~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

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

Our thought for today is from Psalm 45:4: “In your majesty, ride on victoriously for the cause of truth and to defend the right.”

Let us pray. O Lord, at the beginning of another week, we call upon You to lead us, lest we get the idea we can lead ourselves. Nourish us with the approval of Your guidance, that we can accomplish great things for the people. Continue Your blessings upon our Nation, State, and our leaders, that they may heed Your call to be courageous in fulfilling the challenge of leadership in this time of need. Protect our defenders of freedom as they protect us. Heal the wounds of our brave warriors, those seen and those unseen. Hear us, O Lord. Amen.

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

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

**MOTION ADOPTED**

Rep. TALLON moved that when the House adjourns, it adjourn in memory of Kirk (Bebop) Neely of Spartanburg, which was agreed to.

**COMMUNICATION**

The following was received:

STATE OF SOUTH CAROLINA

OFFICE OF THE SECRETARY OF STATE

April 11, 2011

Mr. Charles F. Reid

Clerk of the House

P.O. Box 11867

Columbia, South Carolina 29211

Dear Mr. Reid:

The State Election Commission has certified to this office that the Honorable Kevin L. Johnson received the greatest number of votes cast for the House of Representatives, House District No. 64, in a special election held April 5, 2011.

The Honorable Kevin Johnson is hereby certified as the duly and properly elected Member of the House of Representatives, House District No. 64.

Sincerely,

Mark Hammond

Secretary of State

**MEMBER-ELECT SWORN IN**

The Honorable Kevin L. Johnson, Member-elect from House District No. 64, presented his credentials and the oath of office was administered to him by the SPEAKER.

**COMMUNICATION**

The following was received:

April 12, 2011

The Honorable Kevin L. Johnson

South Carolina House of Representatives

Blatt Building

Columbia, South Carolina 29211

Dear Kevin:

It is with pleasure that I appoint you to serve on the Medical, Military, Public and Municipal Affairs Committee, effective immediately. I know that you will serve on this committee with honor and distinction.

I appreciate your willingness to serve in this capacity. Please do not hesitate to contact me if I may be of assistance to you in any way.

Sincerely,

Robert W. Harrell, Jr.

Speaker of the House

Received as information.

**HOUSE RESOLUTION**

The following was introduced:

H. 4057 -- Rep. Forrester: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR CATHY WHITE FOR HER FORTY-TWO YEARS OF SERVICE TO PIEDMONT NATURAL GAS COMPANY AND THE SPARTANBURG COMMUNITY, AND TO WISH HER CONTINUED GOOD HEALTH AND GOD'S SPEED IN HER WELL-EARNED RETIREMENT.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4064 -- Reps. Horne, Harrell, Knight, Murphy, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Johnson, King, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO PINEWOOD PREPARATORY SCHOOL GIRLS VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM FOR AN OUTSTANDING SEASON AND FOR CAPTURING THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to Pinewood Preparatory School girls varsity basketball team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them for an outstanding season and for capturing the 2011 South Carolina Independent School Association Class AAA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4065 -- Reps. Horne, Harrell, Knight, Murphy, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Johnson, King, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR PINEWOOD PREPARATORY SCHOOL GIRLS VARSITY BASKETBALL TEAM OF DORCHESTER COUNTY, AND TO CONGRATULATE THE TEAM MEMBERS AND COACHES FOR A SUCCESSFUL SEASON AND FOR CAPTURING THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4056 -- Reps. Loftis, Funderburk, Agnew, Brady, Hardwick, Hodges, Gilliard, Allison, Pinson, Patrick, Brannon, Spires, Huggins, Crosby, Allen, Branham, Daning, Hamilton, Jefferson, D. C. Moss, Munnerlyn, Neilson, Pitts, Pope, Sandifer, J. E. Smith, Toole, Whipper, Williams, Willis, Alexander, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Gambrell, Govan, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Horne, Hosey, Howard, Johnson, King, Knight, Limehouse, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, V. S. Moss, Murphy, Nanney, J. H. Neal, J. M. Neal, Norman, Ott, Owens, Parker, Parks, Quinn, Rutherford, Ryan, Sabb, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tribble, Umphlett, Vick, Viers, Weeks, White, Whitmire and Young: A CONCURRENT RESOLUTION TO DECLARE SATURDAY, APRIL 30, 2011, AS "SOUTH CAROLINA E-CYCLES DAY", AND TO RECOGNIZE AND COMMEND THE PRIMARY SPONSOR, LG ELECTRONICS USA, AS WELL AS THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, WASTE MANAGEMENT, AND THE MANY OTHER BUSINESSES, GOVERNMENTAL ENTITIES, AND ORGANIZATIONS THAT ARE MAKING MULTIPLE E-WASTE COLLECTION EVENTS POSSIBLE ON THAT DAY.

Whereas, discarded electronics, also known as e‑waste or e‑scrap, compose one of the fastest‑growing waste streams in the country; and

Whereas, e‑waste is a highly recyclable waste stream that contains valuable materials; and

Whereas, recycling of e‑waste protects the environment by reducing landfill volumes and conserves natural resources by turning this waste stream into valuable raw materials; and

Whereas, recycling of e‑waste promotes economic development by helping to create jobs and grow businesses that recover materials and turn them into new products, and the recycling industry as a whole contributes $6.5 billion annually to South Carolina’s economy; and

Whereas, in 2010, the South Carolina General Assembly enacted legislation to promote e‑waste recycling by providing consumers with convenient recycling programs for televisions and computing and printing devices. Also, as of July 1, 2011, landfill disposal of these e‑waste streams will be prohibited; and

Whereas, to help educate South Carolina’s citizens about the provisions of the new e‑cycling law and to collect as much residential e‑waste as possible ahead of the July 1, 2011, effective date of the law, electronics‑recycling leader LG Electronics USA has joined forces with DHEC and Waste Management to sponsor, with their many partners, residential e‑waste collection events in the Upstate, Midstate, and Lowcountry that are free, convenient, and secure for our citizens; and

Whereas, cognizant of the importance and necessity of electronics recycling, the General Assembly wishes to encourage all citizens of South Carolina to participate in one of the three residential e‑waste collection events being held around the Palmetto State on April 30, 2011. Now therefore,

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

That the members of the South Carolina General Assembly, by this resolution, declare Saturday, April 30, 2011, as “South Carolina E‑Cycles Day”, and recognize and commend the primary sponsor, LG Electronics USA, as well as the South Carolina Department of Health and Environmental Control, Waste Management, and the many other businesses, governmental entities, and organizations that are making multiple e‑waste collection events possible on that day.

Be it further resolved that copies of this resolution be forwarded to LG Electronics USA, the South Carolina Department of Health and Environmental Control, and Waste Management.

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

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4066 -- Reps. Clyburn, Alexander, Allen, Anderson, Brantley, R. L. Brown, Butler Garrick, Cobb-Hunter, Dillard, Gilliard, Govan, Hart, Hodges, Hosey, Howard, Jefferson, King, Mack, McEachern, J. H. Neal, Parks, Rutherford, Sabb, Sellers, Weeks, Whipper and Williams: A CONCURRENT RESOLUTION TO WELCOME BACK TO SOUTH CAROLINA RICK C. WADE, SENIOR ADVISOR AND DEPUTY CHIEF OF STAFF, UNITED STATES DEPARTMENT OF COMMERCE, AS HE BRINGS THE KEYNOTE ADDRESS ON THE OCCASION OF THE SOUTH CAROLINA LEGISLATIVE BLACK CAUCUS CORPORATE ROUNDTABLE BUSINESS LUNCHEON ON APRIL 15, 2011.

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

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 791 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR W. PATRICK "PAT" EARLE FOR HIS CONTRIBUTIONS TO EDUCATION IN THE STATE OF SOUTH CAROLINA, AND TO CONGRATULATE HIM FOR HIS INDUCTION INTO THE NATIONAL TEACHERS HALL OF FAME.

