, as and if amended, page 2, by striking line 6 and inserting:

/ Whereas, residents of the states of South Carolina and Georgia enjoy the bountiful natural resources located within the Savannah River Basin and regularly traverse the boundary between the states; and

Whereas, law abiding residents of South Carolina and Georgia who have concealed weapons permits in their state of residence should be able to move freely between the two states without having to sacrifice personal safety and liberty; and

Whereas, the members of the Joint Water Caucus have discussed the need to provide reciprocity between South Carolina and Georgia in regards to concealed weapons permits; Now, therefore, /

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Amend the concurrent resolution further, as and if amended, page 2, by striking line 22 and inserting:

/ throughout the Savannah River Basin.

Be it further resolved by the Senate, the House of Representatives concurring:

That the members of the South Carolina General Assembly, by this resolution, request that the State Law Enforcement Division work closely with the appropriate officials in Georgia to remove impediments to allowing reciprocity between the two states in regards to concealed weapons permits.

Be it further resolved by the Senate, the House of Representatives concurring:

That the members of the General Assembly pledge to support the State Law Enforcement Division in its efforts to achieve reciprocity with Georgia and pledge to address any statutory barriers to reciprocity.

/
Renumber sections to conform.
Amend title to conform.

Senator Bryant explained the amendment.

On motion of Senator GROOMS, the Resolution was carried over.

OBJECTION

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE TELECOM EQUITY IN FUNDING ACT" BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF "BASIC LOCAL EXCHANGE TELEPHONE SERVICE" AND

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“CARRIER OF LAST RESORT”; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION 58-9-576, AS AMENDED, RELATING TO CERTAIN STAND-ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58-9-2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY 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 UNIFORM-RELATED SURCHARGES ON LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58-9-2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

Senator MALLOY spoke on the Bill.

Senator RANKIN spoke on the Bill.

Senator SHANE MARTIN objected to further consideration of the Bill.

OBJECTION

S. 84 -- Senator Massey: A BILL TO AMEND SECTION 56-5-2910 OF THE 1976 CODE, RELATING TO RECKLESS VEHICULAR HOMICIDE, TO PROVIDE THAT A PERSON WHO IS CONVICTED OF, PLEADS GUILTY TO, OR PLEADS NOLO CONTENDERE TO RECKLESS VEHICULAR HOMICIDE IS GUILTY OF A FELONY,

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AND MUST BE FINED NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTEEN THOUSAND DOLLARS OR IMPRISONED NOT MORE THAN FIFTEEN YEARS, OR BOTH, AND AFTER ONE YEAR FROM THE DATE OF REVOCATION OF THE PERSON'S DRIVER'S LICENSE, THE PERSON MAY PETITION THE CIRCUIT COURT IN THE COUNTY OF THE PERSON'S CONVICTION FOR REINSTATEMENT OF THE PERSON'S DRIVER'S LICENSE; TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 RELATING TO RECKLESS HOMICIDE, RECKLESS DRIVING, AND DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2925 TO DEFINE "GREAT BODILY INJURY" AS BODILY INJURY WHICH CREATES A SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT DISFIGUREMENT, OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN, TO PROVIDE FOR THE OFFENSE OF FELONY RECKLESS DRIVING, TO PROVIDE FOR THE PENALTIES OF FELONY RECKLESS DRIVING, TO PROVIDE FOR THE PROCEDURE FOR REINSTATEMENT OF THE DRIVER'S LICENSE OF A PERSON CONVICTED OF FELONY RECKLESS DRIVING, AND TO PROVIDE THAT IF THE PERSON'S PRIVILEGE TO OPERATE A MOTOR VEHICLE IS REINSTATED, A SUBSEQUENT VIOLATION OF THE MOTOR VEHICLE LAWS FOR ANY MOVING VIOLATION REQUIRES THE AUTOMATIC CANCELLATION OF THE PERSON'S DRIVER'S LICENSE AND IMPOSITION OF THE FULL PERIOD OF REVOCATION FOR THE FELONY RECKLESS DRIVING VIOLATION.

Minority Report Removed

On motion of Senator SCOTT, with unanimous consent the minority report on the Bill was removed.

Senator MASSEY explained the Bill.

Senator JACKSON objected to further consideration of the Bill.

