~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Psalm 90:12: “So teach us to count our days that we may gain a wise heart.”

Let us pray. O God, guide us to appreciate each moment of each day. Allow us to slow down and pay attention to the details of our lives and truly appreciate life as the gift from You. Give them courage, strength, wisdom, and integrity as they continue their duties. Bless our Nation, President, State, Governor, Speaker, staff, and all who serve in these Halls of Government. Protect our first responders and those who defend us at home and abroad. Heal the wounds, those seen and those hidden, of our men and women who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. ALLISON moved that when the House adjourns, it adjourn in memory of Master Patrol Officer Jason Harris, of the Spartanburg Police Department, which was agreed to.

Master Patrol Officer Jason Harris

A 12 year veteran of the Spartanburg Police Department, Officer Harris passed away on April 12, 2017, from injuries sustained in a motorcycle accident while on patrol. He is survived by his wife and three children and he was the son of Susan Harris of Greer and the late Tim Harris. He is remembered as a dedicated servant of the people and will be missed not only by his family, but by the entire Spartanburg Community that he served.

**SILENT PRAYER**

The House stood in silent prayer for the family and friends of John Lee "Rabbit" Scott, Sr., father of Senator John Scott.

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Arrington | Atkinson |
| Atwater | Bales | Ballentine |
| Bannister | Bedingfield | Bennett |
| Bernstein | Blackwell | Bowers |
| Bradley | Brown | Burns |
| Caskey | Chumley | Clary |
| Clemmons | Clyburn | Cobb-Hunter |
| Cogswell | Cole | Collins |
| Crawford | Crosby | Daning |
| Davis | Delleney | Dillard |
| Douglas | Elliott | Erickson |
| Felder | Finlay | Forrest |
| Forrester | Fry | Funderburk |
| Gagnon | Gilliard | Govan |
| Hamilton | Hardee | Hart |
| Hayes | Henderson | Henegan |
| Hewitt | Hill | Hiott |
| Hixon | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| Jordan | King | Kirby |
| Knight | Loftis | Long |
| Lowe | Lucas | Mack |
| Magnuson | Martin | McCoy |
| McCravy | McEachern | McKnight |
| D. C. Moss | V. S. Moss | Murphy |
| B. Newton | W. Newton | Norrell |
| Ott | Parks | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | M. Rivers | S. Rivers |
| Robinson-Simpson | Ryhal | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Thigpen |
| Toole | Weeks | West |
| Wheeler | Whipper | White |
| Whitmire | Williams | Willis |
| Yow |  |  |

**Total Present--115**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. DUCKWORTH a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. WILLIS a temporary leave of absence due t o a family commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. KNIGHT a temporary leave of absence due to a dental appointment.

**LEAVE OF ABSENCE**

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

**STATEMENT OF ATTENDANCE**

Reps. THIGPEN, HUGGINS and NORRELL signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Tuesday, April 25.

**DOCTOR OF THE DAY**

Announcement was made that Dr. John Schaberg of West Columbia was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. CLEMMONS presented to the House the Coastal Carolina University Baseball Team, coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. TAYLOR presented to the House the South Aiken High School Girls Swim Team, coaches and other school officials.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3126 |
| Date: | ADD: |
| 04/26/17 | ELLIOTT |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3790 |
| Date: | ADD: |
| 04/26/17 | CROSBY |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3851 |
| Date: | ADD: |
| 04/26/17 | KING |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4175 |
| Date: | ADD: |
| 04/26/17 | KING |

**SENT TO THE SENATE**

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

H. 4132 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO TRANSPORTATION PROJECT PRIORITIZATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4683, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**ORDERED ENROLLED FOR RATIFICATION**

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

S. 617 -- Senators McLeod, Setzler, Malloy, Massey, McElveen, Rice, Bennett, M. B. Matthews, Gregory, Timmons, Talley, Senn, Nicholson, Sabb, Jackson, Peeler, Davis, Alexander, Fanning, Sheheen and Grooms: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, BY ADDING ARTICLE 140, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE "UNIVERSITY OF SOUTH CAROLINA 2017 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES.

**S. 530--DEBATE ADJOURNED**

The following Bill was taken up:

S. 530 -- Senator Talley: A BILL TO AUTHORIZE THE PELHAM-BATESVILLE FIRE DISTRICT, WHICH PROVIDES FIRE PROTECTION SERVICES TO PORTIONS OF GREENVILLE AND SPARTANBURG COUNTY, TO ISSUE BONDS TO FINANCE CERTAIN NECESSARY CAPITAL IMPROVEMENTS AND TO PROVIDE FOR THE AMOUNT AND PROCESS THROUGH WHICH THE BONDS MAY BE ISSUED.

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

**S. 415--DEBATE ADJOURNED**

The following Bill was taken up:

S. 415 -- Senators Malloy and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-1-112 SO AS TO CLARIFY THE PROBATE COURT'S AUTHORITY TO IMPOSE PENALTIES FOR CONTEMPT AND TO GRANT A MOTION FOR A PARTY TO PROCEED IN FORMA PAUPERIS; TO AMEND SECTION 8-21-800, RELATING TO RELIEF FROM FILING FEES, COURT COSTS, AND PROBATE COSTS, SO AS TO CLARIFY THAT THE PROBATE JUDGE MAY WAIVE FILING FEES FOR INDIGENT PERSONS IN THE SAME MANNER AS OTHER CIVIL CASES; TO AMEND SECTION 62-1-302, AS AMENDED, RELATING TO SUBJECT MATTER JURISDICTION AND CONCURRENT JURISDICTION WITH FAMILY COURT, SO AS TO CLARIFY THE COURT'S JURISDICTION IN MATTERS INVOLVING THE ESTABLISHMENT, ADMINISTRATION, OR TERMINATION OF A SPECIAL NEEDS TRUST FOR DISABLED INDIVIDUALS AND TO REVISE OUTDATED TERMINOLOGY; TO AMEND SECTION 62-1-401, AS AMENDED, RELATING TO NOTICE, SO AS TO AUTHORIZE NOTICE TO BE MADE BY A QUALIFYING COMMERCIAL DELIVERY SERVICE AND IS SIMILAR TO NOTICE BY REGISTERED MAIL OR CERTIFIED MAIL; TO STRIKE PARTS 1, 2, 3, 4, AND 7, ARTICLE 5, TITLE 62, AND TO ADD NEW AND REVISED PROVISIONS RELATING TO THE PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY, SO AS TO PROMOTE UNIFORMITY AMONG THE STATE'S FORTY-SIX PROBATE COURTS, TO SAFEGUARD ADEQUATE DUE PROCESS PROTECTIONS FOR THE STATE'S ALLEGED INCAPACITATED INDIVIDUALS, TO ELIMINATE OVER RELIANCE UPON RESTRICTIVE FULL OR PLENARY GUARDIANSHIPS, TO REDUCE THE COSTS OF PROCEEDINGS, TO ESTABLISH CONSISTENCY BETWEEN GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS, AND TO CREATE AN ADEQUATE SYSTEM FOR MONITORING GUARDIANS AND CONSERVATORS.

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

**H. 4165--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4165 -- Rep. Douglas: A BILL TO AMEND SECTION 7-7-250, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN FAIRFIELD COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

**H. 4178--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4178 -- Rep. Martin: A BILL TO AMEND SECTION 7-7-420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN NEWBERRY COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

**H. 4179--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4179 -- Reps. Gagnon and West: A BILL TO AMEND SECTION 7-7-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN ABBEVILLE COUNTY, SO AS TO ADD THE SMITHVILLE PRECINCT, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

**H. 4180--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4180 -- Reps. W. Newton, Erickson, Herbkersman, Bowers, Bradley and M. Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 4-3-75 AND 4-3-325 SO AS TO ALTER THE BOUNDARY LINES OF BEAUFORT AND JASPER COUNTIES BY ANNEXING A CERTAIN PORTION OF JASPER COUNTY TO BEAUFORT COUNTY AND A CERTAIN PORTION OF BEAUFORT COUNTY TO JASPER COUNTY AND MAKE PROVISIONS FOR LEGAL RECORDS.

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

**H. 4181--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4181 -- Rep. Anthony: A BILL TO AMEND SECTION 7-7-510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN UNION COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

**H. 4183--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4183 -- Reps. McKnight and Ridgeway: A BILL TO AMEND SECTION 7-7-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CLARENDON COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

**S. 344--RECALLED FROM COMMITTEE ON EDUCATION AND PUBLIC WORKS**

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

S. 344 -- Senator Corbin: A BILL TO AMEND SECTION 56-1-80(A) OF THE 1976 CODE, RELATING TO APPLICATION FOR A LICENSE OR PERMIT, TO PROVIDE THAT AN APPLICATION FOR A DRIVER'S LICENSE OR PERMIT MUST ALLOW AN APPLICANT WHO HAS BEEN MEDICALLY DIAGNOSED WITH AUTISM TO VOLUNTARILY DISCLOSE THAT HE IS AUTISTIC, WHICH MUST BE INDICATED BY A SYMBOL DESIGNATED BY THE DEPARTMENT ON THE DRIVER'S LICENSE AND CONTAINED IN THE DRIVER'S RECORD.

**LEAVE OF ABSENCE**

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

**H. 3720--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3720 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Reps. WHITE, COLE, HERBKERSMAN, LOFTIS, PITTS, SIMRILL, G. M. SMITH and WHITMIRE proposed the following Amendment No. 1A to H. 3720 as passed by the Senate (Doc Name H:\LEGWORK\HOUSE\AMEND\H-WM\\HOU2 AMEND BACK. DOCX), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting the bill as passed by the House of Representatives on March 15, 2017, which is hereby incorporated into this amendment

Amend the bill further, as and if amended, Part IA, Section 36, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page 103, line 3, opposite /Other Operating Expenses/ by increasing the amount in Column 5 by:

Column 5 Column 6

4,410,000

Amend the bill further, as and if amended, Part IA, Section 36, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page 104, line 16 opposite /Other Operating Expenses/ by increasing the amount in Column 5 by:

Column 5 Column 6

13,180,000

Amend the bill further, as and if amended, Part IA, Section 36, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page

105, line 2, opposite /Classified Positions/ by increasing the amount in Column 5 by:

Column 5 Column 6

3,120,000

Amend the bill further, as and if amended, Part IA, Section 36, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page 105, line 14, opposite /Employer Contributions/ by increasing the amount in Column 5 by:

Column 5 Column 6

1,290,000

Amend the bill further, as and if amended, Part IA, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 114, immediately after line 8, by inserting a new line to read:

Column 5 Column 6

Criminal Domestic

Violence-SCCADVASA 500,000 500,000

Amend the bill further, as and if amended, Part IA, Section 47, DEPT. OF NATURAL RESOURCES, page 132, immediately after line 5, by inserting new lines to read:

Column 5 Column 6

New Position

Administrative Assistant I (1.00)

Amend the bill further, as and if amended, Part IA, Section 47, DEPT. OF NATURAL RESOURCES, page 132, immediately after line 18, by inserting new lines to read:

Column 5 Column 6

New Position

Public Information Coordinator II

(1.00) (1.00)

Amend the bill further, as and if amended, Part IA, Section 47, DEPT. OF NATURAL RESOURCES, page 132, line 21, opposite /Other Operating Expenses/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

2,200,000 2,200,000

Amend the bill further, as and if amended, Part IA, Section 47, DEPT. OF NATURAL RESOURCES, page 136, line 2, opposite /Classified Positions/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

86,158 86,158

Amend the bill further, as and if amended, Part IA, Section 47, DEPT. OF NATURAL RESOURCES, page 138, line 24, opposite /Employer Contributions/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

19,750 19,750

Amend the bill further, as and if amended, Part IA, Section 49, DEPT. OF PARKS, RECREATION & TOURISM, page 141, lines 11-12, opposite /Sports Marketing Grant Program/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

2,750,000 2,750,000

Amend the bill further, as and if amended, Part IA, Section 50, DEPARTMENT OF COMMERCE, page 145, line 8, opposite /LocateSC/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

4,000,000 4,000,000

Amend the bill further, as and if amended, Part IA, section 64, LAW ENFORCEMENT TRAINING COUNCIL, page 169, immediately after line 5, by inserting new lines to read:

Column 5 Column 6

New Position

Administrative Assistant I (1.00) (1.00)

Amend the bill further, as and if amended, Section 91C, LEG. DEPT - CODIFICATION OF LAWS & LEG. COUNCIL, page 213, line 4, opposite /Unclass Leg Misc (P)/ by increasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

150,000 150,000

Amend the bill further, as and if amended, Part IA, Section 114, AID TO SUBDIVISIONS - DEPARTMENT OF REVENUE, page 255, lines 2-3, opposite /Aid to Counties - Homestead Exemption Fund/ by decreasing the amount(s) in Columns 5 and 6 by:

Column 5 Column 6

4,992,770 4,992,770

Amend the bill further, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 289, after line 34, by adding an appropriately numbered paragraph to read:

/ *(SDE: Save the Children) Of the funds retained and carried forward by the Department of Education pursuant to proviso 117.23, the Department of Education is directed to transfer up to $200,000 to Save the Children.* /

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 306, paragraph 1A.50, after line 21, by inserting:

/ *5. SDE-Technical Assistance - $1*

*6. SDE-K-12 Funding Gap - $1* /

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 318, after line 24, by adding an appropriately numbered paragraph to read:

/ *(SDE-EIA: ESSA State Plan) With funds appropriated for accountability and assessment, the Department of Education shall develop its ESSA State Plan in accordance with the U.S. Department of Education. In the ESSA State Plan primary, elementary, middle, and high schools along with career centers in South Carolina must be rated as Excellent, Good, Average, Below Average or Unsatisfactory using a 100-point scale. The Education Oversight Committee, working with the State Board of Education and a broad-based group of stakeholders, including, but not limited to, parents, business and industry persons, community leaders and educators, shall determine the criteria for and establish the performance ratings that are consistent with federal guidelines and state law. In addition the indicators used to determine the school ratings must also receive a rating of Excellent, Good, Average, Below Average or Unsatisfactory.*

*With funds appropriated to the Education Oversight Committee, the committee shall design and implement a public-friendly home page for district and school online report cards and the Department of Education shall be responsible for creating the dashboard that is linked to the home page. The committee must take into account input from parents, business and community leaders in designing the report cards. In addition the committee shall not issue state district and school report cards for 2017-18. Instead, the ratings in the ESSA State Plan shall be reported for school year 2017-18.*

*With funds appropriated for assessments, for school year 2017-18, students shall be assessed in English language arts and mathematics in grades 3 through 8, be assessed in science in grades 4, 6, and 8, and be assessed in social studies in grades 5 and 7. End-of-course, WorkKeys and college readiness assessments shall continue to be administered as required in Chapter 18 of Title 59 of the 1976 Code.* /

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 324, paragraph 3.4 (FY 2017-18 Lottery Funding), line 36, opposite /*(1) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59*/ by striking /*$217,601,614;*/ and inserting /*$221,843,614;*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 325, paragraph 3.4 (FY 2017-18 Lottery Funding), line 1, opposite /*(2) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370*/ by striking /*$10,182,978;*/ and inserting /*$14,458,578;*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 325, paragraph 3.4 (FY 2017-18 Lottery Funding), lines 4-5, opposite /*(4) Commission on Higher Education and State Board for Technical and Comprehensive*

*Education--Tuition Assistance*/ by striking /*$58,100,000;*/ and inserting /*$42,582,400;*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 325, paragraph 3.4 (FY 2017-18 Lottery Funding), line 8, opposite /*(7) Department of Education--School Bus Lease/Purchase*/ by striking /*$4,836,770;*/ and inserting /*$11,836,764;*/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, page 325, paragraph 3.4, after line 11, by inserting appropriately numbered items to read:

/ *( ) Commission on Higher Education--Technology-*

*Public Four Year Institutions, Two-Year*

*Institutions, and State Technical Colleges $ 1*

*( ) South Carolina State University $ 1*

*( ) Department of Education--Reading Partners $ 1*

*( ) Commission on Higher Education--Higher Education*

*Excellence Enhancement Program $ 1*

*( ) State Library--Aid to County Libraries $ 1*

*( ) State Board for Technical and Comprehensive*

*Education--Military Education, Training and*

*Support Program $ 1*/

Amend the bill further, as and if amended, Part IB, Section 7, JOHN DE LA HOWE SCHOOL, page 330, paragraph 7.5 (Transition), line 29, after /*suspension period.*/ by inserting a new sentence to read:

/ *Clemson University is further directed to utilize the transferred funds to continue the operation of the wilderness camp activities.* /

Amend the bill further, as and if amended, Part IB, Section 11, COMMISSION ON HIGHER EDUCATION, page 334, paragraph 11.21 (Capital Project Vetting), lines 26 - 28, by striking the proviso in its entirety.

Amend the bill further, as and if amended, Part IB, Section 11, COMMISSION ON HIGHER EDUCATION, page 334, after line 28, by adding an appropriately numbered paragraph to read:

/ *(CHE: Auxiliary Project Approval) For FY 2017-18, the provisions of Section 2-47-40(B) of the 1976 Code, as it relates to comments and recommendation of the Commission on Higher Education, shall be suspended for institutions of higher education auxiliary, athletic, maintenance and renovation permanent improvement projects. Institutions of higher education shall submit auxiliary, athletic, maintenance and renovation project proposals, through the Department of Administration's Executive Budget Office, directly to the Joint Bond Review Committee and State Fiscal Accountability Authority and shall not submit such project proposals through the Commission on Higher Education for comments and recommendations.* /

Amend the bill further, as and if amended, Part IB, Section 18, LANDER UNIVERSITY, page 334, after line 34, by adding new Section 18 and an appropriately numbered paragraph to read:

/ *Section 18 - H210 - Lander University*

*(LU: Renovation and Repairs) Funds appropriated to Lander University for the Montessori Education Building may be used for university renovation and repairs.* /

Amend the bill further, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 345, paragraph 33.20 (Medicaid Accountability And Quality Improvement Initiative), line 26, after /provided by this proviso./ by inserting:

/ *The Fair Hearing Process at the department shall be limited to disputes by Medicaid Recipients and actions by the department, as mandated by 42 C.F.R. § 431.200 (a). Provider disputes are specifically excluded from the jurisdiction of, or the right to, the fair hearing process at the department. Such disputes shall be dealt with pursuant to the contractually agreed to arbitration provision in the provider agreement, if applicable, or, in the event the provider did not enter into such an agreement, through the arbitration process.* /

Amend the bill further, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 346, paragraph 33.20 (Medicaid Accountability And Quality Improvement Initiative), after line 22, by inserting:

/ *(H) The department shall provide funding not to exceed $1,500,000 to establish a pilot program to expand medication-assisted treatment (MAT) services for prescription opioid dependency and addiction, including such medical and behavioral health services necessary to support MAT interventions. The department shall consider evidence-based interventions, recommendations made in the December 2014 State Plan to Prevent and Treat Prescription Drug Abuse, and scalability in the design of the pilot program. In consultation with the Department of Alcohol and Drug Abuse Services and the MUSC Hospital Authority, the department may contract with such providers that are necessary to ensure impact in a geographical area of critical need.* /

Amend the bill further, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 346, paragraph 33.20 (Medicaid Accountability And Quality Improvement Initiative), line 23, by striking: / (~~I~~ *H*) / and inserting: / (I) /

Amend the bill further, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 370, after line 31, by adding an appropriately numbered paragraph to read:

/ *(DSS: SNAP Eligibility) With the funds appropriated and authorized to the department in the current fiscal year, the Department of Social Services shall require an individual applying or reapplying for benefits through the Supplemental Nutrition Assistance Program (SNAP) to cooperate with the department's Division of Child Support Services to be eligible to receive SNAP benefits, as provided in 7 C.F.R. Section 273.11 (o), (p), and (q). The department shall provide written notice to an individual at the time of application or reapplication for SNAP benefits informing the individual of the requirements of this section.*

*When determining the eligibility of a household to participate in the Supplemental Nutrition Assistance Program, in no case shall the Department of Social Services establish resource limit standards that exceed the standards specified in 7 U.S.C. Section 2014(g)(1), unless expressly required by federal law. In no case shall categorical eligibility exempting a household from these resource limits be granted for any noncash, in-kind or other benefit, unless expressly required by federal law.*

*The Department of Social Services shall not seek, apply for, accept, or renew any waiver of the requirements established pursuant to 7 U.S.C. Section 2015(o), relating to mandatory work requirements of the Supplemental Nutrition Assistance Program.* /

Amend the bill further, as and if amended, Part IB, Section 47, DEPARTMENT OF NATURAL RESOURCES, page 375, after line 16, by adding an appropriately numbered paragraph to read:

/ *(DNR: Triploid Grass Carp) For Fiscal Year 2017-18, no water recreation funds or any other funding source may be used to fund the stocking of triploid grass carp on Lake Marion and Lake Moultrie.* /

Amend the bill further, as and if amended, Part IB, Section 99, RETIREMENT SYSTEM INVESTMENT COMMISSION, page 431, paragraph 99.1 (Retirement Investment Commission Audit), lines 13 - 16, by striking the proviso in its entirety.

Amend the bill further, as and if amended, Part IB, Section 101, ELECTION COMMISSION, page 436, paragraph 101.11, lines 8-10, by striking the lines in their entirety and inserting

/ 101.11. (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds may accrue interest as per Section 254 (b) (1) of the Help America Vote Act. *Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections. These funds may also be used to reimburse local governmental entities for expenses incurred in the prior fiscal year associated with special primaries, runoffs, and general elections.* /

Amend the bill further, as and if amended, Part IB, Section 109, DEPARTMENT OF REVENUE, page 450, after line 31, by adding an appropriately numbered paragraph to read:

/ *(DOR: Retail Liquor Dealer License) For the current fiscal year, the Department of Revenue is hereby prohibited from collecting a license application fee and from issuing a temporary, biennial, or any other retail license to sell liquor for off-premises consumption to a licensee if the applying licensee has three retail liquor licenses. Any applications for a fourth or subsequent license when the licensee has three retail liquor licenses shall be held in abeyance during the current fiscal year.*/

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 486, paragraph 117.110 (South Carolina Welcome Centers), lines 27-29, by striking the lines in their entirety and inserting: / ~~the transfer of these funds shall be defined as part of the MOU.~~ The funds ~~transferred~~ *appropriated* to the Department of Parks, Recreation and Tourism *for this purpose* ~~shall be placed in a separate and distinct fund and these funds~~ shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purposes. /

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 489, paragraph 117.115 (PEBA Fiduciary Audit), lines 1 - 3, by striking the proviso in its entirety.