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

**INTRODUCTION OF BILLS**

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

H. 4058 -- Rep. Sellers: A BILL TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, INCLUDING THE DEFINITION OF "INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED", SO AS TO SUBSTITUTE "PERSONS WITH INTELLECTUAL DISABILITY" FOR "THE MENTALLY RETARDED"; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44-23-10, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM “MENTAL RETARDATION” TO "INTELLECTUAL DISABILITY" AND THE TERM "MENTALLY RETARDED" TO "PERSON WITH INTELLECTUAL DISABILITY"; TO PROVIDE THAT THE TERMS "INTELLECTUAL DISABILITY" AND "PERSON WITH INTELLECTUAL DISABILITY" HAVE REPLACED AND HAVE THE SAME MEANINGS AS THE FORMER TERMS "MENTAL RETARDATION" AND "MENTALLY RETARDED"; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM "INTELLECTUAL DISABILITY" FOR "MENTAL RETARDATION" AND THE TERM "PERSON WITH INTELLECTUAL DISABILITY" FOR "MENTALLY RETARDED" IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED.

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

Rep. GOVAN objected.

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

H. 4059 -- Rep. Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-147 SO AS TO REQUIRE A RETAIL FOOD ESTABLISHMENT TO SEMI-ANNUALLY SCREEN ITS EMPLOYEES TO DETERMINE IF AN EMPLOYEE HAS A COMMUNICABLE DISEASE THAT CAN BE TRANSMITTED BY FOOD OR CARRIES AN ORGANISM THAT CAUSES A COMMUNICABLE DISEASE THAT CAN BE CARRIED BY FOOD, MAY NOT EMPLOY SUCH A PERSON IN A MANNER IN WHICH THERE IS A LIKELIHOOD OF THE PERSON CONTAMINATING FOOD OR FOOD-CONTACT SURFACES WITH PATHOGENIC ORGANISMS OR TRANSMITTING A COMMUNICABLE DISEASE TO OTHER PEOPLE, AND TO MAINTAIN DOCUMENTATION OF ITS EMPLOYEE SCREENING RESULTS FOR A PERIOD OF FIVE YEARS; TO AMEND SECTION 45-4-40, RELATING TO STANDARDS FOR FOOD PRODUCTS AND HYGIENE PRACTICES FOR INNKEEPERS AND EMPLOYEES, SO AS TO PROVIDE AN INNKEEPER SEMI-ANNUALLY MUST SCREEN HIS EMPLOYEES AND HIMSELF TO DETERMINE IF AN EMPLOYEE OR HE HAS A COMMUNICABLE DISEASE THAT CAN BE TRANSMITTED BY FOOD OR CARRIES AN ORGANISM THAT CAUSES A COMMUNICABLE DISEASE THAT CAN BE CARRIED BY FOOD, MAY NOT EMPLOY SUCH A PERSON IN A MANNER IN WHICH THERE IS A LIKELIHOOD OF THE PERSON CONTAMINATING FOOD OR FOOD-CONTACT SURFACES WITH PATHOGENIC ORGANISMS OR TRANSMITTING A COMMUNICABLE DISEASE TO OTHER PEOPLE OR ACT IN SUCH A MANNER HIMSELF, AND SHALL MAINTAIN DOCUMENTATION OF ITS EMPLOYEE SCREENING RESULTS FOR A PERIOD OF FIVE YEARS.

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

H. 4060 -- Reps. Stringer and Allison: A BILL TO AMEND SECTION 14-25-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITION OF FINES AND PENALTIES IN THE MUNICIPAL COURTS, SO AS TO ALLOW THE CHIEF JUDGE OF THE MUNICIPAL COURT OF ANY MUNICIPALITY, WITH APPROVAL OF THE MUNICIPALITY'S GOVERNING AUTHORITY, TO ENTER INTO WRITTEN CONTRACTS WITH THE PRIVATE SECTOR TO PROVIDE COMMUNITY SUPERVISION, COUNSELING, AND COLLECTION SERVICES UNDER CERTAIN CIRCUMSTANCES AND RESTRICTIONS.

Referred to Committee on Judiciary

H. 4061 -- Rep. Harrison: A BILL TO AMEND SECTION 62-2-612, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROBATE PROCEEDINGS TO DETERMINE A DECEDENT'S INTENT REGARDING THE APPLICATION OF CERTAIN FEDERAL TAX FORMULAS, SO AS TO IMPOSE CERTAIN TIME LIMITS ON THE AVAILABILITY OF THESE PROCEEDINGS.

Referred to Committee on Judiciary

H. 4062 -- Reps. Murphy, McCoy, Crosby and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-39-85 SO AS TO CREATE THE "PAWNBROKER PLEDGED GOODS DATABASE" TO SERVE AS A CENTRAL, STATEWIDE, ELECTRONIC REPOSITORY OF RECORDS CONCERNING GOODS RECEIVED BY A PAWNBROKER IN A PAWN TRANSACTION, TO PROVIDE TIME LIMITS BY WHICH THE DEPARTMENT OF CONSUMER AFFAIRS MUST ESTABLISH THIS DATABASE AND BY WHICH A PAWNBROKER MUST SUBMIT INFORMATION TO THE DATABASE, TO PROVIDE THE DATABASE MUST BE SECURE AND AVAILABLE TO LAW ENFORCEMENT, TO PROVIDE FOR REPORTING METHODS A PAWNBROKER MUST FOLLOW IN THE EVENT RECORD REPORTING TO THE DATABASE IS NOT POSSIBLE DUE TO COMPUTER OR ELECTRONIC MALFUNCTION, AND TO PROVIDE PENALTIES FOR VIOLATIONS; AND TO AMEND SECTION 40-39-10, RELATING TO DEFINITIONS CONCERNING PAWNBROKERS, SO AS TO DEFINE THE TERM "DATABASE".

Referred to Committee on Labor, Commerce and Industry

H. 4063 -- Reps. Murphy and McCoy: A BILL TO AMEND SECTION 44-53-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTROLLED SUBSTANCES AND FORFEITURE PROCEDURES FOR PROPERTY SEIZED ACCORDINGLY, SO AS TO ALLOW PETITION TO THE MAGISTRATES COURT IF THE VALUE OF THE PROPERTY SEIZED IS LESS THAN SEVEN THOUSAND FIVE HUNDRED DOLLARS, TO REQUIRE NOTICE TO OWNERS OF RECORD, LIENHOLDERS OF RECORD, AND OTHER INTERESTED PARTIES BY CERTIFIED MAIL, AND TO PROVIDE THAT A PETITION FOR FORFEITURE IS NOT SUBJECT TO A FILING FEE.

Referred to Committee on Judiciary

S. 473 -- Senators Lourie, Setzler and Ford: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT AGENTS, SO AS TO REVISE DEFINITIONS, TO INCLUDE DEFINITIONS FOR "ADMINISTRATOR", "DEPARTMENT", AND "FINANCIAL SERVICES CONTRACT", TO REVISE THE POWERS OF THE DEPARTMENT OF CONSUMER AFFAIRS WITH RESPECT TO ATHLETE AGENTS AND STUDENT ATHLETES, TO PROVIDE FOR INSPECTION OF OUT-OF-STATE RECORDS, TO REQUIRE AN APPLICANT TO UNDERGO A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK AND TO PROVIDE FINGERPRINTS, TO PROVIDE FOR REPORTING AND MAINTENANCE OF CRIMINAL HISTORY RECORDS CHECK RESULTS, TO REVISE CONSIDERATIONS THE DEPARTMENT MAY MAKE WHEN ISSUING A CERTIFICATE OF REGISTRATION, TO REVISE THE TIME IN WHICH A CERTIFICATE OF REGISTRATION IS VALID AND TO PROVIDE THAT THE CERTIFICATE IS NONTRANSFERABLE AND NONASSIGNABLE, TO PROVIDE THAT IF A PERSON AGGRIEVED BY DEPARTMENT ACTION FAILS TO REQUEST A CONTESTED CASE THE ADMINISTRATIVE ACTION IS FINAL, TO PROVIDE THAT FUNDS COLLECTED BY THE DEPARTMENT MUST BE USED TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER, TO REQUIRE THAT THE ADDRESS OF THE ATHLETE AGENT BE INCLUDED IN AN AGENCY CONTRACT, TO REVISE WHAT THE CONTRACT MUST CONTAIN, TO PROVIDE ADDITIONAL PROHIBITED ACTS OF ATHLETE AGENTS, TO ALLOW THE DEPARTMENT TO ISSUE A CEASE AND DESIST ORDER AND IMPOSE A PENALTY UPON FINDING OF MISCONDUCT, TO PROVIDE REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS CHAPTER.