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S. 675 -- Finance Committee: A BILL TO AMEND SECTION 9-1-1310 OF THE 1976 CODE, RELATING TO TRUSTEES OF THE RETIREMENT SYSTEM, TO PROVIDE THAT THE RETIREMENT SYSTEM INVESTMENT COMMISSION IS A COTRUSTEE INSTEAD OF THE STATE BUDGET AND CONTROL BOARD, AND TO REQUIRE THE PUBLIC EMPLOYEE BENEFIT AUTHORITY TO HOLD THE ASSETS OF THE RETIREMENT SYSTEM IN A GROUP TRUST; TO AMEND SECTION 9-1-1320, RELATING TO THE CUSTODIAN OF RETIREMENT FUNDS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY SHALL BE THE CUSTODIAN, AND TO AUTHORIZE THE RETIREMENT SYSTEM INVESTMENT COMMISSION TO SELECT THE CUSTODIAL BANK; TO REPEAL SECTIONS 9-8-170(1), 9-9-160(1), 9-10-80(A), AND 9-11-250(1), ALL RELATING TO THE CUSTODIAN OF RETIREMENT FUNDS; TO AMEND SECTION 9-4-10, RELATING TO THE ESTABLISHMENT OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY, TO CHANGE THE COMPOSITION OF THE BOARD OF DIRECTORS, TO PROVIDE THAT DIRECTORS SERVE FOR A TERM OF FIVE YEARS AND MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS, AND TO PROVIDE FOR AN EXECUTIVE DIRECTOR; TO AMEND SECTION 9-4-40, RELATING TO THE AUDIT OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY, TO REQUIRE THE AUDIT BE PERFORMED EVERY FOUR YEARS; TO REPEAL SECTION 9-1-310 RELATING TO THE ADMINISTRATIVE COSTS OF THE RETIREMENT SYSTEMS; TO REPEAL SECTION 9-4-45 RELATING TO THE PUBLIC EMPLOYEE BENEFIT AUTHORITY'S POLICY DETERMINATIONS; TO AMEND SECTION 9-16-10, RELATING TO DEFINITIONS PERTAINING TO RETIREMENT SYSTEM FUNDS, TO DEFINE "FIDUCIARY" AND "TRUSTEE"; BY ADDING SECTION 9-16-25 TO PROVIDE FOR SIGNATORIES AUTHORIZED TO SIGN VOUCHERS TO EFFECT THE PAYMENT FROM THE RETIREMENT SYSTEM'S FUNDS OR TRANSFERS BETWEEN RETIREMENT SYSTEM ACCOUNTS NECESSARY FOR THE RETIREMENT SYSTEM INVESTMENT COMMISSION TO CARRY OUT ITS EXCLUSIVE AUTHORITY TO INVEST; TO AMEND SECTION 9-16-315, RELATING TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO CHANGE THE COMPOSITION OF THE RETIREMENT SYSTEM

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INVESTMENT COMMISSION, TO PROVIDE THAT COMMISSION MEMBERS SERVE FOR A TERM OF FIVE YEARS AND MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS, TO PROVIDE FOR QUALIFICATIONS OF MEMBERS, TO PROVIDE FOR AN EXECUTIVE DIRECTOR, AND TO PROVIDE FOR HIRING LEGAL COUNSEL; TO AMEND SECTION 9-16-320(A), RELATING TO THE ANNUAL INVESTMENT PLAN OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO PROVIDE THAT THE CHIEF INVESTMENT OFFICER SHALL DEVELOP THE PLAN SUBJECT TO THE OVERSIGHT OF THE EXECUTIVE DIRECTOR; TO AMEND SECTION 9-16-330(A), RELATING TO INVESTMENT OBJECTIVES, TO INCORPORATE THE EXECUTIVE DIRECTOR; TO AMEND SECTION 9-16-335, RELATING TO THE ASSUMED RATE OF RETURN, TO PROVIDE THAT THE ASSUMED RATE OF RETURN EXPIRES EVERY FOUR YEARS SUBJECT TO ACTION BY THE GENERAL ASSEMBLY; TO AMEND SECTION 9-16-340, RELATING TO THE INVESTMENT OF RETIREMENT FUNDS, TO INCORPORATE THE EXECUTIVE DIRECTOR; AND TO AMEND SECTION 9-16-380, RELATING TO THE AUDIT OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO REQUIRE THE AUDIT BE PERFORMED EVERY FOUR YEARS.