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, Page 493, paragraph 117.128, lines 1-4, by striking the lines in their entirety and inserting:

/ 117.128. (GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34 of Title 6 of the 1976 Code as specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended for Fiscal Year ~~2016-17~~ *2017-18*. /

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 494, paragraph 117.135 (South Carolina Telemedicine Network), line 8, by inserting at the end:

/ *The department shall also amend its policy related to reimbursement for telemedicine to add Act 301 Behavioral Health Centers as a referring site for covered telemedicine services.* /

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 494, paragraph 117.135 (South Carolina Telemedicine Network), lines 10-11, by striking the lines in their entirety and inserting:

/ *Authority in the amount of $9,000,000 to lead the development and operation of a statewide, open access South Carolina Telemedicine Network. The MUSC Hospital Authority shall contract with each Regional Support Hub to ensure funding and support of strategic plans submitted by the Regional Support Hubs and approved by both the MUSC Hospital Authority and the Department of Health and Human Services. Institutions and other entities participating in the network must be afforded the opportunity to meaningfully* /

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 494, paragraph 117.135 (South Carolina Telemedicine Network), after line 19, by inserting:

/ *(C) An Advanced Practice Registered Nurse (APRN), as defined in Section 40-33-20(5) of the 1976 Code, working in a telehealth program may provide services pursuant to a written protocol approved by the South Carolina Board of Medical Examiners as required by Section 40-47-195 using electronic communications, information technology, or other means to a patient in another location with or without an intervening practitioner. APRNs practicing telehealth will be held to the same standard of care as in-person medical care. Except as provided herein, this shall not be construed to allow an APRN to perform services beyond the scope of what is authorized by Title 40, Chapter 33 and Title 40, Chapter 47.* /

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 494, paragraph 117.135 (South Carolina Telemedicine Network), line 20, by striking: / (*C*) / and inserting: / (*D*) / and line 21, by striking / *March* / and inserting / *April* /

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 497, after line 20, by adding an appropriately numbered paragraph to read:

/ *(GP: SCRS & PORS Contribution Rates) If the employer contribution rates for the South Carolina Retirement System (SCRS) and the Police Officers’ Retirement System (PORS) increase by more than one percentage point for Fiscal Year 2017-18, the funds appropriated to the Public Employee Benefit Authority (PEBA) for the South Carolina Retirement System Trust Fund and the Police Officers’ Retirement System Trust Fund in Part IA, Section 108 of this act shall be credited toward the contributions due from participating employers in SCRS and PORS for Fiscal Year 2017-18. These funds shall be credited to participating employers on the basis of the Employer Allocation Percentage of the SCRS and PORS Net Pension Liability as determined by PEBA as of June 30, 2016, for the purposes of compliance with GASB Statement No. 68. In no event shall a participating employer receive a credit that exceeds the employer contributions due from the employer.*/

Amend the bill further, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 497, after line 20, by adding an appropriately numbered paragraph to read:

/ *(GP: Retirement System Assets and Custodial Banking Relationship Transfer) In order to facilitate the transfer of custodianship of the assets of the Retirement System to the Public Employee Benefit Authority and governance of the custodial banking relationship to the Retirement System Investment Commission, all portions of contracts, agreements, and exemptions from the Consolidated Procurement Code providing for and relating to custodial banking, general banking, accounting, or any other ancillary services are transferred to, and devolved upon, the Public Employee Benefit Authority and the Retirement System Investment Commission in accordance with the authority transferred to the respective agency.* /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 508, paragraph 118.14, item *(1) P28 - Department of Parks, Recreation and Tourism*, line 18, opposite /*(d) Parks Recreation Development Fund*/ by striking /*$6,000,000*/ and inserting /*$3,000,000*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 508, paragraph 118.14, item *(2) P320 - Department of Commerce,* line 27, opposite /*(a) Closing Fund*/ by striking /*$20,000,000*/ and inserting /*$16,100,000*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 508, paragraph 118.14, item *(2) P320 - Department of Commerce,* line 29, opposite /*(c) LocateSC*/ by striking /*$5,455,179*/ and inserting /*$8,000,000*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 508, paragraph 118.14, item *(3) P400 - S.C. Conservation Bank*, line 34, opposite /*Conservation Bank Trust*/ by striking /*$5,000,000*/ and inserting /*$1*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 509, paragraph 118.14, item *(4) J020 - Department of Health and Human Services*, line 1, opposite /*(b) Medical Contracts*/ by striking /*$3,000,000*/ and inserting /*$4,900,000*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 509, paragraph 118.14, item *(5) J040 - Department of Health and Environmental Control*, line 6, opposite /*(a) Water Quality*/ by striking /*$2,000,000*/ and inserting /*$3,100,000*/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 510, paragraph 118.14, after line 10, by inserting appropriately numbered new items to read:

/ *( ) K050 - Department of Public Safety*

*Local Law Enforcement Grants $ 1,450,000*

*( ) H730 - Department of Vocational Rehabilitation*

*Lander Equestrian Center PTSD Pilot $ 500,000*

*( ) P280 - Department of Parks, Recreation*

*and Tourism*

*Parks Infrastructure Needs $ 4,000,000*

*( ) P240 - Department of Natural Resources*

*Outreach Programs $ 400,000*

*( ) D100 - State Law Enforcement Division*

*(a) Forensics Equipment $ 1*

*(b) Alcohol Enforcement/Narcotics*

*Equipment $ 1*

*(c) First Responder PTSD Treatment $ 1*

*( ) P160 - Department of Agriculture*

*Agribusiness Development $ 1*

*( ) Y140 - State Ports Authority*

*Jasper Ocean Terminal, Channel, and*

*Supporting Infrastructure $ 1*

*( ) E240 - Office of Adjutant General*

*(a) EMD-Hazard Mitigation Planning Grant*

*and Enhanced Emergency Services $ 1*

*(b) SC Military Museum $ 1*

*(c) Shaw Airforce Base/City of Sumter*

*Main Gate Refurbishment $ 1*

*(d) Town of Nichols Loan $ 1*

*(e) 2014 Winter Storm Local Matching Funds $ 1*

*(f) SC State Guard Uniforms $ 1*

*( ) E280 - Election Commission*

*Refresh of Current Statewide Voting System $ 1 /*

Renumber sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

Rep. WHITE spoke in favor of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Arrington | Atkinson | Atwater |
| Bales | Ballentine | Bamberg |
| Bannister | Bedingfield | Bennett |
| Bernstein | Blackwell | Bowers |
| Bradley | Brown | Burns |
| Caskey | Chumley | Clary |
| Clemmons | Clyburn | Cobb-Hunter |
| Cogswell | Cole | Collins |
| Crawford | Daning | Davis |
| Delleney | Dillard | Elliott |
| Erickson | Finlay | Forrest |
| Forrester | Fry | Funderburk |
| Gagnon | Gilliard | Govan |
| Hamilton | Hardee | Hart |
| Hayes | Henderson | Henegan |
| Hewitt | Hill | Hiott |
| Hixon | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| Jordan | King | Kirby |
| Loftis | Long | Lowe |
| Lucas | Mack | Magnuson |
| Martin | McCoy | McCravy |
| McEachern | McKnight | D. C. Moss |
| V. S. Moss | Murphy | B. Newton |
| W. Newton | Norrell | Parks |
| Pitts | Pope | Putnam |
| Quinn | Ridgeway | M. Rivers |
| S. Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Tallon | Taylor | Thayer |
| Toole | Weeks | West |
| Wheeler | Whipper | White |
| Whitmire | Williams | Yow |

**Total--108**

Those who voted in the negative are:

**Total--0**

The amendment was then adopted.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Amendment No. 1A to H. 3720. If I had been present, I would have voted in favor of the Amendment.

Rep. Bill Crosby

Reps. SIMRILL and WHITE proposed the following Amendment No. 2A (Doc Name COUNCIL\DG\3720C018.BBM.DG17.DOCX), which was adopted:

Amend the bill, as and if amended, page 510, after line 13, by adding a Part to read:

/ Part II

Permanent Provisions

SECTION 1

The Code Commissioner is directed to include all permanent general laws in this Part in the next edition of the Code of Laws of South Carolina, 1976, and all supplements to the Code.

SECTION 2

TO AMEND SECTION 12‑28‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MOTOR FUEL USER FEE, SO AS TO PHASE IN AN INCREASE OF TEN CENTS ON THE FEE OVER FIVE YEARS; TO AMEND SECTIONS 56‑11‑410 AND 56‑11‑450, BOTH RELATING TO THE ROAD TAX, SO AS TO INCREASE THE ROAD TAX IN THE SAME MANNER AS THE MOTOR FUEL USER FEE; TO AMEND SECTION 56‑3‑620, AS AMENDED, RELATING TO THE BIENNIAL REGISTRATION OF A MOTOR VEHICLE, SO AS TO INCREASE THE FEE FOR THE REGISTRATION; BY ADDING SECTION 56‑3‑627 SO AS TO REQUIRE EACH RESIDENT TO PAY AN INFRASTRUCTURE MAINTENANCE FEE UPON FIRST REGISTERING ANY VEHICLE AND CERTAIN OTHER ITEMS IN THIS STATE AND TO SPECIFY THE MANNER IN WHICH THE FEE IS CALCULATED, CREDITED, AND ADMINISTERED; BY ADDING SECTION 56‑3‑645 SO AS TO IMPOSE A ROAD USE FEE ON CERTAIN MOTOR VEHICLES THAT OPERATE ON FUEL THAT IS NOT SUBJECT TO THE MOTOR FUEL USER FEE; TO AMEND SECTION 12‑36‑2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO INCREASE THE MAXIMUM TAX ON CERTAIN ITEMS; TO AMEND SECTION 12‑36‑2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT ANY ITEM SUBJECT TO THE INFRASTRUCTURE MAINTENANCE FEE; TO AMEND SECTION 12‑36‑1710, RELATING TO THE CASUAL EXCISE TAX, SO AS TO PROVIDE THAT MOTOR VEHICLES AND MOTORCYCLES ARE NOT SUBJECT TO THE TAX; TO AMEND ARTICLE 23, CHAPTER 37, TITLE 12, RELATING TO MOTOR CARRIERS, SO AS TO DEFINE TERMS, TO PROVIDE THAT THE ARTICLE DOES NOT APPLY TO A SMALL COMMERCIAL VEHICLE, TO PROVIDE THAT CERTAIN VEHICLES ARE ASSESSED AND APPORTIONED BASED ON A ROAD USE FEE INSTEAD OF PROPERTY TAXES, TO PROVIDE THAT THE ROAD USE FEE IS DUE AT THE SAME TIME AS REGISTRATION FEES, TO PROVIDE FOR THE DISTRIBUTION OF THE ROAD USE FEE, AND TO EXEMPT CERTAIN SEMITRAILERS, TRAILERS, LARGE COMMERCIAL MOTOR VEHICLES, AND BUSES FROM AD VALOREM TAXATION; TO AMEND SECTIONS 57-1-310 THROUGH 57-1-330, ALL AS AMENDED, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL APPOINTMENTS TO THE COMMISSION ARE SUBJECT TO THE ADVICE AND CONSERNT OF THE GENERAL ASSEMBLY AND SERVE AT THE PLEASURE OF THE GOVERNOR, AND TO DELETE A PROVISION THAT REQUIRES EACH APPOINTMENT BE REFERRED TO THE LEGISLATIVE DELEGATION; TO AMEND SECTION 12-28-2355, RELATING TO AN INSPECTION FEE, SO AS TO PROVIDE THAT THE ENTIRE FEE MUST BE CREDITED TO THE STATE NON-FEDERAL AID HIGHWAY FUND; AND TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE MOTOR FUEL USER FEE TO COUNTY TRANSPORTATION COMMITTEES, SO AS TO INCREASE THE AMOUNT DISTRIBUTED TO EACH COMMITTEE.

A. Section 57‑11‑20(A) of the 1976 Code is amended to read:

“(A)(1) All state revenues and state monies dedicated by statute to the operation of the department must be deposited into either the ‘State Highway Fund’, ~~or~~ the ‘State Non‑Federal Aid Highway Fund’ ,or the ‘Infrastructure Maintenance Trust Fund’. ~~Both~~ All funds must be held and managed by the State Treasurer separate and distinct from the general fund, except as to monies utilized by the State Treasurer for the payment of principal or interest on state highway bonds as provided by law. Interest income from the State Highway Fund must be deposited to the credit of the State Highway Fund. Interest income from the Non‑Federal Aid Highway Fund must be deposited to the credit of the Non‑Federal Aid Highway Fund. Interest income from the Infrastructure Maintenance Trust Fund must be deposited to the credit of the Infrastructure Maintenance Trust Fund. The commission may commit up to the maximum annual debt service provided in Article X, Section 13 of the South Carolina Constitution into a special fund to be used for the sole purpose of paying the principal and interest, as it comes due, on bonds issued for the construction or maintenance of state highways, or both. This special account will be designated as the State Highway Construction Debt Service Fund.

(2) The Infrastructure Maintenance Trust Fund must be used exclusively for the repairs, maintenance, and improvements to the existing transportation system.”

B. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑100. Notwithstanding any other provision of law requiring the Department of Transportation to transfer revenues to another entity, if the department determines that the transfer of funds is not prudent and the transfer would not best serve the transportation infrastructure needs of this State, then the department may delay the transfer indefinitely. However, the transfer may not be delayed if the funds are to be used to pay debt service on outstanding bond issuances.”

C. Section 12‑28‑310 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) On July 1, 2017, and each July first thereafter until after July 1, 2021, the department shall permanently increase the amount of the user fees imposed pursuant to subsection (A) by two cents, for a total of ten cents. All of the funds raised by the increase in the motor fuel user fee imposed by this subsection must be credited to the Infrastructure Maintenance Trust Fund.”

D. Section 56‑11‑410 of the 1976 Code is amended to read:

“Section 56‑11‑410. (A) A road tax for the privilege of using the streets and highways in this State is imposed upon every motor carrier. The tax is equivalent to ~~sixteen cents a gallon~~ the user fee imposed pursuant to Section 12‑28‑310, calculated on the amount of gasoline or other motor fuel used by the motor carrier in its operations within this State. Except as credit for certain taxes as provided for in this chapter, taxes imposed on motor carriers by this chapter are in addition to taxes imposed upon the carriers by any other provision of law.

(B) Notwithstanding any other provision of law, all of the road tax funds collected in excess of sixteen cents a gallon after accounting for the credit provided in Section 56‑11‑450, must be credited to the Infrastructure Maintenance Trust Fund.”

E. Section 56‑11‑450(A) of the 1976 Code is amended to read:

“(A) Every motor carrier subject to the tax imposed under this chapter is entitled to a credit on the tax equivalent to ~~sixteen cents per gallon~~ the user fee imposed pursuant to Section 12‑28‑310 on all gasoline or other motor fuel purchased by the carrier within this State for use in operations either within or without this State and upon which gasoline or other motor fuel the tax imposed by the laws of this State has been paid by the carrier. Evidence of the payment of the tax in such form as may be required by or is satisfactory to the Department of Motor Vehicles must be furnished by each carrier claiming the credit.”

F.1. Section 56‑3‑620 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 56‑3‑620. (A) For persons sixty‑five years of age or older or persons who are handicapped, as defined in Section 56‑3‑1950, the biennial registration fee for every private passenger motor vehicle, excluding trucks, is ~~twenty~~ thirty‑six dollars.

(B) ~~Beginning July 1, 1987,~~ For persons under the age of sixty‑five years the biennial registration fee for every private passenger motor vehicle, excluding trucks, is ~~twenty‑four~~ forty dollars.

(C) For persons sixty‑five years of age or older, the biennial registration fee for a property‑carrying vehicle with a gross weight of six thousand pounds or less is ~~thirty~~ forty‑six dollars.

(D) For persons who are sixty‑four years of age, the biennial registration fee for a private passenger motor vehicle, excluding trucks, is ~~twenty‑two~~ thirty‑eight dollars.

(E) Applicable truck fees, established by Section 56‑3‑660, are not negated by this section.

(F) Annual license plate validation stickers which are issued for nonpermanent license plates on certified South Carolina public law enforcement vehicles must be issued without charge.

(G) From each biennial registration and license fee collected, sixteen dollars must be credited to the Infrastructure Maintenance Trust Fund.”

F.2. This SECTION takes effect January 1, 2018.

G. 1. Article 5, Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56‑3‑627. (A) In order to account for the necessary road maintenance caused by each item traversing the roads of this State, in addition to the registration fees imposed by this chapter, the owner of each vehicle or other item that is required to be registered pursuant to this chapter must pay an infrastructure maintenance fee upon first registering the vehicle or other item. Also, the owner of each trailer or semi‑trailer must pay the fee upon first registering the trailer or semi‑trailer. The Department of Motor Vehicles may not issue a registration until the infrastructure maintenance fee has been collected. The infrastructure maintenance fee must be credited to the Infrastructure Maintenance Trust Fund.

(B) If upon purchasing or leasing the item from a dealer, the owner first registers the item in this State, then the fee equals five percent, not to exceed five hundred dollars, of the gross proceeds of sales, or sales price, as those terms are defined in Chapter 36, Title 12. If the dealer holds a South Carolina retail license or offers to license and register the item, then the dealer must collect the fee and remit it to the Department of Motor Vehicles.

(C)(1) If upon purchasing or leasing the item from a person other than a dealer, the owner first registers the item in this State, then the fee equals five percent, not to exceed five hundred dollars, of the fair market value of the item.

(2) Excluded from the fee imposed pursuant to this subsection are:

(a) items transferred:

(i) to members of the immediate family;

(ii) to a legal heir, legatee, or distributee;

(iii) from an individual to a partnership upon formation of a partnership, or from a stockholder to a corporation upon formation of a corporation;

(iv) to a licensed motor vehicle or motorcycle dealer for the purpose of resale;

(v) to a financial institution for the purpose of resale;

(vi) as a result of repossession to any other secured party, for the purpose of resale;

(b) the fair market value of an item transferred to the seller or secured party in partial payment;

(c) gross proceeds of transfers of items specifically exempted by Section 12‑36‑2120 from the sales or use tax;

(d) items where a sales or use tax has been paid on the transaction necessitating the transfer.

(3) The Department of Motor Vehicles shall require every applicant for a certificate of title to supply information it considers necessary as to the time of purchase, the purchase price, and other information relative to the determination of fair market value. If the fee is based upon total purchase price as defined in this subsection, the department shall require a submission of a bill of sale and the signature of the owner subject to the perjury statutes of this State.

(4) For purposes of this subsection:

(a) ‘Fair market value’ means the total purchase price less any trade‑in, or the valuation shown in a national publication of used values adopted by the department, less any trade‑in.

(b) ‘Immediate family’ means spouse, parents, children, sisters, brothers, grandparents, and grandchildren.

(c) ‘Total purchase price’ means the price of an item agreed upon by the buyer and seller with an allowance for a trade‑in, if applicable.

(D)(1) If upon purchasing or leasing the item, the owner first registers the item in another state, and subsequently registers the item in this State, then the fee equals two hundred fifty dollars.

(2) This subsection does not apply if the owner of the item is serving on active duty in the armed forces of the United States. The exclusion allowed by this item also extends to items owned by the spouse or dependent of a person serving on active duty in the armed forces of the United States.

(E)(1)(a) The Department of Motor Vehicles shall transfer eighty percent of every fee collected on motor vehicles pursuant to subsections (B) and (C), but not to exceed two hundred forty dollars, to the Department of Transportation to be allocated to the state‑funded resurfacing program. The Department of Transportation shall develop and implement a needs‑based methodology to distribute revenue within the state‑funded resurfacing program, which shall include consideration of pavement condition on a county‑by‑county basis, to ensure that each county in the State is guaranteed funding for resurfacing.

(b) The Department of Motor Vehicles shall transfer twenty percent of every fee collected on motor vehicles pursuant to subsections (B) and (C), but not to exceed sixty dollars, to the South Carolina Education Improvement Act of 1984 Fund.

(2) The Department of Transportation shall reduce the allocation to the state‑funded resurfacing program required in item (1) in proportion to the amounts transferred to the South Carolina Transportation Infrastructure Bank pursuant to subsection (F) and in proportion to the amounts required by the Department of Transportation to fund repairs, maintenance, and improvements to the existing transportation system.

(F)(1) The Department of Transportation shall identify bridge and road projects to be financed utilizing nontax revenue transferred to the bank by the Department of Transportation in an amount equal to the financing requirements related to projects selected pursuant to this section, provided that:

(a) Fifty million dollars in revenue utilized by the bank shall be used to finance bridge replacement, rehabilitation projects, and expansion and improvements on existing roads in the State Highway System.

(b) Funds in excess of fifty million dollars utilized by the bank shall be used to finance expansion and improvements to existing mainline interstates.

(2) Funds transferred to the bank pursuant to this section may not be used to finance projects approved by the bank before July 1, 2013. The bank shall submit all projects proposed to be financed pursuant to subsection (B) to the Joint Bond Review Committee as provided in Section 11‑43‑180, before approving a project for financing.

(3) Following consideration by the Joint Bond Review Committee, the bank shall approve the projects to be financed. Upon approval, the bank shall provide the Department of Transportation with written notice that identifies each project selected, the amount of nontax revenue that must be transferred to the bank for financing each project, a schedule for the transfers, and any other information necessary to carrying out the financing of each project.

(4) Upon receipt of the notice provided in item (3), the Department of Transportation shall transfer nontax revenue to the bank in the amounts and upon the schedule provided in the notice. The department shall take any other action identified in the notice that is necessary for financing each project.

(5) Projects financed utilizing funds transferred pursuant to this subsection shall not require a local match.

(G) The Secretary of Transportation shall apply funds supplanted by the operation of this section to prioritized bridge and resurfacing needs.

(H) Notwithstanding any other provision of this section, any transaction exempt pursuant to Section 12‑36‑2120(25), is also exempt from the infrastructure maintenance fee. ”

G.2. This SECTION takes effect on July 1, 2017.

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

“Section 56‑3‑645. (A) In addition to the registration fees imposed by this chapter, the owner of motor vehicles that are powered:

(1) exclusively by electricity, hydrogen, or any fuel other than motor fuel, as defined in Section 12‑28‑110(39), that are not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial road use fee of one hundred twenty dollars; and

(2) by a combination of motor fuel subject to motor fuel user fees imposed by Chapter 28, Title 12 and electricity, hydrogen, or any fuel other than motor fuel that is not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial road use fee of sixty dollars.

(B) All of the fees collected pursuant to this section must be credited to the Infrastructure Maintenance Trust Fund.

(C) The Department of Motor Vehicles shall collect this fee at the same time as the vehicle subject to the fee is registered.”

H.2. This SECTION takes effect January 1, 2018.

I.1. Section 12‑36‑2110(A) of the 1976 Code is amended to read:

“Section 12‑36‑2110. (A)(1) The maximum tax imposed by this chapter is three hundred dollars for each sale made after June 30, 1984, or lease executed, after August 31, 1985, of each:

~~(1)~~(a) aircraft, including unassembled aircraft which is to be assembled by the purchaser, but not items to be added to the unassembled aircraft;

~~(2)~~(b) motor vehicle;

~~(3)~~(c) motorcycle;

~~(4)~~(d) boat;

~~(5)~~(e) trailer or semitrailer, pulled by a truck tractor, as defined in Section 56‑3‑20, and horse trailers, but not including house trailers or campers as defined in Section 56‑3‑710 or a fire safety education trailer;

~~(6)~~(f) recreational vehicle, including tent campers, travel trailer, park model, park trailer, motor home, and fifth wheel; or

~~(7)~~(g) self‑propelled light construction equipment with compatible attachments limited to a maximum of one hundred sixty net engine horsepower.

(2) In the case of a lease, the total tax rate required by ~~law~~ this section applies on each payment until the total tax paid equals three hundred dollars. Nothing in this section prohibits a taxpayer from paying the total tax due at the time of execution of the lease, or with any payment under the lease. To qualify for the tax limitation provided by this section, a lease must be in writing and specifically state the term of, and remain in force for, a period in excess of ninety continuous days.

(3) Notwithstanding any other provision of this subsection, after June 30, 2017, the maximum tax imposed pursuant to this chapter on the sale, lease, or registration of an item enumerated in item (1) only applies to items not subject to the fee pursuant to Section 56‑3‑627.

(4) Notwithstanding any other provision of this subsection, after June 30, 2017, the maximum tax imposed pursuant to this chapter on the sale, lease, or registration of an item enumerated in item (1) is increased from three hundred dollars to five hundred dollars, mutatis mutandis. Notwithstanding Section 59‑21‑1010, or any other provision of law, any revenue resulting from the increase contained in this item must be credited to the Infrastructure Maintenance Trust Fund.

(5) Notwithstanding any other provision of law, revenues resulting from the maximum tax imposed pursuant to this chapter on the sale, lease, or registration of an item enumerated in item (1) which would be subject to the fee set forth in Section 56‑3‑627 but for the state in which it is registered, must be collected by and remitted to the Department of Motor Vehicles. Upon collection, the Department of Motor Vehicles must transfer all the revenues to the Infrastructure Maintenance Trust Fund.”

I.2. Section 12‑36‑2120 of the 1976 Code, as last amended by Act 256 of 2016, is further amended by adding an appropriately numbered item to read:

“( ) any item subject to the fee set forth in Section 56‑3‑627.”

I.3. Section 12‑36‑1710(A) through (D) of the 1976 Code is amended to read:

“(A) In addition to all other fees prescribed by law there is imposed an excise tax for the issuance of every certificate of title, or other proof of ownership, for every ~~motor vehicle, motorcycle,~~ boat, motor, or airplane, required to be registered, titled, or licensed. The tax is five percent of the fair market value of the ~~motor vehicle, motorcycle,~~ airplane, boat, and motor.