Referred to Committee on Labor, Commerce and Industry

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bingham |
| Bowen | Brady | Branham |
| Brannon | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Edge |
| Erickson | Forrester | Frye |
| Funderburk | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Johnson | King | Loftis |
| Long | Lowe | Mack |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | J. H. Neal | J. M. Neal |
| Norman | Ott | Owens |
| Parks | Patrick | Pinson |
| Pitts | Pope | Ryan |
| Sabb | Sandifer | Sellers |
| Simrill | Skelton | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | Whipper |
| White | Whitmire | Williams |
| Willis | Young |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Tuesday, April 12.

|  |  |
| --- | --- |
| Paul Agnew | Eric Bikas |
| William Bowers | Kris Crawford |
| Mike Gambrell | Chip Huggins |
| James Lucas | Denny Neilson |
| Todd Rutherford | G. Murrell Smith |
| James E. Smith | David Weeks |
| H. B. "Chip" Limehouse | Patsy Knight |

**Total Present--118**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**DOCTOR OF THE DAY**

Announcement was made that Dr. Gerald E. Harmon Of Georgetown was the Doctor of the Day for the General Assembly.

**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-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3127 |
| Date: | ADD: |
| 04/12/11 | WHIPPER and R. L. BROWN |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3164 |
| Date: | ADD: |
| 04/12/11 | BRANNON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3456 |
| Date: | ADD: |
| 04/12/11 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3606 |
| Date: | ADD: |
| 04/12/11 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3607 |
| Date: | ADD: |
| 04/12/11 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3617 |
| Date: | ADD: |
| 04/12/11 | SELLERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3663 |
| Date: | ADD: |
| 04/12/11 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3709 |
| Date: | ADD: |
| 04/12/11 | MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3713 |
| Date: | ADD: |
| 04/12/11 | PINSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3864 |
| Date: | ADD: |
| 04/12/11 | BUTLER GARRICK and HAYES |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3865 |
| Date: | ADD: |
| 04/12/11 | BUTLER GARRICK and HAYES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3929 |
| Date: | ADD: |
| 04/12/11 | VIERS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4042 |
| Date: | ADD: |
| 04/12/11 | H. B. BROWN |

**H. 3165--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3165 -- Rep. Huggins: A BILL TO AMEND ACT 387 OF 1963, AS AMENDED, RELATING TO THE IRMO FIRE DISTRICT, SO AS TO AUTHORIZE THE BOARD OF FIRE CONTROL TO ESTABLISH PENALTIES FOR VIOLATIONS OF ITS RULES AND REGULATIONS.

Rep. HUGGINS proposed the following Amendment No. 1 (COUNCIL\AGM\18986AB11), which was adopted:

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

/ SECTION 1. Item (i), Section 5, Act 387 of 1963, as added by Act 320 of 2010, is amended to read:

“(i) To adopt rules and regulations, and to fix penalties for violations, as it considers necessary to ensure that any land or building in the coverage area of the Irmo Fire District is maintained properly and does not present a fire or life safety hazard. Before final adoption of these rules, ~~and~~ regulations, or penalties not less than two public hearings must be held for comments. In addition, the state agency responsible for issuing ORI numbers for access to the CJIS/NCIC database shall issue an ORI number to the Irmo Fire District law enforcement division to allow the purchase of uniform traffic tickets from the State for the enforcement of penalties as set forth through the above process as well as in‑house access to the CJIS/NCIC systems.” /

Renumber sections to conform.

Amend title to conform.

Rep. HUGGINS explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 13; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bingham |
| Brady | Forrester | Frye |
| Huggins | Long | McLeod |
| J. E. Smith | Spires | Toole |
| Tribble |  |  |

**Total--13**

Those who voted in the negative are:

**Total--0**

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

**H. 3788--DEBATE ADJOURNED**

Rep. HERBKERSMAN moved to adjourn debate upon the following Bill until Wednesday, April 13, which was adopted:

H. 3788 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 12 SO AS TO ENACT THE "HERITAGE GOLF PRESERVATION ACT".

**S. 38--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 38 -- Senators McConnell, L. Martin and Campsen: A BILL TO AMEND SECTION 56-19-240 OF THE 1976 CODE, RELATING TO THE FORM AND CONTENT OF APPLICATIONS FOR VEHICLE TITLES, TO PROVIDE THAT THE APPLICANT MUST PROVIDE WITH THE APPLICATION A VALID DRIVER’S LICENSE OR IDENTIFICATION CARD IF THE APPLICANT IS AN INDIVIDUAL, TO PROVIDE THAT THE APPLICANT MUST PROVIDE A SOCIAL SECURITY NUMBER FOR A SOLE PROPRIETOR OR FEDERAL EMPLOYER IDENTIFICATION NUMBER AND THE PHYSICAL ADDRESS OF THE BONA FIDE PLACE OF BUSINESS IF THE APPLICANT IS A BUSINESS, AND TO PROHIBIT TITLING VEHICLES PURCHASED FOR OPERATION IN A FOREIGN JURISDICTION.

Rep. J. M. NEAL explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Allen |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Battle | Bedingfield |
| Bikas | Bingham | Bowers |
| Brady | Brannon | Brantley |
| G. A. Brown | H. B. Brown | R. L. Brown |
| Butler Garrick | Chumley | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crawford | Crosby |
| Daning | Delleney | Dillard |
| Erickson | Forrester | Frye |
| Funderburk | Gambrell | Gilliard |
| Govan | Hamilton | Hardwick |
| Harrell | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Huggins | Jefferson | Johnson |
| King | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Patrick |
| Pinson | Pitts | Pope |
| Ryan | Sabb | Sandifer |
| Sellers | Simrill | G. R. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Young |  |

**Total--101**

Those who voted in the negative are:

**Total--0**

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

**H. 3663--DEBATE ADJOURNED**

Rep. LOFTIS moved to adjourn debate upon the following Joint Resolution until Wednesday, April 13, which was adopted:

H. 3663 -- Reps. Cooper, Harrell, Ott, Bingham, Allison, Owens, Anthony, Bales and McLeod: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2011 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2011 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END-OF-COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

**H. 3342--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3342 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OR DENIAL OF ISSUANCE OF A DRIVER'S LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM "ADMINISTRATIVE HEARING" AND REPLACE IT WITH THE TERM "CONTESTED CASE HEARING", TO PROVIDE THAT A CONTESTED CASE HEARING MUST BE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS PURSUANT TO ITS RULES OF PROCEDURE, AND TO DELETE THE TERM "DIVISION OF MOTOR VEHICLE HEARINGS" AND REPLACE IT WITH THE TERM "OFFICE OF MOTOR VEHICLE HEARINGS"; TO AMEND SECTION 56-5-2942, AS AMENDED, RELATING TO VEHICLE IMMOBILIZATION AFTER A CONVICTION FOR DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT OF MOTOR VEHICLES MAY RELEASE AN IMMOBILIZED VEHICLE REGISTERED TO A PERSON WHO HAS NOT BEEN CONVICTED OF DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER UNLAWFUL SUBSTANCE; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE OR PERMIT FOR HIS REFUSAL TO SUBMIT TO A TEST TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM "ADMINISTRATIVE HEARING" AND REPLACE IT WITH THE TERM "CONTESTED CASE HEARING", TO PROVIDE THAT ADMINISTRATIVE HEARINGS ARE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS AND NOT THE DEPARTMENT OF MOTOR VEHICLES, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES IS RESPONSIBLE FOR SENDING A HEARING OFFICER'S DECISION TO A PERSON WHO IS ELIGIBLE TO RECEIVE A RESTRICTED LICENSE PURSUANT TO THIS SECTION; AND TO AMEND SECTION 56-5-2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS, SO AS TO INCREASE THE FEE, TO DELETE THE TERM "ADMINISTRATIVE LAW COURT" AND REPLACE IT WITH THE TERM "OFFICE OF MOTOR VEHICLE HEARINGS", AND REVISE THE PROCEDURE FOR DISTRIBUTING FUNDS GENERATED FROM THE COLLECTION OF THESE FEES.

Rep. DELLENEY explained the Bill.