Objection

Senator MASSEY asked unanimous consent to waive the provisions of Rule 26B on third reading.

Senator SCOTT objected.

On motion of Senator SCOTT, the Bill was carried over.

POINT OF ORDER

S. 47 -- Senators Malloy, Kimpson, Johnson, Pinckney, Thurmond, Setzler, Grooms, Lourie, McElveen, Allen, Shealy, Coleman, Campsen and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-1-240, SO AS TO PROVIDE THAT ALL STATE AND LOCAL LAW ENFORCEMENT OFFICERS MUST BE EQUIPPED WITH BODY-WORN CAMERAS.

Senator HUTTO explained the Bill.

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Point of Order

Senator MASSEY raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 55 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO REQUIRE EACH POLITICAL SUBDIVISION OF THE STATE WHOSE GOVERNING BOARD, COMMISSION, OR COUNCIL IS POPULARLY ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS, RESIDENCY REQUIREMENTS, OR A COMBINATION OF AT-LARGE AND SINGLE-MEMBER DISTRICTS TO BE REAPPORTIONED TO A POPULATION VARIANCE OF LESS THAN TEN PERCENT WITHIN THREE YEARS OF THE DATE ON WHICH THE LATEST OFFICIAL UNITED STATES DECENNIAL CENSUS IS ADOPTED BY THE GENERAL ASSEMBLY, TO PROVIDE PROCEDURES FOR CONTINUITY OF REPRESENTATION WHEN REAPPORTIONMENT LOCATES TWO OR MORE ELECTED MEMBERS IN THE SAME ELECTION DISTRICT, AND TO CLARIFY CERTAIN DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE REGARDING REAPPORTIONMENT.

Point of Order

Senator PINCKNEY raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 215 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONDUCT OF ELECTIONS, BY AMENDING SECTIONS 7-13-35 AND 7-13-190, TO PROVIDE THAT AN ELECTION SHALL BE POSTPONED IF THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR AN ENTIRE JURISDICTION HOLDING AN ELECTION, THAT THE POSTPONED ELECTION SHALL BE

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HELD ON THE FIRST TUESDAY FOLLOWING THE ORIGINAL ELECTION DATE, AND THAT THIS PROVISION DOES NOT APPLY TO STATEWIDE PRIMARIES OR GENERAL ELECTIONS UNLESS THE DECLARATION COVERS THE ENTIRE STATE; TO AMEND SECTION 7-13-350 TO CHANGE THE DATE THAT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT MUST BE CERTIFIED TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN SEPTEMBER; TO AMEND SECTION 5-15-100 RELATING TO MUNICIPAL ELECTIONS, TO PROVIDE THAT MANAGERS OF AN ELECTION SHALL CERTIFY THE RESULTS WITHIN TWO DAYS OF THE ELECTION; TO AMEND SECTIONS 7-17-10 AND 7-17-20, TO PROVIDE THAT THE COMMISSIONERS OF ELECTION FOR STATEWIDE OFFICERS, SOLICITORS, MEMBERS OF THE GENERAL ASSEMBLY, AND COUNTY OFFICERS MUST MEET ON THE MONDAY FOLLOWING AN ELECTION TO ORGANIZE AS THE COUNTY BOARD OF CANVASSERS AND TO REQUIRE THAT THEY SUBMIT THEIR RESULTS TO THE STATE BOARD OF CANVASSERS BY NOON ON THE TUESDAY FOLLOWING THE ELECTION; TO AMEND ARTICLE 1, CHAPTER 17, TITLE 7 BY ADDING SECTION 7-17-25 TO PROVIDE THAT POST ELECTION AUDITS ARE TO BE COMPLETED BY COUNTY BOARDS OF REGISTRATION AND ELECTION PRIOR TO CERTIFICATION AND TO REQUIRE THAT ENABLING REGULATIONS ARE TO PROVIDE THAT THE AUDIT DATA AND RESULTS ARE TO BE OPEN TO THE PUBLIC; TO AMEND SECTION 7-11-15 RELATING TO THE FILING OF THE STATEMENT OF INTENTION OF CANDIDACY AND PARTY PLEDGE, TO REDUCE THE NUMBER OF SIGNED COPIES THAT MUST BE FILED WITH THE ELECTION COMMISSION FROM THREE TO ONE; AND TO AMEND SECTION 7-11-80 TO PROVIDE FOR AN ALTERNATE PAPER SIZE FOR NOMINATING PETITIONS FOR CANDIDACY OR POLITICAL PARTY CERTIFICATION.