(B) Excluded from the tax are:

(1) ~~motor vehicles, motorcycles,~~ boats, motors, or airplanes:

(a) transferred to members of the immediate family;

(b) transferred to a legal heir, legatee, or distributee;

(c) transferred from an individual to a partnership upon formation of a partnership, or from a stockholder to a corporation upon formation of a corporation;

(d) transferred to a licensed motor vehicle or motorcycle dealer for the purpose of resale;

(e) transferred to a financial institution for the purpose of resale;

(f) transferred as a result of repossession to any other secured party, for the purpose of resale;

(2) the fair market value of a ~~motor vehicle, motorcycle,~~ boat, motor, or airplane, transferred to the seller or secured party in partial payment;

(3) gross proceeds of transfers of ~~motor vehicles, motorcycles, or~~ airplanes specifically exempted by Section 12‑36‑2120 from the sales or use tax;

(4) ~~motor vehicles, motorcycles,~~ boats, motors, or airplanes, where a sales or use tax has been paid on the transaction necessitating the transfer.

(C) ‘Fair market value’ means the total purchase price less any trade‑in, or the valuation shown in a national publication of used values adopted by the department, less any trade‑in.

(D) ‘Total purchase price’ means the price of a ~~motor vehicle, motorcycle,~~ boat, motor, or airplane agreed upon by the buyer and seller with an allowance for a trade‑in, if applicable.”

I.4. Section 12‑36‑2647 of the 1976 Code is repealed.

I.5. The Code Commissioner is directed to change or correct all references to the sales tax on vehicles and other such items to reflect the provisions of Section 56‑3‑627 as added by this act. References to the sales tax on vehicles and other such items in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

J.1. Article 23, Chapter 37, Title 12 of the 1976 Code is amended to read:

“Article 23

Motor Carriers

Section 12‑37‑2810. As used in this article, unless the context requires otherwise:

(A) ‘Motor carrier’ means a person who owns, controls, operates, manages, or leases a commercial motor vehicle, or bus for the transportation of property or persons in intrastate or interstate commerce except for scheduled intercity bus service and farm vehicles using FM tags as allowed by the Department of Motor Vehicles. A motor carrier is defined further as being a South Carolina‑based International Registration Plan registrant or owning or leasing real property within this State used directly in the transportation of freight or persons.

(B) ‘Commercial motor vehicle’ means a motor propelled vehicle used for the transportation of property on a public highway ~~with a gross vehicle weight of greater than twenty‑six thousand pounds~~, except for farm vehicles using FM tags as allowed by the Department of Motor Vehicles.

(C) ‘Large commercial motor vehicle’ means a commercial motor vehicle with a gross vehicle weight of greater than twenty‑six thousand pounds that is registered under the International Registration Plan or used on a highway for the transportation of property.

(D) ‘Small commercial motor vehicle’ means a commercial motor vehicle with a gross vehicle weight of less than or equal to twenty‑six thousand pounds that is registered under the International Registration Plan or used on a highway for the transportation of property.

~~(C)~~(E) ‘Highway’ means all public roads, highways, streets, and ways in this State, whether within a municipality or outside of a municipality.

~~(D)~~(F) ‘Person’ means any individual, corporation, firm, partnership, company or association, and includes a guardian, trustee, executor, administrator, receiver, conservator, or a person acting in a fiduciary capacity.

~~(E)~~(G) ‘Semitrailers’ means every vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that a part of its weight and of its load rests upon or is carried by another vehicle.

~~(F)~~(H) ‘Trailers’ means every vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

~~(G)~~(I) ‘Bus’ means every motor vehicle designed for carrying more than sixteen passengers and used for the transportation of persons, for compensation, other than a taxicab or intercity bus.

(J) ‘South Carolina apportionment factor’ means the ratio of miles operated by a fleet of vehicles in South Carolina to the miles operated by the fleet of vehicles everywhere, which is used to apportion the registration fees of the fleet under the International Registration Plan.

Section 12‑37‑2815. The provisions contained in this article do not apply to small commercial motor vehicles that must be licensed, registered, and pay ad valorem taxes as otherwise provided by law.

Section 12‑37‑2820. (A) The Department of ~~Revenue~~ Motor Vehicles annually shall assess, equalize, and apportion the valuation of all large commercial motor vehicles and buses of motor carriers registered for use in this State under the International Registration Plan or otherwise pursuant to Section 56‑3‑190. The valuation must be based on fair market value for the motor vehicles and an assessment ratio of nine and one‑half percent as provided by Section 12‑43‑220(g). Fair market value is determined by depreciating the gross capitalized cost of each motor carrier’s large commercial motor vehicle~~,~~ or bus by an annual percentage depreciation allowance down to ten percent of the cost as follows:

(1) Year One ‑‑ .90

(2) Year Two ‑‑ .80

(3) Year Three ‑‑ .65

(4) Year Four ‑‑ .50

(5) Year Five ‑‑ .35

(6) Year Six ‑‑ .25

(7) Year Seven ‑‑ .20

(8) Year Eight ‑‑ .15

(9) Year Nine ‑‑ .10

(B) ‘Gross capitalized cost’, as used in this section, means the original cost upon acquisition for income tax purposes, not to include taxes, interest, or cab customizing.

Section 12‑37‑2830. The value of a motor carrier’s large commercial motor vehicles and buses subject to ~~property taxes~~ road use fees in this State must be determined ~~based on the ratio of total mileage operated within this State during the preceding calendar year to the total mileage of its fleet operated within and without this State during the same preceding calendar year~~ according to the South Carolina apportionment factor for the fleet of which the commercial vehicle is a part.

Section 12‑37‑2840. ~~(A)~~ ~~Motor carriers must file an annual property tax return with the Department of Revenue no later than June 30 for the preceding calendar year and remit one‑half of the tax due or the entire tax due as stated on the return. If the motor carrier fails to pay either one‑half of the tax due or the entire tax due as of June 30, the department must issue a proposed assessment for the entire tax to the motor carrier. The tax as shown in the proposed assessment must be paid in full by cashier’s check, money order, or cash within thirty days of the issuance of the proposed assessment, or the taxpayer may appeal the proposed assessment within thirty days using the procedures provided in subarticle 1, Article 5, Chapter 60 of this title.~~

~~(B)(1)~~ ~~If one‑half of the tax is remitted on or before June 30, the remaining one‑half of the tax due must be paid to the Department of Revenue on or before December 31 of that year. If the motor carrier fails to remit the remaining tax due pursuant to this section, the department shall issue a proposed assessment to the motor carrier.~~

~~(2)~~ ~~The tax shown in the proposed assessment must be paid in full by cashier’s check, money order, or cash or appealed within thirty days of the issuance of the proposed assessment. The taxpayer may appeal the proposed assessment using the procedures provided in subarticle 1, Article 5, Chapter 60 of this title.~~

~~(C)~~ ~~If a motor carrier fails to timely file the return as required by this section, the department shall issue a proposed assessment which assumes all mileage of the motor carrier’s fleet was driven within this State. A taxpayer may appeal this proposed assessment using the procedures provided in subarticle 1, Article 5, Chapter 60 of this title.~~

~~(D)~~ ~~A twenty‑five percent penalty must be added to the property tax due if the motor carrier fails to file a return or pay any tax due, including the one‑half of the tax due on June 30, as required by this section. The penalty must be applied the day after the date that the return was due to be filed or the tax was due to be paid. This penalty is instead of all other penalties and interest required by law, except those provided in Section 12‑54‑44.~~

~~(E)~~ ~~If the motor carrier fails to remit the tax due within thirty days of receipt of the proposed assessment and the taxpayer fails to appeal the proposed assessment as provided in subsection (B), the department shall assess the tax. Tax due pursuant to this section is subject to the collection procedures provided in Chapter 54, of this title, except that the penalty provisions of Section 12‑54‑43 do not apply~~ A motor carrier registering a large commercial motor vehicle or bus must pay the road use fee due on the vehicle at the time and in the manner the person pays the registration fees on the vehicle pursuant to Section 56‑3‑660. A person choosing to pay registration fees on a large commercial motor vehicle or bus in quarterly installments pursuant to Section 56‑3‑660 also must pay the road use fee on the vehicle in the same quarterly installments.

~~Section 12‑37‑2842.~~ ~~(A)~~ ~~The Department of Motor Vehicles, at the time of first registration by a motor carrier as defined in this article, shall notify the registrant of the Department of Revenue’s registration and filing requirements and supply the required registration forms.~~

~~(B)~~ ~~The motor carrier must register with the Department of Revenue within thirty days following the year in which the vehicle or bus was first registered for operation in South Carolina.~~

~~(C)~~ ~~A motor carrier must notify the Department of Revenue, on forms supplied by the department, of a motor vehicle or bus that is disposed of before December 31.~~

Section 12‑37‑2850. Beginning on January 1, 2019, the Department of ~~Revenue~~ Motor Vehicles shall assess annually the ~~taxes~~ road use fee due on large commercial motor vehicles and buses based on the value determined in Section 12‑37‑2820 and an average millage for all purposes statewide for the preceding calendar year and shall publish the average millage for the preceding year by ~~June 1~~ July first of each year. The Department of Revenue, in consultation with the Revenue and Fiscal Affairs Office, shall calculate the millage to be used to calculate the road use fee by June first of each year for the following calendar year. The ~~taxes~~ road use fee assessed must be paid to the Department of ~~Revenue no later than December 31 of each year and may be made in two equal installments~~ Motor Vehicles, in addition to the registration fees required pursuant to Sections 56‑3‑660 and 56‑3‑670, at the time and in the manner that the registration fees on the vehicle are paid pursuant to Sections 56‑3‑660 and 56‑3‑670. Distribution of the ~~taxes~~ fees paid must be made by the ~~State Treasurer’s~~ Office of the State Treasurer based on the distribution formula ~~contained~~ provided in ~~Section 12‑37‑2870~~ Sections 12‑37‑2865 and 12‑37‑2870.

Section 12‑37‑2860. (A) In addition to the property tax exemptions allowed pursuant to Section 12‑37‑220, one hundred percent of the fair market value of semitrailers and trailers as defined in Section 12‑37‑2810, and commonly used in combination with a large commercial motor vehicle, as defined pursuant to Section 12‑37‑2810, is exempt from property tax.

(B) Instead of ~~the~~ any property ~~taxes~~ tax and the registration requirements ~~contained~~ provided in Sections 56‑3‑110 and 56‑3‑700 on semitrailers and trailers of motor carriers as defined in Section 12‑37‑2810, and commonly used in combination with a large commercial motor vehicle, a one‑time fee payable to the Department of Motor Vehicles in the amount of eighty‑seven dollars is ~~due~~ imposed on all semitrailers and trailers currently registered and subsequently on each semitrailer and trailer before being placed in service.

(C) The fee imposed pursuant to subsection (B) and the registration requirements of this article are in lieu of any local road use fee, registration fees, or any other vehicle related fee imposed by a political subdivision of this State on a trailer or semitrailer.

~~(B)~~(D) Twelve dollars of the one‑time fee must be distributed to the Department of ~~Revenue~~ Motor Vehicles and may be retained by the Department of ~~Revenue~~ Motor Vehicles and expended in budgeted operations to record and administer the fee. The remaining seventy‑five dollars of the fee must be distributed based on the distribution formula ~~contained~~ provided in ~~Section~~ Sections 12‑37‑2865 and 12‑37‑2870, and must occur by the fifteenth day of the month following the month in which the fees are collected.

~~(C)~~ ~~The fee required by this section is due on or before March 31, 1998, for the initial registration.~~

~~(D)~~(E) The Department of Motor Vehicles shall design a permanent tag for display on the exterior of the rear of the trailer or semitrailer in a conspicuous place.

(F) If the apportioned registration fees of a large commercial motor vehicle or bus and the road use fees for large commercial motor vehicles required under this chapter are equal to or exceed four hundred dollars, the fees may be remitted to the Department of Motor Vehicles quarterly provided that each installment is made online. A motor carrier who fails to make a quarterly payment on a timely basis may no longer make installment payments and must remit to the department the balance of the fees owed for any previous calendar year before the Department of Motor Vehicles will renew registration for the current calendar year. A motor carrier that opts out of installment payments must make full payment of fees at the time of registration.

Section 12‑37‑2865. Seventy‑five percent of the revenues from the road use fee assessed pursuant to Section 12‑37‑2850, and the one‑time fee assessed pursuant to Section 12‑37‑2860 must be distributed by the State Treasurer as provided in Section 12‑37‑2870. Distributions must be made by the last day of the next month succeeding the month in which the fee is paid. The remaining twenty‑five percent must be credited to the Infrastructure Maintenance Trust Fund to be used to finance expansion and improvements to existing mainline interstates.

Section 12‑37‑2870. The distribution of the fee revenues required to be distributed pursuant to Section 12‑37‑2865(B) for each county must be determined on the ratio of total federal and state highway miles within each county during the preceding calendar year to the total federal and state highway miles within all counties of this State during the same preceding calendar year. The county must distribute the revenue from the payment‑in‑lieu of taxes received pursuant to this section within thirty days of its receipt to every governmental entity levying a property tax in the manner set forth below. For each governmental entity levying a property tax, the entire assessed value of the taxable property within its boundaries and the county area must be multiplied by the millage rate imposed by the governmental entity. That figure constitutes the numerator for that governmental entity. The total of the numerators for all property tax levying entities within the county area constitutes the denominator. The numerator for each governmental entity must be divided by the denominator. The resulting percentage must be multiplied by the ~~payment‑in‑lieu of tax~~ fee revenue received pursuant to this section and that amount distributed to the general fund of the appropriate governmental entity. The distribution of taxes and fees paid must be made by the last day of the next month succeeding the month in which the taxes and fees were paid.

Section 12‑37‑2880. (A) In addition to the property tax exemptions allowed pursuant to Section 12‑37‑220, one hundred percent of the fair market value of all large commercial motor vehicles and buses registered for use in this State under the International Registration Plan or otherwise pursuant to Section 56‑3‑190, is exempt from property tax and is instead subject to the road use fee imposed pursuant to this article.

(B) The ~~ad valorem taxes authorized~~ road use fee imposed by this article ~~are~~ is in lieu of all ~~other~~ ad valorem taxes upon ~~the~~ large commercial motor vehicles or buses ~~of motor carriers~~, and any road use or other vehicle‑related fees imposed by a political subdivision of this State if registered for use in this State under the International Registration Plan. ~~The fee‑in‑lieu of property taxes and registration requirements authorized by this article are in lieu of all other ad valorem taxes upon trailers and semitrailers of motor carriers.~~

~~Section 12‑37‑2890.~~ ~~(A)~~ ~~Upon request by the Department of Revenue, and after the time period for all appeals of tax due is exhausted, the Department of Motor Vehicles shall suspend the driver’s license and vehicle registration of a person that fails to file or pay a motor carrier property tax on a vehicle, pursuant to this article. The request to suspend must be an electronic notification from the Department of Revenue to the Department of Motor Vehicles. Before notification is sent to the Department of Motor Vehicles, the Department of Revenue shall notify the delinquent taxpayer by certified letter of the pending suspension and of the steps necessary to prevent the suspension from being entered on the taxpayer’s driving and registration records. The department shall allow thirty days for payment of taxes before notifying the Department of Motor Vehicles to suspend the driver’s license and vehicle registration.~~

~~(B)~~ ~~Notwithstanding the provisions of Sections 56‑1‑460 and 56‑9‑500, a charge of driving under suspension when the suspension is solely for failure to file or pay a motor carrier property tax or the reinstatement fee required for the property tax does not require proof of financial responsibility. A person is not subject to a custodial arrest solely for being under suspension pursuant to this section. Upon conviction of a violation of this section, the taxpayer is subject to:~~

~~(1)~~ ~~for a first offense a fine not to exceed fifty dollars;~~

~~(2)~~ ~~for a second offense a fine not to exceed two hundred fifty dollars; and~~

~~(3)~~ ~~for a third or subsequent offense under this section, the penalty is a fine not to exceed five hundred dollars or imprisonment not to exceed thirty days, or both.~~

~~(C)~~ ~~Notwithstanding the provisions of subsections (A) and (B) of this section or the provisions of Section 56‑1‑460, a charge of driving under suspension issued solely as a result of this section must be dismissed if the taxpayer provides proof on the taxpayer’s court date that the personal property taxes on the vehicle which resulted in the charge being issued have been paid.~~

~~(D)~~ ~~Before the reinstatement of a driver’s license or vehicle registration suspended due to a violation of this section, a fee of fifty dollars must be paid to the Department of Motor Vehicles. The Department of Motor Vehicles may retain revenues generated by payment of the reinstatement fees pursuant to this section for use in defraying costs associated with suspension and reinstatement actions pursuant to this section Fees collected in excess of actual departmental direct costs related to suspension and reinstatement actions pursuant to this section must be deposited to the credit of the general fund of the State at the end of each fiscal year.~~”

J.2. Section 56‑3‑376 of the 1976 Code is amended to read:

“Section 56‑3‑376. (A) All vehicles except those vehicles designated in Section 56‑3‑780 are designated as distinct classifications and must be assigned an annual registration period as follows:

(1) Classification (1). Vehicles for which the biennial registration fee is one‑hundred sixty dollars or more. The Department of Motor Vehicles may register and license a vehicle for which the biennial registration fee is one‑hundred sixty dollars or more or for a semiannual or one‑half year upon application to the department by the owner and the payment of one‑fourth of the specified biennial fee. Biennial registrations and licenses expire at midnight on the last day of the twenty‑fourth month for the period for which they were issued. Semiannual or half‑year registrations and licenses expire at midnight of the sixth month for the period for which they were issued and no person shall drive, move, or operate a vehicle upon a highway after the expiration of the registration and license until the vehicle is registered and licensed for the then current period. Trucks, truck tractors, or road tractors with an empty or unloaded weight of over five thousand pounds or less, or gross vehicle weight of eight thousand pounds or less also must be placed in this classification but may not be registered for less than a full biennial period.

(2) Classification (2). Other vehicles. All other vehicles except those vehicles described in classification (1) and (3) of this section are assigned a staggered biennial registration which expires on the last day of the month for the period for which they were issued.

(3) Classification (3). Large commercial motor vehicles and buses registered by motor carriers, as defined in Section 12‑37‑2810, are assigned a staggered annual registration which expires on the last day of the month for the period for which they were issued.

(B) Notwithstanding the registration periods provided in this section, upon appropriate notice, the department may revise the established renewal dates to allow renewals to be assigned an expiration date pursuant to a staggered monthly basis.”

J.3. Section 56‑3‑120(5) of the 1976 Code is amended to read:

“(5) a trailer or semitrailer ~~of a motor carrier~~ commonly used in combination with a large commercial motor vehicle, as defined in Section 12‑37‑2810, for which trailer or semitrailer the ~~fee‑in‑lieu of taxes and registration requirements has been paid~~ fee imposed pursuant to Section 12‑37‑2860 is paid and applicable registration requirements provided pursuant to Article 23, Chapter 37, Title 12, are met, and a distinctive permanent plate has been issued pursuant to Section 12‑37‑2860.”

J.4. Section 56‑3‑610 of the 1976 Code is amended to read:

“Section 56‑3‑610. (A) Except as provided in subsection (B), the owner of every motor vehicle, trailer, semitrailer, pole trailer, and special mobile equipment vehicle required to be registered and licensed under this chapter shall pay to the Department of Motor Vehicles at the time of registering and licensing the vehicle and biennially after that time registration and license fees as set forth in this article.

(B) A large commercial motor vehicle or bus on which is imposed the road use fee provided pursuant to Article 23, Chapter 37, Title 12 is required to be registered and licensed annually pursuant to this chapter and the scheduled fees adjusted as provided pursuant to Section 56‑3‑660(E).”

J.5. Section 56‑3‑660(A) of the 1976 Code is amended to read:

“Section 56‑3‑660. (A) The determination of gross vehicle weight to register and license self‑propelled property carrying vehicles is the empty weight of the vehicle or combination of vehicles and the heaviest load to be transported by the vehicle or combination of vehicles as declared by the registered owner. All determinations of weight must be made in units of one thousand pounds or major fraction of one thousand pounds. The declared gross vehicle weight applies to all self‑propelled property carrying vehicles operating in tandem with trailers or semitrailers except that the gross weight of a trailer or semitrailer is not required to be included when the operation is to be in tandem with a self‑propelled property carrying vehicle licensed for six thousand pounds or less gross weight, and the gross vehicle weight of the combination does not exceed nine thousand pounds. The Department of Motor Vehicles may register and license a ~~vehicle of this classification~~ small commercial motor vehicle, as defined in Section 12‑37‑2810, for which the biennial registration and license fee is one‑hundred and sixty dollars or more for an annual or one‑year period beginning on April first and ending on March thirty‑first of the next year upon application to the department by the owner and the payment of one‑half the specified biennial fee or for a semiannual or one‑half year beginning on April first and ending on September thirtieth of the same year upon application to the department by the owner and the payment of the appropriate fees. The registration and license fee for small commercial motor vehicles ~~in this classification~~ which are registered for the remaining twenty‑four months or less of the twenty‑four month biennial period or for the eleven months or less of the twelve‑month year ending on March thirty‑first or the remaining five months or less for the one‑half period ending on September thirtieth is the proportionate part of the specified biennial fee for the remainder of the twenty‑four month period or year or one‑half year based on one twenty‑fourth of the specified twenty‑four‑month fee for each month or part of a month remaining in the biennial registration period or license year or one‑half year. ~~No~~ An proportionate fee may not be reduced lower than ten dollars. A person making application for a registration and license for a motor vehicle of this classification shall declare the true unloaded or empty weight of the vehicle.”

J.6. Section 56‑3‑660 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“(1) Fees for licensing and registration, and fees imposed pursuant to Article 23, Chapter 37, Title 12, may be credited or prorated as prescribed by the Department of Motor Vehicles.”

J.7. Section 56‑3‑660(E) of the 1976 Code is amended to read:

“(E) The department may register ~~an apportionable~~ a large commercial motor vehicle, as defined in Section 12‑37‑2810, for the payment of one‑half of this State’s portion of the license and road fee for a vehicle whose portion of the license and road fee owed to this State exceeds ~~eight~~ four hundred dollars. The department may require any information necessary to complete the transaction.”

J.8. Section 58‑23‑620 of the 1976 Code is amended to read:

“Section 58‑23‑620. (A) ~~No city, town,~~ A municipality or county in this State ~~shall~~ may not impose a license fee or license tax upon a holder of a certificate A or a certificate B, and ~~no city, town,~~ a municipality or county ~~shall~~ may not impose a license fee or license tax on the holder of a certificate E or a certificate F, Certificate of Compliance, or a common or contract motor carrier of property, except the ~~city or town~~ municipality of ~~such~~ the carrier’s residence or the location of ~~his~~ the carrier’s principal place of business. However, the fee required of a holder of a certificate C is in addition to any license tax or license fee charged by a municipality.

(B) If a municipality or county imposes a license fee or license tax pursuant to subsection (A), the fee or tax in the case of any certificate holder or common or contract motor carrier of property which operates its vehicles both within and without this State, must be apportioned in the ratio that the miles traveled by the vehicles operated by the certificate holder in this State bears to miles traveled by those vehicles in all states.”

J.9. Article 21, Chapter 37, Title 12 of the 1976 Code is amended by adding:

“Section 12‑37‑2600. Motor carriers, as defined in Section 12‑37‑2810, are exempt from ad valorem taxes imposed pursuant to this chapter on large commercial motor vehicles and buses.”