Reps. HOWARD, OTT, J. H. NEAL, SELLERS, COBB-HUNTER, JEFFERSON, KING, SABB, MCEACHERN, HOSEY, R. L. BROWN, GILLIARD, BEDINGFIELD, BRANTLEY, ERICKSON, CRAWFORD, FORRESTER, LOWE, ATWATER and J. R. SMITH requested debate on the Bill.

**H. 3229--AMENDED AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3229 -- Reps. Harrison, G. R. Smith, G. M. Smith and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "BEHAVIORAL HEALTH SERVICES ACT OF 2011" BY ADDING CHAPTER 10 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES COMPRISED OF THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DIVISION OF MENTAL HEALTH AND TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE DEPARTMENT'S POWERS AND DUTIES, INCLUDING DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF BEHAVIORAL HEALTH SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF BEHAVIORAL HEALTH SERVICES, TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES ADVISORY COMMITTEE, TO PROVIDE FOR THE POWERS AND DUTIES OF THE ADVISORY COMMITTEE AND FOR THE MEMBERSHIP OF THE ADVISORY COMMITTEE, TO AUTHORIZE THE NEWLY CREATED DEPARTMENT TO PROMULGATE REGULATIONS, AND TO PROVIDE FOR THE DEPARTMENT'S ADMINISTRATIVE POWERS; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND MAKE CONFORMING CHANGES; BY ADDING SECTION 1-30-68 SO AS TO TRANSFER ALL NECESSARY ENTITIES FROM THE DEPARTMENT OF ALCOHOL AND DRUG ABUSE SERVICES AND THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; TO AMEND SECTION 1-30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL HEALTH ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF MENTAL HEALTH; TO AMEND CHAPTER 9, TITLE 44, RELATING TO THE ORGANIZATION AND OPERATION OF THE DEPARTMENT OF MENTAL HEALTH AND ITS FACILITIES AND TO THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, SO AS TO CONFORM THE CHAPTER TO THE PROVISIONS OF THIS ACT AND TO RESTRUCTURE THE MENTAL HEALTH COMMISSION INTO AN ADVISORY BOARD; AND TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THE CHAPTER TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE DIVISION.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11572AC11), which was adopted:

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

/SECTION 1. This act may be cited as the “Behavioral Health Services Act of 2011”.

SECTION 2. Title 44 of the 1976 Code is amended by adding:

“CHAPTER 10

Department of Behavioral Health Services

Article 1

Department Established

Section 44‑10‑10. (A) There is created the Department of Behavioral Health Services comprised of the Division of Alcohol and Other Drug Abuse Services, the Division of Mental Health, and the Division of the Continuum of Care for Emotionally Disturbed Children.

(B) The department shall:

(1) develop the State Plan for Behavioral Health Services which must provide for a unified system for the delivery of coordinated, client‑centered behavioral health services; and

(2) oversee the administration and delivery of behavioral health services.

Section 44‑10‑20. (A) The Governor, with the advice and consent of the Senate, shall appoint the director of the department who shall serve at the pleasure of the Governor and who may be removed pursuant to Section 1‑3‑240.

(B) The director, who is the chief executive officer of the department, shall employ staff and administer policies and procedures necessary to carry out the provisions of this chapter.

Section 44‑10‑30. (A) The department shall promulgate regulations, which must include, but are not limited to, criteria and definitions for eligibility determination, standards for the delivery of services, content, development, and revision of individual client plans, including participation by the client and family in the development and revision of the plan, fee structures for services rendered and charges that may be incurred, client safety, protection, and security procedures, and procedures to appeal agency decisions.

(B) The regulations must require statewide consistency and uniformity of rights and services for all client populations served by the department. The regulations must require the department to provide each client an individualized service delivery plan addressing the particular needs of each client. To ensure uniformity statewide and across client populations, regulations promulgated by the department pursuant to this section apply to local entities that are operated by or contract with the department or its divisions, services, or programs or local boards created pursuant to state law to provide services to department clients.

(C) The department also shall promulgate regulations for the licensure and regulation of facilities operated by or under contract with the department, including, but not limited to, standards of care, staff client ratios, client and staff safety and security, operational procedures, applicable fees, facility and record inspections, notification procedures for program deficiencies, grounds for suspension or revocation of licenses, and procedures for licensure application and renewal and for appeal of department decisions.

Article 3

Administrative Powers

Section 44‑10‑310. The department may accept gifts, bequests, devises, grants, donations of money or real and personal property of whatever kind for its use in furthering the purpose of the department. However, no gift or grant may be accepted upon the condition that it diminish an obligation due the department. The department may refuse to accept a gift or grant and the acceptance of a gift or grant may not incur an obligation on the part of the State. A gift or grant given to a specific facility, program, or service must be used for that facility, program, or service only, or to its successor. The department may promulgate rules governing the disposition of gifts and grants.

Section 44‑10‑320. (A) The department may enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on behavioral health services and the needs, problems, and services for clients of the department.

(B) The department may enter into contracts for educational and research activities without performance bonds.

Section 44‑10‑330. The department may acquire motor vehicle liability insurance for employees operating vehicles or private vehicles in connection with their official departmental duties to protect against liability.

Section 44‑10‑340. The department may sell timber from its forest lands with the proceeds from the sales to be deposited in the general fund of the State. Before a sale, the State Budget and Control Board shall consult with the State Forester to determine the economic feasibility of the sale, and a sale must not be made without the approval of the board.

Section 44‑10‑350. All departments, officers, agencies, and employees of the State shall cooperate with the Department of Behavioral Health Services in carrying out the department’s functions, duties, and responsibilities. The Attorney General shall furnish legal services as are necessary to the department.”

SECTION 3. Section 1‑30‑10(A) of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“(A) There are hereby created, within the executive branch of the state government, the following departments:

~~1.~~ (1) Department of Agriculture

~~2.~~ (2) Department of ~~Alcohol and Other Drug Abuse~~ Behavioral Health Services

~~3.~~ (3) Department of Commerce

~~4.~~ (4) Department of Corrections

~~5.~~ (5) Department of Disabilities and Special Needs

~~6.~~ (6) Department of Education

~~7.~~ (7) Department of Health and Environmental Control

~~8.~~ (8) Department of Health and Human Services

~~9.~~ (9) Department of Insurance

~~10.~~(10) Department of Juvenile Justice

~~11.~~(11) Department of Labor, Licensing and Regulation

~~12.~~ ~~Department of Mental Health~~

~~13.~~ (12) Department of Natural Resources

~~14.~~ (13) Department of Parks, Recreation and Tourism

~~15.~~ (14) Department of Probation, Parole and Pardon Services

~~16.~~ (15) Department of Public Safety

~~17.~~ (16) Department of Revenue

~~18.~~ (17) Department of Social Services

~~19.~~ (18) Department of Transportation

~~20.~~ (19) Department of Employment and Workforce”

SECTION 4. Section 1‑30‑20 of the 1976 Code is amended to read:

“Section 1‑30‑20. (A) Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Alcohol and Other Drug Abuse Services:

(~~A~~1) South Carolina Commission on Alcohol and Drug Abuse, formerly provided for at Section 44‑49‑10, et seq.;

(~~B~~2) Drug‑free Schools and Communities Program in the Governor’s Office, provided for under grant programs.

(B) Effective on July 1, 2011, the Department of Alcohol and Other Drug Abuse Services, as contained in subsection (A), including all allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with the department and these entities, is transferred to the Department of Behavioral Health Services, Division of Alcohol and Other Drug Abuse Services, and all powers, duties, obligations, and responsibilities of the Department of Alcohol and Other Drug Abuse Services are devolved upon the Department of Behavioral Health Services, Division of Alcohol and Other Drug Abuse Services.”

SECTION 5. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑68. Effective on July 1, 2011, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, are transferred to and incorporated in and must be administered as part of the Department of Behavioral Health Services:

(1) Department of Alcohol and Other Drug Abuse Services, formerly provided for at Section 44‑49‑10, et seq.;

(2) Department of Mental Health, formerly provided for at Section 44‑9‑10, et seq.; and

(3) Continuum of Care for Emotionally Disturbed Children, formerly provided for in Section 63‑11‑1310, et seq.”

SECTION 6. Section 1‑30‑70 of the 1976 Code is amended to read:

“Section 1‑30‑70. (A) Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Mental Health to include a Children’s Services Division and shall include:

Department of Mental Health, provided for at Section 44‑9‑10, et seq.