Senator CAMPSEN explained the Bill.

Point of Order

Senator SETZLER raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MADE SPECIAL ORDER

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H.A. Crawford, Crosby, Daning, Dellene, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D.C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G.M. Smith, G.R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V.S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING BY PHYSICIANS WHO PERFORM ABORTIONS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO PROVIDE FOR A CIVIL RIGHT OF ACTION FOR CERTAIN INDIVIDUALS AGAINST A PHYSICIAN PERFORMING AN ABORTION IN VIOLATION OF THE ACT AND FOR INJUNCTIVE RELIEF, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

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At 1:25 P.M., on behalf of the Rules Committee, Senator CROMER, as Chairman of the Committee on Rules, moved to make the Bill a Special Order pursuant to Rule 33B.

The motion to make the Bill a Special Order was polled out of the Committee on Rules as follows:

**Poll of the Rules Committee
Polled 17; Ayes 10; Nays 5; Not Voting 2**

AYES

Cromer	<i>Martin, Larry</i>	Reese
Massey	<i>Martin, Shane</i>	Gregory
Campsen	Corbin	Thurmond
Turner		

Total--10

NAYS

Nicholson	Scott	Allen
Lourie	Coleman	

Total--5

NOT VOTING

Malloy	Leatherman
--------	------------

Total--2

The question then was the motion to make the Bill a Special Order.

Senator HUTTO argued contra to the motion to make the Bill a Special Order.

The Bill was made a Special Order.

**MOTION TO SET BILL FOR
ADJOURNED DEBATE FAILED**

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE TELECOM EQUITY IN FUNDING

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ACT” BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF “BASIC LOCAL EXCHANGE TELEPHONE SERVICE” AND “CARRIER OF LAST RESORT”; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION 58-9-576, AS AMENDED, RELATING TO CERTAIN STAND-ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58-9-2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY 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 UNIFORM-RELATED SURCHARGES ON LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58-9-2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

[SJ]

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Senator LEATHERMAN moved to set the Bill for Adjourned Debate.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 9; Nays 31

AYES

Allen	Hutto	Johnson
Matthews	Nicholson	Rankin
Reese	Sabb	Scott

Total--9

NAYS

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Courson	Cromer	Davis
Fair	Gregory	Grooms
Hayes	Hembree	Jackson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
McElveen	O'Dell	Peeler
Pinckney	Shealy	Thurmond
Turner	Verdin	Williams
Young		

Total--31

Having failed to receive the necessary vote, the motion to set S. 277 for Adjourned Debate failed.

At 1:35 P.M., Senator GROOMS moved to dispense with the balance of the Motion Period.

Senator SETZLER moved to table the motion to dispense with the balance of the motion period.

Motion Adopted

Senator PEELER moved that the Senate stand adjourned.

The "ayes" and "nays" were demanded and taken, resulting as follows:

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Ayes 41; Nays 2

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Cleary	Corbin	Courson
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
Matthews	McElveen	Nicholson
O'Dell	Peeler	Pinckney
Rankin	Reese	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

Total--41

NAYS

Cromer	Sabb
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Total--2

The Senate agreed to stand adjourned.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Albert J. Dooley, 408 Koewee Drive, Lexington, SC 29072

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Matthew A. Johnson, 3144 Sierra Drive, West Columbia, SC 29170

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Reappointment, Spartanburg County Master-in-Equity, with the term to commence April 30, 2015, and to expire April 30, 2021

Gordon G. Cooper, 409 Old Iron Works Road, Spartanburg, SC 29302

Recorded Vote

Senator BRIGHT desired to be recorded as voting to abstain on the confirmation of Gordon G. Cooper.

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Gary S. Morgan, P. O. Box 3406, Leesville, SC 29070

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Gary W. Reinhart, 253 John Lindler Rd., Chapin, SC 29036

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Arthur L. Myers, Post Office Box 61, Swansea, SC 29160

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Rebecca L. Adams, 56 Palmetto Wood Parkway, Irmo, SC 29063

Motion Adopted

On motion of Senator PEELER, the Senate agreed to stand adjourned.

ADJOURNMENT

At 1:37 P.M., on motion of Senator PEELER, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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