J.10. Section 12‑37‑2610 of the 1976 Code, as last amended by Act 87 of 2015, is further amended to read:

“Section 12‑37‑2610. The tax year for licensed motor vehicles begins with the last day of the month in which a registration required by Section 56‑3‑110 is issued and ends on the last day of the month in which the registration expires or is due to expire. ~~No~~ A registration may not be issued for motor vehicles until the ad valorem tax is paid for the year for which the registration is to be issued. ~~Motor vehicles registered under the International Registration Plan may pay ad valorem property taxes on a semiannual basis~~ Large commercial motor vehicles and buses, as defined in Section 12‑37‑2810, must pay road use fees pursuant to Article 23, Chapter 37, Title 12 in lieu of ad valorem property taxes. The provisions of this section do not apply to the transfer of motor vehicle registrations as specified in Section 12‑37‑2675 or to sales of motor vehicles by a licensed motor vehicle dealer. Notice of the sales must be furnished to the Department of Motor Vehicles by the dealer, along with other documents necessary for the registration and licensing of the vehicle concerned. The notice must be received by the Department of Motor Vehicles as a prerequisite to the registration and licensing of the vehicle and must include the name and address of the purchaser, the vehicle identification number, and the year and model of the vehicle. The notice must be an original and one copy, and the copy must be provided by the department to the auditor of the county in which the vehicle is taxable. All ad valorem taxes on a vehicle are due and payable one hundred twenty days from the date of purchase. The notice and the time in which to pay the tax applies to motor vehicles that are serviced and delivered by a licensed motor vehicle dealer for the benefit of an out‑of‑state dealer.”

J.11. The first paragraph of Section 12‑37‑2650 of the 1976 Code is amended to read:

“The auditor shall prepare a tax notice of all vehicles owned by the same person and licensed at the same time for each tax year within the two‑year licensing period. A notice must describe the motor vehicle by name, model, and identification number. The notice must set forth the assessed value of the vehicle, the millage, the taxes due on each vehicle, and the license period or tax year. The notice must be delivered to the county treasurer who must collect or receive payment of the taxes. One copy of the notice must be in the form of a bill or statement for the taxes due on the motor vehicle and, when practical, the treasurer shall mail that copy to the owner or person having control of the vehicle. When the tax and all other charges included on the tax bill have been paid, the treasurer shall issue the taxpayer a paid receipt. The receipt or a copy may be delivered by the taxpayer to the Department of Motor Vehicles with the application for the motor vehicle registration. A record of the payment of the tax must be retained by the treasurer. The auditor shall maintain a separate duplicate for motor vehicles. ~~No~~ A registration may not be issued by the Department of Motor Vehicles unless the application is accompanied by the receipt, a copy of the notification required by Section 12‑37‑2610 or notice from the county treasurer, by other means satisfactory to the Department of Motor Vehicles, of payment of the tax. ~~Motor vehicles registered under the International Registration Plan may pay ad valorem property taxes on a semiannual basis, and a proportional receipt must be issued by the treasurer subject to penalties in Section 12‑37‑2730.~~ Large commercial motor vehicles and buses, as defined in Section 12‑37‑2810, must pay road use fees pursuant to Article 23, Chapter 37, Title 12 in lieu of ad valorem property taxes. The treasurer, tax collector, or other official charged with the collection of ad valorem property taxes in each county may delegate the collection of motor vehicle taxes to banks or banking institutions, if each institution assigns, hypothecates, or pledges to the county, as security for the collection, federal funds or federal, state, or municipal securities in an amount adequate to prevent any loss to the county from any cause. Each institution shall remit the taxes collected daily to the county official charged with the collections. The receipt given to the taxpayer, in addition to the information required in this section and by Section 12‑45‑70, must contain the name and office of the treasurer or tax collector of the county and must also show the name of the banking institution to which payment was made.”

J.12. (1) Notwithstanding any provision to the contrary within this SECTION, a person who registers a vehicle for use in this State pursuant to Article 23, Chapter 37, Title 12, as amended by this act, must register his vehicle during calendar year 2019 and is required to pay the road fees calculated based on the fair market value of the vehicle as specified in Sections 12‑37‑2820 and 12‑37‑2850 at the time the vehicle’s registration fees are paid.

(2) Notwithstanding the provisions in Section 12‑37‑2865(B) and (C), as contained in this SECTION, to the contrary, during calendar year 2019 the first four hundred thousand dollars of fee revenue collected pursuant to Section 12‑37‑2865 must be retained by the Department of Motor Vehicles to defray programming costs.

(3) The initial millage required by Section 12‑37‑2850 must be calculated on or before June 1, 2018.

J.13. This SECTION takes effect January 1, 2019, except that the Department of Revenue, in consultation with the Revenue and Fiscal Affairs Office, shall calculate the millage to be used to calculate the road use fee provided in Section 12‑37‑2850 by July 1, 2018.

K.1. Section 57‑1‑310 through Section 57‑1‑330 of the 1976 Code, as last amended by Act 275 of 2016, are further amended to read:

“Section 57‑1‑310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation shall be composed of one member from each transportation district and one member from the State at large, all appointed by the Governor, upon the advice and consent of the ~~Senate~~ General Assembly~~, subject to the provisions of Section 57‑1‑325~~. In making appointments to the commission, the Governor shall take into account race, gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.

(B) ~~The at‑large appointment made by the Governor must be transmitted to the Joint Transportation Review Committee.~~

~~(C)~~ The qualifications that each commission member must possess, include, but are not limited to:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; or

(2) a background of at least five years in any combination of the following fields of expertise:

(a) transportation;

(b) construction;

(c) finance;

(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.

(D) A member of the General Assembly or member of his immediate family may not be appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be appointed to the commission for a period of four years after the member either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

Section 57‑1‑320. A county within a Department of Transportation district may not have a resident commission member for more than eight consecutive years and in no event shall any two persons from the same county serve as a commission member simultaneously.

~~Section 57‑1‑325.~~ ~~(A) The Governor shall submit his transportation district appointees to the Senate and the House of Representatives for referral to the appropriate legislative delegation. Legislative delegation for these purposes means legislators residing in the congressional district corresponding to the transportation district of the appointee.~~

~~(B) Upon receipt of a referral, the legislative delegation shall meet to approve or disapprove the Governor’s appointee. The legislative delegation shall report its findings to the House of Representatives, the Senate, and the Governor. If the legislative delegation approves the Governor’s appointee, the appointment shall be referred to the Joint Transportation Review Committee. If the delegation disapproves the appointee, the Governor shall make another appointment. If the legislative delegation fails to approve of the Governor’s appointee within forty‑five days of the appointee’s referral to the delegation, the appointee is deemed to have been disapproved.~~

Section 57‑1‑330. (A) All commission members are appointed to serve at the pleasure of the Governor ~~to a term of office of four years which expires on February fifteenth of the appropriate year~~. However, a commission member may not serve more than ~~two~~ eight consecutive ~~terms~~ full years, and may not serve more than twelve years, regardless of when the ~~term was~~ years were served so long as four full years have passed since the commissioner last served. ~~Commissioners shall continue to serve until their successors are appointed and confirmed, provided that a commissioner only may serve in a hold‑over capacity for a period not to exceed six months.~~ If either the eight consecutive year limit or the twelve total years limit is met, a vacancy occurs, and the commissioner may not serve in a hold over capacity. Any vacancy occurring in the office of commissioner shall be filled by appointment in the manner provided in this article ~~for the unexpired term only~~. Except for the at‑large member, a person is not eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by such commission member to maintain residency in the district for which he is appointed shall result in the forfeiture of his office.

(B) The at‑large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by the at‑large commission member to maintain residence in the State shall result in a forfeiture of his office.

~~Commission members may be removed from office at the discretion of the Governor subject to the prior approval of the appropriate legislative delegation.~~

K.2. Article 7, Chapter 1, Title 57 of the 1976 Code is repealed.

K.3. This SECTION takes effect July 1, 2017, except that the members of the Commission of the Department of Transportation serving on June 30, 2017, shall continue to serve until their current term expires, and until their successor is appointed and confirmed. If a vacancy occurs in the seat of a member serving on June 30, 2017, before the member’s term otherwise expires, the vacancy must be filled in the manner specified in Chapter 1, Title 57 of the 1976 Code, as amended by this act, and the member filling the vacancy shall serve until the term expires. Commissioners serving on June 30, 2017, and anyone serving for the remainder of their term do not serve at the pleasure of the Governor. The members serving on June 30, 2017, if otherwise eligible, may be reappointed pursuant to Section 57‑1‑310, as amended by this act.

L. The first paragraph in Section 12‑28‑2355(C), before the first colon, is amended to read:

“(C) Notwithstanding any other provision of law, ~~of~~ the fees collected pursuant to subsection (A) ~~of this section, ten percent must be transmitted by the Department of Revenue to the Department of Agriculture beginning upon the effective date of this act for use as provided in Section 39‑41‑70 and the remainder of the fees~~ must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund as provided in the following schedule:”

M. Section 12‑28‑2740 of the 1976 Code is amended by adding an appropriately numbered subsection at the end to read:

“( ) Notwithstanding the provisions of subsection (A), on July 1, 2018, and each July first thereafter until after July 1, 2021, the amount of proceeds of the user fee on gasoline only as levied for in this chapter that must be deposited with the State Treasurer and expended for the purposes of this section must be increased by .3325 cents a gallon, until such time as the total amount equals three and ninety‑nine one‑hundredths cents a gallon. Any increase in proceeds resulting from the provisions of this subsection must be used exclusively for the repairs, maintenance, and improvements to the state secondary highway system.”

N. Except where specified otherwise, this SECTION takes effect July 1, 2017. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. SIMRILL explained the amendment.

**POINT OF ORDER**

Rep. COLLINS raised the Point of Order that Amendment No. 2A is out of order because it violates Section 11-11-440.

The SPEAKER  overruled the Point of Order and stated the following:

“I anticipated the possibility of this Point of Order being raised and am prepared to address it. S.C. Code Section 11-11-440 states:

*‘(A) The General Assembly may not provide for any general tax increase or enact new general taxes in the permanent provisions of the State General Appropriation Act or acts supplemental thereto, and any such general tax increases or new general taxes must be enacted only by separate act.*

*(B) General tax increases and new general taxes as used in this section mean tax increases and new taxes which apply to over fifty percent of the population as a whole.’*

After researching the precedents and relevant case law, including the cases of Brown v. County of Horry (1992), Campbell v. Charleston (1997), and Hospitality Association v. Hilton Head (1995), it is clear that I must address two issues.

The first issue is whether Amendment 2A creates a new tax or increases a general tax. I have reviewed Amendment 2A thoroughly and the relevant case law defining the difference between a tax and a fee. A fee is determined by several elements including:

1. Who pays?
2. Does the revenue generated benefit the payers of the fee?
3. Does the revenue go to a specific stated purpose?
4. Does the revenue generated exceed the cost of improvements contemplated?
5. Is the charge uniformly imposed upon all payers?

Amendment 2A establishes new charges and increases other charges. Although Amendment 2A references these charges as ‘fees’ that designation is not dispositive, and I must apply the analysis set forth previously.

The charges referenced in Amendment 2A are paid by persons who purchase gasoline and register vehicles in our State.  These persons are using the roads of our State, and the funds generated by these fees go to funding road maintenance and improvement.  The charges are uniformly applied to all those persons purchasing gasoline and registering vehicles.  Thus, I must conclude that the charges are ‘fees’ as defined by our precedent and case law.

However, upon review of Amendment 2A, I had some further questions concerning two sections of the Bill and I want to address those two sections individually.

Amendment No. 2A revises Code Section 56-11-410 to increase the ‘road tax’ on motor carriers.  The fact that the section uses the word ‘tax’ made me look further into the issue.  However, as I stated earlier, the case of Brown v. Horry County, and other precedents, clearly state that whether a particular charge is labeled a ‘fee’ or ‘tax’ is not controlling, and we must apply our previous analysis.  After applying the analysis, it is clear that the section, despite labeling it a ‘road tax’, is actually applying a fee upon the motor carriers.

The other section that raised a question in my mind amends Code Section 12-36-2110. This section exempts cars and motorcycles from the current sales tax, but it also increases the maximum allowable sales tax on planes and boats.   I applied the analysis set forth above and determined that this section imposes a potential tax increase on persons who purchase boats and planes in South Carolina.

Consequently, I have to go to the second element of Section 11‑11‑440.  This second issue requires me to determine if the tax increase applies to more than 50% of the population.  To make this determination I asked the office of Revenue and Fiscal Affairs to calculate the average percentage of South Carolinians who purchase a boat or plane in South Carolina in a fiscal year. Based upon this information it is estimated that less than 1% of the population is likely to purchase a boat or airplane that is potentially subject to this tax increase.

I want you to know that I have diligently considered this potential Point of Order.  The funding and maintenance of our roads is a critical issue for our State, but I deem it my duty, as your Speaker, to follow the rules and precedents of this Body that you have established.  I have reviewed this issue thoroughly, and I feel that it I must overrule the Point of Order. Amendment No. 2A does not violate Section 11-11-440.”

Rep. SIMRILL spoke in favor of the amendment.

Rep. HILL spoke against the amendment.

The question then recurred to the passage of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 87; Nays 22

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Arrington | Atkinson | Bales |
| Ballentine | Bamberg | Bannister |
| Bernstein | Blackwell | Brown |
| Caskey | Clary | Clemmons |
| Clyburn | Cobb-Hunter | Cogswell |
| Cole | Crawford | Crosby |
| Davis | Delleney | Dillard |
| Erickson | Finlay | Forrest |
| Forrester | Funderburk | Gagnon |
| Gilliard | Govan | Hardee |
| Hart | Hayes | Henderson |
| Henegan | Hewitt | Hixon |
| Hosey | Huggins | Jefferson |
| Johnson | Jordan | King |
| Kirby | Lowe | Lucas |
| Mack | McCoy | McCravy |
| McEachern | McKnight | D. C. Moss |
| V. S. Moss | Murphy | B. Newton |
| W. Newton | Norrell | Ott |
| Parks | Pitts | Pope |
| Ridgeway | M. Rivers | S. Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sandifer | Simrill | G. M. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Thigpen | Weeks | West |
| Wheeler | Whipper | White |
| Whitmire | Williams | Yow |

**Total--87**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Bedingfield | Bennett |
| Bowers | Bradley | Burns |
| Chumley | Collins | Daning |
| Elliott | Hamilton | Hill |
| Hiott | Long | Magnuson |
| Martin | Putnam | Quinn |
| G. R. Smith | Taylor | Thayer |
| Toole |  |  |

**Total--22**

The amendment was then adopted.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ROBINSON-SIMPSON a temporary leave of absence.

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

Rep. J. E. SMITH proposed the following Amendment No. 4A (Doc Name COUNCIL\SA\3720C022.BBM.SA17.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, proviso 118.14, by adding an appropriately numbered item at the end of subsection (B) to read:

/ 118.\_\_. ( ) H450 - University of South Carolina

South Carolina Children's Advocacy

Medical Response System $ 500,000 /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

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

Rep. J. E. SMITH proposed the following Amendment No. 5A (Doc Name COUNCIL\SA\3720C023.BBM.SA17.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH & HUMAN SERVICES, by adding an appropriate numbered paragraph at the end to read:

/ 33.\_\_(DHHS: Applied Behavior Analysis) In the current fiscal year and with the funds appropriated to the Department of Health and Human Services, the department shall increase the hourly Medicaid reimbursement rates for line therapists and registered behavior technicians implementing applied behavior analysis (ABA) to forty-five dollars an hour. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

Rep. WHITE moved to table the amendment.

Rep. J. E. SMITH demanded the yeas and nays which were taken, resulting as follows:

Yeas 44; Nays 43

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bedingfield | Bennett |
| Blackwell | Bradley | Caskey |
| Chumley | Clemmons | Cole |
| Crawford | Davis | Delleney |
| Erickson | Forrester | Gagnon |
| Hayes | Henderson | Hewitt |
| Hill | Hiott | Hixon |
| Huggins | Johnson | Jordan |
| Long | Lucas | Magnuson |
| Martin | McCravy | D. C. Moss |
| V. S. Moss | Murphy | B. Newton |
| Putnam | Ryhal | G. M. Smith |
| G. R. Smith | Spires | Stringer |
| Taylor | Thayer | West |
| White | Whitmire |  |

**Total--44**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Bales |
| Ballentine | Bamberg | Bannister |
| Brown | Clary | Clyburn |
| Cobb-Hunter | Cogswell | Collins |
| Crosby | Daning | Elliott |
| Gilliard | Govan | Hamilton |
| Henegan | Hosey | Jefferson |
| King | Kirby | Mack |
| McCoy | McEachern | McKnight |
| W. Newton | Ott | Quinn |
| Ridgeway | M. Rivers | Rutherford |
| J. E. Smith | Sottile | Tallon |
| Thigpen | Toole | Weeks |
| Wheeler | Whipper | Williams |
| Yow |  |  |

**Total--43**

So, the amendment was tabled.

Rep. J. E. SMITH proposed the following Amendment No. 6A (Doc Name COUNCIL\SA\3720C025.BBM.SA17.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH & HUMAN SERVICES, by adding an appropriately numbered paragraph at the end to read:

/ 33.\_\_(DHHS: Applied Behavior Analysis) In the current fiscal year and with the funds appropriated to the Department of Health and Human Services, the department shall increase the hourly Medicaid reimbursement rates for line therapists and registered behavior technicians implementing applied behavior analysis (ABA) to forty dollars an hour. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

Rep. J. E. SMITH spoke in favor of the amendment.

Rep. G. M. SMITH spoke against the amendment.

Rep. WHITE moved to table the amendment.

Rep. J. E. SMITH demanded the yeas and nays which were taken, resulting as follows:

Yeas 51; Nays 38

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Atkinson | Bedingfield |
| Blackwell | Bradley | Burns |
| Caskey | Chumley | Clemmons |
| Cole | Crawford | Davis |
| Delleney | Forrester | Gagnon |
| Hardee | Hayes | Hewitt |
| Hill | Hiott | Huggins |
| Johnson | Jordan | Loftis |
| Lowe | Lucas | Magnuson |
| Martin | McCravy | D. C. Moss |
| V. S. Moss | Murphy | B. Newton |
| W. Newton | Pitts | Pope |
| Putnam | S. Rivers | Ryhal |
| Simrill | G. M. Smith | G. R. Smith |
| Sottile | Spires | Stringer |
| Thayer | Toole | Weeks |
| White | Whitmire | Yow |

**Total--51**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Ballentine | Bamberg |
| Bannister | Brown | Clary |
| Cogswell | Collins | Crosby |
| Daning | Elliott | Forrest |
| Gilliard | Govan | Hamilton |
| Henderson | Hixon | Hosey |
| Jefferson | King | Kirby |
| Long | Mack | McCoy |
| McEachern | McKnight | Ott |
| Quinn | Ridgeway | M. Rivers |
| Rutherford | J. E. Smith | Tallon |
| Taylor | Thigpen | Wheeler |
| Whipper | Williams |  |

**Total--38**

So, the amendment was tabled.

Rep. J. E. SMITH proposed the following Amendment No. 7A (Doc Name COUNCIL\SA\3720C026.BBM.SA17.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH & HUMAN SERVICES, by adding an appropriately numbered paragraph at the end to read:

/ 33.\_\_(DHHS: Applied Behavior Analysis) In the current fiscal year and with the funds appropriated to the Department of Health and Human Services, the department shall increase the hourly Medicaid reimbursement rates for line therapists and registered behavior technicians implementing applied behavior analysis (ABA) to thirty dollars an hour. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

Rep. J. E. SMITH moved to table the amendment, which was agreed to.

Rep. J. E. SMITH proposed the following Amendment No. 9A (Doc Name COUNCIL\SA\3720C024.BBM.SA17.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH & HUMAN SERVICES, by adding an appropriately numbered paragraph at the end to read:

/ 33.\_\_(DHHS: Medicaid Expansion) (A) During the current fiscal year and with the funds appropriated to the Department of Health and Human Services, the state shall expand the Medicaid program, pursuant to the provisions of the Patient Protection and Affordable Care Act, P.L. 111–148, as amended by the Health Care and Education Reconciliation Act of 2010 (ACA), in order to provide coverage to adults age nineteen through sixty–four and families with income at or below one hundred and thirty–three percent of the federal poverty level (FPL), which includes a five percent income disregard, equating to income at or below one hundred thirty–eight percent of the federal poverty level (FPL).

(B) The Executive Budget Office is directed to provide all necessary increased authorization related to the Medicaid expansion. The Department of Health and Human Services is directed to take all necessary steps to implement the Medicaid expansion as provided for in subsection (A) and is the lead agency for implementation. The Department of Health and Human Services is authorized to seek assistance from any state or federal agencies or entities in order to implement the program, and all state agencies or entities shall provide wish assistance as requested by the Department of Health and Human Services. /

Renumber sections to conform.

Amend totals and titles to conform.

Rep. J. E. SMITH explained the amendment.

Rep. J. E. SMITH spoke in favor of the amendment.

Rep. WHITE moved to table the amendment.

Rep. J. E. SMITH demanded the yeas and nays which were taken, resulting as follows:

Yeas 66; Nays 25

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Atkinson | Ballentine |
| Bannister | Bedingfield | Blackwell |
| Bradley | Burns | Caskey |
| Chumley | Clemmons | Cogswell |
| Cole | Collins | Crawford |
| Crosby | Daning | Davis |
| Delleney | Elliott | Forrest |
| Forrester | Gagnon | Hamilton |
| Hayes | Henderson | Hewitt |
| Hill | Hiott | Hixon |
| Huggins | Johnson | Jordan |
| Loftis | Long | Lowe |
| Lucas | Magnuson | Martin |
| McCoy | McCravy | D. C. Moss |
| V. S. Moss | Murphy | B. Newton |
| W. Newton | Pitts | Pope |
| Putnam | Quinn | S. Rivers |
| Ryhal | Simrill | G. M. Smith |
| G. R. Smith | Sottile | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | West |
| White | Whitmire | Yow |

**Total--66**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bales | Bamberg |
| Brown | Clary | Clyburn |
| Gilliard | Govan | Hosey |
| Jefferson | King | Kirby |
| Mack | McEachern | McKnight |
| Ott | Ridgeway | M. Rivers |
| Rutherford | J. E. Smith | Stavrinakis |
| Thigpen | Weeks | Whipper |
| Williams |  |  |

**Total--25**

So, the amendment was tabled.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

**H. 3721--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3721 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2016-2017, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Reps. WHITE, COLE, HERBKERSMAN, LOFTIS, PITTS, SIMRILL, G. M. SMITH and WHITMIRE proposed the following Amendment No. 1A to H. 3721, as passed by the Senate (Doc Name H:\LEGWORK\HOUSE\AMEND\H-WM\001\CRF H2 AMEND BACK.DOCX), which was adopted:

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

/ SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11 11 320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2016 2017 the following amounts:

(1) E240 Office of Adjutant General

Emergency Management Division

Hurricane Matthew FEMA

Match $ 77,897,801

(2) E240 Office of Adjutant General

Emergency Management Division

Pinnacle Mountain Fire FEMA

Match $ 1,250,000

(3) H590 State Board for Technical

and Comprehensive Education

readySC $ 9,605,891

(4) L040 Department of Social Services

Child Support System $ 25,000,000

(5) J040 Department of Health and Environmental Control

Dam Safety Program $ 4,893,750

(6) J020 Department of Health and Human Services

Medicaid Management

Information System $ 8,832,619

(7) P320 Department of Commerce

LocateSC $ 5,000,000

(8) L040 - Department of Social Services

Criminal Domestic

Violence - SCCADVASA $ 1

(9) P280 - Department of Parks, Recreation and Tourism

Palmetto Trail $ 1

(10) R400 - Department of Motor Vehicles

Real ID $ 6,727,718

(11) P120 - Forestry Commission

Firefighter Safety and

Public Protection Equipment $ 1

(12) P160 - Department of Agriculture

Consumer Protection and

Safety Equipment $ 1

(13) D100 - State Law Enforcement Division

Alcohol Enforcement/

Narcotics Equipment $ 1

(14) D100 - State Law Enforcement Division

Counter Terrorism and

Arson Equipment $ 1

(15) N200 - Law Enforcement

Training Council

Criminal Justice Academy

Lead Remediation $ 1

(16) H240 - South Carolina State University

Technology Upgrades $ 1

(17) P400 - S.C. Conservation Bank

Conservation Bank Trust $ 1

(18) E240 - Office of Adjutant General

2014 Winter Storm Local

Matching Funds $ 1

$ 139,207,789

SECTION 2. The funds appropriated to the Office of Adjutant General, Emergency Management Division in Item (1) for Hurricane Matthew FEMA Match and in Item (2) for Pinnacle Mountain Fire FEMA Match shall be utilized to provide the non-federal cost share to state and local government entities for work that is eligible under the Federal Emergency Management Agency (FEMA) Public Assistance and Individual Assistance programs. Priority shall be given to FEMA Individual Assistance and Public Assistance for state agencies, universities, and local governments.