(B) Effective on July 1, 2011, the Department of Mental Health, as contained in subsection (A), including all allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with the department and these entities, is transferred to and incorporated in and shall be administered as part of the Department of Behavioral Health Services, Division of Mental Health, and all powers, duties, obligations, and responsibilities of the Department of Mental Health are devolved upon the Department of Behavioral Health Services, Division of Mental Health.”

SECTION 7. Section 1‑30‑110 of the 1976 Code is amended to read:

“Section 1‑30‑110. Effective July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the office of the Governor:

(1) ~~Continuum of Care for Emotionally Disturbed Children provided for at Section 63‑11‑1310, et seq.;~~

~~(2)~~ Guardian Ad Litem Program, formerly provided for at Section 63‑11‑500, et seq.;

~~(3)~~(2) State Office of Victim’s Assistance, formerly provided for at Section 16‑3‑1110, et seq.;

~~(4)~~(3) Department of Veterans Affairs, formerly provided for at Section 25‑11‑10, et seq.;

~~(5)~~(4) Commission on Women, formerly provided for at Section 1‑15‑10, et seq.;

~~(6)~~(5) Commission on Aging, formerly provided for at Section 43‑21‑10, et seq.;

~~(7)~~(6) Foster Care Review Board, formerly provided for at Section 63‑11‑720, et seq.~~;~~”

SECTION 8. Chapter 9, Title 44 of the 1976 Code is amended to read:

“CHAPTER 9

~~State Department~~ Division of Mental Health, Department of

Behavioral Health Services

Section 44‑9‑10. There is ~~hereby~~ created ~~the State Department~~ in, and under the administration of the Department of Behavioral Health Services, the Division of Mental Health which ~~shall have~~ has jurisdiction over all of the state’s mental hospitals, clinics and centers, joint state and community sponsored mental health clinics and centers, and facilities for the treatment and care of alcohol and drug addicts, including the authority to name each facility.

Section 44‑9‑20. All the powers and duties vested in the South Carolina Mental Health Commission immediately ~~prior to~~ before March 26, 1964, which were transferred to the Department of Mental Health, are ~~hereby~~ transferred to and vested in the Division of Mental Health, Department of ~~Mental Health~~ Behavioral Health Services. All records, files, and other papers belonging to the South Carolina Mental Health Commission ~~shall~~ must be continued as part of the records and files of the ~~department~~ Division of Mental Health, Department of Behavioral Health Services.

Section 44‑9‑30. (A)(1) There is created the ~~governing~~ Advisory Board for the ~~State department~~ Division of Mental Health known as the South Carolina Mental Health ~~Commission~~ Advisory Board. The ~~commission~~ advisory board consists of seven members appointed by the Governor, upon the advice and consent of the Senate, as follows:

(a) one member from each of the six congressional districts;

(b) one member from the State at large.

(2) The Governor shall consider consumer and family representation when appointing members.

(B) The members serve for terms of five years and until their successors are appointed and qualify. The terms of no more than two members may expire in one year. The Governor may remove a member pursuant to the provisions of Section 1‑3‑240. A vacancy must be filled by the Governor for the unexpired portion of the term.

(C) The ~~commission~~ advisory board shall ~~determine~~ advise the division director regarding policies and ~~promulgate~~ regulations governing the operation of the ~~department and the employment of professional and staff personnel~~ division.

(D) The members ~~shall~~ receive the same subsistence, mileage, and per diem provided by law for members of state boards, committees, and commissions.

Section 44‑9‑40. The ~~Mental Health Commission~~ Director of the Department of Behavioral Health Services shall appoint and remove ~~a state director of Mental Health, who is chief executive of the State Department of Mental Health~~ the Director of the Division of Mental Health. ~~Subject to the supervision and control of the Mental Health Commission,~~ The ~~state~~ division director shall administer the policies and regulations established by the ~~commission~~ department. The division director must be a person of proven executive and administrative ability with appropriate education and substantial experience in the field of mental illness treatment. The division director ~~must~~ shall appoint and remove all other officers and employees of the ~~department~~ Division of Mental Health, subject to the approval of the ~~Mental Health Commission~~ director of the department.

Section 44‑9‑50. The ~~Department~~ Division of Mental Health may be divided into ~~such divisions~~ offices as may be authorized by the Director of ~~Mental Health and approved by the commission~~ the Department of Behavioral Health Services. One of the ~~divisions~~ offices must be ~~a Division~~ the Office on Alcohol and Drug Addiction which ~~shall have~~ has primary responsibility in the State for treatment of alcohol and drug addicts. One of the ~~divisions~~ offices must be ~~a Division~~ the Office for Long Term Care which ~~shall have~~ has primary responsibility for care and treatment of elderly persons with mental and physical disabilities to the extent that their needs are not met in other facilities either public or private.

Section 44‑9‑60. The Director of the ~~Department~~ Division of Mental Health, Department of Behavioral Health Services may appoint a director of each hospital. Each director must be knowledgeable in the treatment of the mentally ill and in hospital administration. The director of each hospital under the jurisdiction of the ~~Department~~ Division of Mental Health is responsible for the employment of all personnel at the hospital, subject to the approval of the director of the ~~department~~ division. The director of the ~~department~~ division may serve as director of one or more hospitals or other mental health facilities.

Section 44‑9‑70. The ~~State department~~ Division of Mental Health is ~~hereby~~ designated as the state’s mental health authority for purposes of administering federal funds allotted to South Carolina under the provisions of the National Mental Health Act, as amended. The ~~State department~~ Division of Mental Health is further designated as the state agency authorized to administer minimum standards and requirements for mental health clinics as conditions for participation in federal‑state grants‑in‑aid under the provisions of the National Mental Health Act, as amended, and is authorized to promote and develop community mental health outpatient clinics. Provided, that nothing in this article ~~shall~~ may be construed to prohibit the operation of outpatient mental health clinics by the ~~South Carolina Medical College Hospital~~ Medical University of South Carolina in Charleston. Provided, further, that nothing ~~herein shall~~ in this chapter may be construed to include any of the functions or responsibilities now granted the Department of Health and Environmental Control, or the administration of the State Hospital Construction Act (Hill‑Burton Act)~~, as provided in the 1976 Code of Laws and amendments thereto~~.

Section 44‑9‑80. Payments made to a mental health facility which are derived in whole or in part from federal funds which become available after June 30, 1967, and which are provided with the stipulation that they be used to improve services to patients ~~shall~~ are not ~~be~~ considered fees from paying patients under the terms of Act No. 1100 of 1964, but may be utilized by the ~~State department~~ Division of Mental Health to improve South Carolina’s comprehensive mental health program.

Section 44‑9‑90. The ~~commission~~ Division of Mental Health, under the overall administration of the Department of Behavioral Health Services, shall:

(1) ~~form a body corporate in deed and in law with all the powers incident to corporations;~~

~~(2)~~ cooperate with persons in charge of ~~penal~~ correctional institutions in this State for the purpose of providing proper care and treatment for mental patients confined in ~~penal~~ these institutions because of emergency;

~~(3)~~(2) inaugurate and maintain an appropriate mental health education and public relations program;

~~(4)~~(3) collect statistics bearing on mental illness, drug addiction, and alcoholism;

~~(5)~~(4) provide vocational training and medical treatment which must tend to the mental and physical betterment of patients and which is designed to lessen the increase of mental illness, drug addiction, and alcoholism;

~~(6)~~(5) encourage the directors of hospitals and their medical staffs in the investigation and study of these subjects and of mental health treatment in general; and

~~(7)~~(6) provide a statewide system for the delivery of mental health services to treat, care for, reduce, and prevent mental illness and provide mental health services for citizens of this State, whether or not in a hospital. The system must include services to prevent or postpone the commitment or recommitment of citizens to hospitals.