SECTION 3. Of the funds appropriated in Section 1, item (1) for Hurricane Matthew FEMA Match, $700,000 shall be distributed in a one-time pass through allocation to the Town of Nichols for costs associated with damages caused by Hurricane Matthew, but not duplicative of work that is eligible under the FEMA Public Assistance program. Management of the funds shall be the sole responsibility of the Town of Nichols.

SECTION 4. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11 11 320(D) of the 1976 Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 5. This joint resolution takes effect thirty days after the completion of the 2016 2017 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11 11 320(D)(1) of the 1976 Code. /

Renumber items and sections to conform.

Amend totals and titles to conform.

Rep. WHITE explained the amendment.

The yeas and nays were taken resulting as follows:

Yeas 77; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Atkinson |
| Bales | Ballentine | Bannister |
| Blackwell | Bradley | Brown |
| Burns | Caskey | Chumley |
| Clemmons | Clyburn | Cogswell |
| Collins | Crawford | Crosby |
| Daning | Davis | Delleney |
| Elliott | Forrest | Forrester |
| Gagnon | Gilliard | Govan |
| Hamilton | Hayes | Henderson |
| Hewitt | Hill | Hixon |
| Hosey | Huggins | Jefferson |
| Johnson | Jordan | King |
| Loftis | Long | Lucas |
| Mack | Magnuson | Martin |
| McCoy | McCravy | McEachern |
| D. C. Moss | V. S. Moss | Murphy |
| W. Newton | Ott | Pope |
| Putnam | Quinn | Ridgeway |
| M. Rivers | Rutherford | Ryhal |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Taylor | Thayer |
| Thigpen | Toole | Weeks |
| West | Whipper | White |
| Williams | Yow |  |

**Total--77**

Those who voted in the negative are:

**Total--0**

The amendment was then adopted.

The Senate Amendments were amended, and the Joint Resolution was ordered returned to the Senate.

**STATEMENTS FOR THE HOUSE JOURNAL**

ABSTENTION FROM VOTING

BASED ON POTENTIAL CONFLICT OF INTEREST

In accordance with §8-13-700(B) of the S.C. Code, I abstained from voting on H. 3722 because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

The reason for abstaining on the above referenced legislation is:

a. A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of S.C. Code §8-13-700(B).

c. A potential conflict may exist under S.C. Code §8-13-745(B) and (C) because a contract for goods or services may be entered into within the next year with an agency, commission, board, department, or other entity funded through the general appropriation bill by myself, an individual with whom I am associated in partnership with or a business or partnership in which I have a greater than 5% interest.

Rep. Eric Bedingfield

ABSTENTION FROM VOTING

BASED ON POTENTIAL CONFLICT OF INTEREST

In accordance with §8-13-700(B) of the S.C. Code, I abstained from voting on H. 3722 because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

The reason for abstaining on the above referenced legislation is:

a. A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of S.C. Code §8-13-700(B).

c. A potential conflict may exist under S.C. Code §8-13-745(B) and (C) because a contract for goods or services may be entered into within the next year with an agency, commission, board, department, or other entity funded through the general appropriation bill by myself, an individual with whom I am associated in partnership with or a business or partnership in which I have a greater than 5% interest.

Rep. Anne Parks

**LEAVE OF ABSENCE**

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

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

**THE HOUSE RESUMES**

At 2:30 p.m. the House resumed, SPEAKER *PRO TEMPORE* in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**SPEAKER IN CHAIR**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. D. C. MOSS a temporary leave of absence.

**H. 3401--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

H. 3401 -- Rep. Clemmons: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS AND URGE THEM TO PROPOSE THE REGULATION FREEDOM AMENDMENT TO THE UNITED STATES CONSTITUTION.

Rep. HENDERSON moved to adjourn debate on the Concurrent Resolution which was agreed to.

**H. 4160--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4160 -- Rep. Long: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 417 IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 14 TO ITS INTERSECTION WITH BROOKWOOD POINT PLACE "REVEREND CARLOS BLEASE WATSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

**S. 572--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 572 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME RICHARD STREET IN RICHLAND COUNTY "DEACON JAMES KNOTTS STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS STREET CONTAINING THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

**RECURRENCE TO THE MORNING HOUR**

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

**S. 530--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 530 -- Senator Talley: A BILL TO AUTHORIZE THE PELHAM-BATESVILLE FIRE DISTRICT, WHICH PROVIDES FIRE PROTECTION SERVICES TO PORTIONS OF GREENVILLE AND SPARTANBURG COUNTY, TO ISSUE BONDS TO FINANCE CERTAIN NECESSARY CAPITAL IMPROVEMENTS AND TO PROVIDE FOR THE AMOUNT AND PROCESS THROUGH WHICH THE BONDS MAY BE ISSUED.

Rep. HENDERSON proposed the following Amendment No. 2 to S.  530 (COUNCIL\CZ\530C002.NBD.CZ17), which was adopted:

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

/ SECTION 4. A notice of each public hearing shall be published once a week for three successive weeks in a newspaper or newspapers, as necessary, of general circulation in Greenville County and in Spartanburg County. Such notice shall state:

(1) The time and date of each such public hearing, which shall be not less than sixteen days following the first publication of the notice.

(2) The place of each such public hearing.

(3) The proposed principal amount of bonds to be issued by the district.

(4) A statement setting forth the purpose for which the proceeds of such bonds are to be expended.

(5) A brief summary of the reasons for the issuance of such bonds and the method by which the principal and interest of such bonds are to be paid. /

Amend the bill further, as and if amended, by striking SECTION 6 in its entirety and inserting:

\ SECTION 6. Following the holding of the public hearing or hearings by the governing bodies of Greenville County and Spartanburg County, the fire board shall hold a public hearing in order to discuss the use of the proceeds of the bonds, the estimated annual principal and interest requirements for the proposed bonds and the method by which the bonds will be paid. A notice of such public hearing shall be published once not less than sixteen days prior to the public hearing in a newspaper of general circulation in Greenville County and in a newspaper of general circulation in Spartanburg County and except for requiring only one notice to be published, shall state the same particulars as required by the notice published pursuant to SECTION 4 hereof. Subsequent to this public hearing, the fire board, by public vote, shall determine whether the Bonds are to be issued. If the bonds are to be issued, the fire board shall determine by resolution the manner in which the bonds shall be issued, all in accordance with the remaining sections of this act. /

Renumber sections to conform.

Amend title to conform.

Rep. HENDERSON explained the amendment.

The amendment was then adopted.

Rep. HENDERSON explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Arrington | Atkinson | Bales |
| Ballentine | Bamberg | Bannister |
| Bedingfield | Bennett | Blackwell |
| Bradley | Burns | Caskey |
| Chumley | Clary | Clemmons |
| Clyburn | Cogswell | Collins |
| Crawford | Crosby | Daning |
| Davis | Delleney | Douglas |
| Elliott | Erickson | Felder |
| Forrest | Forrester | Funderburk |
| Gagnon | Gilliard | Hamilton |
| Hardee | Hayes | Henderson |
| Henegan | Hewitt | Hosey |
| Huggins | Jefferson | Johnson |
| Jordan | Kirby | Knight |
| Loftis | Long | Lowe |
| Lucas | Mack | Magnuson |
| Martin | McCoy | McCravy |
| McEachern | McKnight | V. S. Moss |
| Murphy | B. Newton | W. Newton |
| Norrell | Pitts | Pope |
| Putnam | Ridgeway | M. Rivers |
| S. Rivers | Robinson-Simpson | Rutherford |
| Ryhal | Simrill | G. R. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | West |
| Wheeler | Whipper | White |
| Whitmire | Williams | Willis |
| Yow |  |  |

**Total--91**

Those who voted in the negative are:

**Total--0**

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

**S. 415--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 415 -- Senators Malloy and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-1-112 SO AS TO CLARIFY THE PROBATE COURT'S AUTHORITY TO IMPOSE PENALTIES FOR CONTEMPT AND TO GRANT A MOTION FOR A PARTY TO PROCEED IN FORMA PAUPERIS; TO AMEND SECTION 8-21-800, RELATING TO RELIEF FROM FILING FEES, COURT COSTS, AND PROBATE COSTS, SO AS TO CLARIFY THAT THE PROBATE JUDGE MAY WAIVE FILING FEES FOR INDIGENT PERSONS IN THE SAME MANNER AS OTHER CIVIL CASES; TO AMEND SECTION 62-1-302, AS AMENDED, RELATING TO SUBJECT MATTER JURISDICTION AND CONCURRENT JURISDICTION WITH FAMILY COURT, SO AS TO CLARIFY THE COURT'S JURISDICTION IN MATTERS INVOLVING THE ESTABLISHMENT, ADMINISTRATION, OR TERMINATION OF A SPECIAL NEEDS TRUST FOR DISABLED INDIVIDUALS AND TO REVISE OUTDATED TERMINOLOGY; TO AMEND SECTION 62-1-401, AS AMENDED, RELATING TO NOTICE, SO AS TO AUTHORIZE NOTICE TO BE MADE BY A QUALIFYING COMMERCIAL DELIVERY SERVICE AND IS SIMILAR TO NOTICE BY REGISTERED MAIL OR CERTIFIED MAIL; TO STRIKE PARTS 1, 2, 3, 4, AND 7, ARTICLE 5, TITLE 62, AND TO ADD NEW AND REVISED PROVISIONS RELATING TO THE PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY, SO AS TO PROMOTE UNIFORMITY AMONG THE STATE'S FORTY-SIX PROBATE COURTS, TO SAFEGUARD ADEQUATE DUE PROCESS PROTECTIONS FOR THE STATE'S ALLEGED INCAPACITATED INDIVIDUALS, TO ELIMINATE OVER RELIANCE UPON RESTRICTIVE FULL OR PLENARY GUARDIANSHIPS, TO REDUCE THE COSTS OF PROCEEDINGS, TO ESTABLISH CONSISTENCY BETWEEN GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS, AND TO CREATE AN ADEQUATE SYSTEM FOR MONITORING GUARDIANS AND CONSERVATORS.

Rep. MURPHY explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Arrington | Atkinson | Bales |
| Ballentine | Bamberg | Bannister |
| Bedingfield | Bennett | Blackwell |
| Bowers | Bradley | Brown |
| Burns | Caskey | Chumley |
| Clary | Clemmons | Clyburn |
| Cogswell | Cole | Collins |
| Crawford | Crosby | Daning |
| Davis | Delleney | Dillard |
| Douglas | Elliott | Erickson |
| Forrest | Forrester | Funderburk |
| Gagnon | Gilliard | Govan |
| Hamilton | Hardee | Hayes |
| Henderson | Henegan | Hewitt |
| Hill | Hiott | Hixon |
| Hosey | Huggins | Jefferson |
| Johnson | Jordan | King |
| Knight | Long | Lowe |
| Lucas | Mack | Magnuson |
| Martin | McCoy | McCravy |
| McEachern | McKnight | V. S. Moss |
| Murphy | B. Newton | W. Newton |
| Norrell | Ott | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | M. Rivers | S. Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Simrill | G. M. Smith | G. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Thigpen | Weeks |
| West | Wheeler | White |
| Whitmire | Williams | Willis |
| Yow |  |  |

**Total--100**

Those who voted in the negative are:

**Total--0**

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

**H. 4165--POINT OF ORDER**

The following Bill was taken up:

H. 4165 -- Rep. Douglas: A BILL TO AMEND SECTION 7-7-250, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN FAIRFIELD COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4178--POINT OF ORDER**

The following Bill was taken up:

H. 4178 -- Rep. Martin: A BILL TO AMEND SECTION 7-7-420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN NEWBERRY COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4179--POINT OF ORDER**

The following Bill was taken up:

H. 4179 -- Reps. Gagnon and West: A BILL TO AMEND SECTION 7-7-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN ABBEVILLE COUNTY, SO AS TO ADD THE SMITHVILLE PRECINCT, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4180--POINT OF ORDER**

The following Bill was taken up:

H. 4180 -- Reps. W. Newton, Erickson, Herbkersman, Bowers, Bradley and M. Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 4-3-75 AND 4-3-325 SO AS TO ALTER THE BOUNDARY LINES OF BEAUFORT AND JASPER COUNTIES BY ANNEXING A CERTAIN PORTION OF JASPER COUNTY TO BEAUFORT COUNTY AND A CERTAIN PORTION OF BEAUFORT COUNTY TO JASPER COUNTY AND MAKE PROVISIONS FOR LEGAL RECORDS.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4181--POINT OF ORDER**

The following Bill was taken up:

H. 4181 -- Rep. Anthony: A BILL TO AMEND SECTION 7-7-510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN UNION COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**H. 4183--POINT OF ORDER**

The following Bill was taken up:

H. 4183 -- Reps. McKnight and Ridgeway: A BILL TO AMEND SECTION 7-7-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CLARENDON COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

**POINT OF ORDER**

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

The SPEAKER sustained the Point of Order.

**OBJECTION TO RECALL**

Rep. ALLISON asked unanimous consent to recall S. 462 from the Committee on Education and Public Works.

Rep. HILL objected.

**S. 200--RECALLED FROM COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

On motion of Rep. FORREST, with unanimous consent, the following Bill was ordered recalled from the Committee on Labor, Commerce and Industry:

S. 200 -- Senators Grooms, Bryant, Campbell and Alexander: A BILL TO AMEND SECTION 57-25-150(G) OF THE 1976 CODE, RELATING TO PERMITS FOR THE ERECTION AND MAINTENANCE OF SIGNS, TO PROVIDE THAT PERMITS FOR A NONCONFORMING SIGN THAT IS REMOVED OR DISMANTLED ARE VOID.

**S. 480--RECALLED FROM COMMITTEE ON**

**WAYS AND MEANS**

On motion of Rep. WHITE, with unanimous consent, the following Bill was ordered recalled from the Committee on Ways and Means:

S. 480 -- Senator Hutto: A BILL TO AMEND SECTION 59-53-630 OF THE 1976 CODE, RELATING TO THE POWERS AND FUNDING FOR DENMARK TECHNICAL COLLEGE, TO PROVIDE THAT THE GOVERNING BODY FOR DENMARK TECHNICAL COLLEGE IS THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO COMMISSION A STUDY INTO THE MOST EFFECTIVE, EFFICIENT DELIVERY OF TECHNICAL COLLEGE EDUCATION OPPORTUNITIES IN CERTAIN COUNTIES; AND TO REPEAL SECTIONS 59-53-610, 59-53-620, AND 59-53-640.

**OBJECTION TO RECALL**

Rep. WHITE asked unanimous consent to recall S. 428 from the Committee on Labor, Commerce and Industry.

Rep. KING objected.

**H. 3401--DEBATE ADJOURNED**

The following Concurrent Resolution was taken up:

H. 3401 -- Rep. Clemmons: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS AND URGE THEM TO PROPOSE THE REGULATION FREEDOM AMENDMENT TO THE UNITED STATES CONSTITUTION.

Rep. CLEMMONS moved to adjourn debate on the Concurrent Resolution until Thursday, April 27, which was agreed to.

**MOTION PERIOD**

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

**H. 3240--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3240 -- Reps. Clemmons, Lucas, Pope, Bannister, Rutherford, Delleney, White, Sandifer, Hiott, Allison, G. R. Smith, Bedingfield, W. Newton, Taylor, Yow, Murphy, Thayer, Finlay, D. C. Moss, Hayes, Crawford, Ryhal, Duckworth, Johnson, Fry, Hewitt, S. Rivers, Huggins, Chumley, Gagnon, Burns, Hill, Stringer, Loftis, Atwater, Clyburn, Elliott, Long, Magnuson, B. Newton, G. M. Smith, West, Whitmire, Hixon, Daning, Hamilton, Hardee, Crosby, Martin, V. S. Moss, Blackwell, Henderson, Herbkersman, Willis, Forrest and McCravy: A BILL TO AMEND SECTION 23-31-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPONS PERMITS, SO AS TO ENACT THE "NATIONAL CONCEALED WEAPONS PERMIT RECIPROCITY ACT" BY REVISING THE CONDITIONS THAT ALLOW A HOLDER OF AN OUT-OF-STATE WEAPONS PERMIT TO CARRY A WEAPON IN THIS STATE.

Rep. CRAWFORD moved to adjourn debate on the Bill until Thursday, April 27, which was agreed to.

**H. 3565--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3565 -- Reps. Fry, Crawford, Elliott, Burns, Clemmons, Allison, Jordan, Yow, Johnson, Atwater, Duckworth, Ryhal, Loftis, Hewitt, V. S. Moss, D. C. Moss, Daning, Hardee, Felder, Erickson, Bales, Hamilton, Huggins, Putnam, Anthony, Bedingfield, West, Atkinson, Bennett, B. Newton, Lucas, Arrington, Ballentine, Chumley, Crosby, Davis, Delleney, Forrester, Gagnon, Hixon, Long, Lowe, Murphy, Pitts, Pope, S. Rivers, Sandifer, Simrill, Stringer, Taylor, Thayer, White, Bannister, Tallon, McCravy, Quinn and McEachern: A BILL TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TIMELY REQUESTS FOR CONTESTED CASE HEARINGS UNDER THE ADMINISTRATIVE PROCEDURES ACT AND RELATED PROVISIONS, SO AS TO ESTABLISH AN AUTOMATIC STAY CONCERNING LICENSE ISSUANCES, RENEWALS AND THE LIKE, AND TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH THE AUTOMATIC STAY MAY BE LIFTED.

Rep. FRY moved to adjourn debate on the Bill until Thursday, April 27, which was agreed to.

**H. 3019--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3019 -- Reps. Rutherford and Robinson-Simpson: A BILL TO AMEND SECTION 17-5-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CORONER QUALIFICATIONS, SO AS TO PROVIDE THAT A PERSON WHO

IS ELECTED AS CORONER AND COMPLETES NECESSARY TRAINING IS QUALIFIED TO SERVE AS CORONER.

Rep. RUTHERFORD moved to adjourn debate on the Bill until Thursday, April 27, which was agreed to.

**H. 3064--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3064 -- Reps. Rutherford and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-185 SO AS TO PROVIDE THE BOARD OF PHARMACY SHALL ISSUE A WRITTEN PROTOCOL IN COMPLIANCE WITH WHICH PHARMACISTS, WITHOUT AN ORDER OF A PRACTITIONER, MAY PRESCRIBE AND DISPENSE HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES; TO PROVIDE THE BOARD ALSO SHALL ADOPT CERTAIN RULES TO ESTABLISH STANDARD PROCEDURES FOR THESE PRESCRIPTIONS AND DISPENSATIONS; AND TO PROVIDE THAT LAWS GOVERNING INSURANCE COVERAGE OF CONTRACEPTIVE DRUGS, DEVICES, PRODUCTS, AND SERVICES MUST BE CONSTRUED TO APPLY TO HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES PRESCRIBED AND DISPENSED PURSUANT TO THIS ACT.

Rep. RUTHERFORD moved to adjourn debate on the Bill until Thursday, April 27, which was agreed to.

**H. 3790--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3790 -- Reps. Erickson, Ballentine, Govan, Brown, Toole and Crosby: A BILL TO AMEND SECTION 44-20-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE "SOUTH CAROLINA INTELLECTUAL DISABILITY, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT", SO AS TO ADD A DEFINITION FOR "AUTISM SPECTRUM DISORDER"; TO AMEND SECTION 38-71-280, RELATING TO HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 59-21-510, AS AMENDED, RELATING TO SPECIAL EDUCATION PROGRAMS, SO AS TO MAKE CONFORMING CHANGES.

The Committee on Medical, Military, Public and Municipal Affairs proposed the following Amendment No. 1 to H. 3790 (COUNCIL\ VR\3790C003.CC.VR17), which was adopted:

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

/ SECTION 1. Section 44‑20‑30 of the 1976 Code, as last amended by Act 47 of 2011, is further amended by adding an appropriately numbered item at the end to read:

“( ) ‘Autism spectrum disorder’ means autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

SECTION 2. Section 38‑71‑280(A)(1) of the 1976 Code is amended to read:

“(1) ‘Autism spectrum disorder’ means ~~one of the three following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:~~

~~(a) Autistic Disorder;~~

~~(b) Asperger’s Syndrome;~~

~~(c) Pervasive Developmental Disorder—Not Otherwise Specified~~ autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

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

Renumber sections to conform.

Amend title to conform.

Rep. ERICKSON explained the amendment.

Rep. RYHAL moved to table the amendment.

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

Yeas 4; Nays 97

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Pitts | Ryhal | West |
| White |  |  |

**Total--4**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Arrington | Atkinson |
| Bales | Ballentine | Bamberg |
| Bannister | Bennett | Blackwell |
| Bowers | Bradley | Caskey |
| Chumley | Clary | Clemmons |
| Clyburn | Cobb-Hunter | Cogswell |
| Cole | Collins | Crawford |
| Crosby | Daning | Davis |
| Delleney | Dillard | Douglas |
| Elliott | Erickson | Felder |
| Forrest | Forrester | Funderburk |
| Gagnon | Gilliard | Govan |
| Hamilton | Hayes | Henderson |
| Henegan | Hewitt | Hill |
| Hiott | Hixon | Hosey |
| Huggins | Jefferson | Johnson |
| Jordan | King | Kirby |
| Knight | Long | Lowe |
| Lucas | Mack | Magnuson |
| Martin | McCoy | McCravy |
| McEachern | McKnight | V. S. Moss |
| Murphy | B. Newton | W. Newton |
| Norrell | Ott | Parks |
| Pope | Putnam | Quinn |
| Ridgeway | M. Rivers | Rutherford |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Thigpen |
| Toole | Wheeler | Whipper |
| Whitmire | Williams | Willis |
| Yow |  |  |

**Total--97**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Rep. ERICKSON proposed the following Amendment No. 2 to H.  3790 (COUNCIL\VR\3790C002.CC.VR17), which was ruled out of order:

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

/ SECTION 1. Section 44-20-10 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-10. This chapter may be cited as the ‘South Carolina Intellectual Disability, Related Disabilities, Autism Spectrum Disorder, Head Injuries, and Spinal Cord Injuries Act’.”

SECTION 2. Section 44-20-20 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-20. The State of South Carolina recognizes that a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury is a person who experiences the benefits of family, education, employment, and community as do all citizens. It is the purpose of this chapter to assist persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries by providing services to enable them to participate as valued members of their communities to the maximum extent practical and to live with their families or in family settings in the community in the least restrictive environment available.

When persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries cannot live in communities or with their families, the State shall provide quality care and treatment in the least restrictive environment practical.

In order to plan and coordinate state and locally funded services for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries, a statewide network of local boards of disabilities and special needs is established. Services will be delivered to clients in their homes or communities through these boards and other local providers.

It is recognized that persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries have the right to receive services from public and other agencies that provide services to South Carolina citizens and to have those services coordinated with the services needed because of their disabilities.

South Carolina recognizes the value of preventing intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries through education and research and supports efforts to this end.

The State recognizes the importance of the role of parents and families in shaping services for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries as well as the importance of providing services to families to enable them to care for a family member with these disabilities.

Admission to services of the South Carolina Department of Disabilities and Special Needs does not terminate or reduce the rights and responsibilities of parents. Parental involvement and participation in mutual planning with the department to meet the needs of the client facilitates decisions and treatment plans that serve the best interest and welfare of the client.”

SECTION 3A. Section 44‑20‑30 of the 1976 Code, as last amended by Act 47 of 2011, is further amended by adding an appropriately numbered item at the end to read:

“( ) ‘Autism spectrum disorder’ means autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

B. Section 44-20-30(1), (2), (4), (5), (15) and (19) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(1) ‘Applicant’ means a person who is believed to have intellectual disability, one or more related disabilities, autism spectrum disorder, one or more head injuries, one or more spinal cord injuries, or an infant at high risk of a developmental disability who has applied for services of the South Carolina Department of Disabilities and Special Needs.

(2) ‘Client’ is a person who is determined by the Department of Disabilities and Special Needs to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury and is receiving services or is an infant at risk of having a developmental disability and is receiving services.

(4) ‘County disabilities and special needs boards’ means the local public body administering, planning, coordinating, or providing services within a county or combination of counties for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and recognized by the department.