Section 44‑9‑100. The ~~commission~~ Division of Mental Health, under the overall administration of the Department of Behavioral Health Services, may:

(1) prescribe the form of and information to be contained in applications, records, reports, and medical certificates provided for under this chapter, Chapter 11, Chapter 13, Article 1 of Chapter 15, Chapter 17, Chapter 22, Chapter 23, Chapter 24, Chapter 27, Chapter 48, and Chapter 52;

(2) require reports from the director of a state hospital relating to the admission, examination, diagnosis, discharge, or conditional discharge of a patient;

(3) investigate complaints made by a patient or by a person on behalf of a patient;

(4) adopt regulations not inconsistent with this chapter, Chapter 11, Chapter 13, ~~Article 1 of~~ Chapter 15, Chapter 17, Chapter 22, Chapter 23, Chapter 24, Chapter 27, Chapter 48, and Chapter 52 as it may find to be reasonably necessary for the government of all institutions over which it has authority and of state mental health facilities and the proper and efficient treatment of persons with a mental illness or substance abuse disorder; and

(5) take appropriate action to initiate and develop relationships and agreements with state, local, federal, and private agencies, hospitals, and clinics as the commission considers necessary to increase and enhance the accessibility and delivery of emergency and all other types of mental health services.

Section 44‑9‑110. The ~~Mental Health Commission~~ director may accept on behalf of the ~~department~~ Division of Mental Health or any of its facilities or services, gifts, bequests, devises, grants, donations of money or real and personal property of whatever kind, but ~~no such~~ a gift or grant ~~shall~~ may not be accepted upon the condition that it ~~shall~~ diminish an obligation due the department. The ~~Commission~~ director may refuse to accept ~~any such~~ this gift or grant and the acceptance of ~~any such~~ this gift or grant ~~shall~~ may not incur ~~any~~ an obligation on the part of the State. ~~Any~~ A gift or grant given to a specific facility or service ~~shall~~ must be used for that facility or service only, or to its successor. The ~~Commission~~ director may ~~promulgate~~ make rules and promulgate regulations governing the disposition of ~~such~~ these gifts and grants.

Section 44‑9‑120. The ~~Commission~~ director shall submit an annual report to the Governor before ~~the eleventh day of~~ January eleventh of each year setting forth its activities, the financial affairs, and the state and condition of the state mental health facilities and ~~any~~ other statistical information which is usually required of facilities of the type over which it has charge. The report shall include ~~any~~ recommendations ~~which~~ that in the opinion of the ~~Commission~~ director will improve the mental health program of the State. A copy of the report ~~shall also~~ must be submitted to the General Assembly.

Section 44‑9‑160. ~~Wherever~~ In the 1976 Code when reference is made to the State Hospital, it ~~shall mean~~ means a state hospital; wherever reference is made requiring the signature of the superintendent of any mental health facility, it ~~shall mean~~ means the director or superintendent or his designee; and wherever reference is made to the State Commissioner of Mental Health, it ~~shall mean~~ means the ~~State~~ Director of the ~~Department~~ Division of Mental Health.”

SECTION 9. Chapter 49, Title 44 of the 1976 Code is amended to read:

“CHAPTER 49

~~Department~~ Division of Alcohol and Other Drug Abuse Services

Section 44‑49‑10. (A) There is established in, and under the administration of the Department of Behavioral Health Services, the Division of Alcohol and Other Drug Abuse Services. The ~~Department~~ Division of Alcohol and Other Drug Abuse Services ~~shall be~~ is vested with all the functions, powers, and duties, of the ~~South Carolina Commission on Alcoholism and the South Carolina Commission on Alcohol and Drug Abuse~~ Department of Alcohol and Other Drug Abuse Services and ~~shall have~~ has full authority for formulating, coordinating and administering the state plans for controlling narcotics and controlled substances and alcohol abuse.

(B) All functions, powers, and duties of the former commissioner of the narcotics and controlled substances section of the former State Planning and Grants Division (Division of Administration in the Office of the Governor) are hereby transferred to the ~~department~~ division, except those powers and duties related to the traffic of narcotics and controlled substances as defined in Section 44‑53‑130 which shall be vested in the State Law Enforcement Division.

(C) All ~~rules and~~ regulations promulgated by the ~~commissioner of narcotics and controlled substances~~ Department of Alcohol and Other Drug Abuse Services shall remain in effect until changed by the ~~department~~ division.

(D) The ~~department~~ division is authorized to establish a block grant mechanism to provide such monies as may be ~~appropriated by the Legislature~~ disbursed to the division for this purpose to each of the agencies designated under Section 61‑12‑20(a). The distribution of these monies must be on a per capita basis according to the most recent United States Census. The agencies designated under Section 61‑12‑20(a) must expend any funds received through this mechanism in accordance with the county plans required under Section 61‑12‑20(b).

(E) The department is authorized to develop ~~such~~ rules and regulations not inconsistent with the provisions of this chapter as it may find to be reasonably appropriate for the government of the county plans called for in Section 61‑12‑20(b), and the financial and programmatic accountability of funds provided under this section and all other funds provided by the department to agencies designated under Section 61‑12‑20(a).

Section 44‑49‑15. (A) There is created an advisory board for the Division of Alcohol and Other Drug Abuse Services, which consists of nine members appointed by the Governor. One member must be from each of the six congressional districts and three members must be from the State at large. Of the nine members, three must be recipients of services provided by the division, or family members of recipients of these services. In appointing members to the advisory board, the governor shall select members who are representative of the ethnic, gender, rural, and urban diversity of the State.

(B) Members serve for terms of five years and until their successors are appointed and qualify. However, of the initial appointees, three must be appointed for five years, three must be appointed for four years, and three must be appointed for three years. Members may not be reappointed unless serving as an initial appointee or filling a vacancy for an unexpired portion of a term. The Governor may remove a member pursuant to the provisions of Section 1‑3‑240. A vacancy must be filled by the Governor for the unexpired portion of the term.

(C) The advisory board shall advise the division on policies and regulations governing the operation of the division.

(D) Members shall receive the same subsistence, mileage, and per diem provided by law for members of state boards, committees, and commissions.

Section 44‑49‑20. The ~~Department~~ Division of Alcohol and Other Drug Abuse Services ~~shall~~ must be headed by a director appointed by the ~~Governor, upon the advice and consent of the Senate. The director is subject to removal by the Governor pursuant to the provisions of Section 1‑3‑240~~ Director of the Department of Behavioral Health Services.

Section 44‑49‑40. (A) The ~~department~~ division shall arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances.

(B) Results, information, and evidence received from the Department of Health and Environmental Control relating to the regulatory functions of this chapter and Article 3 ~~of~~, Chapter 53, including results of inspections conducted by ~~such~~ the Department of Health and Environmental Control, may be relied upon and acted upon by the ~~department~~ division in conformance with its administration and coordinating duties under this chapter and Article 3 ~~of~~, Chapter 53.

(C)~~(1)~~ The ~~department~~ division, under the overall supervision of the department, shall:

(1) plan, coordinate and cooperate in educational programs for schools, communities, and general public designed to prevent and deter misuse and abuse of controlled substances;

(2) promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(3) assist the regulated industry, interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(4) consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(5) evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(6) disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them;

(7) assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances;

(8) encourage research on misuse and abuse of controlled substances;

(9) cooperate in establishing methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse;

(10) cooperate in making studies and in undertaking programs of research to:

(a) develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of Sections 44‑49‑10, 44‑49‑40, ~~and~~ 44‑49‑50, and Article 3 ~~of~~, Chapter 53;

(b) determine patterns of misuse and abuse of controlled substances and the social effects ~~thereof~~; and

(c) improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances;

(11) provide a statewide system made up of providers certified by the division to provide services for the delivery of alcohol and substance abuse services to treat, reduce, and prevent alcohol and substance abuse for the citizens of this State.

~~(D)~~ ~~The department may enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.~~

~~(E)~~ ~~The department may enter into contracts for educational and research activities without performance bonds.~~

~~(F)~~ ~~The Department is authorized to accept gifts, bequests, devises, contributions, and grants, public or private, including federal funds, or funds from any other source for use in furthering the purpose of the department. The department is authorized to administer the grants and contracts arising from the federal program entitled the Drug‑Free Schools and Communities Act of 1986, P.L. 99‑570.~~

Section 44‑49‑50. It ~~shall be~~ is the duty of all departments, officers, agencies, and employees of the State to cooperate with the ~~Department~~ Division of Alcohol and Other Drug Abuse Services in carrying out its functions. The Attorney General shall furnish ~~such~~ legal services as are necessary to the department.