(5) ‘Day programs’ are programs provided to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries outside of their residences affording development, training, employment, or recreational opportunities as prescribed by the Department of Disabilities and Special Needs.

(15) ‘Related disability’ is a severe, chronic condition found to be closely related to intellectual disability or to require treatment similar to that required for persons with intellectual disability and must meet the following conditions:

(a) It is attributable to cerebral palsy, epilepsy, ~~autism,~~ or any other condition other than mental illness found to be closely related to intellectual disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with intellectual disability and requires treatment or services similar to those required for these persons.

(b) It is manifested before twenty‑two years of age.

(c) It is likely to continue indefinitely.

(d) It results in substantial functional limitations in three or more of the following areas of major life activity: self‑care, understanding and use of language, learning, mobility, self‑direction, and capacity for independent living.

~~(19)~~ ~~‘Department’ shall mean the State Department of Administration as constituted pursuant to Chapter 11, Title 1.~~”

SECTION 4. Section 44-20-220 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-220. The commission shall determine the policy and promulgate regulations governing the operation of the department and the employment of professional staff and personnel. The members of the commission shall receive subsistence, mileage, and per diem as may be provided by law for members of state boards, committees, and commissions. The commission shall appoint and in its discretion remove a South Carolina Director of Disabilities and Special Needs who is the chief executive officer of the department. The commission may appoint advisory committees it considers necessary to assist in the effective conduct of its responsibilities. The commission may educate the public and state and local officials as to the need for the funding, development, and coordination of services for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries and promote the best interest of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries. The commission is authorized to promulgate regulations to carry out the provisions of this chapter and other laws related to intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries. In promulgating these regulations, the commission must consult with the advisory committee of the division for which the regulations shall apply.”

SECTION 5. Section 44-20-240 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-240. There is created the South Carolina Department of Disabilities and Special Needs which has authority over all of the state’s services and programs for the treatment and training of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries. This authority does not include services delivered by other agencies of the State as prescribed by statute. The department must be comprised of an Intellectual Disability Division, an Autism Spectrum Disorder Division, and a Head and Spinal Cord Injuries Division. The department may be divided into additional divisions as may be determined by the director and approved and named by the commission. Responsibility for all ~~autistic~~ autism spectrum disorder services is transferred from the Department of Mental Health to the Department of Disabilities and Special Needs.”

SECTION 6. Section 44-20-250 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-250. The department shall coordinate services and programs with other state and local agencies for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries. The department may negotiate and contract with local agencies, county boards of disabilities and special needs, private organizations, and foundations in order to implement the planning and development of a full range of services and programs for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries subject to law and the availability of fiscal resources. The department has the same right to be reimbursed for expenses in providing disabilities and special needs services through a contractual arrangement as it has to be reimbursed for expenses provided through direct departmental services. The department shall develop service standards for programs of the department and for programs for which the department may contract and shall review and evaluate these programs on a periodic basis.”

SECTION 7. Section 44-20-260 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-260. The department, with funds available for these purposes, may conduct research to determine the causes, proper treatment, and diagnosis of intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries and may use facilities and personnel under its control and management for carrying out the research so long as the rights of the client are preserved and prior consent is obtained pursuant to Section 44‑26‑180.”

SECTION 8. Section 44-20-270 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-270. The department is designated as the state's intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries authority for the purpose of administering federal funds allocated to South Carolina for intellectual disability programs, related disability programs, autism spectrum disorder programs, head injury programs, and spinal cord injury programs. This authority does not include the functions and responsibilities granted to the South Carolina Department of Health and Environmental Control or to the South Carolina Department of Vocational Rehabilitation or the administration of the ‘State Hospital Construction and Franchising Act’.”

SECTION 9. Section 44-20-280 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-280. The department may negotiate and contract with an agency of the United States or a state or private agency to obtain grants to assist in the expansion and improvement of services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and may expend the grants under the terms and conditions of the award.”

SECTION 10. Section 44-20-320 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-320. The department or any of its programs may accept gifts, bequests, devises, grants, and donations of money, real property, and personal property for use in expanding and improving services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries available to the people of this State. However, nothing may be accepted by the department with the understanding that it diminishes an obligation for paying care and maintenance charges or other monies due the department for services rendered. The commission may formulate policies and promulgate regulations governing the disposition of gifts, bequests, devises, grants, and donations. If they are given to a specific service program of the department they must remain and be used for that program only or to its successor program.”

SECTION 11. Section 44-20-350(A) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(A) Reasonable reimbursement to the State for its fiscal outlay on behalf of services rendered by the department or any other agency authorized by the department to offer services to clients is a just obligation of the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury, his estate, or his parent or guardian under the conditions and terms provided in this section.”

SECTION 12. Section 44-20-370 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-370. (A) The department shall:

(1) notify applicants when they have qualified under the provisions of this chapter;

(2) establish standards of operation and service for county disabilities and special needs programs funded in part or in whole by state appropriations to the department or through other fiscal resources under its control;

(3) review service plans submitted by county boards of disabilities and special needs and determine priorities for funding plans or portions of the plans subject to available funds;

(4) review county programs covered in this chapter;

(5) offer consultation and direction to county boards;

(6) take other action not inconsistent with the law to promote a high quality of services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and their families.

(B) The department shall seek to develop and utilize the most current and promising methods for the training of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries. It shall utilize the assistance, services, and findings of other state and federal agencies. The department shall disseminate these methods to county boards and programs providing related services.”

SECTION 13. Section 44-20-375(C) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(C) After June 30, 1992, the department shall recognize only county boards of disabilities and special needs that plan, administer, or provide services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries within a county or combination of counties which are created or established pursuant to this section, including those whose members are appointed by the Governor. A county board of disabilities and special needs created by ordinance before January 1, 1991, is considered created pursuant to this section, provided the ordinance includes and complies with the provisions of subsection (A).”

SECTION 14. Section 44-20-380(A) and (B) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(A) County disabilities and special needs boards are encouraged to utilize lawful sources of funding to further the development of appropriate community services to meet the needs of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and their families.

(B) County boards may apply to the department for funds for community services development under the terms and conditions as may be prescribed by the department. The department shall review the applications and, subject to state appropriations to the department or to other funds under the department's control, may fund the programs it considers in the best interest of service delivery to the citizens of the State with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries.”

SECTION 15. Section 44-20-385(5) and (8) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(5) shall employ personnel and expend its budget for the direct delivery of services or contract with those service vendors necessary to carry out the county intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries services program who meet specifications prescribed by the department;

(8) shall represent the best interest of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries to the public, public officials, and other public or private organizations.”

SECTION 16. Section 44-20-390(A) and (C) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(A) In order to provide assistance to families and individuals the department shall provide an initial intake and assessment service to a person believed to be in need of services and who makes application for them. An assessment must be provided through diagnostic centers approved by the department. If upon completion of the assessment, the applicant is determined to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury and be in need of services, he may become a client of the department and eligible for services. A service plan must be designated for each person assessed. A person determined to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury and who chooses to become a client of the department, must be provided with the delivery or coordination of services by the department. A person determined not to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may be provided by the department with referral and assistance in obtaining appropriate services or further evaluation.

(C) No individual believed to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may be admitted to the services of the department until he has been examined at a diagnostic center of the department or a diagnostic center approved by the department and certified by the department on the basis of acceptable data to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury or unless he is an infant at risk of a developmental disability and in need of the department's services.”

SECTION 17. Section 44-20-400 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-400. Upon the written request of the person, the person's parents, parent with legal custody, or lawful custodian or legal guardian and subject to the availability of suitable accommodations and services, a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may be admitted to the services of the department for evaluation and diagnosis and shall remain in the residential services of the department for that period required to complete the diagnostic study. However, this period may not exceed thirty days except upon approval of the director or his designee. Individuals admitted under the provisions of this section are subject to the same regulations and departmental policies as regular admissions. The department may prescribe the form of the written application for diagnostic services.”

SECTION 18. Section 44-20-440 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-440. Subject to the availability of suitable services and programs and subject to the provisions of ‘Requirement for Admission to Services’, ‘Order in which Person May be Admitted’, and ‘Final Authority over Eligibility’, the director or his designee may admit a client to the services of the department upon the written request of the parents of the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury, a parent with legal custody, spouse, lawful custodian or legal guardian, or the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury seeking to be admitted to the department's services if the person is twenty‑one years of age or over and competent to make the decision. The department shall prescribe the form of the application for services.”

SECTION 19. Section 44-20-450 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-450. (A) Proceedings for the involuntary admission of a person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder to the services of the department may be initiated by the filing of a verified petition with the probate or the family court by:

(1) the spouse;

(2) a relative;

(3) the parents;

(4) a parent with legal custody;

(5) the legal guardian of the person;

(6) the person in charge of a public or private institution in which the individual is residing at the time;

(7) the director of the county department of social services of the county in which the person resides; or

(8) a solicitor or an assistant solicitor responsible for the criminal prosecution pursuant to Section 44‑23‑430(2).

Upon filing of the petition, the judge shall set a date for a hearing on it and ensure that the client has an attorney who represents him. The parents, parent with legal custody, spouse, guardian, or nearest known relative of the person alleged to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder and in whose behalf the petition has been made and in the discretion of the court, the individual alleged to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder and the department must be served by the court with a written notice of the time and place of the hearing, together with a written statement of the matters stated in the petition. If no parent, spouse, legal guardian, or known relative of the person alleged to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder is found, the court shall appoint a guardian ad litem to represent the person alleged to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder and the notice must be served upon the guardian. If the parent, spouse, guardian, or known relative of the person alleged to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder is found, he must be notified of the right to an attorney at the hearing.

(B) The hearing on the petition may be in the courthouse or at the place of residence of the person alleged to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder or at another place considered appropriate by the court. The person alleged to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder does not need to be present if the court determines that the hearing would be injurious or detrimental to the person alleged to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder or if the person's mental or physical condition prevents his participation in the hearing. However, his attorney must be present.

(C) A report of the person in charge of the examination of the person alleged to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder at the diagnostic center referred to in ‘Requirement for Admission’ must be submitted to the court at the hearing. The court may not render judgment in the hearing unless this report is available and introduced.

(D) If the court determines that the evidence presented by the examiners at the diagnostic center, along with other evidence presented to the court, is to the effect that the person does not in fact have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder to an extent which would require commitment, it shall terminate the proceeding and dismiss the petition.

(E) If the person is found by the court to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder and be in need of placement in a facility or service program of the department, the court shall order that he be admitted to the jurisdiction of the department as soon as necessary services are available and include in the order a summary of the evidence presented and order of the court.

(F) The department shall inform the court as soon after the date of the order as practical that suitable accommodations and services are available to meet the needs of the person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder. Upon notification, the court shall direct the petitioner in these proceedings to transport the person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder to a program the department designates.

(G) A party to these proceedings may appeal from the order of the court to the court of common pleas, and a trial de novo with a jury must be held in the same manner as in civil actions unless the petitioner through his attorney waives his right to a jury trial. Pending a final determination of the appeal, the person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder must be placed in protective custody in either a facility of the department or in some other suitable place designated by the court. No person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder must be confined in jail unless there is a criminal charge pending against him.”

SECTION 20. Section 44-20-460 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-460. (A) A person admitted or committed to the services of the department remains a client and is eligible for services until discharged. When the department determines that a client admitted to services is no longer in need of them, the director or his designee may discharge him. When the only basis of the department’s provision of services to a client is that he is a person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder and it is determined that he is no longer in that condition, the director or his designee shall discharge him as soon as practical. A client of the department who is receiving residential services may be released to his spouse, parent, guardian, or relative or another suitable person for a time and under conditions the director or his designee may prescribe.

(B) When a client voluntarily admitted requests discharge or the person upon whose application the client was admitted to the department’s services requests discharge in writing, the client may be detained by the department for no more than ninety‑six hours. However, if the condition of the person is considered by the director or his designee to be such that he cannot be discharged with safety to himself or with safety to the general public, the director or his designee may postpone the requested discharge for not more than fifteen days and cause to be filed an application for judicial admission. For the purpose of this section, the probate court or family court of the county in which the facility where the person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder resides is located is the venue for judicial admission. Pending a final determination on the application, the court shall order the person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder placed in protective custody in either a facility of the department or in some other suitable place designated by the court.”

SECTION 21. Section 44-20-470 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-470. (A) The department may return a nonresident person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder admitted to a service or program in this State to the proper agency of the state of his residence.

(B) The department is authorized to enter into reciprocal agreements with the proper agencies of other states to facilitate the return to the state of their residence persons admitted or committed to services for persons with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder in this State or other states.

(C) The department may detain a person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder returned to this State from the state of his commitment for not more than ninety‑six hours pending order of the court in commitment proceedings in this State.

(D) The expense of returning persons with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder to other states must be paid by this State, and the expense of returning residents of this State with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder must be paid by the state making the return when interstate agreements to that effect have been negotiated.”

SECTION 22. Section 44-20-490(A) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(A) When the department determines that a client may benefit from being placed in an employment situation, the department shall regulate the terms and conditions of employment, shall supervise persons with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury so employed, and may assist the client in the management of monies earned through employment to the end that the best interests of the client are served.”

SECTION 23. Section 44-20-510 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-510. Placement of a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury in a program of the department does not preclude his attendance in community‑based public school classes when the individual qualifies for the classes.”

SECTION 24. Section 44-20-710 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-710. No day program in part or in full for the care, training, or treatment of a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may deliver services unless a license first is obtained from the department. For the purpose of this article ‘in part’ means a program operating for ten hours a week or more. Educational and training services offered under the sponsorship and direction of school districts and other state agencies are not required to be licensed under this article.”

SECTION 25. Section 44-20-740 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-740. No day program may accept a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury for services other than those for which it is licensed. No program may serve more than the number of clients as provided on the license. An applicant for a license shall file an application with the department in a form and under conditions the department may prescribe. The license must be issued for up to three years unless sooner suspended, revoked, or surrendered. The license is not transferable and must not be assigned.”

SECTION 26. Section 44-20-780(B) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“ (B) If an existing program has conditions or practices which, in the department's judgment, provide an immediate threat to the safety and welfare of the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury served, the department may immediately suspend or revoke the license of the program. Notification of the program board or operator by certified mail of the license suspension or revocation also must include the reasons or conditions. A person operating a program which has had its license suspended or revoked must be punished as provided in ‘Injunctions; Penalties’.”

SECTION 27. Section 44-20-900(A) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(A) The department, in accordance with the laws of the State governing injunctions and other processes, may maintain an action in the name of the State against a person for establishing, conducting, managing, or operating a day program for the care, training, and treatment of a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury without obtaining a license as provided in this article. In charging a defendant in a complaint in the action, it is sufficient to charge that the defendant, upon a certain day and in a certain county, provided day program services without a license, without averring more particular facts concerning the charge.”

SECTION 28. Section 44-21-10(A), (B), (C) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(A) It is the intent of the General Assembly that individuals with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities and their families be afforded supports that emphasize community living and enable them to enjoy typical lifestyles. One way to do this is to recognize that families are the greatest resource available to individuals with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities and that families must be supported in their role as primary caregivers. The General Assembly finds that supporting individuals and families in their effort to care for themselves or their family members at home is more efficient, cost‑effective, and sensitive than maintaining people with intellectual disability or related disabilities, autism spectrum disorder in out‑of‑home residential settings.

(B) The intent of the Family Support Services Program provided for in this chapter is to assist individuals with disabilities and their families who desire or choose to support a family member with intellectual disability, ~~or~~ a related disability, autism spectrum disorder, ~~or~~ head injury, spinal cord injury, or similar disability in their home. The program is not meant to create a hardship on a family by supplanting or diverting access from other appropriate or necessary services. It is recognized that persons with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities have the right to receive services from public and other agencies that provide services to South Carolina citizens and to have those services coordinated with the services needed because of their disabilities. It is the position of this State that children and adults have the right to live with their families. The individual's and family's circumstances and desires must be taken into account when considering the appropriate types of services or supports which can best meet the needs of the individual and family.

(C) In recognition of the importance of families, the following principles must be used as guidelines in developing services to support families:

(1) Families and individuals with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities are best able to determine their own needs and should be able to make decisions concerning necessary, desirable, and appropriate services.

(2) Individuals and families should receive the support necessary to care for themselves or their family member at home.

(3) Family support is needed throughout the lifespan of an individual with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities.

(4) Family support services should be sensitive to the unique needs, strengths, and values of the individuals and the family and should be responsive to the needs of the entire family.

(5) Family support should build on existing social networks and natural sources of support and should encourage community integration.

(6) Family support services should be provided in a manner that develop comprehensive, responsive, and flexible support to individuals and families as their needs evolve over time.

(7) Family support services should be coordinated across the numerous agencies likely to provide resources and services to individuals and families and should be provided equitably across the State.

(8) Family, individual, and community‑based services should be based on the principles of sharing ordinary places, developing meaningful relationships, learning things that are useful, making choices, as well as promoting an individual's self‑esteem.

(9) Family support services should be sufficient to enable families to keep their family members with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities at home or be sufficient to enable the individual with a disability to remain at home.

(10) Services provided through the Family Support Program must be coordinated closely with services received from public and other agencies and shall foster collaboration and cooperation with all agencies providing services to individuals with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities.”

SECTION 29. Section 44-21-20(2) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(2) ‘Family support’ means goods and services needed by individuals or families to care for themselves or their family members with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities and to enjoy a quality of life comparable to other community members.”

SECTION 30. 44-21-40 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-21-40. The focus of the Family Support Program is supporting:

(1) families with children with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities, twenty‑one years of age and younger;

(2) persons older than twenty‑one years of age with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities who choose to live with their families;

(3) persons older than twenty‑one years of age with intellectual disability or related disabilities, autism spectrum disorder, ~~or~~ head injuries, spinal cord injuries, or similar disabilities who are residing in the community in an unsupported setting, not a state or federally funded program.”

SECTION 31. Section 44-23-410(A)(1) and (D) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(1) order examination of the person by two examiners designated by the Department of Mental Health if the person is suspected of having a mental illness or designated by the Department of Disabilities and Special Needs if the person is suspected of having intellectual disability or ~~having~~ a related disability or having autism spectrum disorder or by both sets of examiners if the person is suspected of having both mental illness and intellectual disability or a related disability or having both mental illness and autism spectrum disorder . The examination must be made within thirty days after the receipt of the court's order and may be conducted in any suitable place unless otherwise designated by the court; or

(D) If the examiners designated by the Department of Mental Health find indications of intellectual disability, ~~or~~ a related disability, or autism spectrum disorder but not mental illness, the department shall not render an evaluation on the person's mental capacity, but shall inform the court that the person is ‘not mentally ill’ and recommend that the person should be evaluated for competency to stand trial by the Department of Disabilities and Special Needs. If the examiners designated by the Department of Disabilities and Special Needs find indications of mental illness but not intellectual disability, ~~or~~ a related disability, or autism spectrum disorder the department shall not render an evaluation on the person’s mental capacity, but shall inform the court that the person does ‘not have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder’ and recommend that the person should be evaluated for competency to stand trial by the Department of Mental Health. If either the Department of Mental Health or the Department of Disabilities and Special Needs finds a preliminary indication of a dual diagnosis of mental illness and intellectual disability, ~~or~~ a related disability, or autism spectrum disorder, this preliminary finding must be reported to the court with the recommendation that one examiner from the Department of Mental Health and one examiner from the Department of Disabilities and Special Needs be designated to further evaluate the person and render a final report on the person's mental capacity.”

SECTION 32. Section 44-26-10(2), (3), and (12) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(2) ‘Client’ means a person who is determined by the South Carolina Department of Disabilities and Special Needs to have intellectual disability, ~~or~~ a related disability, or autism spectrum disorder and is receiving services or is an infant at risk of having intellectual disability, ~~or~~ a related disability, or autism spectrum disorder and is receiving services.

(3) ‘Client s representative’ means the client’s parent, guardian, legal counsel, or other person who acts on behalf or in the best interest of a person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder.

(12) ‘Major medical treatment’ means a medical, surgical, or diagnostic intervention or procedure proposed for a person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder where a general anesthetic is used or which involves a significant invasion of bodily integrity requiring an incision, producing substantial pain, discomfort, debilitation, or having a significant recovery period. It does not include routine diagnosis or treatment such as the administration of medications or nutrition or the extractions of bodily fluids for analysis or dental care performed with a local anesthetic or a nonpermanent procedure designed for the prevention of pregnancy.”

SECTION 33. Section 44-26-70(B)(1) and (3) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(1) a family member of a person with intellectual disability, ~~or~~ a related disability, or autism spectrum disorder;

(3) a representative of the community at large with expertise or a demonstrated interest in the care and treatment of persons with intellectual disability, ~~or~~ related disabilities, or autism spectrum disorder.”

SECTION 34. Section 44-26-90(8) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(8) exercise rights of citizenship in the same manner as a person without intellectual disability, ~~or~~ a related disability or autism spectrum disorder.”

SECTION 35. Section 38‑71‑280(A)(1) of the 1976 Code is amended to read:

“(1) ‘Autism spectrum disorder’ means ~~one of the three following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:~~

~~(a) Autistic Disorder;~~

~~(b) Asperger’s Syndrome;~~

~~(c) Pervasive Developmental Disorder—Not Otherwise Specified~~ autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

SECTION 36. Section 59‑21‑510(11) of the 1976 Code is amended to read:

“(11) ‘Pupils with autism spectrum disorder’ means pupils with a severe and chronic disorder that affects communication and behavior and which is manifested during early development by a characteristic pattern of social, communication, and learning behaviors. Autism spectrum disorder means ~~is a behaviorally defined syndrome;~~ autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM, the essential features of which include disturbances of: developmental rates or sequences; response to sensory stimuli; speech, language, and communication; and capacities to relate to people, objects, and events.”

SECTION 37. Retitle Title 44, Chapter 20 as “South Carolina Intellectual Disability, Related Disabilities, Autism Spectrum Disorder, Head Injuries, and Spinal Cord Injuries Act”.

SECTION 38. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Rep. ERICKSON explained the amendment.

**POINT OF ORDER**

Rep. RYHAL raised the Point of Order that Amendment No. 2 is not germane to H. 3790.

The SPEAKER stated that when looking at a question of germaneness, he must follow the rules of the House and its precedents.  Rule 9.3 controls issues of germaneness, and he must look at the “intent” of the Bill and Amendment No. 2.

The SPEAKER stated that the House has numerous precedents stating that the “substantial effect or impact of the Bill and the Amendment” must be the same in order to be germane. He stated further the substantial effect of the Bill, as previously amended by the Committee Amendment, is to uniformly define the term “autism spectrum disorder” in the Code of Laws. He explained the substantial effect of Amendment No. 2 is to expand services that the State, more specifically DDSN, must provide to persons who have intellectual disabilities, head injuries, and spinal cord injuries to include persons who have been diagnosed with autism spectrum disorder.

The SPEAKER further stated that although both the Bill and Amendment No. 2 mention the phrase “autism spectrum disorder,” Amendment No. 2’s substantial effect of expanding state services not previously offered to persons with autism goes far beyond the scope of the Bill, which simply creates a uniform definition.

The SPEAKER stated the House precedents clearly state that an amendment cannot merely reference the same topics.  Both the bill and amendment must have the same substantial effect or impact, and, because Amendment No. 2’s substantial effect is far beyond the scope of the Bill, the SPEAKER sustained the Point of Order and held Amendment No. 2 to be not germane to the Bill.

Rep. ERICKSON proposed the following Amendment No. 3 to H.  3790 (COUNCIL\VR\3790C008.BH.VR17), which was adopted:

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

/ SECTION 1. Section 44‑20‑30 of the 1976 Code, as last amended by Act 47 of 2011, is further amended by adding an appropriately numbered item at the end to read:

“( ) ‘Autism spectrum disorder’ means autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

SECTION 2. Section 38‑71‑280(A)(1) of the 1976 Code is amended to read:

“(1) ‘Autism spectrum disorder’ means ~~one of the three following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:~~

~~(a)~~ ~~Autistic Disorder;~~

~~(b)~~ ~~Asperger’s Syndrome;~~

~~(c)~~ ~~Pervasive Developmental Disorder—Not Otherwise Specified~~ autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM. ‘Autism spectrum disorder’ is further defined as a disorder subject to the coverage required pursuant to subsection (C) and shall not be defined as a disorder subject to the coverage limitations otherwise provided for in subsection (E).”

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

Renumber sections to conform.

Amend title to conform.

Rep. ERICKSON explained the amendment.

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

Yeas 88; Nays 7

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Arrington | Atkinson |
| Bales | Ballentine | Bamberg |
| Bedingfield | Bennett | Blackwell |
| Bowers | Bradley | Brown |
| Caskey | Clary | Clemmons |
| Clyburn | Cobb-Hunter | Cogswell |
| Cole | Collins | Crosby |
| Daning | Davis | Delleney |
| Dillard | Douglas | Erickson |
| Felder | Forrest | Funderburk |
| Gilliard | Govan | Hardee |
| Hayes | Henderson | Henegan |
| Hewitt | Hill | Hixon |
| Hosey | Howard | Huggins |
| Jefferson | Jordan | King |
| Kirby | Lowe | Mack |
| Magnuson | Martin | McCoy |
| McCravy | McEachern | McKnight |
| V. S. Moss | Murphy | B. Newton |
| W. Newton | Norrell | Ott |
| Parks | Pope | Putnam |
| Quinn | Ridgeway | Robinson-Simpson |
| Rutherford | Simrill | G. M. Smith |
| G. R. Smith | J. E. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Thigpen | Toole | Weeks |
| Whitmire | Williams | Willis |
| Yow |  |  |

**Total--88**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Forrester | Gagnon | Loftis |
| Pitts | Ryhal | West |
| White |  |  |

**Total--7**

So, the amendment was adopted.

Rep. ERICKSON proposed the following Amendment No. 4 to H.  3790 (COUNCIL\VR\3790C007.CC.VR17), which was adopted:

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

/ SECTION 1. This act must be known and may be cited as “Ryan’s Law”.

SECTION 2. Section 44‑20‑30 of the 1976 Code, as last amended by Act 47 of 2011, is further amended by adding an appropriately numbered item at the end to read:

“( ) ‘Autism spectrum disorder’ means autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

SECTION 3. Section 38‑71‑280 of the 1976 Code is amended to read:

“(A) As used in this section:

(1) ‘Autism spectrum disorder’ means ~~one of the three following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:~~

~~(a) Autistic Disorder;~~

~~(b) Asperger’s Syndrome;~~

~~(c) Pervasive Developmental Disorder—Not Otherwise Specified~~ autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.

(2) ‘Insurer’ means an insurance company, a health maintenance organization, and any other entity providing health insurance coverage, as defined in Section 38‑71‑670(6)~~, which is licensed to engage in the business of insurance in this State and which is subject to state insurance regulation~~.

(3) ‘Health maintenance organization’ means an organization as defined in Section 38‑33‑20(8).

(4) ‘Health insurance plan’ means a ~~group~~ health insurance policy or ~~group~~ health benefit plan offered by an insurer. It includes the State Health Plan~~, but does not otherwise include any health insurance plan offered in the individual market as defined in Section 38‑71‑670(11), any health insurance plan that is individually underwritten, or any health insurance plan provided to a small employer, as defined by Section 38‑71‑1330(17)~~.

(5) ‘State Health Plan’ means the employee and retiree insurance program provided for in Article 5, Chapter 11, Title 1.

(B) A health insurance plan as defined in this section must provide coverage for the treatment of autism spectrum disorder. Coverage provided under this section is limited to treatment that is prescribed by the insured’s treating medical doctor in accordance with a treatment plan. With regards to a health insurance plan as defined in this section an insurer may not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual solely because the individual is diagnosed with autism spectrum disorder.

(C) The coverage required pursuant to subsection (B) must not be subject to dollar limits, deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally under the health insurance plan~~, except as otherwise provided for in subsection (E)~~. However, the coverage required pursuant to subsection (B) may be subject to other general exclusions and limitations of the health insurance plan, including, but not limited to, coordination of benefits, participating provider requirements, restrictions on services provided by family or household members, utilization review of health care services including review of medical necessity, case management, and other managed care provisions.

(D) The treatment plan required pursuant to subsection (B) must include all elements necessary for the health insurance plan to appropriately pay claims. These elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency, and duration of treatment, the anticipated outcomes stated as goals, the frequency by which the treatment plan will be updated, and the treating medical doctor’s signature. The health insurance plan may only request an updated treatment plan once every six months from the treating medical doctor to review medical necessity, unless the health insurance plan and the treating medical doctor agree that a more frequent review is necessary due to emerging clinical circumstances.

~~(E)~~ ~~To be eligible for benefits and coverage under this section, an individual must be diagnosed with autistic spectrum disorder at age eight or younger. The benefits and coverage provided pursuant to this section must be provided to any eligible person under sixteen years of age. Coverage for behavioral therapy is subject to a fifty thousand dollar maximum benefit per year. Beginning one year after the effective date of this act, this maximum benefit shall be adjusted annually on January first of each calendar year to reflect any change from the previous year in the current Consumer Price Index, All Urban Consumers, as published by the United States Department of Labor’s Bureau of Labor Statistics.~~”

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

Renumber sections to conform.

Amend title to conform.

Rep. ERICKSON explained the amendment.

**POINT OF ORDER**

Rep. RYHAL raised the Point of Order that under Code Section 2-7-73, the Bill, as it would be amended by Amendment No. 4, would need a statement of the financial impact of the coverage from the Revenue and Fiscal Affairs Office signed by an agent of the Department of Insurance.

The SPEAKER overruled the Point of Order and stated that Code Section 2-7-73, was not applicable to Bills as amended on the House floor. Instead, he stated that the Code Section was intended to apply to Bills as introduced in the House and referred to committee and that it was not possible for a committee chairman to request such a statement because it was impossible for a committee chairman to contemplate the effect of amendments that might be adopted on the House floor. Therefore, the SPEAKER overruled the Point of Order.

**POINT OF ORDER**

Rep. RYHAL raised a Point of Order that Amendment No. 4 was not germane to H. 3790.

The SPEAKER stated that based upon precedents and earlier rulings he had to look at the substantial effect or impact of both the amendment and the Bill in determining germaneness.

The SPEAKER stated that Amendment No. 4 was a strike all and insert amendment, and that the substantial effect of the amendment was to revise the insurance coverage eligibility requirements set forth in Subsection (E) of Code Section 38-71-280.

The SPEAKER stated the House had previously adopted Amendment No. 3 which further defined “autism spectrum disorder” and clarified that it was not to be considered a mental disorder subject to the limitations of Subsection (E).

The SPEAKER stated that Amendment No. 4 amended the language of Subsection (E) which, pursuant to previously adopted Amendment No. 3, further defined “autism spectrum disorder”. The SPEAKER stated that Amendment No. 4 was germane to the Bill as previously amended by the House, and he overruled the Point of Order.

Rep. G. R. SMITH moved to reconsider the vote whereby Amendment No. 3 was adopted.

Rep. ERICKSON moved to table the motion to reconsider.

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

Yeas 68; Nays 35

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Arrington | Atkinson | Ballentine |
| Bamberg | Bannister | Bennett |
| Bowers | Bradley | Brown |
| Caskey | Clary | Clyburn |
| Cogswell | Cole | Collins |
| Crosby | Daning | Davis |
| Delleney | Dillard | Douglas |
| Erickson | Forrest | Funderburk |
| Gilliard | Govan | Hayes |
| Henderson | Henegan | Hiott |
| Hixon | Hosey | Howard |
| Huggins | Jefferson | King |
| Kirby | Knight | Mack |
| McCoy | McEachern | McKnight |
| V. S. Moss | Murphy | B. Newton |
| W. Newton | Norrell | Ott |
| Parks | Pope | Quinn |
| Ridgeway | M. Rivers | Robinson-Simpson |
| Rutherford | Simrill | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Thigpen | Toole | Weeks |
| Whipper | Williams |  |

**Total--68**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Bales | Bedingfield |
| Blackwell | Burns | Chumley |
| Clemmons | Crawford | Elliott |
| Felder | Forrester | Gagnon |
| Hamilton | Hewitt | Hill |
| Jordan | Loftis | Long |
| Lowe | Lucas | Magnuson |
| Martin | McCravy | Pitts |
| Putnam | Ryhal | G. R. Smith |
| Stringer | Taylor | Thayer |
| West | White | Whitmire |
| Willis | Yow |  |

**Total--35**

So, the motion to reconsider was tabled.

Rep. ERICKSON spoke in favor of the amendment.

Rep. G. R. SMITH moved to commit the Bill to the Committee on Labor, Commerce and Industry.

Rep. ERICKSON moved to table the motion.

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

Yeas 63; Nays 41

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Atkinson | Ballentine | Bamberg |
| Bennett | Bowers | Bradley |
| Brown | Caskey | Clary |
| Clyburn | Cobb-Hunter | Collins |
| Crosby | Daning | Davis |
| Delleney | Dillard | Douglas |
| Erickson | Felder | Forrest |
| Funderburk | Gilliard | Govan |
| Hayes | Henderson | Henegan |
| Hosey | Howard | Huggins |
| Jefferson | Jordan | King |
| Knight | Lowe | Mack |
| Martin | McCoy | McEachern |
| McKnight | Murphy | B. Newton |
| W. Newton | Norrell | Ott |
| Parks | Quinn | Ridgeway |
| M. Rivers | Robinson-Simpson | Rutherford |
| J. E. Smith | Spires | Stavrinakis |
| Tallon | Thigpen | Toole |
| Weeks | Whipper | Williams |

**Total--63**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bales | Bedingfield | Blackwell |
| Burns | Chumley | Clemmons |
| Cogswell | Cole | Crawford |
| Elliott | Forrester | Gagnon |
| Hamilton | Hardee | Hewitt |
| Hill | Hiott | Hixon |
| Johnson | Loftis | Long |
| Lucas | Magnuson | McCravy |
| V. S. Moss | Pitts | Pope |
| Putnam | Ryhal | Simrill |
| G. M. Smith | G. R. Smith | Sottile |
| Stringer | Taylor | Thayer |
| West | White | Whitmire |
| Willis | Yow |  |

**Total--41**

So, the motion to commit the Bill was tabled.

**LEAVE OF ABSENCE**

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

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Rep. G. R. SMITH moved that the House do now adjourn.

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

Yeas 17; Nays 81

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Burns | Chumley | Forrester |
| Gagnon | Hardee | Hill |
| Loftis | McKnight | Pitts |
| Putnam | Ryhal | G. R. Smith |
| Spires | West | White |
| Whitmire | Willis |  |

**Total--17**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Arrington | Atkinson |
| Bales | Ballentine | Bamberg |
| Bedingfield | Bennett | Blackwell |
| Bowers | Bradley | Brown |
| Caskey | Clary | Clyburn |
| Cobb-Hunter | Cole | Collins |
| Crawford | Crosby | Daning |
| Davis | Delleney | Douglas |
| Elliott | Erickson | Felder |
| Forrest | Funderburk | Gilliard |
| Govan | Hamilton | Henderson |
| Hewitt | Hiott | Hixon |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | Jordan |
| King | Kirby | Knight |
| Long | Lowe | Mack |
| Magnuson | Martin | McCoy |
| McCravy | McEachern | V. S. Moss |
| Murphy | B. Newton | W. Newton |
| Norrell | Ott | Pope |
| Quinn | Ridgeway | M. Rivers |
| Robinson-Simpson | Simrill | G. M. Smith |
| J. E. Smith | Sottile | Stavrinakis |
| Stringer | Taylor | Thayer |
| Thigpen | Toole | Weeks |
| Whipper | Williams | Yow |

**Total--81**

So, the House refused to adjourn.

**LEAVE OF ABSENCE**

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. WHITE spoke against the Bill.

Rep. RYHAL spoke against the Bill.

Rep. BAMBERG spoke in favor of the Bill.

Rep. G. R. SMITH moved that the House do now adjourn.

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

Yeas 22; Nays 78

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Burns | Chumley | Davis |
| Elliott | Forrester | Gagnon |
| Hardee | Hewitt | Hill |
| Johnson | Loftis | Lowe |
| Parks | Pitts | Putnam |
| Ryhal | G. R. Smith | Spires |
| West | White | Whitmire |
| Willis |  |  |

**Total--22**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Arrington | Atkinson |
| Bales | Ballentine | Bamberg |
| Bannister | Bedingfield | Bennett |
| Blackwell | Bowers | Bradley |
| Brown | Caskey | Clary |
| Clyburn | Cobb-Hunter | Cole |
| Collins | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Erickson | Felder | Forrest |
| Funderburk | Gilliard | Hamilton |
| Henderson | Hiott | Hixon |
| Hosey | Howard | Huggins |
| Jefferson | Jordan | King |
| Kirby | Knight | Long |
| Mack | Magnuson | Martin |
| McCoy | McCravy | McEachern |
| McKnight | V. S. Moss | Murphy |
| B. Newton | W. Newton | Norrell |
| Ott | Pope | Quinn |
| Ridgeway | M. Rivers | S. Rivers |
| Robinson-Simpson | Rutherford | G. M. Smith |
| J. E. Smith | Sottile | Stavrinakis |
| Stringer | Taylor | Thayer |
| Thigpen | Toole | Weeks |
| Whipper | Williams | Yow |

**Total--78**

So, the House refused to adjourn.

Rep. PITTS spoke against the Bill.

Rep. BALLENTINE spoke in favor of the Bill.

Rep. WILLIAMS spoke in favor of the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 83; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Arrington | Atkinson |
| Bales | Ballentine | Bamberg |
| Bannister | Bedingfield | Bennett |
| Blackwell | Bowers | Bradley |
| Brown | Caskey | Clary |
| Clyburn | Cobb-Hunter | Cogswell |
| Cole | Collins | Crosby |
| Daning | Davis | Delleney |
| Dillard | Douglas | Elliott |
| Erickson | Felder | Forrest |
| Funderburk | Gilliard | Govan |
| Hamilton | Hayes | Henderson |
| Henegan | Hewitt | Hiott |
| Hixon | Hosey | Howard |
| Huggins | Jefferson | Jordan |
| King | Kirby | Knight |
| Lowe | Mack | Martin |
| McCoy | McCravy | McEachern |
| McKnight | V. S. Moss | Murphy |
| B. Newton | W. Newton | Norrell |
| Ott | Parks | Quinn |
| Ridgeway | M. Rivers | Robinson-Simpson |
| Rutherford | G. M. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thigpen | Toole | Weeks |
| Whipper | Williams |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Chumley | Clemmons | Crawford |
| Forrester | Gagnon | Hill |
| Johnson | Loftis | Long |
| Lucas | Magnuson | Pitts |
| Pope | S. Rivers | Ryhal |
| G. R. Smith | Thayer | West |
| White | Whitmire | Willis |

**Total--21**

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

**H. 3790--MOTION TO RECONSIDER TABLED**

Rep. KING moved to reconsider the vote whereby the following Bill was read the second time:

H. 3790 -- Reps. Erickson, Ballentine, Govan, Brown, Toole and Crosby: A BILL TO AMEND SECTION 44-20-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE "SOUTH CAROLINA INTELLECTUAL DISABILITY, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT", SO AS TO ADD A DEFINITION FOR "AUTISM SPECTRUM DISORDER"; TO AMEND SECTION 38-71-280, RELATING TO HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 59-21-510, AS AMENDED, RELATING TO SPECIAL EDUCATION PROGRAMS, SO AS TO MAKE CONFORMING CHANGES.

Rep. KING moved to table the motion to reconsider, which was agreed to.

**SPEAKER IN CHAIR**

**RECURRENCE TO THE MORNING HOUR**

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

**REPORTS OF STANDING COMMITTEE**

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

S. 289 -- Senators Shealy, Rankin, McElveen, Sheheen, Hutto and McLeod: A BILL TO ENACT THE "SOUTH CAROLINA CRIME VICTIM SERVICES ACT" TO RESTRUCTURE AND CONSOLIDATE VICTIM SERVICES; TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, BY ADDING ARTICLE 8, TO CREATE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, TO MOVE THE STATE OFFICE OF VICTIM ASSISTANCE, THE SOUTH CAROLINA CRIME VICTIM OMBUDSMAN, AND THAT PORTION OF THE OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS UNDER THE DEPARTMENT OF PUBLIC SAFETY THAT ADMINISTERS CERTAIN VICTIM SERVICES GRANTS UNDER THE NEWLY CREATED DIVISION, AND TO CREATE FOUR DEPARTMENTS UNDER THE DIVISION TO OVERSEE AND ADMINISTER DIFFERENT ASPECTS OF THE VICTIM SERVICES DELIVERY SYSTEM; TO AMEND SECTION 1-11-10(A), RELATING TO OFFICES AND DIVISIONS UNDER THE DEPARTMENT OF ADMINISTRATION, TO DELETE THOSE VICTIM SERVICES OFFICES AND OTHER ENTITIES THAT ARE MOVED TO THE NEW DIVISION; TO AMEND SECTIONS 14-1-203, 14-1-204(A), 14-1-205, 14-1-206(C), 14-1-207(C), 14-1-208(C), AND 14-1-210(A), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THAT PORTION OF THE FEES DISTRIBUTED TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 16-3-1110, 16-3-1120, 16-3-1140, 16-3-1150, 16-3-1160, 16-3-1170, 16-3-1180, 16-3-1220, 16-3-1230, 16-3-1240, 16-3-1260, 16-3-1290, 16-3-1330, 16-3-1340, AND 16-3-1350, RELATING TO THE COMPENSATION OF VICTIMS OF CRIME, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND AND CERTAIN RESPONSIBILITIES OF THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM COMPENSATION; TO AMEND ARTICLE 14, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE "CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS," TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS, AND ITS RESPONSIBILITIES, TO MAKE CONFORMING CHANGES TO THE VICTIM SERVICES COORDINATING COUNCIL, AND TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION SHALL SERVE AS CHAIRPERSON; TO AMEND ARTICLE 16, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE "CRIME VICTIM OMBUDSMAN," TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM OMBUDSMAN AND ITS RESPONSIBILITIES, AND TO PROVIDE A PROCEDURE FOR COMPLAINTS REGARDING THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION AND ITS AFFILIATED DEPARTMENTS TO BE HANDLED THROUGH THE OMBUDSMAN WITH APPEAL TO THE STATE INSPECTOR GENERAL; TO AMEND CHAPTER 3, TITLE 16, BY ADDING ARTICLE 12, TO ENTITLE THE ARTICLE "CRIME VICTIM ASSISTANCE GRANTS," AND TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS WILL BE RUN BY A DEPUTY DIRECTOR WHO SHALL ESTABLISH A PROCESS TO SOLICIT AND ADMINISTER CERTAIN VICTIM SERVICES GRANTS AND THE DISBURSEMENT OF FUNDS FROM THOSE GRANTS; TO AMEND SECTIONS 23-6-500, 23-6-510, AND 23-6-520, RELATING TO THE SOUTH CAROLINA PUBLIC SAFETY COORDINATING COUNCIL, TO MAKE CONFORMING CHANGES TO INCLUDE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS IN THE GRANT PROCESS UNDER CERTAIN CIRCUMSTANCES, AND TO REVISE THE COUNCIL'S MEMBERSHIP TO INCLUDE THE ATTORNEY GENERAL AND A VICTIM WITH A DOCUMENTED HISTORY OF VICTIMIZATION APPOINTED BY THE ATTORNEY GENERAL; TO AMEND SECTION 16-5-445(C), RELATING TO THE SEIZURE AND FORFEITURE OF EQUIPMENT USED IN VIOLATION OF A CRIME, AND SECTION 24-3-40(A)(2)(b), RELATING TO THE PRISON INDUSTRIES PROGRAM AND DISTRIBUTION OF PRISONER WAGES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 14-1-206(E), 14-1-207(E), AND 14-1-208(E), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY, AND TO PROVIDE FOR THE UNIFORM SUPPLEMENTAL SCHEDULE FORM TO BE DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION; AND BY ADDING SECTIONS 14-1-211.5, 14-1-211.6, AND 14-1-211.7, TO CODIFY EXISTING BUDGET PROVISOS RELATING TO THE DISTRIBUTION OF CERTAIN CRIME VICTIM FUNDS, TO PROVIDE FOR THE AUTHORITY OF THE VICTIM COMPENSATION FUND TO TRANSFER ANY STATE FUNDS DEEMED AVAILABLE TO THE DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AUDITING AND REPORTING PROCEDURES FOR VICTIM SERVICES PROVIDERS, AND TO TRANSFER A CERTAIN SUM FROM THE DEPARTMENT OF CORRECTIONS TO THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION.

Ordered for consideration tomorrow.

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

S. 334 -- Senators Senn and Kimpson: A BILL TO AMEND SECTIONS 61-4-515 AND 61-6-2016 OF THE 1976 CODE, RELATING TO PERMITS TO PURCHASE AND SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION AND A BIENNIAL LICENSE TO PURCHASE ALCOHOLIC LIQUORS BY THE DRINK AT A MOTORSPORTS ENTERTAINMENT COMPLEX OR TENNIS SPECIFIC COMPLEX, TO INCLUDE BASEBALL COMPLEX, AND TO PROVIDE A DEFINITION FOR "BASEBALL COMPLEX".

Ordered for consideration tomorrow.

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

S. 342 -- Senators Williams, Davis, Hembree, Campbell, J. Matthews, Setzler, Grooms, Hutto, Allen, Johnson, Nicholson, Scott, M. B. Matthews, Rankin, Sabb, Goldfinch, Alexander, Climer and Senn: A BILL TO AMEND SECTION 40-22-295 OF THE 1976 CODE, RELATING TO ENGINEER IMMUNITY, TO PROVIDE SPECIFIED IMMUNITY FOR CERTAIN VOLUNTARY SURVEYING SERVICES AT THE SCENE OF A DECLARED STATE OR NATIONAL EMERGENCY AT THE REQUEST OF THE GOVERNOR, TO PROVIDE EXCEPTIONS TO THIS IMMUNITY, AND TO PROVIDE THE CONDITIONS AND CIRCUMSTANCES UNDER WHICH THIS GRANT OF IMMUNITY IS APPLICABLE.

Ordered for consideration tomorrow.