Section 44‑49‑60. ~~The department shall appoint a supervisor of adult education for the prevention of alcoholism, who shall be responsible for activating and implementing an adequate alcoholic education program for the citizens of this State above high school age. The program shall be designed to prevent or reduce alcoholism in this State and to create a recognition and understanding of the problem.~~

~~In carrying out the provisions of this section the department and the supervisor of adult education for the prevention of alcoholism may consult and work in conjunction with groups such as Alcoholics Anonymous, the Yale Center of Alcohol Studies of Yale University, the Research Council on Problems of Alcohol of the American Association for the Advancement of Science, the South Carolina Medical Association, the department of Mental Health, the Christian Action Council, the Committee on Alcoholism of the South Carolina Conference of Social Work and other groups or agencies that are able to assist in the study, prevention, treatment and rehabilitation of alcoholics and in a scientific educational program on the problems of alcohol.~~ The Division of Alcohol and Other Drug Abuse Services is designated as the State’s authority for purposes of administering federal funds allotted to South Carolina under the provisions of the Public Health Service Act, Title XIX, Part B, Subpart II, as amended, Public Law 106-310;42 U.S.C. 300x (CFDA No. 93.959). The Division of Alcohol and Other Drug Abuse Services is further designated as the state agency authorized to administer standards and requirements for providers of substance abuse services as conditions for participation in federal-state grants-in-aid under the provisions of all related federal statutes.

Section 44‑49‑70. The ~~department~~ division shall furnish the supervisor of adult education for the prevention of alcoholism adequate ways and means to accomplish an effective educational program for the prevention of alcoholism in this State.

Section 44‑49‑80. The ~~department~~ division shall establish a program to provide alcohol and drug abuse intervention, prevention, and treatment services for the public schools of the State. The ~~department~~ division shall provide staff and support necessary to administer the program. Funds for this program must be annually appropriated by the General Assembly from the Education Improvement Act of 1984 Fund as it determines appropriate. The appropriated funds must be forwarded to the ~~South Carolina~~ Department of Health and Human Services for disbursal to the Division of Alcohol and Other Drug Abuse Services from the Education Improvement Act of 1984 Fund in the manner the State Treasurer shall direct.

Section 44‑49‑90. In carrying out its responsibilities pursuant to Sections 44‑49‑60 through 44‑49‑80, the division shall appoint an ad hoc committee to assist, among other things, in determining the most effective methods to use in educating the public about substance abuse.”

SECTION 10. Section 44‑38‑380(A)(1)(h) of the 1976 Code is amended to read:

“(h) Director of the Division of the Continuum of Care for Emotionally Disturbed Children ~~Division of the Governor’s Office~~, Department of Behavioral Health Services;”

SECTION 11. Section 63‑11‑1310 of the 1976 Code is amended to read:

“Section 63‑11‑1310. It is the purpose of this article to develop and enhance the delivery of services to severely emotionally disturbed children and youth and to ensure that the special needs of this population are met appropriately to the extent possible within this State. To achieve this objective, the Division of the Continuum of Care for Emotionally Disturbed Children Division is established in, and under the administration of, the ~~office of the Governor~~ Department of Behavioral Health Services. This article supplements and does not supplant existing services provided to this population.”

SECTION 12. Section 63‑11‑1340 of the 1976 Code is amended to read:

“Section 63‑11‑1340. The ~~Governor~~ Director of the Department of Behavioral Health Services may employ a division director to serve at his pleasure who is subject to removal pursuant to the provisions of Section 1‑3‑240. The director shall employ staff necessary to carry out the provisions of this article. The funds for the division director, staff, and other purposes of the Continuum of Care Division must be provided in the annual general appropriations act. The department, upon the recommendation of the division director, ~~shall~~ may promulgate regulations in accordance with this article and the provisions of the Administrative Procedures Act and formulate necessary policies and procedures of administration and operation to carry out effectively the objectives of this article.”

SECTION 13. Section 63‑11‑1360 of the 1976 Code is amended to read:

“Section 63‑11‑1360. The Division of the Continuum of Care ~~Division~~ shall submit an annual report to the ~~Governor~~ department and General Assembly on its activities and recommendations for changes and improvements in the delivery of services by public agencies serving children.”

SECTION 14. (A) When the provisions of this act transfer the Department of Mental Health, Department of Alcohol and Other Drug Abuse Services, and the Continuum of Care for Emotionally Disturbed Children (transferring departments) to the Department of Behavioral Health Services (receiving department), the employees, authorized appropriations, bonded indebtedness if applicable, and real and personal property of the transferring departments are also transferred to and become part of the receiving department. All classified or unclassified personnel employed by these transferring departments on the effective date of this act, either by contract or by employment at will, become employees of the receiving department, with the same compensation, classification, and grade level, as applicable.

(B) The regulations promulgated by the transferring departments under the authority of former provisions of law pertaining to it are continued and are considered to be promulgated under the authority of present provisions of law pertaining to it.

(C) References to the names of transferring departments changed by this act, to their duties or functions devolved upon the receiving department, or to provisions of law consolidated with or transferred to other parts of the 1976 Code are considered to be and must be construed to mean appropriate references.

(D) Employees or personnel of the transferring departments transferred to the Department of Behavioral Health Services pursuant to the terms of this act shall continue to occupy the same office locations and facilities which they now occupy unless or until otherwise changed by appropriate action and authorization. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring departments formerly employing these personnel until otherwise provided by the General Assembly. The records and files of the agencies that formerly employed these personnel shall continue to remain the property of these transferring agencies, except that these personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

(E) Unless otherwise provided herein or by law, all fines, fees, forfeitures, or revenues imposed or levied by transferring departments transferred to the Department of Behavioral Health Services must continue to be used and expended for those purposes provided prior to July 1, 2011. If a portion of these fines, fees, forfeitures, or revenues were required to be used for the support, benefit, or expense of personnel transferred, these funds must continue to be used for these purposes.

(F) The Code Commissioner shall cause the changes to the 1976 Code as contained in this act to be printed in replacement volumes or in cumulative supplements as he considers practical and economical.

SECTION 15. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 16. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 17. This act takes effect July 1, 2011. /

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

The amendment was then adopted.

Rep. DELLENEY explained the Bill.

Reps. KING, HART, HOWARD, J. H. NEAL, BRANTLEY, WHIPPER and R. L. BROWN requested debate on the Bill.

**H. 3183--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3183 -- Reps. Young, Daning, Harrison, Simrill, G. R. Smith, Stringer, Hamilton, Hixon, Long, D. C. Moss and Weeks: A BILL TO AMEND SECTION 2-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-25, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS' PRINCIPALS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST'S PRINCIPAL MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-50, RELATING TO THE AUTHORITY OF THE STATE ETHICS COMMISSION TO ENFORCE FILING REQUIREMENTS AND ASSESS PENALTIES FOR FAILURE TO FILE, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT; TO AMEND SECTION 8-13-100, RELATING TO THE DEFINITION OF "FAMILY MEMBER" FOR THE PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991, SO AS TO INCLUDE BROTHERS-IN-LAW AND SISTERS-IN-LAW; TO AMEND SECTION 8-13-700, RELATING TO USE OF ONE'S OFFICIAL POSITION FOR OFFICIAL GAIN, SO AS TO REPLACE CERTAIN REFERENCES TO "IMMEDIATE FAMILY" WITH THE BROADER TERM "FAMILY MEMBER"; AND TO AMEND SECTION 8-13-1510, AS AMENDED, RELATING TO PENALTIES FOR EITHER LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY CHAPTER 13, TITLE 8, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\GGS\22077ZW11), which was adopted:

Amend the bill, as and if amended, Section 8-13-1510 as contained in SECTION 6, page 5, by striking SECTION 6 in its entirety and inserting:

/ SECTION 6. Section 8‑13‑1510 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1510. (A) Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; ~~or~~ and

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

(B) After the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(1) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(2) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned not less than a mandatory minimum of thirty days;

(3) for a third or subsequent offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.”/

Renumber sections to conform.

Amend title to conform.