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

S. 107 -- Senators Campsen, Hutto, Massey, Hembree and Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-125, SO AS TO PROVIDE THAT BEGINNING WITH THE 2018 GENERAL ELECTION, IF THE LIEUTENANT GOVERNOR RESIGNS OR IS REMOVED FROM OFFICE, THE GOVERNOR SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, A SUCCESSOR FOR THE UNEXPIRED TERM; BY ADDING SECTION 7-11-12, SO AS TO ESTABLISH THE PROCEDURE BY WHICH A PERSON NOMINATED AS GOVERNOR SELECTS A LIEUTENANT GOVERNOR AS A JOINT TICKET RUNNING MATE; BY ADDING SECTION 7-13-315, SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO ENSURE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR ARE ELECTED JOINTLY; BY ADDING SECTION 8-13-1301, SO AS TO PROVIDE THAT JOINTLY ELECTED CANDIDATES MUST BE CONSIDERED A SINGLE CANDIDATE FOR CONTRIBUTIONS AND ESTABLISHING A COMMITTEE; TO AMEND SECTION 8-13-1314, RELATING TO CONTRIBUTION LIMITATIONS, SO AS TO PROVIDE THAT WITHIN AN ELECTION CYCLE, CONTRIBUTIONS FOR STATEWIDE CANDIDATES ARE INCREASED FROM THREE TO FIVE THOUSAND DOLLARS, CONTRIBUTIONS FOR JOINTLY ELECTED CANDIDATES ARE FIVE THOUSAND DOLLARS, AND CONTRIBUTIONS FOR CANDIDATES FOR OTHER OFFICES ARE INCREASED FROM ONE TO TWO THOUSAND DOLLARS AND THAT FUTURE LIMITATIONS ON CONTRIBUTIONS MUST BE INCREASED BY THE STATE ETHICS COMMISSION DEPENDENT UPON THE CONSUMER PRICE INDEX; TO AMEND SECTION 7-11-15(A), RELATING TO FILING AS A CANDIDATE FOR THE GENERAL ELECTION, SO AS TO PROVIDE IF MARCH 30, THE DEADLINE FOR FILING, IS ON A SATURDAY OR SUNDAY, THE TIME FOR FILING EXTENDS TO THE NEXT BUSINESS DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY; TO AMEND SECTION 7-13-45, RELATING TO ESTABLISHING HOURS FOR ACCEPTING CANDIDATE FILINGS, SO AS TO DELETE SPECIFIC REFERENCES TO THE NUMBER OF HOURS AND PROVIDE THAT FILINGS BE ACCEPTED DURING REGULAR BUSINESS HOURS ON REGULAR BUSINESS DAYS; TO AMEND SECTIONS 1-3-120, 1-3-130, 1-6-30(9), 1-9-30, 1-11-10(D), 1-11-425, 1-18-70, 1-23-280(B) AND (E), 1-23-290(D), 2-1-230(C), 2-1-250(B), 2-2-30(B)(1), 2-2-40(B), 2-3-20, 2-3-75(B)(3), 2-3-105(A)(4), 2-15-60(b), 2-17-90(A)(1), 2-17-90(A)(6)(c), 2-17-100(3), 2-19-10(B)(2), 2-41-70, 2-67-20(E)(1)(a), 2-69-20, 2-69-40, 2-75-10, 3-11-400(C)(3)(b)(iii), 5-1-26(B)(4), 5-1-26(F), 6-4-35(A)(2), 6-29-1330(D)(3), 6-29-1330(G), 8-13-540(3)(d), 8-13-715, 8-13-1373, 9-4-10(B)(1)(b), 9-4-40, 9-16-90, 9-16-380, 10-1-168(I), 11-9-890B.(2), 11-11-350, 11-43-140, 11-45-40(B)(1), 11-50-50, 11-57-340, 12-3-10(A)(1), 13-1-25(B), 23-1-230(G), 24-22-150, 37-29-110, 38-3-110(5)(c), 38-75-490(D), 40-47-10(A)(4), 44-128-50(B)(2), 46-3-260(A), 48-52-440(D)(2), 48-59-40(A)(4), 51-13-720, 51-13-2120(3), 51-18-115, 54-6-10(B)(3), 59-6-10, 59-40-230(A), 59-46-40(A)(4), 59-150-40(A), 59-150-40(C), 59-150-40(D), 59-150-320, 59-150-325(A), 60-11-150(B), 60-17-10, 63-1-50(A), 63-1-50(B), 63-11-1720(B), 63-11-1720(C), 63-11-1930(A)(11), AND 63-11-2110(B)(4), RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE PRESIDENT OF THE SENATE PRO TEMPORE, SO AS TO REVISE STATUTORY REFERENCES FROM THE PRESIDENT OF THE SENATE PRO TEMPORE TO THE PRESIDENT OF THE SENATE AND TO MAKE ADDITIONAL CLARIFYING CHANGES; TO AMEND SECTIONS 1-3-620, 1-11-720(A)(9), 1-23-125(B), 1-23-125(D), 2-3-30, 2-3-90, 7-11-30(A), 7-17-10, 9-1-10(11)(g), 9-1-10(14), 10-1-40, 14-27-20(10), 14-27-30, 14-27-40(2), 14-27-80, 43-21-20, 43-21-45, 43-21-60, 43-21-70, 43-21-100, 43-21-130(A)(1), 43-21-190(2), 44-36-310, 44-36-320(7), 44-36-330, 44-56-840(A), 54-7-100, AND 59-6-15(A)(3), RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR, SO AS TO REVISE STATUTORY REFERENCES TO CONFORM TO CONSTITUTIONAL AND STATUTORY CHANGES CONCERNING SELECTION AS PART OF A JOINT TICKET AND TO MAKE THE GOVERNOR RESPONSIBLE FOR THE EXISTING DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR SO THE GOVERNOR MAY DETERMINE HOW THOSE DUTIES AND RESPONSIBILITIES MAY BE ACCOMPLISHED; AND TO REQUIRE, ON OR BEFORE JANUARY 1, 2019, THE CODE COMMISSIONER TO PREPARE AND DELIVER A REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES RECOMMENDING ANY ADDITIONAL APPROPRIATE AND CONFORMING CHANGES TO THE 1976 CODE OF LAWS REFLECTING THE PROVISIONS OF THIS ACT.

Ordered for consideration tomorrow.

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

S. 213 -- Senators Peeler, Alexander and Scott: A BILL TO AMEND CHAPTER 20, TITLE 2, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NONJUDICIAL SCREENING AND ELECTION, SO AS TO CREATE THE COLLEGE AND UNIVERSITY TRUSTEE SCREENING COMMISSION TO CONSIDER THE QUALIFICATIONS OF CANDIDATES FOR TRUSTEES TO STATE-SUPPORTED COLLEGES AND UNIVERSITIES, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND TO PROVIDE FOR THE INVESTIGATIVE, NOMINATION, AND ELECTION PROCESSES.

Ordered for consideration tomorrow.

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

S. 173 -- Senators Sheheen, Turner and Timmons: A BILL TO AMEND SECTION 23-23-10 OF THE 1976 CODE, RELATING TO THE PURPOSE OF THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE NEW DEFINITIONS; TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23-23-55 TO PROVIDE THAT A CLASS 1-LE LAW ENFORCEMENT OFFICER MUST COMPLETE CONTINUING LAW ENFORCEMENT EDUCATION CREDITS IN MENTAL HEALTH OR ADDICTIVE DISORDERS; TO AMEND SECTION 23-23-80 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO ESTABLISH AND MAINTAIN A CRISIS INTERVENTION TRAINING CENTER AND TO GOVERN AND SUPERVISE CRISIS INTERVENTION TEAM TRAINING; TO AMEND TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING CHAPTER 52 TO CREATE A CRISIS INTERVENTION TRAINING COUNCIL, TO PROVIDE FOR THE COUNCIL'S DUTIES, AND TO PROVIDE THAT EVERY COUNTY SHALL ESTABLISH AT LEAST ONE CRISIS INTERVENTION TEAM.

Ordered for consideration tomorrow.

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

H. 3818 -- Reps. Bedingfield, Clemmons, Fry, Henderson, Huggins, Johnson, Hewitt, Crawford, Duckworth, King, Knight, Norrell, Arrington, Allison, Tallon, Hamilton, Felder, Elliott, G. R. Smith, Jordan, B. Newton, Martin, G. M. Smith, Yow, D. C. Moss, McCravy, Kirby, Wheeler, Erickson, Ryhal, Jefferson, Cobb-Hunter, Govan, V. S. Moss, Long, Magnuson, Putnam, Cogswell, Sottile and Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 53, TITLE 44 SO AS TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN DRUG AND ALCOHOL-RELATED OFFENSES COMMITTED BY A PERSON WHO SEEKS MEDICAL ASSISTANCE FOR ANOTHER PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE OR BY A PERSON WHO IS EXPERIENCING A DRUG OR ALCOHOL-RELATED OVERDOSE AND SEEKS MEDICAL ASSISTANCE; TO PROVIDE FOR THE ADMISSIBILITY OF EVIDENCE IN CONNECTION WITH THE INVESTIGATION OR PROSECUTION OF A CRIME IN CERTAIN CIRCUMSTANCES; TO ALLOW LAW ENFORCEMENT TO SEIZE EVIDENCE AND DETAIN PERSONS IN CERTAIN CIRCUMSTANCES; TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR LAW ENFORCEMENT OFFICERS RELATING TO THE ARREST OF A PERSON LATER DETERMINED TO QUALIFY FOR LIMITED IMMUNITY; AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

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

H. 3883 -- Reps. Sandifer and Pope: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PYRAMID PROMOTIONAL SCHEME PROHIBITION ACT" BY ADDING ARTICLE 7 TO CHAPTER 5, TITLE 39 SO AS TO PROVIDE PYRAMID PROMOTIONAL SCHEMES CONSTITUTE UNFAIR TRADE PRACTICES UNDER THE SOUTH CAROLINA UNFAIR TRADE PRACTICES ACT, AND TO PROVIDE NECESSARY DEFINITIONS; AND TO REPEAL SECTION 39-5-30 RELATING TO PYRAMID CLUBS AND SIMILAR OPERATIONS.

Ordered for consideration tomorrow.

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

S. 359 -- Senator Cromer: A BILL TO AMEND SECTION 39-5-325, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNFAIR TRADE PRACTICES FOR MOTOR FUEL RETAILERS, SO AS TO REMOVE REFERENCES TO THE DEPARTMENT OF CONSUMER AFFAIRS.

Ordered for consideration tomorrow.

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

S. 234 -- Senator Massey: A BILL TO AMEND SECTION 44-61-160(A) OF THE 1976 CODE, RELATING TO THE CONFIDENTIALITY OF THE DATA COLLECTED OR PREPARED BY EMERGENCY MEDICAL SERVICES, TO PROVIDE THAT THE IDENTITIES OF PATIENTS AND EMERGENCY MEDICAL TECHNICIANS MENTIONED, REFERENCED, OR OTHERWISE APPEARING IN INFORMATION AND DATA COLLECTED OR PREPARED BY EMERGENCY MEDICAL SERVICES ARE SUBJECT TO SUBPOENA IN ANY ADMINISTRATIVE, CIVIL, OR CRIMINAL PROCEEDING.

Ordered for consideration tomorrow.

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

H. 4036 -- Reps. Murphy, Arrington, Bennett, Daning, Crosby, Sottile, Cogswell, McCoy, Collins, Clary, Davis, Putnam, S. Rivers and Thayer: A BILL TO AMEND SECTION 2-15-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE LEGISLATIVE AUDIT COUNCIL, SO AS TO EXPAND THE DEFINITION OF "STATE AGENCIES" TO INCLUDE SCHOOL DISTRICTS.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 4185 -- Reps. Putnam, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO DECLARE MONDAY, OCTOBER 23, 2017, AS "LOLA BROWN BREAST SELF-CHECK DAY" IN SOUTH CAROLINA AND TO SEEK TO INCREASE AWARENESS OF THE IMPORTANCE OF PERFORMING MONTHLY SELF-EXAMS FOR WOMEN BETWEEN THE AGES OF EIGHTEEN AND FORTY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4186 -- Reps. Putnam, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA STUDENT LEGISLATURE TO USE THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES FOR ITS ANNUAL STATE HOUSE MEETING FROM OCTOBER 25 THROUGH OCTOBER 27, 2017. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE HOUSE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, authorize the South Carolina Student Legislature to use the chamber of the South Carolina House of Representatives for its annual State House meeting from October 25 through October 27, 2017. However, the chamber may not be used if the House is in session or the chamber is otherwise unavailable.

Be it further resolved that the State House security forces shall provide assistance and access as necessary for this meeting in accordance with previous procedures.

Be it further resolved that no charges may be made for the use of the House chamber by the South Carolina Student Legislature on this date.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4187 -- Reps. Anderson, Hewitt, Alexander, Allison, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR TIDELANDS HEALTH FOR ITS SIGNIFICANT AND BENEFICIAL IMPACT ON THE HEALTH AND WELLNESS OF THE CITIZENS OF GEORGETOWN COUNTY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4188 -- Reps. Tallon, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE GABRIEL ASHTON SWAD OF SPARTANBURG COUNTY UPON HIS RECENT GRADUATION FROM THE DARLA MOORE SCHOOL OF BUSINESS AT THE UNIVERSITY OF SOUTH CAROLINA, TO THANK HIM FOR HIS FINE SERVICE AS A PAGE TO THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, AND TO WISH HIM SUCCESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4189 -- Reps. Sandifer, Whitmire, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE WEST-OAK HIGH SCHOOL VARSITY WRESTLING TEAM, COACHES, AND SCHOOL OFFICIALS FOR A REMARKABLE SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2017 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4190 -- Rep. Bernstein: A HOUSE RESOLUTION TO DECLARE THURSDAY, MAY 4, 2017, "SOUTH CAROLINA TEEN PREGNANCY PREVENTION DAY" IN SOUTH CAROLINA AND HONOR THE VALUABLE CONTRIBUTIONS OF THE SOUTH CAROLINA CAMPAIGN TO PREVENT TEEN PREGNANCY, THEIR PARTNERS WITHIN LOCAL COMMUNITIES AND ORGANIZATIONS, PARENTS, EDUCATORS, AND TRUSTED ADULTS.

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

**HOUSE RESOLUTION**

The following was introduced:

H. 4191 -- Reps. G. R. Smith, Willis, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THOMAS CHAMBERS OF GREENVILLE COUNTY UPON THE OCCASION OF HIS RETIREMENT FROM BRYSON ELEMENTARY SCHOOL AFTER YEARS OF OUTSTANDING SERVICE TO THE EDUCATION OF YOUNG MINDS AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4192 -- Reps. Hosey, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR JAMES L. "RABBIT" PINKNEY, A MANAGER AT THE SAVANNAH RIVER NUCLEAR SITE, UPON THE OCCASION OF HIS RETIREMENT AFTER MORE THAN FORTY-ONE YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4193 -- Reps. Williams, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Willis and Yow: A HOUSE RESOLUTION TO HONOR THE REVEREND JACKIE BOYD OF CENTER BAPTIST CHURCH IN TIMMONSVILLE ON THE OCCASION OF HIS THIRTIETH ANNIVERSARY OF GOSPEL MINISTRY AT CENTER BAPTIST AND TO EXTEND BEST WISHES FOR GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4194 -- Rep. Bowers: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE YOUNG FAMILY REUNION AND TO CONGRATULATE THE FAMILY MEMBERS ON THEIR FAITHFULNESS IN RENEWING FAMILY TIES.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4195 -- Reps. Rutherford, Howard, Bales, Ballentine, Bernstein, Douglas, Finlay, Hart, McEachern, J. E. Smith, Thigpen, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bamberg, Bannister, Bedingfield, Bennett, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Duckworth, Elliott, Erickson, Felder, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JOHN L. "RABBIT" SCOTT, SR., OF RICHLAND COUNTY, TO HONOR HIS REMARKABLE COMMITMENT TO HIS COMMUNITY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4196 -- Reps. Tallon, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis, Yow, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill and Hiott: A CONCURRENT RESOLUTION TO DECLARE MAY 2017 AS "BUILDING SAFETY MONTH" IN SOUTH CAROLINA AND TO RECOGNIZE AND COMMEND LOCAL AND STATE CODE OFFICIALS FOR THE SIGNIFICANT SERVICE THEY PROVIDE IN KEEPING OUR COMMUNITIES SAFE AND OUR ECONOMY GROWING.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4197 -- Reps. Quinn, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SOUTHEASTERN PIANO FESTIVAL AND TO CONGRATULATE ITS PARTICIPANTS AND ORGANIZERS UPON THEIR FIFTEENTH ANNIVERSARY OF THE CULTURAL SUCCESS OF THE PROGRAM.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4198 -- Reps. Pope, Delleney, Felder, King, D. C. Moss, V. S. Moss, B. Newton and Simrill: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST SPRINGDALE ROAD IN YORK COUNTY FROM ITS INTERSECTION WITH FIRETOWER ROAD TO ITS INTERSECTION WITH LESSLIE HIGHWAY IN MEMORY OF ERIC LESSMEISTER AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "IN MEMORY OF ERIC LESSMEISTER, 'ONCE A BEARCAT, ALWAYS A BEARCAT'".

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 498 -- Senator Alexander: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2017 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA IN ORDER TO RAISE AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 522 -- Senator Cromer: A CONCURRENT RESOLUTION TO DECLARE AUGUST 14-21, 2017, AS "IMMUNIZATION WEEK" IN SOUTH CAROLINA AND TO SEEK TO INCREASE THE POPULATION'S AWARENESS OF THE IMPORTANCE OF RECEIVING VACCINATIONS.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 638 -- Senator Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 27, 2017, AS "DONATED DENTAL SERVICES RECOGNITION DAY" AND TO HONOR THE SOUTH CAROLINA DENTAL ASSOCIATION, THE DENTAL LIFELINE NETWORK OF SOUTH CAROLINA, AND THE HUNDREDS OF DENTISTS AND DENTAL LABORATORIES THAT VOLUNTEER FOR THE DONATED DENTAL SERVICES PROGRAM.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 653 -- Senator Gambrell: A CONCURRENT RESOLUTION TO HONOR COACH GARY ADAMS FOR THE IMPACTFUL CONTRIBUTIONS HE HAS MADE ON THE LIVES OF THOSE IN HIS COMMUNITY AND TO CONGRATULATE HIM ON HIS PHENOMENAL WIN RECORD.

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

**INTRODUCTION OF BILLS**

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

H. 4199 -- Rep. Putnam: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE LEGISLATIVE POWER OF THIS STATE VESTED IN TWO BRANCHES, SO AS TO PROVIDE THAT BEGINNING WITH THE GENERAL ELECTION SUBSEQUENT TO THE APPORTIONMENT FOLLOWING THE 2020 DECENNIAL CENSUS, THE LEGISLATIVE POWER OF THIS STATE SHALL BE VESTED IN A UNICAMERAL GENERAL ASSEMBLY WITH ONE BRANCH STYLED THE "HOUSE OF REPRESENTATIVES", AND TO PROVIDE THAT THE POWERS, DUTIES, AND FUNCTIONS OF THE HOUSE OF REPRESENTATIVES AS THE SINGLE BRANCH OF THE GENERAL ASSEMBLY SHALL BE PROVIDED BY LAW; PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE III, RELATING TO THE ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES, SO AS TO PROVIDE THAT BEGINNING WITH THE GENERAL ELECTION SUBSEQUENT TO THE APPORTIONMENT FOLLOWING THE 2020 DECENNIAL CENSUS, THE HOUSE OF REPRESENTATIVES MUST BE COMPOSED OF MEMBERS ELECTED FOR TERMS OF FOUR YEARS, TO STAGGER THE TERMS OF THOSE MEMBERS INITIALLY ELECTED, AND TO REQUIRE THAT MEMBERS OF THE GENERAL ASSEMBLY MUST BE SUBJECT TO RECALL ELECTIONS; PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE III, RELATING TO THE NUMBER OF MEMBERS OF THE HOUSE OF REPRESENTATIVES, SO AS TO PROVIDE THAT BEGINNING WITH THE GENERAL ELECTION SUBSEQUENT TO THE 2020 DECENNIAL CENSUS, THE HOUSE OF REPRESENTATIVES SHALL CONSIST OF ONE HUNDRED SEVENTY MEMBERS, WHICH INCLUDES FORTY-SIX MEMBERS REPRESENTING THE FORMER SENATE DISTRICTS; AND PROPOSING AMENDMENTS TO SECTIONS 7, 9, 10, 11, 12, 13, 14, 18, 20, 22, 23, AND 25 OF ARTICLE III; AND SECTION 12, ARTICLE IV; SECTION 26, ARTICLE V; SECTION 13, ARTICLE X; SECTION 4, ARTICLE XIII; SECTION 2, ARTICLE XV; AND SECTION 1, ARTICLE XVI OF THE CONSTITUTION OF THIS STATE, AND TO DELETE SECTIONS 6, 15, AND 37 OF ARTICLE III; AND SECTIONS 9 AND 10, ARTICLE IV, ALL RELATING TO THE GENERAL ASSEMBLY AND ITS ORGANIZATION, OPERATION, AND PROCEDURES, SO AS TO REMOVE REFERENCES TO THE "SENATE", "SENATOR", OR SIMILARLY RELATED TERMS.

Referred to Committee on Judiciary

H. 4200 -- Rep. Huggins: A BILL TO AMEND SECTION 59-28-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PARENT EXPECTATIONS IN THE "PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT", SO AS TO REQUIRE SCHOOLS PROVIDE PARENTS WITH A RELATED PLEDGE OF PARENTAL EXPECTATIONS DURING ANNUAL REGISTRATION BEGINNING WITH THE 2017-2018 SCHOOL YEAR.

Referred to Committee on Education and Public Works

H. 4201 -- Reps. Martin, Pope and Delleney: A BILL TO AMEND SECTION 1-1-660, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PALMETTO TREE'S DESIGNATION AS THE OFFICIAL TREE OF THIS STATE, SO AS TO ESTABLISH A PROCEDURE FOR A DESIGN OF THE PALMETTO TREE TO BE PREPARED WHICH, WHEN APPROVED BY THE GENERAL ASSEMBLY, SHALL BE THE APPROVED DESIGN OF THE PALMETTO TREE FOR OFFICIAL PURPOSES AND FOR INCLUSION ON THE STATE FLAG.

Referred to Committee on Judiciary

H. 4202 -- Reps. G. R. Smith, Bedingfield, Bannister, Hamilton, Long, Chumley, Martin, Stavrinakis, Burns, Bennett, McCoy, Erickson, Taylor, W. Newton, McKnight, B. Newton, Allison, Clemmons, Delleney, Elliott, Forrest, Forrester, Henderson, Hixon, Jordan, Loftis, Quinn, Spires, Thayer and Toole: A BILL TO AMEND SECTION 59-63-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES OF PUBLIC SCHOOL DISTRICTS BY HOME SCHOOL, CHARTER SCHOOL, AND GOVERNOR'S SCHOOL STUDENTS, SO AS TO INCLUDE PRIVATE SCHOOL STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS, 504 PLANS, OR INDIVIDUALIZED SERVICE PLANS, IF THE PRIVATE SCHOOL THEY ATTEND DOES NOT OFFER THE SAME ACTIVITY, AND TO DEFINE NECESSARY TERMINOLOGY.

Referred to Committee on Education and Public Works

S. 446 -- Senators Leatherman, Setzler, Williams and Campbell: A BILL TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT.

Referred to Committee on Ways and Means

S. 499 -- Senator Malloy: A BILL TO AMEND SECTION 56-1-148 OF THE 1976 CODE, RELATING TO THE IDENTIFYING CODE AFFIXED TO THE DRIVER'S LICENSE OF A PERSON CONVICTED OF CERTAIN CRIMES, TO REMOVE THE FIFTY DOLLAR FEE ASSOCIATED WITH PLACING THE IDENTIFYING CODE ON A DRIVER'S LICENSE.

Referred to Committee on Education and Public Works

S. 637 -- Senators Talley, Martin, Peeler, Reese and Corbin: A BILL TO AMEND SECTION 7-7-490 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, TO ADD ANDERSON MILL BAPTIST, D. R. HILL MIDDLE SCHOOL, HOPE, LYMAN ELEMENTARY, AND TRINITY PRESBYTERIAN PRECINCTS; TO REMOVE THE FRIENDSHIP BAPTIST PRECINCT; 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.

Referred to Spartanburg Delegation

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 4176 -- Reps. Forrester, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE MAY 2017 "ELECTRICAL SAFETY MONTH" IN SOUTH CAROLINA AND ENCOURAGE ALL CITIZENS TO ESTABLISH AND PRACTICE ELECTRICAL SAFETY HABITS IN THE HOME, SCHOOL, AND WORKPLACE TO REDUCE THE NUMBER OF ELECTRICALLY-RELATED FIRES, INJURIES, AND DEATHS.

H. 4173 -- Reps. Bernstein, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE THURSDAY, MAY 4, 2017, "SOUTH CAROLINA TEEN PREGNANCY PREVENTION DAY" IN SOUTH CAROLINA AND HONOR THE VALUABLE CONTRIBUTIONS OF THE SOUTH CAROLINA CAMPAIGN TO PREVENT TEEN PREGNANCY, THEIR PARTNERS WITHIN LOCAL COMMUNITIES AND ORGANIZATIONS, PARENTS, EDUCATORS, AND TRUSTED ADULTS.

H. 4172 -- Reps. Funderburk, Bales, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO HONOR WEYLCHEM U.S. INC., OF ELGIN AT THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY AND TO CONGRATULATE THE COMPANY ON HALF A CENTURY OF OUTSTANDING SUCCESS AND RECOGNIZE THE COMPANY'S SUBSTANTIAL INVESTMENT IN THE STATE OF SOUTH CAROLINA.

**ADJOURNMENT**

At 5:07 p.m. the House, in accordance with the motion of Rep. ALLISON, adjourned in memory of Master Officer Jason Harris, of the Spartanburg Police Department, to meet at 10:00 a.m. tomorrow.

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