Rep. YOUNG explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Allison |
| Anderson | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Battle | Bedingfield | Bikas |
| Bingham | Bowers | Brady |
| Branham | Brannon | Brantley |
| H. B. Brown | R. L. Brown | Butler Garrick |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Cooper |
| Corbin | Crosby | Daning |
| Delleney | Dillard | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hart | Hayes | Hearn |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | King | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Owens | Parks |
| Patrick | Pinson | Pitts |
| Pope | Quinn | Rutherford |
| Ryan | Sabb | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Tribble | Viers | Weeks |
| White | Whitmire | Williams |
| Willis | Young |  |

**Total--107**

Those who voted in the negative are:

**Total--0**

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

**H. 3127--AMENDED AND REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 3127 -- Reps. Rutherford, G. R. Smith, Clyburn, Weeks, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-21-925 SO AS TO PROVIDE THAT A LIMITED PARDON MAY BE GRANTED TO A PERSON WHO HAS BEEN CONVICTED OF A NONVIOLENT FELONY OFFENSE THAT WOULD ALLOW HIM TO CARRY A FIREARM USED FOR HUNTING TO AND FROM HIS HUNTING DESTINATION AND USE IT WHILE HUNTING.

The Judiciary Committee proposed the following Amendment No. 1 (COUNCIL\SWB\6128CM11), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety.

Amend the bill further, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. Article 11, Chapter, 21 Title 24 of the 1976 Code is amended by adding:

“Section 24‑21‑1010. a person who has received a pardon for any crime except criminal sexual conduct or a crime of violence as defined in Section 16‑23‑10(3), may apply, or cause someone acting on his behalf to apply to the circuit court for an order expunging the records of his arrest and conviction.” /

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

The amendment was then adopted.

Reps. KING and D. C. MOSS proposed the following Amendment No. 2 (COUNCIL\SWB\6138CM11):

Amend the bill, as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION \_\_. Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Article 8

Friendship Nine Act

Section 24‑21‑810. This act may be known as the ‘Friendship Nine Act’.

Section 24‑21‑820. (A) A person, who, prior to January 1, 1980, while protesting or challenging within the state, a state law, or a county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, was convicted solely for the conduct related to the protest or challenge, upon written application to the Board of Probation, Parole and Pardon Services, must be granted a pardon of the conviction upon written application to the board. The board shall provide notice of the application to the solicitor where the violation occurred within thirty days after its submission to the board. The pardon must be granted within ninety days after submission of the application unless it is objected to by the solicitor on the grounds permitted in Section 24‑21‑830.

(B) The board shall develop and distribute the application form to be used by an applicant.

Section 24‑21‑830. (A) A solicitor may object to an application for a pardon under this article only on the grounds that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals.

(B) If the solicitor objects to the granting of a pardon under this article and provides documentation supporting a finding that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, the board must:

(1) notify the applicant in writing of the solicitor’s objection and provide the applicant with a copy of all documents submitted by the solicitor within ten days of receiving the objection; and

(2) provide the applicant with an opportunity to submit a written rebuttal to the objection of the solicitor within thirty days of receiving a copy of the solicitor’s objection and supporting documentation.

(C) The board must review the documentation submitted by the solicitor and any rebuttal matters submitted by the applicant, and render a determination within sixty days of receiving the solicitor’s objection.

(D) If the board determines that there is substantial evidence to support a finding that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or a county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, the board must forward its findings and recommendations to the Governor for a final determination on whether to grant the application. If the board determines that substantial evidence does not exist to support a finding that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, then the application for a pardon must be granted.

Section 24‑21‑840. If the convicted person is deceased, the application may be filed by a person who has legal authority to act on behalf of the deceased person.

Section 24‑21‑850. (A) Upon petition by the person obtaining a pardon, the record of the person pertaining solely to the conviction for which a pardon is granted under this article must be transferred by a court of competent jurisdiction to the South Carolina Department of Archives and History for confidential keeping. The record of the conviction maintained by the South Carolina Department of Archives and History shall be the only record of the conviction.

(B) If the person is deceased, the petition may be filed by a person who has legal authority to act on behalf of the deceased person.

Section 24‑21‑860. A person who receives a pardon pursuant to the provision of this article shall have his pardon application fee refunded to him within thirty days of the date the pardon is granted.” /

Renumber sections to conform.

Amend title to conform.

Rep. KING explained the amendment.

Reps. BEDINGFIELD, HIXON, J. R. SMITH, HIOTT, SKELTON, HAMILTON, BIKAS, HENDERSON, BANNISTER, FORRESTER, TALLON, PATRICK, CROSBY and DANING requested debate on the Bill.

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

**S. 568--RECALLED AND REFERRED TO**

**COMMITTEE ON JUDICIARY**

On motion of Rep. HOWARD, with unanimous consent, the following Bill was ordered recalled from the Committee on Medical, Military, Public and Municipal Affairs and was referred to the Committee on Judiciary:

S. 568 -- Senators L. Martin and Ford: A BILL TO AMEND SECTION 16-3-740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV), SO AS TO FURTHER CLARIFY OFFENDERS WHO MUST BE TESTED AND THE TIME FRAME THAT TESTING MUST BE CONDUCTED AND PROVIDE FOR FOLLOW-UP TESTING FOR HIV WHEN MEDICALLY APPROPRIATE.

**OBJECTION TO RECALL**

Rep. SKELTON asked unanimous consent to recall H. 3109 from the Committee on Judiciary.

Rep. VIERS objected.

**OBJECTION TO RECALL**

Rep. BEDINGFIELD asked unanimous consent to recall H. 3226 from the Committee on Labor, Commerce and Industry.

Rep. COBB-HUNTER objected.

**H. 4050--RECALLED FROM THE BERKELEY DELEGATION**

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

H. 4050 -- Reps. Merrill and Crosby: A BILL TO PROVIDE FOR THE MANNER IN WHICH CERTAIN REVENUES DERIVED FROM FEE IN LIEU OF TAX PAYMENTS FOR PROPERTY WITHIN THE BERKELEY COUNTY SCHOOL DISTRICT AND WITHIN THE BOUNDARIES OF A MULTICOUNTY INDUSTRIAL OR BUSINESS PARK MUST BE DISTRIBUTED FOR SCHOOL OPERATIONAL AND DEBT PURPOSES.

**OBJECTION TO RECALL**

Rep. ERICKSON asked unanimous consent to recall H. 3051 from the Committee on Ways and Means.

Rep. WEEKS objected.

**SENT TO THE SENATE**

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

H. 3735 -- Reps. Loftis, Chumley, Hamilton, Sandifer, J. R. Smith, Whitmire, Thayer, Corbin, Clemmons, G. M. Smith, Hardwick, Hearn, Barfield, White and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 39 TO ENACT THE "SOUTH CAROLINA INCANDESCENT LIGHT BULB FREEDOM ACT" SO AS TO PROVIDE THAT INCANDESCENT LIGHT BULBS MANUFACTURED IN THIS STATE, WITHOUT SIGNIFICANT PARTS IMPORTED FROM ANOTHER STATE, AND OFFERED FOR SALE AND SOLD FOR USE ONLY IN THIS STATE ARE DEEMED ONLY TO BE IN THE STREAM OF INTRASTATE COMMERCE AND THEREFORE NOT SUBJECT TO FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE UNITED STATES CONSTITUTION.

**H. 4048--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 4048 -- Reps. Forrester, Allison, Anthony, Brannon, Chumley, Cole, Mitchell, Parker and Tallon: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 85 BUSINESS AND INTERSTATE HIGHWAY 585 IN SPARTANBURG COUNTY "ROGER MILLIKEN INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "ROGER MILLIKEN INTERCHANGE".

The Concurrent Resolution was adopted and sent to the Senate.

Rep. PATRICK 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. 3984 -- Reps. Howard, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO COMMEND THE BOYS & GIRLS CLUBS OF SOUTH CAROLINA FOR THEIR WONDERFUL EFFORTS IN HELPING SOUTH CAROLINA'S YOUTH PREPARE FOR A PRODUCTIVE LIFE, TO RECOGNIZE THE TWELVE YOUNG PEOPLE FROM DIFFERENT BOYS & GIRLS CLUBS THROUGHOUT THE STATE WHO HAVE BEEN NAMED 2011 YOUTH OF THE YEAR BY THE SOUTH CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS, AND TO DECLARE THURSDAY, APRIL 14, 2011, AS "BOYS & GIRLS CLUBS DAY" AT THE STATE HOUSE.

**ADJOURNMENT**

At 1:07 p.m. the House, in accordance with the motion of Rep. TALLON, adjourned in memory of Kirk (Bebop) Neely of Spartanburg, to meet at 10:00 a.m. tomorrow.

\*\*\*